

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: **I**

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:
(Confidential)

ACTION:

INFORMATION: **X**

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

RECOMMENDATION: Hear a staff report concerning proposed amendments to Chapter 14, Transportation of the *Comprehensive Plan 2002-2020* and conduct work session.

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

- The Transportation Chapter amendments would correct outdated terminology and incorporate changes regarding connectivity and infrastructure.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

PRIOR ACTION(S):

September 9, 2009: Planning Commission conducted a public hearing and placed the proposed amendments on a future work session agenda.

October 28, 2009: Planning Commission conducted a work session and recommended changes to the proposed Chapter 14 amendments.

January 27, 2010: Planning Commission conducted a work session and recommended changes to the proposed Chapter 14 amendments.

February 24, 2010: Planning Commission recommended approval (4-0, with three members absent, Hamilton, Hannon, Oglesby) of the proposed Chapter 14 amendments.

FISCAL IMPACT: N/A

CONTACTS:

Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT:

- Chapter 14, Transportation – Draft

REVIEWED BY: lkp

CHAPTER 14

DRAFT

Transportation

Introduction

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

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

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

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

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

Guiding Principles for Transportation Policy

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

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

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

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

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

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

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

Context and Recommendations

Transportation Planning Efforts

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

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

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

City had very limited input into the development of major transportation initiatives in the region. One focus of this Transportation Element is to improve the level of communication between the City and transportation authorities and to influence transportation initiatives affecting the City. ~~The need for continued and improved communication and coordination with VDOT and other transportation planning authorities was echoed by the public during the Plan development process.~~ Transportation projects of particular public interest to the public include the Midtown Connector,



the US Route 29 bypass, access to redevelopment areas, historic districts, scenic corridors, the Kemper Street Station, improvements to existing infrastructure, and various transportation projects with impacts on the Downtown area.

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

Transportation Master Plan

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



Pedestrian-friendly sidewalk.

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

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

Streetscape Roadway Design

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

Transportation Improvements

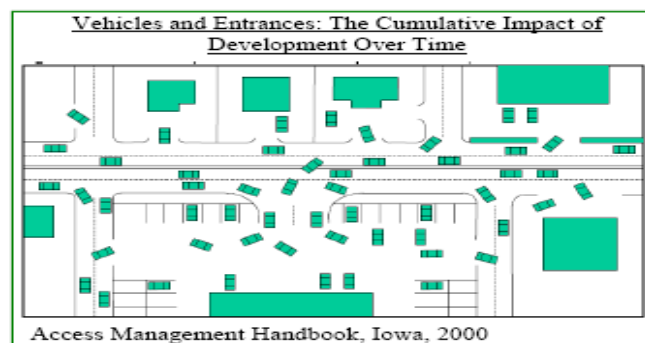
The improvement of transportation corridors is an important focus ~~for this~~ of the Comprehensive Plan that will also be highlighted within the TMP. ~~One focus of the Comprehensive Plan and the Transportation Master Plan will be the improvement of transportation corridors.~~ Many of the corridors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

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

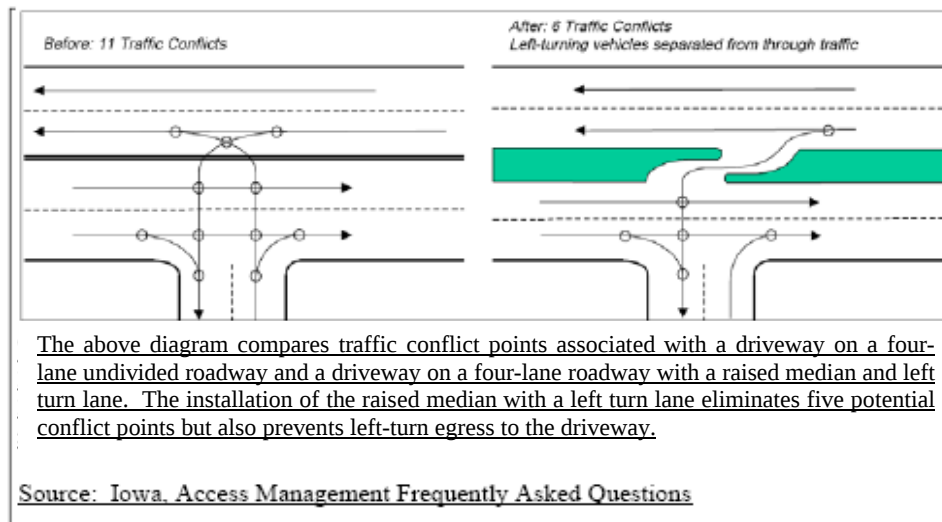
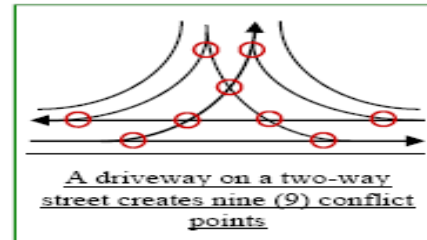
Residents of adjacent neighborhoods are ~~very disappointed~~ frequently unhappy with the design appearance of the newly widened streets, including the loss of the tree canopy and installation of unattractive metal railings. They are also unhappy with the resulting “speedway” effect - the tendency for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

Access Management

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



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



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

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

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

Mass Transit

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



GLTC Trolley at Kemper Street Station.

Public transit removes several hundred vehicles from the region's streets on a daily basis, lowering vehicle emissions, reducing traffic congestion and providing accessible mobility options for all citizens of the region. GLTC provides over 3 million passenger trips annually and has embarked on an aggressive fleet replacement/upgrade program to acquire hybrid diesel-electric buses, which equip 37% of its fleet. At the end of 2010, GLTC will have equipped 57% of its fixed route fleet with hybrid diesel-electric buses. GLTC has also initiated a site study to build a new main transfer center and to consider a new maintenance-operations facility to accommodate its current and planned growth.

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

Rail Service

Three rail lines provide passenger and freight service to the City. Norfolk Southern Railway provides freight service extending north/south and east/west from the City, while CSX Railway carries freight along the James River. Amtrak, operating on Norfolk Southern tracks, provides passenger service. Industrial development has benefited from and still relies on rail service to ship raw and finished products. The City should encourage the use of rail as a cost-effective means of transporting goods.

Kemper Street Station serves as the City's main transfer point for Amtrak passenger rail service and Greyhound Bus service. In October 2009, a passenger rail line called the Trans-Dominion Express (TDX) began service from Lynchburg to Washington, D.C.. Ultimately, the TDX will use existing rail lines to take passengers throughout the commonwealth with the goal of easing highway congestion and providing new travel options for residents and visitors. ~~Opportunities to expand the level of rail service provided by Amtrak should as~~ should opportunities to support development of the TransDominion Express.

Lynchburg Regional Airport

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

The airport's master plan, which is currently being updated, includes a range of infrastructure and facility improvements designed to meet forecasted aeronautical demands throughout the planning horizon. Emphasis is being placed on attracting a diversity of aeronautical capabilities and services centered on the further development of passenger airline service, expanded freight services and continued growth in business and general aviation activities. The recent completion of a \$14 million dollar extension of the airport's primary runway 7,100 feet in length should create additional opportunities in these areas. airport is also continuing to pursue becoming a regional, independent airport authority and exploring the potential for the creation of an industrial park adjoining the airport.

The airport's current master plan includes limited improvements to maintain the existing level of service to the region. The City should consider expanding the airport's ability to serve larger aircraft, regional commercial jet service, freight, and general aviation clients. Expanded access to the airport on public transit is also needed. There is also the potential for creation of an industrial park next to the airport.



Lynchburg Regional Airport.

Goals, Objectives & Strategies

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

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

- 1) Include level-of-service standards, functional classifications and transit service for ~~roads~~ streets within the City.
- 2) Incorporate the Comprehensive Plan Future Land Use Map and elements. Ensure compatibility between development/preservation goals, current and future transit service and ~~roadway~~ street levels-of-service.
- 3) Assure consistency between Comprehensive Plan land use and population policies with the traffic model utilized for the Long-Range Transportation Plan (LRTP).
- 4) Monitor LRTP and Transportation Improvement Plan (TIP) impacts on neighborhoods, economic development and redevelopment areas, historic districts, and environmentally sensitive areas. Monitor the implementation of the TIP and evaluate any inconsistencies or conflicts with the Comprehensive Plan or TMP.
- 5) Identify corridors within the City where right-of-ways should be preserved for ~~roads~~ streets, bikeways, pedestrian ways and future transit operations, such as bus rapid transit (BRT) lines.
- 6) Incorporate ~~the Greater Lynchburg Transit Company's~~ GLTC's plans to encourage the coordination of ~~bus routes~~ transit service with other transportation modes.
- 7) Priorities for improvements to the transportation system should be based on safety considerations; existing deficiencies; multi-modal and environmental considerations; physical, economic, and policy constraints; contribution to quality urban design; required right-of-way needs; level-of-service; and appropriate system continuity.
- 8) Include alternative transportation modes in the TMP, including pedestrians, bikeways, trails, and transit.
- 9) Review the ~~Transportation Master Plan~~ TMP annually and complete updates at least every five years. Updates should be completed in time for the CVMP to use them when developing the LRTP and the CVTIP.

Responsibility: Community Development

Effective Date: Approval Date 2009

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

- 1) New ~~roadways~~ streets shall be designed to provide capacity efficiently, while maintaining quality urban design. This shall include elements such as on-street parking, landscaping, medians, other green areas, traffic calming, narrower lanes, roundabouts, controlled or limited access, sidewalks, aesthetic accents, bus pull-out bays, and other design forms and materials, as appropriate.
- 2) ~~The A~~ developer may be required to prepare a traffic study, subject to the approval of the City's Transportation Engineer, to determine whether the proposed development will create or exacerbate a significant safety hazard. The developer may be required to mitigate ~~any~~ adverse impacts, as determined by the study, and to provide safe and adequate access.
- 3) Develop a program to identify and monitor high-accident intersections or ~~roadways~~ streets.
 - a) Continue to use collected data to allocate Capital Improvement Program funds for individual projects to improve safety.
 - b) In specific locations of need, implement minor adjustments to routing, signalization, lighting, signage, pavement marking, and so on that may improve safety conditions.
 - c) Actively pursue grant funds to finance improvements at problem intersections.
- 4) Integrate utilities into the context-sensitive design process.
- 5) Develop Access Management Guidelines for new development, redevelopment, and ~~roadway~~ street projects.
 - a) Promote ~~and require~~ shared and joint access between sites.
 - b) Promote adequate driveway and median opening spacing to minimize vehicular conflicts.
 - c) Promote access points on side streets instead of major arterials to preserve capacity on major ~~roadways~~

streets and ~~require~~ encourage developers to align their driveways with existing adjacent streets/driveways.

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

Responsibility: Community Development

Effective Date: Approval Date 2009

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

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

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

- a) Fifth Street, from the John Lynch Bridge to Memorial Avenue;**
- b) Twelfth Street, from Commerce Street to Fort Avenue;**
- c) Rivermont Avenue, from the ~~Blackwater Creek~~ Rivermont Avenue bridge to VES Road;**
- d) Boonsboro Road, from VES Road to US Route 501;**
- e) Boonsboro Road, from US Route 501 to the Western Corporate Boundary;**
- f) Langhorne Road, from Rivermont Avenue to ~~Memorial Avenue~~ Murrell Road;**
- g) Link Road, from Boonsboro Road to Old Forest Road;**
- h) Trent's Ferry Road, from Boonsboro Road to the Northern Corporate Boundary;**
- i) Memorial Avenue, from Fifth Street to Fort Avenue;**
- j) Fort Avenue, from Park Avenue/Kemper Street to Memorial Avenue.**

2) Consider transportation systems management (TSM) and Intelligent Transportation System (ITS) techniques to improve traffic flow on these ~~roads~~ streets before approving additional lanes or removal of parking lanes.

Examples of TSM include: signal optimization, turn lanes at intersections, reversible lanes, and other measures.

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Applicable in any planning effort for these streets.

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

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

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Applicable on most streets

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

- 1) Provide clear direction for traffic flow into the Downtown, ~~especially upon ultimate construction of from~~ the US Route 29 bypass, and from US Route 501, Boonsboro/Rivermont.
- 2) Provide streetscape enhancements along boulevards into the Downtown area.
- 3) Encourage greater availability of transit and pedestrian access to the Downtown from adjacent neighborhoods, through the use of Transit-Oriented Development principles and other techniques.
- 4) Encourage a connection from the Downtown area to the City’s greenway, blueway, trail, and bikeway networks.
- 5) Develop ~~additional~~ adequate parking spaces in the Downtown area, as recommended in the “Strategic Parking Plan” ~~and the~~ “Downtown and Riverfront Master Plan 2000,” using on-street parking and structured parking, rather than surface lots.

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Applicable on most streets

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

- 1) Improve coordination of transportation planning efforts with ~~the Virginia Department of Transportation VDOT, the Region 2000 Regional Commission~~ Region 2000, the Greater Lynchburg Transit Company GLTC, Amherst County, Bedford County, Campbell County, and the Lynchburg Regional Airport, as applicable.
- 2) Encourage and solicit citizen and neighborhood-level input, including:
 - a) Emphasis on early involvement - prior to the public notice/right-of-way stage of project development.
 - b) Neighborhood outreach through community groups and associations.

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

Effective Date: Approval Date 2009

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

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

- 1) This consideration should include installation of amenities such as, but not limited to, audible signals, textured surfaces, crosswalks, pedestrian signals, transit stops, and the examination of the connectivity of the sidewalk network.
- 2) Promote the opportunity for alternative transportation connections, and to provide future bus stop locations by requiring space within new development and redevelopment to be reserved for future transit stops.

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

Effective Date: Approval Date 2009

Applicability: During all planning efforts.

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

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

- 1) Compare the Central Virginia Metropolitan Planning Organization's Comprehensive Bicycle and Pedestrian Plan and Chapter 5, Citywide Land Use & Development, with development patterns at least every five years to determine if changes are needed.
- 2) Require new development or redevelopment to be coordinated with public transit, bicycle, and pedestrian systems, where applicable.

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

Effective Date: Approval Date 2009

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

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

- 1) Create opportunities for improving pedestrian access to the historic districts and the Downtown.
- 2) Create opportunities for improving pedestrian access to greenways and blueways stream corridors.
- 3) Encourage improvement of public transit access to the historic districts and the Downtown.
- 4) Develop strategies, such as provision of parking lots, to promote the use of public transit.
- 5) Coordinate with the ~~Greater Lynchburg Transit Company (GLTC)~~ as necessary for updates to the Greater Lynchburg Transit Development Plan.
- 6) Prepare a citywide pedestrian-improvement plan that addresses the need for sidewalks throughout the City and incorporates existing policies on sidewalk maintenance and the provision of new sidewalks and related facilities such as crosswalks and pedestrian signals. During preparation of this plan, evaluate whether existing policies need to be revised. During pedestrian improvement planning, incorporate the Americans with Disabilities Act (ADA) requirements.
- 7) Prepare a citywide bicycle plan, in cooperation with ~~the MPO~~ Region 2000.
- 8) Promote taxi, car-sharing and carpooling programs to increase accessibility, as well as augment underserved routes, transportation hubs and specific destinations within the City.

Responsibility: Community Development and Parks and Recreation

Effective Date: Approval Date 2009

Applicability: Applied on demand basis; Comply with ADA requirements

Objective 2.C. Compatibility. Ensure the compatibility of the Future Land Use Map public transportation service with existing rail and public transportation service the Future Land Use Map.

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

Effective Date: Approval Date 2009

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

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

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

Effective Date: Approval Date 2009

Applicability: Apply when the opportunity arises

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

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

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

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

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

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

Effective Date: Approval Date 2009

Applicability: Underway

Goal 4. Provide increased regional passenger and freight railroad transportation.

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

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

Effective Date: Approval Date 2009

Applicability: Ongoing

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

Responsibility: Greater Lynchburg Transit Company (GLTC)

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 4.B C. TransDominion Express, including Northeastern Regional Service. Support the effort to ~~initiate~~ regional rail service, using Lynchburg as a hub or a terminus.

Responsibility: City Manager's Office, Chamber of Commerce

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

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

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

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

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

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

- 1) Develop a cost and revenue-sharing agreement with Campbell County to facilitate creation of the authority. Develop a cost-sharing methodology and draft agreement that conforms to recently passed Virginia General Assembly legislation to present to surrounding counties for the creation of the authority.
- 2) Develop existing property adjacent to the airport into an industrial park. Develop existing property adjacent to the airport into an industrial park under the auspices of the authority.

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Underway

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

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

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

~~1) Explore opportunities to attract general aviation clients by providing, for example, more hangar space and additional amenities for corporate and private jets.~~

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

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

3) Continue to pursue opportunities to attract additional scheduled air carriers, with an emphasis on the return of service to a northern connecting airport like Washington Dulles.

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

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

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

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

Responsibility: City Airport Staff

Effective Date: Approval Date 2009

Applicability: Ongoing

~~Objective 5.D. Regional Airport.~~ ~~Explore the feasibility of a regional airport to serve Lynchburg and neighboring communities.~~

Goal 6. Improve capacity to assess the impacts of development and to monitor, analyze, and report on conditions in the city's natural environment, neighborhoods, and commercial and employment districts.

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

- 1) ~~Require fiscal, traffic, and utility impact analyses for large-scale~~ retail development projects. ~~Identify a threshold to define "large-scale development."~~
- 2) ~~Recommend that new development projects apply environmental checklists and impact analyses to all development projects as recommended in Chapter 12, Natural Systems.~~
- 3) Incorporate land use, environmental, ~~and~~ transportation, and community impact assessments in plans for transportation, public facility, and utility improvements. ~~Community impacts include impacts on the visual quality and cohesiveness of the community and additional factors that otherwise define its character.~~

This goal is also identified in Chapter 5 as Goal 2

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: This applies to all large scale developments.

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

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

- 1) Prepare a priority list and schedule for completing corridor study area plans.
- 2) Use the policies outlined in Chapter 4, Plan Framework, for interim decisions on land use and development in these areas.
- 3) Amend the Comprehensive Plan, including the Future Land Use Map, as appropriate, after completing each

corridor study area plan.

4) Encourage infill development/redevelopment.

5) Encourage on street parking where appropriate.

This goal is also identified in Chapter 5 as Goal 4

Responsibility: Community Development

Effective Date: Approval Date 2009

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

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

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

- 1) Require all developments to have sidewalks, pedestrian connections to adjacent properties, and pedestrian connections to buildings.
- 2) To create active pedestrian environments, encourage commercial development with sidewalk frontage, non-reflective windows, street entries, canopies and awnings, and pedestrian-scale lighting and signs; and residential development with shallow front yard setbacks, porches, and rear yard parking.
- 3) Require all new development along traditional commercial streets to match the setbacks of adjacent buildings and to locate primary building entries on a sidewalk.
- 4) Require ~~that~~ site and building designs that support the safe and convenient circulation of pedestrians and persons with disabilities.
 - a) Through the site plan review process, ensure the adequacy of facilities for pedestrians and persons with disabilities.
 - b) Encourage the provision of cross-parcel pedestrian connections in commercial areas and between commercial areas and adjacent neighborhoods.

- c) Ensure that transit stops on private properties have adequate pedestrian connections and are located in close proximity to destinations.
- 5) Include the GLTC in plan review so that existing and proposed bus routes are considered during planning for new developments.

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

Responsibility: Community Development

Effective Date: Approval Date 2009

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

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

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

- 1) Establish design guidelines for public facilities.
- 2) Ensure that new or renovated public facilities are compatible with their surroundings and, to the extent possible, serve neighborhood needs.
- 3) Provide opportunities for public comment on building and site design for new or renovated public facilities.
- 4) Work with state and federal agencies to ensure compatibility and design sensitivity in new and renovated facilities.
- 5) Ensure that sufficient funding is allocated to capital improvement projects for detailed planning and quality design work.
- 6) Require project managers for all public facility projects to notify the Technical Review Committee (TRC) before the bid process begins to determine whether or not a review is needed.
- 7) Incorporate multi-modal accommodations into facility plans.

This goal is also identified in Chapter 6 as Goal 3.

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

Effective Date: Approval Date 2009

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

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

- 1)** The City shall review the Ordinances on a regular basis to determine the need for amendments in order to keep the regulations up to date and current.
- 2)** The City shall classify public streets according to function. Streets shall be planned, designed and managed to preserve their functional integrity.
- 3)** The City shall add a "Cultural and Neighborhood Asset" classification to the functional classification of streets. This classification shall apply to streets specified in the Comprehensive Plan where neighborhood character, including streetscapes, is given priority over vehicular movement. Access management regulations and policies may be modified for these streets.
- 4)** The City shall update ordinances to effect goals and objectives relating to access management as found in this chapter.

Responsibility: Community Development

Effective Date: Approval Date 2009

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

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

- 1)** The City will preserve the movement and function of the major thoroughfare system by facilitating the development of service streets, entrance consolidation, cross access easements and joint entrances to connect parcels as developments are permitted along major streets.
- 2)** The City will not permit driveway connections to be located in the physical or functional area of an intersection. If corner clearances cannot be met through joint access, cross access, or the use of service streets, the Technical Review Committee, through the site plan approval process, may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.
- 3)** The City may identify specific access management areas and thereby limit private direct access to major streets (expressways, arterials and minor arterials).
- 4)** The City will discourage the connection of low density residential driveways directly to the major streets.
- 5)** Maintain the grid pattern of the City's streets to provide alternate routes of travel.

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

Effective Date: Approval Date 2009

Applicability: When site plans are reviewed

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

- 1)** Commercial properties should establish direct and convenient connections (vehicular, pedestrian and other alternative transportation) to adjacent commercial properties. Encourage a system of shared use driveways, service streets and cross access easements wherever feasible.
- 2)** All access to outparcels should be internalized using the shared circulation system of the principal development.
- 3)** New city streets (including extensions of existing streets) will connect to existing city streets and be extended to serve undeveloped land.

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

Effective Date: Approval Date 2009

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

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

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

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

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

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

Objective 11.C: Adopt “green” technologies in construction of transportation infrastructure.

Responsibility: Community Development, GLTC

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

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

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises

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

Responsibility: Community Development

Effective Date: Approval Date 2009

Applicability: Whenever the opportunity arises.

Definitions

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

Blueway: Rivers, streams and other waterways.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Pedestrian System: The system of sidewalks, trails and greenways that are designed for pedestrian use.

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

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

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

DRAFT

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

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

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 20th day of April, 2010, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The purpose of the meeting was to conduct a work session regarding the FY2011 Budget. The following Members were present:

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

6

Absent: Johnson

1

// City Manager Kimball Payne stated that the response to the two questions that had previously been asked by Council were furnished to them. The questions included an updated list of occupied positions that would be impacted based on the adjustments that have been proposed and actually might only affect 4 or 5 people. Mr. Payne explained that there have already been some internal movements around with some of the positions that might be eliminated and will continue to work on that to minimize the impacts. Mr. Payne explained that the other question regarding the pay adjustment scenarios with a cost of 1%, also included was information on a bonus option as well. Mr. Payne stated that another question that was asked was about the Tourism Program. The Tourism Report was sent to Council along with a CD that included files on the Annual Report which was due by May 1 and the compilation of all the quarterly reports from '09 up to the present. Mr. Payne went on to say that from the calendar year '09, it included Fiscal '10 Budget and the Marketing Plan with the overall description of the program. Mr. Payne stated that the program does not include two things: one is the performance measures for the program, which should be furnished to Council before July 1. Secondly, Mr. Payne explained if Council does approve the additional funding to the Tourism Program and the Tourism Program wishes to spend that money in Calendar year '10, Tourism will need to revise their '10 budget which will need to be provided to the City. Mr. Payne went on to say if the Tourism Program does not intend to spend the additional money until year '11 which is based on a calendar year, then Tourism will show Council how they would spend that additional money in calendar year '11 budget. Mr. Payne stated that the information that was furnished on the CD satisfies the requirement of the contract.

// City Manager Kimball Payne stated that direction from Council was needed to proceed ahead and prepare the budget ordinance which will require two readings at the May 11th and May 25th meetings for the final adoption of the Fiscal 2011 Budget. Mr. Payne stated that the final decision of the Budget needed to be made so that the Budget document could be put together with a little lead time. Mr. Payne went on to say that the recommendations made seem to be accepted. Mr. Payne stated that there are still some questions unresolved about the salary adjustments, Point of Honor hours and Youth Programs. Following discussion, and on motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote accepted the staff revenue adjustments and the staff expenditure adjustments with the exception of Debt Service Reserve, Marketing Funds, the reopening of the Branch Library full time and the School Board adopted budget:

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

6

Noes:

0

Absent: Johnson

1

// Council Member Johnson arrived at the meeting at 4:49 p.m.

// Following discussion on the tax reduction Council Member Helgeson made a motion to set the tax rate back at \$1.02, seconded by Council Member Perrow and after Council discussion, the motion was defeated:

Ayes: Helgeson, Perrow 2

Noes: Dodson, Gillette, Nelson, Foster 4

Absent: Johnson 1

// Council Member Perrow made a motion to fund the schools recommended by staff and seconded by Vice Mayor Dodson. During discussion Council agreed to take each item on the list and vote on each one separately. Council by the following recorded vote agreed to fund the schools budget as recommended by staff:

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

Noes: Helgeson 1

// Vice Mayor Dodson discussed the \$50,000 for the Marketing Fund. Communications and Marketing Director JoAnn Martin explained the differences between the Travel and Tourism Programs and the Marketing Program with the City. Council Member Johnson made a motion, seconded by Vice Mayor Dodson, and Council by the following recorded vote agreed to continue with the \$50,000 for the Marketing Program with the City:

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

Noes: Helgeson, Perrow 2

// Council Member Gillette made a motion to maintain the downtown branch library open on a part-time basis, accepting the \$20,000 offer from the Friends of the Library and adding to that approximately \$29,000 in order to maintain the branch library on a part-time basis. Council Member Johnson seconded that motion. After Council discussion on the matter, Council Member Johnson made a substitute motion that the branch library be opened full time, seconded by Vice Mayor Dodson, and Council by the following vote adopted the substitute motion to keep the downtown branch library open on a full time basis:

Ayes: Dodson, Johnson, Nelson, Foster 4

Noes: Gillette, Helgeson, Perrow 3

// Council Member Gillette made a motion to maintain sufficient levels of funding in order to maintain Point of Honor full time, seconded by Vice Mayor Dodson. After discussion Council by the following vote agreed to maintain funding for Point of Honor on a full time basis:

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

Noes: Helgeson 1

// Vice Mayor Dodson made a motion to leave the Community Market closed on Monday's, seconded by Council Member Gillette and Council by the following vote agreed to leave the Community Market closed on Monday's:

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

Noes: 0

// Council Member Johnson asked about restoring the youth program at the Main Library and made a motion to maintain the program at the current level of funding, seconded by Vice Mayor Dodson and Council by the following vote agreed to restore the youth program at the Main Library:

Ayes: Dodson, Johnson, Nelson, Foster 4

Noes: Gillette, Helgeson, Perrow 3

// Vice Mayor Dodson discussed bonuses for city employees and made a motion to fund bonuses for City employees seconded by Council Member Gillette and also wanted to add a friendly amendment which was not accepted by Vice Mayor Dodson. After further discussion, Council by the following recorded vote agreed to give bonuses to City employees:

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

Noes: Helgeson, Perrow 2

// Council Member Gillette made a motion that the remaining funds go into Debt Service Reserve, seconded by Vice Mayor Dodson. After discussion Council Member Helgeson requested that some of the funds be designated to filling 2 police positions. Council Member Gillette offered a friendly amendment putting \$1,000,000 into Debt Service Reserve and the remaining \$110,291 could be put into Reserve to deal with public safety positions. Council will have to act in the future to actually designate the funds to a particular position. Council Member Helgeson made a substitute motion to fill the 2 police positions allowing the cadets to attend school in July. Council Member Johnson would not agree with that motion. After further discussion Council Member Gillette made an amendment to his motion to alter the motion that rather than say to support 2 sworn police officers that it would support 2 public safety officers and therefore leave open the possibility for City Manager to be able to discuss with the department heads. The motion was seconded by Vice Mayor Dodson. After discussion on the motion, Council by the following recorded vote agreed to amend the motion:

Ayes: Dodson, Gillette, Nelson, Foster 4

Noes: Helgeson, Johnson, Perrow 3

// Council Member Gillette stated that the motion is now amended and still may end up with 2 police officers being the first to be funded. This will give the City Manager some time to discuss this with department heads before coming back to Council with a proposal. Council by the following recorded vote adopted the motion:

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

Noes: 0

// Council Member Gillette made a motion to take the remaining \$1M dollars and put into a Debt Service Reserve, seconded by Vice Mayor Dodson. Council by the following recorded vote adopted the motion:

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

Noes: Helgeson, Perrow 2

// The meeting was adjourned at 7:38 P.M.

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of April, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

Present: Dodson, Helgeson, Nelson, Perrow, Foster 5

Absent: Gillette, Johnson 2

// In the matter of Subdivisions, City Council Report #1 was considered. City Planner Tom Martin gave a brief update on the amendments to the Subdivision Ordinance. Mr. Martin stated that a work session on the Subdivision Ordinance amendments was held on April 13 and during staff presentation it was indicated that the ordinance would need to be re-advertised due to changes to one section of the ordinance. Mr. Martin explained after further review, staff determined that the initial advertisement was valid and that additional advertisement and a subsequent public hearing are not required. Mr. Martin went on to say that the following items also have been addressed since the work session on April 13.

- (1) A link to the proposed ordinance revisions was placed on the main page of the City's web site;
- (2) A copy of the Subdivision Ordinance Committee was forwarded to each member of Council;
- (3) The last sentence of Section 24.1-38 was corrected to reference the City Engineer instead of the City Planner may require a bona fide estimate of cost improvements and determine the surety bond;
- (4) The effective date of the ordinance has been changed to July 1, 2010; and
- (5) A clause has been included within the ordinance that any plats filed prior to that time would be subject to the ordinance that is in existence now. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-10-034, as presented, amending certain sections of the Subdivision Ordinance:

Ayes: Dodson, Helgeson, Nelson, Perrow, Foster 5

Noes: 0

Absent: Gillette, Johnson 2

On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-10-035, as presented, amending Sections 35-101, 35-108 and 35-111 of the City Code relating to the naming of streets:

Ayes: Dodson, Helgeson, Nelson, Perrow, Foster 5

Noes: 0

Absent: Gillette, Johnson 2

// Council Member Johnson arrived at 5:40 p.m. during agenda item #2.

// Financial Services Director Donna Witt provided a brief summary regarding the FY2010 Third Quarter Budget Adjustments. Ms. Witt explained it was necessary to amend the FY 2010 Adopted Budget and appropriate funds to implement revenue, expenditure, and transfer adjustments as identified for the General Operating, City/Federal/State Aid, City Capital Projects, Regional Airport Operating, Fleet Services, Asset Forfeiture, Comprehensive Services Act, Sewer Operating, Sewer Capital Projects, and School Operating Funds. Ms. Witt went on to say that this year the adjustments were summarized in the Agenda Summary section and then attached the details. Ms. Witt explained each item that was on the list

stating that these adjustments have little net impact on the FY 2010 Adopted Budget. City Manager Kimball Payne explained that the Third Quarter Budget Adjustments are an appropriation of funds that have not been previously appropriated so new revenues that came in could be expended or deal with expenses that have not been previously budgeted or appropriated. Mr. Payne further explained that this Ordinance will need two readings by City Council. Mr. Payne went on to say that he had some ideas about how to handle employee bonuses and public safety funding explaining that he has talked with Chief Snead and Chief Ferguson, along with Ms. Witt and proposed that the bonus approved by Council be taken out of current year savings in the Third Quarter adjustments and could also fill three vacant positions in Fire and three vacant positions in Police. Mr. Payne also explained that freeing up funding for the Wards Road Pedestrian Crosswalk project, Sandusky Middle School and the Courthouse were also included in the Budget adjustments.

// During roll call Council Member Perrow asked about LTV Channel 15, older residents would like closed captioning and voice recognition software. City Manager Payne stated that the city had looked into this and said it would not be feasible because at times several people are talking at the same time, people forget to turn on their microphones, etc. Council Member Johnson voiced concerns from citizens in White Rock Hill neighborhood regarding not having a welcome sign in their neighborhood like it is in other neighborhoods. Vice Mayor Dodson expressed congratulations on the fine service that was held at 5th Street Baptist Church for Pastor J. D. Moore's 38th year celebration and the fine work he is doing in the community. Vice Mayor Dodson still had concerns regarding the Planning Commission attendance record with one member only having a 28% attendance, and would like to see what type of procedures and policy are in place for the Planning Commission members. Mayor Foster would like Council to visit the Heritage school gym before July 1.

// City Council recessed the meeting at 5:57 p.m.

// City Council reconvened the meeting at 7:30 p.m. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Foster read a Proclamation regarding Music Week in Lynchburg for May 2-9, 2010.

// Copies of the minutes of the April 13, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote approved the minutes as presented:

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

7

Noes:

0

// In the matter of Police - General, Resolution #R-10-026 appropriating \$38,700, fully reimbursable, to purchase 60 replacement bulletproof vests for law enforcement officers, laid over from the April 13, 2010 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

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

7

Noes:

0

// In the matter of Airport - General, a public hearing was held regarding City Council Report #6 regarding approving a lease agreement with Centra Health for a 6,000 square foot area of City-owned property at Lynchburg Regional Airport.

Council Member Gillette read a statement that he would not participate in the discussion regarding Centra Health because of a conflict of interest.

Airport Manager Mark Courtney provided a brief summary of the request. Mr. Courtney went on to say that the Lynchburg Regional Airport Commission recommended approval for the lease agreement. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-10-036, as presented, approving a lease agreement with Centra Health for a 6,000 square foot area of City-owned property at Lynchburg Regional Airport:

Ayes: Dodson, Helgeson, Johnson, Nelson, Perrow, Foster	6
Noes:	0
Abstain: Gillette	1

// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #7 regarding the issuance of \$15,000,000 General Obligation Public Improvement Bond Anticipation Notes (BANS). Financial Services Director Donna Witt provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Vice Mayor Dodson, Council by the following recorded vote adopted Resolution #R-10-037, as presented:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

On motion of Council Member Helgeson, seconded by Vice Mayor Dodson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-038, as presented, amending the FY 2010 General Fund Adopted Budget and appropriating \$10,125 from the General Fund Reserve for Contingencies for seventy-three percent (73%) of the re-authorizing costs:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Budget, a public hearing was held regarding City Council Report #8 regarding amending the FY 2010 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure and transfer adjustments. Financial Services Director Donna Witt provided a brief summary regarding the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting Ordinance #O-10-039, as presented, amending the FY 2010 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditure and transfer adjustments:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Housing Authority, City Council Report # 9 was considered. City Manager Kimball Payne explained that this item came before Council on March 23 and at that time the matter was postponed for 30 days, or until April 27, to give the owner time to respond. Mr. Payne went on to say that the condition of the property has remained the same and there has been no repairs done to the property located at 416 Pine Street. On motion of Council Member Perrow, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-10-040, as presented, approving a request from the Lynchburg Redevelopment and Housing Authority for authorization to pursue acquisition of blighted property at 416 Pine Street under Section 36-19.5 of the Code of Virginia:

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

7

Noes:

0

// In the matter of City Code, City Council Report #10 was considered. Economic Development Director Marjette Upshur gave a brief summary of the request to approve an ordinance establishing an Arts & Cultural District. Ms. Upshur explained that State Code permits localities to create Arts & Cultural Districts to provide incentives to attract and grow arts and cultural organizations. Ms. Upshur went on to say that the attraction and growth of artists and cultural organizations will further revitalize Lynchburg's historic downtown, creating an "entertainment cluster" and adding jobs and increase an important element in Community Livability. Council Member Johnson made a motion to approve the ordinance establishing an arts and cultural district with the new boundaries, seconded by Council Member Perrow. After some discussion Mayor Foster made a friendly amendment to the motion to change the language in Sec. 13.1-10 (b) by adding after aesthetic "or other infrastructure" and Council Member's Johnson and Perrow accepted the friendly amendment and Council by the following recorded vote adopted Ordinance #0-10-041, as amended, establishing an Arts and Cultural District:

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

7

Noes:

0

// In the matter of Finance - Bonds, City Council Report # 11 was considered. Financial Services Director Donna Witt provided a brief summary regarding the request. Council Member Helgeson, Finance Committee (FC) Chair, stated that this item came before the FC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote adopted Resolution #R-10-042, as presented, reauthorizing a reallocation of \$1,079,395 of Proceeds from the Public Schools Capital Projects to Public Buildings Capital Projects Category:

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

7

Noes:

0

// In the matter of Finance - Bonds, City Council Report # 12 was considered. Financial Services Director Donna Witt gave a brief summary regarding the request. Council Member Helgeson, Finance Committee (FC) Chair, stated that this item came before the FC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote adopted Resolution #R-10-043, as

presented, authorizing the issuance of not to exceed \$12,000,000 principal amount of General Obligation Public Improvement Refunding Bonds, Series 2010:

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

Noes: 0

Council Member Helgeson, Finance Committee (FC) Chair, stated that this item came before the FC and made a motion to approve the request. The motion required no second, and Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-10-044 as presented, amending the FY 2010 General, Water and Sewer Funds' Adopted Budgets and appropriating \$97,645, \$23,687 and \$28,868, respectively, with resources from the refunding bond proceeds for a total of \$150,200 for estimated issuance costs:

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

Noes: 0

// The meeting was adjourned at 8:32 P.M.

Interim Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 9

CONSENT: X

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: X

INFORMATION:

ITEM TITLE: U.S. Department of Energy, Energy Efficiency and Conservation Block Grant (EECBG) Project

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$744,000 with resources of \$500,000 from the U.S. Department of Energy, Energy Efficiency and Conservation Block Grant (EECBG); an in-kind match of \$239,000 from FY 2009 Major Building Repair Capital Improvement funding; and \$5,000 for in-kind services for project management to replace the HVAC system at the Public Library and to perform building energy audits/energy efficiency upgrades to City buildings.

SUMMARY: The City applied for \$740,000 through the Department of Energy (DOE), Energy Efficiency and Conservation Block Grant (EECBG) Program, which is funded by the American Recovery and Reinvestment Act, for three different energy initiatives. The three initiatives are 1) HVAC replacement at the Public Library (\$280,000 in grant funds), 2) building energy audits/energy efficiency upgrades (\$220,000 in grant funds), and 3) conversion of traffic controls and some street lights to LED technology (\$240,000 in grant funds). The third initiative of this grant was awarded in December 2009; funding of \$298,000, including local match, was appropriated by City Council in March 2010. Currently, the City has received notice from the DOE that the first and second initiatives have been approved for a \$500,000 award as well.

Funding for initiative one in the amount of \$519,000 (\$280,000 in EECBG funds and \$239,000 in FY 2009 Major Building Repair Capital Improvement funds) will be used for replacement of the HVAC system at the Public Library. This project includes a review of the HVAC design to confirm efficiency gains and develop improvements to the existing design to achieve the largest reduction in energy consumption that is economically viable. The components planned for replacement include air handlers, condensing units, and ventilation fans.

Funding for the second initiative in the amount of \$225,000 (\$220,000 in EECBG funds and \$5,000 of in-house labor for project management) will be used to hire an energy efficiency consultant/company to perform energy audits of the City's major buildings and implement low cost energy efficiency retrofits and upgrades. Examples of possible energy efficiency projects/upgrades include conversion of lighting to energy efficient types, installation of programmable thermostats, HVAC control upgrades, and installation of occupancy sensors. The first audits will be performed on City Hall, the Public Library, and Human Services. These buildings were chosen because they are some of the largest City buildings and the highest energy users. Additional building audits/retrofits may be implemented depending on funding.

Implementation of these projects is expected to save a minimum of 10%-20% (approximately \$25,000-\$50,000) in utility costs.

PRIOR ACTION(S): Finance Committee April 27, 2010

FISCAL IMPACT: Reduced energy and maintenance costs

CONTACT(S): Gaynelle Hart, Deputy Director of Public Works, 455-4406
Randy Dalton, Construction Coordinator, 455-4407

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and \$744,000 is appropriated with resources of \$500,000 from the U.S. Department of Energy, Energy Efficiency and Conservation Block Grant (EECBG); an in-kind match of \$239,000 from FY 2009 Major Building Repair Capital Improvement funding; and \$5,000 for in-kind services for project management to replace the HVAC system at the Public Library and to perform building energy audits/energy efficiency upgrades to City buildings.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

049L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: **10**

CONSENT: **X**

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION:

ITEM TITLE: **Payment of Staff Bonus from FY 2010 Savings**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 General, Fleet, Regional Juvenile Detention Center, Airport, Water and Sewer Funds Adopted budgets and approve the use of savings within the funds for a staff bonus to be paid on the July 1, 2010 pay date.

SUMMARY: At the April 27, 2010 City Council Meeting, Council voted, as a part of the third quarter adjustments, to set funds aside in a designated reserve in the General Fund to fund the previously approved bonus for the General, Fleet and Regional Juvenile Detention Center staff. The Airport, Water and Sewer Funds were to carry forward savings into FY 2011 to fund a bonus for the staff. In further deliberations it was decided to use savings from FY 2010 to fund the bonus in the current fiscal year, using July 1, 2010 as the pay date.

Council action is required to spend the funds from FY 2010 savings. As these funds were previously appropriated when the FY 2010 Budget was adopted this action is not an additional appropriation but is meant to clearly document Council's intention for accounting and audit purposes.

PRIOR ACTION(S): April 20, 2010, Council approved employee bonuses; April 27, 2010, Council approved Third Quarter Adjustments which included funds for bonuses from current fiscal year savings.

FISCAL IMPACT: Use of savings in FY 2010 will result in less fund balance available to be used for the FY 2012 budget, however, the FY 2010 fund balance is still estimated to be approximately \$3 million as previously projected.

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

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 General Fund budget is amended and \$509,184 is appropriated with resources from the Designated Reserve to fund a staff bonus for the July 1, 2010 pay date and that the Airport, Water, and Sewer Funds are approved to fund a bonus for staff using savings in the FY 2010 Adopted budgets.

BE IT FURTHER RESOLVED That the FY 2010 Fleet Fund budget is amended and \$6,728 is appropriated with resources from the General Fund Designated Reserve to fund a staff bonus.

BE IT FURTHER RESOLVED That the FY 2010 Regional Detention Center Fund budget is amended and \$23,683 is appropriated with resources from the General Fund Designated Reserve to fund a staff bonus.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

056L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

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

RECOMMENDATION:

To 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 8 or June 22 meetings.

PRIOR ACTION(S):

None

FISCAL IMPACT:

None

CONTACT(S):

Valeria P. Chambers 455-3990

ATTACHMENT(S):

None

REVIEWED BY: lkp

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP): Mount Carmel Baptist Church Parking Addition, 807, 811 and 817 Norwood Street

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Mount Carmel Baptist Church is petitioning to allow the construction of a forty (40)-space parking lot addition in an R-3, Medium Density Two-Family Residential District to serve the existing church. The petitioner originally received a CUP on March 10, 2009 to construct a twenty-five (25)-space lot. The church has since purchased the vacant home at 817 Norwood Street and is proposing to redesign the lot to provide forty (40) parking spaces.

The property is within close proximity to the Amherst County jurisdictional boundary. Mr. Jeremy Bryant, Director of Planning and Zoning for Amherst County, was notified by letter on April 2, 2010 and by follow-up phone call on April 16, 2010. Mr. Bryant indicated that the Department of Planning and Zoning had no concerns regarding the petition.

The Planning Commission recommended approval of the CUP petition because:

- The church would provide decorative fencing, landscaping and adequate setbacks to ensure the compatibility of the parking area with the Traditional Neighborhood use designated by the *Comprehensive Plan 2002-2020* for the area.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-3, Medium Density Two-Family Residential District with approval of a CUP by City Council.
- The proposed parking area would reduce traffic congestion and increase the availability of on-street parking for neighboring residents during church functions.

PRIOR ACTION(S):

April 15, 2010: The Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Oglesby) subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan revised March 15, 2010 per comments from the TRC meeting on March 2, 2010, and received by the Department of Community Development on March 31, 2010.

FISCAL IMPACT: None

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

ATTACHMENT(S):

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

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MOUNT CARMEL BAPTIST CHURCH TO ALLOW THE CONSTRUCTION OF A FORTY (40)-SPACE PARKING LOT WITHIN AN R-3, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT AT 807, 811, 817 NORWOOD STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of the Mount Carmel Baptist Church to allow the construction of a forty (40)-space parking lot at 807, 811, 817 Norwood Street be, and the same is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan revised March 15, 2010 per comments from the TRC meeting on March 2, 2010, and received by the Department of Community Development on March 31, 2010.

Adopted:

Certified:

Interim Clerk of Council

053L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: April 14, 2010
Re: **CONDITIONAL USE PERMIT (CUP): Mt. Carmel Baptist Church Parking Lot Addition, 807, 811 and 817 Norwood Street**

I. PETITIONER

Mt. Carmel Baptist Church, 800 Cabell Street, Lynchburg, VA 24504

Representative: Ed Ewers, James C. May and Associates, P.C., P.O. Box 718, Lynchburg, VA 24501

II. LOCATION

The subject property includes three (3) tracts totaling six tenths (0.6) of an acre at 807, 811 and 817 Norwood Street.

Property Owner: Mt. Carmel Baptist Church, 800 Cabell Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow the construction of a forty (40)-space parking lot addition for Mt. Carmel Baptist Church in an R-3, Medium Density Two-Family Residential District.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020* recommends a Traditional Residential use in this area. Adjacent land uses designated by the *Future Land Use Map (FLUM)* also include an Institutional use.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-3, Medium Density Two-Family Residential District with approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020* recommends a Traditional Residential use for this area. A Traditional Residential (**p. 5.6**) use applies to the City's older neighborhoods built before World War II and before the City was zoned. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the *Plan Framework Map* and future study is planned for incorporating appropriate zoning changes, public investment and community building efforts. Large, new or expanded, public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments.

The *Future Land Use Map* also provides for an Institutional (**p. 5.3**) use in the surrounding area. In addition to the setbacks provided for the parking area, the church would provide decorative fencing, parking area screening and street trees along portions of Norwood Street and I Street, respectively, and a vegetative buffer between the

parking lot and the closest residences to ensure its compatibility with the neighborhood and the standards set forth for Traditional Residential areas established within the *Comprehensive Plan 2002-2020*.

2. **Zoning.** The existing R-3, Medium Density Two-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several projects requiring City Council approval in the immediate area:
 - On March 10, 2009, City Council approved Mt. Carmel Baptist Church's petition for a CUP to allow the construction of a twenty-five (25)-space parking addition at 807 and 811 Norwood Street.
 - On May 14, 2002, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a parking lot at 1301 Rivermont Avenue.
 - On November 9, 1999, City Council approved Rebecca Carwile's petition for a CUP to operate a bed and breakfast in an existing residence at 404 Cabell Street.
 - On March 10, 1998, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a twenty-two (22)-space parking lot at 501 and 505 McDonald Street.
 - On April 8, 1997, City Council approved Stepping Stones Academy's petition for a CUP to allow a day care center for forty-nine (49) children in an existing building at 434 Rivermont Avenue.
 - On March 11, 1997, City Council approved Susan Boyett's petition for a CUP to operate a bed and breakfast in an existing residence at 404 Cabell Street.
 - On May 14, 1996, City Council approved Christ College's petition for a CUP to operate an undergraduate and graduate college and dormitories at 404-434 Rivermont Avenue, 501-503 Library Street and 511-513 Victoria Avenue.
 - On May 10, 1994, City Council approved Mt. Carmel Baptist Church's petition for a CUP to allow the construction of a multi-purpose building adjacent to an existing church building at 806 Cabell Street.
 - On July 13, 1993, City Council approved Daniel's Hill Recreation Center's petition for a CUP to allow the construction of a playground for an existing recreation center at Cabell and D Streets.
 - On August 13, 1991, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow the construction of a parking lot at 405-407 Botetourt Street.
 - On April 12, 1988, City Council approved Rivermont Avenue Baptist Church's petition for a CUP to allow a child care center at 1301-1321 Rivermont Avenue.
 - On October 8, 1985, City Council approved Mt. Carmel Baptist Church's petition for a CUP to allow the construction of a parking lot at 806 Cabell Street.
 - On August 13, 1985, City Council approved Peggy Esthimer's petition for a CUP to allow the use of an existing residence as an adult care facility at 404 Cabell Street.
 - On October 26, 1982, City Council denied G&G Video, Inc.'s petition for a CUP to allow a video arcade at 1212 Rivermont Avenue.
 - On June 23, 1981, City Council approved Berry/Haley's petition for a CUP to allow the use of an existing building at 405 Cabell Street as a counseling center.

5. **Site Description.** The subject properties include two (2) vacant lots and a vacant single-family home. The properties are bound to the north by single-family homes, undeveloped forestal land and the James River, to the south by single-family homes, to the east by single-family homes, undeveloped forestal land and the James River and to the west by single-family homes.
6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a parking area to serve the existing church. The petitioner originally received a CUP on March 10, 2009 to construct a twenty-five (25)-space lot. The church has since purchased the vacant home at 817 Norwood and is proposing to re-design the lot to allow for forty (40) parking spaces. The church would install decorative fencing on either side of the Norwood Street entrance and at the corner of Norwood Street and I Street. The fencing would not only provide a decorative architectural feature to blend the lot into the neighborhood, it would also allow the church to limit access to through traffic through the lot when the church is not in use. Landscaping for the parking lot will comply with the requirements of the City's *Zoning Ordinance*. Landscape requirements include street trees, parking area landscaping, parking area screening and vegetative buffer plantings; in addition, an existing thirty-six (36)-inch diameter tree will be preserved at the southern corner of the lot. Although City water and sewer are available to the site, no utility connections are proposed for this project.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comment regarding the proposed parking addition.

Since the March 10, 2009 CUP petition was approved, the parking requirements for the church have been reduced from one (1) space for every three (3) seats to one (1) space for every four (4) seats. Mt. Carmel Baptist Church has seating for approximately two hundred (200) persons and would require fifty (50) parking spaces in accordance with the *Zoning Ordinance*. The existing church parking lot has twenty-eight (28) spaces, which often results in a significant amount of on-street parking during services. The project would provide for an additional forty (40)-space parking lot to accommodate the current overflow parking and provide the church with a total of sixty-eight (68) off-street parking spaces.

Public transit is currently available in this area. Greater Lynchburg Transit Company Route 3C is available directly adjacent to the church on the corner of Cabell and H Streets.

8. **Storm Water Management.** The proposed parking lot would exceed the City's one thousand (1,000) square foot threshold for stormwater management; as such, a stormwater management plan will be required for the construction. The increase in post-development runoff conditions due to the new impervious area would be managed through the use of an above-ground stormwater detention facility located along the front of the lot adjacent to Norwood Street. The facility would discharge into a paved gutter along Norwood Street and follow existing drainage patterns along Norwood Street from the site to its intersection with I Street. A preliminary review of the proposed strategy confirmed that the repair of an existing asphalt curb along I Street would provide for an adequate downstream receiving channel. Stormwater quality requirements would be addressed through the installation of an on-site infiltration trench and bio-retention facility. The proposed management strategy is acceptable to the City's Environmental Reviewer.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the CUP for the parking area. The City Police Department commented that the parking area should be well lit and include directional traffic signage for the church members, as well as "No Trespassing" signage to prevent unauthorized use of the facility. The revised plan notes that any new lighting will be glare shielded and non-directional; the final lighting layout will be determined during site plan review. In addition, the plan includes concept signage to direct traffic and to warn against trespassing.
10. **Impact.** The proposed parking area would provide a significant improvement to the surrounding area through the reduction of on-street parking and congestion during church functions. Currently, many of Mt. Carmel Baptist Church's services require that members park on Cabell, H and Norwood Streets when the church's existing parking lot reaches capacity. The concept plan also includes significant landscaping, decorative

architectural features, adequate setbacks and water quality measures to help address planning, traffic, stormwater management and public safety concerns. The result is a project that would fit into the fabric of the existing neighborhood.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on March 2, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the developer prior to final site plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Mt. Carmel Baptist Church's petition for a conditional use permit (CUP) to allow the construction of a parking addition at 807, 811 and 817 Norwood Street subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan revised March 15, 2010 per comments from the TRC meeting on March 2, 2010, and received by the Department of Community Development on March 31, 2010.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Reviewer
Mr. Bernard Johnson, Representative, Mt. Carmel Baptist Church
Mr. Ed Ewers, Representative, James C. May & Associates

VII. ATTACHMENTS

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

MINUTES FROM THE APRIL 14, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Mount Carmel Baptist Church Trustees for a conditional use permit to allow the construction of a church parking lot in an R-3, Medium Density Two-Family Residential District at 807, 811 and 817 Norwood Street.

Mr. White summarized the petition and Planning Commission report. This petition is for a 40-space parking lot. The petitioner originally received a conditional use permit from Council on March 10, 2009 to construct a 25-space parking lot. Since that time, the church has purchased the property at 817 Norwood Street and is proposing to redesign the entire lot to allow for the expansion. The church would install decorative fencing on either side of the Norwood Street entrance, as well as the corner of Norwood Street and I Streets. The parking lot would provide significant benefit to the neighborhood through the reduction of on-street parking and congestion during church functions. The concept plan also includes significant landscaping, decorative architectural features, adequate setbacks and water quality features to address all concerns. The Planning Division recommends approval of the CUP petition.

Mr. Ed Ewers of James C. May & Associates came forward to represent the petitioner. Mr. Ewers remarked that the church is an integral part of the community. It has been used by the City for various meetings. Whenever there are weddings or other functions, people are parking on the streets. Mr. Ewers had some example pictures of the architectural features the church would be installing at both the Cabell Street and Norwood Street entrances. There will likely be gates installed as well to prevent people from entering the parking lot at night when the church is not open.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. Ms. Cynthia Coles came forward. She, along with two of the trustees, has been in touch with the neighbors and has all of their support. One neighbor had a concern about the extension of the parking lot on to I Street at that corner because it is very narrow and difficult to get a car through there. Ms. Coles thinks that with the present design, it will be an improvement to that area.

Chair Hamilton asked for anyone who wished to speak in opposition of the petition. No one came forward. She had those in favor of the petition raise their hands to show their support. She closed the public hearing portion of the petition.

Commissioner Barnes asked about the notification signs on the property. The only one he noted was at the rear of the property where the new property has been acquired. Commissioner Barnes asked if that was because the other part had already been approved. Mr. White explained that typically there would have been two signs required, one on I Street and one on Norwood Street. Since the property sits on a corner, the City Planner granted a waiver to allow the church to reduce some of their costs of this petition.

Chair Hamilton asked how the church would ensure that the bioretention pond would be safe since this is in a residential neighborhood. Mr. Ewers said the bioretention pond will drain completely after every rainfall. There will be aquatic plants. The center of the bioretention pond will be impervious type soil so the water will infiltrate into the ground. Chair Hamilton asked if there was any need for fencing. Mr. Ewers said there was not; there would be landscaping completely around it and there will be no standing water. It is really considered a detention pond, not a retention pond.

Commissioner Sale asked Mr. Ewers if there would be any consideration given to permeable pavement. Mr. Ewers said the church is looking at different types of pavers for the parking areas and they will be considered in the final design. The drive lanes would have to be asphalt. Commissioner Sale pointed out that it would break up the parking area from a playground area that could be used for other purposes, as well as help the environment. It is good stewardship of water and space.

Commissioner Sale made the following motion, which was seconded by Commissioner Hannon:

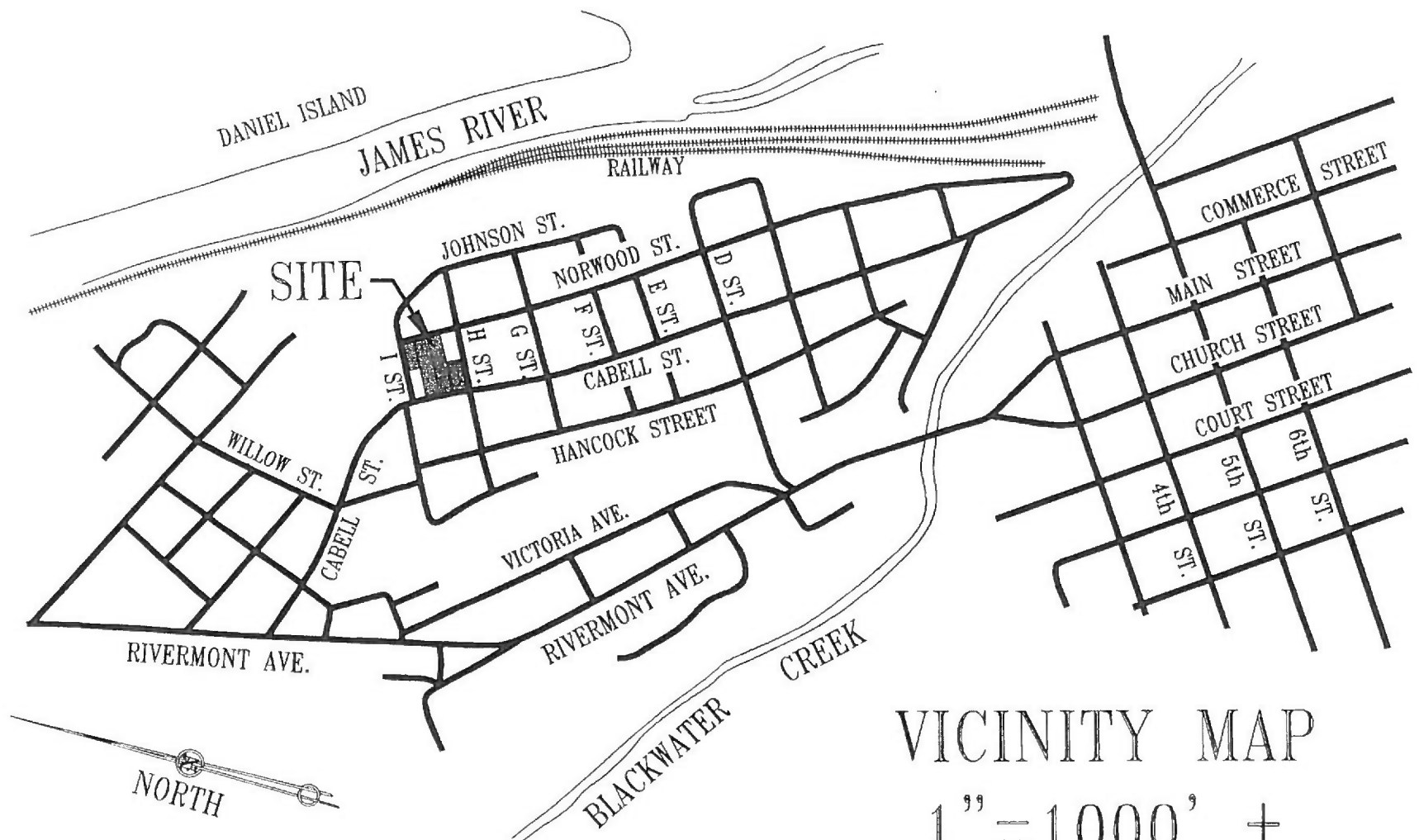
"That the Planning Commission recommends to City Council approval of Mt. Carmel Baptist Church's petition for a conditional use permit (CUP) to allow the construction of a parking addition at 807, 811 and 817 Norwood Street subject to the following conditions:

2. The property shall be developed in substantial compliance with the concept plan revised March 15, 2010 per comments from the TRC meeting on March 2, 2010, and received by the Department of Community Development on March 31, 2010.”

The commissioners were in consensus that the parking lot was needed and would be a nice addition to the neighborhood. Chair Hamilton commended the church for its use of a rain garden.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Hooper, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1



VICINITY MAP
1" = 1000' ±

OWNER/DEVELOPER

MT. CARMEL BAPTIST CHURCH
800 CABELL STREET
LYNCHBURG, VIRGINIA
PHONE : (434) 845-6335
CONTACT : BERNARD JOHNSON
PHONE : (434) 941-3294

PROJECT LOCATION

PROPOSED PARKING LOT EXPANSION
807, 811 AND 817 NORWOOD STREET
LYNCHBURG, VIRGINIA

PROPOSED : 40 SPACES

EXISTING PARKING AT CHURCH

22 SPACES (9' x 18')
6 HANDICAPPED SPACES
28 SPACES TOTAL (ON-SITE)
ADDITIONAL ON-STREET PARKING ALONG
CABELL STREET AND "H" STREET
REQUIRED PARKING : 1 SPACE PER 4 SEATS
(200 SEATS+/- IN SANCTUARY) = 50 SPACES
REQUIRED

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY IS IN FLOOD ZONE "X" AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 5100930042D REVISED ON JUNE 3, 2008. (PANEL 42 OF 131)
3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
4. THIS PROPERTY IS SERVED BY THE CITY OF LYNCHBURG PUBLIC WATER AND SEWER SYSTEMS.
5. EXISTING ELECTRIC AND TELEPHONE SERVICE IS OVERHEAD.
6. THIS PROPERTY IS ZONED : "R-3"
7. ADDITIONAL SITE DEVELOPMENT PLANS AND EROSION CONTROL PLAN WILL BE SUBMITTED UPON APPROVAL OF CONDITIONAL USE PERMIT.

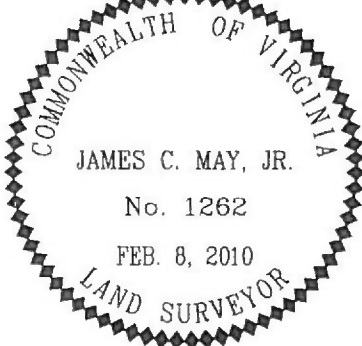
STORMWATER MANAGEMENT :

STORMWATER RUN-OFF FROM THE PROPOSED PARKING LOT WILL BE CHanneLED INTO THE INFILTRATION TRENCH LOCATED IN THE GRASS MEDIAN BETWEEN THE PROPOSED PARKING AREAS SHOWN ON SHEET 2 of 2 TO MANAGE THE QUALITY OF THE RUN-OFF. STORMWATER WILL THEN LEAVE THE INFILTRATION TRENCH AND ENTER THE STORMWATER DETENTION & BIO-RETENTION POND AND LEAVE THIS AREA IN AN OUTLET PIPE AT A RATE NO GREATER THAN THE PRE-DEVELOPMENT RUN-OFF RATE. RUN-OFF LEAVING THE OUTLET PIPE WILL FLOW ALONG A PROPOSED PAVED GUTTER (ST'D. PG-2A) TO NORWOOD STREET. AN ADEQUATE DOWNSTREAM CHANNEL WILL BE ESTABLISHED BY INSTALLING AN ASPHALT CURB ALONG NORWOOD STREET FROM THE SITE TO THE INTERSECTION OF "I" STREET AND REPAIRING THE EXISTING ASPHALT CURB ALONG "I" STREET AS REQUIRED BY THE CITY ENGINEERING DEPARTMENT.

RECEIVED

MAR 3 1 2010

COMMUNITY
DEVELOPMENT



SOURCES OF TITLE :

TAX MAP #44-1-3 : DEED TO TRUSTEES OF MT. CARMEL BAPTIST CHURCH / INST. #060008670
TAX MAP #44-1-4 : DEED TO TRUSTEES OF MT. CARMEL BAPTIST CHURCH / INST. #060008670
TAX MAP #44-1-2 : DEED TO TRUSTEES OF MT. CARMEL BAPTIST CHURCH / INST. #100001173
RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF LYNCHBURG.

REVISED MARCH 15, 2010 : PER COMMENTS FROM T.R.C. MEETING ON MARCH 2, 2010.

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
434-528-1005 (FAX 434-846-5412)

SITE PLAN FOR CONDITION USE PERMIT
PROPOSED PARKING LOT ADDITION
MT. CARMEL BAPTIST CHURCH
LOCATED AT
807, 811 AND 817 NORWOOD STREET
CITY OF LYNCHBURG, VIRGINIA

SOURCE OF TITLE:

SEE ABOVE

SCALE: AS NOTED

DATE: FEB. 8, 2010

COMM. NO.: 08150

F.B. REF.: LE 189

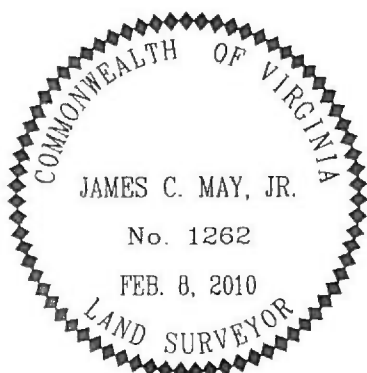
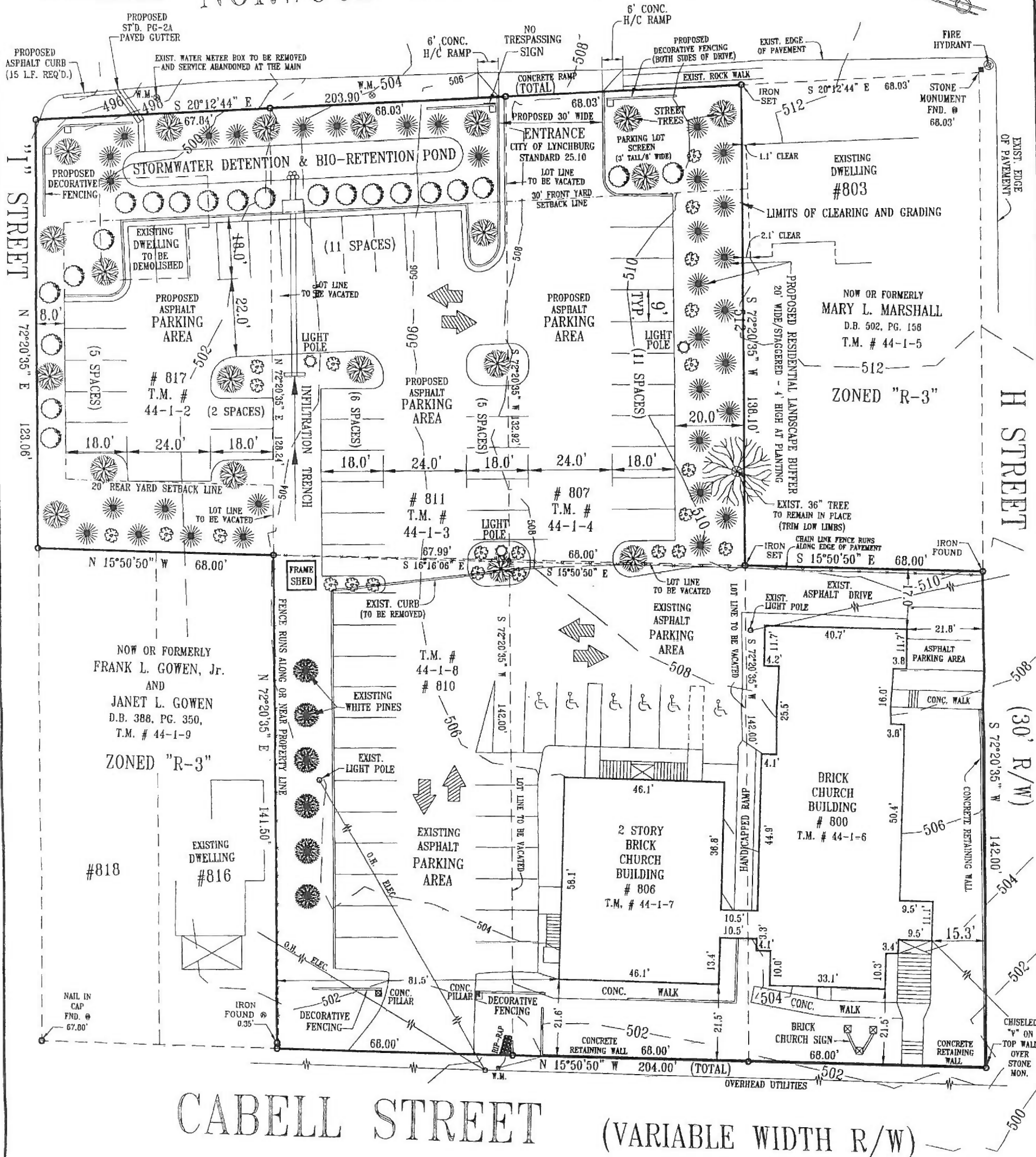
FOR:

MT. CARMEL BAPTIST CHURCH

TAX ID.: 44-1-2, 3 AND 4

NOTE: CONTRACTOR TO REPAIR
EXISTING ASPHALT CURB
ALONG NORTH SIDE OF "I"
STREET AS REQUIRED BY
CITY ENGINEERING DEPT.

NORWOOD STREET (30' R/W)



SHEET 2 of 2

REVISED MARCH 15, 2010 : PER COMMENTS FROM T.R.C. MEETING ON MARCH 2, 2010.

JAMES C. MAY AND ASSOCIATES, P.C.
ENGINEERS-SURVEYORS-PLANNERS
P.O. BOX 718, LYNCHBURG, VA., 24501
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SITE PLAN FOR CONDITIONAL USE PERMIT
PROPOSED PARKING LOT ADDITION FOR
MT. CARMEL BAPTIST CHURCH
LOCATED AT
807, 811 AND 817 NORWOOD STREET
CITY OF LYNCHBURG, VIRGINIA

SOURCE OF TITLE: TRUSTEES OF MT. CARMEL BAPTIST CHURCH

SCALE: 1" = 30' DATE: FEB. 8, 2010 COMM. NO.: 08150 F.B. REF.: LE 189

FOR: MT. CARMEL BAPTIST CHURCH

TAX ID.: 44-1-2, 3 AND 4

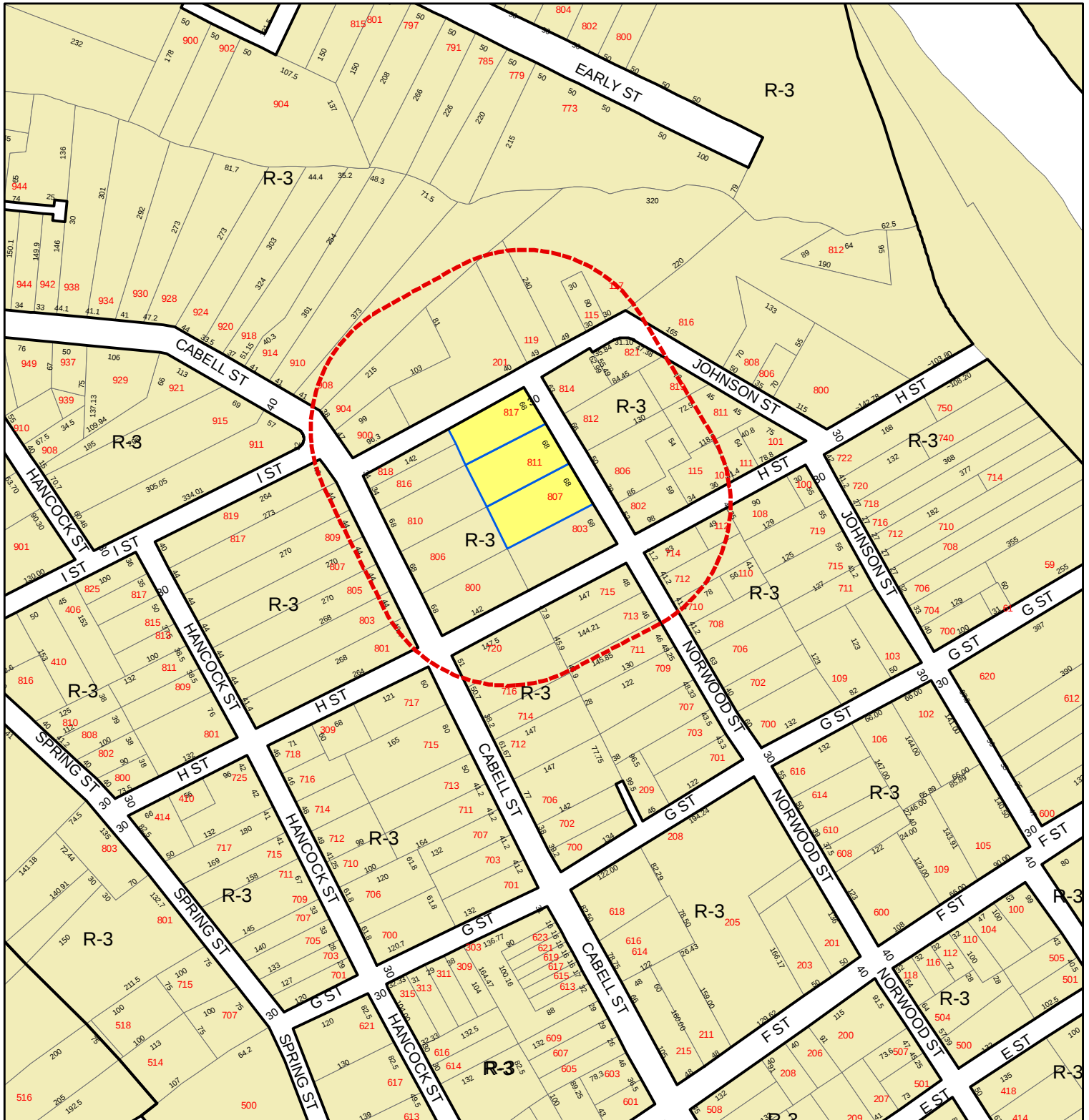
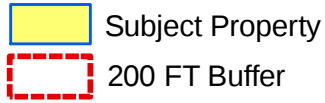
MOUNT CARMEL BAPTIST CHURCH

807, 811, 817 Norwood Street

PIN# 04401002/004

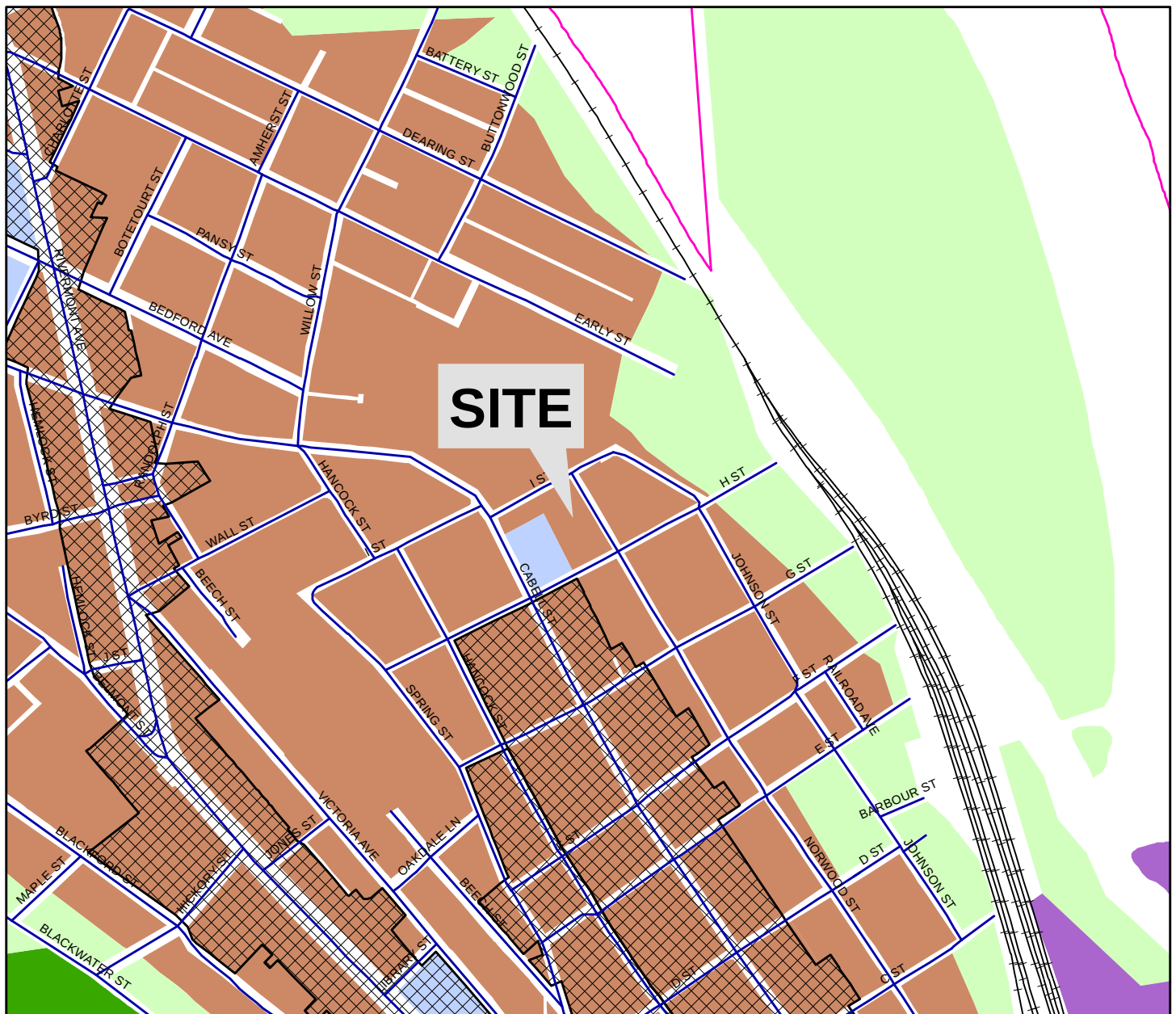
Conditional Use Permit Request

Petitioner-Mount Carmel Baptist Church Trustees



MT. CARMEL BAPTIST CHURCH ADJOINING OWNERS

PIN	Owner	LocAddr
04404003	APPLEGATE HOUSE INC	108 H ST
04402011	CALLOWAY PATRICIA	111 H ST
04404002	CREWS DALLAS C	112 H ST
04402010	CUNNINGHAM JOHNNY M&LEONARD ALLEN JR	821 JOHNSON ST
02219037	DAVIS GEORGIA W	115 I ST
02308006	DUNN VICTOR S	803 CABELL ST
04405004	GARCIA STEPHEN & DONNA	711 NORWOOD ST
04405014	GARCIA STEPHEN & DONNA L	713 NORWOOD ST
02219044	GILES HENRY EDWARD	908 CABELL ST
04401009	GOWEN FRANK L JR & JANET L	816 CABELL ST
04401001	GOWEN FRANK L JR & JANET L	818 CABELL ST
04404014	HARRIS JERMAIEL M	710 NORWOOD ST
02308003	HATFIELD ANN A	809 CABELL ST
02308002	HATFIELD ANN A	817 CABELL ST
02308001	HATFIELD ANN A	819 CABELL ST
04402001	HERNDON TONYA L	814 NORWOOD ST
04405013	HOBBS YVETTE N	716 CABELL ST
02219038	JACKSON SAVANNAH & LAMONIA E	117 I ST
02308005	JOHNSON MCKINLEY & FLORENCE W	805 CABELL ST
04402012	JOHNSON P'TRICE D	109 H ST
04404001	JOHNSON SHARON D	714 NORWOOD ST
02219043	LYNCHBURG GROWS	904 CABELL ST
02219039	LYNCHBURG REDEVELOPMENT & HOUSING AUTHORITY	119 I ST
02219042	MARSHALL H GLENN	900 CABELL ST
04401005	MARSHALL MARY L C/O INEZ FORD	803 NORWOOD ST
04401002	MOUNT CARMEL BAPTIST CHURCH TRUSTEES	817 NORWOOD ST
02308007	MT CARMEL BAPTIST CHURCH TRS	801 CABELL ST
04401006	MT CARMEL BAPTIST CHURCH TRS	800 CABELL ST
04401007	MT CARMEL BAPTIST CHURCH TRS	806 CABELL ST
04401008	MT CARMEL BAPTIST CHURCH TRS	810 CABELL ST
04401004	MT CARMEL BAPTIST CHURCH TRS	807 NORWOOD ST
04401003	MT CARMEL BAPTIST CHURCH TRS	811 NORWOOD ST
04402009	NOWLIN DEBRA A	812 NORWOOD ST
02219040	OESTERLING RAYMOND L	201 I ST
04405002	POLLARD ROSA B	715 NORWOOD ST
04402003	ROSE EMMETT	811 JOHNSON ST
04402002	ROSE EMMETT & ALEASE W	819 JOHNSON ST
04404016	SMILEY CARLA W	712 NORWOOD ST
04402006	TURPIN CYNTHIA L	802 NORWOOD ST
02219036	TWEEDY TORIA S	816 JOHNSON ST
04402007	VENABLE SHIRLEY M	806 NORWOOD ST
04405001	WHITE ANGELA S	720 CABELL ST
02308004	WHITE ANGELA S & JEAN D WHITE	807 CABELL ST
Owner	MT CARMEL BAPTIST CHURCH TRS	
Petitioner	MT CARMEL BAPTIST CHURCH TRS	
Representative	ED EWERS/JAMES C MAY & ASSOCIATES	



MOUNT CARMEL BAPTIST CHURCH 807, 811, 817 NORWOOD STREET LAND USE PLAN

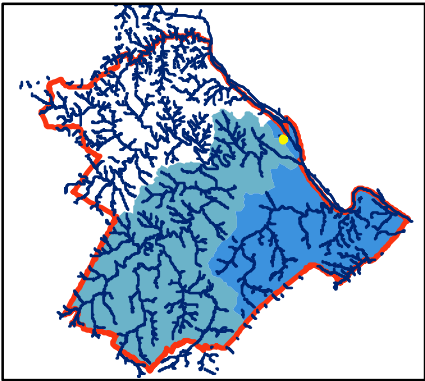
-  LocalHistoricDistrict
-  Traditional Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Neighborhood Commercial
-  Community Commercial
-  Regional Commercial
-  Employment 1
-  Employment 2
-  Office
-  Institution
-  Downtown
-  Public Use
-  Public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



Mt Carmel Baptist Church

Watershed Location Map

-  Project Site
-  Blackwater Creek
-  Fishing Creek
-  FloodzoneAE
-  Corporate Limit



LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 13

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Conditional Use Permit (CUP): Redeemer Presbyterian Church Master Plan, 2021 and 2025 Mimosa Drive

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Redeemer Presbyterian Church is requesting approval of a master plan to allow the construction of a building addition to the existing church, a parking area expansion and recreational and maintenance facilities in an R-1, Low Density Single-Family Residential District. The Planning Commission originally conducted a public hearing on October 14, 2009 and requested that the petitioner provide additional details regarding stormwater management, parking layout, grading and construction limits. In response, the petitioner submitted the revised concept plan, architectural renderings and a narrative for consideration by the Planning Commission. The petitioner also conducted a neighborhood meeting on Thursday, March 25, 2010 at the existing church facility.

The Planning Commission recommended approval of the CUP petition because:

- Exterior building materials would mirror those of the existing church and a significant portion of the seven and a half (7.5) acre site would be undisturbed, landscaped or vegetated to ensure the compatibility of the project with the Low Density Residential use designated by the *Comprehensive Plan 2002-2020*.
- The petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-1, Low Density Single-Family Residential District with approval of a CUP by City Council.
- The size of the proposed addition is significantly below the traffic study threshold for churches. The times that the facilities would experience their highest use are generally not during the peak traffic times for the surrounding uses.
- The revised concept plan provides for a new Mimosa Drive entrance to be constructed in Phase I of the project and a new Burnt Bridge Road entrance to be constructed in Phase II of the project. The Planning Commission recommended a condition to allow the layout, design, specification and phasing of the entrances subject to the review and approval of the City's Transportation Engineer to allow greater flexibility in the construction of the entrances.

PRIOR ACTION(S):

October 14, 2009 The Planning Division recommended approval of the CUP petition.

The Planning Commission conducted a public hearing on the petition. Planning Commission requested that the petitioner provide additional details regarding stormwater management, parking layout, grading and construction limits.

April 14, 2010: Planning Commission recommended approval of the CUP petition (6-0, with one member absent, Oglesby) subject to the following condition:

1. The property shall be developed in substantial compliance with the Master Development Plan for Redeemer Presbyterian Church dated March 5, 2010. The master plan shall allow for no more than five hundred (500) seats within the church sanctuary and a maximum of one hundred ninety-one (191) parking spaces.

2. The building addition will be similar to the architectural renderings dated March 5, 2010.
3. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.
4. The layout, design, specification and phasing of the entrances shall be subject to the review and approval of the City's Transportation Engineer.

FISCAL IMPACT: None

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

ATTACHMENT(S):

- Planning Commission Agenda Summary – April 14, 2010
- Planning Commission Minutes – April 14, 2010
- Project Narrative -- March 5, 2010
- Revised Concept Plan – March 5, 2010
- Revised Architectural Rendering – March 5, 2010
- Planning Commission Report – October 14, 2009
- Planning Commission Minutes – October 14, 2009
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plan – October 2, 2009
- Architectural Rendering – October 5, 2009
- Speaker Sign-up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO REDEEMER PRESBYTERIAN CHURCH TO ALLOW THE APPROVAL OF A MASTER PLAN FOR THE CONSTRUCTION OF A BUILDING ADDITION TO THE EXISTING CHURCH, A PARKING AREA EXPANSION AND RECREATIONAL AND MAINTENANCE FACILITIES WITHIN AN R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT AT 2021 AND 2025 MIMOSA DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of the Redeemer Presbyterian Church for the approval of a master plan to allow the construction of a building addition to the existing church, parking area expansion and recreational and maintenance facilities at 2021 and 2025 Mimosa Drive be, and the same is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the Master Development Plan for Redeemer Presbyterian Church dated March 5, 2010. The master plan shall allow for no more than five hundred (500) seats within the church sanctuary and a maximum of one hundred ninety-one (191) parking spaces.
2. The building addition will be similar to the architectural renderings dated March 5, 2010.
3. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.
4. The layout, design, specification and phasing of the entrances shall be subject to the review and approval of the City's Transportation Engineer.

Adopted:

Certified:

Interim Clerk of Council

054L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: October 14, 2009
Re: **CONDITIONAL USE PERMIT (CUP): Redeemer Presbyterian Church Master Plan, 2021 and 2025 Mimosa Drive**

I. PETITIONER

Redeemer Presbyterian Church, P.O. Box 3181, Lynchburg, VA 24503

Representative: Charles K. Hurt, Headformost, LLC, 408 St. Andrews Circle, Lynchburg, VA 24503

II. LOCATION

The subject property includes two (2) tracts totaling seven and thirty-nine hundredths (7.39) acres at 2021 and 2025 Mimosa Drive.

Property Owner: St. Barnabas Episcopal Church, P.O. Box 3278, Lynchburg, VA 24503

III. PURPOSE

The purpose of this petition is to request the approval of a master development plan that would allow the construction of a church addition, parking expansion, an additional driveway and recreation and maintenance facilities.

IV. SUMMARY

- The *Comprehensive Plan* recommends a Low Density Residential use in this area.
- Petition agrees with the *Zoning Ordinance* in that church uses are permitted in an R-1, Low Density, Single-Family Residential District with approval of a CUP by City Council.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Low Density Residential use in this area. Low Density Residential areas are dominated by single-family detached housing at densities of up to four (4) dwelling units per acre. In addition to residential uses, they may include public and institutional uses compatible in scale with single-family residential homes.

The proposed master plan would allow for the construction of a building addition that would be almost three (3) times the size of the existing structure and a parking facility with up to two hundred (200) total parking spaces. Although the proposed increase to the developed area of the church campus is significant, the petitioner would maintain approximately sixty (60) percent of the three and fourteen hundredths (3.14) acres of existing forest land on the two (2) properties. The project would meet the necessary setbacks and the *Zoning Ordinance* would require significant landscaping on all sides of the facility. Exterior building materials would

mirror those of the existing church; the vertical surfaces would be mostly brick with some wood or Hardiplank® siding with fiberglass shingles similar to the ones on the roof of the existing church.

2. **Zoning.** The subject property was annexed into the City in 1958. The existing R-1, Low Density Single-Family Residential District was established in 1978 with the adoption of the current *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 11, 2009, City Council approved Peakland United Methodist Church's CUP petition to allow the construction of a columbarium wall in an R-1, Low Density Single-Family Residential District at 4434 Boonsboro Road.
 - On November 11, 2008, City Council approved Church of the Covenant's CUP petition to allow the construction of a sanctuary building addition to the existing church in an R-1, Low Density Single-Family Residential District at 4415 Boonsboro Road.
 - On January 8, 2008, City Council indefinitely postponed action on Systematic Concepts, LLC's CUP petition to allow the construction of a planned unit development including thirty-one (31) single-family attached and detached homes in an R-1, Low Density Single-Family Residential District at 2016, 2020 and 2028 Mimosa Drive.
 - On May 28, 2002, City Council approved Peakland United Methodist Church's CUP petition to allow the construction of an educational building, columbarium and a parking lot in an R-1, Low Density Single-Family Residential District at 4434 Boonsboro Road.
 - On April 8, 1997, City Council approved C.F.W. Communications' CUP petition to allow the installation of telecommunications equipment in an R-1, Low Density Single-Family Residential District at 4715 Boonsboro Road.
 - On August 13, 1996, City Council approved Peakland United Methodist Church's CUP petition to allow the construction of twenty-six (26) parking spaces in an R-1, Low Density Single-Family Residential District at 4434 Boonsboro Road.
 - On November 14, 1995, City Council approved Lynchburg City Schools' CUP petition to retain an existing, administratively approved, Bedford Hills Elementary classroom in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On February 9, 1993, City Council approved Peakland Swim & Tennis Club, Inc.'s CUP petition to allow the construction of tennis court restrooms, a beach volleyball court and the addition of twenty (20) parking spaces in an R-1, Low Density Single-Family Residential District at 2149 Burnt Bridge Road.
 - On February 11, 1992, City Council approved Lynchburg City Schools' CUP petition to restore an existing damaged Bedford Hills Elementary classroom and construct eight (8) additional classrooms in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On May 14, 1991, City Council approved Lynchburg City Schools' CUP petition to allow the construction of Bedford Hills Elementary modular classrooms in an R-1, Low Density Single-Family Residential District at 4330 Morningside Drive.
 - On October 9, 1990, City Council approved St. Barnabas Episcopal Church's CUP petition to allow the construction of a porch entry way in an R-1, Low Density Single-Family Residential District at 2025 Mimosa Drive.

- November 13, 1979, City Council approved Peakland Swim Club's CUP petition to allow the construction of tennis courts in an R-1, Low Density Single-Family Residential District at 2149 Burnt Bridge Road.
5. **Site Description.** The subject properties include an existing one (1)-story church with associated parking and a pond; the balance of the property is undeveloped. The site is bound to the north and west by single-family homes and forestal land; to the east by single-family homes, forestal land and Bedford Hills Elementary School; and to the south by single-family homes and Peakland Swimming Club.
 6. **Proposed Use of Property.** The purpose of this petition is to allow the construction of a seventeen thousand eight hundred (17,800) square foot church addition, a parking expansion with an additional driveway entrance and recreational/maintenance facilities. The building addition would include a seven thousand five hundred (7,500) square foot upper level worship area, a one thousand four hundred (1,400) square foot upper level commons area, a seven thousand five hundred (7,500) square foot lower level education area, a one thousand four hundred (1,400) square foot lower level connector; a total of (500) sanctuary seats are proposed for the church campus. The site is served by City water service; public sewer service is not presently available to the property and would have to be extended to the site. The applicant is aware of the necessary extension and plans to install a pumping station with a force main to the City sewer line in Indian Hill Road.

Landscaping for the development will comply with the requirements of the City's *Zoning Ordinance* and include street trees, parking area landscaping, parking area screening, vegetative buffer plantings, foundation plantings and utility area screening. In addition, the concept plan indicates approximately one and eighty-six hundredths (1.86) acres of existing forest would be preserved along the western portion of the property.

7. **Traffic, Parking and Public Transit.** The proposed twenty-three thousand nine hundred seventy (23,970) square foot church and two-hundred (200)-space parking area with an additional driveway is below the threshold for a traffic study. The daily trips generated by the church use would be during "off-peak" travel times. The majority of church activities would be held on Sunday and smaller, weekday events scheduled for the evening hours. The City Transportation Engineer noted that, while there is available capacity on the adjacent street network to accommodate this expansion, it is possible that the additional traffic would be felt by the neighborhood residents, since both Mimosa Drive and Burnt Bridge Road currently have low traffic volumes and Mimosa Drive is very narrow towards Boonsboro Road.

Parking requirements for the church are set at one (1) space for every four (4) seats by the *Zoning Ordinance*. The proposed expansion would provide for a maximum of five hundred (500) seats, which would require one hundred twenty-five (125) parking spaces. The proposed parking addition would add up to one hundred and sixty (160) spaces to the existing forty (40)-space lot for a total of two hundred (200) spaces, thus meeting the requirement of the City Code.

Public transit is accessible through Greater Lynchburg Transit Company's Route 3D at the intersection of Boonsboro Road and Mimosa Drive, approximately one thousand one hundred (1,100) feet from the site.

8. **Stormwater Management.** The proposed construction of the building, parking, recreation and maintenance facilities exceeds the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water run-off would be required for the construction. Stormwater from the development would be directed to the existing pond or a proposed detention pond before being released into a tributary of Burnt Bridge Branch at a rate not to exceed the pre-development run-off rate. Preliminary review of the stream indicates that the channel is adequate to receive the water from the pond or basin. Stormwater quality would be addressed through a variety of best management practice options including, but not limited to, vegetated filter strips, grassed swales and bioretention basins that will filter the surface water and promote infiltration.
9. **Emergency Services.** The City's Fire Marshal had no concerns regarding the proposed building and parking addition.

The Police Department commented that the building perimeter and parking area should be well lit for security. They also provided that trespassing signs and signage directing both traffic and pedestrians to the entrances should be clearly visible. The revised plan notes that any new lighting will be glare shielded and non-directional. The final lighting and signage layout would be determined during site plan review.

10. **Impact.** The proposed expansion of the church campus could potentially impact the surrounding area. The building addition would total seventeen thousand eight hundred (17,800) square feet, almost three (3) times the size of the existing sanctuary, and the proposed parking expansion would provide seventy-five (75) more spaces than required by City Code. To mitigate the potential impacts, the petitioner would limit the clearing along the western portion of the property to preserve the existing forest area. The *Zoning Ordinance* would also require a forested buffer between the proposed parking area and the closest residence, as well as street trees and foundation plantings along Mimosa Drive and Burnt Bridge Road. The designer has also agreed to incorporate infiltration practices to the greatest extent possible to mitigate stormwater impacts from the proposed parking addition.

The proposed expansion of the church would also likely increase the traffic impacts to the surrounding area; however, the proposed size of the additions is significantly below the traffic study threshold for churches, since the times that the facilities would experience their highest use are generally not during the peak traffic times for the surrounding uses. Although staff recommends that the petitioner consider a reduction to the overall size of the addition, previous parking options and pedestrian connections from the church to the parking area should be considered as part of the final design, traffic, stormwater management and public safety concerns have all been addressed to the satisfaction of City staff.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary concept plan on September 22, 2009. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Redeemer Presbyterian Church's petition for a conditional use permit (CUP) at 2021 and 2025 Mimosa Drive subject to the following conditions:

1. The property shall be developed in substantial compliance with the master development plan for Redeemer Presbyterian Church dated October 1, 2009, and received by the Department of Community Development on October 2, 2009. The master plan shall allow for no more than five hundred (500) seats within the church sanctuary and a maximum of two hundred (200) parking spaces.
2. The building addition will be similar to the architectural renderings received by the Department of Community Development on October 5, 2009.
3. All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.

This matter is respectfully offered for your consideration.



William T. Martin, AICP

City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. Michael Sharrett, Applicant, Redeemer Presbyterian Church
Mr. Charles K. Hurt, Representative, Headformost, LLC

VII. ATTACHMENTS

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

MINUTES FROM THE APRIL 14, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Consideration of additional information from Redeemer Presbyterian Church regarding their conditional use permit application to adopt a master plan at 2021 and 2025 Mimosa Drive: At the October 14, 2009, public hearing, Planning Commission requested additional details regarding stormwater management, parking layout, grading and a more detailed footprint of the proposed expansion. The petitioner has provided a summary narrative, as well as revised concept plans and architectural renderings. The revised parking area layout would provide for a maximum of 191 parking spaces, a reduction of almost five percent from the number originally proposed. The expansion would occur in two phases with an increase to 96 spaces in Phase I and the balance in Phase II.

The revisions also include an entrance off Mimosa Drive to complement the existing Mimosa Drive entrance and a proposed access to Burnt Bridge Road. Staff has noted that the area between the two entrances on Mimosa Drive includes a new public sidewalk. The widening of pavement and application of curb and gutter along the frontage of the property would greatly benefit the proposed layout. Staff recommends that if the Planning Commission decides to recommend approval, an additional condition be provided that the layout, design, specification and phasing of the entrances be subject to the review and approval of the City's Transportation Engineer. It may be determined that the second entrance on Mimosa Drive is not needed.

The revised concept plan also identifies the project layout, clearing limits and conceptual design of the project. Staff maintains the original recommendation for approval of the CUP with the conditions outlined in the report.

There was discussion about whether or not to allow the public to speak. It was the consensus of the commissioners to allow for public comment but not to hold another public hearing.

Ms. Mary Ellen Goodlatte, an attorney representing Redeemer, came forward. The church has engaged architects and engineers in order to refine its plans and address the questions and concerns raised by the commission. The church authorized a study to delineate the wetlands and the jurisdictional streams on the property. It has been approved by the Army Corps of Engineers. The church has determined that the pond will remain as it is now and will not be incorporated into a stormwater management system. Stormwater will be handled underground. The pond will be incorporated into the significant green space, approximately 3.7 acres, that will remain undisturbed. 1.6 acres of the disturbed area will be landscaped or vegetated.

The plans submitted designate the limits of construction. The limits have been set to give the church some flexibility during the final engineering phase of the project but also to ensure where grading would terminate and where undisturbed land would continue. During Phase I, the church will renovate the interior of the existing building, connect to the sewer system, reconfigure the Mimosa Drive access and expand the parking lot to 96 spaces. During Phase II, the church will be expanded. The elevations show how the expansion follows the architectural patterns, building scale and materials of the existing church. By taking advantage of the topography, the two-story addition starts below road grade. Also during Phase II, the parking lot will expand to 191 spaces. Much attention has been paid in order to reduce the impact of parking on the footprint of the site while still providing sufficient parking to meet the needs of the church. Also during Phase II, an additional entrance onto Burnt Bridge Road will be provided. The location was determined based on traffic safety standards and analysis, as well as minimizing impacts to wetlands and jurisdictional streams. A new playground will also be provided.

The church conducted a neighborhood meeting recently and learned how much the community has enjoyed the use of the property for recreational purposes. The church intends to work with a local Boy Scout troop and the neighbors so that these community experiences can continue.

Ms. Goodlatte introduced the church's pastor, Mr. Mike Sherrett, as well as Mr. Alan Downie, one of the architects, Mr. Mark Ayles, one of the civil engineers, both of Hughes Associates.

Ms. Shannon Brennan of 2009 Mimosa Drive came forward. She is right next door to the church. She remarked that this is a much better plan than the first one presented and thanked the commissioners for sending it back for more details. She is more pleased with the way this plan is addressing stormwater. While Ms. Brennan applauds the reuse of an existing site, she feels that the congregation is too large for this site. 191 parking spaces is a lot in the middle of a

residential street that is substandard. She is concerned people will still have to park on Mimosa Drive. Ms. Brennan is also concerned about the signage and lighting.

Mr. Chris Gassler of 1253 Krise Circle came forward to speak. He is a member of Redeemer. He explained that the church is not looking toward unbridled growth. The congregation does not intend to grow past a manageable proportion for this property. The church has already planted a second congregation in Forest.

Chair Hamilton had those in favor of the petition stand and those in opposition stand. She opened the matter up to questions from the commissioners. Commissioner Swienton asked about three large white oak trees on the property and whether there was any discussion about preserving those trees. Mr. White explained that TRC reviewed the original plan and has not reviewed this revised plan as a formal committee. The petitioner did go around to a number of individuals to talk about specific recommendations limited specifically to the items that Planning Commission said needed to be addressed. Commissioner Swienton asked if it was customary for a concept plan not to go back to TRC after it is revised. Mr. White answered yes.

Commissioner Swienton was on the site today with someone who has a degree in forestry. The forester estimated the trees could be as much as 500 years old. Mr. Mark Ayles came forward to address this matter. It was their original intention to save the trees but before going further in the design process, they hired an arborist. He had a letter from Mr. David Hardey with Slippery Rock Timberlands, LLC. Mr. Hardey evaluated the trees and they are 250 to 300 years old but the trees have some significant problems. Mr. Hardey feels the trees are either in decline or starting to decline in their overall health. Mr. Hardey did not feel the trees had much of life span left if they remained untreated. Mr. Ayles said it was decided not to work around these three trees because it would impact more of the smaller, healthier trees. Mr. Ayles said they could have moved the entrance and the parking but it would have impacted more of the site.

Chair Hamilton asked Mr. Ayles how the church plans on preventing street parking on Mimosa Drive. Mr. Ayles acknowledged that the church is only required to put in 125 parking spaces based on a 500-seat sanctuary. The church added the additional spaces to ensure that people do not park on the street. The church could also work with the City to post "No Parking" signs on Mimosa Drive. Commissioner Barnes is concerned about the number of parking spaces, which is a much larger number than is required. He feels that the parking being provided in Phase II will be fairly expensive because of the topography of the property and the additional stormwater management. Commissioner Barnes suggested other ways of dealing with the students who attend the church such as providing vans to pick them up and an active campaign to encourage them to carpool. The money saved by not building the additional parking spaces could be directed toward the vans. Mr. Ayles acknowledged the points made, but the number of spaces is based on the church's demographics.

Mr. Mike Sherrett, the pastor of Redeemer, came forward. He said they have issues now with parking at their present facility. The church would love for them to park at the Boonsboro Shopping Center and carpool. The church has not explored any other options such as vans. Mr. Sherrett asked members of staff if anyone knew how many cars are parking at the present site. A neighbor answered that he had gone to the present facility and counted cars. He counted 172 at 11:00 a.m. on a Sunday. Ms. Goodlatte commented that Redeemer's situation is not unlike many middle-size churches that have more than one service. The typical family does not all come to church together; you end up with 2.5 people per space. Lots of study was done to redesign the parking lot and reduce its footprint. She acknowledged that the church does not want to build more parking than is needed, but the church also does not want people parking on Mimosa Drive and neighbors complaining that the church has not handled its parking adequately.

Commissioner Sale encouraged the pastor to have strict signage on both streets and to make the congregation well aware of the situation and the need to be sensitive to the neighbors. Commissioner Sale asked for clarification that there is no Phase III planned, and the pastor said that is correct. Commissioner Sale commented that the church needs to have a covenant with the community not to encumber the streets with parking. Commissioner Sale asked them to consider permeable pavement. That will help the church in the long run with its stormwater management and will enhance the beauty of the property.

Commissioner Sale addressed the issue of lighting and commented that non-directional and glare shielded lighting is a condition of the CUP. The issue of signage has not been addressed. The pastor assured the commissioners that signage would be tasteful, attractive and not overwhelming.

Commissioner Swienton asked if he had missed a picnic shelter when he did his site visit. Mr. Ayles said there is not currently one; there is one proposed. Commissioner Swienton asked how the picnic shelter could be constructed outside the construction limits. Mr. Ayles acknowledged that he probably should have shown the construction limits for the picnic shelter, but that is probably not going to be its exact location. The size has not been determined either but he would estimate maybe 1,400 square feet. Mr. White said that if it exceeded 1,000 square feet, it would require a land disturbance permit and would be subject to review by city staff. If it ends up being less than 1,000 square feet, it would still require some kind of plan. The amount of detail is relative to size.

Commissioner Swienton asked if the limits of construction shown on the plan indicate that the limits will go to within 15 feet of the pond. Mr. Ayles said the church is still in the preliminary stages of design and does not know the slopes of the parking lot or the stormwater management system it will be using. Once they determine what stormwater best management practice they will be going with, that will determine the grading. The construction limits shown are the ultimate worst case scenario; they had to allow themselves some latitude as far as grades.

Chair Hamilton asked Mr. Ayles to explain the stormwater management plans in terms of making sure the runoff does not go into the pond. Mr. Ayles said the parking lot will have curbing allowing the water to be contained and cleaned before it is released. Phase I has its own water quality and water quantity units, as well as Phase II. Commissioner Hooper asked if they had done a quantity takeoff on cut to fill on Phase I versus Phase II. Mr. Ayles said they had not. Commissioner Hooper thought that during Phase I, they would end up with a huge pile of materials. He is wondering where those materials will go between Phase I and Phase II. Mr. Ayles is not sure of the time frame of the two phases. He said they will try to balance the site first and does not know the amount of surplus there will be because they do not know the grades of the parking lot yet. To do all this analysis would be very costly at this stage. He would imagine that any surplus cut from Phase I could be rough graded for Phase II instead of hauling it off site and bringing it back or having an ugly stockpiled area.

Commissioner Hannon asked for clarification of what is being proposed for approval today. Mr. White said the commissioners would be approving substantial compliance with the site plan presented. That allows for leeway on some design items, but the square footage of the building, for example, could not exceed the plan. The commissioner would be approving the most recent documents dated March 5, 2010.

Commissioner Swienton asked what the present square footage of the church is and the proposed square footage. Mr. Alan Downie came forward to answer that question. The existing footprint is 3,420 square feet and the new footprint would be approximately 8,500 square feet.

Commissioner Swienton asked if anything could be done in the design of the parking lot that would at least preserve the tree off to the right in back of the shed. Mr. Ayles said that would be difficult to say. In a typical tree, the feeder roots extend to the drip line of the tree. There would have to be gravel to that drip line, which would be pretty significant. There would also have to be a retaining wall around the outside of it. The loss of parking spaces for the tree well would have to be made up in other places, which would impact a significantly larger area. Commissioner Swienton asked Commissioner Hooper if he was aware of any type of natural material that could be used that would one to go fairly close to the tree trunk. Commissioner Swienton asked Mr. White if he was aware of how Quaker Memorial Church had been able to preserve the mature trees on its site. Mr. White thought that church had flexibility on its site to be able to avoid the trees. Commissioner Hooper said he has worked on projects before where he has put walls up under the drip lines of trees and hired an arborist to trim the roots. Commissioner Hooper acknowledged that building an enclosure around this tree would cause the church to lose a great deal of parking area. Commissioner Hooper is not aware of anything else one could do to save the tree.

Chair Hamilton asked if the church is prepared to maintain the dam on the property. Ms. Goodlatte said the church will be legally obligated to do so.

Commissioner Sale made the following motion, which was seconded by Commissioner Hannon:

“That the Planning Commission recommends to City Council approval of Redeemer Presbyterian Church’s petition for a conditional use permit (CUP) at 2021 and 2025 Mimosa Drive subject to the following conditions:

1. **The property shall be developed in substantial compliance with the master development plan for Redeemer Presbyterian Church dated March 5, 2010, and received by the Department of Community Development on March 8, 2010. The master plan shall allow for no more than five hundred (500) seats within the church sanctuary and a maximum of one hundred ninety-one (191) parking spaces.**
2. **The building addition will be similar to the architectural renderings received by the Department of Community Development on March 5, 2010.**
3. **All lighting shall be glare-shielded and non-directional to prevent illumination across the property line."**

Commissioner Sale expressed appreciation for the work the church has done since its initial site plan. He will presume that the church will hold well to its covenant with the community and appreciates them preserving the activities that the community has enjoyed on the property.

Commissioner Hannon expressed appreciation for the extra work that the church has done as well. His concerns center on Mimosa Drive and if Burnt Bridge Road was not the type of street that it is, he would probably vote against this petition. He thinks the church should encourage its congregation to use Burnt Bridge Road instead of Mimosa Drive.

At this time, Mr. White reminded them of the added condition that staff had recommended in his summary that the layout, design, specification and phasing of the entrances be subject to the review and approval of the City's Transportation Engineer.

Commissioner Sale amended his earlier motion, which was seconded by Commissioner Hannon:

"That the Planning Commission recommends to City Council approval of Redeemer Presbyterian Church's petition for a conditional use permit (CUP) at 2021 and 2025 Mimosa Drive subject to the following conditions:

1. **The property shall be developed in substantial compliance with the master development plan for Redeemer Presbyterian Church dated March 5, 2010, and received by the Department of Community Development on March 8, 2010. The master plan shall allow for no more than five hundred (500) seats within the church sanctuary and a maximum of one hundred ninety-one (191) parking spaces.**
2. **The building addition will be similar to the architectural renderings received by the Department of Community Development on March 5, 2010.**
3. **All lighting shall be glare-shielded and non-directional to prevent illumination across the property line.**
4. **The layout, design, specification and phasing of the entrances shall be subject to the review and approval of the City's Transportation Engineer."**

Commissioner Barnes commented that he still has some concerns about the parking area of Phase II. He is hoping that after Phase I, the church might try some other techniques for dealing with parking. He would like to see them build fewer parking spaces in Phase II, if at all possible. He thinks the way the building is being built below the road grade helps to minimize the impact on the neighborhood.

Commissioner Swienton was concerned about the size of this church but notes that the church he attends is in an R-1 neighborhood on a substandard road as well. A few years ago, his church added a 12,000 square foot addition. He does not feel he should vote with a double standard. He believes Ms. Brennan's concerns are valid but does not believe those concerns are enough for him to vote against this petition. Commissioner Swienton would have more serious concerns if the expansion of building was going to take place on the Mimosa Drive side rather than the Burnt Bridge Road side of the property. He thinks that addressing the pond was a very key issue for him. Although he still has some concerns about how close the parking and clearing can be to the pond, he is going to have confidence that will be in concurrence with current laws and those laws will be actively enforced. He would like to see the mature trees preserved but realizes that he cannot use that as a guideline to vote against this petition. He believes the trees add a lot to the spirituality of the

property. He is also glad to see an adaptive reuse of a piece of property. He suggested the church might be able to strike a deal with the property owner across the street to use it for parking or another church use. He also appreciated all the detailed work and thought that went into this revised plan.

Commissioner Hooper was not on the commission in October 2009, but he compared this plan with the previous plan and applauds the effort that has been put into developing this revised plan. He concurs with the other commissioners and encourages the church to really try and minimize the environmental impacts however it can. He echoed Commissioner Hannon's comment that the church should encourage the congregation to use Burnt Bridge Road as much as possible. Maybe some signs could be placed on Mimosa Drive by the City encouraging local traffic only. He also encourages the City to look at a four-way stop at Mimosa Drive and Burnt Bridge Road.

Commissioner Swienton also suggested the church might want to hire an off-duty police officer to direct traffic.

Chair Hamilton was concerned about the preservation of the pond and applauds the church for doing the wetlands delineation. It was a great effort for the neighborhood and the community as a whole. She is confident the church will ensure no runoff goes into the pond during construction.

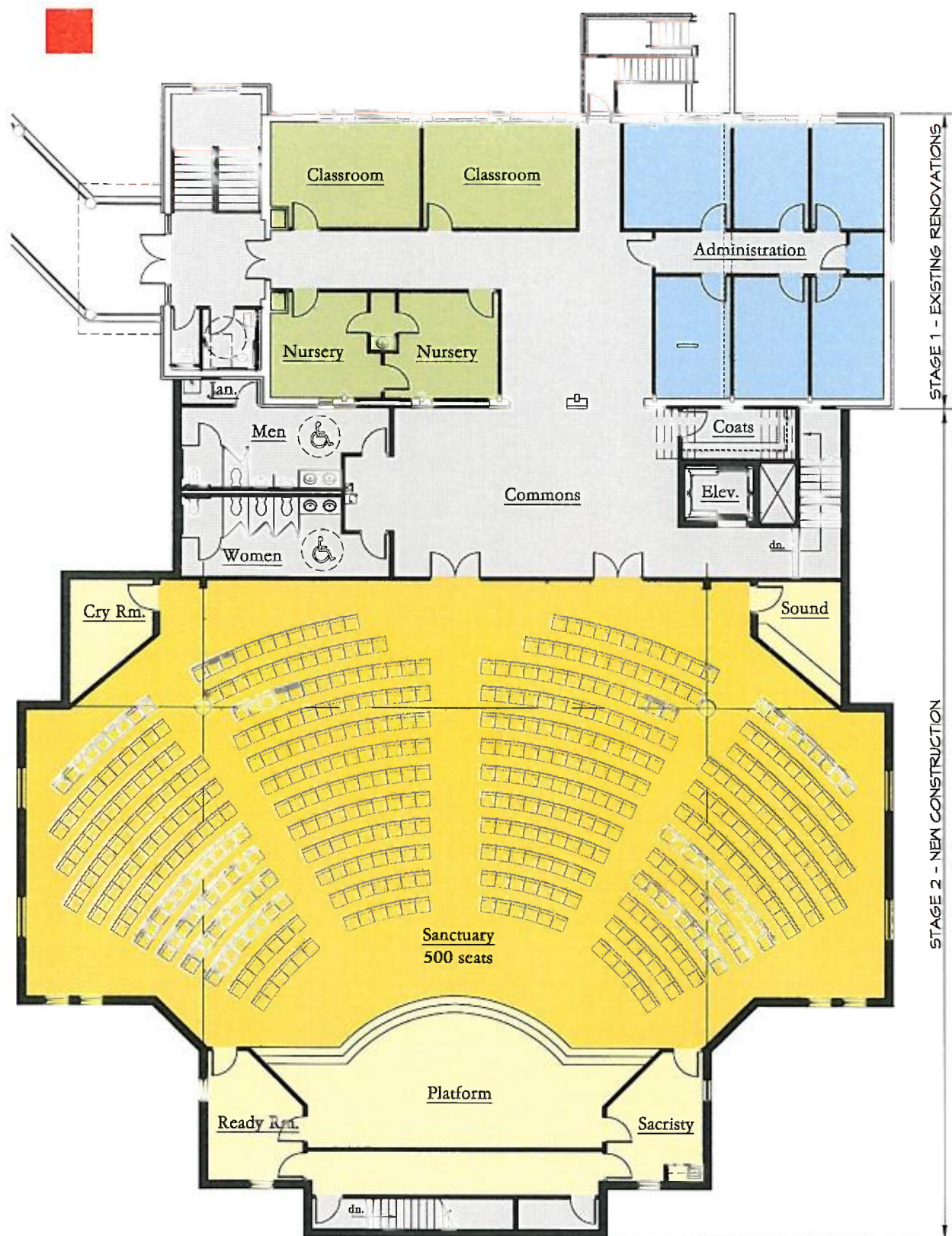
The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Hooper, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

Comm: 09044
March 5, 2010

Color Legend

- Sanctuary
- Platform/ Sanctuary Support
- Education
- Administration
- Kitchen
- Fellowship Area
- Circulation / Support



MAIN LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



BASEMENT LEVEL FLOOR PLAN
SCALE: 1/8" = 1'-0"
0 4' 8' 16'

Addition to
Redeemer Presbyterian Church
Lynchburg, Virginia

**HUGHES
ASSOCIATES
ARCHITECTS**

Architecture • Engineering • Consulting
www.HughesArchitects.com



Comm: 09044
March 5, 2010



REAR ELEVATION
SCALE: 1/8" = 1'-0"
0 4' 8' 16'



SIDE ELEVATION
SCALE: 1/8" = 1'-0"
0 4' 8' 16'

Addition to
Redeemer Presbyterian Church
Lynchburg, Virginia

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Comm: 09044
March 5, 2010



Addition to
Redeemer Presbyterian Church
Lynchburg, Virginia

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- Legend**
- Tree
 - Shrub
 - HC Sign
 - Drainage Structure
 - Pipe (Proposed)

Notes:

1. Landscaping shown is for graphical purposes only. All landscaping shall comply with the City of Lynchburg City Code.
2. Plant species will be determined during the plan development stage and will also require City approval.
3. Stage I provides 96 parking spaces, including four ADA parking spaces
4. Locations of the storm water management systems are approximate and will require City approval.
5. All of the proposed entrances have a minimum of 285' of sight distance.

DATE: Mar. 5, 2010

REVISIONS

HUGHES ASSOCIATES ARCHITECTS
Architecture • Engineering • Consulting

656 ELMAVENUE, S.W.
P.O. BOX 1034
ROANOKE, VIRGINIA 24005-1034

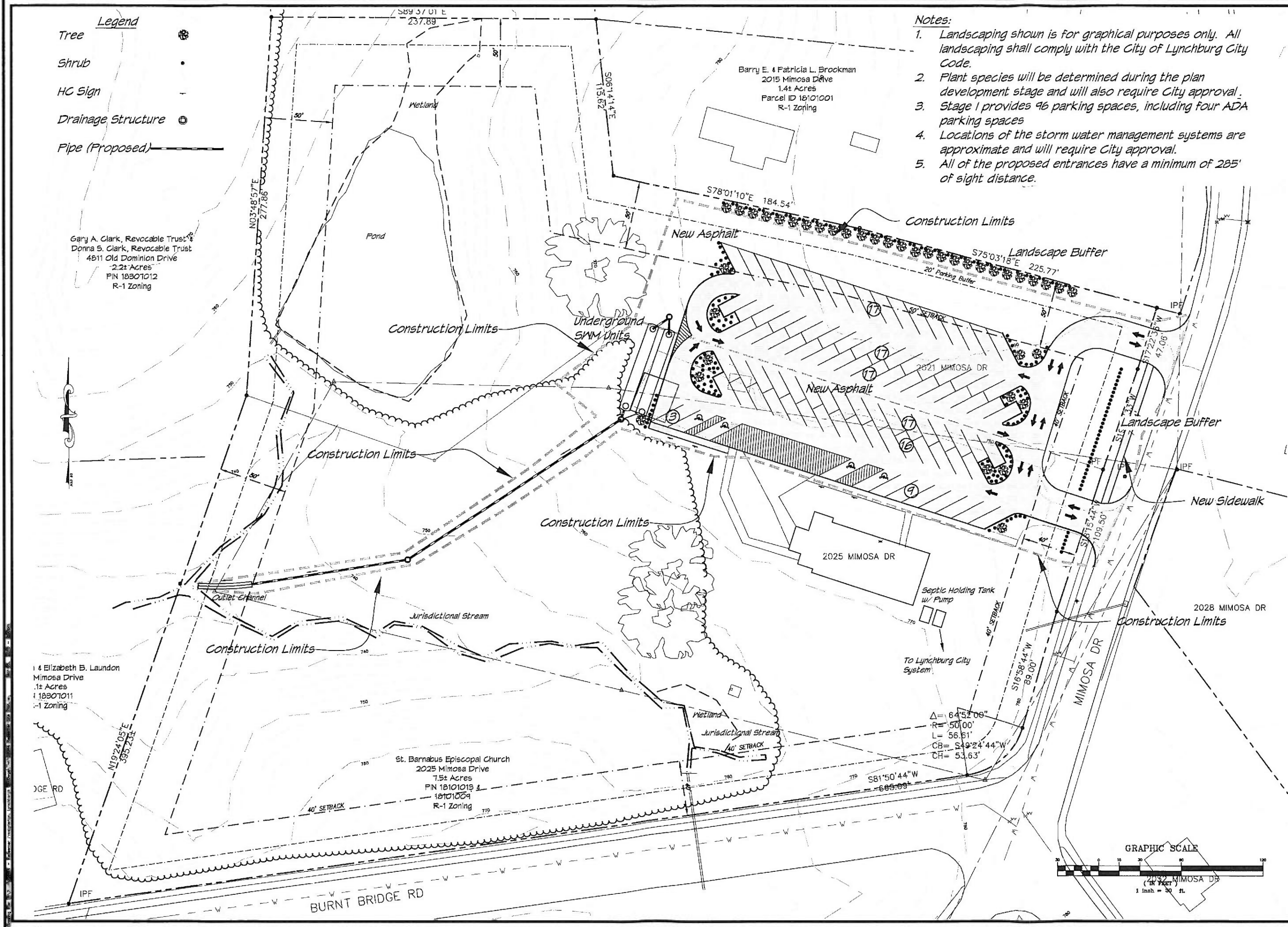
TEL (540) 342-4002
FAX (540) 342-2060
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WORSHIP FACILITY EXPANSION
REDEEMER PRESBYTERIAN CHURCH
2025 Mimosa Drive Lynchburg, Virginia

Preliminary
Stage I

COMMISSION No.
09044
SHEET
SP-1

No. 1 of 2
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A PROFESSIONAL CORPORATION



- Legend**
- Tree
 - Shrub
 - HC Sign
 - Drainage Structure
 - Pipe
- The Construction Limits Shown Here Include Stage

Gary A. Clark, Revocable Trust
Donna S. Clark, Revocable Trust
4811 Old Dominion Drive
2.2± Acres
PIN 18307012
R-1 Zoning

Elizabeth B. Laundon
Mimosa Drive
.1± Acres
PIN 18307011
R-1 Zoning

St. Barnabus Episcopal Church
2025 Mimosa Drive
7.5± Acres
PIN 18101013 &
18101009
R-1 Zoning

Barry E. & Patricia L. Brookman
2015 Mimosa Drive
1.4± Acres
Parcel ID 18101001
R-1 Zoning

Notes:

1. Landscaping shown is for graphical purposes only. All landscaping shall comply with the City of Lynchburg City Code.
2. Plant species will be determined during the plan development stage and will also require City approval.
3. Stage II provides 191 parking spaces, including six ADA parking spaces
4. Locations of the storm water management systems are approximate and will require City approval.
5. All of the proposed entrances have a minimum of 285' of sight distance.

DATE: Mar. 5, 2010

REVISIONS

HUGHES ASSOCIATES ARCHITECTS
Architecture • Engineering • Consulting

656 ELM AVENUE, S.W.
P.O. BOX 1034
ROANOKE, VIRGINIA 24005-1034

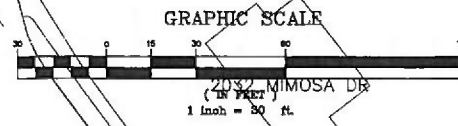
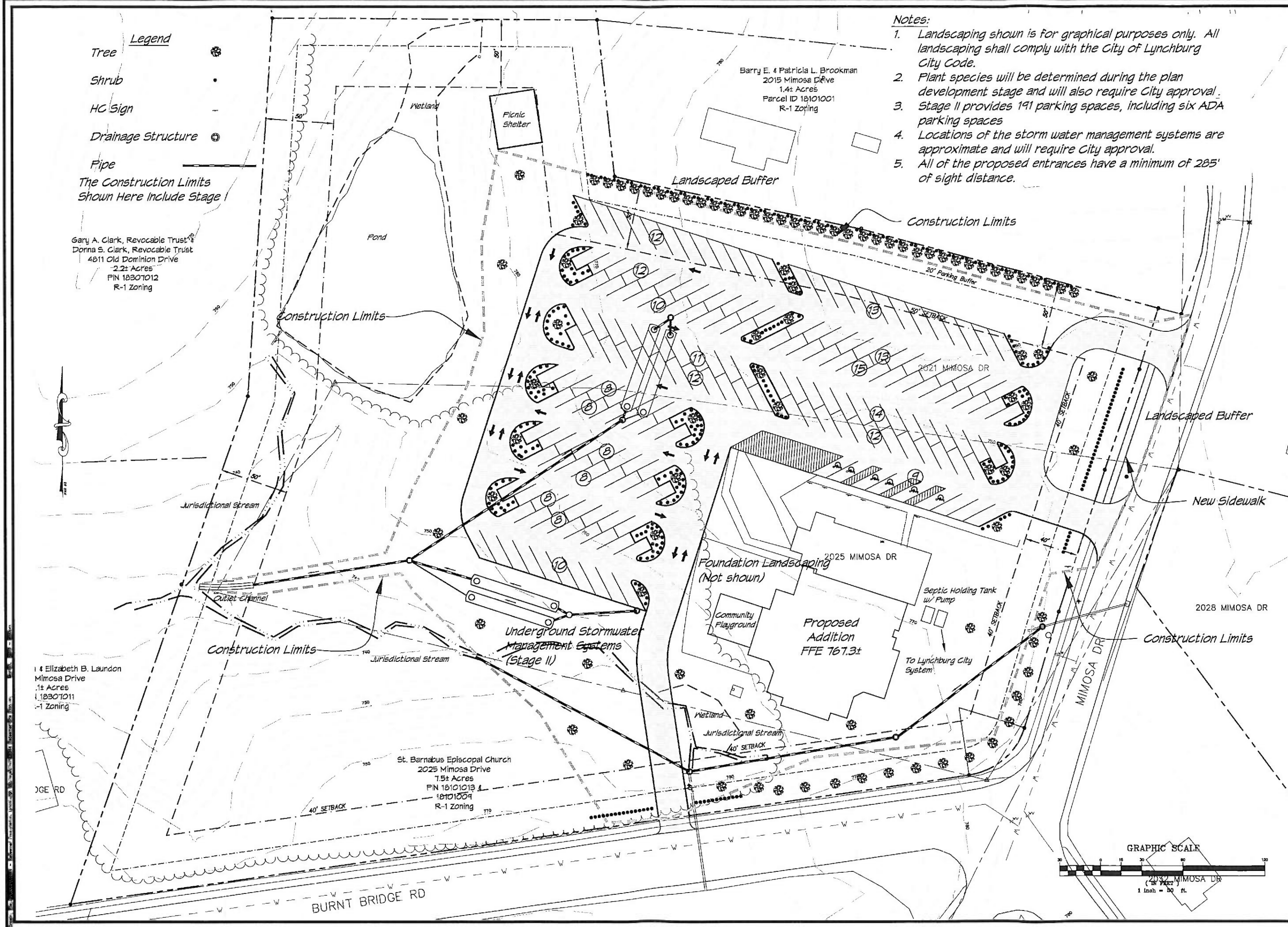
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WORSHIP FACILITY EXPANSION
REDEEMER PRESBYTERIAN CHURCH
2025 Mimosa Drive Lynchburg, Virginia

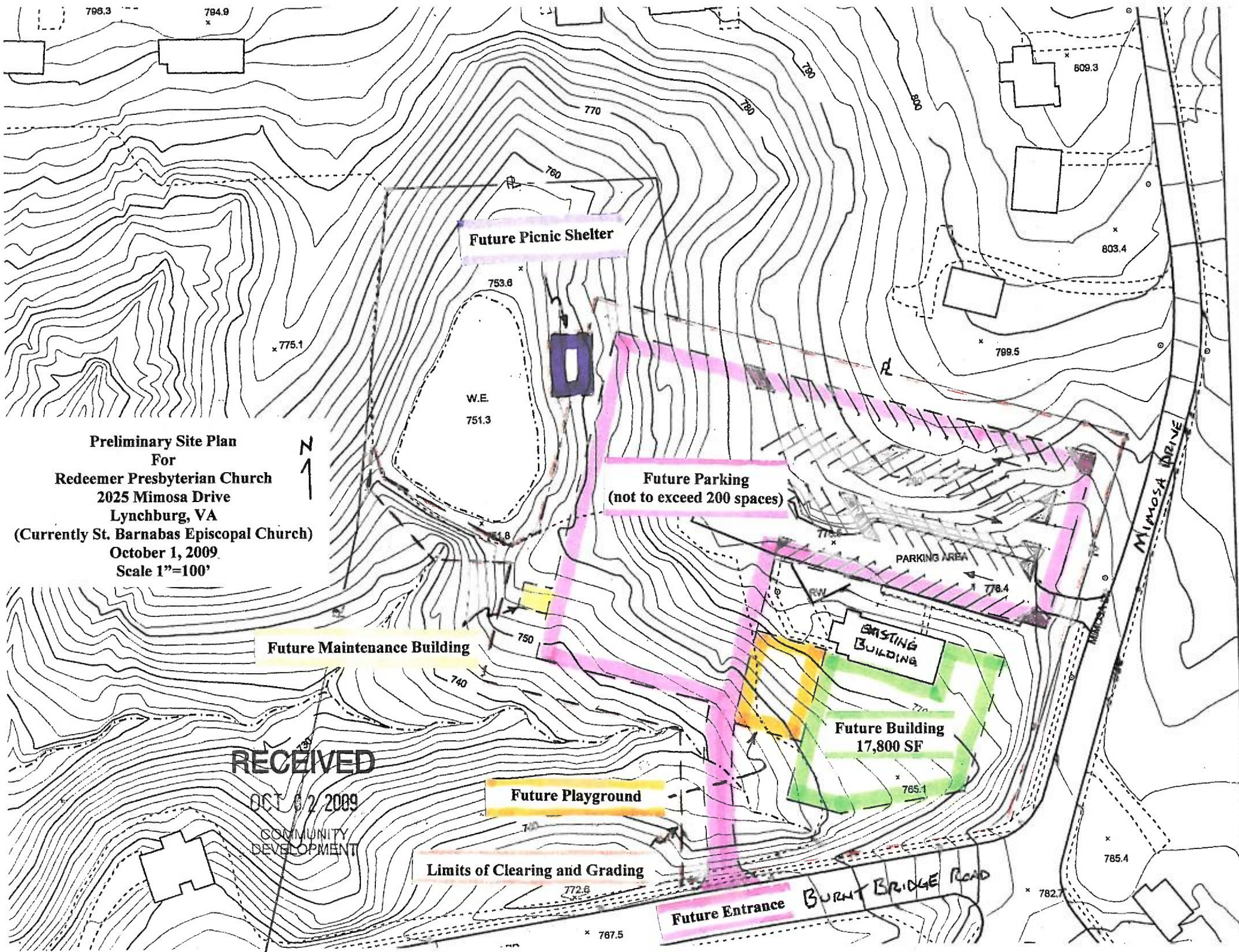
Preliminary
Stage II

COMMISSION No.
09044
SHEET
SP-2

No. 2 of 2
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**Preliminary Site Plan
For
Redeemer Presbyterian Church
2025 Mimosa Drive
Lynchburg, VA
(Currently St. Barnabas Episcopal Church)
October 1, 2009
Scale 1"=100'**



RECEIVED
OCT 6 2 2009
COMMUNITY
DEVELOPMENT

REDEEMER PRESBYTERIAN CHURCH

2021, 2025 Mimosa Drive

PIN# 181-11-009, 013

Conditional Use Permit Request

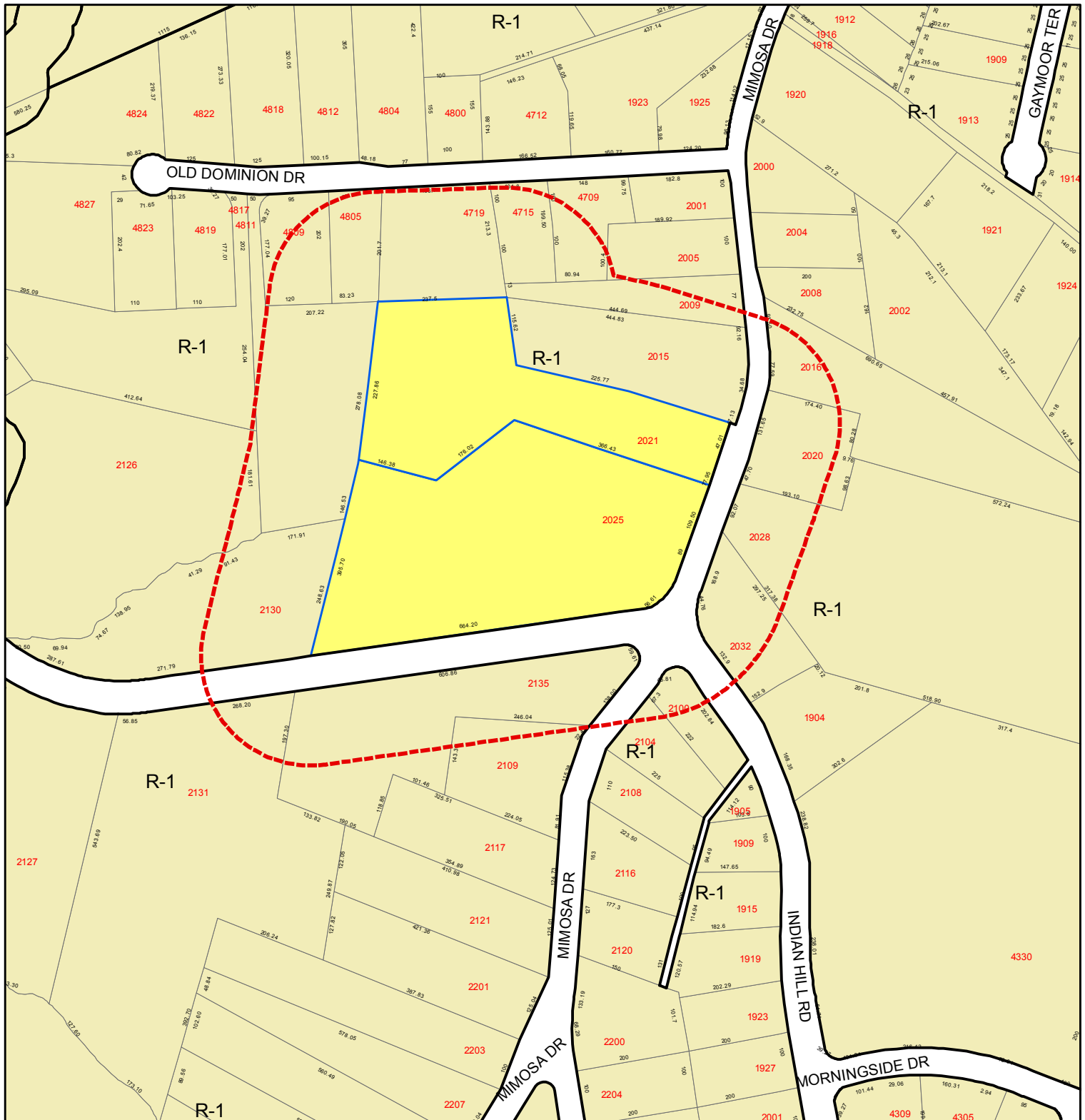
Petitioner-Redeemer Presbyterian Church



Subject Property

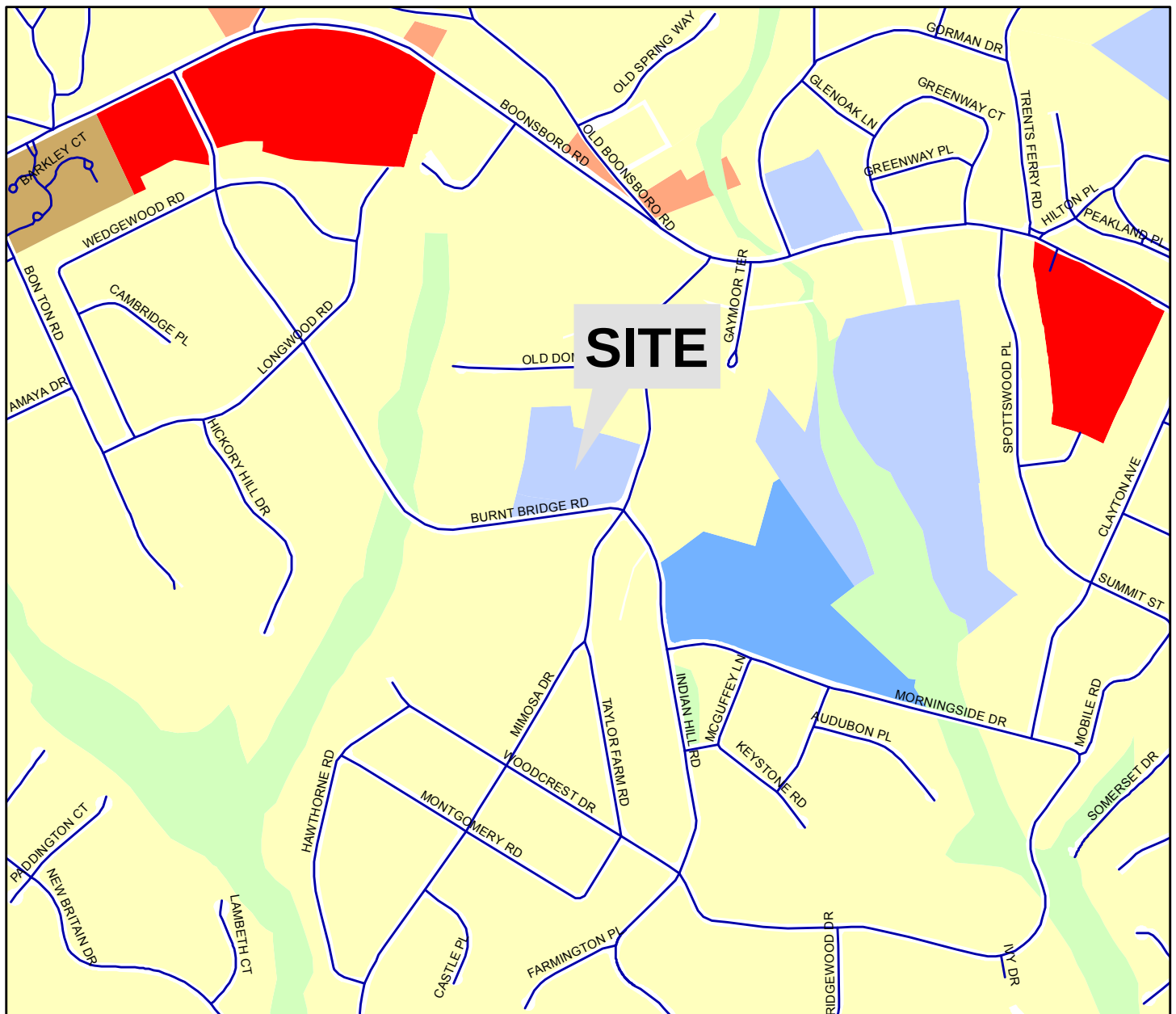


200 FT Buffer



REDEEMER CUP ADJOINING OWNERS

PIN	Owner	LocAddr
18005010	KAGEY MARGARET A F	2032 MIMOSA DR
18007031	VISCUSI CAROL A	2100 MIMOSA DR
18007032	BERRY MARTHA L	2104 MIMOSA DR
18010011	PABIS GEORGE S & PATRICIA A	2109 MIMOSA DR
18010014	CARDWELL ANNE T	2135 BURNT BRIDGE RD
18101001	BROOKMAN BARRY E & PATRICIA L	2015 MIMOSA DR
18101003	CONROY MAUREEN A	4719 OLD DOMINION DR
18101004	MURPHY WYATT R & PHYLLIS A LIFE C/O MURPHY WYATT R JR ETALS	4715 OLD DOMINION DR
18101005	FISHER KURT E & TRUDY M	4709 OLD DOMINION DR
18101007	SPENCER RICHARD W & WILKINS ALLISON	2005 MIMOSA DR
18101008	BRENNAN SHANNON W	2009 MIMOSA DR
18101009	ST BARNABAS EPISCOPAL CHURCH	2025 MIMOSA DR
18101011	WATSON DAN C & PATRICIA J	4809 OLD DOMINION DR
18101012	WATSON DAN C & PATRICIA J	4805 OLD DOMINION DR
18101013	ST BARNABAS EPISCOPAL CHURCH	2021 MIMOSA DR
18306011	LOCKE JOHN F & STEPHANIE G	2131 BURNT BRIDGE RD
18307010	CLARK GARY A REVOCABLE TRUST & CLARK DONNA S REVOCABLE TRUST	2126 BURNT BRIDGE RD
18307011	ESCH MICHAEL D & LAUNDON ELIZABETH B	2130 BURNT BRIDGE RD
18307012	CLARK GARY A REVOCABLE TRUST & CLARK DONNA S REVOCABLE TRUST	4811 OLD DOMINION DR
18307013	CLARK GARY A REVOCABLE TRUST & CLARK DONNA S REVOCABLE TRUST	4817 OLD DOMINION DR
18418064	SYSTEMATIC CONCEPTS LLC	2020 MIMOSA DR
18418069	SYSTEMATIC CONCEPTS LLC	2016 MIMOSA DR
18418070	SYSTEMATIC CONCEPTS LLC	2028 MIMOSA DR
Owner	ST BARNABAS EPISCOPAL CHURCH	
Petitioner	REDEEMER PRESBYTERIAN CHURCH	
Representative	CHARLES K. HURT/HEADFORMOST	



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

REDEEMER PRESBYTERIAN CHURCH

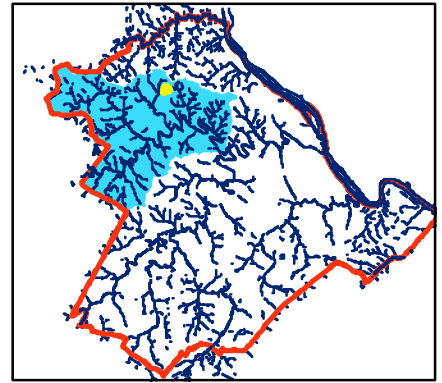
2021, 2025 MIMOSA DRIVE LAND USE PLAN



Redeemer Presbyterian Church

Watershed Location Map

-  Project Site
-  Ivy Creek
-  Corporate Limit



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MAR 08 2010

COMMUNITY
DEVELOPMENT

REDEEMER PRESBYTERIAN CHURCH

2025 Mimosa Drive Lynchburg, Virginia

Conditional Use Permit

March 5, 2010

The Redeemer Presbyterian Church is requesting a Conditional Use Permit in order to expand the existing sanctuary and add additional parking spaces to the facilities at 2025 Mimosa Drive. The existing church building is located on a 7.5-acre site at the intersection of Mimosa Drive and Burnt Bridge Road in Lynchburg, Virginia. The Church is the contract purchaser of the property, which is currently owned by St. Barnabas Episcopal Church.

The Planning Commission heard the application of the Church during its public hearing on October 14, 2009. Commission members expressed concern over the lack of detail in the plans presented by the Church and encouraged the Church to provide more information on the following development issues highlighted by Mr. Martin: (i) storm water management including whether the existing pond would be incorporated into the Church's storm water management plan, (ii) parking, including providing a more detailed layout and determining if the area devoted to parking could be reduced; (iii) site grading information; and (iv) a more detailed footprint for the building expansion. The Commission tabled consideration of the Church's request until the Church was in a position to provide the information.

Since the October public hearing, the Church has engaged Hughes Associates Architects and Engineers and other professionals to refine its plans in order to provide the information requested. We are enclosing an updated plan, with the requisite number of copies, showing the details surrounding the proposed Stage I and Stage II development. By way of background, we provide this narrative describing the studies undertaken and changes made to the development plan since the October 14 public hearing.

Parking Areas and Entrances:

The parking areas were revised to lessen the impact to the surrounding areas. To reduce the amount of paved surfaces, the parking stalls are angled and the drive lanes are one-way. This allows for a smaller overall paved area, but it does come at the expense of efficiency and convenience for the Church. The Church determined that it was more important to reduce the impact to the site than create more comfortable parking areas for Church members. In addition, the number of total parking spaces has been reduced 5%, from 200 to 191.

The number of parking spaces is based on the demographics, history and practices of the congregation. The Redeemer attracts worshipers from all parts of the city and county, including young adults from the local colleges and university. While families attending our services often come 3 to 4 in a car, it has been our experience that college students tend to arrive 1 to 2 in a car. It is not in the Church's financial interest to create any more parking than necessary. Based on close analysis, the Church believes it can

accommodate its membership with 191 spaces by the time the Stage II parking is installed.

As part of the Stage II development, an entrance onto Burnt Bridge will be provided. Burnt Bridge Road is a relatively newer roadway with excess capacity. The road is considered an “urban” type roadway in that it has concrete curbs and gutter, a sidewalk, and has a 25-mph posted speed limit. This proposed entrance will encourage the congregation to exit and enter the site from Burnt Bridge Road rather than Mimosa Drive.

The location of the entrance as shown on the Stage II plan minimizes the combined impacts to the wetlands and stream and is far enough away from the intersections of Mimosa Drive, Burnt Bridge Road, and Indian Hill Road to allow for safe traffic flow. Just to the east of the proposed entrance is the low point of Burnt Bridge Road, which limits moving the entrance to the east.

If the proposed entrance moved towards the west the impacts to the jurisdictional stream would be significantly increased due to the elevation differences between the roadway and the bottom of the stream. The elevation differences would cause for a higher fill slope that would impact the stream and require a longer pipe to carry the stream. In addition, the entrance would impact a significant larger number of trees.

The Church will continue the sidewalk along Mimosa Drive. The sidewalk will begin at terminal point of the existing entrance and continue north to the property line.

Worship Area:

The expanded Church sanctuary, as shown on the attached plans, has an 8,500 sf footprint. As you can see when comparing the revised plan against the original submitted, a copy of which is attached for easy reference, the revised building footprint is considerably smaller than the original. The building will be well within all of the setback requirements. In fact, it will be an additional 10' from the roadways in order to address concerns expressed by the neighbors.

The existing Church building is a brick structure with glazed accent brick and large residential style windows. The Stage I building renovation will be strictly an interior renovation to provide handicap accessible toilets and additional classrooms. Stage II will include a two-story addition for new sanctuary with seating for 500 and a lower level for classrooms and a fellowship hall. A connector link between the buildings will contain a stair, elevator and multi-fixture restrooms.

Careful attention has been made to maintain the scale of material of the existing in the design of the expansion. The dimensions of predominant existing gable are repeated on each side of the addition to present a familiar visual image. The existing window configuration will be repeated in order to maintain the existing fabric of voids and solids; the grade will be raised around the base of the building to minimize the effective height and foundation plantings will be added to soften the lower edge.

Sanitary Sewer:

The existing facilities are served by a conventional sanitary septic system. The proposed facilities will be served by the public sanitary-sewer system. The site is well below the roadway elevation and will require a sanitary system on-site to temporarily contain the effluent and to pump it up to the street level and flow to a new gravity system that will ultimately enter the existing public sanitary-sewer system. The required engineering analysis and details will be provided as part of City's plan development and review process. Those plans must meet all of the City of Lynchburg requirements as well as the Virginia Department of Health requirements. We met with Lee Newland, Director of Engineering, on March 4, 2010 to discuss our approach and options.

Landscaping/Vegetation:

The preliminary site plans attached do not show the detailed landscaping and buffer details. The City Code for the City of Lynchburg has stringent landscaping and buffer requirements. The City Code also has a variety of options including berms, fences, trees and shrubs. The perimeter and the interior of the parking areas will contain significant trees and shrubs as required by the City code. The City Code also requires 20 trees per acre for all disturbed areas not required for operations and foundation landscaping. The final landscaping plan will conform to the requirements set forth by the City Code and will require approval by the City officials.

In order to address concerns about grading, we have identified the limits of construction on the plans. In fact, the limits depicted are worst-case and allow for some flexibility during the design process. This was done to ensure that if unsuitable soils are encountered, which would require flattening the cut and fill slopes for slope stability, or if changes to the grades are needed based on the Best Management Practices (BMPs) selected for storm water management, changes can be accommodated within the limits established on the revised plans. As you know, certain BMPs available and approved by the City of Lynchburg require different grades to maximize their effectiveness. .

Based on the construction limits shown on the plans, we anticipate that approximately 3.7 acres of the site, including the existing pond, will remain undisturbed. Additionally, 1.6 acres of the disturbed areas will be landscaped or vegetated as required. Consequently, 70% of the 7.5 acre site will either be undisturbed, landscaped or vegetated.

Stormwater Management:

We met with Erin Hawkins, City of Lynchburg Environmental Planner, on March 4, 2010 to review and discuss stormwater management for the development. We reviewed the preliminary plans and discussed our options as described in the City of Lynchburg Stormwater Quality Design Protocol. This project will meet all of the Virginia Department of Conservation and Recreation and the City of Lynchburg requirements for water quality/ quantity requirements. We intend to explore all options and BMPs including, low impact development (LID) practices, infiltration, bioretention areas,

swales, porous pavements, and structural BMP. The structural BMP's include Filterra units, sand filters, and underground StormTech chambers. Each type of BMP has its own benefits and drawbacks. During the development of the construction documents all BMP's will be evaluated to determine the optimum one or ones to use.

To reduce the surface impacts and the loss of additional trees, we anticipate that the quality portion of stormwater management will be underground. The specific method has not been determined at this time. All portions of the stormwater management system will include detailed maintenance requirements and schedules.

The existing surface pond will remain unchanged and will not be incorporated into the storm water management system. The Church intends to prevent runoff from the on-site impervious areas from entering the existing pond. To preserve the volume of runoff entering the pond, a bypass ditch will allow the off-site runoff to bypass the paved areas which will allow the pond to remain as is and not impact the existing wetlands.

Erosion and Sediment Control:

This project will meet all of the Virginia Department of Conservation and Recreation and the City of Lynchburg requirements for erosion and sediment control. The stormwater management system will attenuate the peak discharges to match the predevelopment discharges for the 2-, and 10-year rainfall event.

To preserve the existing streams, the discharge point of the stormwater management system will be at the confluence of the two streams. This will relieve stress on the two smaller streams as it will discharge downstream of the two individual branches. We will provide calculations, which will determine the adequacy of the existing channel. As discussed with Ms. Hawkins, if the proposed discharges are larger than the channel can carry without erosion and overtopping, for the 2-, and 10-year events respectively, the storm water management system will be designed to over-attenuate the flows to an acceptable level.

Jurisdictional Streams and Wetlands:

The parcel contains wetlands, streams and a surface pond. During the Commission's public hearing, a number of questions were raised about the impact of these areas on the Church's plans. In order to address those questions and concerns, the Church retained the services of Thom Leedom of Blue Ridge EcoLogical Service, to delineate wetlands, the pond, and the federal jurisdictional waters as defined by the US Army Corps of Engineers (ACOE). Mr. Leedom has extensive experience in delineating areas of interest to the ACOE.

Mr. Leedom visited the site on January 12, 2010 and delineated the pond, two wetlands and two jurisdictional streams with surveyor's flagging. On January 20, 2010 he met Ms. Jeanne Richardson, Field Officer-ACOE-Lynchburg Field Office, to review the areas he flagged. Ms. Richardson agreed with Mr. Leedom's delineations. The Church's

surveyor resurveyed the site and added the flagging to the survey mapping. The preliminary plans show the areas under the jurisdiction of the ACOE. The final report prepared by Mr. Leedom was submitted to Ms. Richardson and is currently awaiting final comments.

The preliminary site plan was developed with Mr. Leedom's input and guidance in order to minimize the impacts to the wetlands and jurisdictional stream as mentioned above. Prior to construction, the Church is required to obtain a State Programmatic General Permit (SPGP). The Virginia Department of Environmental Quality (VDEQ) administers the permit for the three agencies involved, ACOE, VDEQ, and the Virginia Marine Recourse commission.

Fire Marshal:

The preliminary plans were submitted to the Fire Marshal, Brian Wormser, for a cursory review on March 1, 2010. In discussing the plans with Mr. Wormser on March 5, 2010, he indicated that the preliminary plans appeared to be in relative conformance to the City requirements and all that would be required are slight modifications to some of the radii and drive lane widths. The modifications required can occur without changing the construction limits. We also discussed sprinkler requirements, fire hydrant placement, and fire flow requirements.

Playground:

The expansion of the parking area requires that the playground be relocated. Stage II of the development includes the addition of a playground, which the Church intends to make available to the community. This will be a larger playground than currently exists and will be open to the public during daytime hours.

Lighting:

All fixtures for site lighting will be glare-shielded and non-directional in order to prevent light spillage on the adjoining parcels and the right-of-way.

Community Meeting:

To provide neighbors with an opportunity to consider and discuss the Church's revised plans in an informal setting, the Church has scheduled a community meeting for March 25, 2010 from 6:00PM to 8:00PM, at St. Barnabas. A formal presentation will be made at 7:00 PM. The Church will contact its neighbors to invite them to the meeting.

MINUTES FROM THE OCTOBER 14, 2009 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of Redeemer Presbyterian Church for a conditional use permit to adopt a master plan that would allow the future construction of a church sanctuary, classroom space, parking additions, recreational and maintenance facilities in an R-1, Low Density, Single-Family Residential District at 2021 and 2025 Mimosa Drive.

Mr. Martin addressed the commissioners with the following comments. This is a master development plan for the subject property. While the proposed additions are significant, the proposal would maintain at least 60 percent of the forested portion of the project as undeveloped. Stormwater management would either be addressed by using the existing pond or a new dry pond would have to be installed. Water quality would be addressed by using best management practices. The project as submitted to the City for review is below the threshold for a traffic study. The City's Transportation Engineer has noted that there is existing capacity on the adjacent network of streets. However, it is his thought that the additional traffic will be felt by the surrounding neighbors. Adequate parking is proposed on site and a GLTC bus stop is located approximately 1,000 feet from the property.

The *Future Land Use Map* recommends a Low Density Residential use for the subject property and institutional uses that are compatible in scale with single-family homes or residential neighborhoods are permissible in these areas. The proposed church building would be constructed of brick, wood and/or Hardiplank®. Planning staff recommends approval of the conditional use permit.

Mr. Chuck Hurt of Headformost Company came forward to represent the petition. Redeemer Presbyterian Church is seeking to add about 17,800 square feet to the existing 6,000 square foot church on the property. This would contain a sanctuary with a seating capacity of about 500. About 160 parking spaces would be added. There are around 40 spaces there now, and the parking will not exceed 200 spaces. A playground area, maintenance building and picnic shelter are also on the plan. The property is currently on a septic system, and the plan is to connect to the City system and use a pumping system. There are plans to develop some trails in the wooded area around the pond.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward, but she recognized two people at the meeting in support. Chair Hamilton asked for anyone who wished to speak in opposition or with questions or concerns.

Mr. George Pabis of 2109 Mimosa Drive came forward. His property is across the street from the church. The members of the church did give the neighbors an opportunity to meet and talk with them and that was appreciated. Members of the church came to his house, and there was a neighborhood meeting held at the church. Mr. Pabis said that he was not there to oppose the church; he wanted to raise some thoughts and concerns that could be addressed. The concerns the neighbors have are pretty much the same as the ones they had about the proposed Planned Unit Development across the street. The concerns relate to safety, the impact on the environment and whether it fits in with the community and the existing neighborhood.

From a traffic point of view, that is a big concern of his and the other neighbors. Since this is a church and mostly will be meeting on Sunday, he does not think that it will be a big safety concern. It might be hard for him to get out on Sunday, but he thinks that is something he can manage. However, he did point out on the site plan where there has been a problem in the past. Where Burnt Bridge Road and Indian Hill Road intersect, there is a peak, and there have been a number of instances of people going through the stop sign on Indian Hill Road and ending up at the bottom of the steep incline. He is concerned and thought that maybe some rumble strips might help.

From an environmental standpoint, he is concerned about the runoff from the parking lot and how that will be handled. The neighbors are not thrilled with the idea of the runoff going into the existing pond. It might be detrimental to the wildlife in the pond. They would prefer some other means of dealing with the runoff.

As far as fitting in with the existing neighborhood, it is hard to complain about putting a church where there is an existing church. As long as it is aesthetically pleasing and not overdone, the lighting is not too bright or neon signs used, he thinks that it will be amenable to the neighbors.

Ms. Shannon Brennan of 2009 Mimosa Drive came forward to speak. She commented that the neighbors appreciate the fact that the church had a neighborhood meeting, but it was pretty loosely conducted. There was not really a presentation; they spoke with the pastor about what the church was generally going to do. So, she was rather shocked when she saw this site plan. It looks like nothing that they understood was going to happen. She confirmed this with four neighbors and they all had the same concerns. They had understood that the expansion of the church would go out towards Burnt Bridge Road. They did not know it would come so close to Mimosa Drive. They also did not know it was going to be 24,000 square feet. They had understood that the parking was going to be to the north of the property towards the Brookman's house. They had no idea that the vast parking lot was proposed behind the existing church towards the pond.

She thought that the proposed picnic shelter is in a spot where there is 200 year old oak tree. She hopes that the church does not want to cut this down. They also did not know that the church wants to cut 40 percent of the trees down. They did not know that the stormwater runoff is planned to be run into the pond. The neighbors had really hoped that they did not need to speak against this project because they did not think it was going to be this big. They feel that the size of the project is very much out of proportion in size to this parcel and to the single-family neighborhood. They welcome reuse of this facility as a church, but this is not what they understood was going to happen. Ms. Brennan had sent the commissioners a picture of the pond. It is a lovely natural resource and there is wildlife that she enjoys seeing there. It should not become a dumping ground full of oil, heavy metals and other runoff from a parking lot.

Ms. Brennan pointed out that staff had said in their report that they recommended the petitioner consider a reduction in the overall size of the project. She is concerned that this congregation may be too big for this site. If they need this much space, there may be another site that is more suitable. If the church is truly wedded to this site, the neighbors would like to see the project scaled back. Planning staff noted that only 125 spaces are needed for a facility this large. She would like to see the church scale back on the parking and the building size. She also echoed the concerns about a car driving into the church building if they build this close to Burnt Bridge Road because of the dangerous intersection at Burnt Bridge Road and Indian Hill Road.

Chair Hamilton asked for anyone who wished to be recognized as opposed to this petition to stand. Four people stood and Ms. Stephanie Locke of 2131 Burnt Bridge Road came forward. She commented that the neighbors are not against development in the area. They are just concerned about the scale. Mimosa Drive is very narrow; it is difficult for two cars to pass each other and it puts pressure on pedestrians. They feel that a development needs to be a compatible size for an R-1 neighborhood, and this proposed project is too big.

Chair Hamilton asked Mr. Hurt to come back to address some of these concerns. He mentioned that they would not cut down the large tree that Ms. Brennan had noted. The shelter could be moved to some other location. As far as the stormwater is concerned, they will have to meet the strenuous requirements of the *Stormwater Ordinance*. The bioretention facilities are designed to address pollutants and minimize the impact of the runoff. If the existing pond can be used for quantity, the church would like to do so rather than clearing more land for another pond.

As far as cars running into the building, that is a risk. Mr. Hurt pointed out that the footprint on the plan is a general layout. When an architect laid it out, he crossed over the setback lines, and this footprint was meant to show that the building would be further back and closer to the existing building. It has not been designed fully at this point. Mr. Hurt pointed out that Redeemer Presbyterian Church does not own the property; it is looking to purchase it depending on the outcome of this petition. There are a number of detailed issues that have not been worked out; the major issues were worked out to ensure that the project would work on this site.

Ms. Brennan came back to speak. The fact that this plan is very loose is one of their concerns. It is very non-specific and that makes it hard to evaluate. She did not hear any response to the enormous amount of parking behind the church. We need to protect our natural resources, and she would hope that a church would do so.

Mr. Richard Covers of 400 St. Andrews Circle came forward to speak. He is a member of the church and has been involved with the church since its beginning. It currently meets at James River Day School in the gymnasium. There are normally around 300 people that attend on a Sunday but there have been up to 400. It was his understanding that the church should show to the commission the maximum area that it intended to use. As the church develops its plans further and possibly scales it back, it would not have to come back and explain that to the commission. Chair Hamilton said that is correct, but she thinks the church should show them what they are planning on using. Mr. Covers said this is the current plan, but detailed plans have not been developed. This would be the maximum, but the final plans would be equal to or less. He asked if this is a reasonable approach for the church to take. Chair Hamilton said it was reasonable; it cannot be more. What would be more reasonable though is to petition for what the church actually think it will use. Mr. Covers said the church plans on purchasing the property if there is a favorable outcome of their petition, and then it would develop more detailed plans. It wanted to make sure there are no major obstacles to effective use of this property. That is why the church is taking this approach. An architect has been hired, who had developed a plan for the church for another property in Forest. That design was taken and applied to this property.

In terms of future parking, planning staff noted that for 500 maximum seats, there is somewhat more parking planned than what is required. The minimum would be 125, but the church was proposing more parking in order to keep a potential overflow off the street. The requirement applied by the City might be more of a general application than something specific for the church. The church took a conservative approach and think that this would be an approximate maximum size.

At the neighborhood meeting, there were a number of very friendly discussions with the neighbors. The church did have an earlier version of this site plan and was quite similar. It showed a large amount of parking. The petitioner was not trying to hide things from the neighborhood but maybe it was not fully understood at the meeting. The church intends to be a very good neighbor. That was expressed at the open house. The church will do everything they can to become good neighbors for this area.

Chair Hamilton closed the public hearing portion of the petition. Commissioner Sale asked when the dam was built that has created this pond. Mr. Hurt commented that St. Barnabas Episcopal Church purchased the property in the late 50's or early 60's. He thinks that the pond existed from the 60's forward. Commissioner Sale asked if the church will allow the continued use of the trail on the property by the neighbors. Mr. Hurt said that is the idea and in fact, there may be more trails developed back there by a Boy Scout troop that the church supports. The playground there now has been used by the neighborhood, and the church intends to continue that practice. It may increase the playground size and increase the ability to get to the pond. There will be a picnic shelter, and the idea is that this will all be an outreach to the community. Commissioner Sale clarified that there will be a sense of community trust and partnership, and Mr. Hurt said that was correct. Commissioner Sale clarified that the preservation of the pond is an issue of neighborhood association and relationship, and Mr. Hurt said that was correct.

Mr. Hurt did not think that the intent was to really do anything with the pond except to get access for a trail. The church plans on leaving the pond and the rest of the forested area pretty much the way they are. The development will be intended for the community, as the members of the church are all local people.

Commissioner Sale clarified that there is no intention of having any more water going into the pond than what currently exists. Commissioner Sale asked Mr. Martin if that would be fair to say. What will trigger staff to say that the pond cannot be used and another pond is needed? Is it quantity of water running into the pond not being more than the predevelopment rate? Mr. Martin said that it is the release rate. Commissioner Sale clarified that the quality of the water runoff is a separate issue because that is what he is hearing is the neighbors' concern. Mr. Martin thinks that the quality of the water before it goes into the pond is what would affect the aquatic life.

Ms. Hawkins came up to speak about this issue. She explained that it is her understanding that the first option the church would like to explore is utilizing the existing pond for stormwater quantity management. That has several issues and hurdles that would need to be overcome. They would have to look at the existing dam to see if there are deficiencies that would have to be corrected. How much vegetation is on it; how much root damage has been done over the years? Is there erosion potential there and is it adequate? They also have to look at jurisdictional issues where the church would have to adhere to the Department of Environmental Quality (DEQ) and the Army Corps of Engineers permitting requirements if they consider the pond "jurisdictional waterways or wetlands." That can be as simple as a drainage ditch. Ms. Hawkins pointed out the two drainage areas that exist on the property. Any impacts to the pond and any wetlands would have to be evaluated as well to determining what type of mitigation requirements would have to be done. There are issues and concerns with utilizing the existing pond for stormwater because if there are wetlands around the perimeter of the pond, the church would not be able to increase the water surface elevation of the pond because that would impact the wetlands.

Prior to releasing water to that pond, if that is an option, the petitioner would need to address any stormwater runoff from the development in terms of quality. It would need to be treated prior to its discharge into the existing pond. Ms. Hawkins has issues with utilizing the pond, but those issues might be able to be overcome. This cannot be determined yet and is pending further engineering decisions and calculations on the dam and the permitting with DEQ and the Army Corps of Engineers. Chair Hamilton asked what some of the best management practices are that might be used. Ms. Hawkins said the petitioner could use a rain garden to treat it biologically prior to discharging into the pond. The church also may be able to use grass swales, grass filter strips and some of the more low impact design measures to be able to treat the water. The petitioner could also get into manufactured best management practices, which is more structural than a grass swale or a channel.

Commissioner Barnes asked if permeable pavement would help some of the pollutants to remain on site. Ms. Hawkins said that permeable pavement does not necessarily treat quality; it helps with quantity. It is hard to quantify what quality benefit you get from permeable pavement. You are able to quantify it in terms of quantity. Ms. Hawkins commented that there are new stormwater regulations that will become effective that the State has recently adopted. They will trickle down to us at some time, and these new regulations may be able to better quantify permeable pavement in terms of quality treatment.

Ms. Hawkins explained that this is why the church left open the option of building another retention pond if it finds that it cannot use the existing pond. Given the layout, the church does restrict itself because some stormwater measures can take up a good bit of space. Chair Hamilton asked what Ms. Hawkins would suggest if the church is not able to use the existing pond. Ms. Hawkins said it could look at using a stormwater pond and there are different types of ponds that could be designed. If the pond addresses both quantity and quality, it would start getting a large footprint. The concern would be available area for another pond.

Mr. Hurt pointed out that the reason the parking area on the site plan is so large is so that the petitioner has the option of using that area for the stormwater pond that might be needed. It is anticipating that not all of that area will end up being paved but that some of it will be used for the stormwater management measures.

Commissioner Hannon asked Mr. Martin if issues dealing with stormwater management would be addressed at the time of site plan approval. Mr. Martin said that is correct, but the commission might want to know where the proposed pond would go if the church is not able to use the existing pond. Commissioner Hannon asked if there was any obligation on the part of the property owner to continue to maintain it. Mr. Martin said that would depend on whether it is determined to be "waters of the Commonwealth." If it is determined to be "waters of the Commonwealth," there may be some legal obligation to maintain it.

Mr. Martin pointed out that we encourage people to create wet ponds. There is a wet pond on site, but they may be told they cannot use it. Permeable pavement does not treat quality, but grass swales do. Commissioner Worthington said he is struggling with some of this logic as well. Mr. Martin acknowledged that when the petitioner gets into the design phase, it will have to meet all the standards. Commissioner Hannon pointed out that it will also need to determine if it can actually afford 200 parking spaces or not. Mr. Martin thought it was important to remember that the parking requirement for a church was recently reduced, and the logic behind that was we would not be requiring people to construct more parking than they really needed for their purposes. Mr. Martin struggled with going against the logic of the recent parking ordinance changes.

Chair Hamilton asked if Ms. Hawkins could share anything about the "waters of the Commonwealth." Ms. Hawkins said she would leave that determination to DEQ and the Army Corps of Engineers. Generally speaking, if it is a water body or a stream or even simply a drainage ditch, they will consider it "waters of the Commonwealth" or "jurisdictional." In other words, those two agencies have oversight of what goes on in these areas. Ms. Hawkins is concerned with the water surface elevation of the pond because if a pond has created wetlands, they become jurisdictional. DEQ and the Army Corps of Engineers will oversee and protect them. If the dam was taken out and the pond was drained, the wetlands would also be destroyed and the church would be going against what DEQ and the Army Corps of Engineers serve to protect. To her knowledge, a wetlands delineation has not been performed and that would need to be done first. Ms. Hawkins remarked that she is not opposed to the church using the existing pond for stormwater management; her concern is making sure that the church can overcome these hurdles. The requirements of DEQ and the Army Corps of Engineers may make it unfeasible to use it, and that is why the option of using other stormwater management facilities is being kept open.

Commissioner Worthington asked where the other pond would go, and Mr. Hurt said it would go in at the cost of parking spaces or they would have to come back with another petition. Chair Hamilton asked if they wouldn't have to come back anyway. Mr. Martin said that if the church stayed within their limits of disturbance, it probably would not have to come back. As a staff, they had encouraged the church to submit a master plan and show everything that it would want to do. It may have been more helpful if they had striped out where the parking spaces were going to be and those kinds of things. The church could also look at doing underground stormwater management.

Commissioner Swienton mentioned that he has been the finance chair for his church when they did an expansion, so he understands and can see the situation from the church's side. Typically a preliminary site plan has a lot of detailed information, according to Section 35.1-14 of the City's code. If someone were to ask him what is being done on this property, he could not give them any details. For him to make an informed decision, he would need a preliminary site plan that has a lot more of what is contained in the code. He interprets that to be a requirement for this process. He cannot identify many items at this stage. For him to make a decision approving this, he would need more information.

Commissioner Swienton gave an example of another church that had a very detailed site plan (Quaker Memorial). There were enough details so that he had a good grasp on how the stormwater would be managed. He looks at it as a matter of equality when one church comes forward with one set of detailed plans, he would like to see this petition come forward with that much detail as well. He remarked that he does understand the opposite side and that this would involve more expense.

Chair Hamilton commented that she echoed Commissioner Swienton's concern. At this point, Mr. Charles Hurt, Sr. came forward to address the commissioners, although not recognized by the chair. He commented that the church is trying to decide whether or not it can buy the property for its needs. These are the general ideas of what it would like to do. The church does not have the specifics right now because it does not own the property. The church just wants to know if it can be used in this fashion. The church has outlined its intentions but has not gone further with detailed plans because it does not own the property. It has answered the questions that the City has asked. It is a question of how far you go. The church will come back with more detailed plans when it gets ready to build. The detail is not needed right now; it is a question of whether the church can buy the property and use it for what it intends.

Chair Hamilton pointed out that when a building is expanded to four times its original size, whether or not it is for the same use or not, there is impact on the community around it. This commission is charged with the duty of making sure that this land is developed in compliance with this neighborhood and making sure that everything is developed in the right way for this property. These questions may need to be asked by the commission in order to make an informed decision.

Commissioner Barnes remarked that he shares the same concern about the number of unanswered questions. When they were considering the Planned Unit Development across the street, they spent a lot of time discussing whether the scale of it fit into the neighborhood. The proposed building here is much larger than the current building and certainly larger than anything that was proposed across the street. He thinks that the commission has the duty to think about whether the scale of this project fits into the existing neighborhood.

Commissioner Barnes also has concerns about the parking. He would like to know more about specifically where the parking would go. If you stand in the existing parking area, there is a very steep hill that goes toward Ms. Brennan's house. If that is all leveled, that would be an incredible movement of earth. Unless you terraced the parking lot or do some other treatment, he thinks it would be too much disturbance of the land. He does not think that the stormwater issues have been resolved.

Commissioner Sale turned the discussion toward the traffic safety concerns. He wondered how many cars had gone over this hill and asked if there were any trees there. Mr. Kevin Page came forward and said that he grew up in the neighborhood. It seems like to him that it has been every two or three years. It is not a surprise when a car goes over the hill. Mr. Pabis has often been the first responder to these accidents. Commissioner Sale asked if it is the result of speed or surprise. Mr. Page said that is a good question. It usually happens late at night. People coming up Indian Hill Road are probably surprised when very quickly it veers over to Burnt Bridge Road. Commissioner Sale asked if there are any markings indicating that it is a dangerous intersection and Mr. Page said there are not. Maybe the rumble strips suggested by Mr. Pabis would be helpful.

Chair Hamilton asked Mr. Martin if he knew of any traffic calming measures planned for this area. Mr. Martin said that the City has policies in place. It has to get a certain percentage of the neighbors to agree to do the traffic calming. Mr. Martin thought that it would be difficult to get the church to install those because the City cannot say that the need is attributable to the church. The need is probably there now. Mr. Martin said he could talk to Mr. Harter about looking at this. Rumble strips are not necessarily traffic calming; they are more of a traffic awareness device. Commissioner Worthington pointed out that putting trees there might not be a good idea. It could make it even more dangerous. Mr. Martin said

there might be a need for a guard rail, but he also wondered why you would tell someone they can't use their property within the setbacks because of a preexisting traffic condition. Chair Hamilton thought the point was to address it as a concern for a traffic condition that may have been preexisting.

Commissioner Hannon asked Mr. Hurt if this is the most the church would intend to do, how likely is it that this would happen? He understands that the church does not want to spend a lot of money designing it yet, but the commissioners still need to have a sense of whether they should count on this degree of development. Mr. Hurt said that it was his understanding when they provided the plans, that they should show the maximum. Mr. Hurt said that it is probably not 100 percent certain that the church would build this much. He thinks that the building footprint is going to be smaller; a portion of the proposed parking area, depending on the quality issues, may have to be devoted to stormwater management. He would be surprised if the church builds 200 parking spaces. Chair Hamilton asked Commissioner Hannon if this answered his question; he thought it answered it to the best of Mr. Hurt's ability. Basically, the commissioners will have to assume that it will be built out according to the plan.

Mr. Hurt commented that this may not have all the details of other petitions, they are showing the general arrangement that the church would like. The details will meet local, state and federal requirements. There is a lot that you can do and a lot that you cannot do because of those requirements. The church is not trying to get away from meeting those requirements. The plan may not have a lot of details, but that is because there is a lot that has not been proven about the requirements. It requires a lot of creativity and do you put that creativity in at this level? If you own the property, you might, like Quaker Memorial.

Commissioner Swienton remarked that is a valid point, but also pointed out that there was a church recently on Graves Mill Road that came in with a petition and did not own the property. Their plans were very detailed and that was prior to their owning the property. Commissioner Swienton's interpretation of the code is that a petitioner should have a lot more of the details at this stage. Mr. Hurt pointed out that all projects are held to the same standard, in fact, this project might be held to a higher standard in terms of drainage. Mr. Hurt commented that this petitioner is not getting away with anything, and Commissioner Swienton remarked that he is not implying that they are. Mr. Hurt has an excellent reputation, and Commissioner Swienton believes that the final product would be excellent. He believes at this stage that there should be more detail according to the code. Commissioner Swienton wondered how the commissioners should proceed from here.

Chair Hamilton asked Mr. Hurt if they were in a position to come back with some additional details. Could they tell the commissioners where they would put the alternative retention pond, whether or not the existing pond can be used, whether all 24,000 square feet would be built out? These are some of the questions that she thinks the commission needs in order to make a decision. Mr. Hurt said that if the church wants that information, he is sure they could incorporate that into a plan. Mr. Hurt would like the specific questions the commissioners have because that would help in the process.

Commissioner Sale thought that if the stormwater management issues were addressed, that would help with a lot of other contingencies that are hinging on that decision. He would like to see the particulars of how the water is going to flow based on the DEQ assessment of the pond and whether it can take the runoff. If it cannot, then what is the church's proposal? Where would the retention pond go? If those issues cannot be addressed, then the church might not be able to use the property anyway. Mr. Hurt thought the church could still use the property, but it would mean fewer parking spaces. That has been their plan all along. Commissioner Sale remarked that Mr. Hurt had asked for specific questions, and this is one of them. Chair Hamilton wanted to know exactly where the parking spaces would be and how will the grade be set. How will it be retained? How will it be lined up with the street?

Commissioner Barnes said he would like to see a reduction in the parking spaces. He suggested 150 spaces. Mr. Hurt said that 200 was the number chosen because there are a lot of students that

attend, and unfortunately, one person per vehicle normally. The composition of the congregation tends to not be an efficient transport of people. The church had also wanted to keep people from parking on Burnt Bridge Road.

Commissioner Hannon asked Mr. Martin why the planning division recommended approval of this petition. Mr. Martin answered that the property is a little more than seven acres; there is an existing church use. Obviously, churches have to expand. The church is still leaving quite a bit of the property undeveloped. There was no warrant for a traffic study. Staff really did not have any major reasons to recommend denial of it. That is getting into what does and does not fit into a residential neighborhood and that is what the commission needs to decide. In terms of traffic issues, stormwater management issues, parking requirements, setbacks, those things were met. Commissioner Hannon asked if by any objective criteria that would be applied by the planning division to this petition, does Mr. Martin know any reason why he would recommend denial. Mr. Martin said he did not know of any.

Commissioner Swienton commented that he would like this plan to work. He is not trying to act as an obstacle. He feels that his role is that of a gatekeeper to the public that a plan will work, and he is not at the point yet. He would like to get to that point. He referred Mr. Hurt to the part of Section 35.1-14 that he referenced earlier. Commissioner Swienton needs to see these items on a plan so that he can picture this project in his mind after it is constructed. He was not even sure of the clearing line based on what is on the plan. Commissioner Swienton is just not at the verification point where he can say that this plan will work.

Commissioner Worthington thought that they should put it up for a vote as it appears or the proposal should be amended. To start that process, Commissioner Worthington made a motion that the petition be accepted as presented. Commissioner Hannon seconded the motion. Commissioner Worthington acknowledged that they did not have the specifics, but he thinks it is burdensome to force the church to come up with detailed plans because of the expense. If they spend all that money and then are turned down, that is a lot of money gone. There is city staff that directs how this is done, and we either trust them or we don't. He feels that he will be satisfied with how the stormwater management is handled. He does not feel that the specifics of the design are for him to decide. His job is to say whether or not there should be a church in a residential neighborhood and we have approved many of them. He cannot find a basis for denial other than the fact that he does not have a detailed plan. If the land is not used for a church, there may be more residential development that will have more of an impact on the neighbors. He thought that Commissioner's Swienton points were well taken, but he is still for the proposal.

Commissioner Hannon agreed with Commissioner Worthington. The commission's job is to ascertain whether or not a proposed use of this scale is appropriate for the neighborhood. He feels that we have to rely on city staff to direct the specifics of the plan. He thought if a 24,000 square foot building is put on the property, it might be visible to people coming up Indian Hill Road and actually make it safer. To him, this is pushing the envelope as to how far you can go in a residential neighborhood. His sense is that churches in this area are very sensitive to neighbors' concern. He will vote in favor of this petition but encourages the church to bear in mind that it has to be a good neighbor and do whatever it can in order to foster that relationship. This is a neighborhood that has had its share of controversies regarding development. It is private property, and the church has the right to deny access to the pond. It is not a neighborhood amenity. Commissioner Hannon would encourage City Council to approve this petition.

Commissioner Barnes really had a dilemma with this petition. He thinks that continued use of this property as a church is a good thing and is hoping they can make this work. The dilemma he has is that one of their major duties is to ensure that future development fits into the neighborhood. He really can't make that decision given the existing information. He does not think it would take a lot of expensive design work to provide that information. He would like to know the actual footprint of the building rather than just the maximum buildable area. He would like to know how the parking will be dealt with,

particularly given the topography of the site. Finally, he would like to see the stormwater management issues addressed on the plan. He could then make a more informed decision. At this point, he does not feel that he has enough information to vote positively.

Chair Hamilton remarked that she needs the same questions answered. She thinks that where the stormwater retention facility is placed on the site is a very important piece of information.

Commissioner Swienton reiterated that he would like to see this work and thinks that it can work, but he is not at the point yet where he can vote positively. If he had to vote today, he would have to vote negatively. He looks at what precedent he would be setting for future petitions and has to think of that as well.

Commissioner Sale said that he is reluctant to vote it up or down at this point. He needs the same questions answered. He is inclined to vote no, but he would rather table it. He is inclined to say they should get some of these specifics worked out and not take a vote today. He would like to make that motion, but Chair Hamilton said he could not because there is a motion on the table. He could make a substitute motion but they would have to vote on Commissioner Worthington's motion first or Commissioner Worthington could withdraw his motion. Commissioner Worthington asked Commissioner Hannon if he would be amenable to withdrawing his second of the motion. Commissioner Hannon said that it looks like it would be voted down, and they decided to withdraw the motion. Commissioner Sale made a motion to postpone the matter until after the church has worked out some of these issues. The motion was seconded by Commissioner Hannon.

Commissioner Hannon asked Mr. Martin if he had a sense of what additional information the commissioners are asking for and does he feel confident that he can work with the petitioner. Mr. Martin said they would like to see how the stormwater is going to be handled, whether or not the existing pond can be used, if not, where the new pond would go, how big it would be, a more accurate layout of the parking, how the grades are going to work, whether or not a reduction in parking spaces could be met and the footprint of the building. Commissioner Hannon asked him if he knew what was involved in getting the information from DEQ on whether or not the pond could be used. Commissioner Hannon does not think it is fair to ask the church to get information that it cannot reasonably attain in a timely fashion or a cost effective way. Mr. Martin thought the petitioner may want to talk to DEQ about it, but in the meantime, maybe do some preliminary work on where another pond might go. Mr. Martin would be surprised if it could be used. Mr. Martin thinks it would be up to the petitioner when they can get this information back to the commission. The planning division would send out notices again to the neighbors when this comes back to the commission. The commissioners agreed that the items Mr. Martin listed were the items they would like addressed.

The motion passed by the following vote:

AYES:	Barnes, Hamilton, Hannon, Sale, Swienton and Worthington	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby	1

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 14

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Public Hearing to Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 516 Polk Street**

RECOMMENDATION:

Adopt a resolution authorizing LRHA to pursue acquisition of blighted property at 516 Polk Street under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA including notification to the property owner.

PRIOR ACTION(S):

NA

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Letters from LRHA

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 516 Polk Street, parcel 010-01-009 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 516 Polk Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 516 Polk Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 516 Polk Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 516 Polk Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 516 Polk Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 516 Polk Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 516 Polk Street;

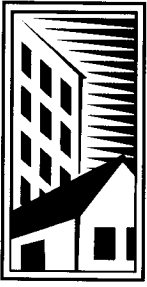
BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 516 Polk Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 516 Polk Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

050L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

April 15, 2010

Mrs. Valeria P. Chambers
Interim Clerk of City Council
900 Church Street
Lynchburg, Virginia 24504

Re: 516 Polk Street
Parcel 010-01-009
Lynchburg, Virginia

Dear Mrs. Chambers:

Authority staff initially inspected this deteriorated property in August 2006 while inspecting properties on the City's Condemned Property list. The City's Senior Building Official referred the property to the Authority's Spot Blight Program in October 2006. In November 2006, the owner was notified by the Authority by certified mail of the deficiencies under section 36-19.5 of the Code of Virginia and given notice to submit either a written plan of correction within 30 days or to correct the deficiencies within 60 days. The enclosed chronology reflects the Authority and City inspections staff's activities with the property.

The above Code section provides that an authority may acquire blighted property after a public hearing and approval of such acquisition by the governing body of the city within which the property is located. This is to request that City Council hold a public hearing to consider the request of the Lynchburg Redevelopment and Housing Authority for authorization to acquire these properties pursuant to the above referenced code. Enclosed is a copy of the resolution adopted by the Commissioners of the Authority, proposed resolution for City Council's consideration, report to Council, chronology, notice sent to the owner and pictures of the property.

Please let me know if you need further information.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Edward H. McCann", written in a cursive style.

enclosures

Resolution Authorizing the Executive Director to seek approval of City Council for the acquisition of the property at 516 Polk Street, Parcel 010-01-009, Lynchburg, Virginia pursuant to Code section 36-19.5

WHEREAS, the Commissioners of the Lynchburg Redevelopment and Housing Authority (the Authority) have undertaken the exercise of additional powers granted to the Authority pursuant to section 36-19.5 of the Code of Virginia, as amended; and

WHEREAS, one of the major objectives to be achieved in exercising powers granted to the Authority under Code section 36-19.5 is to prevent single-family or multi-family dwelling units within the Authority's area of operation from contributing to the blighting or deterioration of the area immediately surrounding such dwelling unit as a result of the continued deterioration of such dwelling unit and further, to prevent the deterioration of such dwelling unit to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; and

WHEREAS, the Commissioners of the Authority have made a finding that the dwelling unit located at 516 Polk Street, Lynchburg, Virginia (the property), (i) has deteriorated to such extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that the property is likely to continue to deteriorate unless corrected; and (iii) that the continued deterioration of the property may contribute to the blighting or deterioration of the area immediately surrounding the dwelling unit; and

WHEREAS, the Commissioners of the Authority have made a further finding that, unless the property is brought into full compliance with the applicable building codes of the City of Lynchburg, Virginia, the acquisition of the property pursuant to Code section 36-19.5 (B) will further the objectives of, and is necessary for, the purposes of the Authority; and

WHEREAS, as a prerequisite to the acquisition of the property by the City of Lynchburg, on behalf of the Authority, in accordance with Code section 36-19.5 (B), the required notice has been given to the landowner to correct the deterioration of the dwelling unit; and

WHEREAS, the owner has failed to correct the deteriorated condition of the dwelling unit.

THEREFORE, BE IT RESOLVED, by the Commissioners of the Authority that the Executive Director of the Authority, in consultation with the Authority's legal counsel, is hereby authorized and directed to request that the City Council of the City of Lynchburg hold a public hearing to consider the Authority's request to acquire the property at 516 Polk Street, Lynchburg, Virginia, in accordance with the provisions of Code section 36-19.5, for the purpose of development and redevelopment, including, but not limited to, renovation, rehabilitation and disposition of the property.

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structure located at 516 Polk Street, parcel 010-01-009 (i) has deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structure is likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structure will contribute to the blighting or deterioration of the area immediately surrounding 516 Polk Street; (iv) that such structure is a blighted property in accordance with §1-219.1 of the Code of Virginia in that its condition endangers the public health or safety, and the structure is a public nuisance or is beyond repair or unfit for human occupancy or use; (v) that the owner of 516 Polk Street was given 60 days notice by certified mail of the condition of the structure and has failed to correct the deterioration; and (vi) that 516 Polk Street lies within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of 516 Polk Street by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring 516 Polk Street by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property located at 516 Polk Street by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia, including, but not limited to, the renovation, rehabilitation and disposition of the structure at 516 Polk Street;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the property at 516 Polk Street, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire the property located at 516 Polk Street through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Clerk of Council

Report to City Council

April 15, 2010

As part of the collaborative effort between the City of Lynchburg and the Lynchburg Redevelopment and Housing Authority to address blighted property through our local Spot Blight Abatement Program, the City's Inspection personnel referred the property at 516 Polk Street to the Authority for action. As outlined on the attached chronology, attempts by the Authority to have the owners correct the deficiencies have been unsuccessful and the property remains blighted.

Attached is a resolution adopted by the Commissioners of the Authority requesting that City Council authorize the acquisition of the property as well as a recommended resolution for City Council's consideration. Also attached are copies of correspondence sent to the owners, pictures of the property and a listing of deficiencies. A public hearing is required prior to City Council's adoption of the resolution.

Members of the Authority's staff will be available at the Council meeting to address this issue.

Chronology for 516 Polk Street

- City inspections department staff inspected the property and determined it unfit for human habitation in 2005.
- Housing Authority staff initially inspected this blighted property in August 2006 while inspecting properties on the City's condemned property list and included it in its inventory of blighted properties.
- The City's Building Official referred the property to the Authority's Spot Blight Program in October 2006.
- November 2006, the Authority sent its 60-day notice to the owners requesting that they submit a plan of correction within 30 days or correct the deficiencies within 60 days.
- December 2006, one of the owners sold his share of the property.
- January 2007, the former owner wrote to Authority staff and indicated that he sold his share of the property and it would be repaired or demolished within 60 to 90 days.
- January 2007, the Authority sent its 60-day notice to the new and current owner.
- February 2007, the new owner wrote to staff questioning the Authority's power to address his property through the Spot Blight Program.
- According to City inspections records, City inspections staff inspected the property approximately 28 times from 2005 to the present. Attempts to take the owners to court for property maintenance code violations were unsuccessful due to failed attempts to serve notice to the owners.
- Authority and City staff inspected and monitored the property through December 2008 and observed minimal repairs. During 2009, no repairs were observed.
- On November 4, 2009, Authority commissioners reviewed staff's report of the exterior deficiencies and directed staff to send the Authority's 60-day notice to the owners again. The notice was sent again on November 5, 2009.
- November 23, 2009, one of the owners called Authority staff to say that he and the other owner had entered into a contract to sell the property.
- No repairs were observed by Authority staff nor City inspections staff.
- On February 3, 2010, the commissioners of the Lynchburg Redevelopment and Housing Authority deferred taking action for 60 days.
- On April 7, 2010, the commissioners adopted a resolution authorizing staff to request City Council schedule a public hearing to consider the Authority's request to acquire this blighted property.
- As of April 15, 2010, the property has not changed ownership, nor has staff observed any additional repairs.

516 Polk Street



Pictures taken 3/26/2010





LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

November 5, 2009

Gerard G. Hutcherson, Jr.
Carlos A. Hutcherson, Sr.
917 Taylor Street
Lynchburg, Virginia 24504

Re: Parcel Number:010-01-009
516 Polk Street
Lynchburg, Virginia

Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on November 2, 2009, and found the following conditions:

- Roof deteriorated
- Transom above front door is missing
- Sections of soffit and fascia deteriorated and sections missing
- Section of gutters deteriorated
- Windows broken and deteriorated
- Window boarded
- Front porch roof, deck and ceiling deteriorated
- Peeling paint on siding
- Door boarded at rear
- Handrail deteriorated at front steps

Gerard G. Hutcherson, Jr.

Carlos A. Hutcherson, Sr.

Page 2

November 5, 2009

- Weeds overgrown on structure and property
- Trash and debris in yard and on front porch
- Trees overgrown on roof
- Crawl space open
- Crawl space window missing
- Rear steps deteriorated
- Rear shed deteriorated
- Oil tank leaning against structure

We are requesting that you:

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact Connie Snively of our staff if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: 516 Polk Street

Owner's Name: Gerard G. Hutcherson, Jr. & Carlos A. Hutcherson, Sr.

Owner's Address: 917 Taylor Street, Lynchburg, Virginia 24504

Parcel No.: 010-01-009

Assessed Value: Land - \$ 1,500 Improvement - \$ 15,500 Total - \$ 17,000



Date of Pictures: November 2, 2009

Deficiencies:

- **Roof deteriorated**
- **Transom above front door is missing**
- **Sections of soffit and fascia deteriorated and sections missing**
- **Section of gutters deteriorated**
- **Windows broken and deteriorated**
- **Window boarded**
- **Front porch roof, deck and ceiling deteriorated**
- **Siding peeling paint**
- **Door boarded at rear**
- **Handrail deteriorated at front steps**
- **Weeds overgrown on structure and property**
- **Trash and debris in yard and on front porch**
- **Trees overgrown on roof**
- **Crawl space open**
- **Crawl space window missing**
- **Rear steps deteriorated**
- **Rear shed deteriorated**
- **Oil tank leaning against structure**



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

30 years 1976-2006

EDWARD H. McCANN
Executive Director

November 6, 2006

Gerard G. Hutcherson
Carl B. Hutcherson, Jr.
918 Fifth Street
Lynchburg, Virginia 24504

Re: Parcel: 010-01-009
516 Polk Street
Lynchburg, Virginia

Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on August 8, 2006, and found the following conditions:

- Roof deteriorated
- Sections of soffits and fascia deteriorated and sections missing
- Sections of gutters and downspouts deteriorated and sections missing
- Broken window panes
- Front porch roof, deck and ceiling deteriorated
- Siding peeling paint
- Door boarded
- Handrail deteriorated at front steps
- Weeds overgrown on structure and property
- Trash and debris in yard and on front porch
- Trees overgrown on roof

We are requesting that you:

Gerard G. Hutcherson
Carl B. Hutcherson, Jr.
Page 2
November 6, 2006

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice. .

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

55 years 1956-2006

EDWARD H. McCANN
Executive Director

January 30, 2007

Gerard G. Hutcherson, Jr.
Carlos A. Hutcherson, Sr.
917 Taylor Street
Lynchburg, VA 24504

Re: Parcel: 010-01-009
516 Polk Street
Lynchburg, Virginia

Gentlemen:

In a cooperative effort with the City of Lynchburg, the Board of Commissioners of the Lynchburg Redevelopment and Housing Authority has directed our staff to identify residential properties that are deteriorated to such an extent as to constitute a serious and growing menace to the public health, safety and welfare, that are likely to deteriorate unless corrected, and that may contribute to the blighting or deterioration of the surrounding area. We have been made aware of the above property which city records show to be owned by you. We observed the dwelling on January 29, 2007, and found the following conditions:

- Roof deteriorated
- Sections of soffits and fascia deteriorated and sections missing
- Sections of gutters and downspouts deteriorated and sections missing
- Broken window panes
- Front porch roof, deck and ceiling deteriorated
- Siding peeling paint
- Handrail deteriorated at front steps
- Weeds overgrown on structure and property
- Trash and debris in yard and on front porch
- Trees overgrown on roof

We are requesting that you:

Gerard G. Hutcherson, Jr.

Carlos A. Hutcherson, Sr.

Page 2

January 30, 2007

1. Present a written plan within thirty (30) calendar days of receipt of this notice for consideration and approval by the Commissioners which would address the correction of these deficiencies and include a timetable and financing arrangements and identify who would complete the work;

or

2. Correct these deficiencies and any other non-compliance with the local building code within sixty (60) days of receipt of this notice.

Should the above plan not be received within thirty (30) days and subsequently approved by the Commissioners and then implemented by you, or, in the alternative, if no plan is presented and these deficiencies are not corrected within the 60 day time period, the Authority Commissioners, pursuant to 36-19.5 Code of Virginia, may request Lynchburg City Council to conduct a public hearing to determine the appropriateness of authorizing the Authority to acquire the property for the purpose of development or redevelopment, including but not limited to, renovation, rehabilitation, and disposition of the property.

Please contact me if you wish to discuss this.

Very truly yours,



Certified Mail - Return Receipt Requested

Property Address: 516 Polk Street

Owner's Name: Gerard G. Hutcherson, Jr. & Carlos A. Hutcherson, Sr.

Owner's Address: 917 Taylor Street, Lynchburg, Virginia 24504

Parcel No.: 010-01-009

Assessed Value: Land - \$ 1,500 Improvement - \$ 15,500 Total - \$ 17,000



Date of Pictures: August 4, 2006

Deficiencies:

- **Roof deteriorated**
- **Sections of soffits and fascia deteriorated and sections missing**
- **Sections of gutters and downspouts deteriorated and sections missing**
- **Broken window panes**
- **Front porch roof, deck and ceiling deteriorated**
- **Siding peeling paint**
- **Door boarded**
- **Handrail deteriorated at front steps**
- **Weeds overgrown on structure and property**
- **Trash and debris in yard and on front porch**
- **Trees overgrown on roof**

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 15

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Authorize the Lynchburg Redevelopment and Housing Authority (LRHA) To Pursue Acquisition of Blighted Property at 519-521 Winston Ridge Road**

RECOMMENDATION:

Adopt a resolution amending and revising Resolution #R-09-066 adopted July 14, 2009 authorizing LRHA to pursue acquisition of blighted property at 517 and 521 Winston Ridge Road to clarify that both structures are on the same lot and are also shown as 519 and 521 Winston Ridge Road on City tax map parcel 108-09-022, under Section 36-19.5 of the Code of Virginia.

SUMMARY:

Please see attached information from LRHA explaining that both structures are on the same parcel instead of separate parcels as originally thought.

PRIOR ACTION(S):

July 14, 2009

FISCAL IMPACT:

NA

CONTACT(S):

Edward H. McCann 845-9011

ATTACHMENT(S):

- Resolution
- Map

REVIEWED BY: lkp

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, on July 14, 2009, City Council authorized and directed the Lynchburg Redevelopment and Housing Authority to acquire two blighted structures and the real property upon which they were constructed, which were then commonly known as 517 and 521 Winston Ridge Road, respectively tax parcels numbered 108-09-021 and 022; and

WHEREAS, in keeping with City Council's July 14, 2009 action, the Lynchburg Redevelopment and Housing Authority made a bona fide offer to purchase the aforesaid properties from their record owner; and

WHEREAS, as a result of the aforesaid offer and the response thereto, it became known to the Lynchburg Redevelopment and Housing Authority that the two blighted structures that are the subject of City Council's July 14, 2009 resolution are on one legal parcel; and

WHEREAS, it was not the intent of the Redevelopment and Housing Authority to ask City Council for the authority to acquire any more real property than was necessary to abate the blighted conditions of the aforesaid structures and it was not the intent of City Council to authorize and direct the Lynchburg Redevelopment and Housing Authority to acquire any more real property than was necessary to abate those blighted conditions; and

WHEREAS, City Council desires only to authorize and direct the Lynchburg Redevelopment and Housing Authority to acquire the one legal parcel of real property upon which the aforesaid blighted structures are built; and

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structures located on Winston Ridge Road, now shown on the tax map for the City of Lynchburg as 519 and 521 Winston Ridge Road, being located on a lot that is a portion of the parcel of land known to the City of Lynchburg as tax map parcel 108-09-022, according to the current tax map, and as further described as Lot 6 on the plat entitled "Plat Showing Resurvey of Lots 5, 6 & 7, A. S. Payne Subdivision Located on Winston Ridge Road, City of Lynchburg, Virginia", made by James C. May and Associates, P.C., and dated December 28, 2009 (i) have deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structures are likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structures will contribute to the blighting or deterioration of the area immediately surrounding them; (iv) that such structures are blighted properties in accordance with §1-219.1 of the Code of Virginia in that their condition endangers the public health or safety, and the structures are a public nuisance or are beyond repair or unfit for human occupancy or use; (v) that the owner of land upon which such structure are built was given 60 days notice by certified mail of the condition of the structures and has failed to correct the deterioration; and (vi) that such structures lie within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of the above described property by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring the above described property by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Lynchburg that the following resolution shall take the place of and substitute for the resolution that was previously adopted by City Council on July 14, 2009, and the following resolution is ADOPTED NOW FOR THEN;

BE IT FURTHER RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property now known as 519 and 521 Winston Ridge Road, being located on a lot that is a portion of the parcel of land known to the City of Lynchburg as tax map parcel 108-09-022, according to the current tax map, and as further described as Lot 6 on the plat entitled "Plat Showing Resurvey of Lots 5, 6 & 7, A. S. Payne Subdivision Located on Winston Ridge Road, City of Lynchburg, Virginia", made by James C. May and Associates, P.C., and dated December 28, 2009, by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 3619.5 of the Code of Virginia;

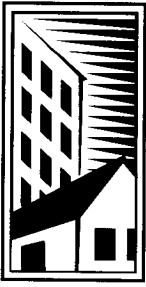
BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the above described property, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire such property through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Interim Clerk of Council

051L



LYNCHBURG
REDEVELOPMENT AND
HOUSING AUTHORITY

EDWARD H. McCANN
Executive Director

April 22, 2010

Mr. Kimball Payne
City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Re: 519-521 Winston Ridge Road
Parcel 108-09-022
Lynchburg, Virginia

Dear Mr. Payne:

City Council adopted a resolution on July 14, 2009, authorizing the Authority to acquire the properties known as 517 and 521 Winston Ridge Road, parcels 108-09-021 and 108-09-022. Subsequently, the Authority made a bona fide offer to the owner to acquire these properties. As a result of conversations with the owner, a question arose concerning the location of the improvements on the lots so Authority staff had the properties surveyed. The survey showed both structures, 517 and 521 located on the same parcel instead of being on two separate parcels. This parcel is also shown as lot # 6 on the attached survey. The structures in question are now shown as 519 and 521 Winston Ridge Road on the City assessor's tax map, parcel 108-09-022.

Section 36-19.5 of the Code of Virginia grants the Authority power to acquire any blighted single family or multifamily residential dwelling on behalf of the City. Since the resolution previously adopted by Council included parcel 108-09-021 which does not have a blighted structure on it, the Authority is requesting Council consider the attached revised resolution. The revised resolution was prepared by the Authority's legal counsel in consultation with the City's attorney.

Please call me if you have any questions or need additional information.

Very truly yours,

A handwritten signature in black ink that reads "Edward H. McCann". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Attachments

RESOLUTION AUTHORIZING THE ACQUISITION OF REAL PROPERTY

WHEREAS, on July 14, 2009, City Council authorized and directed the Lynchburg Redevelopment and Housing Authority to acquire two blighted structures and the real property upon which they were constructed, which were then commonly known as 517 and 521 Winston Ridge Road, respectively tax parcels numbered 108-09-021 and 022; and

WHEREAS, in keeping with City Council's July 14, 2009 action, the Lynchburg Redevelopment and Housing Authority made a bona fide offer to purchase the aforesaid properties from their record owner; and

WHEREAS, as a result of the aforesaid offer and the response thereto, it became known to the Lynchburg Redevelopment and Housing Authority that the two blighted structures that are the subject of City Council's July 14, 2009 resolution are on one legal parcel; and

WHEREAS, it was not the intent of the Redevelopment and Housing Authority to ask City Council for the authority to acquire any more real property than was necessary to abate the blighted conditions of the aforesaid structures and it was not the intent of City Council to authorize and direct the Lynchburg Redevelopment and Housing Authority to acquire any more real property than was necessary to abate those blighted conditions; and

WHEREAS, City Council desires only to authorize and direct the Lynchburg Redevelopment and Housing Authority to acquire the one legal parcel of real property upon which the aforesaid blighted structures are built; and

WHEREAS, it appearing to City Council from the evidence presented at the public hearing that the structures located on Winston Ridge Road, now shown on the tax map for the City of Lynchburg as 519 and 521 Winston Ridge Road, being located on a lot that is a portion of the parcel of land known to the City of Lynchburg as tax map parcel 108-09-022, according to the current tax map, and as further described as Lot 6 on the plat entitled "Plat Showing Resurvey of Lots 5, 6 & 7, A. S. Payne Subdivision Located on Winston Ridge Road, City of Lynchburg, Virginia", made by James C. May and Associates, P.C., and dated December 28, 2009 (i) have deteriorated to such an extent as to constitute an immediate, serious and growing menace to the public health, safety and welfare; (ii) that such structures are likely to continue to deteriorate unless corrected; (iii) that the continued deterioration of such structures will contribute to the blighting or deterioration of the area immediately surrounding them; (iv) that such structures are blighted properties in accordance with §1-219.1 of the Code of Virginia in that their condition endangers the public health or safety, and the structures are a public nuisance or are beyond repair or unfit for human occupancy or use; (v) that the owner of land upon which such structure are built was given 60 days notice by certified mail of the condition of the structures and has failed to correct the deterioration; and (vi) that such structures lie within the Lynchburg Redevelopment and Housing Authority's area of operation; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the acquisition of the above described property by the Lynchburg Redevelopment and Housing Authority is to serve a public purpose and not for private benefit or gain; and

WHEREAS, it further appearing to City Council from the evidence presented at the public hearing that the primary purpose for acquiring the above described property by the Lynchburg Redevelopment and Housing Authority is not to increase any tax base or taxable revenues, or to increase employment;

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Lynchburg that the following resolution shall take the place of and substitute for the resolution that was previously adopted by City Council on July 14, 2009, and the following resolution is ADOPTED NOW FOR THEN;

BE IT FURTHER RESOLVED that as provided by Section 36-19.5 of the Code of Virginia the Lynchburg City Council does hereby designate, authorize, and direct the Lynchburg Redevelopment and Housing Authority to acquire the property now known as 519 and 521 Winston Ridge Road, being located on a lot that is a portion of the parcel of land known to the City of Lynchburg as tax map parcel 108-09-022, according to the current tax map, and as further described as Lot 6 on the plat entitled "Plat Showing Resurvey of Lots 5, 6 & 7, A. S. Payne Subdivision Located on Winston Ridge Road, City of Lynchburg, Virginia", made by James C. May and Associates, P.C., and dated December 28, 2009, by purchase, lease, gift or through the exercise of eminent domain for the purposes set forth in subsection A of Section 36-19.5 of the Code of Virginia;

BE IT FURTHER RESOLVED that the Lynchburg Redevelopment and Housing Authority is hereby designated, authorized, and directed to act on the City's behalf in the acquisition of the above described property, and in the event the Lynchburg Redevelopment and Housing Authority files a petition in the Lynchburg Circuit Court to acquire such property through the use of the power of eminent domain, the Lynchburg Redevelopment and Housing Authority shall be deemed to be acting as, and on behalf of, the City of the Lynchburg for the purposes of such petition.

Adopted:

Certified:

Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **May 11, 2010**

AGENDA ITEM NO.: 16

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: 1) Adoption and Appropriation of the FY 2011 Operating Budget; 2) Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services; 3) Adopt the personal property tax relief rate.

RECOMMENDATION:

Adopt and appropriate the FY 2011 Operating Budget; adopt a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; adopt a resolution to set the personal property tax relief rate.

SUMMARY:

Following the April 6, 2010 Public Hearing for the FY 2011 Budget, Council incorporated several adjustments to the Proposed FY 2011 General Fund Budget as follows:

General Fund

	<u>Proposed Operating Budget</u>	<u>Adjustments</u>	<u>Revised Budget</u>
<u>Revenues and Use of Fund Balance</u>			
Revenues	\$153,771,445	\$41,700	\$153,813,145
Use of Fund Balance	7,876,590	639,055	\$8,515,645
Total Revenues and Use of Fund Balance	\$161,648,035	\$680,755	\$162,328,790
<u>Expenditures</u>			
Operations	\$99,539,540	\$1,612,703	\$101,152,243
Debt Service	16,022,498	0	\$16,022,498
Schools-Operations	32,442,103	(500,000)	\$31,942,103
Greater Lynchburg Transit Company	1,128,884	0	\$1,128,884
Transfers to Other Funds	1,244,396	(3,729)	\$1,240,667
Reserves	2,970,000	(428,219)	\$2,541,781
Capital Improvements	8,300,614	0	\$8,300,614
Total Expenditures, Reserves, and Transfers	\$161,648,035	\$680,755	\$162,328,790

Details of these adjustments can be found in Attachment A.

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

Adopting Resolutions A, B, E, F, G, J, K, L, M, N and O 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, H, and I 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.

Fund Balance

With the adjustments noted above, the General Fund undesignated fund balance as of June 30, 2011 is projected to be \$15,564,993, or 10.2% of revenues. Council's target for undesignated fund balance is 10.0% of revenues.

PRIOR ACTION(S):

March 9, 16, 23, 30, April 13, 20, 27, 2010 – City Council Work Sessions

April 6, 2010 – Public Hearing on the Proposed FY 2011 Budgets for City Government, Public Schools, Water, Sewer, Airport and Other Funds, and the FY 2011 - 2015 Capital Improvement Program

BUDGET 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 2011 General Fund Budget, and

Resolutions to 1) adopt and appropriate the FY 2011 Operating Budget; 2) approve a resolution authorizing the City Manager to award monetary incentives, awards, and bonuses to employees for exceptional services; and 3) adopt a resolution to set the personal property tax relief rate.

REVIEWED BY: lkp

ATTACHMENT A

BALANCING THE FY 2011 GENERAL FUND BUDGET

Revenues and Use of Fund Balance

Proposed Revenues (from the FY 2011 Proposed Operating Budget)	\$153,771,445
Use of Fund Balance	7,876,590
Total Proposed Revenues and Use of Fund Balance	\$161,648,035

Adjustments: Revenue Summary (discussed at the 4/20/10 Work Session)

Dedicated Revenue Adjustments

Compensation Board	\$367,253
Local Law Enforcement Funding (House Bill 599)	307,905
Public Library State Aid	(20,374)
Payment to the Commonwealth	(600,000)
E-911 Wireless Recovery	(100,000)
Friends of the Library Donation	20,000
Federal Aid for Social Services	107,356

Non-Dedicated Revenue Adjustment

Bank Stock Tax	125,000
Lottery Proceeds for School Debt	(141,440)
Recordation Taxes - State	(\$24,000)

Use of Fund Balance

Solid Waste Debt Reserve	\$639,055
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Revised Revenues and Use of Fund Balance	\$162,328,790
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Expenditures, Reserves and Transfers

Proposed Expenditures, Reserves and Transfers (from the FY 2011 Proposed Operating Budget)	\$161,648,035
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Adjustments: Expenditures, Reserves, and Transfers (discussed at the 4/20/10 Work Session)

Establish a Debt Service Reserve	\$1,071,781
Eliminate Reserve for General Assembly Action	(1,500,000)
Level Fund Schools	(500,000)
Restore Financial Technician I position in the Commissioner of the Revenue Office	34,226
Restore 2 Attorney positions, and adjust benefits in the Office of the Commonwealth's Attorney	149,973
Restore 1 full-time and 1 part-time Deputy in the Sheriff's Office	78,606
Restore 11 full-time Social Services positions	420,248
Restore Treasurer funding	1,975
Additional cost for Blue Ridge Regional Jail	173,542
Restore marketing funds in the Communications and Marketing Department	50,000
Reduce funding for Lynchburg Neighborhood Development Foundation	(3,753)
Add Administrative Services Associate I position and restore 1 Battalion Chief, and 2 Captains in the Fire Department	206,957
Restore 1 Police Officer II, and 2 Police Recruit positions in the Police Department	134,553
Add Application Development Analyst II position and consultant services in Information Technology	151,000
Restore Downtown Branch Library	86,900
Restore Library youth programming	14,052
Add funding for special events and education programs at the Museum	3,800
Restore funding for Point of Honor	21,200
Restore funding for Parks and Recreation Neighborhood Center	65,436
Restore funding for full-time Animal Control Officer	23,988
Correct local match for Social Services grants	(3,729)

Revised Expenditures	\$162,328,790
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A. BE IT RESOLVED that by majority vote the FY 2011 General Fund Operating Budget (excluding External Service Provider and Component Unit 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, 2010 and ending June 30, 2011 and said funds be appropriated:

GENERAL FUND INCOME		GENERAL FUND EXPENDITURES	
Beginning Balance	\$23,073,874	General Government	\$12,368,580
<u>Non-Dedicated Revenues</u>		Judicial Administration	4,417,018
General Property Taxes	67,612,906	Public Safety	30,867,729
Other Local Taxes	44,171,320	Public Works	15,711,769
Permits, Privilege Fees and Licenses	614,100	Health and Welfare	17,019,634
Fines & Forfeitures	470,000	Parks, Recreation and Cultural	5,193,346
Use of Money & Property	566,812	Community Development	2,385,346
Charges for Services	3,644,394	Non-Departmental	6,105,550
Miscellaneous	244,300	Transfer to Other Funds	1,240,667
Revenue from the Commonwealth	6,024,584	Debt Service	8,800,144
Revenue from Lynchburg City Schools	31,022	Schools (Local Share Only) - Debt Service	7,222,354
<u>Dedicated Revenues</u>		Reserves	2,541,781
Revenue from Use of Money & Property		Transfer to Capital - City	6,358,881
Charges for Services	1,447,477	Transfer to Capital - Schools	1,941,733
Recreation Revenue	384,000	Ending Balance	15,564,993
Miscellaneous	3,074,821	Subtotal	\$137,739,525
Revenue from the Commonwealth		External Service Providers ¹	\$7,083,271
Categorical Aid - State Shared Expenditures	2,822,546	Component Units ¹	\$33,070,987
Categorical Aid	16,164,152		
Revenue from the Federal Government	6,540,711		
Use of Reserves and Designated Fund Balance	1,006,764		
Total	<u>\$177,893,783</u>	Total	<u>\$177,893,783</u>

¹ To be considered separately

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

B. BE IT RESOLVED that by majority vote the FY 2011 Mandated and Contractual External Service Providers Budget of \$6,946,888 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, 2010 and ending June 30, 2011 and said funds be appropriated:

MANDATED

Blue Ridge Regional Jail Authority	\$4,447,755
Central Virginia Community Services Board	444,003
Health Department	793,060
Region 2000 Local Government Council.....	40,672
TOTAL MANDATED	<u>\$5,725,490</u>

CONTRACTUAL

Lynchburg Humane Society	\$104,500
Lynchburg Lifesaving/Rescue Squad.....	10,000
Lynchburg Neighborhood Development Foundation.....	16,247
Lynchburg Regional Chamber of Commerce-Tourism.....	890,000
Lynch's Landing, Inc.....	49,050
Southern Memorial Association (Old City Cemetery).....	122,438
Virginia Cooperative Extension Service	29,163
TOTAL CONTRACTUAL.....	<u>\$1,221,398</u>

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

C. BE IT RESOLVED that by two – thirds vote (five of seven) the FY 2011 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

D. BE IT RESOLVED that by two – thirds vote (five of seven) the FY 2011 Central Virginia Community College Board and Related Operations Budget of \$1,831 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

E. BE IT RESOLVED that by majority vote the FY 2011 Court Appointed Special Advocate Budget of \$12,000 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

F. BE IT RESOLVED that by majority vote the FY 2011 Region 2000 Economic Development Council Budget of \$82,250 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

G. BE IT RESOLVED that by majority vote the FY 2011 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

H. BE IT RESOLVED that by two – thirds vote (five of seven) the FY 2011 Virginia Legal Aid Society 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

I. BE IT RESOLVED that by two – thirds vote (five of seven) the FY 2011 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, 2010 and ending June 30, 2011 and said funds be appropriated.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

J. BE IT RESOLVED that by majority vote the FY 2011 School Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2010 and ending June 30, 2011 and said funds be appropriated:

SCHOOL INCOME		SCHOOL EXPENDITURES	
Beginning Balance	\$0	Operations	\$77,731,173
State	41,806,920	Grant Funded Expenditures	7,813,258
Federal	2,627,383	Ending Balance	0
Grants	7,813,258	Total	<u>\$85,544,431</u>
Local – Operating	31,942,103		
Local – Debt Service	33,627		
Miscellaneous	1,321,140		
Total	<u>\$85,544,431</u>		

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

K. BE IT RESOLVED that by majority vote the FY 2011 Greater Lynchburg Transit Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2010 and ending June 30, 2011 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME		GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES	
Beginning Balance	\$0	Operations	\$6,527,524
Fares	894,000	Ending Balance	0
Contracts	183,793	Total	<u>\$6,527,524</u>
Federal	1,823,492		
State	927,615		
Local - Operating	1,128,884		
Partners	1,433,574		
Miscellaneous	136,166		
Total	<u>\$6,527,524</u>		

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

L. BE IT RESOLVED that by majority vote the 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, 2010 and ending June 30, 2011:

FLEET SERVICES INCOME

Beginning Balance	\$754,005
Revenues	5,361,269
Total	\$6,115,274

FLEET SERVICES EXPENDITURES

Operations	\$5,425,708
Debt Service	404,178
Reserves	133,000
Ending Balance	152,388
Total	\$6,115,274

AIRPORT INCOME

Beginning Balance	\$100,000
Revenue from Cost Centers	1,960,069
Transfer from General Fund	271,120
Interest & Other	224,415
Total	\$2,555,604

AIRPORT EXPENDITURES

Operations	\$2,139,892
Debt Service	315,712
Ending Balance	100,000
Total	\$2,555,604

WATER FUND INCOME

Beginning Balance	\$4,800,615
Water Sales	7,088,640
Meter, Sewer Fund & General Fund Hydrant Charges	1,761,900
Cut-on/off Charges	91,000
Availability, Connection Fees	105,000
Other Charges for Service	786,363
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,955,715
Interest	161,000
Total	\$17,750,233

WATER FUND EXPENDITURES

Operations	\$8,571,267
Debt Service	3,662,585
Transfer to Water Capital Fund	700,000
Capital	46,000
Ending Balance	4,770,381
Total	\$17,750,233

SEWER FUND INCOME

Beginning Balance	\$9,388,631
Charges for Services	16,181,843
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	3,022,790
Interest and Other	343,000
Total	\$28,936,264

SEWER FUND EXPENDITURES

Operations	\$9,551,431
Debt Service	7,550,690
Capital Outlay	185,000
Transfer to Sewer Capital Fund	2,500,000
Ending Balance	9,149,143
Total	\$28,936,264

ASSET FORFEITURE FUND INCOME

Beginning Balance	\$119,634
Revenue	0
Total	\$119,634

ASSET FORFEITURE FUND EXPENDITURES

Operations	\$34,652
Ending Balance	84,982
Total	\$119,634

C. VA. RADIO COMMUNICATIONS INCOME

Beginning Balance	\$285,060
Charges for Services	736,101
Total	\$1,021,161

C. VA. RADIO COMMUNICATIONS EXPENDITURES

Operations	\$817,890
Ending Balance	203,271
Total	\$1,021,161

HOME FUND INCOME

Beginning Balance	\$0
Revenue from the Federal Government	467,942
Total	\$467,942

HOME FUND EXPENDITURES

Operations	\$467,942
Ending Balance	0
Total	\$467,942

COMPREHENSIVE SERVICES ACT INCOME		COMPREHENSIVE SERVICES ACT EXPENDITURES	
Beginning Balance	\$0	Operations	\$5,073,600
Miscellaneous	110,000	Ending Balance	0
Transfer from General Fund	1,349,591	Total	\$5,073,600
Lynchburg City School Transfer	196,541		
Revenue from the Commonwealth	3,417,468		
Total	\$5,073,600		
LYNCHBURG BUSINESS DEVELOPMENT CENTRE INCOME		LYNCHBURG BUSINESS DEVELOPMENT CENTRE EXPENDITURES	
Beginning Balance	\$125,385	Operations	\$0
Revenue	0	Ending Balance	125,385
Total	\$125,385	Total	\$125,385
LEAF FUND INCOME		LEAF FUND EXPENDITURES	
Beginning Balance	(\$21,363)	Operations	\$0
Pledges/Donations	0	Ending Balance	(21,363)
Total	(\$21,363)	Total	(\$21,363)
REGIONAL JUVENILE DET. CENTER INCOME		REGIONAL JUVENILE DET. CENTER EXPENDITURES	
Beginning Balance	\$0	Operations	\$2,646,494
Charges for Services	1,799,662	Debt Service	293,508
Intergovernmental	1,140,340	Ending Balance	0
Total	\$2,940,002	Total	\$2,940,002
RISK MANAGEMENT FUND INCOME		RISK MANAGEMENT FUND EXPENDITURES	
Beginning Balance	\$2,822,838	Operations	\$258,373
Charges for Services	1,020,684	Insurance and Claims	767,732
Interest	35,000	Ending Balance	2,877,417
Subrogation	25,000	Total	\$3,903,522
Total	\$3,903,522		
SPECIAL WELFARE FUND INCOME		SPECIAL WELFARE FUND EXPENDITURES	
Beginning Balance	\$52,172	Operations	\$39,250
Donations and Restitutions	18,000	Ending Balance	41,422
Interest	2,000	Total	\$80,672
Revenue from the Commonwealth	8,500		
Total	\$80,672		
STADIUM FUND INCOME		STADIUM FUND EXPENDITURES	
Beginning Balance	\$275,371	Operations	\$1,611,678
Charges for Services	1,700,000	Debt Service	209,752
Transfer from General Fund	318,130	Ending Balance	472,071
Total	\$2,293,501	Total	\$2,293,501
TECHNOLOGY FUND INCOME		TECHNOLOGY FUND EXPENDITURES	
Beginning Balance	\$1,662,994	Operations	\$489,600
Use of Money & Property	20,000	Capital Outlay	401,000
Transfer from General Fund	624,347	Ending Balance	1,416,741
Total	\$2,307,341	Total	\$2,307,341
CITY/STATE/FEDERAL AID FUND INCOME		CITY/STATE/FEDERAL AID FUND EXPENDITURES	
Beginning Balance	\$0	Operations	\$2,329,491
Revenue from the Federal Government	1,434,528	Ending Balance	0
Revenue from the Commonwealth	845,323	Total	\$2,329,491
Transfer from General Fund	27,070		
In-Kind	22,570		
Total	\$2,329,491		
COMMUNITY DEV. BLOCK GRANT INCOME		COMMUNITY DEV. BLOCK GRANT EXPENDITURES	
Beginning Balance	\$0	Operations	\$1,039,775
Intergovernmental	904,817	Ending Balance	0
Program Income	2,030	Total	\$1,039,775
Other	132,928		
Total	\$1,039,775		

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

M. BE IT RESOLVED that by majority vote the FY 2011 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, 2010 and ending June 30, 2011, in the total amount of \$9,593,736 for the City Capital Projects Fund; \$1,941,733 for the School Capital Projects Fund; \$2,355,000 for the Airport Capital Projects Fund; \$4,885,000 for the Water Capital Projects Fund and \$12,500,000 for the Sewer Capital Projects Fund.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

N. 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.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L

O. 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, 2010 through June 30, 2011 shall be set at 54.68%.

Introduced:

Adopted:

Certified:

Interim Clerk of Council

055L