LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 1

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

ACTION: INFORMATION: **X**

ITEM TITLE: **Housing Report (from "Lynchburg is Listening: A Conversation on Housing")**

RECOMMENDATION: Hear a brief presentation on the City's Housing Report and endorse the formation of a Housing Collaborative.

SUMMARY: Last year the City and local housing partners initiated a process to evaluate current housing stock within our community. Through a grant with Housing Virginia, the City contracted with HOME (Housing Opportunities Made Equal) to prepare a City-wide Housing Assessment and organized three (3) public meetings known as "Lynchburg is Listening: A Conversation on Housing" to discuss housing with community stakeholders. Staff compiled the results of the meetings into a Housing Report that details the process, responses and recommendations.

The primary recommendation of the Housing Report is the formation of a Housing Collaborative to implement the strategies identified during the stakeholder meetings. The Housing Collaborative would include a representative from each of the City's housing partners, realtors, developers, bankers, staff representatives from the Department of Community Development and the Office of Economic Development and others. Its first responsibility would be to develop and recommend housing goals and strategies for City Council's consideration. Afterwards, this group would meet at least twice a year to review data, identify trends, and monitor progress in achieving the stated goals and strategies.

PRIOR ACTION(S):
February 22, 2012: The Planning Commission endorsed the housing initiative, noting its tie in with the goals of the *Comprehensive Plan 2002-2020* and recommended forwarding the Housing Report to City Council.

FISCAL IMPACT: N/A

CONTACT(S): Kevin Henry, Planner II – 455-3900
Kent White, Director of Community Development – 455-3900
Bonnie Svrcek, Deputy City Manager – 455-3990

ATTACHMENT(S):
- Housing Report
- Planning Commission Minutes – February 22, 2012
- Memo to Planning Commission – February 22, 2012
- City of Lynchburg, VA: Housing Assessment – prepared by Housing Opportunities Made Equal

REVIEWED BY: lkp

063L

HOUSING REPORT
City of Lynchburg
Department of Community Development
"Lynchburg is Listening: A Conversation on Housing"
Results & Strategies

Through a series of meetings known as "Lynchburg is Listening: A Conversation on Housing" the City of Lynchburg engaged citizens and stakeholders on housing issues in the City. Over one hundred (100) people participated in the housing conversations, including representatives from the City's business community, housing & social service providers, realtors, institutions and land development professionals. About 80% of attendees were above the age of 50, which is consistent for public engagement sessions in the City. Although geographic diversity of the stakeholders lacked somewhat, nearly half of those that participated were from the Rivermont/Boonsboro area of the City. Given the level of participation in the process, the City feels it received an accurate estimation of the housing needs

The City started the process to evaluate its current housing stock. Lynchburg contracted with HOME (Housing Opportunities Made Equal) to prepare a City-wide Housing Assessment to facilitate the stakeholders' housing conversations. The housing assessment covers demographics, housing characteristics, subsidized housing, homelessness, and a market analysis.

October 2011 – January 2012 (Housing Conversations)
During the first housing stakeholders meeting, the City's housing partners opened with a synopsis of the services they provide. The nine housing partners include Greater Lynchburg Habitat for Humanity (GLHFH), Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Neighborhood Development Foundation (LNDF), Lynchburg Community Loan Fund (LCLF), Rebuilding Together Lynchburg (RTL), Lynchburg Community Action Group (Lyn-CAG), Rush Lifetime Homes (RLH), Lynchburg Covenant Fellowship (LCF), and Community Housing Partners (CHP).

Following the housing partners presentations, City staff provided an analysis of the housing trends. Highlights of the data included considerable growth of Lynchburg's "student" (18-24 years old) and "baby boomer" (55-64 years old) populations over the past ten years which increased ± 80% and ±40%, respectively. Owner-occupied housing is affordable in the City when compared to other localities in the Commonwealth of Virginia. The housing choice voucher program which is designed to offer low income families housing choices throughout the City, is actually doing somewhat of the opposite, as the City has seen that the vouchers are predominantly used in areas that do not afford the greatest variety of housing choices and opportunity - a common trend throughout the United States. Finally, the data highlighted the significance of housing as an economic development driver, especially the relationship between employment and housing choices.

The second housing meeting provided the stakeholders an opportunity to discuss strategies to address the needs identified within the analysis and their workgroups. As part of the process the stakeholders were asked a few questions regarding housing in the City, and their responses were used to target future strategies. The stakeholders returned for a third and final meeting to rank the targeted strategies using interactive technology.

During the three meetings it became apparent that there were several areas of housing in the City in which the stakeholders thought needed to be addressed. The following are the most prevalent ideas that were developed during the stakeholders' sessions:

- The stakeholders felt that although the City recently facilitated the housing conversations, there is no "clear leader" in the housing efforts. Moving forward, the stakeholders feel a leader of the housing efforts should be identified and a housing resources inventory is needed to help identify service gaps.

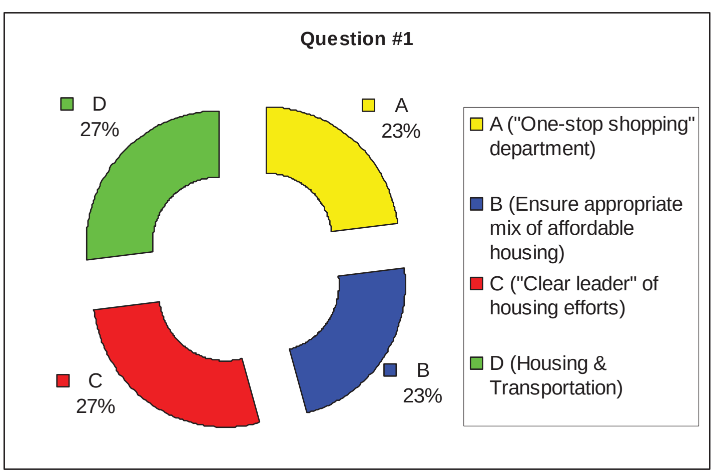
- The stakeholders also placed a high level of importance on youth development in relation to housing. Examples include housing education within the public school system and tracking the health of children relative to their living/housing conditions.

- A common theme within the conversation was the importance of addressing blight and substandard housing conditions. The stakeholders made a connection to economic growth and housing conditions. They concluded that improvements made to one home within a blighted neighborhood can be infectious and neighborhood experiences continued improvement.

- The stakeholders felt more effort was required to address special-needs population housing needs, such as encouraging universally designed housing.

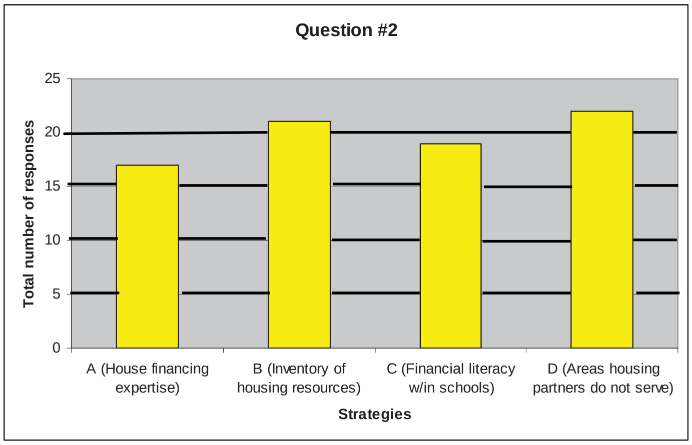
Below are the questions that were presented to the stakeholders and charts indicating the top three to four strategies developed by the stakeholders. The strategies that were not as popular will also be retained for reference. Although the strategies have not yet been prioritized, they will be refined and prioritized by a future group of stakeholders known as the Housing Collaborative.

1- What are some of the needs that can be identified in working towards meeting the housing goals that are identified in the Comprehensive Plan?



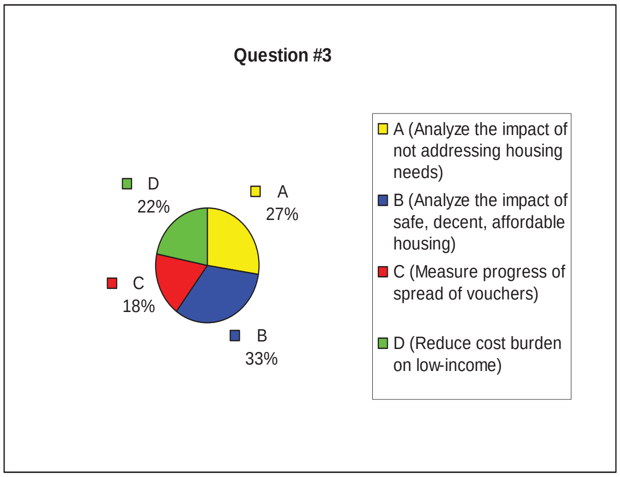
A. "One-stop shopping" office/department to handle anything related housing.
B. There needs to be a mechanism to ensure an appropriate mix of affordable housing.
C. There needs to be a "clear leader" of the housing efforts.
D. Need for correlation between housing and transportation.

2- Given what you have learned from the Housing Assessment as well as the work of the Housing Partners, what are some strategies to achieve the City's housing goals and eliminate the gaps in housing?



A. Develop expertise on housing financing, laws and programs at the local level.
B. An inventory of housing resources should be collected, which at minimum includes acquiring information on availability, vacancy, and distribution of housing.
C. Financial literacy should be taught within the public school system.
D. Identify areas of need that the Housing Partners do not serve.

3- What are some metrics that can be used to measure our success in closing the gap between current housing availability and housing needs?



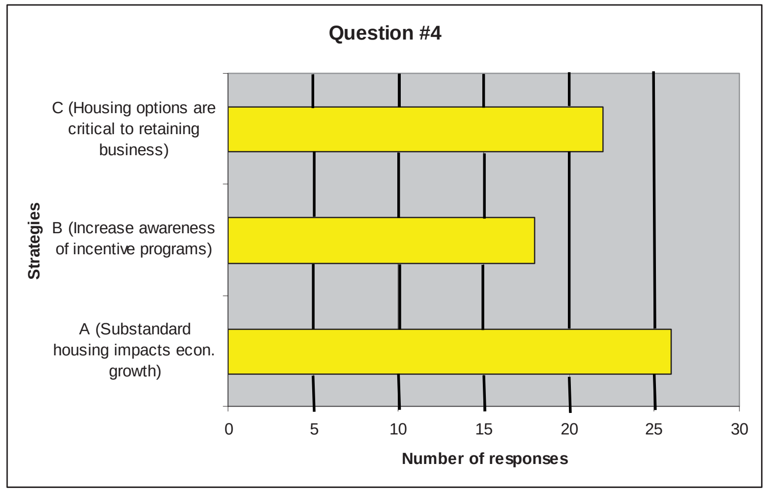
A. Analyze the impact of not addressing housing needs (i.e. impact of reduction of code enforcement).
B. Analyze the impact of safe, decent, affordable housing relative to school attendance and health (track with the goal of reducing or improving).
C. Data indicates that housing vouchers are used in concentrated areas of the City. Regularly measure progress on the availability of vouchers throughout the City.
D. Reduce the burden of housing costs on low-income persons/families.

4- What connections can be made between economic growth and housing conditions?

A. Substandard housing needing rehabilitation negatively impacts economic growth; while increasing the value of one home in a neighborhood is infectious and often the neighborhood sees continued improvement.

B. Increase awareness of the incentive programs available for housing needs.

C. Housing options are critical to retaining business and industry in our City.

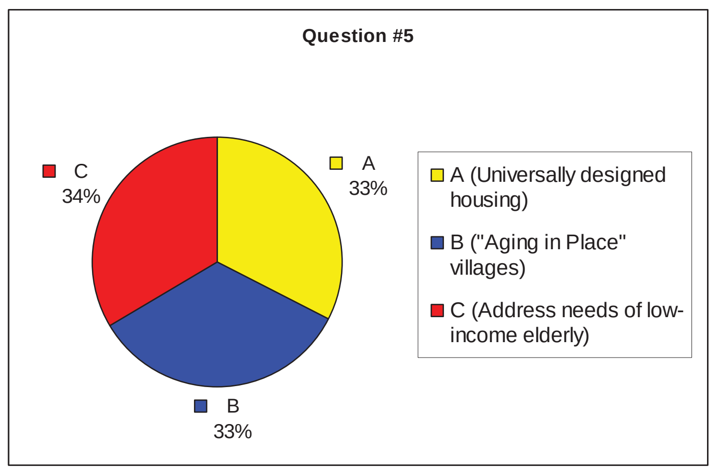


5- What measures can be taken to plan for the elderly & student populations' housing needs within the City?

A. Universally designed housing should be encouraged.

B. "Aging in Place" villages should be supported and developed.

C. Address the needs of the low-income elderly.



Conclusion and Recommendations

In order for these strategies to take shape, a Housing Collaborative should be formed to initiate and facilitate the strategies. The Housing Collaborative, at a minimum, should include a housing partner representative, realtors, developers, bankers and other engaged stakeholders, as well as city staff from the Community Development and Economic Development departments. As part of the grant agreement with Housing Virginia the Collaborative will meet at least twice each year to review data, identify trends and monitor the progress of strategies identified.

The results of the conversations have allowed the City to set a path for the future of housing and the strategies that have been developed by the stakeholders reflect the housing needs of the City. To that end, the City feels that this is simply the beginning of many conversations needed on housing. The Housing Collaborative will be tasked with continuing the conversation and facilitating the updates in housing trends.

February 22, 2012

Minutes of the Lynchburg Planning Commission, February 22, 2012, 4:00 p.m., City Hall, 900 Church Street, Conference Room.

MEMBERS PRESENT:
Mr. Richard D. Barnes
Dr. James E. Coleman, Jr.
Ms. Laura L. Hamilton, Chair
Mr. Kevin Hooper
Mr. M. Anderson Sale, Vice Chair
Mr. Gerry E. Swienton

MEMBERS ABSENT:
Mr. Theodore B. Hannon

OTHERS PRESENT:
Mr. Tom Martin, City Planner, Ms. Robin Craig, Planning Technician, Mr. Kevin Henry, Planner II and the public.

1. Roll Call:

After a quorum was established, Chair Hamilton then called the meeting to order at 4:00 p.m.

2. Approval of the Minutes of the January 11, 2012 meeting:

The minutes were accepted with one needed correction noted to the vote taken for the position of Secretary. The vote needs to be revised to reflect the correct attendance for that meeting.

3. Public Hearings:

a. Petition of Clarion Investments, LLC, to rezone approximately one and one hundred and eighty three thousandths (1.183) of an acre located at 2625 Lakeside Drive from B-3, Community Business District to B-5, General Business District to allow the use of the property for automobile sales.

Commissioner Swienton indicated that he would be abstaining from the petition due to a professional relationship with one of the parties involved. Mr. Martin had the following comments for the commissioners. He reminded them that there had been a rezoning last year for the parcel to the south and adjacent to this parcel to construct a car dealership. This rezoning would facilitate that car dealership as well. The franchise wants a little more visibility from 221. The site plan indicates that there would be only one entrance to this parcel, a right in/right out, from Lakeside Drive to facilitate safe movement. Full ingress and egress to the dealership will be from Breezewood Drive. There will be 101 display spaces on this parcel. Landscaping will be provided in compliance with the landscape ordinance. Stormwater management will be provided by the City's regional stormwater detention pond for both quantity and quality. The City's Fire and Police departments had no comments of concern and the Planning Division does recommend approval of the rezoning petition.

Mr. Norm Walton came forward to represent the petition. He added that the building will be relocated to the rear of the property. There has been discussion about vacating the internal lot line, but that decision has not been finalized yet. Even if the property line is not vacated, the front parcel will be used for display of cars only. All other details about the rezoning petition have been covered by Mr. Martin's comments.

Chair Hamilton asked if there was anyone else present to speak in favor of the petition. No one came forward. She asked if there was anyone present to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Barnes asked about the catchment area of the regional stormwater detention pond. Mr. Martin said it is his understanding that the stormwater detention pond was constructed as part of the Breezewood Drive extension and was adequately sized to serve the road and the four parcels on either side of the Breezewood Drive connector. Part of the agreement for obtaining the right-of-way for that project was to handle the stormwater for these four parcels. Mr. Walton concurred with that explanation.

Commissioner Sale indicated that this petition seems to be consistent with what is around this parcel. He thinks it might build a nice community of common interests in that area.

Commissioner Coleman made the following motion, which was seconded by Commissioner Sale, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Clarion Investments, LLC, to rezone one and eighteen hundredths of an acre (1.18) from B-3, Community Business District to B-5, General Business District at 2625 Lakeside Drive."

AYES:	Barnes, Coleman, Hamilton, Hooper and Sale	5
NOES:		0
ABSTENTIONS:	Swienton	1
ABSENT:	Hannon	1

4. New/Old Business:

a. Mr. Kevin Henry gave a report on the housing meetings, which were held recently as part of "Lynchburg is Listening." At the conclusion of his report, he indicated that the ultimate goal is to form a housing group that will take on these initiatives. It would consist of members of hosing partners and City staff and they would meet a few times a year. Mr. Henry also indicated that this report will go forward to City Council with the comments of the commissioners.

Commissioner Sale asked if there were representatives from Liberty present at these meetings and Mr. Henry said there were. Commissioner Sale noted that he did not see anything in this report that is centered on the rising need of housing for students. He asked if there was much discussion about this issue at the meetings. Mr. Henry said there was discussion about this issue and staff does recognize that there needs to be focus placed on this issue.

Commissioner Sale asked if there was any discussion about addressing substandard housing issues, particularly substandard rental property. Mr. Henry remarked that the group understands that blight is contagious and that the need to protect the neighborhood and address blight was probably the most prominent message that came out of the group.

Commissioner Barnes wanted to push the connection between transportation and housing. As gas prices go up, transportation costs are going to become an increasing drain on households. He thinks the need is there to push transit oriented development. Commission Barnes said he is currently chairing a task force at Randolph College that is mapping where faculty and students live in order to promote carpooling, van service and the use of mass transit. Mr. Henry agreed that they have seen a trend where people are choosing to live closer to where they work and it is certainly something for the housing group to explore moving forward.

Chair Hamilton asked if any of the housing partners had risen to the task of being the leader of this housing initiative. She asked if they saw the housing authority as possibly being that leader. Mr. Henry said they certainly want to engage the housing authority because it is a critical component but determining the leader is going to be up to the collaborative as it moves along.

Chair Hamilton noted that they need to think about higher density developments, where those types of developments will fit in the City and ensuring that the Zoning Ordinance allows for such types of developments. That is a way the Planning Commission can help the housing collaborative in its efforts to address a significant need for a certain type of housing that the City needs in the future.

Commissioner Coleman asked how the City identifies the number of homeless persons in the City. Mr. Henry said they do a survey each year that includes personal interviews. They know the typical locations where to find the City's homeless population. They have been honing their process for several years. Commissioner Coleman noted that it could be possible for students to be homeless because they cannot afford on campus housing and he wondered if this number is actually under reported. Again, the need to address the adequacy of affordable student housing was stressed by Commissioner Coleman. He also stressed the need to address affordable transportation, especially as he sees the public transit budget being undercut.

Commissioner Swienton asked who provided the grant money for this program. Mr. Henry stated that it is Housing Virginia.

Commissioner Sale noted that there is an emerging group that is looking at the "food deserts" in Lynchburg. It would seem to him that this is related to housing because the "food deserts" are probably located in the substandard housing areas. This issue ties back to the need to provide mass transportation for those residents, as they likely do not have access to good food sources.

Mr. Henry mentioned that they would like to see a Planning Commissioner in the housing group. Mr. Martin stated that staff would like an affirmation from the Planning Commission that this report is ready to go forward to Council. The commissioners were in agreement that this housing initiative does tie in with the goals of the *Comprehensive Plan* and the housing report should move forward to Council. Chair Hamilton asked that this report be forwarded to the Citizens Steering Committee. The commissioners applauded the efforts of the housing initiative.

b. Discussion about the possibility of having the Environmental Reviewer address the Planning Commission: This was brought up by Commissioner Hannon in a phone conversation and Ms. Craig was not sure if he still wished to have Mr. Dorman address them or not. Chair Hamilton indicated that she would find out from him if he still wished to have this placed on a future agenda. In the meantime, the commissioners indicated that they would like Mr. Timothy Mitchell from the Department of Water Resources to address them about the developments in the stormwater utility.

c. Mr. Martin gave them an update on the progress with the Bluffwalk development and the Campbell Avenue corridor study. A lot of the recommendations for the Campbell Avenue corridor study will hinge on the traffic counts that are being currently being tabulated.

d. Commissioner Sale commended staff on the initiative to designate a portion of Fifth Street on the state's register of historic places. He thinks this will be an important piece in the future economic development of Fifth Street. Mr., Martin remarked that this was a joint effort between Economic Development and Community Development.

5. Next Regular Meeting:

The next regular meeting will be on March 14, 2012.

6. Adjournment:
There being no further business, the meeting was adjourned at 4:50 p.m.

ATTEST:________________________________ ATTEST:________________________________
City Planner Chairman

MEMORANDUM

The Department of Community Development

Planning

455-3900

TO: Planning Commission

FROM: Kevin T. Henry, Secretary

DATE: February 16, 2012

SUBJECT: City-wide Housing Report (from "Lynchburg is Listening: A Conversation on Housing")

Over the past several months, the Community Development Department organized three (3) different public meetings known as "Lynchburg is Listening: A Conversation on Housing" to discuss housing within the City. A City-wide Housing Assessment was also conducted to provide a foundation for the three (3) meetings. The Housing Assessment is attached for your information. Staff has compiled the results of the meetings, which can be found within the attached Housing Report.

As part of this process, staff is requesting the Planning Commission to review and recommend necessary changes to the Housing Report before it is carried forth to City Council. As mentioned, City Council will also be reviewing the Housing Report with opportunity to question and comment.

During the Planning Commission meeting, staff will provide an overview of the elements of the housing conversations.

City of Lynchburg, VA:
Housing Assessment

Prepared By:

Housing Opportunities Made Equal of Virginia, Inc.

for the

City of Lynchburg

HOME
Housing Opportunities Made Equal

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The City of Lynchburg has a variety of housing issues to consider as it seeks to maintain its tax base and grow economically as a regional center for the surrounding Counties. A Community Conversation with stakeholders and citizens is needed to identify housing needs and priorities and develop the goals and strategies to meet the needs of our citizens in order to strengthen the City. The Community Conversations are part of a recently adopted approach by the City, known as "Lynchburg is Listening," which is now used for receiving community input. This approach has focused on allowing citizens to shape the conversation and focus on solutions following the presentation of data. It has also been used for the Community Dialogue on Race and Racism, Heritage High School, and recent annual budgets.

Through a series of meetings and informational sessions, City staff, with the help of a professional housing organization known as HOME (Housing Opportunities Made Equal), will convene a group of citizens from various disciplines and agencies (stakeholders) in order to explore the current housing data available for the purpose of analyzing housing needs. Through this process, the group will be charged with identifying possibilities in creating solutions to address the City's housing gaps/needs.

The City expects a few goals to be accomplished by this housing conversation. First, the City will be able to establish its housing issues and measure those issues through data analysis. Second, the City anticipates that a "Housing Partners" committee will be formed. The Housing Partners, a much smaller group than the stakeholders, to be identified through the community conversation on housing would meet regularly to ensure the initiatives discussed during the community housing conversations are implemented. Finally, City staff will provide a Citywide Housing Goals and Strategies document, which will direct housing policy changes or recommendations.

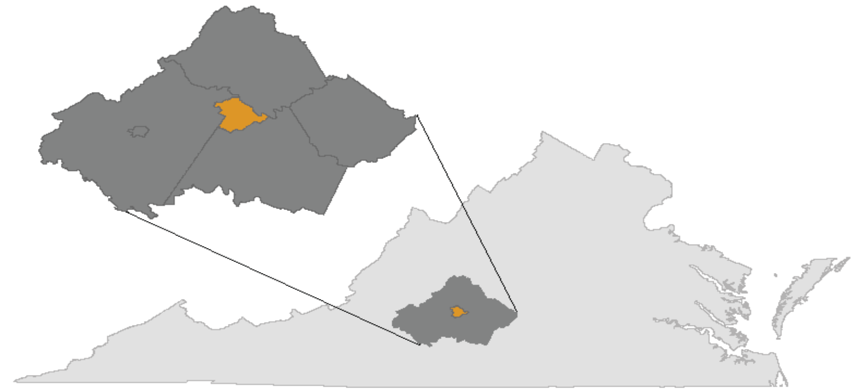
It is the mission of Housing Opportunities Made Equal (HOME) to ensure equal access to housing for all people. As one of the preeminent fair housing organizations in the country, it is our belief that the location of one's home directly impacts the opportunities one will have throughout his or her life. Neighborhoods with high rates of homeownership and high median household income tend to have better schools and lower incidences of crime. Likewise, residents living in these neighborhoods typically have fewer serious illnesses and health issues than their neighbors in less affluent neighborhoods. In short, achieving equity and diversity in housing options for all citizens is the surest way to create a sustainable, healthy, and vibrant City.

Given this philosophy, the Lynchburg Housing Assessment consists of a detailed analysis of numerous socio-economic and housing-related data. It serves to illuminate the current strengths and weaknesses of the City's housing market while also providing some insight into housing related issues which may present themselves in the future.

The key findings of the Housing Assessment performed by HOME are:

- As is true in most cities throughout the country, Lynchburg is more racially diverse than the surrounding counties. This racial diversity translates into differences in variables such as affluence and opportunity. However, Lynchburg offers unique opportunities for "empty nesters" and young families due to its affordable housing options, proximity to cultural amenities and overall diversity. The number of "empty nesters" and young families has grown significantly over the past 10 years. Ensuring that their specific housing needs are met should be a priority for any future housing strategy.

- Although the City remains one of the most affordable of Virginia's "First Cities," there still exist numerous households which pay greater than 30 percent of their income toward housing costs. The percentage of household income devoted to housing has declined for residents owning their own home whereas the percentage devoted to rental housing has remained relatively stable. Median household income between owner occupied and renter occupied housing units is quite disparate in cities everywhere, but given the increasing affordability of homeownership in Lynchburg it may be beneficial to explore local incentives to increase the homeownership rate.



Location of the City of Lynchburg and Lynchburg MSA in relation to the State of Virginia

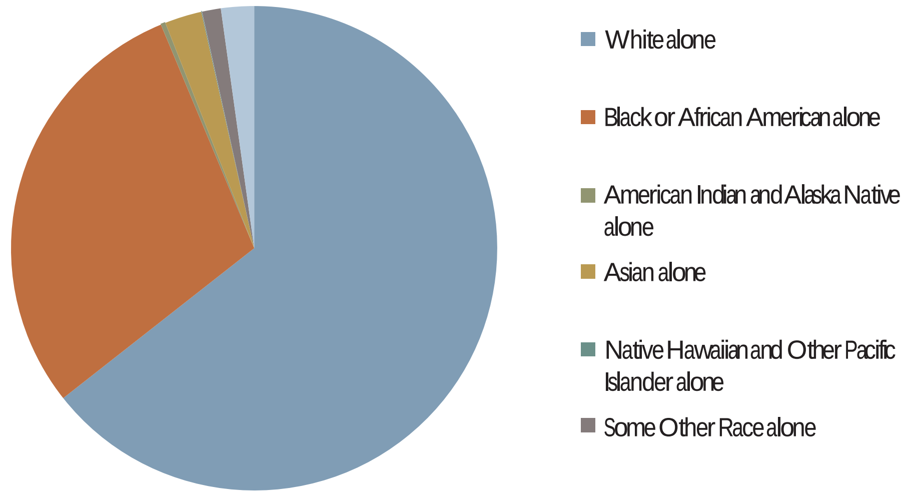
- The location of residents receiving tenant-based federal rent assistance (Housing Choice Vouchers) is inversely related to those areas offering the greatest opportunity. Prolonged concentrations of low income residents have a negative impact both on the family and the community. Housing Choice Voucher holders' housing options may be limited due to a number of factors such as landlord resistance, and poor credit and rental references. This represents an opportunity to explore creating or enhancing programs to encourage landlords in low poverty neighborhoods to participate in the voucher program, provide voucher holders with responsible tenancy education and helping potential landlords navigate Housing Choice Voucher program requirements.

Typical of cities throughout the United States, Lynchburg is facing numerous challenges as a result of sweeping demographic changes as both residents and businesses have moved from cities to suburbs. As a result, less affluent, minority populations have been essentially stranded in older neighborhoods, left with dwindling tax revenues to pay for rising education, transportation and other social service costs. However, in recent years, cities across the country have been experiencing a resurgence of sorts as people move back to city centers to take advantage of the numerous amenities found in inner cities.

The total population of the City according to the 2010 Decennial Census was 75,568, close to a 16 percent increase since 2000.[1] This number is projected to grow to 83,990 by the year 2030 according to projections made with a methodology developed by the Virginia Employment Commission.[2] As will be shown on the following pages, this population is widely dispersed throughout the City and exhibits great diversity across several key variables such as income and homeownership rates.

To truly understand the underpinnings of housing and how it serves as the center of opportunity for residents, a basic examination of the socio-economic and demographic profile of Lynchburg's residents is essential. As evidenced in Chart 1, the City is primarily comprised of Whites (64.4 percent) and African Americans (29.3 percent). Combined, the other minority groups, American Indian (0.3 percent), Asian (2.5 percent), Native Hawaiian and other Pacific Islander (.05 percent), some other race (1.3 percent), and two or more races (2.2 percent) account for a total of just 6 percent of the population. Hispanics or Latinos, who can be of any race, account for approximately 3.5 percent of the total population.[3]

Chart 1: Racial Profile of the City of Lynchburg,



Source: US Census Bureau, Decennial Census, 2010, Sf1.

In comparison to the larger Lynchburg Metropolitan Statistical Area (MSA) (Shown on the Preceding Page), the City exhibits greater racial diversity; minorities account for 37 percent of the total population compared to just 23 percent in the surrounding counties.[4] This is due in large part to the aforementioned outmigration of affluent households to

[1] US Decennial Census, 2000 SF3, 2010, SF1.

[2] Virginia Employment Commission most recent population projections were adjusted to establish the baseline population at the current population.

[3] US Decennial Census, 2010 SF1

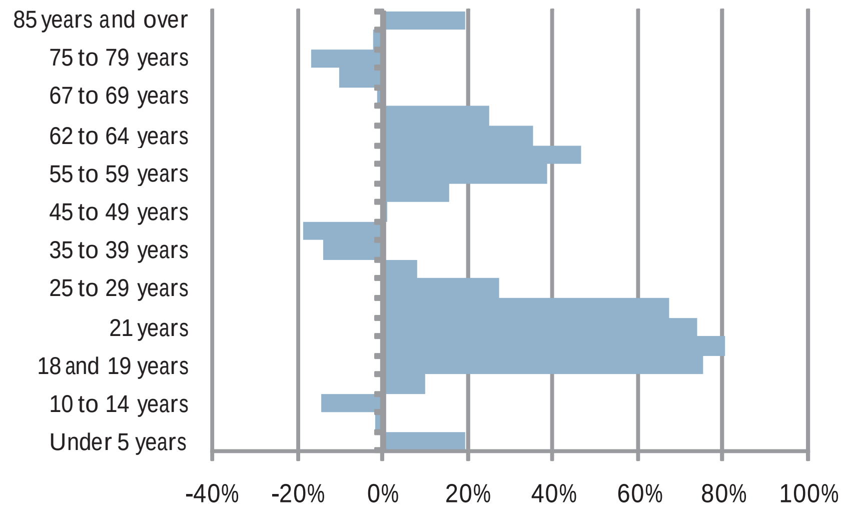
[4] *Ibid.*

the periphery of the City, as well as the proximity and availability to amenities such as public transportation, and social and medical services found within the City.

Age is another important variable to assess when examining housing related issues, as the specific needs of various age groups must be appropriately addressed. For example, the needs of a large elementary school aged population are completely different than those of retirees. As the population of the United States continues to grow older as people live longer, local leaders are faced with the challenge of ensuring adequate and affordable housing for a population with specific needs such as proximity to shopping, transportation and healthcare, as well as overall accessibility.

Examining the percentage change in the population by age cohort reveals that there has been significant movement in several notable age ranges (Chart 2). First, the population aged 18 to 24 grew approximately 70 percent from 2000 to 2010. This is most likely due to increased enrollment within the numerous universities and colleges located in the City. Second, the population aged 55 to 66 grew by roughly 30 percent. Growth in this age group is consistent with the national aging trend described previously. Third, several age groups experienced marked decreases, most notably the 35 to 44 and 70 to 79 age group. Possible explanations for the younger age group could be migration due to the economic recession of 2008 to 2009. The older age group may have

Chart 2: Age-Cohort Percentage Change 2000 to 2010

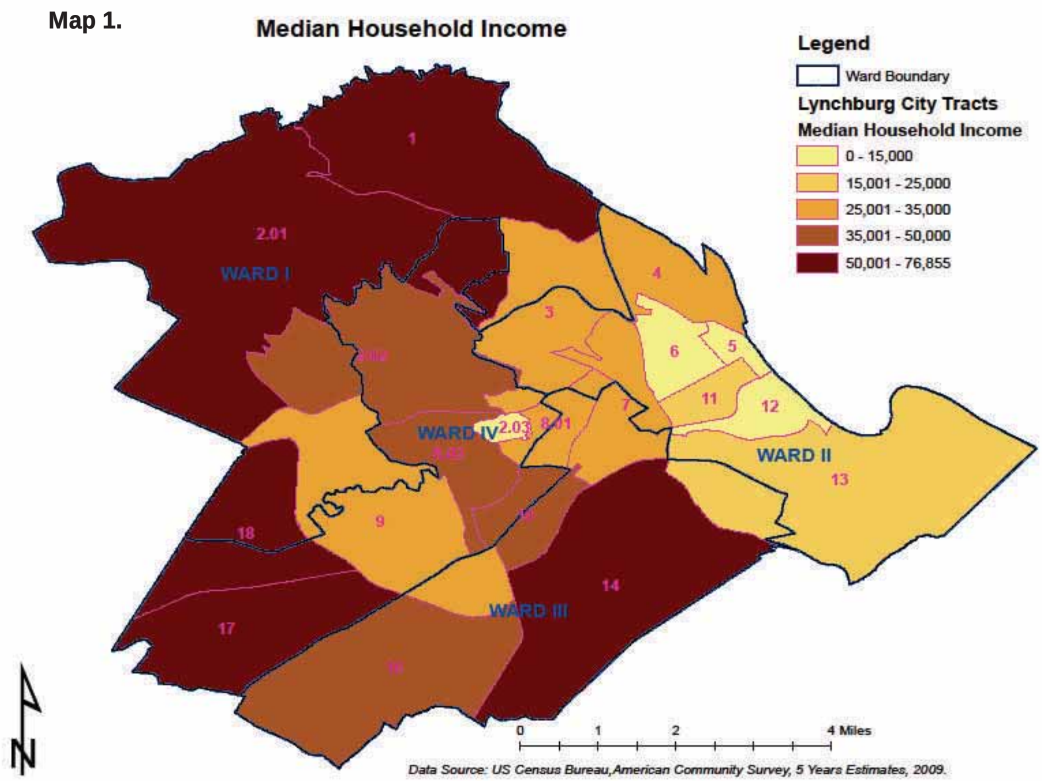


Source: US Census Bureau, Decennial Census, 2010, Sf1; 2000 Sf3

sought retirement elsewhere, either in the surrounding MSA or outside of the region entirely. Fourth, there was a nearly 20 percent increase in the population aged 85 years and older. Given the decline in the 70 to 79 age cohorts and the significant growth in the 85 and older, there may exist unmet demand for various adult living facilities, from retirement communities to nursing homes. In short, the age cohort analysis reveals several populations which have been growing over the past 10 years. Each of these age groups have unique demands which often go beyond housing to include a broad array of amenities including, but not limited to access to transportation, shopping, nightlife, and cultural events. Working to meet the housing needs of these growing populations will no doubt include meeting some of their other needs as well.

Median household income is another important variable to assess when examining housing related issues, as income is one of the single largest determinants of housing choice. There exists a strong relationship between median household income and other variables such as race, homeownership rates, and overall opportunity (as will be discussed later). For now, Map1 shows the spatial distribution of median household income in the City. It is important to note that median household income loosely follows the development patterns of the City. That is, those census tracts with the highest median household income are also the most recently developed portions of the City. Conversely, those neighborhoods in, or close to, the downtown district are not only older, but significantly less affluent.

Map 1.



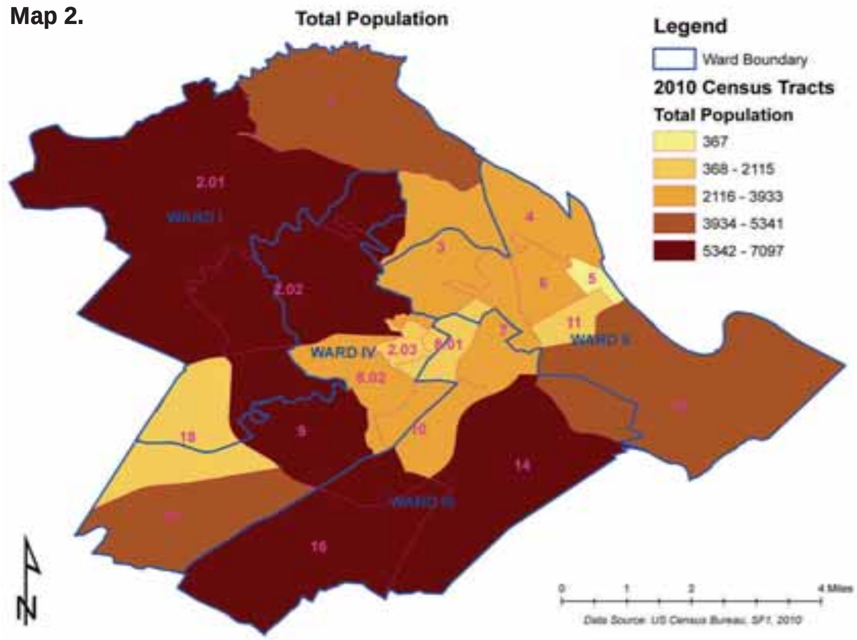
In conclusion, the socio-economic and demographic profile of the City of Lynchburg is similar to many cities across the Country in several ways. First, the City is significantly more racially diverse than the outlying counties. In addition, the population is showing signs of growing older. This point is also an important difference between Lynchburg and other cities in that the population between 18 and 29 grew substantially over the past ten years. This can largely be attributed to growth in the universities and colleges found in the City. It also appears as if students are staying in the City upon graduation to pursue careers and possibly have children, which could explain the close to 20 percent increase in the population younger than 5. Finally, there exists great disparity in affluence among certain census tracts, notably tracts 5, 6 and 12. It will be the work of future efforts to address this disparity, as it is one of the greatest barriers to equitable access to adequate and affordable housing.

The following section will examine a host of housing characteristics in relation to socio-economic variables such as housing occupancy, distribution of owner versus renter households, vacancies, and the distribution of various housing types. Additionally, variables such as housing affordability, gross rents, cost burden and federally assisted rents will be explored to compare the health of the Lynchburg housing market to similar cities across the State.

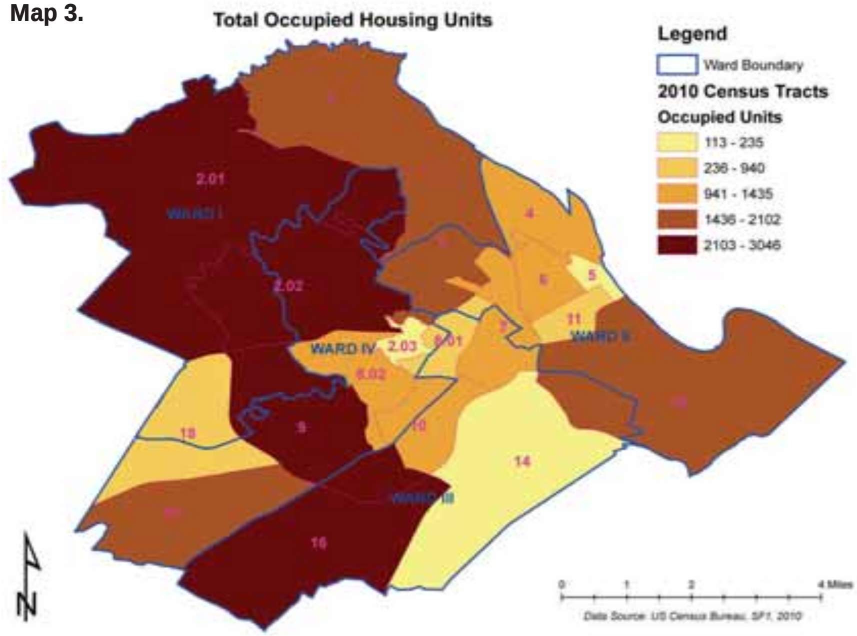
Comparing the spatial distribution of the total population of the City (Map 2) with the total number of occupied housing units (Map 3) reveals an anomaly in the way in which the Census Bureau collects census data. All of the census tracts have populations relative to the number of occupied housing units, except census tract 14, located in the southeast portion of the City. This census tract contains numerous student housing developments related to Liberty University. These housing units are classified by the Census Bureau as group quarters and though their population is accounted for in the total population map, the housing units are under-counted. Student housing and how it relates to the City of Lynchburg is discussed later.

Map 4 (following page), which shows the percentage of owner occupied housing units reveals that median household income is a strong indicator of homeownership rates. The majority of census tracts with high median household income also exhibit the highest rates of owner occupied housing. However, homeownership is relatively evenly dispersed throughout the

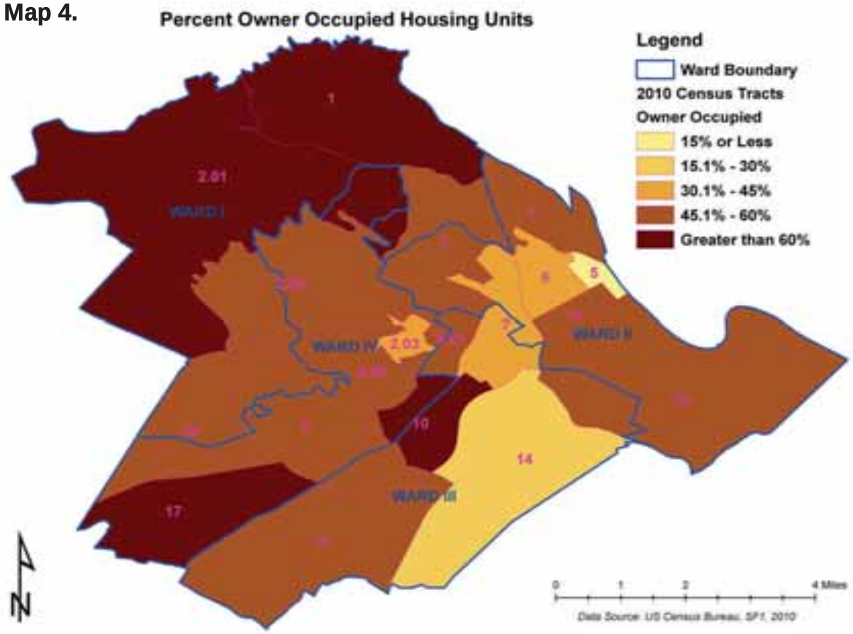
Map 2.



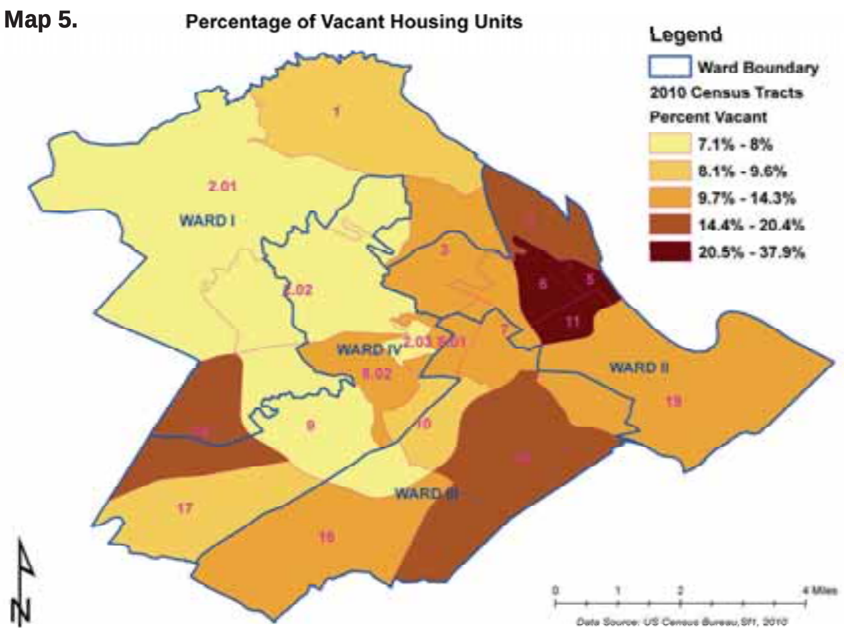
Map 3.



Map 4.



Map 5.



City with the majority of census tracts exhibiting at least 45 percent owner occupied housing units. The distribution of renter occupied housing units is inversely related to owner occupied housing.

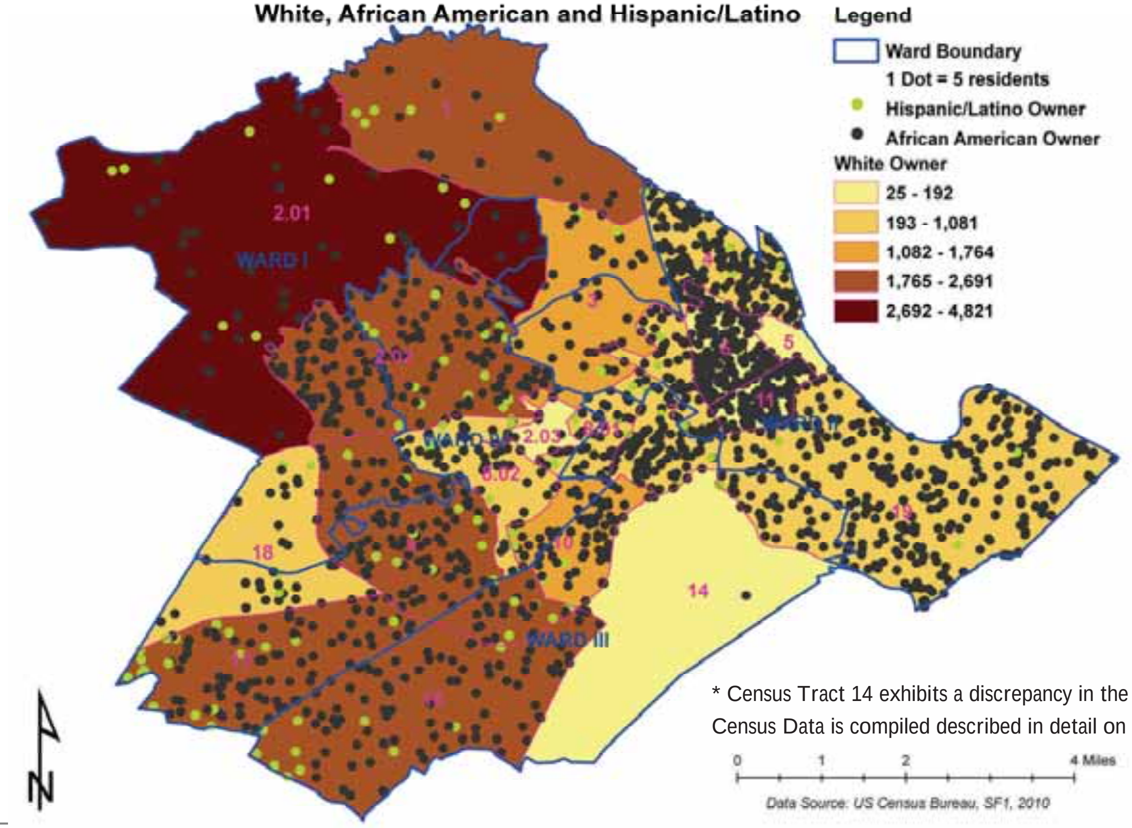
Map 5 shows the distribution of the percentage of vacant housing units by census tract. Overall, the number of vacant units in the City has increased 45 percent since 2000, from 8.4 percent to 12.3 percent in 2010.[5] This increase in vacancies is most likely explained by several factors including the availability of newer housing stock in other parts of the City and older housing units falling into disrepair due to age and the escalating cost of maintenance. Additionally, the economic recession of 2008-2009, the prolonged collapse of the residential housing market, and the foreclosure crisis which has affected every neighborhood in the Country has no doubt been a factor in the increase in residential vacancies throughout the City.

It is worth noting that residential vacancies have particularly impacted the downtown area of the City, being as high as 38 percent in some census tracts, as opposed to other neighborhoods in the City. It is also worth noting that median household income in these census tracts is the lowest in the City. This fact serves as a reminder that although the current economy has effected people of all socio-economic classes, it has disproportionately affected less affluent residents.

[5] US Decennial Census, 2000 SF3, 2010, SF1.

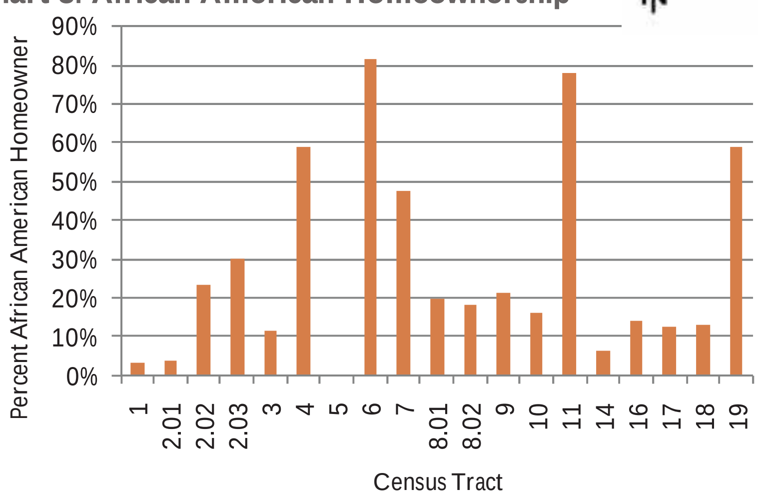
The total population of owner occupied housing units by race is shown in Map 6. Although most census tracts exhibit relative racial diversity in terms of homeownership, there are several census tracts which exhibit a fair degree of disparity. In particular, homeowners in census tracts 4, 6, 11, and 19 are up to four times more likely to be African-American than in other tracts throughout the City. Chart 3 (below) shows the percentage of African American homeowners per census tract. Clearly, African Americans are significantly more likely to own homes in particular census tracts than others. In 11 of the 19 census tracts found in the City, African American homeowners account for less than 20 percent of total homeowners. Though this distribution of homeownership is the norm for cities across the country, one of the principal goals of any significant housing strategy should be to affirmatively further fair housing by preserving equal access to opportunity for all residents. This means evaluating whether there exist mechanisms that are artificially concentrating residents in particular neighborhoods or barriers preventing them from moving. Hispanics/Latinos are the other significant minority population found in the City, and with relatively few exceptions are evenly distributed

Map 6. Total Population for Owner Occupied Housing Units: White, African American and Hispanic/Latino



* Census Tract 14 exhibits a discrepancy in the way Census Data is compiled described in detail on page 6

Chart 3: African American Homeownership

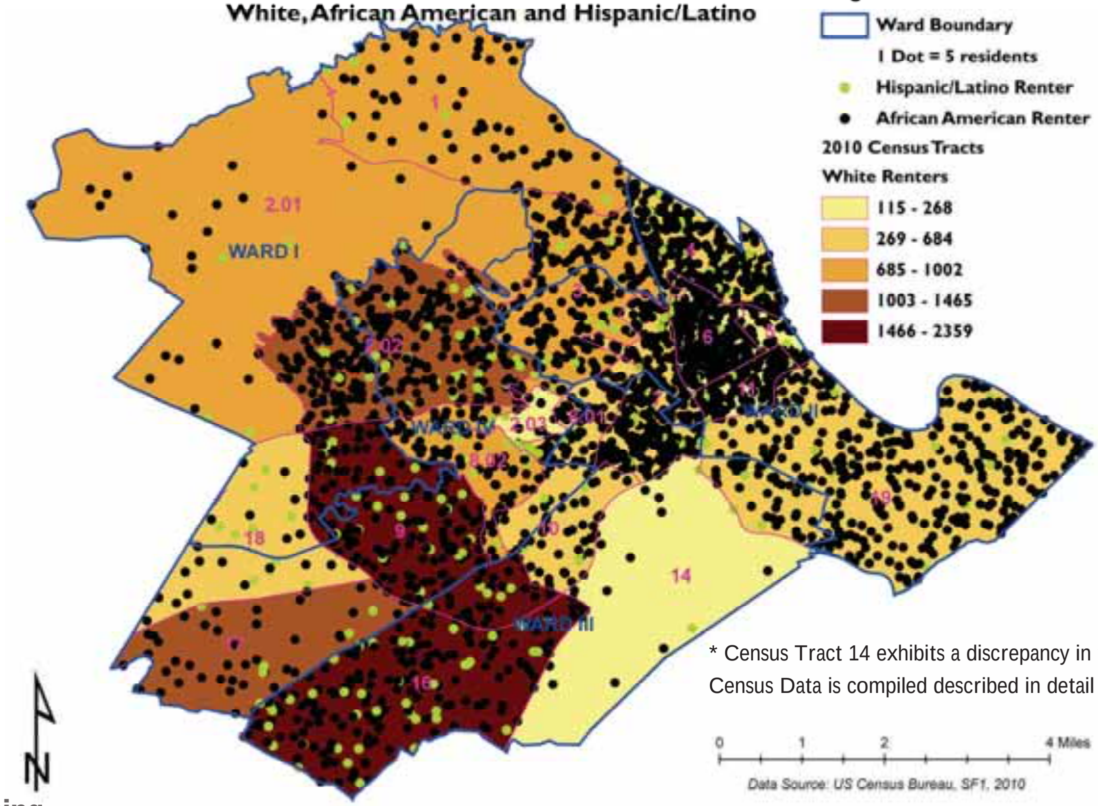


Source: US Census Bureau, Decennial Census, 2010, Sf1 throughout the City's neighborhoods.

Map 7 (right) shows the spatial distribution of the total number of renter occupied housing units by minority group. It is clear that renter occupied housing units are particularly clustered in several census tracts in the core of the City. In particular, African American renter occupied housing units are clustered around the downtown district.

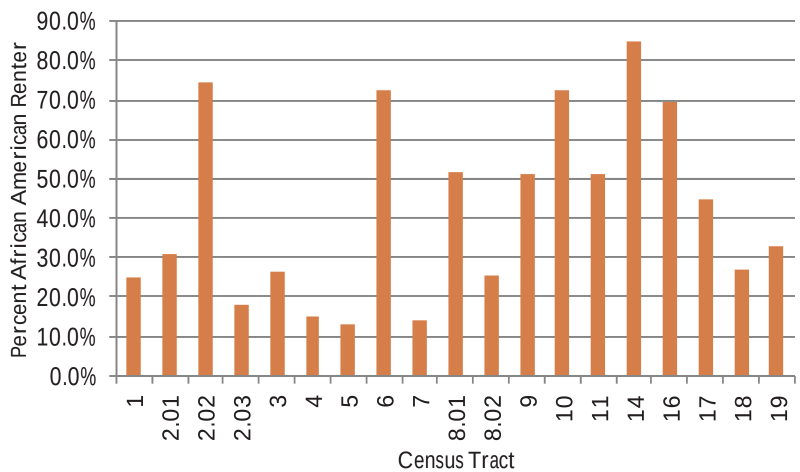
Chart 4 (below) shows the ratio of African American to White renter occupied housing units by census tract. As the chart makes clear, African American renter occupied households are significantly more likely to be found in certain census tracts as compared to others especially in light of the fact that they are more prevalent throughout the City.

Map 7. Total Population for Renter Occupied Housing Units: White, African American and Hispanic/Latino



* Census Tract 14 exhibits a discrepancy in the way Census Data is compiled described in detail on page 6

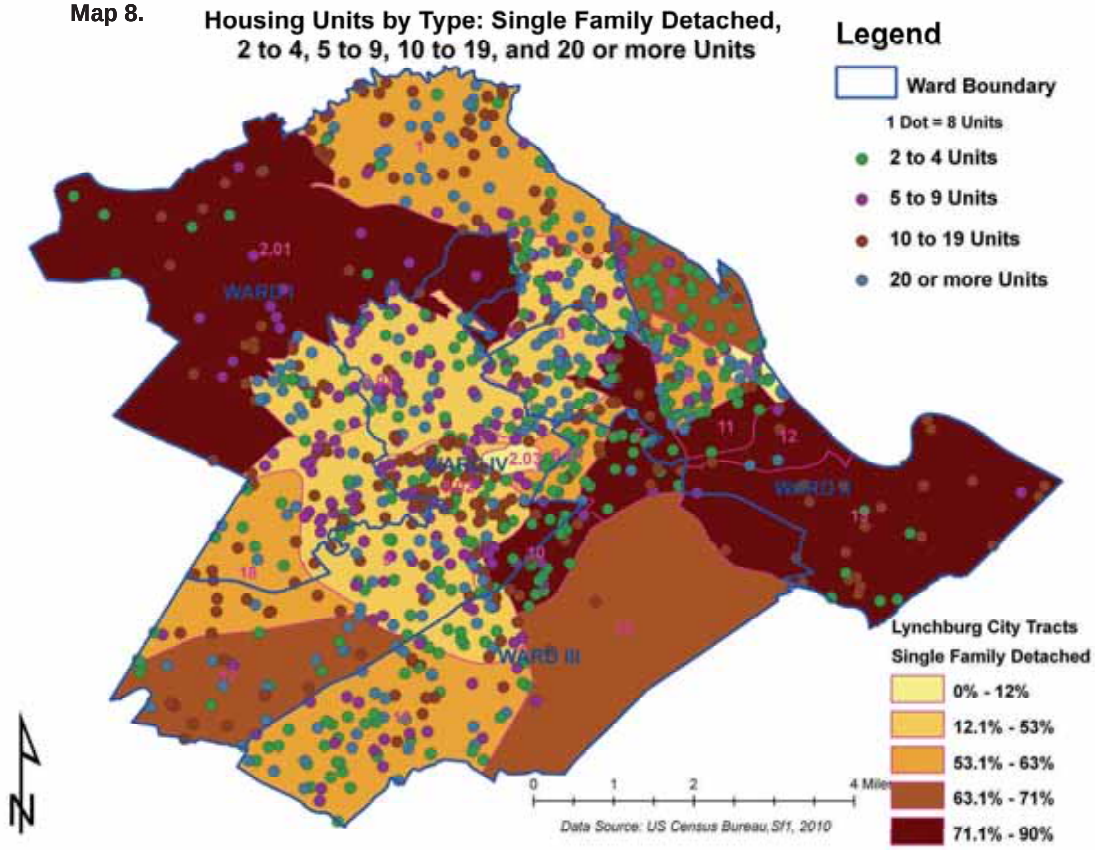
Chart 4: African American Renter Occupied Housing



Source: US Census Bureau, Decennial Census, 2010, Sf1

Comparing Map 7 with Map 6 highlights the racial composition of City residents; though large portions of the City are relatively racially diverse, there exist extreme concentrations of minority populations in specific areas, most notably the older, downtown and peripheral areas. Again, a top priority of any housing strategy must be to preserve equal access to opportunity for all residents. Further evaluating housing barriers impacting minorities and low to moderate income residents will help reveal deeper issues.

Map 8.



Much of the preceding analysis detailing the composition of the City's population can be explained by Map 8 (right) showing the spatial distribution of the types of housing options found throughout the City. When compared to the preceding two maps, it is clear that there is a strong correlation between homeownership and the prevalence of single family, detached housing units. Conversely, there is an obvious distribution of renter occupied housing units and multi-family housing options found through the central core of the City.

The median age of housing units, as shown in Map 9 (following page) reveals a concentric development pattern, described previously, in which the residential development radiates out from the City center in concentric rings. Long a cornerstone of the vibrancy and overall health of the City, downtown central business districts have fallen upon hard times in the recent past due in large part to the demographic shifts described previously. Thus, cities across the country have focused substantial resources into rejuvenating declining downtown areas by expanding retail amenities, housing options, and cultural activities. Lynchburg has done the same. Map 9 shows the location of housing grants awarded in 2010.[6] Lynchburg has focused significant effort on expanding affordable housing options to residents in the oldest parts of the City. A number of housing organizations have been particularly active in renovating existing housing stock in some of the neighborhoods with the highest vacancy rates in the City. These efforts to create affordable housing options while retaining the historical integrity of the City should be applauded. Such efforts, however, must be carefully balanced with efforts to increase the opportunity found in such neighborhoods by working to provide access to transportation, education, employment, and open, green space in order that such efforts are sustainable over the long run. Without a balanced approach, such efforts oftentimes serve to reinforce socio-economic disparity by encouraging

[6] City of Lynchburg, VA Department of Information Technology

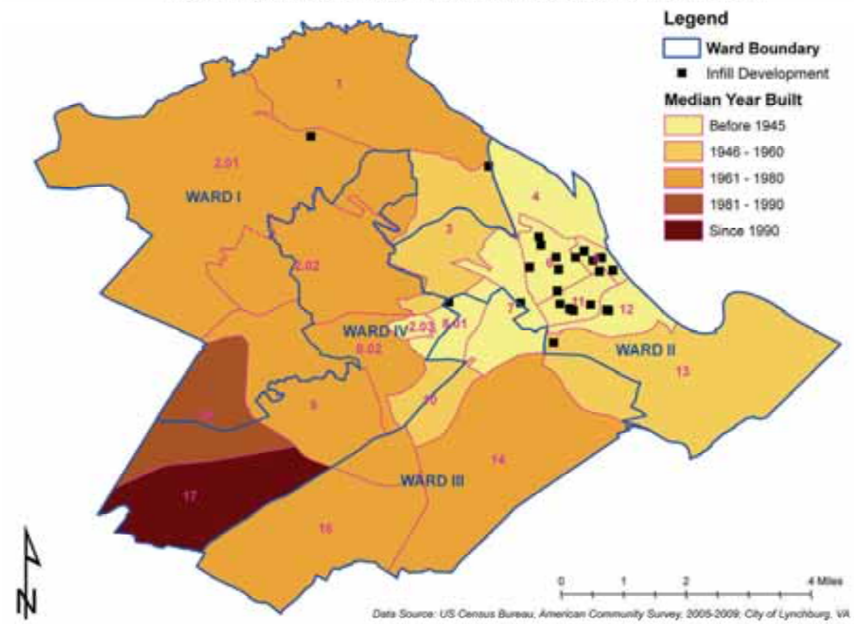
low income residents to remain in neighborhoods with lesser opportunity than other, more desirable neighborhoods.

Finally, the City contains an estimated 16,000 residential students at five primary colleges/universities within the City limits.[7] Of these, Liberty University, located in census tract 14, is the largest, providing housing to approximately 50 percent of its 12,200 residential students. This census tract is largely occupied by Liberty University and commercial businesses. As Map 8 (preceding page) shows, there are very few housing options for students in this census tract beyond University supplied housing. Thus, it can be assumed that the rental housing market absorbs the remainder of the residential student population.

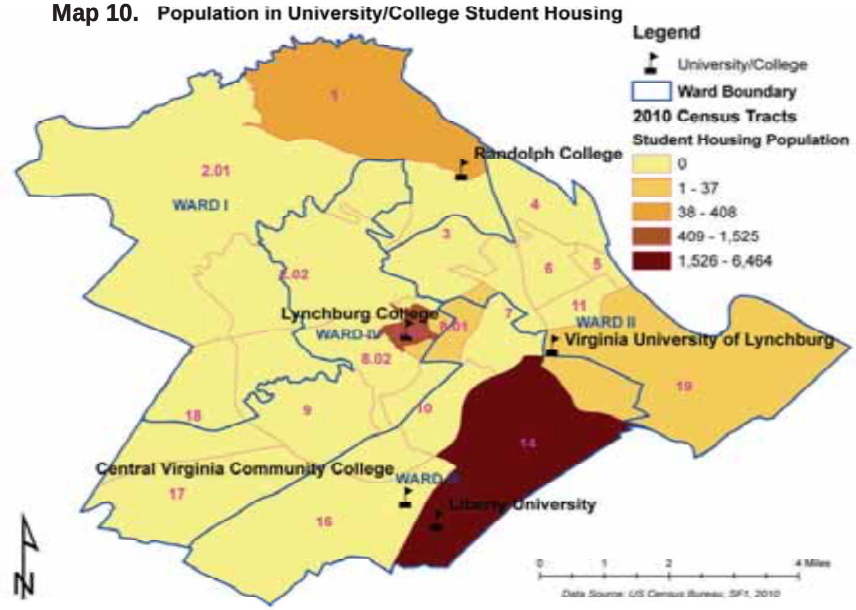
Lynchburg College, in the center of the City (census tract 2.03) houses approximately 1,525 students in student housing. This census tract appears to be almost exclusively the domain of the College; there are very few housing units located within the tracts beyond student housing. In fact, the College has purchased a number of residential units in neighborhoods adjacent to the College to provide students with additional housing options. Given an estimated enrollment of 2,500, numerous students are taking advantage of the abundant rental opportunities found in the neighborhoods surrounding the College.

A comprehensive housing strategy will take into account projected increases in student populations for each of the City's five institutions of higher education to ensure that the housing needs of its students are met.

Map 9. Median Age of Housing Units and Infill Development Since 2010



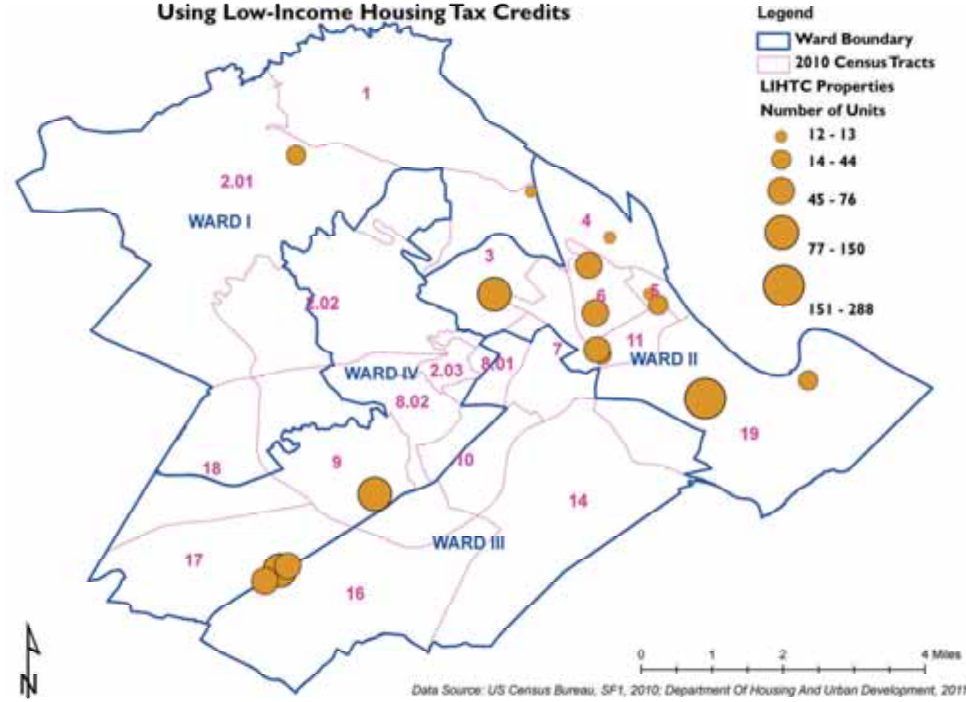
Map 10. Population in University/College Student Housing



[7] Estimates calculated from current residential enrollment numbers provide by each University/College.

As mentioned several times throughout this report, housing location is a major determinant of access to the opportunities necessary for success. As such, the goal of any housing strategy should be to overcome barriers to equitable opportunity and affirmatively further fair housing. One of the most direct and impactful ways to do this is to encourage a variety of housing options for less affluent residents, particularly minorities, located in areas with greater opportunity.

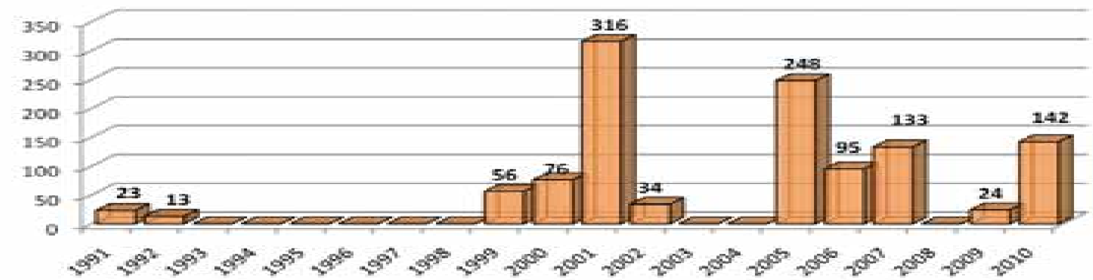
Map 11. Number of Housing Units Constructed Using Low-Income Housing Tax Credits



As evidenced by Chart 5 (below) there exists an obvious correlation between the number of units built per year and the health of the national economy, as units built peak in the years generally associated with the beginning of recessions and return to zero in the years following the downturn. Overall, efforts to address the supply of affordable housing units have increased tremendously during the past decade.

Unfortunately, the overwhelming majority of units constructed using tax credits have been in tracts with the lowest median household income, high vacancy rates, and significant minority populations. (Map 11). As pointed out earlier, this can have the unintended consequence of further isolating poor, minority populations in inner city neighborhoods. Recently however, several significant projects in the southern portion of the City have made affordable units

Chart 5: Number of Units Built Per Year using Low-Income Tax

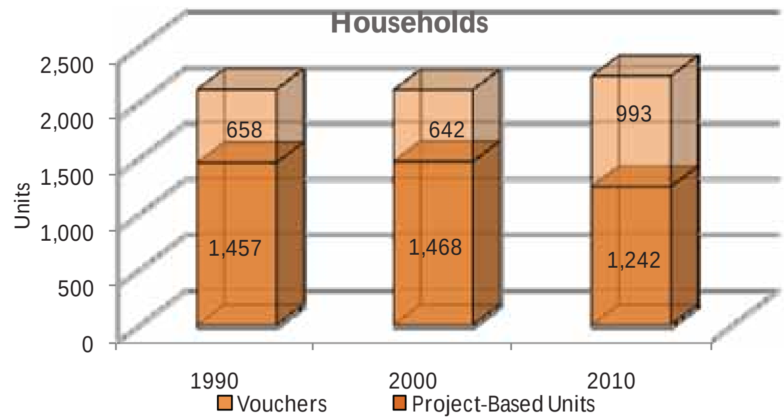


Source: Virginia Housing Development Authority (VHDA) available in census tracts with high median household income, higher rates of home ownership and greater racial diversity.

One of the primary objectives of federal housing assistance policy has been to shift housing assistance from project based subsidies to tenant based subsidies (Housing Choice Voucher Program), thereby allowing the tenant greater access to neighborhoods of opportunity through enhanced control in deciding where to live. Examining data for extremely low-income households in the City, defined as less than 30 percent of median household income, shows that total federal rental assistance in the form of the Housing Choice Voucher Program increased 15 percent while assistance in the form of project based subsidies contracted by 50 percent (Chart 6). Lynchburg is not alone in this trend as half of the First Cities experienced similar trends.

Federal assistance to the poorest families increased only 5 percent from 1990 to 2010. This rate of increase is among the lowest when compared against Virginia's First Cities. In fact,

Chart 6: Federal Rent Assistance for Extremely Low Income Households



Source: Virginia Housing Development Authority (VHDA)

half of those cities saw federal housing assistance for extremely low income households increase by more than 35 percent over the past twenty years. Of the remaining 6 cities, only the City of Roanoke (4.7 percent) saw increases below Lynchburg (5.6 percent).[8] The increase in subsidies provided through the Housing Choice Voucher is encouraging, as one of the aims of the program is to provide greater choices for voucher holders by allowing them to move into neighborhoods that afford more opportunity.

Overall, the City of Lynchburg contains 1,764 units of federally-assisted housing units of which 328 are owned and operated by the Lynchburg Redevelopment and Housing Authority. Table 1 below lists each of the developments, the program under which they operate, their type, and number of units within each development.

Table 1. TABULATION OF HUD-ASSISTED HOUSING DEVELOPMENT IN THE CITY OF LYNCHBURG

DEVELOPMENT	PROGRAM	TYPE	NO. OF UNITS
Birchwood	Public Housing	Family	103
Brookside	Public Housing	Family	75
Burton Creek	Section 8/ New	Family	85
Clearbrook	Section 202/Sec.8	Elderly	72
College Hill	Section 8/ New	Family	90
Dearington	Public Housing	Family	100
Frank Roane	Section 8/ Sub.Rehab.		26
Hillcrest	Section 8/ New	Elderly	103
James Crossing	Section 8	Family	144
James Crossing	Section 8	Family	144
Jefferson House	Section 236	Elderly	100
Langview	Public Housing	Family	50
Lynchburg High	Section 8/ Sub.Rehab.		70
McGurk House	Section 202/Sec 8	Elderly	89
Mill Woods	Section 8/ New	Family	128
Shalom	Section 221d(3)BMIR		46
The Gateway	Section 8/Mod	SRO	23
The Meadows	Section 8/ New	Family	66
The Virginian	Section 8/ Mod.Rehab.		100
The Wesley	Section 8	Elderly	150
TOTAL			1,764

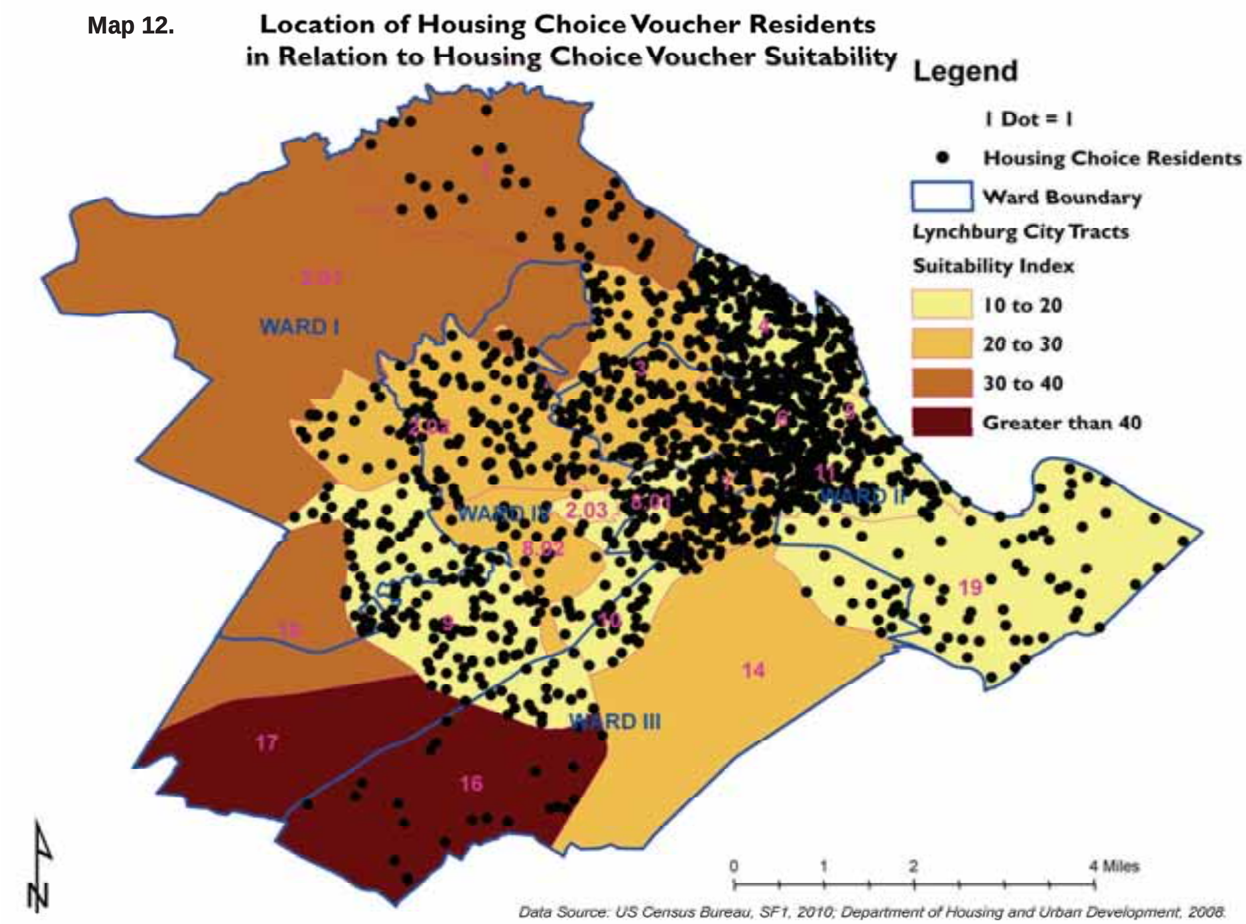
Data Source: City of Lynchburg, November 2010

[8] Virginia Housing Development Authority (VHDA)

The Housing Choice Voucher Program, though successful in providing suitable housing for low -income residents, has been less successful integrating residents based upon income. As such, the program often further isolates low-income households in census tracts with large concentrations of low-income, minority households. Primary reasons for this include the reluctance of housing providers to accept housing vouchers, limited access to transportation to get to and from work, and the disruption of social and cultural ties.

The concept of increasing households' opportunity through housing location has not been lost by the Department of Housing and Urban Development (HUD). In fact, they developed an index of suitability derived from numerous socio-economic variables including poverty, educational attainment, percentage of existing housing choice voucher residents and the concentration of minorities. In short, the study ranked census tracts with scores from 40 to 100, with higher scores indicating neighborhoods with greater opportunity for voucher households.

Map 12.



Map 12 (above) shows the location of Housing Choice Voucher households in relation to the census tracts exhibiting the greatest opportunity. This distribution is completely in line with national trends of Housing Choice Voucher residents in that the overwhelming majority of voucher residents reside in the same types of neighborhoods that the program was designed to help them leave. As mentioned previously, this is due to many reasons, but namely it is attributable to the reluctance of prospective landlords to accept Housing Choice Vouchers. As receipt of public assistance is not a protected class under the Fair Housing Act, it is still lawful to discriminate against residents for being poor. A quick search in the apartments/housing for rent section on Craigslist for the City revealed numerous listings stating "No Section 8." Until there can be meaningful dialogue about the benefits of income integration to society as a whole, poor minorities will remain isolated in certain neighborhoods.

Finally, the most current Point In Time (PIT) survey of the City's homeless population conducted in January, 2011 reveals that there are a total of 243 persons classified as homeless.[9] Of these, 47 percent are in emergency shelters, 44 percent in transitional housing, and 8 percent unsheltered. Though there are numerous variables which contribute to homelessness, the lack of affordable housing is a significant factor. A meaningful housing strategy will take this population into account and strive to end homelessness.

Lynchburg is one of 13 cities in the First Cities coalition, a consortium of the state's oldest and most historic cities. Having many commonalities amongst them, it is beneficial to compare Lynchburg to these cities to gauge its overall livability. Despite the usefulness of this comparison in assessing the health of the local housing market, it is recommended that housing policies and strategies spring forth from regional issues, rather than from competition with other regions.

Several specific variables were analyzed to gauge the affordability of the Lynchburg housing market. First, median household income and median gross rent were examined to gauge the relative purchasing power of the City's residents. Next, the Housing Affordability Index (HAI), which measures the ability for the average household to afford the average housing unit was examined to gauge the affordability of housing in the City. Finally, the percentage of households that are rent burdened was determined. Overall, in comparison to the other 12 First Cities, Lynchburg stands well placed in terms of overall housing affordability. Undoubtedly, this is due at least in part by the collapse of the residential housing market and resultant decline in housing costs. However, given the tremendous increase in unemployment across all socio-economic classes, the fact that housing remains affordable in Lynchburg is a definite strength of the City.

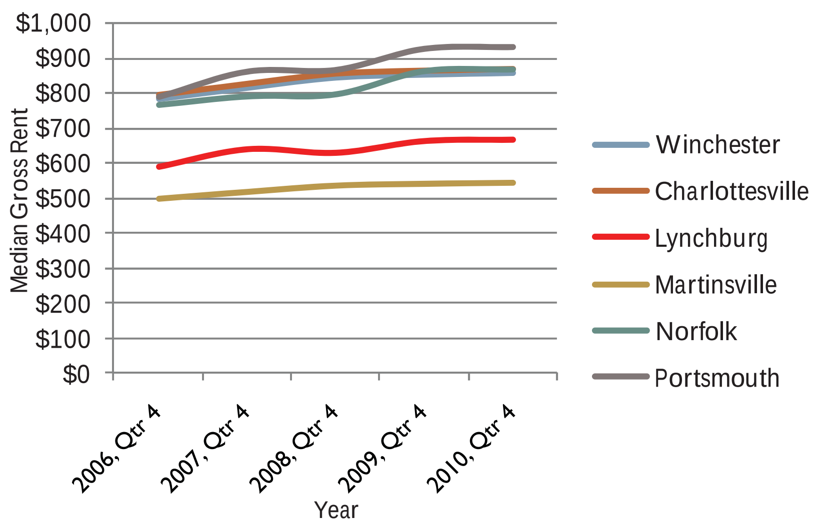
Of the first cities, Lynchburg had, by far, the greatest increase in median household income, increasing 12 percent from

[9] Data supplied by the City of Lynchburg, VA

$34,700 to $39,093 between 2007 and 2010. This no doubt has helped the City maintain some of the most affordable housing of the First Cities. Median gross rent is another measure of housing affordability. In 2006 Lynchburg had the fourth lowest rent of the First Cities; only the cities of Martinsville, Roanoke and Staunton had lower median rents. By 2010, median gross rents had increased 12 percent, mirroring the increase of the City's median household income (Chart 7, below). However, in relation to the other cities, median gross rents actually declined, making Lynchburg the third least expensive City in which to rent.

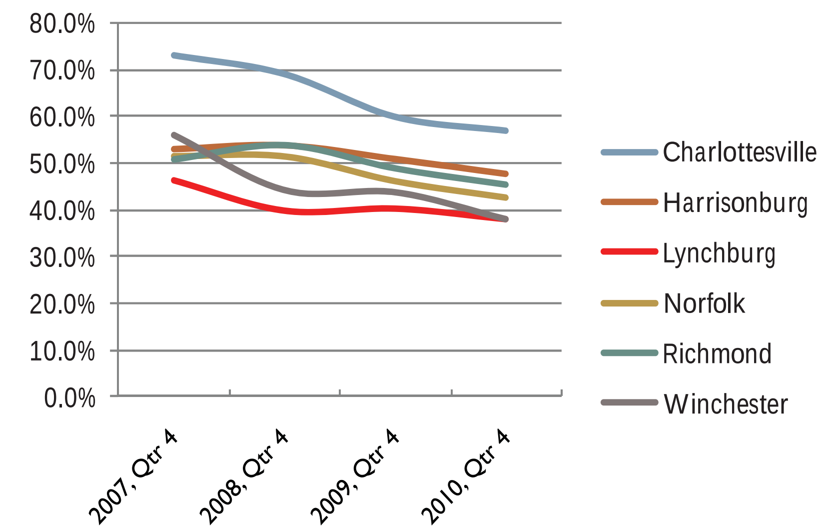
Another measure of affordability is the Housing Affordability Index or HAI.[10] In short, the HAI measures the affordability of the median cost of a typical housing unit based on median household income. The index is calculated for both rental and owner occupied units. Examining the HAI at 60 percent of median household income (Chart 8, below) reveals that the City had the fifth lowest HAI; just 38.2 percent of 60 percent of the median household income is required to afford a median priced housing unit. Given a median household income of $39,093, this amounts to approximately $750 per month or $8,960 per year.

Chart 7: Median Gross Rent



Source: US Census Bureau, American Community Survey, 5 Year Estimates, 2009

Chart 8: HAI at 60 percent Median Household Income



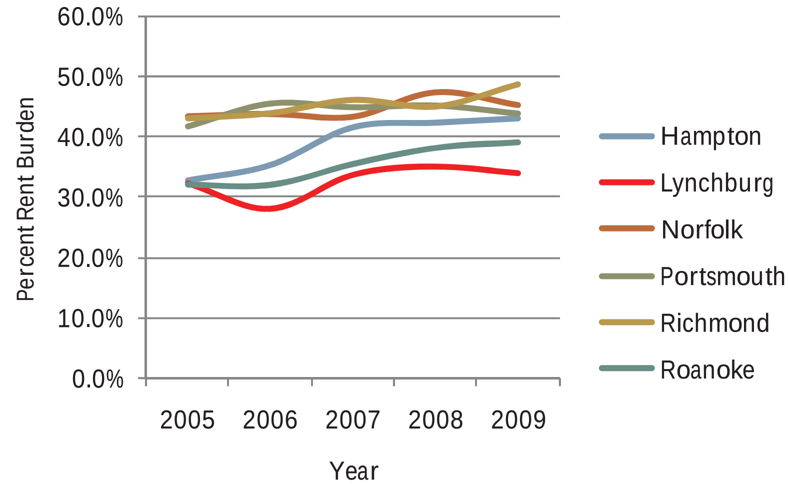
Source: Housing Virginia; 2011

[10] The HAI is a composite Index consisting of numerous data points from various organizations. It is calculated and maintained by Housing Virginia.

Within the City, median income for renter occupied housing units ($24,116) is just 40 percent of owner occupied median household income ($59,877).[11] HAI for home purchases declined by 17 percent from 2007 to 2010, HAI for rentals only declined by 6 percent. Thus, for those households that can afford to purchase a home, it became much more affordable to do so over the past several years. In fact, Lynchburg was the only City among the First Cities to experience a decrease in rental HAI; it became approximately 5 percent more expensive to rent in the majority of the other cities. Given the collapse of the housing market driving housing prices down, high unemployment, the foreclosure crisis sweeping the nation, and the contraction of mortgage lending nationwide, it is only logical that increased demand and dwindling financial resources has made renting less affordable.

Another important measure of housing affordability is the percentage of income a household spends on housing. A household is considered to be cost burdened if they are paying over 30 percent of their income for housing. In 2010, 34 percent of the City's households were cost burdened, up significantly from 28 percent in 2006 (Chart 9, right). This percentage was significantly lower than other First Cities such as the cities of Richmond and Norfolk. Additionally, the percentage of cost burdened households in the City was among the lowest of the comparison cities.

Chart 9: Rent Burden

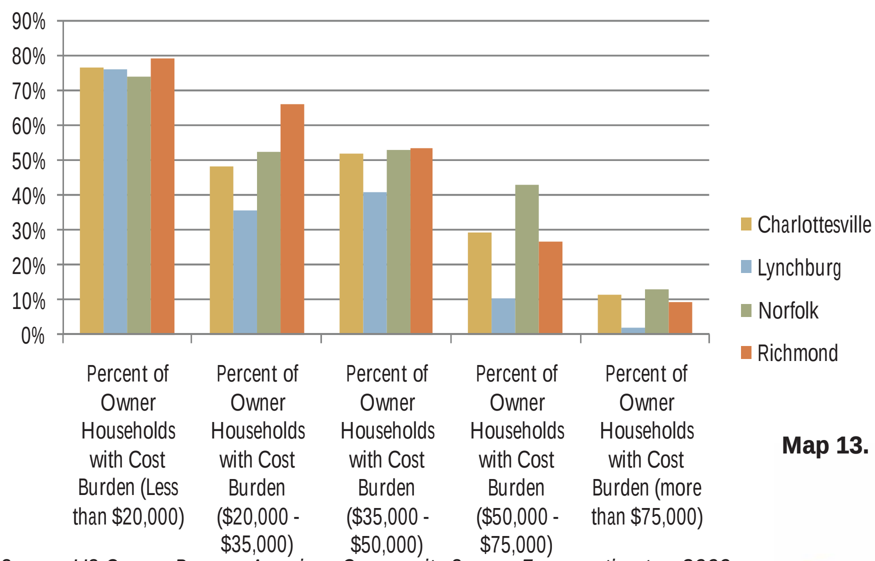


Source: Virginia Housing, 2011

Since household income directly impacts cost burden, it is only logical that less affluent households typically spend more of their income on housing than do their wealthier neighbors. Chart 10 (following page) shows this disparity in owner occupied households. The City of Richmond displays a normal distribution for this data. It is interesting to note that there is a greater percentage of cost burdened households in the $35,000 to $50,000 cohort compared to $20,000 to $35,000. A detailed analysis of Home Mortgage Disclosure Act data could uncover the cause of this discrepancy to be high risk loans with adjustable interest rates targeted to households in this income bracket.

[11] US Census Bureau American Community Survey, 5 year estimates, 2009.

Chart 10: Percent Owner Household Cost Burden



Source: US Census Bureau, American Community Survey, 5 year estimates, 2009

It is worth noting, as Map 13 (right) indicates, that the greatest percentage of cost burdened households roughly corresponds to those same neighborhoods that have the greatest racial and ethnic diversity in terms of owner occupied housing (see Map 6, p.8). This potentially suggests that minorities are more likely to be cost burdened. No spatial correlation between cost burden and median household income is apparent.

As mentioned previously, there is great disparity between renter household income and owner household income. As such, it stands to reason that a greater percentage of renter households are cost burdened across all income cohorts. In this category, only the cities of Winchester and Petersburg have lower overall percentages of cost burdened renter households. Across the various income cohorts, Lynchburg again compares favorably with many of its neighbors (Chart 11, next page). However, given the median renter income of $24,116, the overwhelming majority of renter households pay more than 30 percent of their income to housing costs.

Map 13.

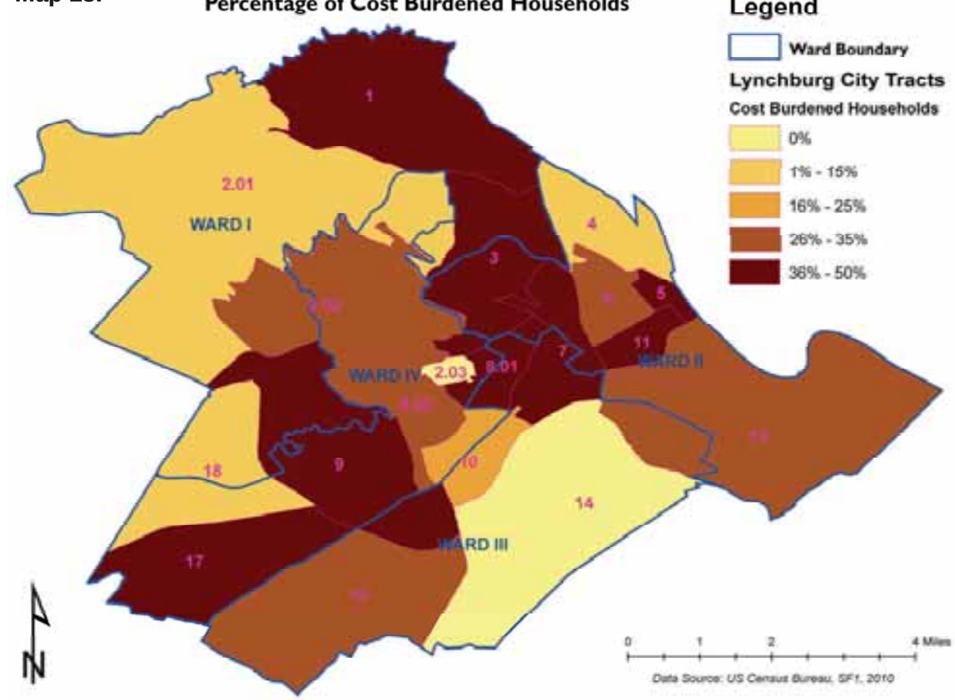
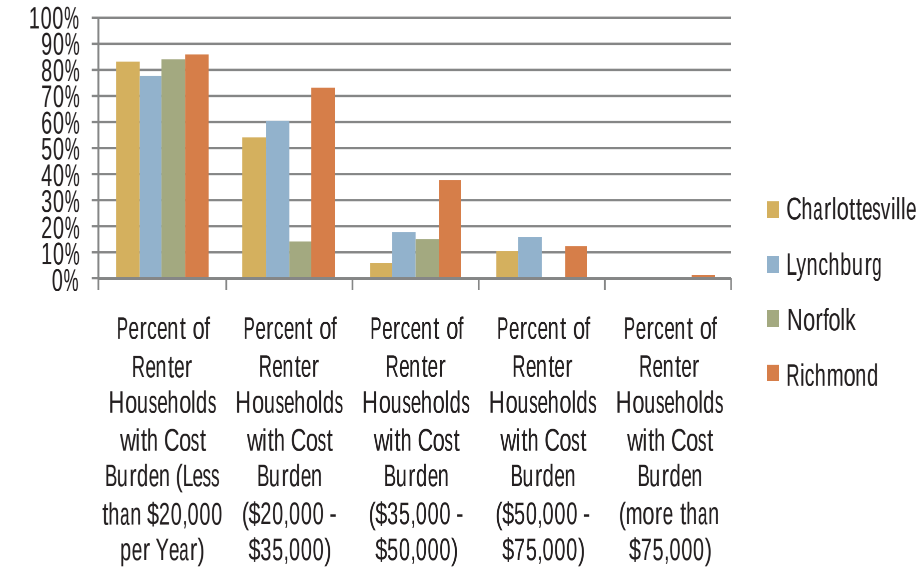


Chart 11: Percent Renter Household Cost



Source: US Census Bureau, American Community Survey, 5 year estimates, 2009

On the surface, it appears that the housing market data is inconsistent. However, this divergence in rising median household income, slowly increasing median gross rents, and growing number of households that are cost burdened is most likely explained by the dramatic increase in unemployment. Additionally, other macro-economic factors at least partially explain this trend. Inflation decreases the purchasing power of the dollar, making low to middle income households more likely to find themselves spending more than 30 percent of their household income on housing costs.

It is readily assumed that there will always exist households for which the housing market will never be able to supply. This is where federal subsidies, community development corporations and local governments attempt to address the externalities of the housing market. As such, it should be the goal of a housing strategy to affirmatively further fair housing by preserving and promoting equitable access to opportunities for all residents. In order to realize this goal, HOME recommends the City undertake a thorough Analysis of Impediments to Fair Housing including fair housing testing. Such an analysis will evaluate whether there exist mechanisms that serve to artificially concentrate residents in particular neighborhoods or which prevent them from moving to areas of greater opportunity. It will also give greater insight into many of the findings of this report, providing more comprehensive analysis of some of the underlying issues only briefly covered herein.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012**			AGENDA ITEM NO.: 3
CONSENT:	REGULAR:	WORK SESSION: **X**	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **1) Adoption and Appropriation of the FY 2013 Budget; 2) Adopt a Resolution Authorizing the City Manager to Award Monetary Incentives, Awards, and Bonuses to Employees for Exceptional Services; 3) Adopt a resolution to set the personal property tax relief rate.**

RECOMMENDATION: After a review by staff, adopt and appropriate the FY 2013 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: Prior to asking Council to formally adopt the resolutions (first reading) related to the FY 2013 Budget, staff will review the final changes included both as a result of and since the discussion and direction provided on April 24th.

Following the April 3, 2012 Public Hearing for the FY 2013 Budget, Council and staff adjusted the Proposed FY 2013 General Fund Budget as follows:

General Fund

Revenues and Use of Fund Balance	**Proposed Operating Budget**	**Adjustments**	**Revised Budget**
Revenues	$163,350,304	($2,561,820)	$160,788,484
Use of Fund Balance	5,385,153	256,182	$5,641,335
Total Revenues and Use of Fund Balance	**$168,735,457**	**($2,305,638)**	**$166,429,819**
Expenditures			
Operations	$105,819,626	($507,726)	$105,311,900
Debt Service	14,657,657	0	$14,657,657
Schools-Operations	35,601,147	0	$35,601,147
Greater Lynchburg Transit Company	1,676,798	(307,536)	$1,369,262
Transfers to Other Funds	1,018,157	0	$1,018,157
Reserves	3,970,313	(765,376)	$3,204,937
Capital Improvements	5,991,759	(725,000)	$5,266,759
Total Expenditures, Reserves, and Transfers	**$168,735,457**	**($2,305,638)**	**$166,429,819**

Based on discussion at the April 24 City Council meeting, staff made the following adjustments:

1. As a result of revenue adjustments, the amount of required fund balance changed to allow $256,182 to be used for recurring expenditures.
2. Adjusted the recurring funding committed to the Heritage High School Debt Service Reserve to $2,044,657. This is an additional $1,105,095 over the $939,562 committed in the FY 2012 budget. Adding one-time funds in the amount of $1,071,781 (FY 2011) and $48,297 (FY 2012) brings the cumulative balance to $4,104,297.

3. Budgeted for the impact of FICA, Life Insurance and Unemployment related to the 5% Virginia Retirement System increase of $797,666 with managed vacancy savings of $797,666.
4. Library funding was increased to restore full time hours at the Downtown Branch.
5. Lynch's Landing was fully funded.
6. Humane Society Funding was adjusted according to City Council vote.
7. Added $100,445 to Tourism to be in compliance with the Tourism contract in a total amount of $1,324,170.
8. Estimated Personal Property Tax Revenue was increased by $750,000.
9. Estimated Meals Tax Revenue was increased by $250,000.
10. Included $750,000 for public safety compensation as a result of revised Personal Property and Meals Tax revenue.
11. Reduced Major Building Repair capital needs by $300,000 of recurring funds.
12. Included $300,000 in compensation adjustments to hold employees harmless from VRS changes.

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

The most significant changes are with respect to revenues and employee compensation (items #8-12 above).

An additional review of projected Personal Property Tax and Meals Tax Revenues has led to conclusion that those revenues can be adjusted upward in the amounts of $500,000 and $250,000, respectively.

Values on used vehicles have held steady or better resulting in a higher amount of Personal Property Tax billing than was originally projected. After accounting for appropriate adjustments (delinquencies and uncollected amounts) staff is comfortable with increasing the estimated revenues for FY 2013 by $750,000. $250,000 of that amount was used on April 24th to balance the budget.

Meals Tax revenues have shown an increase beyond estimates as the current fiscal year has progressed. Assuming that this increase will hold during FY 2013, staff has adjusted this revenue up by $250,000. There remains some concern regarding the volatility of both the Meals Tax and the Sales Tax, however, staff believes that the projected increase is both reasonable and prudent.

It is recommended that the additional $750,000 in revenues be used for public safety compensation adjustments in FY 2013. This will support the action already taken to establish recruit salaries at $35,000 and could provide additional compensation at other levels. If Council accepts this recommendation, staff will prepare a proposed plan for Council's consideration in June.

Of course, the additional $750,000 in revenues could be treated differently. The tax rate could be reduced, the funds could be used for Heritage High School debt service, absorbed into the fund balance, or used for some other purpose designated by Council. Given the concerns about public safety compensation expressed by Council members, however, it is recommended that the additional revenues be used to address those concerns.

There is one other major recommended change regarding employee compensation. That is to reassign $300,000 in recurring funds from Major Building Repairs, in Pay As You Go Capital, to be used to hold employees harmless (no reduction in take home pay) in the implementation of the "5 for 5" VRS adjustment. A number of localities across the state, including our neighbors, are planning to hold employees harmless through the transition. This would result in an additional 0.7% increase in salary for Plan 1 employees (those hired before July 1, 2010). It is believed that there are adequate funds remaining in the capital fund for major building repairs and that this transfer will not be detrimental to those activities.

In addition to the other budget adoption actions, 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, 2013 is projected to be $16,078,848 or 10% of revenues. Council's target for undesignated fund balance is 10% of revenues.

PRIOR ACTION(S): March 6, 13, 20, 27, April 3, 10, 17, 24, 2012 – City Council Work Sessions; April 3, 2012 – Public Hearing on the Proposed FY 2013 Budgets for City Government, Public Schools, Water, Sewer, Stormwater, Airport and Other Funds, and the FY 2013 - 2017 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 2013 General Fund Budget, and Resolutions to 1) adopt and appropriate the FY 2013 Budget; 2) adopt 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

072L

ATTACHMENT A

BALANCING THE FY 2013 GENERAL FUND BUDGET

Revenues and Use of Fund Balance	
Proposed Revenues (from the FY 2013 Proposed Operating Budget)	**$163,350,304**
Use of Fund Balance	5,385,153
Total Proposed Revenues and Use of Fund Balance	**$168,735,457**
Adjustments: Revenue Summary	
Dedicated Revenue Adjustments	
Additional partner added to Partners in Emergency Response (PIER) program	$7,500
E-911 wireless funds	($12,000)
Recreation fees	$12,229
Non-Dedicated Revenue Adjustments	
Court fines	(14,000)
Eliminate increase in Meals Tax	(1,673,236)
Tax relief for the elderly and disabled	70,500
Personal Property Tax	$750,000
Meals Tax	$250,000
Adjust Real Estate Tax rate to $1.11	($1,952,813)
Use of Fund Balance Adjustments	
Funds available based on 10% Fund Balance Policy	$256,182
Revised Revenues and Use of Fund Balance	**$166,429,819**
Expenditures, Reserves, and Transfers	
Proposed Expenditures, Reserves, and Transfers (*from the FY 2013 Proposed Operating Budget)*	**$168,735,457**
Adjustments: Expenditures, Reserves, and Transfers	
Revised Blue Ridge Regional Jail request	($959,211)
Reduce banking and mail services for Financial Services Department	(33,000)
Additional partner added to Partners in Emergency Response (PIER) program	7,500
Additional fuel cost	150,936
Revised GLTC request	(307,536)
Rent adjustment for Sheriff	(16,000)
Personnel adjustments for various departments	21,294
Eliminate compensation/capital/other from Non-Departmental	(395,383)
Reduce Heritage High School Debt Reserve	(765,376)
Eliminate third street sweeper	(113,704)
Reduce recycling program from nine to five sites	(85,000)
Restore the downtown library to full time hours	42,089
Restructure Parks and Recreation staff during Miller Center renovations	(75,000)
Reduce temporary hours and training in Parks and Recreation	(2,771)
Eliminate Parks and Recreation special events funding from Communications and Marketing budget	(10,000)
Reduce Parking Management operating cost	(51,459)
Additional funding for tourism based on contract	100,445
Eliminate cost of Animal Shelter from Police Department Animal Control budget	(420,000)
Renegotiate contract with the Humane Society	281,538
Reduce Animal Shelter Capital needs	(425,000)
Compensation adjustment for Public Safety	750,000
General Assembly action related to Virginia Retirement System	797,666
Managed Vacancy	(797,666)
Reduce Major Building Repair Capital needs	(300,000)
Compensation adjustment to hold employees harmless from VRS changes	300,000
Revised Expenditures	**$166,429,819**

A. BE IT RESOLVED that by majority vote the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated:

GENERAL FUND INCOME		**GENERAL FUND EXPENDITURES**	
Beginning Balance	$20,199,396	General Government	$12,079,900
Non-Dedicated Revenues		Judicial Administration	4,585,055
General Property Taxes	72,900,201	Public Safety	32,580,178
Other Local Taxes	45,384,230	Public Works	16,154,942
Permits, Privilege Fees and Licenses	448,700	Health and Welfare	16,923,380
Fines & Forfeitures	481,000	Parks, Recreation and Cultural	5,056,390
Use of Money & Property	514,966	Community Development	2,291,477
Charges for Services	3,645,394	Non-Departmental	6,325,113
Miscellaneous	266,200	Transfer to Other Funds	1,018,157
Revenue from the Commonwealth	6,048,584	Debt Service	7,758,980
Revenue from Lynchburg City Schools	29,284	Schools (Local Share Only) - Debt Service	6,898,677
Dedicated Revenues		Reserves	3,204,937
Revenue from Use of Money & Property		Transfer to Capital - City	4,291,759
Charges for Services	3,600,527	Transfer to Capital - Schools	975,000
Recreation Revenue	363,039	Ending Balance	16,078,848
Parking	379,600	**Subtotal**	**$136,222,793**
Miscellaneous	1,849,448		
Revenue from the Commonwealth		External Service Providers[1]	$9,315,465
Categorical Aid - State Shared Expenditures	2,931,739		
Categorical Aid	15,465,068	Component Units[1]	$36,970,409
Revenue from the Federal Government	6,480,504		
Use of Reserves and Designated Fund Balance	1,520,787	**Total**	**$182,508,667**
Total	**$182,508,667**		

[1] *To be considered separately*

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L1

B. BE IT RESOLVED that by majority vote the FY 2013 Mandated and Contractual External Service Providers Budget of $9,179,678 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, 2012 and ending June 30, 2013 and said funds be appropriated:

MANDATED	
Blue Ridge Regional Jail Authority	$6,103,789
Central Virginia Community Services Board	444,003
Health Department	830,977
Region 2000 Local Government Council	43,600
TOTAL MANDATED	**$7,422,369**
CONTRACTUAL	
Lynchburg Humane Society	$281,538
Lynchburg Regional Chamber of Commerce-Tourism	1,324,170
Southern Memorial Association (Old City Cemetery)	122,438
Virginia Cooperative Extension Service	29,163
TOTAL CONTRACTUAL	**$1,757,309**

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L2

C. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L3

D. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2013 Central Virginia Community College Board and Related Operations Budget of $1,899 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L4

E. BE IT RESOLVED that by majority vote the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L5

F. BE IT RESOLVED that by majority vote the FY 2013 Region 2000 Economic Development Council Budget of $81,586 proposed by the City Manager be adopted as part of the operating budget of the City of Lynchburg for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L6

G. BE IT RESOLVED that by majority vote the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L7

H. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L8

I. BE IT RESOLVED that by two – thirds majority vote (five of seven) the FY 2013 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, 2012 and ending June 30, 2013 and said funds be appropriated.

Introduced: May 8 2012 Adopted:

Certified: ______________________________
Clerk of Council

072L9

J. BE IT RESOLVED that by majority vote the FY 2013 School Operating Budget, including the revenues and expenditures proposed by the City Manager, be adopted for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and said funds be appropriated:

SCHOOL INCOME	
Beginning Balance	$0
State	43,511,592
Federal	461,000
Grants	11,435,121
Local – Operating	35,601,147
Local – Debt Service	33,627
Miscellaneous	1,753,828
Total	**$92,796,315**

SCHOOL EXPENDITURES	
Operations	$81,361,194
Grant Funded Expenditures	11,435,121
Ending Balance	0
Total	**$92,796,315**

Introduced: May 8, 2012 Adopted:

Certified: ______________________________
Clerk of Council

072L10

K. BE IT RESOLVED that by majority vote the FY 2013 Greater Lynchburg Transit Company Budget including the revenues and expenditures proposed by the City Manager be adopted for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and said funds be appropriated:

GREATER LYNCHBURG TRANSIT COMPANY INCOME		GREATER LYNCHBURG TRANSIT COMPANY EXPENDITURES	
Beginning Balance	$0	Operations	$7,016,113
Fares	980,922	Ending Balance	0
Contracts	240,826	**Total**	**$7,016,113**
Federal	1,852,743		
State	1,267,900		
Local - Operating	1,369,262		
Partners	1,130,922		
Miscellaneous	173,538		
Total	**$7,016,113**		

Introduced: Adopted:

Certified: ______________________________

Clerk of Council

072L11

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, 2012 and ending June 30, 2013:

FLEET SERVICES FUND INCOME		FLEET SERVICES FUND EXPENDITURES	
Beginning Balance	$1,126,775	Operations	$5,289,620
Revenues	5,913,988	Debt Service	360,812
Total	**$7,040,763**	Ending Balance	1,390,331
		Total	**$7,040,763**

AIRPORT FUND INCOME		AIRPORT FUND EXPENDITURES	
Beginning Balance	$100,000	Operations	$2,173,262
Revenue from Cost Centers	1,829,583	Debt Service	263,183
Transfer from General Fund	382,862	Ending Balance	100,000
Interest and Other	224,000	**Total**	**$2,536,445**
Total	**$2,536,445**		

WATER FUND INCOME		WATER FUND EXPENDITURES	
Use of Fund Balance	$69,086	Operations	$8,952,379
Water Sales	5,642,000	Debt Service	3,658,789
Meter, Sewer and General Fund Hydrant Charges	2,571,000	Transfer to Water Capital Fund	878,746
Cut-on/off Charges	92,000	Transfer to Fleet Services Fund	22,100
Availability, Connection Fees	25,000	**Total**	**$13,512,014**
Other Charges for Service	2,192,925		
Water Contracts (Amherst/Bedford/Campbell/Industrial)	2,637,792		
Interest	30,000		
Other Revenues	252,211		
Total	**$13,512,014**		

SEWER FUND INCOME		SEWER FUND EXPENDITURES	
Use of Fund Balance	$22,804	Operations	$9,359,254
Charges for Services	16,330,331	Debt Service	8,451,416
Sewer Contracts (Amherst/Bedford/Campbell/Industrial)	2,959,441	Capital Outlay	60,000
Interest and Other	158,094	Transfer to Sewer Capital Fund	1,500,000
Total	**$19,470,670**	Major Sewer Line Cleaning	100,000
		Total	**$19,470,670**

STORMWATER FUND INCOME		STORMWATER FUND EXPENDITURES	
Beginning Balance	$0	Operations	$1,010,230
Charges for Services	2,599,200	Transfer to General Fund	1,692,554
Transfer from General Fund	650,000	Transfer to Capital Fund	300,000
Miscellaneous	1,000	Ending Balance	247,416
Total	**$3,250,200**	**Total**	**$3,250,200**

ASSET FORFEITURE FUND INCOME		ASSET FORFEITURE FUND EXPENDITURES	
Beginning Balance	$29,388	Operations	$0
Revenue	0	Ending Balance	29,388
Total	**$29,388**	**Total**	**$29,388**

COMPREHENSIVE SERVICES ACT FUND INCOME		COMPREHENSIVE SERVICES ACT FUND EXPENDITURES	
Beginning Balance	$474,002	Operations	$5,062,861
Miscellaneous	110,000	Ending Balance	474,002
Transfer from General Fund	1,338,852	**Total**	**$5,536,863**
Lynchburg City School Transfer	196,541		
Revenue from the Commonwealth	3,417,468		
Total	**$5,536,863**		

HOME FUND INCOME		HOME FUND EXPENDITURES	
Beginning Balance	$0	Operations	$283,839
Revenue from the Federal Government	283,839	Ending Balance	0
Total	**$283,839**	**Total**	**$283,839**

LYNCHBURG BUSINESS DEVELOPMENT CENTRE FUND INCOME		LYNCHBURG BUSINESS DEVELOPMENT CENTRE FUND 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	$164,196	Operations	$0
Pledges/Donations	0	Ending Balance	164,196
Total	**$164,196**	**Total**	**$164,196**

REGIONAL JUVENILE DETENTION CENTER FUND INCOME		REGIONAL JUVENILE DETENTION CENTER FUND EXPENDITURES	
Beginning Balance	$96,627	Operations	$2,663,711
Charges for Services	1,796,789	Debt Service	273,198
Intergovernmental	1,140,120	Ending Balance	96,627
Total	**$3,033,536**	**Total**	**$3,033,536**

RISK MANAGEMENT FUND INCOME		RISK MANAGEMENT FUND EXPENDITURES	
Beginning Balance	$2,487,666	Operations	$268,474
Charges for Services	957,202	Insurance and Claims	735,918
Interest	35,000	Ending Balance	2,500,476
Subrogation	25,000	**Total**	**$3,504,868**
Total	**$3,504,868**		

SPECIAL WELFARE FUND INCOME		SPECIAL WELFARE FUND EXPENDITURES	
Beginning Balance	$46,263	Operations	$54,250
Donations and Restitutions	18,000	Ending Balance	20,513
Interest	2,000	**Total**	**$74,763**
Revenue from the Commonwealth	8,500		
Total	**$74,763**		

TECHNOLOGY FUND INCOME		TECHNOLOGY FUND EXPENDITURES	
Beginning Balance	$2,265,318	Operations	$1,043,918
Use of Money and Property	15,000	Capital Outlay	546,200
Transfer from General Fund	623,575	Ending Balance	1,313,775
Total	**$2,903,893**	**Total**	**$2,903,893**

CITY/FEDERAL/STATE AID FUND INCOME		CITY/FEDERAL/STATE AID FUND EXPENDITURES	
Beginning Balance	$0	Operations	$2,403,554
Revenue from the Federal Government	1,557,480	Ending Balance	0
Revenue from the Commonwealth	807,524	**Total**	**$2,403,554**
Other	3,124		
In-Kind	23,706		
Transfer from General Fund	11,720		
Total	**$2,403,554**		

COMMUNITY DEVELOPMENT BLOCK GRANT FUND INCOME		COMMUNITY DEVELOPMENT BLOCK GRANT FUND EXPENDITURES	
Beginning Balance	$0	Operations	$641,273
Intergovernmental	639,243	Ending Balance	0
Program Income	2,030	**Total**	**$641,273**
Total	**$641,273**		

Introduced: Adopted:

Certified: ______________________________

Clerk of Council

072L12

M. BE IT RESOLVED that by majority vote the FY 2013 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, 2012 and ending June 30, 2013, in the total amount of $10,342,220 for the City Capital Projects Fund; $975,000 for the School Capital Projects Fund; $1,850,000 for the Airport Capital Projects Fund; $3,203,746 for the Water Capital Projects Fund; $2,180,000 for the Sewer Capital Projects Fund and $300,000 for the Stormwater Capital Projects Fund.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L13

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: ______________________
Clerk of Council

072L14

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, 2012 through June 30, 2013 shall be set at 52.8%.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

072L15

// A regular meeting of the Council of the City of Lynchburg was held on the 10th day of April, 2012, at 4:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Gillette, Johnson 2

// Vice Mayor Johnson and Council Member Gillette arrived at 4:11 p.m.

// City Manager Kimball Payne gave an overview of the FY 2013 Budget and stated a draft budget Resolution would be presented to Council at the May 8th Council meeting. Mr. Payne stated the following items of concern in the budget:

- State Budget
- Virginia Retirement System and Benefits
- School Debt Service for Heritage High School

After Council discussion Council Member Perrow made a motion to approve a $4.00 stormwater fee and to set the current real property tax rate at $1.02 per $100 assessed value, seconded by Council Member Cary and after further discussion Council by the following recorded vote defeated the motion:

Ayes: Cary, Helgeson, Perrow 3

Noes: Gillette, Johnson, Nelson, Foster 4

// During roll call Council Member Cary stated that he had two items 1) still receiving calls from his constituents that refuse collectors are still picking up citizens garbage with an out-of-date decal for all zip codes in the City. City Manager Payne stated that Dave Owen, Director of Public Works, is working on a proposal about ways to handle this situation. 2) Commented on the safety and liability of the Lynchburg city school bus system. The radio system is being replaced but even the new radio system will not be able to connect with the radio system and the emergency system at the E911 center.

// Council Member Helgeson had one item of concern referencing the case about a year ago with the homeowners in Cornerstone not being given proper notification of occupancy permits that have been issued.

// Vice Mayor Johnson stated that in the Tinbridge Hill area, Mr. Austin reported to him that there has been excessive speeding in the area and if someone could check to see what the speed limit is in that area. Mr. Payne asked for clarification of the streets, which are Federal Street and Hollins Mill Road.

// Mayor Foster wanted to call everyone's attention to a copy she received of the year-end review of Amazement Square and stated what a wonderful investment it is for the downtown area.

// City Council recessed the meeting at 7:13 p.m.

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

The following Members were present:

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

Absent: 0

Council Member Gillette gave the Invocation, followed by the Pledge of Allegiance.

// In the matter of Community Planning - Zoning Amendments, a public hearing was held regarding City Council Report # 3 outlining the petition of Oaklink, LLC, to rezone approximately thirty-eight and eight hundred and eighty-nine thousandths (38.889) acres from R-2, Low-Medium Density, Single-Family Residential District to R-3C, Medium Density, Two-Family Residential District (Conditional) to allow the construction of up to seventy-eight (78) semi-detached and detached units at 207 Preserve Drive. City Planner Tom Martin gave a summary of the request and stated the Planning Commission recommended approval of the rezoning petition. Mr. Bryant Hare, Representative for Oaklink, LLC gave a summary of the request asking approval for the rezoning petition. One individual spoke in support of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Ordinance #0-12-033, as presented, to rezone approximately thirty-eight and eight hundred and eighty-nine thousandths (38.889) acres to allow the construction of up to seventy-eight (78) semi-detached and detached units at 207 Preserve Drive:

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

// In the matter of Airport – General, a public hearing was held regarding City Council Report #4 regarding the selling of City/Airport property to Banker Steel, Inc. Airport Director Mark Courtney gave an overview of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Helgeson, seconded by Council Member Perrow, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-034, as presented regarding the selling of City/Airport property to Banker Steel, Inc.:

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

// In the matter of Public Works – Monument Terrace, a public hearing was held regarding City Council Report #5 regarding the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, for an initial period of three (3) years, with two (2) three-year renewals, to the Lynch's Landing Foundation. City Manager Kimball Payne gave a summary of the request to acquire this land for the Lynch's Landing Foundation. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-035, as presented, regarding the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, to the Lynch's Landing Foundation:

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

// In the matter of Public Works – Street Vacation, a public hearing was held regarding City Council Report #6 regarding the vacation of Right-of-Way between Lakeside Drive and Whitehall Road. City Manager Kimball Payne gave a summary of the request regarding the vacation of Right-of-Way between Lakeside

Drive and Whitehall Road. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC), stated that this matter came before the PDC on March 13th and PDC recommended approval of the vacation of Right-of-Way between Lakeside Drive and Whitehall Road. This motion does not require a second, Council by the following recorded vote adopted Ordinance #O-12-036, as presented, vacating the Right-of-Way between Lakeside Drive and Whitehall Road:

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

// In the matter of Police - General, City Council Report # 7 was considered. On motion of Council Member Helgeson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-12-037 , as presented, approving the submittal of an application for the 2012 Edward Byrne Memorial Justice Assistance Grant, in the amount of $43,266 for the Police Department:

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

// In the matter of Transit, City Council Report #8 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-038, as presented, amending the FY 2012 General Fund budget and appropriating $506,496, with resources from the unassigned General Fund Balance, to satisfy the Account Payable related to the operation of the Greater Lynchburg Transit Company (GLTC) operations and to preclude the renewal of a line of credit to fund GLTC operations:

Ayes: Gillette, Johnson, Nelson, Foster	4
Noes: Cary, Helgeson, Perrow	3

// In the matter of Animals, City Council Report # 9 was considered. City Attorney Walter Erwin gave a report on roosters and chickens in the City. During Council discussion there were concerns about the nuisance ordinance, banning roosters from the City and should roosters be grandfathered in. Mr. Erwin stated that he would draft an Ordinance of possible regulations of roosters in the City and present to Council an Ordinance for consideration.

// The meeting was adjourned at 9:21 P.M.

Clerk of Council

// An additional scheduled meeting of the Council of the City of Lynchburg was held on the 17th day of April, 2012, at 3:00 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 FY 2013 Budget. The following Members were present:

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

Absent: Johnson 1

// Vice Mayor Johnson arrived at 3:05 p.m.

// City Manager Kimball Payne provided an update to Council regarding the Humane Society. Mr. Payne stated that this item should be discussed further in Closed Session and Council agreed to do this after the Budget work session.

// Director of Parks and Recreation Kay Frazier provided an overview of the Miller Center. Ms. Frazier further stated that the purpose of this overview was to:

- Provide Council with a project update
- Provide information regarding the programmatic uses of the Miller Center
- Provide an update on the condition of the building and the challenges of providing services in the building

Ms. Frazier went on to say that in recent years Council actions were as follows:

- In 2009 Council appropriated funds in the Capital Improvement Program to fund the architectural and engineering services to conduct facility assessment and complete design development for renovation of the building
- On February 9, 2010 staff briefed PDC on project progress
- On May 11, 2010 staff briefed PDC on the results of Phase I, design development of the project
- On January 11, 2011, during a work session, staff and representatives from H&A Architects briefed City Council on the project and Council toured the Miller Center

Ms. Frazier stated that Parks and Recreation Department moved into the building in the early 1970's and the building has served as Lynchburg's largest community center since that time. A renovated Miller Center would enable the City to offer quality, fee-based, recreation programs, provide administration office space for staff, and offer meeting and programming space for more community use. Ms. Frazier went on to say that by investing in mid-town the Miller Center can play a major role in providing quality of life opportunities for citizens across the city, expanding partnerships in pursuit of that mission, and continue to be a positive economic influence on the Miller Park neighborhood.

// City Manager Kimball Payne reviewed the idea of a part-time work force with Council. Mr. Payne stated in his budget message concerns with the Virginia Retirement System (VRS). Mr. Payne further stated the following concerns with the idea of a part-time work force:

- Department heads – service delivery eliminated
- Would be mass exit of staff

- Loss of knowledge
- Exempt employees go to 40 to 60 hours week
- Recurring part-time work force
- Legal issues – litigation about hiring for 32 hours
- Lawsuits, loss of talent, decreasing productivity
- $6.5 million obligation liability for over 30 years (on going)
- Unwanted changes in organization's culture
- Health care continues - will have to provide health care
- Dedication to City

During Council discussion the VRS benefits and Health cost were discussed with different options for the VRS benefits and Health cost.

// City Manager Kimball Payne discussed the balancing decisions with City Council. City Manager Payne and Council Members discussed the stormwater fee rate of $4.00 and the effects it would have on the FY 2013 budget. After further discussion Vice Mayor Johnson made a motion, seconded by Council Member Nelson, to adopt the stormwater fee rate at $4.00. During discussion several Council Members wanted to wait until the stormwater credit program would work before making a decision. Council Member Nelson asked Vice Mayor Johnson would he be willing to withdraw his motion until Council had all of the issues before making a decision and Vice Mayor Johnson agreed to withdraw his motion and Council Member Nelson withdrew his second. After further discussion Council Member Gillette made a motion to table this item for one week, seconded by Council Member Nelson, and Council by the following recorded vote passed the motion:

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

The next issue raised was the funding for City schools. After discussion Council Member Perrow made a motion to give the Schools $3.7M with the understanding that there is a line item adjustment to be made in the future based on changes in the state budget. Council Member Gillette seconded the motion. During discussion Council Member Helgeson stated that he would not support this motion and after further discussion, the motion passed by the following recorded vote:

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

City Manager Payne and City Council spent the rest of the work session discussing items to put on a list to discuss at the next budget work session.

// On motion of Council Member Cary, seconded by Council Member Gillette, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members regarding a legal matter requiring the provision of legal advice, specifically, the discussion of the negotiation of the terms of a proposed contract between the City and the Lynchburg Humane Society, pursuant to Section 2.2-3711(A.)(7) of the Code of Virginia, 1950:

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

Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 24th day of April, 2012, at 3:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: Johnson 1

// Vice Mayor Johnson arrived at 3:07 p.m.

// School Superintendent, Dr. Scott Brabrand, discussed state and local funding for Lynchburg Public Schools. Dr. Brabrand further stated that across the Commonwealth school funding is being cut. Several Council Members had concerns and questions regarding the school funding and what would happen if school funding was cut further. Dr. Brabrand answered by stating that more teaching positions would be cut, larger class sizes and school programs would also be affected. Council Member Cary made a motion, seconded by Council Member Perrow to transfer $700 thousand from schools funding to Public Safety. Council Member Gillette stated that if the $700 thousand is given to Public Safety then it would mean cutting more teachers. Council Member Helgeson stated this would be 12% from local taxes which is an increase. Council Member Gillette made a substitute motion, seconded by Vice Mayor Johnson to support the City Manager's recommendation for $3.7 million for school funding; Council by the following recorded vote adopted the motion to support the City Manager's recommendation for $3.7 million for school funding:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Manager Kimball Payne stated that Council had requested that the Tourism Board of the Chamber of Commerce come to discuss the funding of the Tourism Program. Tourism member Greg Starbuck gave an overview of the tourism program. Mr. Starbuck stated the accountability, and how the City has strengthened through the tourism program. Mr. Strarbuck went on to say how the Tourism Program had maintained its accreditation. Mrs. Becky Nix also gave an overview of the tourism program and the many return on investments from this program. During Council discussion, some concerns were: could the tourism program be combined with a city department, tourism is a good investment, to amend the contract, all businesses rely on the tourism program, to keep the tourism funding level at this time. Council did not take any action on this item.

// Deputy City Manager Bonnie Svrcek gave an overview of the Proposed Humane Society Agreement. Ms. Svrcek stated on February 14, 2012 City Council directed staff to issue a Request for Qualifications (RFQ) for the provision of animal shelter services based on the current level of services provided by the Lynchburg Humane Society. Ms. Svrcek stated there were no responses to the RFQ. Ms. Svrcek went on to say that Council directed staff to negotiate with the Lynchburg Humane Society (LHS) in the event there were no responses to the RFQ, and staff has negotiated with the LHS the general terms of an agreement and lease costs. Council Member Perrow made a motion, seconded by Council Member Cary to approve the Proposed Humane Society Agreement and Lease between the City of Lynchburg and the Lynchburg Humane Society.

Council Member Helgeson had concerns about building a new facility in two parts and the operating elements and continues to be a tax burden on the citizens. Council Member Helgeson stated he would not support the Humane Society agreement so as not to burden the citizens with more taxes. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-039 as presented, to approve the terms of the agreement and lease between the City of Lynchburg and the Lynchburg Humane Society:

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

Noes: Helgeson 1

// Erin Hawkins, Water Quality Manager with Water Resources gave an overview of the Stormwater Utility Credit Program. Ms. Hawkins stated on December 13, 2011, City Council approved an Ordinance to implement a Stormwater Utility. Since that time, the City has developed an outline of the credit program for single-family residential properties and for non-residential/multi-family properties. Ms. Hawkins further stated that the credit program would allow a credit for property owners or occupants who implement or have implemented certain stormwater management measures that provide a permanent reduction in post-development stormwater runoff and pollutant loading pursuant to section § 15.2-2114 of the Code of Virginia. Ms. Hawkins went on to say the credit amount would be determined based on the type of Best Management Practice (BMP) that is installed and the percentage of the impervious area of the site that is treated by the BMP. The maximum credit that may be earned is 50% of the stormwater fee. Ms. Hawkins further stated that in April City staff met with members of the Stormwater Advisory Committee to review and receive comment on the programs; summarize the application process, credit term, eligible stormwater BMPs and maintenance requirements. A user's guide will be developed for each program outlining the application process and requirements. During Council discussion several Council Members asked questions regarding the Stormwater Credit Program. On motion of Council Member Nelson, seconded by Vice Mayor Johnson to adopt an Ordinance setting the Stormwater fee at $4.00, Council by the following recorded vote adopted Ordinance #O-12-040 as amended, adopting a $4.00 Stormwater fee:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Manager Kimball Payne gave a briefing on the Virginia Retirement System (VRS) options as a result of the General Assembly action.

// City Manager Kimball Payne reviewed the FY 2013 Budget Balancing. During Council discussion various items were discussed to balance the budget. Council Member Gillette made a motion, seconded by Vice Mayor Johnson to set the Real Estate Tax Rate from $1.05 to $1.11. During the discussion on the Real Estate Tax Rate, several council members had concerns that we have just adopted a Stormwater fee of $4.00 which will be an extra burden on the citizens; largest property tax increase in the City over decades, coupled with new Stormwater fees; to support public safety and education and to do both correctly taxpayers would have to pay an extra $100 a year in taxes, and Council by the following recorded vote adopted an Ordinance #O-12-047 as amended, approving the Real Estate Tax Rate from $1.05 to $1.11:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// City Council recessed the meeting at 7:15 p.m.

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

The following Members were present:

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

Absent: 0

Council Member Cary gave the Invocation, followed by the Pledge of Allegiance by the James River Day School Girl Scouts.

// Copies of the minutes of the March 27, 2012 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the April 3 (2 meetings), 2012 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Public Works – Monument Terrace, City Council Report # 6 was considered. On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-12-035, as presented, for the leasing of approximately 1,500 square feet of space on the first floor of the Monument Terrace Building, located at 900 Church Street, for an initial period of three (3) years, with two (2) three-year renewals, to the Lynch's Landing Foundation:

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

Noes: 0

// In the matter of Community Development – General, a public hearing was held regarding City Council Report #7A regarding the selling of approximately fifty-one thousandths (0.051) acre of city owned property to Cliff Edge Lofts, LLC., which is a portion of a parcel located at 101 5th Street to correct a building encroachment. Tom Martin, City Planner, gave a summary of the request and stated the Planning Commission recommended approval of selling the property and recommended approval of the street vacation. A representative with Cliff Edge Lofts, LLC spoke to this item and asked for Council approval. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that this matter came before the PDC which recommended approval of selling the property to Cliff Edge Lofts, LLC. This motion does not required a second, and Council by the following recorded vote adopted Resolution #R-12-041 as presented, approving the selling of approximately fifty-one thousandths (0.051) acre of City owned property to Cliff Edge Lofts, LLC.:

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

Noes: 0

Council Member Perrow, Chair of the Physical Development Committee (PDC) stated that the street vacation also came before the PDC which recommended approval of the street vacation. This motion does not required a second, and Council by the following recorded vote adopted Ordinance #O-12-042 as presented, vacating a portion of 7th Street located adjacent to 612 Commerce Street:

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

Noes: 0

// In the matter of Finance – Bonds, a public hearing was held regarding City Council Report #8 regarding authorizing the issuance of not to exceed $7,700,000 Sewer Revenue Bonds pursuant to Section 15.2-2206.A of the Code of Virginia. Director of Financial Services Donna Witt gave a summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-12-043 as presented, regarding authorizing the issuance of not to exceed $7,700,000 Sewer Revenue Bonds pursuant to Section 15.2-2206.A of the Code of Virginia:

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

Noes: 0

// In the matter of Budget, a public hearing was held regarding City Council Report #9 regarding amending the FY 2012 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditures, and transfer adjustments. Director of Financial Services Donna Witt gave a summary of the request. One individual spoke not to fund the canines for the police department. City Manager Kimball Payne responded that this was a replacement of canines due to a retirement not an increase. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated he would not support the FY 2012 Third Quarter Adopted Budget regarding the downtown revitalization item. On motion of Council Member Perrow, seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-044, as presented, amending the FY 2012 Third Quarter Adopted Budget and appropriating funds to implement revenue, expenditures, and transfer adjustments:

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

Noes: Helgeson 1

// Mr. Nicholas Willoughby did not appear before Council regarding his concern.

// In the matter of Police – Emergency Communications, City Council Report # 11 was considered. On motion of Council Member Nelson, seconded by Council Member Gillette, Council by the following recorded vote adopted Resolution #R-12-045, as presented, allowing the Industrial Development Authority of the Town of Amherst (Amherst Town Authority) to assist in the financing of a new regional emergency communications system:

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

Noes: 0

// In the matter of Community Development – General, City Council Report #12 was considered. On motion of Council Member Nelson seconded by Council Member Gillette, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-12-046, as presented, amending the FY 2012 City/Federal/State Aid Fund budget and appropriating $91,288 with resources from the Department of Social Services, to provide 10 units of tenant-based rental assistance and associated supportive services:

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

Noes: 0

// In the matter of Transit, Resolution #R-12-038 amending the FY 2012 General Fund budget and appropriating $506,496, with resources from the unassigned General Fund Balance, to satisfy the Account Payable related to the operation of the Greater Lynchburg Transit Company (GLTC) operations and to preclude the renewal of a line of credit to fund GLTC operations laid over from the April 10, 2012 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Gillette, Council by the following recorded vote adopted the Resolution:

Ayes: Gillette, Johnson, Nelson, Foster 4

Noes: Cary, Helgeson, Perrow 3

// The meeting was adjourned at 8:18 P.M.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 10

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

ACTION: **X** INFORMATION:

ITEM TITLE: **2011 State Homeland Security Program (SHSP) Grant for Equipment and Training for the Fire Department's Technical Rescue Team**

RECOMMENDATION:
Adopt a resolution to amend the FY 2012 City/Federal/State Aid Fund budget and appropriate $50,000 with resources from the 2011 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to be utilized for equipment and training for the Fire Department's Technical Rescue Team.

SUMMARY:
The Virginia Department of Emergency Management is administering this grant from the Department of Homeland Security (DHS) through the State Homeland Security Program (SHSP) grant. The Fire Department was awarded $50,000 to be utilized by the Technical Rescue Team. The funds will be used for equipment and training in order to provide Technical Rescue responses in a safe and timely manner. This grant is 100% reimbursable; no local match is required.

PRIOR ACTION(S):
Finance Committee, April 24, 2012

FISCAL IMPACT:
No local match is required. Future funds may be needed for periodic maintenance of the equipment purchased.

CONTACT(S):
Fire Chief S. Brad Ferguson, 455-6340
Battalion Chief Greg Wormser, 455-6340
Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):
Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2012 City/Federal/State Aid Fund budget is amended and $50,000 is appropriated with resources from the FY 2011 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to be utilized for equipment and training for the Fire Department's Technical Rescue Team.

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

061L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 11

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

ACTION: **X** INFORMATION:

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

RECOMMENDATION:

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

SUMMARY:

The Code of Virginia stipulates that Council may appoint only those nominees or applicants whose names have been considered at a public hearing. Following the public hearing City Council may either conclude the public hearing or continue it to the next meeting to allow more time for citizen input. The City Code requires that these appointments be made during the month of June; so therefore, no action may be taken on this matter except at the June 12 or June 26 meetings.

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

PRIOR ACTION(S): None

FISCAL IMPACT: None

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

ATTACHMENT(S): Names of volunteers.

REVIEWED BY: lkp

062L

VOLUNTEERS FOR SCHOOL BOARD APPOINTMENTS

DISTRICT 1
None

DISTRICT 2
Eyvonne Harvey Green
Benjamin Hagwood
Lewis Lee, Jr.

DISTRICT 3
None

NOTE: THERE ARE NO VOLUNTEERS IN DISTRICT 1 AND 3

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 12

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Rezoning – 1721 Monsview Place – R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional)**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Rush Homes is petitioning to rezone approximately three and one hundred fifty-five thousandths (3.155) acres at 1721 Monsview Place from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional). The rezoning would allow the adaptive reuse of the existing school building, the construction of a building addition and three (3) new buildings for a total of twenty-eight (28) apartment units. The Planning Commission recommended approval of the petition because:

- The petition agrees with the *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* which recommends a Traditional Neighborhood use for the area.
- The petition agrees with the *Zoning Ordinance* which permits apartment units in an R-4, Medium-High Density Residential District.

PRIOR ACTION(S):

April 11, 2012: The Planning Division recommended approval of the rezoning petition.

The Planning Commission recommended approval (5-0, with 2 members absent, Coleman and Hooper) of the rezoning petition.

FISCAL IMPACT: $250,000 sale of City owned property

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

ATTACHMENT(S):
- Ordinance
- Planning Commission Report – April 11, 2012
- Planning Commission Minutes – April 11, 2012
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plan
- Building Elevations
- Project Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1721 MONSVIEW PLACE FROM A R-3, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT TO R-4C, MEDIUM-HIGH DENSITY, MULTI-FAMILY RESIDENTIAL DISTRICT (CONDITIONAL).

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

Section 35.1-76.__. Change of a certain area located at 1721 Monsview Place from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional).

The area embraced within the following boundaries …

BEGINNING AT A 1/2 INCH REBAR SET AT THE INTERSECTION OF THE NORTHERN RIGHT-OF-WAY LINE OF BOSTON AVENUE AND THE EASTERN RIGHT-OF-WAY LINE OF HOLLY STREET THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF HOLLY STREET NORTH 36 DEGREES 29 MINUTES 40 SECONDS EAST 141.00 FEET TO A 1/2 INCH REBAR SET, THENCE LEAVING THE EASTERN RIGHT-OF-WAY LINE OF HOLLY STREET SOUTH 53 DEGREES 23 MINUTES 54 SECONDS EAST 369.59 FEET TO A 1/2 INCH REBAR SET IN THE EASTERN RIGHT-OF-WAY LINE OF GRAYSON STREET, PASSING A 1/2 INCH REBAR SET IN THE WESTERN RIGHT-OF-WAY LINE OF GRAYSON STREET AT 337.31 FEET; THENCE ALONG THE EASTERN RIGHT-OF-WAY LINE OF GRAYSON STREET NORTH 58 DEGREES 16 MINUTES 22 SECONDS EAST 248.15 FEET TO A NAIL SET IN CONCRETE WALK IN THE SOUTHERN RIGHT-OF-WAY LINE OF MONSVIEW PLACE; THENCE ALONG THE SOUTHERN RIGHT-OF-WAY LINE OF MONSVIEW PLACE SOUTH 34 DEGREES 36 MINUTES 18 SECONDS EAST 243.10 TO A 1/2 INCH REBAR SET IN THE WESTERN RIGHT-OF-WAY LINE OF POPLAR STREET; THENCE ALONG THE WESTERN RIGHT-OF-WAY LINE OF POPLAR STREET SOUTH 55 DEGREES 23 MINUTES 42 SECONDS WEST 159.04 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG THE WESTERN RIGHT-OF-WAY LINE OF POPLAR STREET SOUTH 36 DEGREES 38 MINUTES 51 SECONDS WEST 142.73 FEET TO A 1/2 INCH REBAR SET IN THE NORTHERN RIGHT-OF-WAY LINE OF BOSTON AVENUE; THENCE ALONG THE NORTHERN RIGHT-OF-WAY LINE OF BOSTON AVENUE NORTH 53 DEGREES 23 MINUTES 54 SECONDS WEST 639.75 FEET TO THE POINT OF BEGINNING AND CONTANING APPROXIMATELY 3.235 ACRES.

… is hereby changed from a R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) subject to the following voluntarily submitted proffers submitted by the petitioner, Rush homes, to wit:

1. The site plan will be designed in accordance with the Armstrong Place Apartments Rezoning Plan dated March 29, 2012.
2. There will be a maximum of 28 apartment units on the site.

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

Adopted:

Certified: ______________________________
Clerk of Council

065L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 11, 2012
Re: **Rezoning: 1721 Monsview Place – R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional)**

I. PETITIONER

Mr. Jeff Smith, Rush Homes, 1022 Commerce Street, Lynchburg, VA 24504
Representative: Mr. Jamey White, Warner Engineering, Inc., 1511B Enterprise Drive, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling approximately three and one hundred fifty-five thousandths (3.155) acres located at 1721 Monsview Place.
Property Owner: City of Lynchburg, 900 Church Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to allow the adaptive reuse of the existing school building, the construction of a building addition and three (3) new buildings for use as twenty-eight (28) apartment units.

IV. SUMMARY

- Petition agrees with the *Zoning Ordinance* which permits apartment units in an R-4, Medium-High Density Residential District.
- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a Traditional Neighborhood use for the area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The property is located within the Lower Rivermont Neighborhood Conservation Area as shown on the *Plan Framework Map*. Neighborhood Conservation Areas form the inner ring of residential development around the central business district. These neighborhoods are an extension of downtown with mostly traditional street layouts and excellent direct access to downtown amenities. Although rich in historic and cultural fabric, these mature neighborhoods face challenges of reinvestment and rehabilitation. (***pg 4.17***)

   Although the *Comprehensive Plan 2002-2020* recommends an Institutional use for the subject property (since it was a former city school), it recommends a Traditional Residential use for the area. The *Future Land Use Map* (FLUM) is intended to be "generalized" rather than parcel specific. Land use decisions made by the City should take into account not only the FLUM but the Plan Framework Map and the policies outlined in the text of the plan. Traditional Residential areas are applied to the City's older neighborhoods generally built prior to World War II. Consequently, many of the homes in these areas do not conform to current zoning standards in terms of lot sizes, building heights and setbacks. New residential infill should be designed to utilize comparable setbacks, yards and building heights. (***pg. 5.6***)

2. **Zoning.** The subject property was annexed into the City in 1908. The property has been zoned for two-family residences since 1942. The existing R-3, Medium Density, Two-Family Residential District was established in 1978.

3. **Proffers.** The petitioner has submitted the following voluntary proffers as part of the rezoning petition.

   1. The site plan will be designed in accordance with the Armstrong Place Apartments Rezoning Plan dated March 29, 2012.

   2. There will be a maximum of 28 apartment units on the site.

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

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

   - On April 14, 1982, Ted and Helen Brown withdrew their conditional use permit (CUP) petition to operate a day care facility at 1912 Boston Avenue.
   - On January 11, 1983, Council approved the CUP petition of the ARC of Central VA to construct a building addition at 400 Essex Street.
   - On January 10, 1984, Council reapproved the CUP petition of the ARC of Central VA to construct a building addition at 400 Essex Street.
   - On May 8, 1984, Council approved the CUP petition of Rivermont Baptist Church to construct a building addition at 400 Fauquier Street.
   - On November 12, 1985, Council approved the CUP petition of Centenary United Methodist Church to allow the operation of a child care center at 1501 Rivermont Avenue.
   - On July 8, 1986, Council approved the CUP petition of Centenary United Methodist Church to allow the construction of a fenced playground area at 1501 Rivermont Avenue.
   - On December 12, 2000, Council approved the CUP petition of the ARC of Central VA to construct a building addition and parking area at 1508 Bedford Avenue.
   - On May 12, 2002, Council adopted the locally designated Rivermont Historic District.

6. **Site Description.** The subject property is a tract of three and one hundred fifty-five thousandths (3.155) acres located at 1721 Monsview Place. The two (2)-story brick veneer structure was constructed in 1954 as the Armstrong Elementary School. The building was used as a public elementary school until 1977 after which it was used as a private school until 2002. The majority of the property is relatively flat with a gentle slope to the south towards Boston Avenue.

   The property is bordered to the north across Monsview Place by single-family homes, to the south by single-family homes and one duplex, to the east by single-family homes and vacant land and to the west by single-family homes and a vacant athletic field owned by the City of Lynchburg.

7. **Proposed Use of Property.** The purpose of this petition is to rezone the property to R-4, Medium-High Density, Multi-Family Residential District to allow the development of the property as housing for people with disabilities. The existing building would contain sixteen (16) apartment units with an addition to the building containing four (4) units. Two (2) three (3)-unit buildings and one (1) two (2)-unit building are proposed along the frontage of Boston Avenue. The project, as proposed, would contain twenty-eight (28) units.

8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer expressed concern about "visitor" parking. Section 35.1-25, Off-street parking and loading of the *Zoning Ordinance* requires one (1) space per residential unit. A total of twenty-eight (28) residential units are proposed requiring twenty-eight (28) parking spaces, which are indicated on the preliminary site plan. The petitioner does not believe additional parking will be needed as the majority of the residents will not drive. A paved parking lot containing approximately twenty-nine (29) additional spaces is also located on the eastern part of the property.

   The property is served by Greater Lynchburg Transit Company Route, 3C with a stop located at the intersection of Bedford Avenue and Monsview Place.

9. **Stormwater Management.** A stormwater management plan addressing both quantity and quality of stormwater related to the development will be required. The submitted site plan indicates stormwater will be addressed through a "low-impact" design strategy including rain gardens and grass lined swales.

10. **Emergency Services.** The City's Fire Marshal and City Police Department had no concerns regarding the proposed use of the property.

11. **Impact.** The mission of Rush Homes is to provide affordable and accessible rental housing opportunities to people with disabilities and low incomes in the greater Lynchburg region. The rezoning petition proposes the adaptive reuse of the former Armstrong School, the construction of a building addition and three stand alone structures for up to twenty-eight (28) apartment units.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 20, 2012. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final approval.

VI. PLANNING DIVISION RECOMMENDATION

That the Planning Commission waives the requirements of Section 35.1-43.1, Conditional zone or zone approval concerning the twenty-one (21)-day submittal requirement for proffers.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Rush Homes, to rezone approximately three and one hundred fifty-five thousandths (3.155) acres located at 1721 Monsview Place from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) subject to the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Donald DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Jeff Smith, Rush Homes
Mr. Jamey White, Warner Engineering, Inc.

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern Map**
2. **Vicinity Proposed Land Use Map**
3. **Watershed Location Map**
4. **Project Narrative**
5. **Concept Plan**
6. **Building Elevations**
7. **Photo**

MINUTES FROM THE APRIL 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

b. Petition of Rush Homes to rezone approximately three and one hundred fifty-five thousandths (3.155) acres from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density Residential District (Conditional) to allow the reuse of the existing building for up to sixteen (16) apartment units and the construction of twelve (12) apartment units in new buildings at 1721 Monsview Place.

Mr. Martin had the following comments for the commissioners. This is a City-owned property that was approved for sale by City Council on February 28, 2012. It is located in the lower Rivermont neighborhood conservation area. Conservation areas are shown in the *Comprehensive Plan* and form the inner ring around downtown. They contain older neighborhoods that are rich in their history and fabric. They also face significant challenges in terms of people reinvesting in them and rehabilitating them. The *Future Land Use Map (FLUM)* for this area recommends an Institutional use for the property specifically, although it is important to remember that the *FLUM* is not intended to be parcel specific. Other uses in the area are recommended to be Traditional Residential.

The building on the property, formerly the Armstrong School, was a school until 1977. It was a private school until 2002. It is currently being used for storage by the City. The property is bordered by a mix of single-family homes, a duplex, vacant land and a City athletic field. The property is proposed to be developed for 28 residential units similar to the Victoria Ridge development. There are currently talks going on with Rush Homes and Parks and Recreation to open the gymnasium up for use by the residents.

The property will be served by public water and sewer. Stormwater management will use low impact design such as rain gardens and grass lined swales for water quantity and quality. The only concern of the City's Traffic Engineer was visitor parking. It is important to note that the parking indicated on the site plan (28 spaces) is in compliance with the City's *Zoning Ordinance.* There is also an existing paved parking lot on the eastern part of the property that could contain approximately 29 spaces. The petitioner has indicated that it is not likely that the residents of this development will drive. There is also a GLTC bus stop located at the corner of Bedford Avenue and Monsview Place.

The City's Police Department and Fire Department had no comments of concern. The petitioner held a neighborhood meeting on February 7, 2012. The Planning Division recommends approval of the rezoning petition with the voluntarily submitted proffers.

Mr. Trent Warner of Warner Engineering and Mr. Jeff Smith of Rush Homes came forward to represent the petition. Mr. Warner mentioned that the petitioner plans on leaving the field area free for the residents of the City to use. Mr. Warner commented that Rush Homes needs to have everything approved by June in order to secure financing. Mr. Smith added that these will be apartments for people with disabilities and low income, which is the mission of Rush Homes. He added that they are interested in this site's historic implications as well as the housing it will provide. They look forward to working with the community.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition. Mr. Alfred Farrar, Sr. of 1716 Monsview Place came forward. He had a petition signed by twenty residents of the neighborhood, which stated the following: "Subject: Objection to Rush Homes or any other petition to rezone from R-3 to R-4 the property at 1721 Monsview Place or any adjoining area. We, the undersigned, object for the following and other reasons: The lowering of real estate value; an increase in pedestrian and vehicular traffic; the neighborhood character destroyed by a school building in the name of education will be further degraded and blighted; the increased probability of gang activity; there are ample assisted living and nursing homes for the disabled; multi-family housing in the proposed area is not acceptable; this change to facilitate someone's pecuniary whim at the sacrifice of the quality of life for the existing neighborhood in unconscionable; Rush Homes would not live there and there is no saving grace for their proposal; that our elected representatives would even consider the proposal is beyond comprehension.

The alternative we suggest is the demolition of Armstrong School. There is ample precedent, the destruction of our beloved Dunbar High School. We, the undersigned, herewith submit our strongest possible concern!"

Chair Hamilton asked Mr. Warner and Mr. Smith to come back and address Mr. Farrar's concerns. Mr. Warner explained that the residents of this type of development are not likely to drive, so there is not likely to be a traffic issue. The stormwater will be detained and treated before it runs off the site. Mr. Smith stated that all of these apartments will be made available to people with disabilities, and there are 360 people on their waiting list currently. Victoria Ridge serves as the example of what will happen in terms of traffic and stability. There have been no issues with their current apartments. They have relatively little turnover because the people seek stability. There has been nothing like gang activity or anything of that nature.

Chair Hamilton asked Mr. Farrar if he had anything else to add. He stated that Monsview Place is an alternate for 501. There is currently quite a bit of traffic there. He added that anytime you have low-income housing, you have gang activity. Chair Hamilton closed the public hearing after these comments.

Commissioner Barnes asked Mr. Smith if any of these concerns came up at the neighborhood meeting. Mr. Smith said that they did not hear any concerns other than from Mr. Farrar. His impression was that the community was either favorable or generally favorable to the project. When Chair Hamilton asked him what he meant by "generally favorable," Mr. Smith said that he did not really hear any concerns other than from Mr. Farrar at that meeting. Mr. Smith said there were sixteen people at the meeting. He stated that flyers were sent to every adjoining home, including the north side of Bedford Avenue. They also posted the flyer at the 7-11 and Miles Market stores. It was also available through the neighborhood watch program.

Commissioner Hannon asked about the number of occupants. Mr. Smith said it is not finalized but that they think there will be 10 two-bedroom and 18 one-bedroom units (approximately 38 tenants). The units are typically occupied by one person or in a two-bedroom unit, one person and a family member to assist them. Occasionally, there may be a married couple occupying a one-bedroom unit. The average age is primarily 50+ but they serve people in their twenties, thirties and forties. Occasionally, there may be a tenant with children. Mr. Smith was asked if there could ever be a sublet arrangement, and he stated that would be illegal because of the tax credit regulations. Mr. Smith was asked about turnover and he stated that they have virtually no turnover. The organization has been in existence since 1996. He remarked that they do operate a supportive housing program, but that is different in nature. That is for homeless people with disabilities. It has a case manager component to it. That group of apartments has had more turnovers but that is due to the nature to the homeless population that occupies those apartments.

In response to property management, Mr. Smith stated that Rush Homes provides property management but it is not an on-site resident manager. Mr. Smith was asked about how often the police are called to any of their units. Mr. Smith stated that he does not have that data, but as far as Rush Homes making a call, he is not aware that Rush Homes has ever had to call the police for a disturbance caused by a tenant other than possibly at the supportive housing program. In response to a question about how many units Rush Homes operates, Mr. Smith stated that they operate 43 units in Lynchburg and Madison Heights.

Commissioner Hannon asked if it would be routine for Rush Homes to visit the property regularly. Mr. Smith stated that Rush Homes is a housing provider but does not provide support services. They serve people with all types of disabilities other than substance abuse. If the tenants require services, they obtain those types of services themselves through other programs. Rush Homes does quarterly interior inspections of the apartments. If the tenants have vouchers, which many of them do, their apartment will also undergo a yearly housing inspection by the housing authority. Mr. Smith stated that Rush Homes will advocate for a tenant for other types of services on an as needed basis. Rush Homes does not have the complexity of staff to be able to provide residential needs.

Commissioner Hannon asked for clarification that Rush Homes is a non-profit organization and therefore will not stand to gain financially from this project. Mr. Smith stated that is correct. In answer to another question, Mr. Smith stated that there will be no other units built on this property. There is probably not room for that and this property may be listed as a historic property on the state register. Its historic value is grounded in the Civil Rights era. Their ability to do anything to the school will be limited by that historic designation. The rest of the property has limitations as well.

Commissioner Hannon asked if they currently own the property and Mr. Smith stated that they have a purchase contract, subject to this rezoning approval.

Commissioner Sale asked under what circumstances a tenant might lose their lease and how often that might happen. Mr. Smith stated that since Rush Homes started, there has only been one eviction at a Madison Heights property and that was due to an extreme mental health issue, which was affecting other tenants. The only other loss of lease, and he would not call it "loss of lease" is typically death. Commissioner Sale asked what would happen if there was a security issue and Mr. Smith stated that the lease has a clause in it about any disturbance of the peace and they try to take care of those types of issues immediately. Mr. Smith also assured them that a resident or neighbor can bring that type of disturbance to the attention of Rush Homes. Mr. Smith also commented that their residents are more likely to be the victims of gang violence than to be the perpetrators of gang violence. As a matter of fact, having places like this helps them to form community so they feel comfortable and safe in their environment.

In answer to a question about how many people on the waiting list are from Lynchburg, Mr. Smith stated that approximately 80 percent of the 360 people on the waiting list are from Lynchburg.

Mr. Smith stated that once the property is listed on the historic register, it will be identified as Armstrong Place. Commissioner Sale asked how they might amplify its historic value. Mr. Smith stated that they are not clear on how they will do that at this point. He does not believe there is any requirement that Rush Homes has to do anything to amplify it. They might put a kiosk in the area but that will depend on grant funding. Commissioner Sale noted that there is a sort of super sensitivity on the part of Rush Homes to utilize this facility because it has historic value. Mr. Smith noted they are talking about an era of intolerance and racial bias. It is kind of ironic that we would be working with a population of people who are less than politically strong in our community, who are often left behind, who receive less than their needs in the community and that we would be putting them in this area. Rush Homes believes that actually enhances the value of the history.

Commissioner Sale asked Mr. Smith if he has any data on the impact this will have on the valuing on the homes in the neighborhood. Mr. Smith said he does not have that data but the Victoria Ridge project was built on an empty lot. The lot was being used for purposes that were other than positive for the neighborhood. Since being built, houses on both sides of the development were bought by younger couples and are being renovated. There seems to be some energy there. You would have to ask the community more about that. He also knows that the property value of Armstrong School seems to be decreasing rather rapidly. Rush Homes believes that when they reconstruct and rehabilitate the building, it will actually increase the property values in the neighborhood.

Chair Hamilton asked Mr. Martin asked how this project is different form the one that came before them a few years ago and what the City's plans are for the property if this development is not approved. Mr. Martin stated that this project is less dense than the previous proposal. He is uncertain as to the City's plans for the property if this is not approved; however, the City would probably not be willing to sell it if they had other plans for the site. Mr. Martin stated that these areas are facing challenges and he thinks that this project is going to breathe some much needed life into a neglected building, plus maintain some community use of it through the use of the gymnasium. Mr. Martin also clarified that the petitioner is proffering 28 units, so they cannot increase the number of units without going through another rezoning process.

Commissioner Swienton asked what the likelihood is of Rush Homes buying the other parcel owned by the City, the athletic field adjacent to this property. Mr. Smith stated that there would be virtually no possibility. They typically do not buy land just to have it and it is unlikely they would develop any more units. Their vision for this would be that it is used as a recreational area for the residents. They want the tenant population to integrate into the community and this is an opportunity for that to happen. In answer to a question as to who will own the property, Mr. Smith stated that an LLC will be formed that will own the property. Rush Homes will be one of the three members forming that LLC. This is per the tax credit requirements. After fifteen years, they will have the right of first refusal to buy the property and it will be their intention to buy it. There was clarification that the property will go on the tax role. Commissioner Swienton asked what would have to happen for Rush Homes not to own the property. Mr. Smith stated that they would have to go out of business somehow. They see the support for their organization actually increasing. The only other way it could happen is if Rush Homes was found to mismanage the property. In that case, the property would probably be taken over by Virginia Housing and Development Authority. Mr. Smith does not think it would change from a facility for persons with disabilities.

Commissioner Swienton asked how much of the current field will be lost and Mr. Warner pointed out on the site plan where their construction will end. In answer to a question about fencing, Mr. Warner said there will be a vegetative buffer. In answer to a question about the architectural rendering, Mr. Smith stated that they will definitely be one-story cottages. Commissioner Swiemton asked Mr. Smith if they would be open to taking any of the neighbors on a tour of Victoria Ridge and he said they certainly would be willing to do so. He would be happy to invite the neighbors who signed the petition personally.

Commissioner Swienton called Mr. Farrar back up to speak. Mr. Farrar does not feel that Armstrong School has any historical significance. Commissioner Swienton reminded Mr. Farrar that the previous project was going to be three stories high and have 42 units along Boston Avenue. He was not sure if Mr. Farrar understands that these will be more like single-family homes. Mr. Farrar stated that he is familiar with Victoria Ridge. He is against multi-family housing. Single family homes were in the neighborhood before they were displaced for Armstrong School and that is what he would like to see back there again.

Commissioner Sale asked Mr. Martin what is allowed in an R-3 area. Mr. Martin said it could be developed for duplexes or semi-detached homes on 8,000 square foot lots with 60 feet of road frontage, approximately four units per acre.

Commissioner Barnes asked if this development will be similar to Victoria Ridge and Mr. Smith said it will be. He asked Mr. Smith how the neighbors have responded to Victoria Ridge. Mr. Smith said they have started an “Adopt A Home” program in the neighborhood. Also, Lynchburg College interns held a block party some time ago. They has not heard anything negative being said about the project.

Commissioner Sale asked Mr. Smith if they would be marketing these to veterans at all. Mr. Smith stated that because of fair housing laws, they cannot elevate a veteran above another potential tenant. When they were marketing Victoria Ridge, they made some attempts to get the word out to veterans and they found that it is very difficult to find that community of people.

Commissioner Hannon made a motion, which was seconded by Commissioner Swienton. Commissioner Hannon thought it was a well-designed project; he commended Rush Homes for taking it on and feels that the residents that will be living there certainly need it.

Commissioner Swienton remarked that he looks at whether or not he would like a project to be next to him when he is evaluating it. He would not have wanted the previously proposed project next to him. With this one, he would actually welcome it. His biggest concern is if Rush Homes is not operating it down the road and that is where any hesitation comes from. He agrees there should be very little traffic. He agrees that the residents are not likely to be involved in criminal activity but more likely to be the victims. He also thinks the one-story cottages are more in line with the way the area used to be. Realistically, he thinks it would be very expensive to tear down Armstrong School and build it economically with single-family houses.

Commissioner Sale said he is struck with the need for this type of facility. This is a step in the direction of caring for those who have misfortunes and that kind of caring is a part of our community. He does not believe that an abandoned building and a piece of property that has been left to dereliction has been an enhancement to the community.

Commissioner Barnes looks at the track record of Rush Homes operating similar facilities. He does not think it will have a negative impact on the area and thinks it is very likely to have a positive impact on the neighborhood. It will definitely serve a need.

Chair Hamilton noted that the current state of the school is not helpful to the neighborhood, nor was the project they saw a few years ago. If it is developed as single-family homes, there is going to be more traffic than what this project will create. The historic aspect of the project will also require them to maintain the feel of the neighborhood.

The following motions passed by the following vote:

"That the Planning Commission waives the requirements of Section 35.1-43.1, Conditional zone or zone approval concerning the twenty-one (21)-day submittal requirement for proffers.

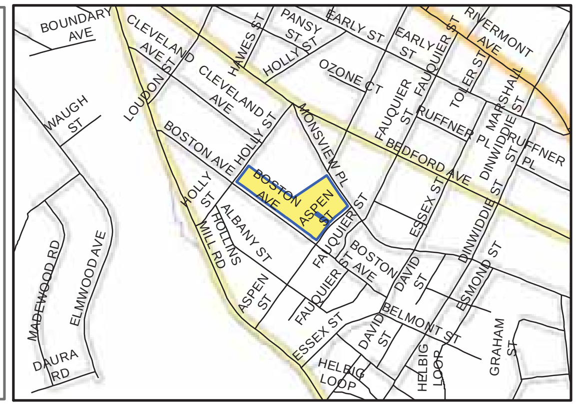
"That the Planning Commission recommends to City Council approval of the petition of Rush Homes, to rezone approximately three and one hundred fifty-five thousandths (3.155) acres located at 1721 Monsview Place from R-3, Medium Density, Two-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) subject to the voluntarily submitted proffers."

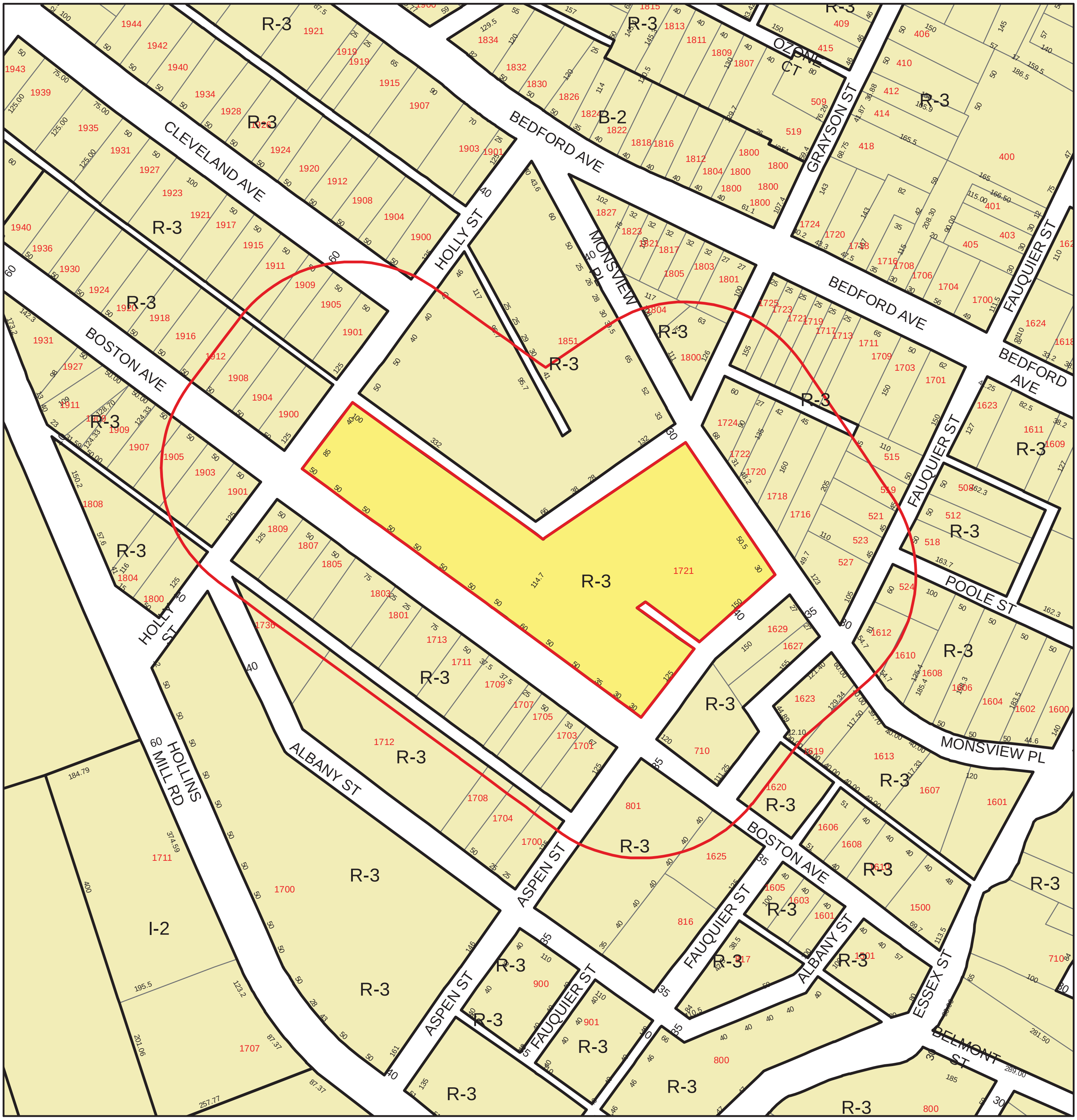
AYES:	Barnes, Hamilton, Hannon, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Hooper	2

ARMSTRONG PLACE APARTMENTS
REZONING FROM R-3 TO R-4C
1721 MONSVIEW PLACE
Vicinity Zoning Pattern Map

Subject Properties

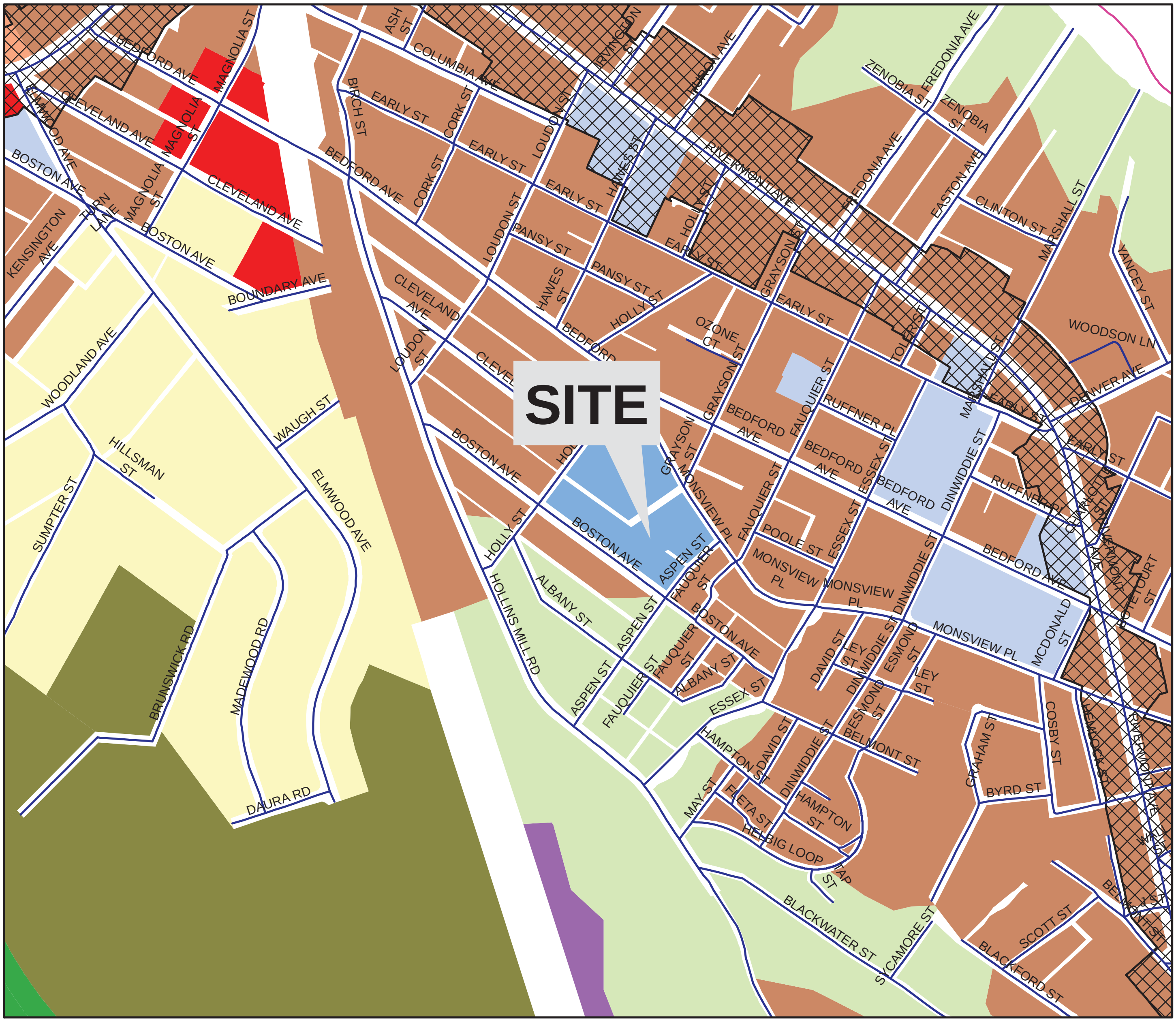
200 Foot Buffer





PIN	Owner	Local Address
02126003	ALFRED MARSHALL CRAWFORD LLC	1721 BEDFORD AVE
02126019	ALFRED T & ANN J FARRAR	1718 MONSVIEW PL
02126018	ALFRED T FARRAR SR	1716 MONSVIEW PL
02132014	ANN M MITCHELL	1700 ALBANY ST
02132024	ANN M MITCHELL	1736 ALBANY ST
02132018	ANN M MTCHELL	1712 ALBANY ST
02126007	CAROLYN G BROWN LIFE ESTATE REMAINDERMAN: PAULA KAY B PATROM	1709 BEDFORD AVE
02129012	CARRIE W BROWN	1905 CLEVELAND AVE
02129015	CHARLES W & FRANCES S LANGHORNE	1904 BOSTON AVE
00814001	CITY OF LYNCHBURG C/O CITY MANAGER'S OFFICE	801 ASPEN ST
02130002	CITY OF LYNCHBURG C/O CITY MANAGER'S OFFICE	1721 MONSVIEW PL
02130001	CITY OF LYNCHBURG C/O STEVE LAWSON	1851 MONSVIEW PL
02132001	DAWSON L & SHIRLEY T SMITH	1809 BOSTON AVE
00807030	DOUGLAS L & BARBARA D FOWLER C/O DOUGLAS L FOWLER	1620 BOSTON AVE
02133005	E WAYLAND MITCHELL JR	1800 HOLLINS MILL RD
02126011	EDITH G T HOLMES	521 FAUQUIER ST
02126012	EDITH T HOLMES	523 FAUQUIER ST
02127007	ELIZABETH A ANDERSON	1801 BEDFORD AVE
02125009	ELMA TANKERSLEY ETALS C/O JAMES A TANKERSLEY	518 FAUQUIER ST
02133006	ELTON W MITCHELL JR	1804 HOLLINS MILL RD
02132012	ERNEST R JR & BERRY, ERNEST E BERRY	1703 BOSTON AVE
02131006	EVELYN C MARTIN	1612 MONSVIEW PL
02132009	FAYE E JAMES	1709 BOSTON AVE
02129014	GEORGE S & MARVA L BLAIR	1900 BOSTON AVE
00808003	GEORGE W FORD SR & ROSCOE F GOODE	710 FAUQUIER ST
02126004	HAROLD BOOKER JR	1719 BEDFORD AVE
02132005	JAMES N & ELIZABETH H BOOKER	1801 BOSTON AVE
02132004	JAMES N & ELIZABETH H BOOKER	1803 BOSTON AVE
02133009	JARRETT C PARTON	1901 BOSTON AVE
02127006	JERRY B & MARTHA C SMITH	1803 BEDFORD AVE
02126006	JERRY B & WILLIAM B SMITH	1713 BEDFORD AVE
02129010	JERRY B & WILLIAM B SMITH	1911 CLEVELAND AVE
02126013	JESSIE M & ALLYSON LEWIS	527 FAUQUIER ST
02129011	JONATHAN & IRINA G FULLER	1909 CLEVELAND AVE
02131005	KAIN & COMPANY INC	1610 MONSVIEW PL
02127010	LAKEI EVANS	1804 MONSVIEW PL
02132003	LEONARD J & PAMELA A JENKINS	1805 BOSTON AVE
02129013	LP APARTMENTS LLC	1901 CLEVELAND AVE
02132011	MARIE F ANDERSON & ARLINDA J HELM & SANDRA HERNDON & THOMAS J JONES	1705 BOSTON AVE
02132017	MARY A CARRINGTON	1708 ALBANY ST
02126002	MARY D WRIGHT	1723 BEDFORD AVE
02126017	MELISSA D NOWLIN	1724 MONSVIEW PL
02126005	MICHAEL A WARRICK	1717 BEDFORD AVE
00808002	NANCY P WITT	1627 MONSVIEW PL
02131001	PAMELA F PHIPPS	524 FAUQUIER ST

02132013	PEARLY R & REBECCA J COLES	1701 BOSTON AVE
02132007	PHILLIP ELLIOTT C/O PHYLLIS E BRAXTON	1713 BOSTON AVE
02126010	PHYLLIS M P PINN	515 FAUQUIER ST
02126016	RESTORATION SPECIALISTS OF CENTRAL VIRGINIA LLC	1720 MONSVIEW PL
02129016	RICHARD E DAVIS II	1908 BOSTON AVE
02126014	RICHARD L FOWLER	519 FAUQUIER ST
02132008	ROBERT B THORNTON	1711 BOSTON AVE
02133004	ROBERT B THORNTON	1903 BOSTON AVE
02133003	ROBERT B THORNTON	1905 BOSTON AVE
02133012	ROBERT B THORNTON	1907 BOSTON AVE
02128013	ROBERT B THORNTON	1900 CLEVELAND AVE
00808001	ROGER LEE JOHNSON & MARY A WAUGH	1629 MONSVIEW PL
02127009	RONNIE E & JOE ANN OTEY	1800 MONSVIEW PL
02132016	SAMIR HUSSAMY	1704 ALBANY ST
02132028	SAMIR HUSSAMY	1707 BOSTON AVE
02126015	SAMUEL R HUTCHERSON JR C/O CARL B HUTCHERSON	1722 MONSVIEW PL
00807001	SANAT SIVDAS	1623 MONSVIEW PL
00807002	SANAT SIVDAS	1619 MONSVIEW PL
00813001	STERLING & SARA M CARDEN	1625 BOSTON AVE
02129017	VEDA BROWN & JOANNE MARTIN & WANDA BROWN & LAVONA BROWN	1912 BOSTON AVE
02126001	W STEPNEY & ALEASE GARLAND	1725 BEDFORD AVE
02132002	WALTER O JR & MARYANN C JAMES	1807 BOSTON AVE



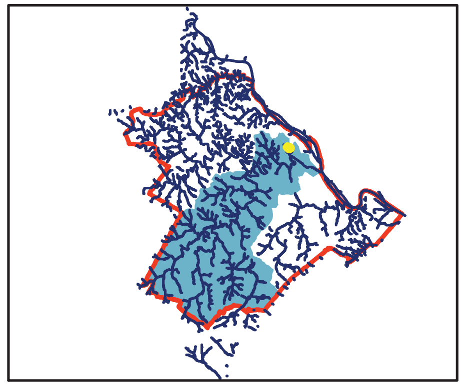
- LocalHistoricDistrict
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource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

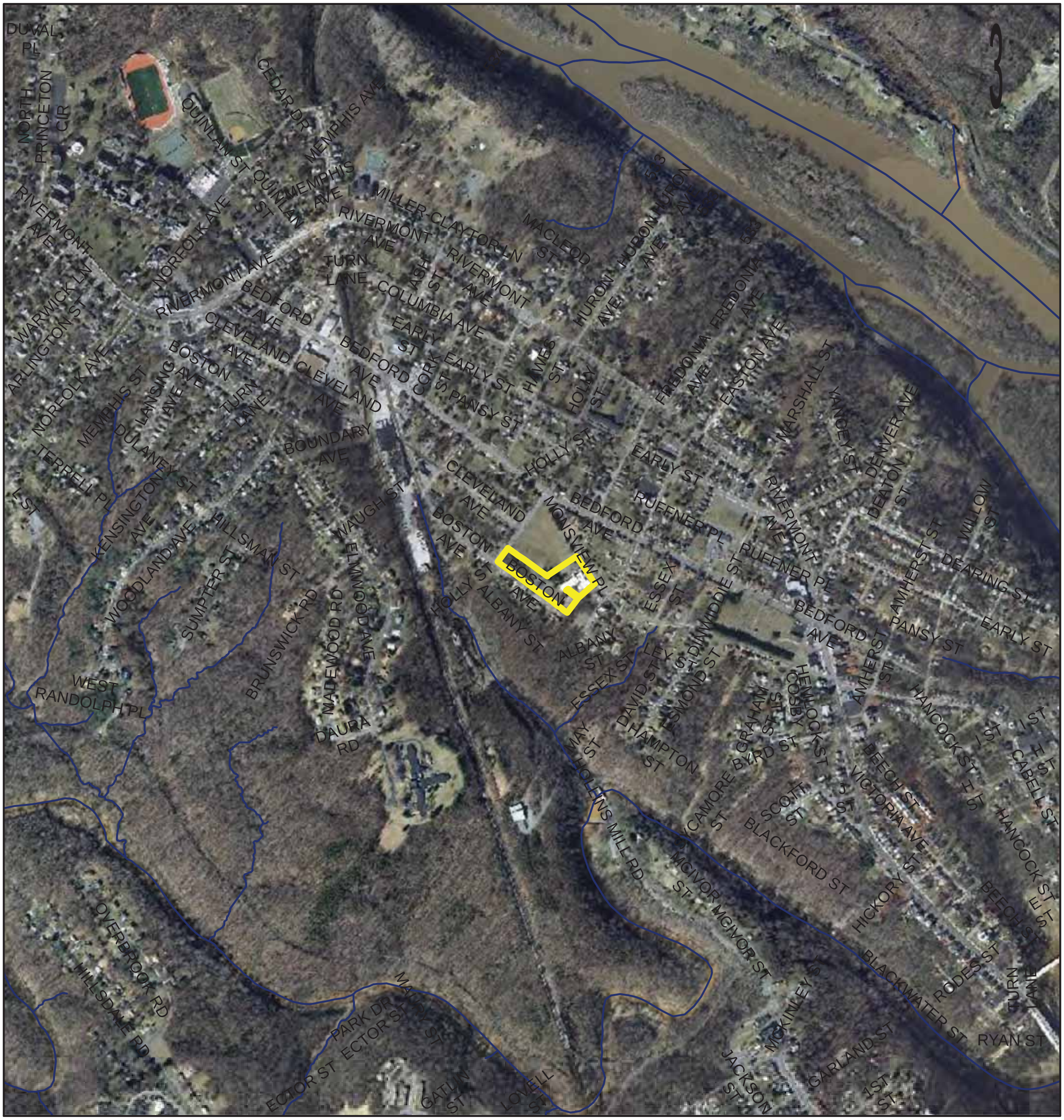
LAND USE MAP
ARMSTRONG PLACE APARTMENTS
REZONING FROM R-3 TO R-4C
1721 MONSVIEW PLACE

ARMSTRONG PLACE APARTMENTS
REZONING FROM R-3 TO R-4C
1721 Monsview Place

Watershed Location Map

- Project Site
- Blackwater Creek
- Corporate Limit





WARNER ENGINEERING
WE move the project forward

Armstrong Place Apartments – Project Narrative

Rush Lifetime Homes (Rush Homes), a Community Housing Development Organization (CHDO), will develop Armstrong Place Apartments, a maximum of 28 apartments for people with special needs and low incomes, through historic rehabilitation (adaptive reuse) of Armstrong Elementary School (16 apartments) and new construction (12 apartments), all at 1721 Monsview Place in Lynchburg. Armstrong Place's 28 apartments will consist of a mix of one and two bedroom apartments.

Rush Homes will partnering with the City to make the Armstrong School gymnasium available to the Monsview/Bedford Avenue area community for community activities. Rush Homes proposes to enter into a cost neutral arrangement with the City toward this purpose. Toward this end, Rush Homes has met with the City Department of Planning and Department of Parks and Recreation on three occasions. Both parties concluded that that Armstrong Place presented an opportunity for the local community and people with special needs and are assessing costs and developing agreement language regarding use of the gym.

Rush Homes presented the proposed project to the local community on February 7 at Centenary United Methodist Church. The meeting was advertised through neighborhood watch, a mailing to every property adjacent to streets that are immediate to the property (Monsview Place, Holly Street, Boston Avenue and properties immediately across Bedford Avenue from the intersection of Holly and Monsview) and flyers at two convenience stores, one each on or near opposite ends of Bedford Avenue.

Stormwater will be addressed through a low-impact design strategy to address both water quality and quantity. This will be achieved by the use of isolated rain gardens and grass lined swales. The discharge from the rain gardens will be routed to an adequate channel, sufficient to handle the stormwater from this facility. The design of these measures will be coordinated with the City of Lynchburg's environmental planner.

Armstrong Place Apartments will be served by public water from the existing master meter located on the north side of the existing building. Public sewer is available for this project by an existing sanitary sewer main from Boston Avenue.

1511B Enterprise Drive; Lynchburg, VA 24502
Phone: 434-582-5007; Fax 434-582-5008

SHEET INDEX

1 OF 3	C1	CONCEPT PLAN
2 OF 3	C2	EXISTING CONDITIONS
3 OF 3	C3	CONCEPTUAL LAYOUT

CONTACT INFORMATION

OWNER: RUSH HOMES
1022 COMMERCE ST., STE. 3A
LYNCHBURG, VA 24504
P.O. BOX 879
LYNCHBURG, VA 24505

CONTACT: JEFF SMITH
(434) 455-2120 (P)

ENGINEER: WARNER ENGINEERING, INC
1511B ENTERPRISE DRIVE

CONTACT: JAMEY L. WHITE, PE
(434) 582-5007 (P)

PARKING REQUIREMENTS

PARKING REQUIRED = ONE SPACE PER UNIT
28 x 1 = 28 SPACES

NEW PARKING

PARKING PROVIDED = ONE SPACE PER UNIT
NEW PARKING -28 SPACES

EXISTING PARKING

EXISTING PARKING LOT BEHIND SCHOOL BUILDING SHALL BE USED FOR VISITOR SPILLOVER AND GYM USE.

PROJECT NARRATIVE

THIS PROJECT IS TO BUILD A TOTAL OF TWENTY-EIGHT (28) NEW APARTMENT UNITS OFF MONSVIEW PLACE. THE MAJORITY OF UNITS WILL COME FROM THE RENOVATION OF THE VACANT ARMSTRONG SCHOOL BUILDING. THE STRUCTURE IS CURRENTLY BEING USED FOR STORAGE BY THE CITY. THE SCHOOL WILL HOUSE SIXTEEN (16) NEW APARTMENT UNITS. THE IMPROVEMENTS WILL INCLUDE NEW OFFICE AND COMMUNITY SPACES ALONG WITH NEW PARKING, LIGHTING AND LANDSCAPING. IN ADDITION, FOUR (4) NEW APARTMENT UNITS WILL BE CONSTRUCTED AS AN ADDITION TO THE EXISTING SCHOOL AND EIGHT (8) NEW APARTMENT UNITS WILL BE BUILT ALONG BOSTON AVE VIA THREE MULTI-FAMILY BUILDINGS.

THE PROPERTY IS CURRENTLY ZONED R-3 AND A REQUEST IS BEING MADE TO CHANGE TO R-4C.

THE CONDITION FOR REZONING SHALL BE THAT THE SITE PLAN SHALL BE IN ACCORDANCE WITH THE ARMSTRONG PLACE APARTMENTS CONCEPT PLAN DATED MARCH 29, 2012. THERE SHALL BE NO MORE THAN 28 APARTMENT UNITS ON THE PROPERTY.

BASED ON A GRAPHIC DETERMINATION, THIS PROPERTY LIES IN ZONE "X" OF THE FEMA INSURANCE RATE MAP 51009300041D, DATED JUNE 3, 2008.

THIS SITE WILL BE SERVED BY PUBLIC WATER AND SEWER.

SEPARATE SITE PLANS WILL BE SUBMITTED TO THE CITY FOR CONSTRUCTION DETAILS TO INCLUDE: GRADING, STORMWATER MANAGEMENT, EROSION AND SEDIMENT CONTROL, UTILITIES, LANDSCAPING, ETC.

STORMWATER MANAGEMENT

STORMWATER WILL BE ADDRESSED THROUGH A LOW-IMPACT DESIGN STRATEGY TO ADDRESS BOTH WATER QUALITY AND DETENTION. THIS WILL BE ACHIEVED BY THE USE OF ISOLATED RAIN GARDENS AND GRASS LINED SWALES. THE DISCHARGE FROM THE RAIN GARDENS WILL BE ROUTED TO AN ADEQUATE CHANNEL, SUFFICIENT TO HANDLE THE STORMWATER FROM THIS FACILITY. THE DESIGN OF THESE MEASURES WILL BE COORDINATED WITH THE CITY OF LYNCHBURG'S ENVIRONMENTAL PLANNER AND FINAL PLANS WILL BE SUBMITTED FOR REVIEW AND APPROVAL.

NO.	REVISION	BY	DATE

WARNER ENGINEERING WE move the project forward 1511B ENTERPRISE DRIVE LYNCHBURG, VIRGINIA 24502 PHONE: 434-582-5007 FAX: 434-582-5008	DRAWN BY: GLM DESIGNED BY: JLW REVIEWED BY: TJW PROJECT No. 12005.00 SCALE: GRAPHIC	PROJECT: ARMSTRONG PLACE APARTMENTS REZONING PLAN LYNCHBURG, VIRGINIA TITLE: CONCEPT PLAN	DATE: 3-29-12 DRAWING No: C1 SHEET NUMBER: 1 OF 3

FILE: P:\2012\12005.00 Monsview\Rezoning Plans\PHOTOSHOPC1.dwg

NO.	REVISION	BY	DATE

WARNER ENGINEERING
WE move the project forward
1511B ENTERPRISE DRIVE
LYNCHBURG, VIRGINIA 24502
PHONE: 434-582-5007 FAX: 434-582-5008

DRAWN BY: GLM
DESIGNED BY: JLW
REVIEWED BY: TJW
PROJECT No. 12005.00
SCALE: GRAPHIC

PROJECT:
ARMSTRONG PLACE APARTMENTS
REZONING PLAN
LYNCHBURG, VIRGINIA

TITLE:
EXISTING CONDITIONS

DATE: 3-29-12
DRAWING No: C2
SHEET NUMBER: 2 OF 3

FILE: P:\2012\12005.00 Monsview\Rezoning Plans\12005C2.dwg

LEGEND

—//—//—	ABANDONED OR DEMOLISH		CONCRETE
—500—	CONTOUR (INTERVAL AS INDICATED ON SITE PLAN)		NEW PAVEMENT
	EC-2 LINER		STONE
	EDGE OF EXISTING PAVEMENT		BENCHMARK
—X—X—	FENCE		DOUBLE WATER METER SETTING
—GAS—	GAS LINE		DROP INLET
	GRASS LINED DITCH		FIRE HYDRANT
—OHE—	OVERHEAD ELECTRIC LINE	IPF	IRON PIN FOUND
—OHT—	OVERHEAD TELEPHONE LINE	IPS	IRON PIN SET
	PROPERTY LINE		LIGHT POLE
R/W	RIGHT-OF-WAY		POWER POLE
—SAN—	SANITARY SEWER	SAN	SAN. SEWER MANHOLE
• 499.50	SPOT ELEVATION	CO	SANITARY CLEAN OUT
— SS —	STORM SEWER		TELEPHONE POLE WITH GUY WIRE & ANCHOR
—UGE—	UNDERGROUND ELECTRICAL LINE		TREE
—UGT—	UNDERGROUND TELEPHONE LINE	WM	WATER METER
—W—	WATER LINE	WV	WATER VALVE
	WOOD LINE	C F	CUT / FILL LINES
	UTILITY EASEMENTS		
	DRAINAGE EASEMENT		

NO.	REVISION	BY	DATE

WARNER ENGINEERING
WE move the project forward
1511B ENTERPRISE DRIVE
LYNCHBURG, VIRGINIA 24502
PHONE: 434-582-5007 FAX: 434-582-5008

DRAWN BY:	GLM
DESIGNED BY:	JLW
REVIEWED BY:	TJW
PROJECT No.	12005.00
SCALE:	GRAPHIC

PROJECT: ARMSTRONG PLACE APARTMENTS REZONING PLAN
LYNCHBURG, VIRGINIA

TITLE: CONCEPTUAL LAYOUT

DATE: 3-29-12
DRAWING No: C3
SHEET NUMBER: 3 OF 3

FILE: P:\2012\12005.00 Monsview\Rezoning Plans\12005C3.dwg

COMMUNITY DESIGN STUDIO

ARMSTRONG PLACE
Boston Avenue Elevation
One Bedroom Units

March 28, 2012

COMMUNITY DESIGN STUDIO

ARMSTRONG PLACE
Boston Avenue Elevation
Two Bedroom Units

March 28, 2012

Armstrong Place Apartments

1721 Monsview Place

April 11, 2012

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
JEFF SMITH	P.O. Box 868 1022 COMMERCE ST	455-2120	–		
TRENT WARNER	WARNER ENGINEERING 1511B ENTERPRISE DR	434 665-6979	✓		
ALFRED T. FARRAR	1716 MONSVIEW PLC	(434)845-0620		✓	

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 13

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

ACTION: **X** INFORMATION:

ITEM TITLE: ***Future Land Use Map (FLUM)* Amendment: Between Lakeside Drive and Whitehall Road – Medium Density Residential to Community Commercial**

Rezoning: R-1, Single-Family Residential District to B-5, General Business District

RECOMMENDATION: Approval of the *FLUM* amendment and rezoning petitions.

SUMMARY: The City of Lynchburg's Office of Economic Development is petitioning to amend the FLUM from Medium Density Residential to Community Commercial and to rezone approximately four and six hundred sixty-two thousandths (4.662) acres located between Lakeside Drive and Whitehall Road from R-1, Low Density, Single-Family Residential District to B-5, General Business District. The *FLUM* amendment and rezoning petitions would facilitate the construction of a retail shopping center. The Planning Commission recommended approval of the petitions because:

- The petition is consistent with the *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* which recommends Community Commercial and Regional Commercial uses in the area.
- The petition agrees with the *Zoning Ordinance* which permits retail shopping centers in a B-5, General Business District.

PRIOR ACTION(S):

April 11, 2012:	The Planning Division recommended approval of the petitions.
	The Planning Commission recommended approval (5-0, with 2 members absent, Coleman and Hooper) of the FLUM amendment and rezoning petitions.
April 10, 2012:	City Council approved the right-of-way vacation for the subject property.
March 13, 2012:	City Council approved the sale of the property to S.J. Collins Enterprises, LLC.

FISCAL IMPACT: $1.14 Million, sale of City owned property

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

ATTACHMENT(S):
- Ordinances
- Planning Commission Report – April 11, 2012
- Planning Commission Minutes – April 11, 2012
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plan
- Building Elevations
- Project Narrative
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP TO CHANGE THE PROPERTY LOCATED BETWEEN LAKESIDE DRIVE AND WHITEHALL ROAD FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY COMMERCIAL.

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

Section 35.1-76.__. Amend the Future Land Use Map to change the property located between Lakeside Drive and Whitehall Road from Medium Density Residential to Community Commercial.

The area embraced within the following boundaries …

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF OLD FOREST ROAD AND THE SOUTHERLY RIGHT OF WAY OF WHITE HALL ROAD, THENCE IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 227 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A 1/2 INCH REBAR SET APPROXIMATLEY 25 FEET SOUTH OF THE CENTERLINE OF WHITEHALL ROAD AND IN THE EXISTING RIGHT OF WAY LINE FOR THE PROPOSED ROUTE 291 RAMP I; THENCE ALONG A NEW LINE SOUTH 71 DEGREES 08 MINUTES 22 SECONDS EAST 483.21 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 07 DEGREES 44 MINUTES 41 SECONDS EAST 166.65 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 30 DEGREES 40 MINUTES 32 SECONDS WEST 46.62 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 75 DEGREES 40 MINUTES 32 SECONDS WEST 660.72 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE NORTH 59 DEGREES 52 SECONDS 13 MINUTES WEST 51.22 FEET TO A 1/2 INCH REBAR SET AT THE EXISTING RIGHT OF WAY LINE FOR LAKESIDE DRIVE; THENCE ALONG SAID EXISTING RIGHT OF WAY LINE FOR LAKESIDE DRIVE NORTH 67 DEGREES 45 MINUTES 03 SECONDS EAST 93.40 FEET TO A 1/2 INCH REBAR SET ON THE EXISTING RIGHT OF WAY OF THE PROPOSED ROUTE 291 RAMP I: THENCE CONTINUING ALONG EXISTING RIGHT OF WAY LINE OF PROPOSED ROUTE 291 RAMP I THE FOLLOWING COURSES, NORTH 11 DEGREES 56 MINUTES 57 SECONDS EAST 117.47 FEET TO A VIRGINIA DEPARTMENT OF HIGHWAYS CONCRETE MONUMENT FOUND, SAID MONUMENT HAVING A BROKEN TOP, NORTH 17 DEGREES 12 MINUTES 40 SECONDS EAST 303.90 FEET TO A VIRGINIA DEPARTMENT OF HIGHWAYS CONCRETE MONUMENT FOUND, NORTH 25 DEGREES 24 MINUTES 55 SECONDS EAST 64.89 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 4.655 ACRES.

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

Adopted:

Certified: ______________________________
Clerk of Council

069L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED BETWEEN LAKESIDE DRIVE AND WHITEHALL ROAD FROM R-1, LOW DENSITY, SINGLE-FAMILY RESIDENTIAL DISTRICT TO B-5, GENERAL BUSINESS DISTRICT.

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

Section 35.1-76__. Change of a certain area located between Lakeside Drive and Whitehall Road from R-1, Low Density, Single-Family Residential District to B-5, General Business District.

The area embraced within the following boundaries…

COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY OF OLD FOREST ROAD AND THE SOUTHERLY RIGHT OF WAY OF WHITE HALL ROAD, THENCE IN A SOUTHEASTERLY DIRECTION APPROXIMATELY 227 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING A 1/2 INCH REBAR SET APPROXIMATLEY 25 FEET SOUTH OF THE CENTERLINE OF WHITEHALL ROAD AND IN THE EXISTING RIGHT OF WAY LINE FOR THE PROPOSED ROUTE 291 RAMP I; THENCE ALONG A NEW LINE SOUTH 71 DEGREES 08 MINUTES 22 SECONDS EAST 483.21 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 07 DEGREES 44 MINUTES 41 SECONDS EAST 166.65 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 30 DEGREES 40 MINUTES 32 SECONDS WEST 46.62 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE SOUTH 75 DEGREES 40 MINUTES 32 SECONDS WEST 660.72 FEET TO A 1/2 INCH REBAR SET; THENCE CONTINUING ALONG A NEW LINE NORTH 59 DEGREES 52 SECONDS 13 MINUTES WEST 51.22 FEET TO A 1/2 INCH REBAR SET AT THE EXISTING RIGHT OF WAY LINE FOR LAKESIDE DRIVE; THENCE ALONG SAID EXISTING RIGHT OF WAY LINE FOR LAKESIDE DRIVE NORTH 67 DEGREES 45 MINUTES 03 SECONDS EAST 93.40 FEET TO A 1/2 INCH REBAR SET ON THE EXISTING RIGHT OF WAY OF THE PROPOSED ROUTE 291 RAMP I: THENCE CONTINUING ALONG EXISTING RIGHT OF WAY LINE OF PROPOSED ROUTE 291 RAMP I THE FOLLOWING COURSES, NORTH 11 DEGREES 56 MINUTES 57 SECONDS EAST 117.47 FEET TO A VIRGINIA DEPARTMENT OF HIGHWAYS CONCRETE MONUMENT FOUND, SAID MONUMENT HAVING A BROKEN TOP, NORTH 17 DEGREES 12 MINUTES 40 SECONDS EAST 303.90 FEET TO A VIRGINIA DEPARTMENT OF HIGHWAYS CONCRETE MONUMENT FOUND, NORTH 25 DEGREES 24 MINUTES 55 SECONDS EAST 64.89 FEET TO THE TRUE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 4.655 ACRES.

…is hereby changed from R-1, Low Density, Single-Family Residential District to B-5, General Business District.

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

Adopted:

Certified: ________________________________
Clerk of Council

069L2

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 11, 2012
Re: **Future Land Use Map Amendment: Between Whitehall Road and Lakeside Drive – Medium Density Residential to Community Commercial**
Rezoning: R-1, Single-Family Residential District to B-5, General Business District

---

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, VA 24504
Representative: Ms. Marjette Upshur, City of Lynchburg Economic Development, Bank of the James, 828 Main Street, 10th Floor, Lynchburg, VA 24504

II. LOCATION

The subject property includes one (1) tract totaling approximately four and six hundred sixty-two thousandths (4.662) acres located between Lakeside Drive and Whitehall Road
Property Owner: City of Lynchburg, 900 Church Street, Lynchburg, VA 24504

III. PURPOSE

The purpose of this petition is to rezone (effectively zone) four and six hundred sixty-two thousandths (4.662) acres to allow the construction of a fifty-three thousand (53,000) square foot shopping center to be known as "Lakeside Crossing".

IV. SUMMARY

- Petition agrees with the *Zoning Ordinance* which permits retail shopping centers in a B-5, General Business District.
- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends Community Commercial and Regional Commercial uses in the area.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The property is indicated for Medium Density Residential use on the *Future Land Use Map (FLUM)*, even though it was right-of-way at the time of the maps adoption.

   The *Comprehensive Plan 2002-2020* provides that Medium Density Residential uses are characterized by small-lot single-family detached housing, duplexes and townhomes at densities of up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. (***pg 5.6***) The *FLUM* is intended to be generalized and not parcel specific. Land use decisions made by the City should take into account, not only the land uses depicted on the map, but also the *Plan Framework Map* and policies contained within the *Comprehensive Plan.* The petition proposes to amend the *FLUM* from Medium Density Residential to a Community Commercial land use. Community Commercial areas contain clusters of businesses, often at major intersections and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. (***pg 5.5***) The proposed Community Commercial use is appropriate, due to the adjacent Community Commercial land uses, the adjacent B-5, General Business District zoning and the location of the property at the major intersection of Route 501 and 221.

2. **Zoning.** The subject property was annexed into the City in 1976 and has remained as right-of-way. Section 35.1-10, Territory annexed or not specifically included within a district states "In every case where a territory has not been specifically included within a district, or where a territory becomes a part of an incorporated area of the City of Lynchburg by annexation or otherwise, such territory shall automatically be classified as an R-1, Low Density Residential district, until otherwise classified by an amendment as provided herein". If the right-of-way is vacated by Council on April 10, it will automatically be zoned R-1, Low Density Residential necessitating the rezoning of the property to facilitate the development as proposed.
3. **Proffers.** N/A. The property is subject to conditions for development as outlined in the "Real Property Purchase Agreement" approved by Council on February 28, 2012 and March 13, 2012.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On September 28, 1982, Council approved the petition of A.T. Williams Oil Company for a conditional use permit (CUP) at 2501 Lakeside Drive to allow the construction of an auto service station.
- On April 14, 1992, Council approved the petition of Johnson Equipment Rental, Inc., to rezone one and eight tenths (1.8) acres at Old Forest Road and 3908 Peace Street from I-3, Heavy Industrial District to B-5, General Business District (Conditional).
- On October 13, 1992, Council adopted the Graves Mill Road/US 221 Land Use Study and amended the zoning to reflect recommendations of the study.
- On August 24, 1994, Alloria M. and Bill Jamerson withdrew the CUP petition to allow an adult care facility for nineteen (19) residents in an existing residence at 107 Breezewood Drive.
- On October 11, 1994, Council approved the petition of Blue Ridge Development Corporation, Inc., to rezone five and one-half (5.5) acres located at 126 Breezewood Drive from R-3, Medium Density, Two-Family Residential District to B-1, Limited Business District (Conditional).
- On May 12, 1998, Council denied the petition of Properties Inc., for a CUP at 105 Chapel Lane to allow a commercial fueling facility.
- On April 10, 2001, Council approved the petition of William M. Horsley, to rezone one and three tenths (1.3) acres in the 3900 Block of Old Forest Road from B-3, Community Business District to B-5, General Business District (Conditional).
- On October 3, 2006, Council approved the petition of EE, LLC, to rezone one hundred six and twenty-three hundredths (106.23) acres located at 129, 305, 317, 415, 509 and 607 McConville Road from R-C, Conservation District, R-3, Medium Density, Two-Family Residential District and R-4, Medium-High Density, Multi-Family Residential District to B-5, General Business District (Conditional).

- On August 14, 2007, Council approved the petition of EE, LLC to rezone seventy-nine and three tenths (79.3) acres at 512, 522, 526, 530, 534, 538, 610, 630, 1002 McConville Road, 110 Miles Place and 120 Millstone Road from R-C, Resource Conservation District, R-1, Low Density, Single-Family Residential District, R-3, Medium Density, Two-Family Residential District, I-1, Restricted Industrial District and I-2, Light Industrial District to B-5, General Business District (Conditional)

6. **Site Description.** The subject property is a tract totaling approximately four and six hundred sixty-two thousandths (4.662) acres located between Whitehall Road and Lakeside Drive. The property is remnants of land which was obtained at various points in time by the Virginia Department of Transportation (VDOT) for highway projects. The property was transferred from VDOT to the City by "quitclaim" deeds. City Council approved the sale of the property on February 28, 2012 and March 13, 2012. A public hearing concerning vacating the right-of-way will be conducted by City Council on April 10, 2012.

   The property is bounded to the north by unopened right-of-way, commercial uses and nonconforming residential uses and to the south, east and west by commercial uses.

7. **Proposed Use of Property.** The purpose of these petitions is to amend the *FLUM* to Community Commercial land use and to rezone the property from R-1, Low Density, Single-Family Residential District to facilitate the construction of a fifty-one thousand, three hundred fifteen (51,315) square foot shopping center to be known as "Lakeside Crossing".

8. **Traffic, Parking and Public Transit.** The property is adjacent to improvements proposed as part of the 221/501 Interchange Project as approved by City Council on July 11, 2006. The land approved for sale is not needed for the project and sufficient land has been reserved to facilitate construction of the project. A portion of the northbound lanes of the interchange will be constructed as part of the shopping center project between Whitehall Road and Lakeside Drive.

   As required by the purchase agreement, a traffic study detailing the location of all entrances, exits and curb cuts will be submitted by the developer and is subject to approval by the city.

   The development would be served by Greater Lynchburg Transit Company Route 8.

9. **Stormwater Management.** A stormwater management plan addressing both quantity and quality of stormwater related to the development will be required. The submitted site plan and narrative indicates that an underground detention facility will be constructed in the southeastern corner of the property. The underground facility would be designed with an open base to allow stormwater to infiltrate. Other low impact design measures are also being considered. Stormwater would be discharged into the existing twenty-four (24- inch Corrugated Metal Pipe (CMP) and outfall to a channel south of Lakeside Drive. Adequacy of this channel will be determined prior to final site plan approval.

10. **Emergency Services.** The City's Fire Marshal had no concerns related to the development as proposed. The City's Police Department provided comments related to the general safety of the site and these comments have or will be addressed prior to final site plan approval.

11. **Impact.** The property proposed for an amendment to the *FLUM* and rezoning is a tract totaling approximately four and six hundred sixty-two thousandths (4.662) acres located between Whitehall Road and Lakeside Drive. The property is remnants of land which was obtained at various points in time by the Virginia Department of Transportation (VDOT) for highway projects. The property was transferred from VDOT to the city by "quitclaim" deeds. City Council approved the sale of the subject property and property located at 3901 Old Forest Road

(currently zoned B-5) on February 28, 2012 and March 13, 2012. A public hearing concerning vacating the right-of-way will be conducted by City Council on April 10, 2012. Once the right-of-way is vacated, it will be designated as R-1, Low Density, Single-Family Residential District, necessitating the rezoning of the property. The proposed B-5, General Business District Zoning would facilitate the construction of a fifty-three thousand (53,000)-square foot shopping center to be known as "Lakeside Crossing".

The proposed development would be served by city sewer, via an extension of gravity sewer located approximately six hundred (600) feet north of the property. Public water is available to serve the site from Old Forest Road and Lakeside Drive.

The fifty-three thousand (53,000)-square foot shopping center falls below the seventy-five thousand (75,000)-square foot threshold of the City's Large Scale Retail Establishments ordinance. Even though the development is below the thresholds, the development as proposed would comply with the ordinance such as:

1. A traffic study is being submitted detailing the location of entrance/exits;
2. Pedestrian walkways within the parking area to proposed outparcels and street;
3. Shared access between the development and outparcels is being provided;
4. Glare shielded and non-directional lighting not exceeding thirty-five (35) feet in height;
5. Wall recesses to break up the expansiveness of the exterior facades;
6. Incorporation of service areas into the overall plan;
7. Willingness to screen service areas.

Building elevations submitted with the petition indicate that the building facades will be a combination of brick and stucco. Architectural details such as gable roofs, awnings and windows have also been incorporated into the design.

The largest impact with the development, as proposed, will be related to traffic. The petitioner has started the process of preparing a traffic study detailing where entrances and exits to the development will be appropriate for the site. The traffic study is subject to City approval. In the future, when the 221/501 Interchange is constructed, ingress and egress to the site will be changed as appropriate. The submitted site plan includes information on future roadway alignment for reference purposes.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 20, 2012. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final approval.

VI. PLANNING DIVISION RECOMMENDATION(s)

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of:

1. **The petition of the City of Lynchburg to amend the *Future Land Use Map* for property lying between Whitehall Road and Lakeside Drive from Medium Density Residential to Community Commercial.**

2. **The petition of the City of Lynchburg to rezone approximately four and six hundred sixty-two thousandths (4.662) acres located between Whitehall Road and Lakeside Drive from R-1, Low Density, Single-Family Residential District to B-5, General Business District.**

This matter is respectfully offered for your consideration.

William T. Martin

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Donald DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Ms. Marjette Upshur, Director of Economic Development
Mr. Daniel Hines, Bohler Engineering
Mr. Dan Tucker, S. J. Collins Enterprises, LLC
Mr. Alan Taylor, Riverbend Management

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern Map**
2. **Vicinity Proposed Land Use Map**
3. **Watershed Location Map**
4. **Project Narrative**
5. **Site Layout Plan**
6. **Building Elevation**
7. **Photo**

MINUTES FROM THE APRIL 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN NOT BEEN APPROVED):

d. Petition of the City of Lynchburg to amend the Future Land Use Map from Medium Density Residential to Community Commercial and to rezone from R-1, Low Density Single-Family Residential District to B-5, General Business District approximately four and six hundred sixty-two thousandths (4.662) acres located between Whitehall Road and Lakeside Drive to facilitate the construction of a fifty-one thousand, three hundred fifteen (51,315) square foot shopping center.

Mr. Martin had the following comments for the commissioners. This property was approved for sale by City Council on February 28, 2012. Mr. Martin pointed out that there are two distinct areas. There is one parcel, 3901 Old Forest Road, which is zoned B-5. With the vacation of right-of-way and the sale of City property, there is an area encompassing approximately 6.378 acres. The developer, S. J. Collins, would like to build an approximately 51,315 square-foot shopping center on this site. These parcels were remnants of parcels obtained by VDOT for highway projects which were never built. The property was transferred to the City over several years by quit-claim deeds.

The *Zoning Ordinance* states that when a property has not been specifically included within a specific district, which this parcel has not, then the zoning is classified to R-1. The property is adjacent to the 221/501 highway interchange project, which was approved by City Council on July 11, 2006. The property approved for sale is not needed for this interchange project. This proposed development would actually construct a portion of the northbound lanes of the interchange between Whitehall Road and Lakeside Drive. A traffic study is being done by S. J. Collins and is part of the contract for the sale of the property. The study will detail all of the locations of the curb cuts, entrances and exits. Mr. Martin mentioned that typically staff likes to have the traffic study up front in a rezoning petition, but the City is actually the petitioner in this instance and has made the traffic study a part of the contract for the sale of this property.

The *FLUM* for this area recommends a Medium Density Residential use. Given the adjacent land uses of Community Commercial, it is really not an appropriate land use. The Planning Division recommends approval of both the *FLUM* amendment and the rezoning petitions.

The representatives for the developers came forward. Mr. Jeff DeHart, Mr. Steve Collins, Mr. Jeff Garrison of S. J. Collins were present, as well as Mr. Daniel Hines, the engineer for the project, were present. Mr. DeHart stated that it is their intention to build a specialty grocery anchored shopping center, but they are not at liberty to say yet which specialty grocery store it will be yet. Mr. DeHart explained that the specialty grocers are attracted by the fact that Lynchburg is known as a well-educated community.

Chair Hamilton asked for anyone else who was present to speak in favor of the petition. No one came forward, but she recognized several people in attendance in favor of the petition by a show of hands. She asked for anyone who wished to speak in opposition to the petition. No one came forward, although Mr. Earl Betts, an adjoining property owner, was present who mentioned that he wanted to learn more about the project but had no questions at this time. Chair Hamilton closed the public hearing portion of the petition.

In answer to a question about the timeline, Mr. DeHart thought it would be open approximately eighteen months from this August, which is when the sale of the property will be finalized. Mr. DeHart thought there would be approximately ten other tenants at the shopping center. Commissioner Hannon wanted to know if there would be a theme to the shopping center. Mr. DeHart said that these types of centers typically attract unique restaurants and other tenants like day spas and ladies apparel shops, but it is difficult to say at this point because they have just started the marketing.

Commissioner Hannon noted that the City has been told for years that it does not have the right demographics for a high end grocer. Mr. DeHart noted that they were actually directed here by this grocer but he is not aware that the grocer is looking for any other sites in the City. Mr. DeHart explained that the specialty organic grocers are looking for income, but their primary driver is education.

Chair Hamilton asked Mr. Hines to speak about sewer and stormwater. Mr. Hines said there is sewer approximately 600 feet to the north, adjacent to public right-of-way. It is deep enough that they can reach it by a gravity line to this site. Stormwater management will be handled by an underground facility. There is an existing 24-inch culvert under Lakeside Drive that discharges into an existing natural stream on the opposite side. It appears to be adequate. The soils in this area also appear to be favorable for infiltration. Chair Hamilton and Commissioner Barnes noted that this infiltration should allow for less of an impact on College Lake.

Commissioner Swienton noted that in the future the ingress/egress will be modified appropriately when the 221/501 interchange is built. He asked if the entrance could be designed now so that it does have to be altered down the road. Mr. Hines explained that the light that is anticipated for the east side of the road is not being proposed by the developer at this time. They will do that light if it proves necessary for safety reasons. They are not anticipating building a median on Lakeside Drive at this point and, in the future, there would be a median. It would be forced to be a right in/right out entrance/egress there. Mr. DeHart explained that through the traffic study, they will be trying to determine where to locate the curb cuts to accommodate the current and future traffic needs. Their primary ingresses/egresses when they open will be Old Forest Road and Lakeside Drive. The future Old Forest Road northbound entrance that the developer will build will be primarily used by their truck traffic. The traffic study will tell them more. Under the future road plan, that is going to become a four-lane northbound road, if that is ever built.

Commissioner Swienton asked if this center could be constructed with a B-3 zoning. Mr. Martin said they would then run into issues with setbacks, particularly with the one parcel that is closest to the northbound lanes of the future interchange.

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

"That the Planning Commission recommends to City Council approval of:

1. The petition of the City of Lynchburg to amend the *Future Land Use Map* for property lying between Whitehall Road and Lakeside Drive from Medium Density Residential to Community Commercial.

2. The petition of the City of Lynchburg to rezone approximately four and six hundred sixty-two thousandths (4.662) acres located between Whitehall Road and Lakeside Drive from R-1, Low Density, Single-Family Residential District to B-5, General Business District."

Commissioner Sale feels that this is the best use of the land. He appreciates the vision of the developers. This community would welcome such a facility and this corner is an ideal spot for it. Commissioner Swienton agreed with those comments. He thinks the developers are committed to developing excellent properties. Commissioner Barnes' main concern was that this might preclude future development of the road but that seems to have been handled. He is still a little concerned with how traffic will increase here, but he thinks most of the concerns have been handled. Commissioner Barnes asked for clarification that this is served by a GLTC route and Mr. Martin said it is served by Route 8. Commissioner Hannon voiced his pleasure to see that a specialty grocer wants to come to Lynchburg.

The motion passed by the following vote:

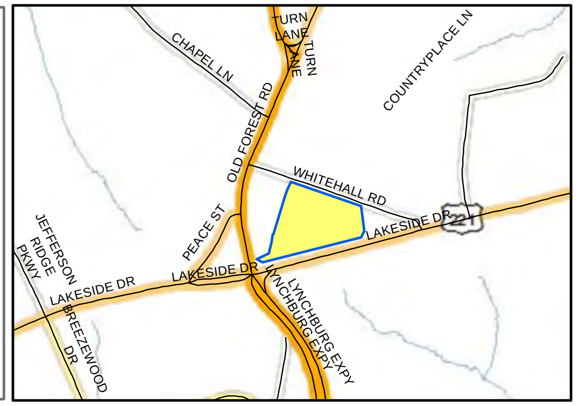
AYES:	Barnes, Hamilton, Hannon, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Hooper	2

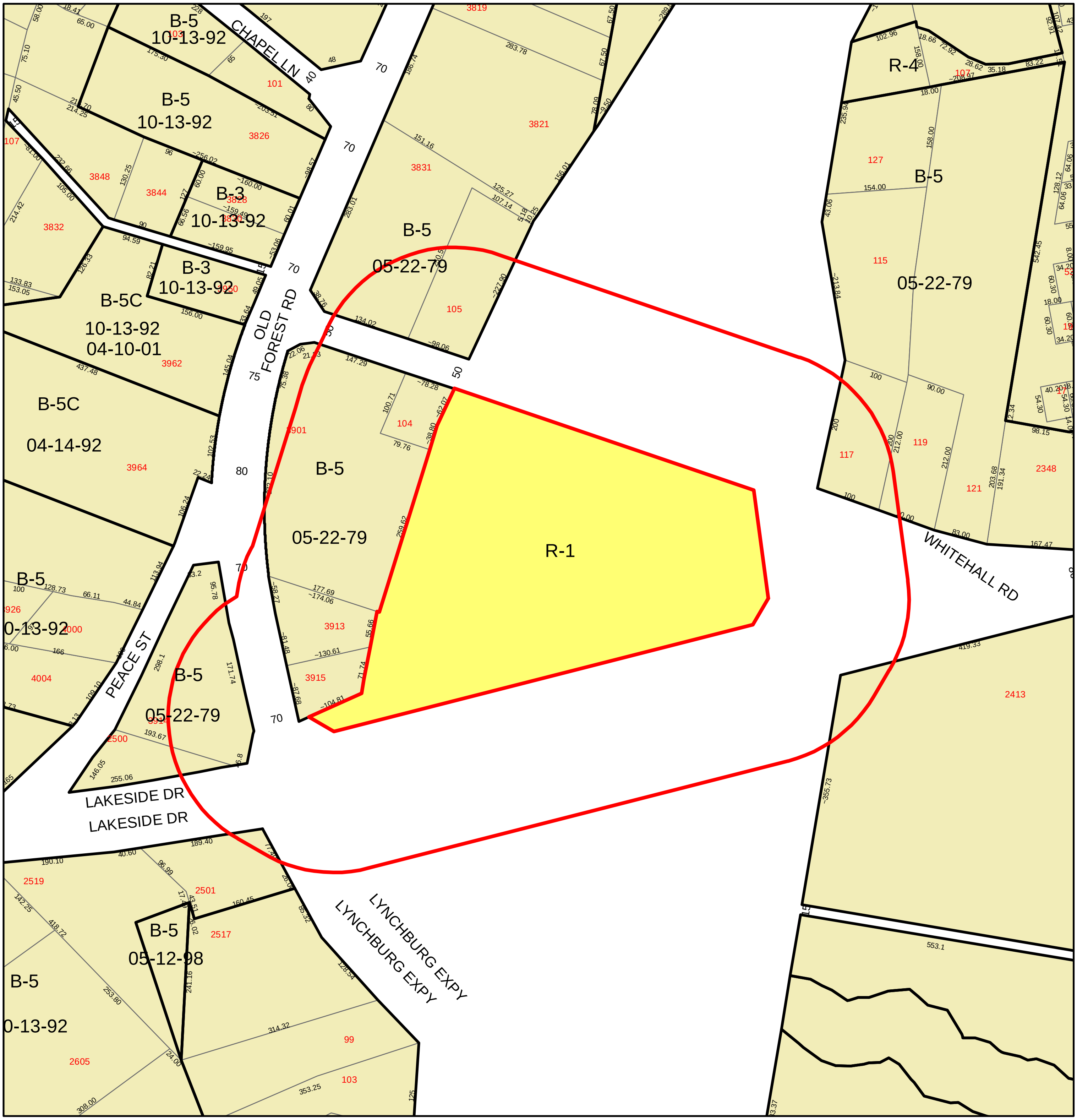
FLUM AMENDMENT AND REZONING FROM R-1 TO B-5 BETWEEN WHITEHALL ROAD AND LAKESIDE DRIVE

Vicinity Zoning Pattern Map

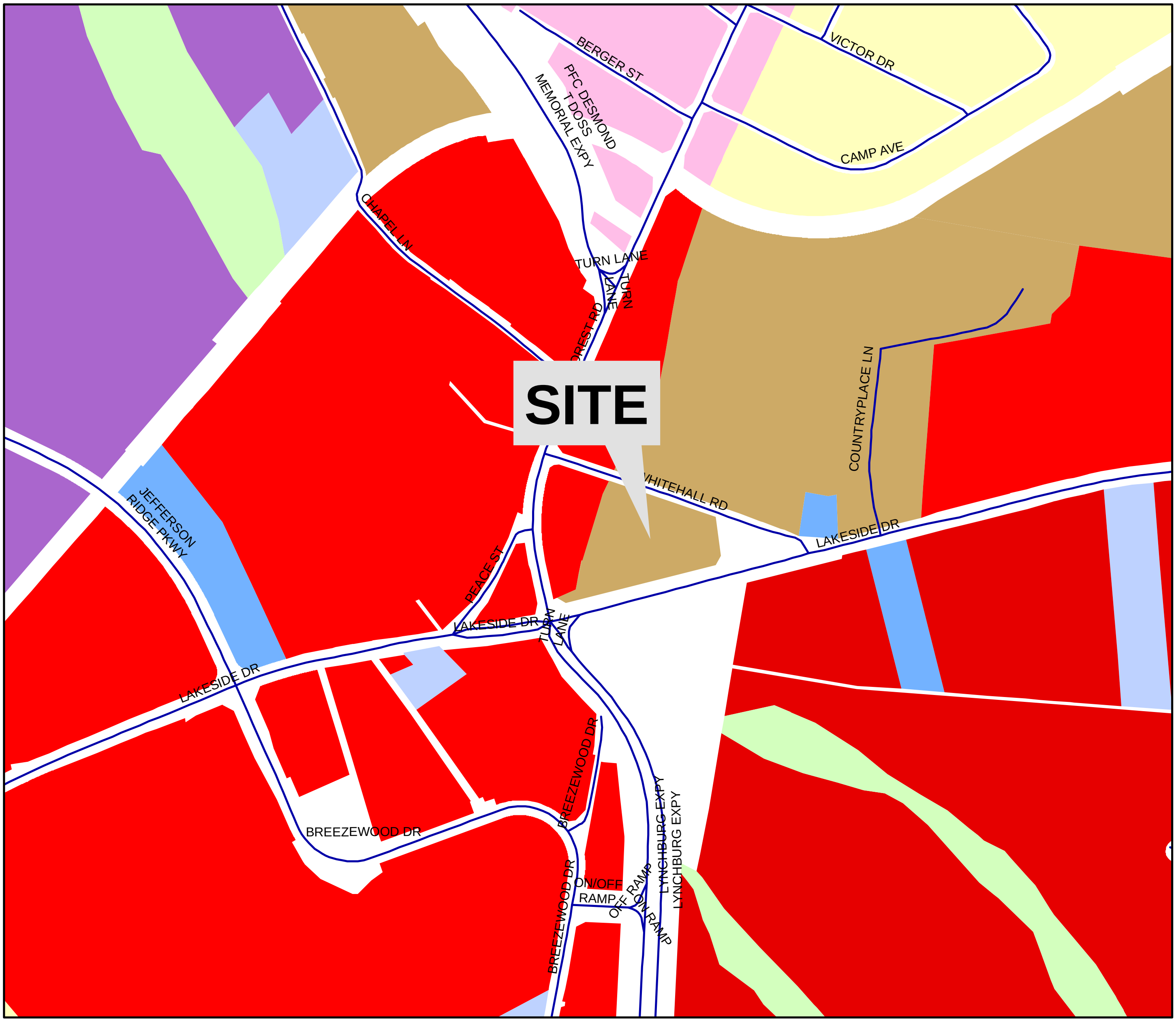
Subject Property

200 Foot Buffer





PIN	Owner	Local Address
23101011	CHARLES D & VICKI M GRANT	3831 OLD FOREST ROAD
23101009	CHARLES D & VICKI M GRANT	105 WHITEHALL ROAD
23102001	CITY OF LYNCHBURG C/O STEVE LAWSON	3901 OLD FOREST ROAD
23102006	CRAFT PROPERTIES LLC	3914 OLD FOREST ROAD
23103001	EE LLC	2413 LAKESIDE DRIVE
23101002	GERTRUDE SCOTT LIFE	121 WHITEHALL ROAD
23101003	GLENN O & IDA S SCOTT	119 WHITEHALL ROAD
23101004	HENRY L & SHAROLYN E YOUNGER	117 WHITEHALL ROAD
23102002	JEFFERSON, LOUIS T C/O SADIE WOOD	104 WHITEHALL ROAD
23102005	W EARLE BETTS III	3915 OLD FOREST ROAD
23102004	W EARLE BETTS III	3913 OLD FOREST ROAD



- 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

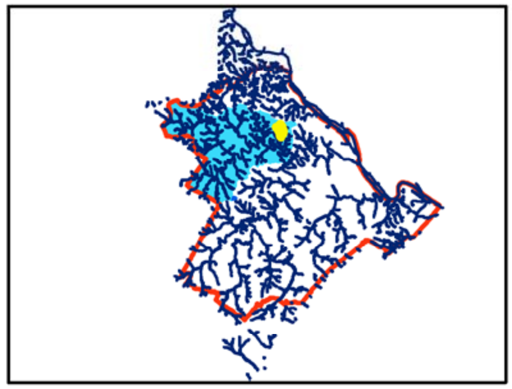
LAND USE MAP
FLUM AMENDMENT AND REZONING FROM R-1 TO B-5 BETWEEN WHITEHALL ROAD AND LAKESIDE DRIVE

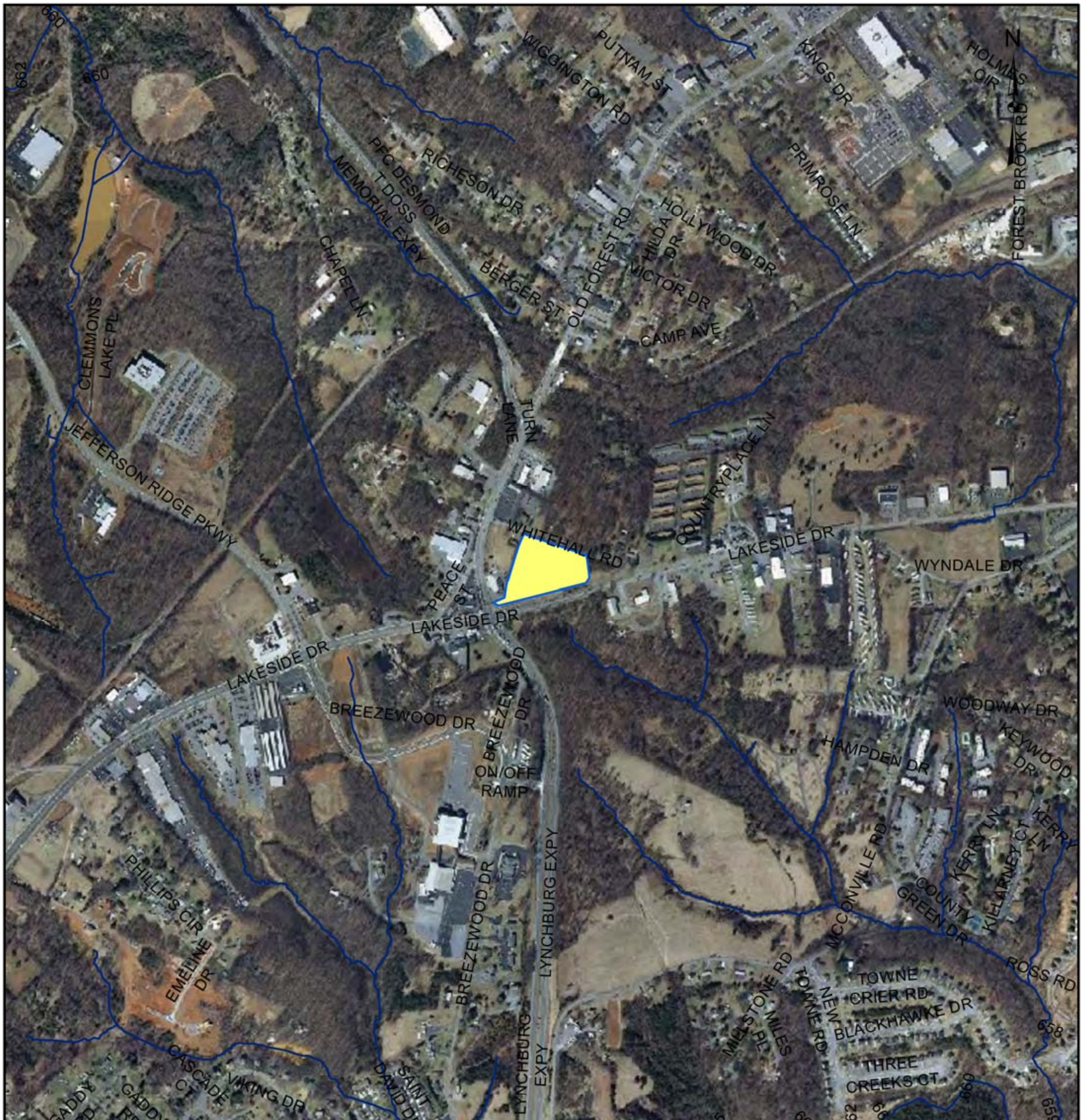
N

FLUM AMENDMENT AND REZONING FROM R-1 TO B-5 BETWEEN WHITEHALL ROAD AND LAKESIDE DRIVE

Watershed Location Map

- Project Site
- Ivy Creek
- Corporate Limit





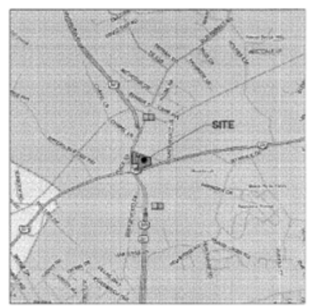
SITE LAYOUT PLAN

FOR

LAKESIDE CROSSING

LOCATION OF SITE

LAKESIDE DRIVE, OLD FOREST ROAD,
AND WHITEHALL ROAD
TM # 23102001 AND TM # 23102001 (NEW)
CITY OF LYNCHBURG, VIRGINIA



LOCATION MAP
COPYRIGHT 2003
DELORME STREET ATLAS 2004 PLUS USA
SCALE 1"=2000'

SHEET INDEX	
SHEET TITLE	SHEET NUMBER
COVER SHEET	1
PRELIMINARY SITE PLAN (CURRENT)	2
PRELIMINARY SITE PLAN (FUTURE)	3
BOUNDARY SURVEY (BY OTHERS)	4

REFERENCES

*BOUNDARY SURVEY:
PIEDMONT SURVEYORS, PLLC.
3801 OLD FOREST ROAD
SUITE #6
LYNCHBURG, VA 24501
DATED: 02/06/2012 (RECEIVED 03/01/2012)

OWNER
CITY OF LYNCHBURG
CITY MANAGER'S OFFICE
900 CHURCH STREET
LYNCHBURG, VA 24504-1620
(434) 455-3990

DEVELOPER
S.J. COLLINS ENTERPRISES, LLC.
5 SOUTHWEST BROAD STREET
SUITE 6
FAIRBURN, GA 30213
(770) 692-6300
ATTN: DAN TUCKER

RIVERBEND MANAGEMENT
321 E MAIN STREET
CHARLOTTESVILLE, VA 22902
(434) 245-4900
ATTN: ALAN TAYLOR

PREPARED BY

BOHLER ENGINEERING
28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com

CONTACT: DANIEL R. HINES, P.E.

STANDARD DRAWING LEGEND
FOR ENTIRE PLAN SET
(NOT TO SCALE)

EXISTING NOTE	TYPICAL NOTE TEXT	PROPOSED NOTE
	ONSITE PROPERTY LINE / R.O.W. LINE	
	NEIGHBORING PROPERTY LINE / INTERIOR PARCEL LINE	
	EASEMENT LINE	
	SETBACK LINE	
	CONCRETE CURB & GUTTER	CURB AND GUTTER; SPILL CURB; TRANSITION CURB; DEPRESSED CURB AND GUTTER
	UTILITY POLE WITH LIGHT	
	POLE LIGHT	
	TRAFFIC LIGHT	
	UTILITY POLE	
	TYPICAL LIGHT	
	ACORN LIGHT	
	TYPICAL SIGN	
	PARKING COUNTS	
	CONTOUR LINE	187 / 190
	SPOT ELEVATIONS	
SAN	SANITARY LABEL	SAN
	STORM LABEL	
	SANITARY SEWER LATERAL	SL
	UNDERGROUND WATER LINE	W
	UNDERGROUND ELECTRIC LINE	E
	UNDERGROUND GAS LINE	G
	OVERHEAD WIRE	OH
	UNDERGROUND TELEPHONE LINE	T
	UNDERGROUND CABLE LINE	C
	STORM SEWER	
	SANITARY SEWER MAIN	S
	HYDRANT	
	SANITARY MANHOLE	
	STORM MANHOLE	
	WATER METER	
	WATER VALVE	
	GAS VALVE	
	GAS METER	
	TYPICAL END SECTION	
	HEADWALL OR ENDWALL	
	YARD INLET	
	CURB INLET	
	CLEAN OUT	
	ELECTRIC MANHOLE	E
	TELEPHONE MANHOLE	T
	ELECTRIC BOX	EB
	ELECTRIC PEDESTAL	EP
	MONITORING WELL	
	TEST PIT	
	BENCHMARK	
	BORING	

GENERAL NOTE:
[illegible]

BOHLER ENGINEERING
CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS
CORPORATE OFFICE: WARREN, NJ

REVISIONS			
REV	DATE	COMMENT	BY
1	03/29/12	CITY COMMENTS	DRH

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	V122002
DRAWN BY:	JLP
CHECKED BY:	DRH
DATE:	03/05/12
SCALE:	N/A
CAD I.D.:	SID1

PROJECT:
SITE LAYOUT PLAN
FOR
LAKESIDE CROSSING
LOCATION OF SITE
LAKESIDE DRIVE,
OLD FOREST ROAD,
AND WHITEHALL ROAD
CITY OF
LYNCHBURG, VIRGINIA

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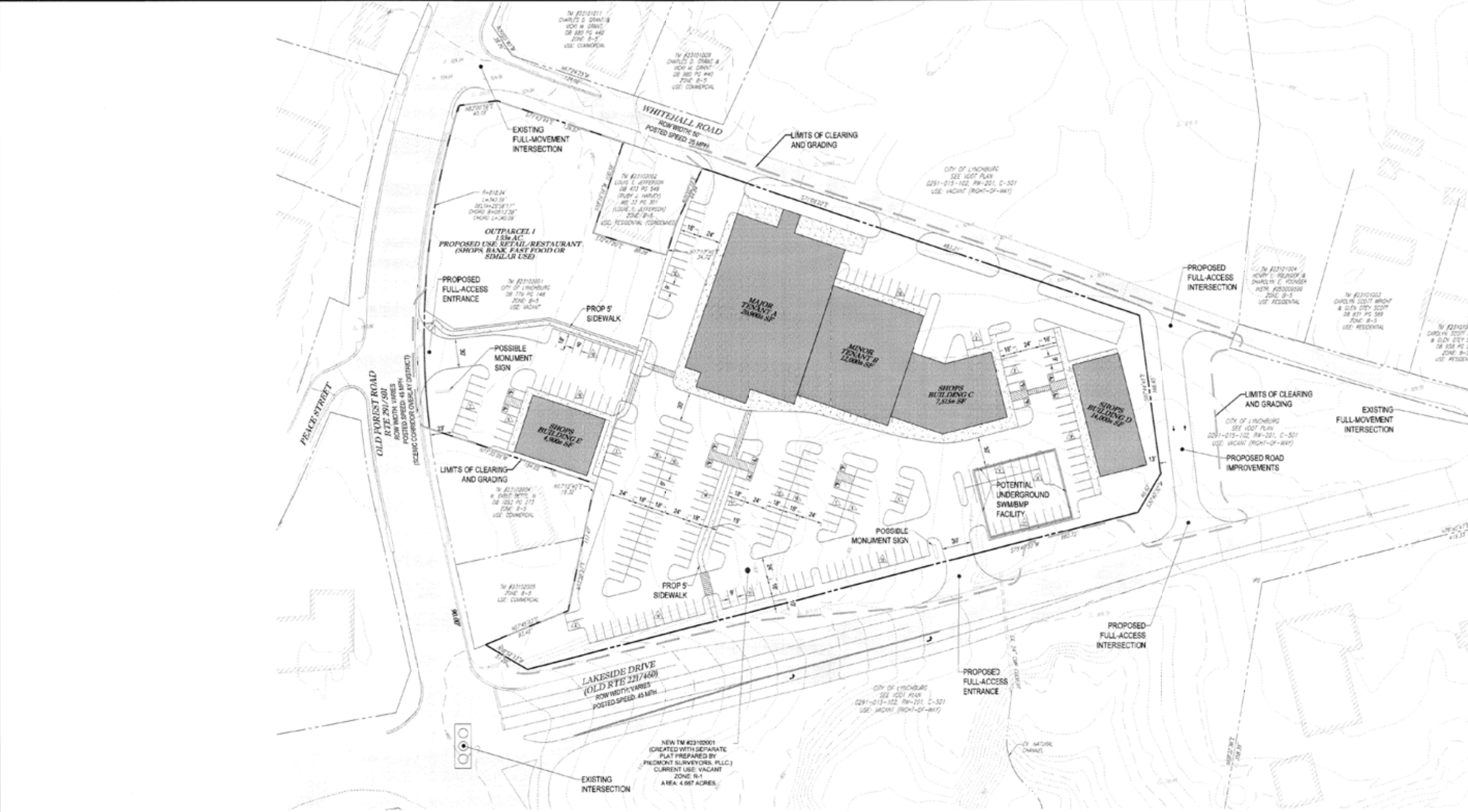
COMMONWEALTH OF VIRGINIA
DANIEL R. HINES
Lic. No. 043176
3/29/12
PROFESSIONAL ENGINEER

SHEET TITLE:
COVER SHEET

SHEET NUMBER:
1
OF 4



WATER AND SEWER SERVICE NARRATIVE:

PUBLIC WATER AND SEWER SERVICE SHALL BE PROVIDED TO THE SITE. CURRENTLY, PUBLIC WATER EXISTS IN LAKESIDE DRIVE AND OLD FOREST ROAD. SERVICE WILL BE EXTENDED INTO THE SITE AS NECESSARY WITH THE FINAL SITE PLAN.

AT THIS TIME IT IS ANTICIPATED THAT SEWER SERVICE SHALL BE PROVIDED BY EXTENDING A GRAVITY SEWER SYSTEM FROM AN EXISTING MANHOLE LOCATED APPROXIMATELY 600 FEET NORTH OF THE SITE. SERVICE WILL BE EXTENDED INTO THE SITE AS NECESSARY WITH A SEPARATE SEWER EXTENSION PLAN.

STORMWATER MANAGEMENT (SWM), WATER QUALITY (BMP), AND ADEQUATE OUTFALL NARRATIVE:

THIS SITE CONSISTS OF APPROXIMATELY 6.3 ACRES WHICH ARE CURRENTLY UNDEVELOPED AND PRIMARILY WOODED. RUNOFF FROM THE SITE TRAVELS SOUTH TOWARD LAKESIDE DRIVE. HERE IT IS COLLECTED INTO AN EXISTING 24" CMP CULVERT AND DISCHARGED INTO A WELL DEFINED NATURAL CHANNEL.

THIS PROJECT PROPOSES THE DEVELOPMENT OF THE 6.3 ACRES TO A COMMERCIAL RETAIL CENTER WITH APPROXIMATELY 53,500 SF OF RETAIL FLOOR AREA; THE ASSOCIATED PARKING AND ACCESS IMPROVEMENTS; AND A 1.0 ACRE PAD AREA FOR RETAIL USE. THIS DEVELOPMENT WILL PROVIDE THE NECESSARY SWM AND BMP CONTROLS REQUIRED BY THE CITY OF LYNCHBURG AND THE COMMONWEALTH OF VIRGINIA. IT IS ANTICIPATED THAT THESE REQUIREMENTS WILL BE MET BY AN UNDERGROUND DETENTION FACILITY WITH AN OPEN BASE TO ALLOW INFILTRATION. PRELIMINARY ANALYSIS OF THE SOILS IN THIS AREA INDICATE THAT ADEQUATE INFILTRATION RATES CAN BE ACHIEVED.

THE UNDERGROUND DETENTION FACILITY WILL BE DESIGNED TO REDUCE THE PEAK FLOW RATE OF THE DEVELOPED SITE TO A RATE THAT IS LESS THAN OR EQUAL TO THE PRE-DEVELOPED RUNOFF RATE. BY CONTROLLING THE POST-DEVELOPED RUNOFF RATE AND PROVIDING INFILTRATION OPPORTUNITIES ON THE SITE, IT IS ANTICIPATED THAT NO IMPROVEMENTS TO THE EXISTING 24" CMP CULVERT AND THE NATURAL CHANNEL DOWNSTREAM WILL BE REQUIRED TO ACHIEVE AN ADEQUATE CONDITION.

OTHER POTENTIAL LOW IMPACT MEASURES ARE ALSO BEING CONSIDERED SUCH AS OPEN BASE MANHOLES TO ALLOW INFILTRATION AND CURB OPENINGS IN THE LANDSCAPE ISLANDS TO COLLECT AND TREAT THE SURFACE RUNOFF WITH THE PROPOSED VEGETATION AND INFILTRATION.

THE EXPECTED LOCATION FOR THE UNDERGROUND DETENTION FACILITY IS SHOWN ON THIS SHEET. FINAL DESIGN CALCULATIONS AS WELL AS A COMPLETE SWM AND BMP ANALYSIS WILL BE PROVIDED WITH THE FINAL SITE PLAN. IN ADDITION, AN ANALYSIS OF THE EXISTING 24" CMP CULVERT AND OUTFALL CHANNEL SOUTH OF LAKESIDE DRIVE WILL BE SHOWN.

SITE NOTES:

1. THE LAYOUT SHOWN ON THIS PRELIMINARY SITE PLAN IS CONCEPTUAL AND IS SUBJECT TO CHANGE WITH THE FINAL SITE DESIGN AND FINAL SITE PLAN.
2. NO WETLANDS ARE KNOWN TO EXIST ON THE SITE.
3. NO RESOURCE PROTECTION AREAS EXIST ON THE SITE.
4. THE SITE IS LOCATED IN FLOOD HAZARD ZONE "X" AS INDICATED ON THE FLOOD INSURANCE RATE MAP BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), COMMUNITY PANEL NUMBER 5100930C38, DATED AND LAST REVISED JUNE 3, 2008. NO 100-YEAR BASE ELEVATIONS EXIST NEAR THE SITE THAT REQUIRE MAPPING.
5. THERE ARE NO KNOWN HISTORIC BUILDINGS OR FEATURES ON THE SITE.
6. THERE ARE NO KNOWN PLACES OF BURIAL ON THE SITE.
7. PARKING SHALL BE PROVIDED IN ACCORDANCE WITH THE AMERICAN DISABILITIES ACT (ADA) GUIDELINES AND SHALL BE SHOWN AS SUCH WITH THE FINAL SITE PLAN.
8. ADEQUATE FIRE ACCESS AND SITE CIRCULATION SHALL BE PROVIDED WITH THE FINAL SITE PLAN.
9. ONSITE UTILITIES INCLUDING HYDRANT LOCATIONS; WATER, SEWER, AND STORM LINES; AND SEWER AND WATER CONNECTIONS SHALL BE SPECIFIED WITH THE FINAL SITE PLAN.
10. THE STORMWATER MANAGEMENT AND BEST MANAGEMENT PRACTICE FACILITY SHOWN HEREIN IS CONCEPTUAL. DESIGN DETAILS SHALL BE PROVIDED WITH THE FINAL SITE PLAN.
11. THE EXISTING 24" CMP CULVERT AND DOWNSTREAM NATURAL CHANNEL ARE ANTICIPATED TO ADEQUATELY CONVEY THE POST-DEVELOPED RUNOFF FROM THIS DEVELOPMENT AND THE PROPOSED UNDERGROUND SWM/BMP FACILITY.
12. LANDSCAPING SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF LYNCHBURG ZONING ORDINANCE REQUIREMENTS OR AS MODIFIED WITH APPROVAL OF THE CITY ZONING DIRECTOR.
13. GLARE SHIELDED, NON DIRECTIONAL LIGHTING WITH TAMPER RESISTANT HOUSING SHALL BE PROVIDED WITH THE FINAL SITE PLAN. LIGHTING SHALL NOT EXCEED THIRTY-FIVE (35) FEET IN HEIGHT.

SITE INFORMATION:

TAX MAP NUMBER: 23102001 & 23102001 (NEW)

PARCEL ZONING: B-5 & R-1
PROPOSED ZONE: B-5 (GENERAL BUSINESS)

OVERLAY DISTRICT(S): SCENIC CORRIDOR OVERLAY DISTRICT

PROPOSED USES: RETAIL SHOPS AND FOOD STORE EXCEEDING 8,000 SF

OVERALL SITE AREA: 6.34 AC.

PROPOSED GROSS SQUARE FEET: 51,315± SF PLUS OUTPARCEL AREA

REQUIRED PARKING: ESTIMATED AT 140 SPACES (2/1,000 SF WITH 37 EMPLOYEE SPACES)
PROPOSED PARKING: 261 SPACES

SETBACKS:

FRONT:	NONE
SIDE:	NONE
REAR:	NONE

BUILDING HEIGHT: 60 FEET (MAX)

N W E S

50 25 12.5 0 50
1"=50'

BOHLER ENGINEERING

REVISIONS

REV	DATE	COMMENT	BY
1	03/29/12	CITY COMMENTS	DRH

NOT APPROVED FOR CONSTRUCTION

PROJECT: SITE LAYOUT PLAN FOR LAKESIDE CROSSING

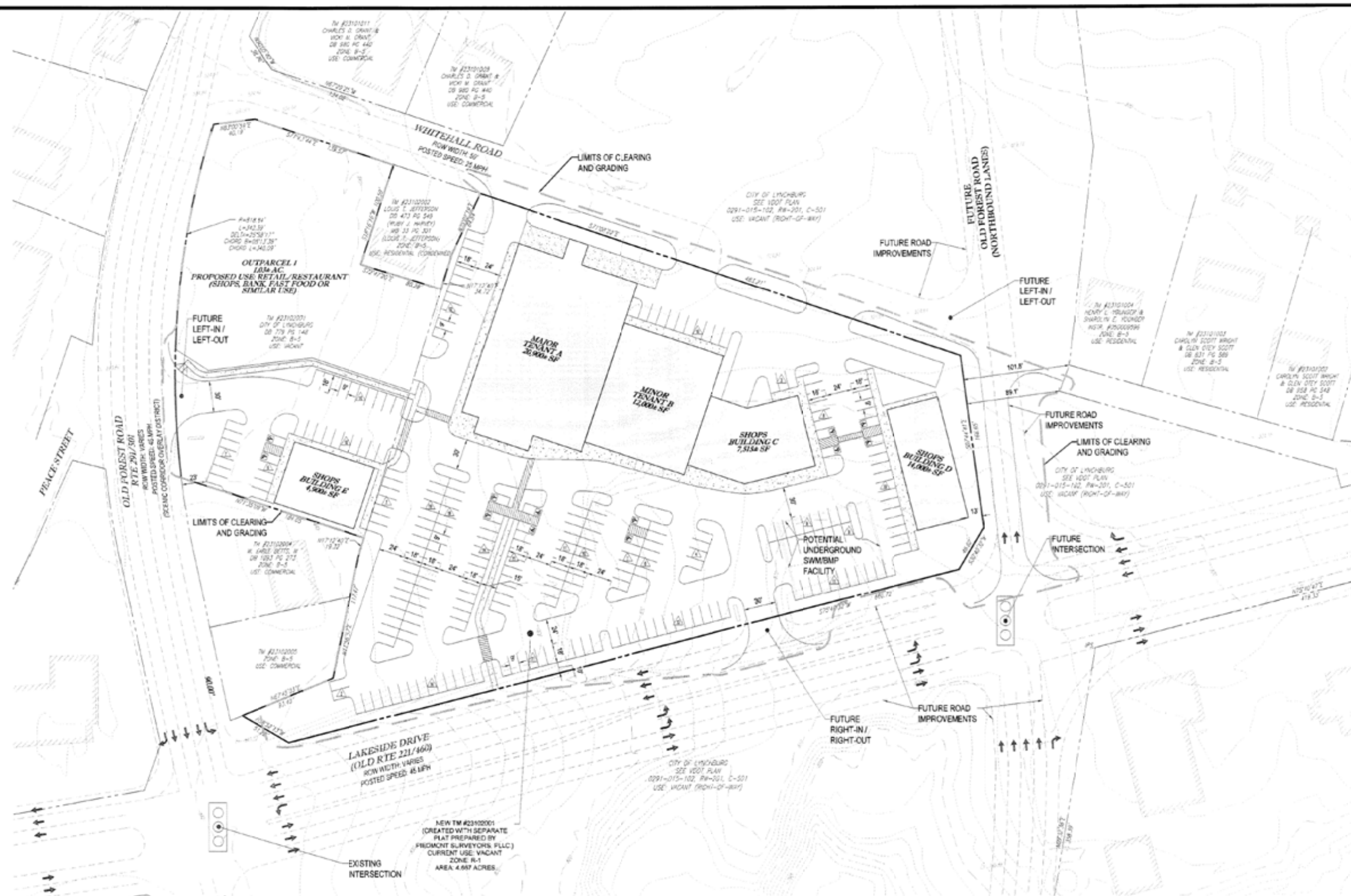
LOCATION OF SITE
LAKESIDE DRIVE, OLD FOREST ROAD, AND WHITEHALL ROAD
CITY OF LYNCHBURG, VIRGINIA

BOHLER ENGINEERING
28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com

COMMONWEALTH OF VIRGINIA
DANIEL R. HINES
Lic. No 043176
3/29/12
PROFESSIONAL ENGINEER

SHEET TITLE:
PRELIMINARY SITE PLAN (CURRENT)

SHEET NUMBER:
2
OF 4



THIS SHEET IS FOR REFERENCE PURPOSES ONLY AND SHOWS THE FUTURE ROADWAY ALIGNMENTS FOR OLD FOREST ROAD AND LAKESIDE DRIVE AS THEY RELATE TO THE PROPOSED SITE LAYOUT.

THESE ROADWAY IMPROVEMENTS ARE NOT PROPOSED WITH THIS PLAN.

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

REVISIONS

REV	DATE	COMMENT	BY
1	03/29/12	CITY COMMENTS	DRH

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	V122002
DRAWN BY:	
CHECKED BY:	DRH
DATE:	03/05/12
SCALE:	1"=50'
CAD I.D.:	SO1

PROJECT:

SITE LAYOUT PLAN

FOR

LAKESIDE CROSSING

LOCATION OF SITE
LAKESIDE DRIVE,
OLD FOREST ROAD,
AND WHITEHALL ROAD
CITY OF
LYNCHBURG,VIRGINIA

BOHLER ENGINEERING

28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
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COMMONWEALTH OF VIRGINIA
DANIEL R. HINES
Lic. No. 043176
3/29/12
PROFESSIONAL ENGINEER

SHEET TITLE:

PRELIMINARY SITE PLAN (FUTURE)

SHEET NUMBER:

3
OF 4

THIS DRAWING IS FOR CITY OF LYNCHBURG REVIEW PROCESS ONLY
MARCH 29, 2012

THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AS OF DATE SHOWN HEREON AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND THEREFORE DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

THE AREA SHOWN IS LOCATED IN FLOOD HAZARD ZONE "X" AS INDICATED ON FLOOD INSURANCE RATE MAP BY FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), COMMUNITY PANEL NUMBER 51031C0038D, DATED (REVISED) JUNE 3, 2008. ZONE "X" IS DEFINED ON SAID MAP AS "AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN".

THIS SURVEY WAS COMPLETED AT THE REQUEST OF S. J. COLLINS ENTERPRISES OF FAIRBURN, GA AND BOHLER ENGINEERING OF WARRENTON, VA.

SUBJECT PROPERTY CAN BE SERVED BY EXISTING CITY OF LYNCHBURG PUBLIC WATER AND WILL BE SERVED BY EXISTING CITY OF LYNCHBURG SANITARY SEWER BY FUTURE PUBLIC SEWER EXTENSION.

OTHER THAN SANITARY SEWER, THERE ARE NO NEW UTILITIES PLANNED AT THIS TIME.

THE OWNERS DO NOT WISH TO PLACE RESTRICTIONS ON SUBDIVISION AT THIS TIME.

PROPOSED LOT IS IN CURRENT CITY OF LYNCHBURG RIGHT-OF-WAY AND THEREFORE DOES NOT HAVE A ZONING CLASSIFICATION. EXISTING PARCELS DIRECTLY ADJOINING THE PROPOSED LOT ARE CURRENTLY ZONED B-3 (GENERAL BUSINESS).

10' TEMPORARY CONSTRUCTION AND GRADING EASEMENT TO BE VACATED AT SUCH TIME THE PROPOSED ULTIMATE ROUTE 501 NORTHBOUND LANES BECOME OPEN TO TRAFFIC.

THE DEDICATION OF THE SUBDIVISION SHOWN HEREON IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS, AND TRUSTEES, IF ANY. THE OWNERS CERTIFY THAT THEY ARE THE FEE SIMPLE OWNERS OF SAID LAND AND ARE LEGALLY ENTITLED TO SUBDIVIDE THE SAME.

CITY MANAGER, LYNCHBURG, VIRGINIA ____ DATE ____

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA - CITY/COUNTY OF ____
I, ____ A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNER(S) WHOSE NAME IS SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS
DAY OF ____ 2012. MY COMMISSION EXPIRES ____

NOTARY PUBLIC

SUBDIVISION PLAT APPROVED

CITY ENGINEER, LYNCHBURG, VA ____ DATE ____

CITY PLANNER, LYNCHBURG, VA ____ DATE ____

THE FOLLOWING LISTINGS SHOW RECORD SOURCE OF TITLE FROM CONVEYANCE TO COMMONWEALTH PRIOR TO 1976 CITY ANNEXATION AND COMMONWEALTH TO CITY OF LYNCHBURG AFTER 1976 ANNEXATION (C.C. = CAMPBELL COUNTY CLERKS OFFICE)

C.C. DB 460 PG 90 HWY PB 10 PG 198
WILLIAM S. PATTERSON AND NANCY W. PATTERSON TO COMMONWEATLH OF VIRGINIA

C.C. DB 462 PG 836 HWY PB 10 PG 139
NELLIE H. MIDDLETON TO COMMONWEALTH OF VIRGINIA

C.C DB 455 PG 638 HWY PB 10 PG 162
LEWIS A. JOHNSON & GRACE L. JOHNSON TO COMMONWEALTH OF VIRGINIA

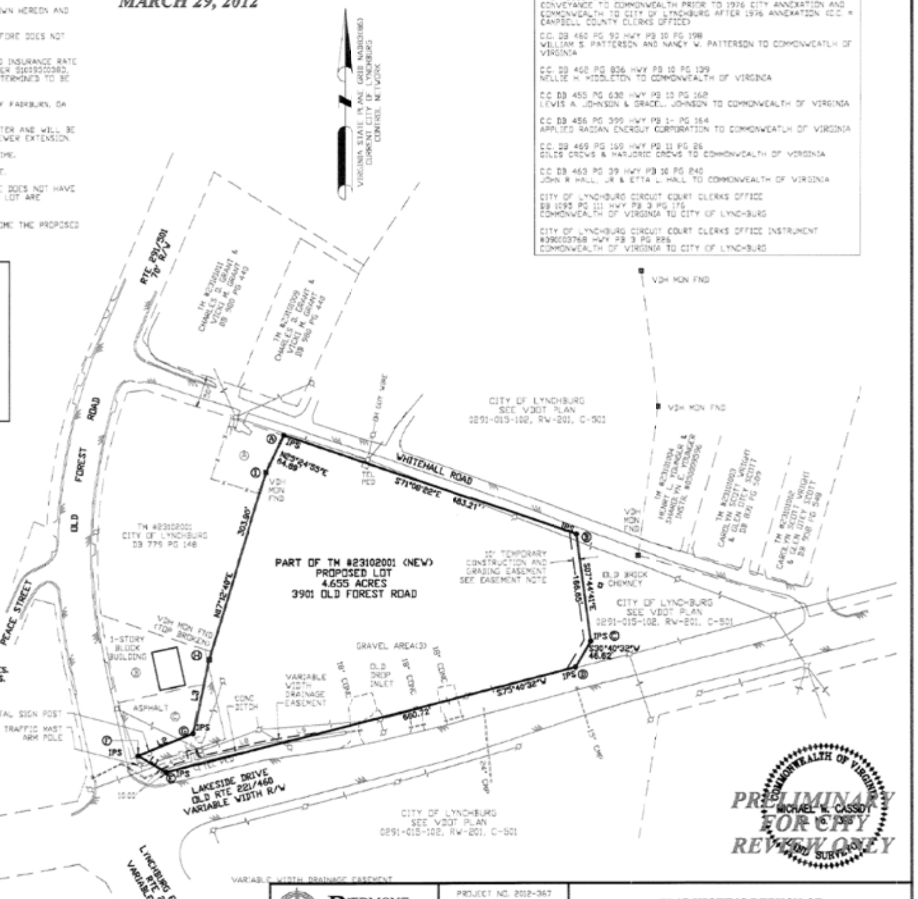
C.C DB 456 PG 399 HWY PB 1- PG 164
APPLIED RADIAN ENERGUY CORPORATION TO COMMONWEATLH OF VIRGINIA

C.C. DB 469 PG 169 HWY PB 11 PG 26
GILES CREWS & MARJORIE CREWS TO COMMONWEALTH OF VIRGINIA

C.C DB 463 PG 39 HWY PB 10 PG 240
JOHN R HALL, JR & ETTA L. HALL TO COMMONWEALTH OF VIRGINIA

CITY OF LYNCHBURG CIRCUIT COURT CLERKS OFFICE
DB 1095 PG 111 HWY PB 3 PG 176
COMMONWEALTH OF VIRGINIA TO CITY OF LYNCHBURG

CITY OF LYNCHBURG CIRCUIT COURT CLERKS OFFICE INSTRUMENT #090003768 HWY PB 3 PG 226
COMMONWEALTH OF VIRGINIA TO CITY OF LYNCHBURG



ADJOINING OWNER

Ⓐ
TM #23102002
LOUIS T. JEFFERSON
DB 473 PG 349 (RUBY J. HARVEY)
WB 33 PG 301 (LOUIS T. JEFFERSON)

Ⓑ
TM #23102004
W. EARLE BETTS, III
DB 1093 PG 273

Ⓒ
TM #23102005
W. EARLE BETTS, III
DB 1093 PG 273
DB 767 PG 697
SEE ALSO CAMPBELL CO.
DB 486 PG 638

LINE	BEARING	DISTANCE
L1	N59°52'13"W	51.22'
L2	N67°45'03"E	93.40'
L3	N11°56'57"E	117.47'

POINT A TO POINT F ARE NEW PROPERTY LINES.
POINT F TO POINT A ARE EXISTING R/W LINES.

VARIABLE WIDTH DRAINAGE EASEMENT

LINE	BEARING	DISTANCE
L4	N71°14'38"E	45.72'
L5	N12°27'58"W	13.95'
L6	N75°14'03"E	15.01'
L7	S12°27'58"E	12.55'
L8	N76°52'51"E	116.54'
L9	N81°23'00"E	52.53'

NO EVIDENCE FOR PLAT OF RECORD FOR TM #23102104 & #23102005 WAS FOUND. SAID PLAT DOES NOT MATCH VDOT PLAN SHEETS AND RELATED DEEDS OF CONVEYANCE TO COMMONWEALTH OF VIRGINIA. OUTER PROPERTY LINES SHOWN HEREON FOR SAID PARCELS BASED ON EXISTING VDOT RIGHT-OF-WAY ALIGNMENTS.

LEGEND

VDH MON FND	VIRGINIA DEPARTMENT HIGHWAYS CONCRETE MONUMENT FOUND
IPS	1/2" REBAR SET
	EDGE OF PAVEMENT
	OVERHEAD UTILITY LINE(S)
	GUY ANCHOR

0 100 200 300

PRELIMINARY FOR CITY REVIEW ONLY

COMMONWEALTH OF VIRGINIA MICHAEL W. CASSIDY LAND SURVEYOR

PIEDMONT SURVEYORS
3831 OLD FOREST ROAD - SUITE 6
LYNCHBURG, VA 24501
434-426-9510
WWW.PIEDMONTSURVEYORS.COM

PROJECT NO. 2012-367
DRAWING NO. 2012-367-1
DATE 2/6/2012
SCALE 1" = 100'
SHEET 1 OF 1

PLAT SHOWING DIVISION OF
CITY OF LYNCHBURG RIGHT-OF-WAY AT INTERSECTION LAKESIDE DRIVE, OLD FOREST ROAD & LYNCHBURG EXPRESSWAY
CITY OF LYNCHBURG, VIRGINIA

BOUNDARY SURVEY PREPARED BY OTHERS
THIS SHEET FOR INFORMATION PURPOSES ONLY

BOHLER ENGINEERING

CIVIL & CONSULTING ENGINEERS
SURVEYORS
PROJECT MANAGERS
ENVIRONMENTAL CONSULTANTS
LANDSCAPE ARCHITECTS

CORPORATE OFFICE: WARREN, NJ

REVISIONS

REV	DATE	COMMENT	BY
1	03/29/12	CITY COMMENTS	DRH

NOT APPROVED FOR CONSTRUCTION

PROJECT No.:	V122002
DRAWN BY:	JJP
CHECKED BY:	DRH
DATE:	03/05/12
SCALE:	AS NOTED
CAD I.D.:	S01

PROJECT:
SITE LAYOUT PLAN
FOR
LAKESIDE CROSSING

LOCATION OF SITE
LAKESIDE DRIVE, OLD FOREST ROAD, AND WHITEHALL ROAD
CITY OF LYNCHBURG, VIRGINIA

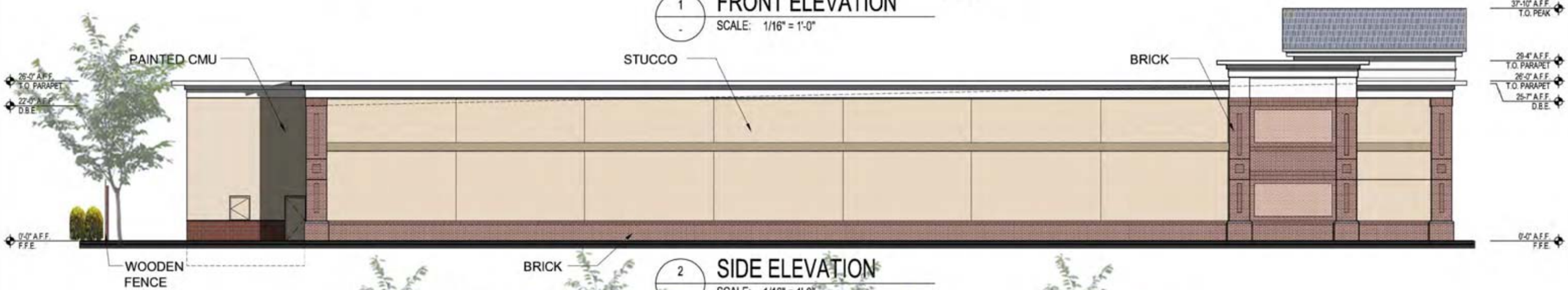
BOHLER ENGINEERING
28 BLACKWELL PARK LANE, SUITE 201
WARRENTON, VIRGINIA 20186
Phone: (540) 349-4500
Fax: (540) 349-0321
www.BohlerEngineering.com

COMMONWEALTH OF VIRGINIA
DANIEL R. HINES
Lic. No. 043176
3/29/12
PROFESSIONAL ENGINEER

SHEET TITLE:
BOUNDARY SURVEY

SHEET NUMBER:
4
OF 4

1 FRONT ELEVATION
SCALE: 1/16" = 1'-0"



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

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

CLIENT	PROJECT	JOB NUMBER	BY	
S.J. COLLINS enterprises	**LAKESIDE CROSSING** LYNCHBURG, VA	1229402	MLH/RF	PHILLIPS
		DATE	DRAWING	NORTH TERRACES 400 PERIMETER CENTER TERRACE - SUITE 650 ATLANTA, GA 30346
		03.29.12	ELEVATION	Phone 770.394.1616 Fax 770.394.1314

BOHLER
ENGINEERING

28 Blackwell Park Lane, Suite 201
Warrenton, VA 20186
PHONE 540.349.4500
FAX 540.349.0321

LAKESIDE CROSSING – V122002
DEVELOPMENT NARRATIVES

WATER AND SEWER SERVICE NARRATIVE:

PUBLIC WATER AND SEWER SERVICE SHALL BE PROVIDED TO THE SITE. CURRENTLY, PUBLIC WATER EXISTS IN LAKESIDE DRIVE AND OLD FOREST ROAD. SERVICE WILL BE EXTENDED INTO THE SITE AS NECESSARY WITH THE FINAL SITE PLAN.

AT THIS TIME IT IS ANTICIPATED THAT SEWER SERVICE SHALL BE PROVIDED BY EXTENDING A GRAVITY SEWER SYSTEM FROM AN EXISTING MANHOLE LOCATED APPROXIMATELY 600 FEET NORTH OF THE SITE. SERVICE WILL BE EXTENDED INTO THE SITE AS NECESSARY WITH A SEPARATE SEWER EXTENSION PLAN.

STORMWATER MANAGEMENT (SWM), WATER QUALITY (BMP), AND ADEQUATE OUTFALL NARRATIVE:

THIS SITE CONSISTS OF APPROXIMATELY 6.3 ACRES WHICH ARE CURRENTLY UNDEVELOPED AND PRIMARILY WOODED. RUNOFF FROM THE SITE TRAVELS SOUTH TOWARD LAKESIDE DRIVE. HERE IT IS COLLECTED INTO AN EXISTING 24" CMP CULVERT AND DISCHARGED INTO A WELL DEFINED NATURAL CHANNEL.

THIS PROJECT PROPOSES THE DEVELOPMENT OF THE 6.3 ACRES TO A COMMERCIAL RETAIL CENTER WITH APPROXIMATELY 53,500 SF OF RETAIL FLOOR AREA; THE ASSOCIATED PARKING AND ACCESS IMPROVEMENTS; AND A 1.0 ACRE PAD AREA FOR RETAIL USE. THIS DEVELOPMENT WILL PROVIDE THE NECESSARY SWM AND BMP CONTROLS REQUIRED BY THE CITY OF LYNCHBURG AND THE COMMONWEALTH OF VIRGINIA. IT IS ANTICIPATED THAT THESE REQUIREMENTS WILL BE MET BY AN UNDERGROUND DETENTION FACILITY WITH AN OPEN BASE TO ALLOW INFILTRATION. PRELIMINARY ANALYSIS OF THE SOILS IN THIS AREA INDICATES THAT ADEQUATE INFILTRATION RATES CAN BE ACHIEVED.

THE UNDERGROUND DETENTION FACILITY WILL BE DESIGNED TO REDUCE THE PEAK FLOW RATE OF THE DEVELOPED SITE TO A RATE THAT IS LESS THAN OR EQUAL TO THE PRE-DEVELOPED RUNOFF RATE. BY CONTROLLING THE POST-DEVELOPED RUNOFF RATE AND PROVIDING INFILTRATION OPPORTUNITIES ON THE SITE, IT IS ANTICIPATED THAT NO IMPROVEMENTS TO THE EXISTING 24" CMP CULVERT AND THE NATURAL CHANNEL DOWNSTREAM WILL BE REQUIRED TO ACHIEVE AN ADEQUATE CONDITION.

OTHER POTENTIAL LOW IMPACT MEASURES ARE ALSO BEING CONSIDERED SUCH AS OPEN BASE MANHOLES TO ALLOW INFILTRATION, AND CURB OPENINGS IN THE LANDSCAPE ISLANDS TO COLLECT AND TREAT THE SURFACE RUNOFF WITH THE PROPOSED VEGETATION AND INFILTRATION.

THE EXPECTED LOCATION FOR THE UNDERGROUND DETENTION FACILITY IS SHOWN ON THE SITE PLAN. FINAL DESIGN CALCULATIONS AS WELL AS A COMPLETE SWM AND BMP ANALYSIS WILL BE PROVIDED WITH THE FINAL SITE PLAN. IN ADDITION, AN ANALYSIS OF THE EXISTING 24" CMP CULVERT AND OUTFALL CHANNEL SOUTH OF LAKESIDE DRIVE WILL BE PROVIDED IN THE FINAL DESIGN.


E
N
S
W
Whitehall Road
Lakeside Drive
Old
Forest
Road

Lakeside Crossing – Between Whitehall Road and Lakeside Drive

Rezoning from R-1 to B-5

April 11, 2012

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
DANIEL HINES	BOHLER ENGINEERING 28 BLACKWELL PARK LN WARRENTON VA 20186	(540) 349-4500	✓		
Jeff DeHart	55 W Broad St, Ste B Fairburn, GA 30213	770-692-8300	✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 14

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP) – Fill in 100-Year Flood Plain, 1215 and 1221 Jefferson Street**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Invest Lynchburg, LLC is petitioning for a CUP at 1215 and 1221 Jefferson Street to allow fill within the 100-year flood plain. The proposed fill would have an insignificant impact on the water surface elevation of the 100-year flood plain and facilitate the construction of a condominium building. The Planning Commission recommended approval of the petition because:

- The petition agrees with the *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* which recommends a Downtown and Public Park use for the area.
- The petition agrees with the *Downtown/Riverfront Master Plan* which recommends infill buildings be constructed on the properties.
- The petition agrees with the *Zoning Ordinance* which allows fill within the 100-year flood plain upon approval of a CUP by Council.

PRIOR ACTION(S):
April 11, 2012: The Planning Division recommended approval of the CUP petition.

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

FISCAL IMPACT: None

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

ATTACHMENT(S):
- Resolution
- Planning Commission Report – April 11, 2012
- Planning Commission Minutes – April 11, 2012
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plans
- Flood Study
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO INVEST LYNCHBURG, LLC TO ALLOW FILL WITHIN THE 100-YEAR FLOOD PLAIN AT 1215 AND 1221 JEFFERSON STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Invest Lynchburg, LLC for a conditional use permit at 1215 and 1221 Jefferson Street to allow fill within the 100-year flood plain is hereby approved subject to the following conditions:

1. A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).
2. All requirements of Section 35.1-45 of the Zoning Ordinance relating to fill in the 100-year flood plain shall be met prior to final site plan approval.

Adopted:

Certified: ______________________________
Clerk of Council

067L

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 11, 2012
Re: **Conditional Use Permit (CUP) – Fill in 100-Year Flood Plain, 1215 and 1221 Jefferson Street**

I. PETITIONER

Invest Lynchburg, LLC, P.O. Box 896, Lynchburg, VA 24505
Representative: Mr. Don Pendleton, Invest Lynchburg, LLC, P.O. Box 896, Lynchburg, VA 24505

II. LOCATION

The subject property is a tract of three hundred seventy-two thousandths (0.372) of an acre located at 1215 and 1221 Jefferson Street.
Property Owner: Invest Lynchburg, LLC, P.O. Box 896, Lynchburg, VA 24505

III. PURPOSE

The purpose of the petition is to allow fill within the 100-year flood plain to facilitate the construction of a building and parking on the subject property.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map* (*FLUM*) recommends Downtown and Public Park uses in the area.
- The petition would facilitate the construction of a five (5)-story building to be used as condominiums (a use permitted by right).
- Information submitted by the petitioner indicates the maximum impact of the proposed fill to be one hundredth (0.01) of a foot on the water surface elevation of the 100-year flood plain.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Downtown and Public Park use for the area. Downtown uses are identified as being the areas governed by the *Downtown and Riverfront Master Plan 2000,* which is incorporated into the Comprehensive Plan. These areas are the central commercial core of the City and contain a mix of retail, entertainment, restaurant, office, residential and public park uses. (***pg 5.3***) Public Parks are lands owned by the City of Lynchburg or other governmental agencies and are intended to be open for public recreational use. (***pg 5.2***)

   Natural Systems Objective 3.B.2 states that the city should "consider environmental tradeoffs or offsets for economic development projects deemed essential to the City". (***pg 12.9***)

2. **Zoning.** The subject property was annexed into the City in 1852. The existing B-6, Riverfront District was established on April 12, 1994.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are 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 April 12, 1992, Council amended the Official Zoning Map to reflect the rezoning of the Riverfront area as shown on the map entitled "Riverfront/Downtown Revitalization Program.
   - On April 8, 1997, Council approved the CUP request of Atlantic Rural Exposition to allow the sponsorship of the Fairy by the James from Tenth Street to Horeseford Road.
   - On August 12, 1997, Council approved the CUP petition of the Order Sons of Italy to allow a temporary carnival on Jefferson Street.
   - On January 13, 1998, Council approved the CUP petition of Roland H. Macher to allow the operation of an arcade with lazertag facilities at 908 Main Street.

5. **Site Description.** The subject property is a tract of three hundred seventy-two thousandths (0.372) of an acre located at 1215 and 1221 Jefferson Street. The property is relatively flat for the first forty-seven (47) feet from Jefferson Street and rises quickly thirty (30) feet in elevation in thirty-six (36) feet. The property is currently vacant with the previous building being destroyed by fire in 1986.

6. **Proposed Use of Property.** The purpose of this petition is to allow fill within the 100-year flood plain that would facilitate the construction of a five (5)-story building to be used as condominiums.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the petition to fill within the 100-year flood plain.

8. **Stormwater Management.** The petitioner has submitted a flood study prepared by Hurt & Proffitt, Inc. The flood study indicates that the proposed fill would have a maximum impact of one hundredth (0.01) of a foot on the water surface elevation of the 100-year flood plain. This impact is well below the one (1)-foot threshold allowed by the Federal Emergency Management Agency (FEMA). A stormwater management/quality plan will be required prior to final site plan approval for the "by-right" development of the property.

9. **Emergency Services:** The City Fire Marshal and City Police Department had no comments of concern regarding the petition to fill within the 100-year flood plain.

10. **Impact.** The proposed fill within the 100-year flood plain will have a minimal impact on the surface elevations of the 100-year flood plain. The fill, if allowed, would facilitate the construction of a five (5)-story building to be used as condominiums. As required by Section 35.1-45, Flood hazard districts: floodway districts (FW), floodway fringe districts (FF) and approximated flood plain districts (AFP), the lowest floor with substantial improvement will be elevated at least one (1) foot above the 100-year flood elevation. The lowest floor of the proposed building will be used for parking, mechanical equipment, etc.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on March 20, 2012. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Invest Lynchburg, LLC to allow fill in the 100-year flood plain at 1215 and 1221 Jefferson Street subject to the following conditions:

1. **A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).**
2. **All requirements of Section 35.1-45 of the Zoning Ordinance relating to fill in the 100-year flood plain shall be met prior to final site plan approval.**

This matter is respectfully offered for your consideration.

William T. Martin

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Don Pendelton, Invest Lynchburg
Mr. Patrick Proffitt, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern Map**
2. **Vicinity Proposed Land Use Map**
3. **Watershed Location Map**
4. **Site Plans**
5. **Flood Study**
6. **Property Photograph**

MINUTES FROM THE APRIL 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Invest Lynchburg, LLC for a conditional use permit at 1215 and 1221 Jefferson Street to allow fill within the 100-year flood plain that would facilitate the construction of condominiums on the subject property.

Mr. Martin had the following comments for the commissioners. A portion of the property lies within the 100-year flood plain, which necessitates the conditional use permit for fill within the flood plain. The requested flood study showed that the requested fill would be significantly less than the one-foot (1') threshold allowed by ordinance and FEMA. The property is recommended for both Downtown and Public Property uses. The *Comprehensive Plan* and downtown plan specifically shows an infill building in this location. The Planning Division recommends approval of the conditional use permit petition.

Mr. Shannon Cotulla of Hurt & Proffitt was present to represent the petition. They took the hydraulic model provided by the City and incorporated the impacts to the 100-year flood plain that would be caused by the proposed structure. The impacts to the 100-year flood plain caused by that were .01 feet at the maximum, which is within the tolerance of the model.

Chair Hamilton asked if there was anyone else present to speak in favor of the petition. No one came forward. She asked if there was anyone present to speak in opposition to the petition. No one came forward. She closed the public hearing portion of the petition.

Commissioner Hannon asked if the design incorporate existing structures or is this strictly new construction. Mr. Cotulla said it is strictly new construction. Chair Hamilton noted that the Design Review Board reviewed this project and noted that it is a fantastic design that incorporates a lot of the elements that are nice about downtown. She thought they were using some of the stones out of the wall that was there. Mr. Patrick Proffitt of Hurt and Proffitt said that there are some foundations there that will be demoed and recycled. Commissioner Sale asked if there was a finish date yet and was told that there is not one at this time.

Commissioner Swienton made the following motion, which was seconded by Commissioner Sale, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Invest Lynchburg, LLC to allow fill in the 100-year flood plain at 1215 and 1221 Jefferson Street subject to the following conditions:

1. A letter of map revision shall be filed with the Federal Emergency Management Agency (FEMA).

2. All requirements of Section 35.1-45 of the Zoning Ordinance relating to fill in the 100-year flood plain shall be met prior to final site plan approval."

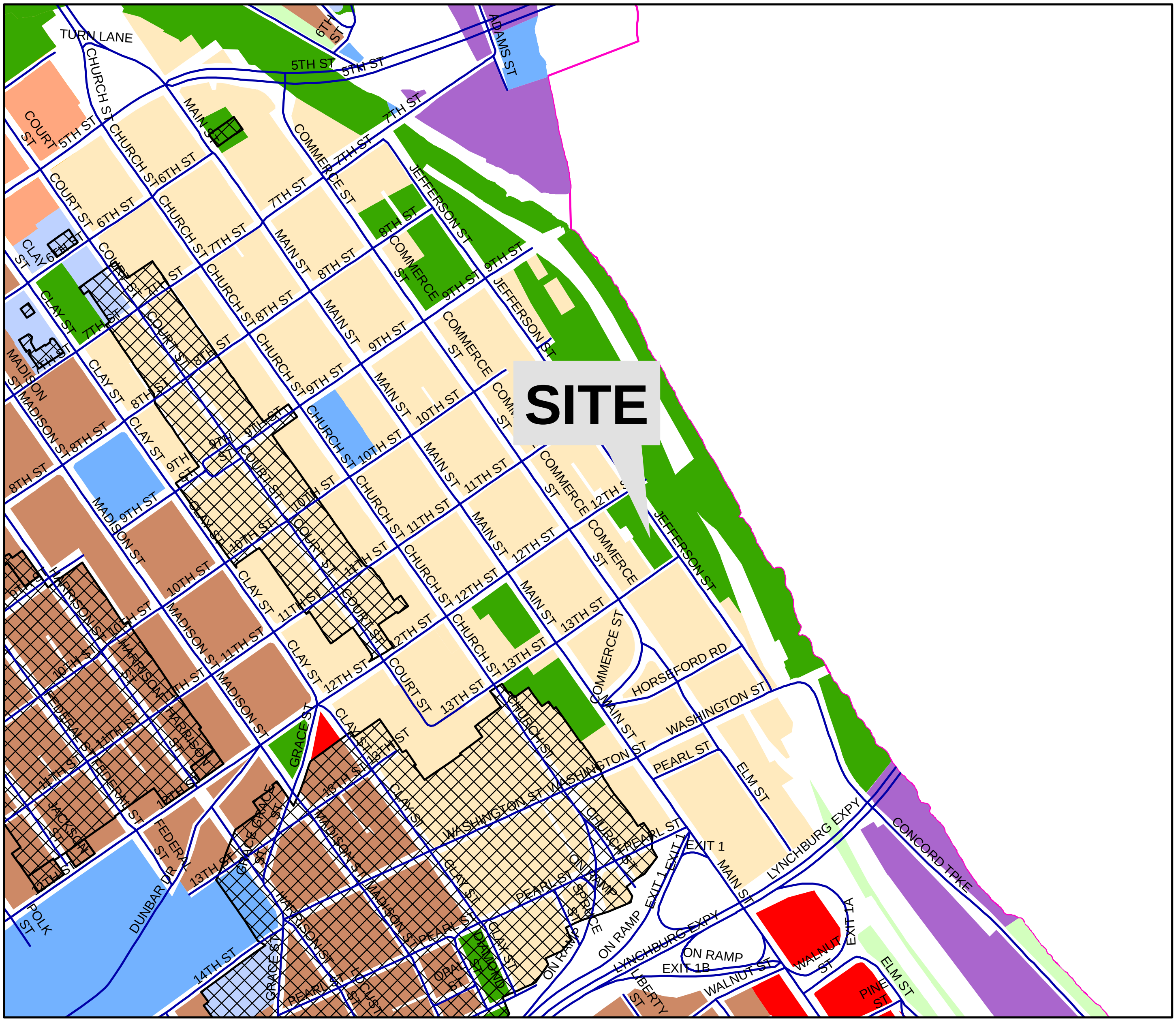
AYES:	Barnes, Hamilton, Hannon, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Hooper	2

JAMES RIVER CONDOMINIUMS
CONDITIONAL USE PERMIT TO FILL IN THE FLOOD PLAIN
1215 AND 1221 JEFFERSON STREET
Vicinity Zoning Pattern Map

Subject Properties

200 Foot Buffer

PIN	Owner	Local Address
04604001	HAMMER ENTERPRISES LLC	1300 COMMERCE STREET
04603001	PCPDF LLC	1200 COMMERCE STREET
04603007	INVEST LYNCHBURG LLC	1221 JEFFERSON STREET
04604007	DENNIS L WOODALL & EDITH L LANG	1316 COMMERCE STREET
04603004	ESTATE SPECIALISTS INC	1220 COMMERCE STREET
04604008	DENNIS L WOODALL & EDITH L LANG	1310 COMMERCE STREET
04604005	BLUFFWALK CENTER LP C/O CRADDOCK-CUNNINGHAM	1320 COMMERCE STREET
04603005	PCPDF LLC	1210 COMMERCE STREET
04603003	INVEST LYNCHBURG LLC	1215 JEFFERSON STREET
04603006	PCPDF LLC	1202 COMMERCE STREET
04603002	INVEST LYNCHBURG LLC	1201 JEFFERSON STREET
04518004	INVEST LYNCHBURG LLC	1117 JEFFERSON STREET
04518005	RIVERFRONT INC	1110 COMMERCE STREET
04631002	CITY OF LYNCHBURG C/O CITY MANAGER'S OFFICE	1348 JEFFERSON STREET
04631001	C & O RAILWAY CO C/O CSX TRANSPORTATION INC TAX DEPT	1328 JEFFERSON STREET
04517009	CITY OF LYNCHBURG C/O CITY MANAGER'S OFFICE	1100 JEFFERSON STREET



- 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

LAND USE MAP
JAMES RIVER CONDOMINIUMS
CONDITIONAL USE PERMIT
TO FILL IN THE FLOOD PLAIN
1215 AND 1221 JEFFERSON STREET

N

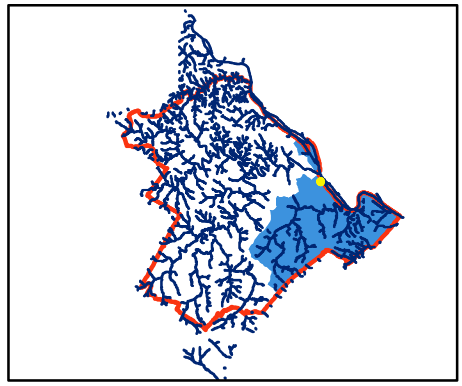
JAMES RIVER CONDOMINIUMS
CONDITIONAL USE PERMIT
TO FILL IN THE FLOOD PLAIN
1215 AND 1221 JEFFERSON STREET

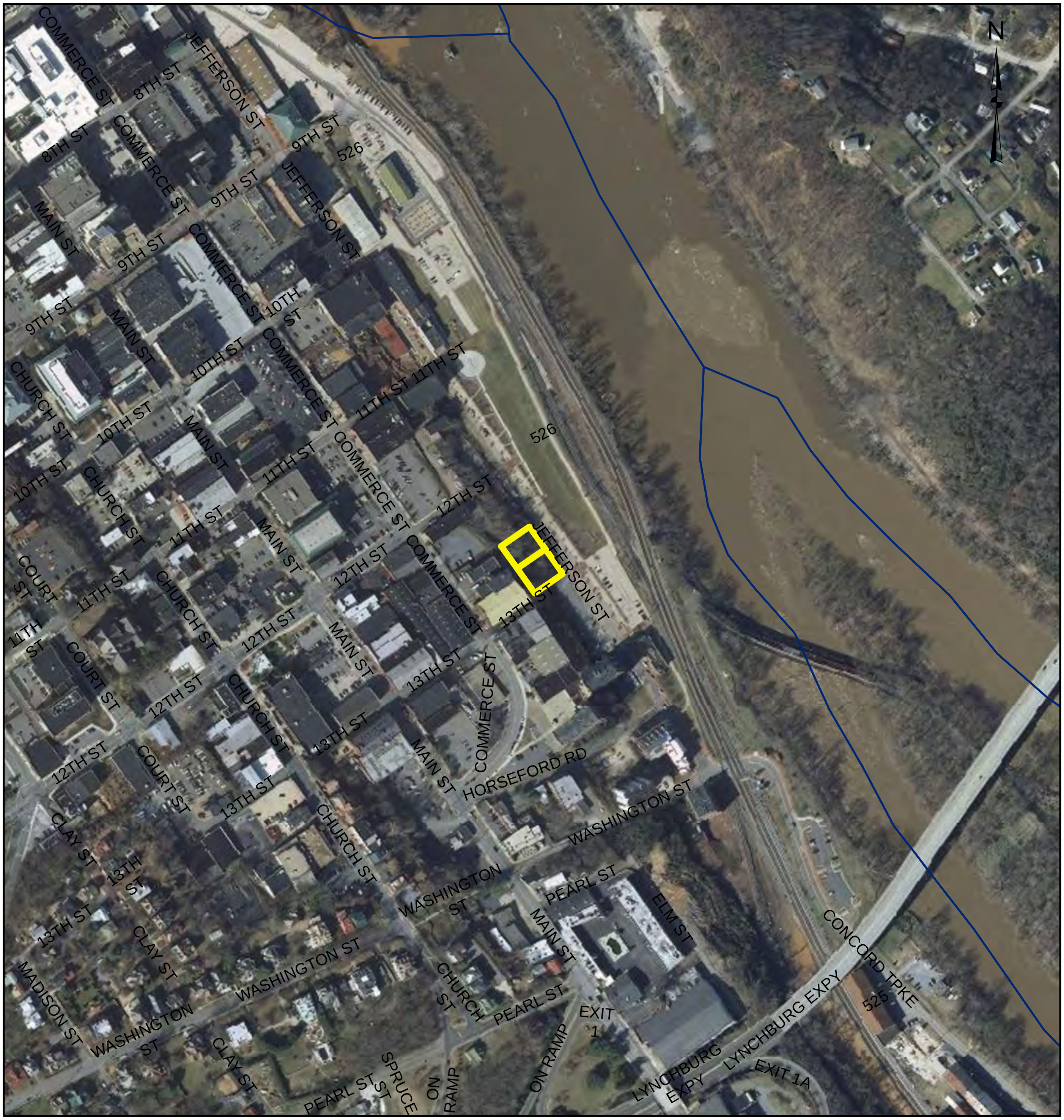
Watershed Location Map

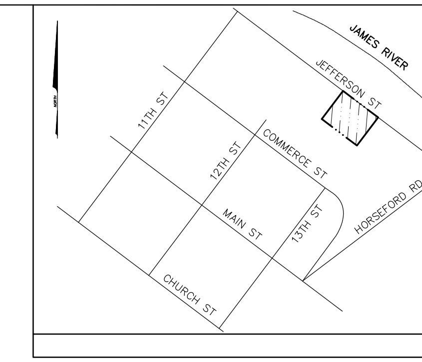
Project Site

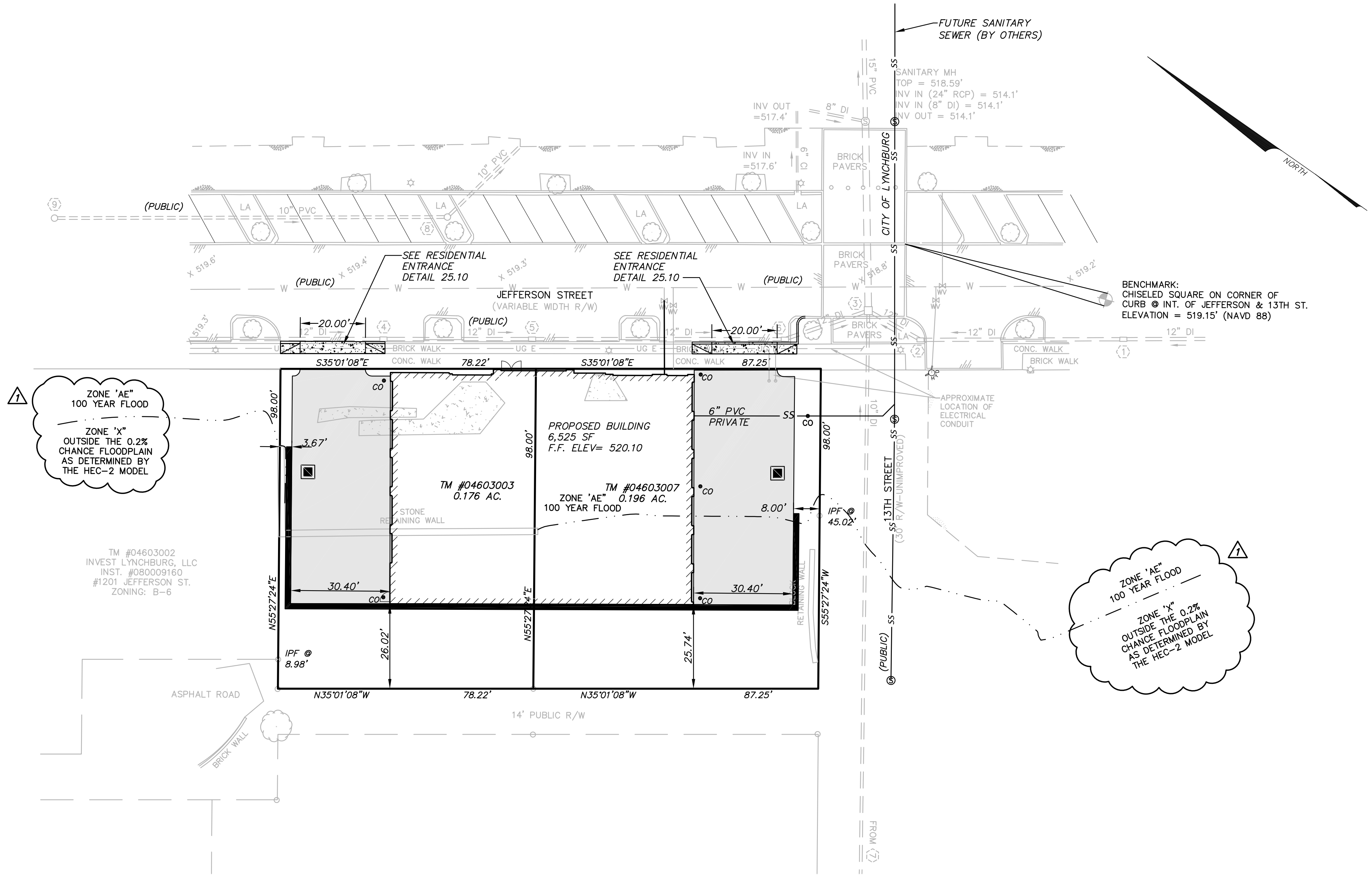
Fishing Creek

Corporate Limit









PROPOSED LEGEND:

- LIMITS OF CONSTRUCTION
- LIMITS OF CLEARING
- SILT FENCE
- 800 PROPOSED INDEX CONTOUR
- 802 PROPOSED CONTOUR
- STORM SEWER
- STORM INLET
- CO• CLEANOUT
- WATER METER
- WV WATER VALVE
- SANITARY MANHOLE
- CONCRETE
- STANDARD DUTY ASPHALT PAVEMENT

NOTES:

1. SITE TM#: 046-03-003, 046-03-007
   SITE ADDRESS: 1215 & 1221 JEFFERSON STREET, LYNCHBURG, VA 24504
2. OWNER: INVEST LYNCHBURG, LLC
   OWNER ADDRESS: P.O. BOX 896, LYNCHBURG, VA 24505
   CONTACT: DON PENDLETON, CONSENSUS REAL ESTATE SERVICES, 434-846-6362, MAIL@DONPENDLETON.NET
3. SITE PROPOSED USE: FILL IN THE FLOOD PLAIN
4. SITE ZONING: B-6
5. PROPOSED PARKING: 11 GARAGE SPACES, 2 STREET SPACES
6. SETBACKS: NONE
   FRONT: NONE
   SIDE: NONE
   REAR: NONE
7. PARKING LOT LANDSCAPING, PARKING AREA SCREENING, STREET TREES, AND FOUNDATION PLANTINGS WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
8. EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
9. THE AREA SHOWN HEREON IS LOCATED IN FLOOD HAZARD ZONE "AE" FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
10. BACKFLOW PREVENTION DEVICES WILL BE INSTALLED ON ALL NEW WATER CONNECTIONS.
11. STORMWATER QUANTITY AND QUALITY TREATMENT HAVE BEEN ACCOUNTED FOR IN THE JEFFERSON STREET IMPROVEMENT PROJECT.
12. WATER AND SANITARY SEWER SERVICE IS OR WILL BE AVAILABLE FROM THE CITY OF LYNCHBURG.
13. THE BASE FLOOD ELEVATION FOR THIS SITE IS APPROXIMATELY 527 FEET.
14. THE LOWEST FINISHED FLOOR ELEVATION WILL BE AT MINIMUM 1 FOOT ABOVE BASE FLOOD ELEVATION (BFE); THE SPACE BELOW THE LOWEST FINISHED FLOOR ELEVATION CANNOT BE USED FOR HABITABLE SPACE, IT MAY ONLY BE USED FOR PARKING OR STORAGE; HVAC EQUIPMENT IS TO BE LOCATED AT MINIMUM 1 FOOT ABOVE THE BFE; AND THAT PROPER FLOOD VENTILATION WILL BE PROVIDED WITH THE BUILDING PLANS FOR THE AREAS IN THE FLOODPLAIN.

20 10 0 20 40
GRAPHIC SCALE IN FEET

1	3/26/2012	TRC COMMENTS

THE ENGINEER AND/OR SURVEYOR TAKES NO RESPONSIBILITY FOR THE LOCATION OR ACCURACY OF THE UTILITIES AS SHOWN HEREON OR ANY UTILITIES WITHIN THE PROJECT THAT MAY NOT BE SHOWN HEREON. THE CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING THE UTILITY COMPANIES TO SEE IF ANY UTILITIES EXIST WITHIN THE AREA OF THE PROJECT BEFORE ANY CONSTRUCTION BEGINS. ANY COST INCURRED BY DAMAGING ANY UTILITY WITHIN THE PROJECT SHALL BE AT THE EXPENSE OF THE CONTRACTOR.

48 WORKING HOURS PRIOR TO STARTING THE WORK, THE CONTRACTOR SHALL CALL MISS UTILITY AT PHONE NUMBER 811 AND ADVISE THE NATURE AND LOCATION OF THE WORK.

Apr 02, 2012 – 9:54am V:\LandProjects\20120007\dwg\CUP.dwg

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

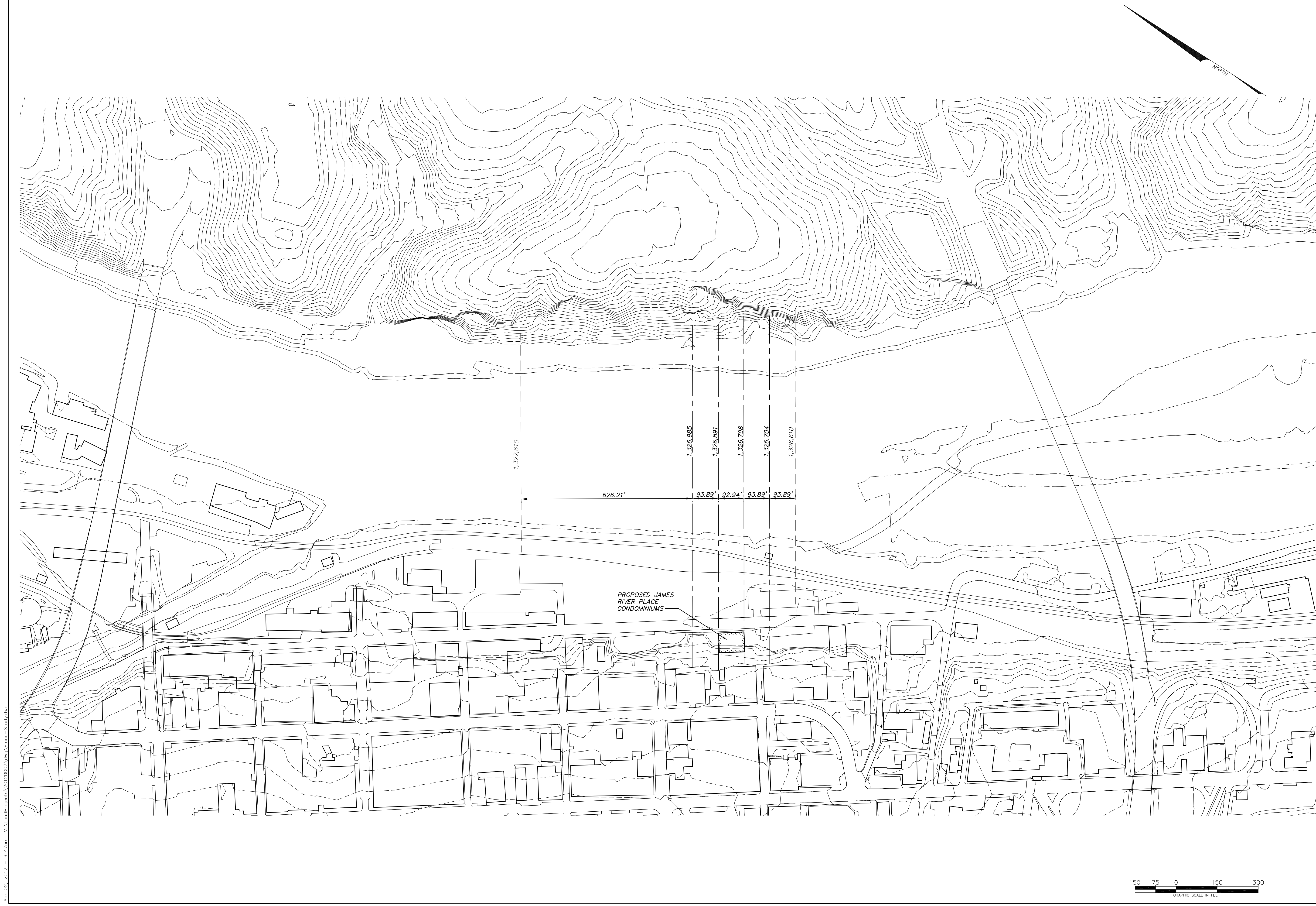
CONDITIONAL USE PERMIT PLAN
FOR
JAMES RIVER PLACE CONDOMINIUMS
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120007
G.L. NO.	229-14-D2.9
FILE NO.	G-13448
DATE:	02/13/2012
DRAWN BY:	NRO, PSB
CHECKED BY:	PCP

COMMONWEALTH OF VIRGINIA
PATRICK C. PROFFITT
Lic. No. 034330
04/02/2012
PROFESSIONAL ENGINEER

HURT & PROFFITT

SHEET NO.
1 OF 1



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LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

FLOOD STUDY CROSS SECTIONS
FOR
JAMES RIVER PLACE CONDOMINIUMS
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120007
G.L. NO.	229-14-D2.9
FILE NO.	
DATE:	03/01/2012
DRAWN BY:	NRO
CHECKED BY:	SDC

HURT & PROFFITT

SHEET NO.
1 OF 1

James River Place
Flood Study

March 4, 2012

Lynchburg, VA
H&P Project Commission # 20120007

Prepared by:
Hurt & Proffitt, Inc.

COMMONWEALTH OF VIRGINIA
SHANNON D. COTULLA
Lic. No. 037806
3/4/12
PROFESSIONAL ENGINEER

HURT & PROFFITT
INCORPORATED

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GEOTECHNICAL · CONSTRUCTION TESTING & INSPECTION

2524 Langhorne Road · Lynchburg, VA 24501
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www.HandP.com

James River Place Flood Study Summary

This study was conducted to evaluate the impact of a proposed building on the 1% Chance (100-year) Floodplain of the James River. The proposed building is located at 1215 Jefferson Street, Lynchburg, VA. This study was done to support the application process for a Conditional Use Permit that is required by the City of Lynchburg before development.

The City of Lynchburg provided a HEC-2 model used to develop the 100 Year Floodplain on the James River. The model was converted to HEC-RAS as required in the FEMA guidelines. Cross sections in the project area were cut from the City of Lynchburg GIS topographic data, and added to the model. The addition of these cross sections had no impact on the water surface elevations within the model. All elevations are on the NAVD88 Datum.

The HEC-RAS model was then run with building added to the impacted cross sections.

As shown in the table above, the maximum impact of the building on the water surface of the 100 Year flood is 0.01 feet, which is less than the 1 foot of water surface increase allowed by FEMA.

1. GENERAL

This study was conducted to evaluate the impact of a proposed building on the 1% Chance (100-year) Floodplain of the James River. The proposed building is located at 1215 Jefferson Street, Lynchburg, VA. This study was done to support the application process for a Conditional Use Permit that is required by the City of Lynchburg before development.

2. FLOOD MODELING

The City of Lynchburg provided a HEC-2 model used to develop the 100 Year Floodplain on the James River. The model was converted to HEC-RAS as required in the FEMA guidelines. Cross sections in the project area were cut from the City of Lynchburg GIS topographic data, and added to the model. The addition of these cross sections had no impact on the water surface elevations within the model. All elevations are on the NAVD88 Datum.

The model was then run with building added to the impacted cross sections. The results are summarized in the Table 1 below:

Table 1

James River Cross Section Station	Without Building W.S. Elev (ft)	With Building W.S. Elev (ft)	W.S. Elev Difference (ft)	Notes
331312	532.98	532.99	0.01	Original FEMA Map Section
331212	532.96	532.96	0	Original FEMA Map Section
331112	532.94	532.95	0.01	Original FEMA Map Section
331062	531.4	531.41	0.01	Original FEMA Map Section
331061	531.4	531.41	0.01	Original FEMA Map Section
331060	531.4	531.41	0.01	Original FEMA Map Section
331052	532.45	532.45	0	Original FEMA Map Section
330960	531.95	531.96	0.01	Original FEMA Map Section
330860	532.11	532.12	0.01	Original FEMA Map Section
330420	531.39	531.4	0.01	Original FEMA Map Section
329810	528.56	528.57	0.01	Original FEMA Map Section
329280	528.49	528.5	0.01	Original FEMA Map Section
329180	528.47	528.47	0	Original FEMA Map Section
329125	528.48	528.49	0.01	Original FEMA Map Section
329120	528.55	528.55	0	Original FEMA Map Section

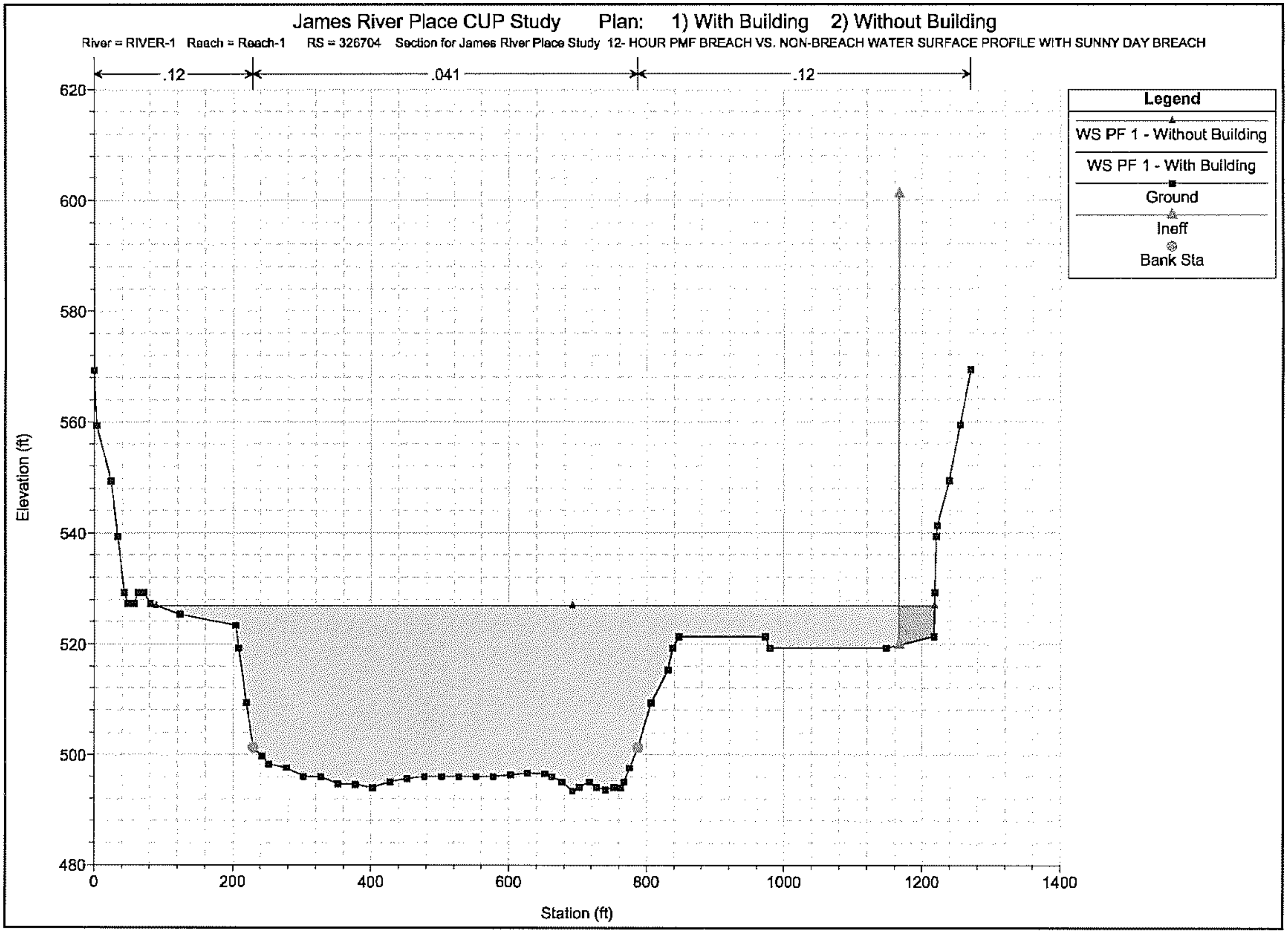
Table 1 (Continued)

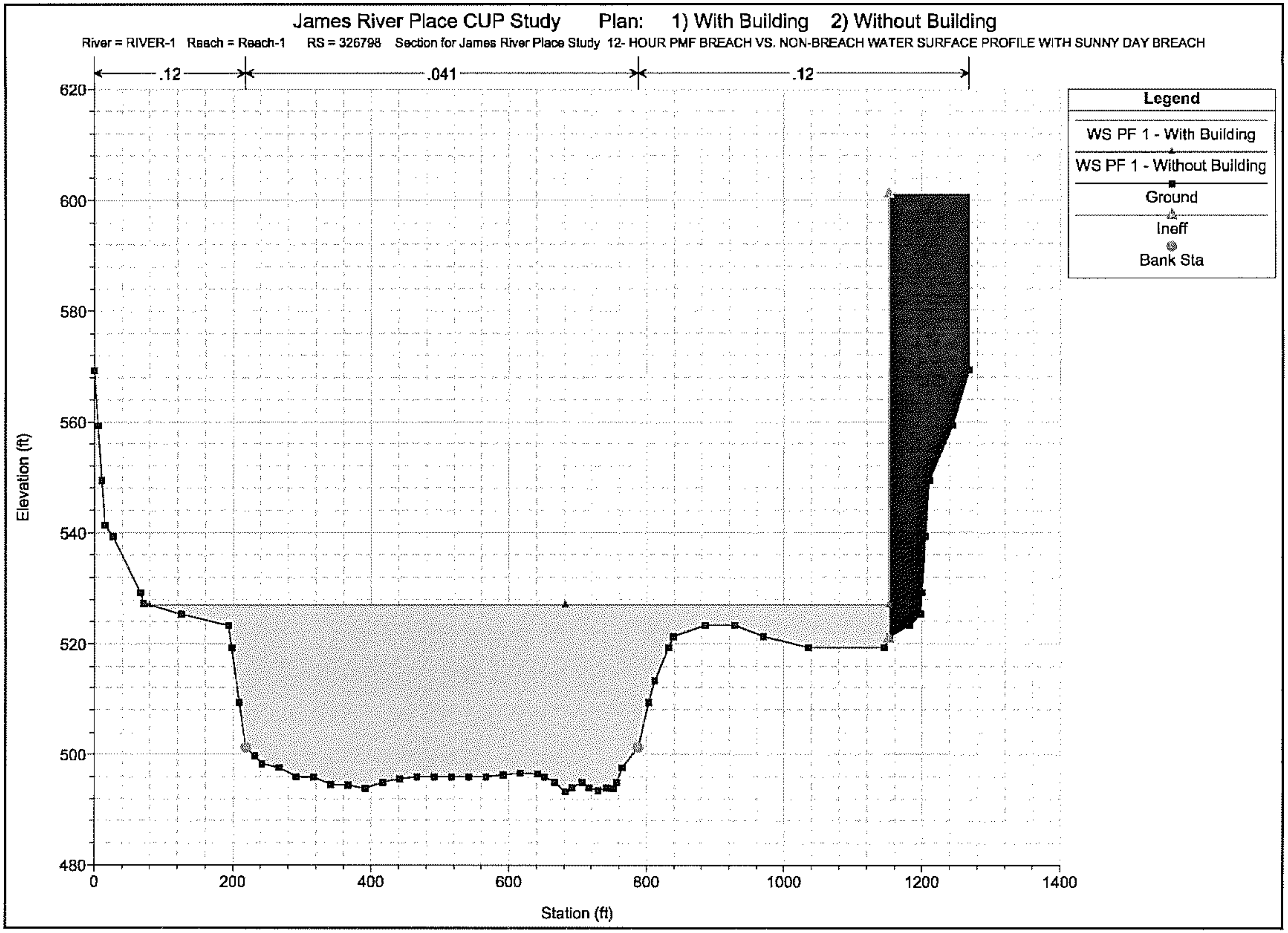
James River Cross Section Station	Without Building W.S. Elev (ft)	With Building W.S. Elev (ft)	W.S. Elev Difference (ft)	Notes
329082.5BRU	528.47	528.47	0	Original FEMA Map Section
329082.5BRD	528.41	528.41	0	Original FEMA Map Section
329045	528.45	528.46	0.01	Original FEMA Map Section
329040	528.23	528.24	0.01	Original FEMA Map Section
328990	528.29	528.29	0	Original FEMA Map Section
327610	527.39	527.4	0.01	Original FEMA Map Section
326985	527.1	527.1	0	Added section up stream of building
326891	527.05	527.05	0	Added section @ up stream edge of building
326798	527	527	0	Added section @ down stream edge of building
326704	526.91	526.91	0	Added section down stream of building
326610	526.8	526.8	0	Original FEMA Map Section

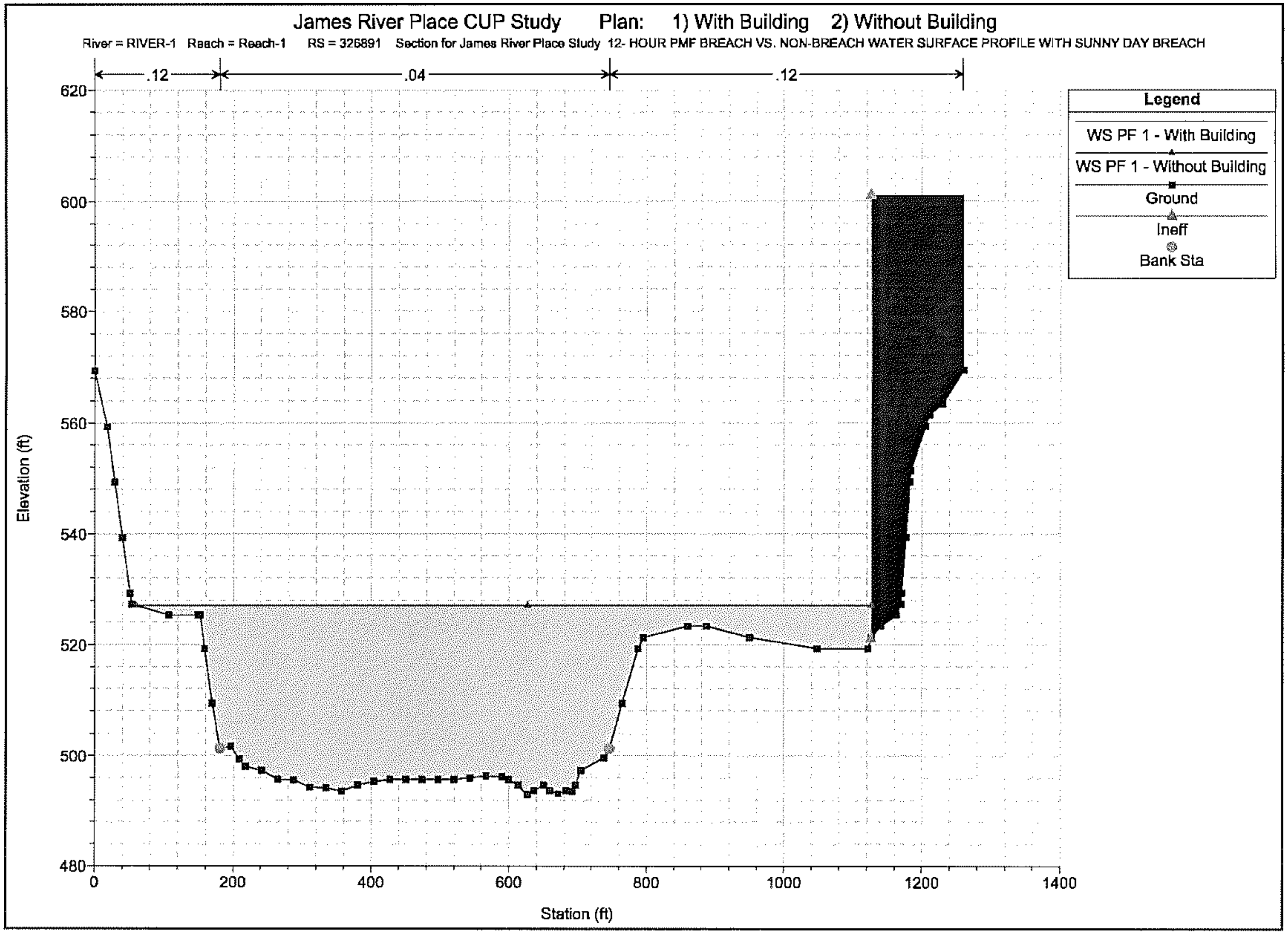
3. FINDINGS

As shown in the table above, the maximum impact of the building on the water surface of the 100 Year flood is 0.01 feet, which is less than the 1 foot of water surface increase allowed by FEMA.

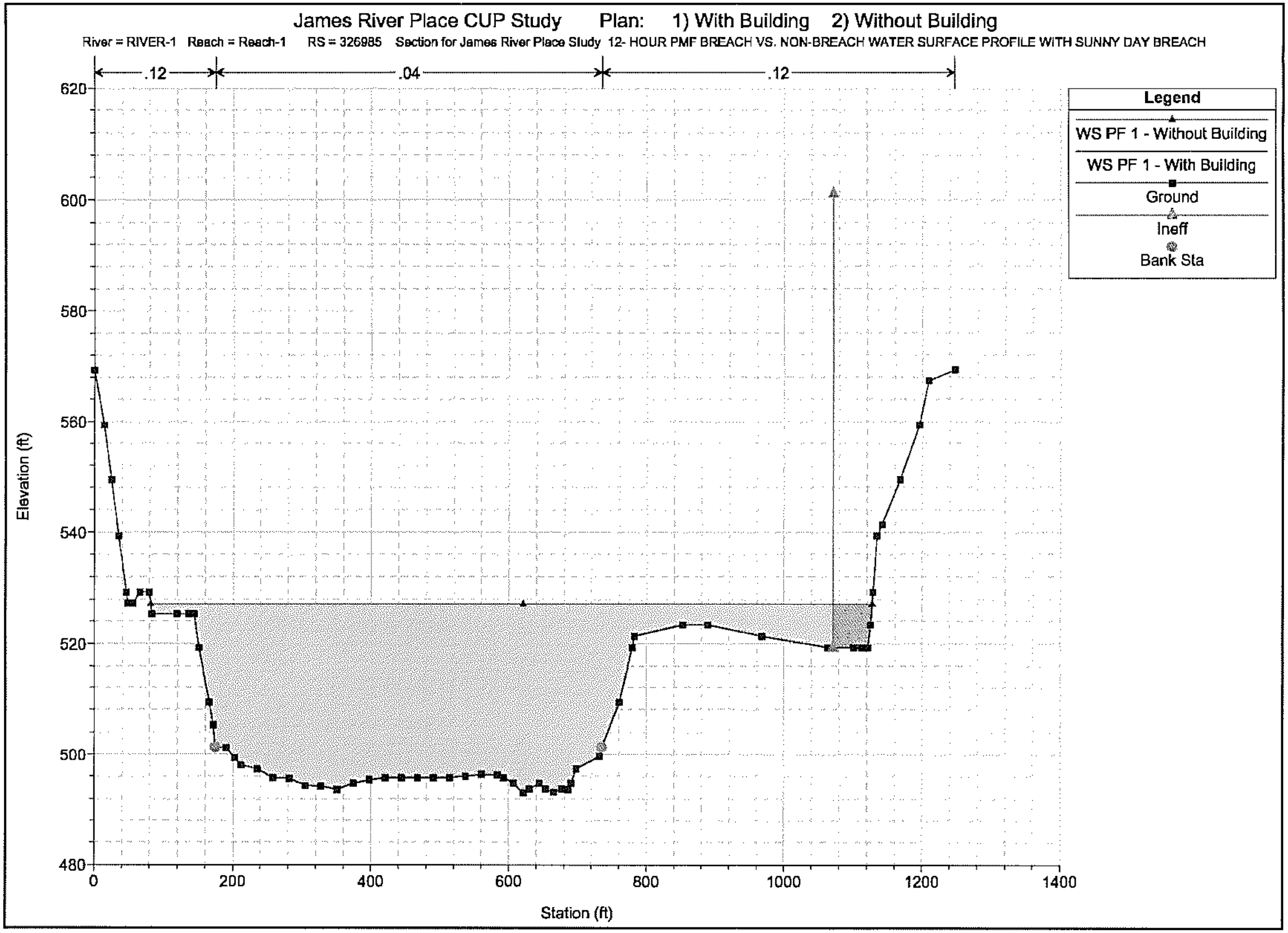
Supporting Documentation


James River Place CUP Study Plan: 1) With Building 2) Without Building
River = RIVER-1 Reach = Reach-1 RS = 326704 Section for James River Place Study 12- HOUR PMF BREACH VS. NON-BREACH WATER SURFACE PROFILE WITH SUNNY DAY BREACH
.12
.041
.12
Legend
WS PF 1 - Without Building
WS PF 1 - With Building
Ground
Ineff
Bank Sta
Elevation (ft)
Station (ft)
620
600
580
560
540
520
500
480
0
200
400
600
800
1000
1200
1400


James River Place CUP Study Plan: 1) With Building 2) Without Building
River = RIVER-1 Reach = Reach-1 RS = 326798 Section for James River Place Study 12- HOUR PMF BREACH VS. NON-BREACH WATER SURFACE PROFILE WITH SUNNY DAY BREACH
.12
.041
.12
Legend
WS PF 1 - With Building
WS PF 1 - Without Building
Ground
Ineff
Bank Sta
Elevation (ft)
Station (ft)
620
600
580
560
540
520
500
480
0
200
400
600
800
1000
1200
1400



James River Place CUP Study Plan: 1) With Building 2) Without Building
River = RIVER-1 Reach = Reach-1 RS = 326891 Section for James River Place Study 12- HOUR PMF BREACH VS. NON-BREACH WATER SURFACE PROFILE WITH SUNNY DAY BREACH
.12
.04
.12
Legend
WS PF 1 - With Building
WS PF 1 - Without Building
Ground
Ineff
Bank Sta
Elevation (ft)
620
600
580
560
540
520
500
480
0
200
400
600
800
1000
1200
1400
Station (ft)



James River Place CUP Study Plan: 1) With Building 2) Without Building
River = RIVER-1 Reach = Reach-1 RS = 326985 Section for James River Place Study 12- HOUR PMF BREACH VS. NON-BREACH WATER SURFACE PROFILE WITH SUNNY DAY BREACH
.12
.04
.12
Legend
WS PF 1 - Without Building
WS PF 1 - With Building
Ground
Ineff
Bank Sta
Elevation (ft)
Station (ft)
620
600
580
560
540
520
500
480
0
200
400
600
800
1000
1200
1400

HEC-RAS River: RIVER-1 Reach: Reach-1 Profile: PF 1

Reach	River Sta	Plan	W.S. Elev	E.G. Elev	Top Wdth Act	Q Left	Q Channel	Q Right	Ch Sta L	Ch Sta R
			(ft)	(ft)	(ft)	(cfs)	(cfs)	(cfs)	(ft)	(ft)
Reach-1	331312	With Building	532.99	533.55	1243.11	7671.03	150492.30	836.65	1050.00	1900.00
Reach-1	331312	Without Building	532.98	533.55	1243.11	7669.91	150493.70	836.42	1050.00	1900.00
Reach-1	331212	With Building	532.96	533.52	1243.38	7719.92	150433.50	846.60	1050.00	1900.00
Reach-1	331212	Without Building	532.96	533.51	1243.37	7718.81	150434.80	846.38	1050.00	1900.00
Reach-1	331112	With Building	532.95	533.48	1244.11	7853.32	150272.90	873.77	1050.00	1900.00
Reach-1	331112	Without Building	532.94	533.48	1244.10	7852.24	150274.20	873.55	1050.00	1900.00
Reach-1	331062	With Building	531.41	533.33	1241.78	2176.21	156432.70	391.10	1011.00	1917.00
Reach-1	331062	Without Building	531.40	533.32	1241.77	2174.95	156434.10	390.92	1011.00	1917.00
Reach-1	331061	With Building	531.41	533.33	1241.78	2176.11	156432.80	391.09	1011.00	1917.00
Reach-1	331061	Without Building	531.40	533.32	1241.77	2174.85	156434.20	390.91	1011.00	1917.00
Reach-1	331060	With Building	531.41	533.33	1241.78	2176.01	156432.90	391.07	1011.00	1917.00
Reach-1	331060	Without Building	531.40	533.32	1241.77	2174.75	156434.40	390.89	1011.00	1917.00
Reach-1	331052	With Building	532.45	532.87	1243.06	73536.16	83828.23	1635.61	1490.00	1902.00
Reach-1	331052	Without Building	532.45	532.87	1243.05	73533.90	83830.87	1635.24	1490.00	1902.00
Reach-1	330960	With Building	531.96	532.80	1242.31	37875.81	119823.40	1300.82	1490.00	1902.00
Reach-1	330960	Without Building	531.95	532.80	1242.30	37871.85	119827.80	1300.31	1490.00	1902.00
Reach-1	330860	With Building	532.12	532.68	1242.86	55960.39	101897.20	1142.39	1490.00	1902.00
Reach-1	330860	Without Building	532.11	532.68	1242.85	55958.10	101899.90	1141.96	1490.00	1902.00
Reach-1	330420	With Building	531.40	532.31	972.03	4164.51	153982.40	853.06	901.00	1532.00
Reach-1	330420	Without Building	531.39	532.30	972.00	4162.27	153984.70	853.02	901.00	1532.00
Reach-1	329810	With Building	528.57	531.00	648.64	12481.98	145986.50	531.57	1020.00	1367.00
Reach-1	329810	Without Building	528.56	530.99	648.61	12471.54	145997.60	530.83	1020.00	1367.00
Reach-1	329280	With Building	528.50	530.27	690.38	9878.60	147657.90	1463.51	11603.83	12025.47
Reach-1	329280	Without Building	528.49	530.26	690.38	9868.51	147668.20	1463.28	11603.83	12025.47
Reach-1	329180	With Building	528.47	530.15	709.52	9860.37	147670.10	1469.53	11612.82	12046.16
Reach-1	329180	Without Building	528.47	530.15	709.51	9850.36	147680.40	1469.27	11612.82	12046.16
Reach-1	329125	With Building	528.49	530.06	726.98	9886.24	147637.90	1475.87	11621.00	12065.00
Reach-1	329125	Without Building	528.48	530.06	726.97	9876.59	147647.80	1475.59	11621.00	12065.00
Reach-1	329120	With Building	528.55	530.05	726.78	8759.52	150201.10	39.41	11621.00	12100.00
Reach-1	329120	Without Building	528.55	530.04	726.77	8750.78	150209.90	39.37	11621.00	12100.00
Reach-1	329082.5BR U	With Building	528.47	530.04	701.14	10616.38	148333.40	50.24	11621.00	12100.00
Reach-1	329082.5BR U	Without Building	528.47	530.04	701.13	10605.68	148344.10	50.19	11621.00	12100.00
Reach-1	329082.5BR D	With Building	528.41	529.99	701.08	10527.37	148422.80	49.80	11621.00	12100.00
Reach-1	329082.5BR D	Without Building	528.41	529.98	701.08	10517.02	148433.20	49.74	11621.00	12100.00
Reach-1	329045	With Building	528.46	529.97	726.69	8645.84	150315.30	38.88	11621.00	12100.00
Reach-1	329045	Without Building	528.45	529.96	726.69	8636.44	150324.70	38.84	11621.00	12100.00
Reach-1	329040	With Building	528.24	529.94	726.49	2419.06	156528.80	52.17	11621.00	12100.00
Reach-1	329040	Without Building	528.23	529.94	726.49	2416.33	156531.50	52.12	11621.00	12100.00
Reach-1	328990	With Building	528.29	529.86	779.41	2570.38	154892.10	1537.54	11645.55	12121.52
Reach-1	328990	Without Building	528.29	529.86	779.40	2567.56	154895.20	1537.18	11645.55	12121.52
Reach-1	327610	With Building	527.40	528.84	976.87	1729.23	162359.30	811.53	984.10	1507.69
Reach-1	327610	Without Building	527.39	528.83	976.85	1725.61	162364.10	810.32	984.10	1507.69
Reach-1	326985	With Building	527.10	528.39	989.53	476.81	161728.90	2694.25	174.39	735.11
Reach-1	326985	Without Building	527.10	528.38	1046.34	475.59	161261.60	3162.84	174.39	735.11
Reach-1	326891	With Building	527.05	528.33	1066.11	427.70	161409.50	3062.79	180.61	745.94
Reach-1	326891	Without Building	527.05	528.32	1108.45	427.08	161352.30	3120.66	180.61	745.94
Reach-1	326798	With Building	527.00	528.26	1073.03	478.53	161375.20	3046.25	218.51	787.91
Reach-1	326798	Without Building	527.00	528.26	1120.00	466.24	161332.80	3100.97	218.51	787.91

HEC-RAS River: RIVER-1 Reach: Reach-1 Profile: PF 1 (Continued)

Reach	River Sta	Plan	W.S. Elev	E.G. Elev	Top Wdth Act	Q Left	Q Channel	Q Right	Ch Sta L	Ch Sta R
			(ft)	(ft)	(ft)	(cfs)	(cfs)	(cfs)	(ft)	(ft)
Reach-1	326704	With Building	526.91	528.20	1077.87	512.98	160461.30	3925.74	229.26	787.46
Reach-1	326704	Without Building	526.91	528.20	1129.12	500.31	160273.70	4126.04	229.26	787.46
Reach-1	326610	With Building	526.80	528.13	1048.60	1340.02	162877.20	682.78	1010.00	1573.00
Reach-1	326610	Without Building	526.80	528.13	1048.60	1340.02	162877.20	682.78	1010.00	1573.00


Navigate
the good life.
NOTICE
REQUEST FOR CONDITIONAL USE PERMIT
APPLICANT:
INVEST LYNCHBURG, LLC
ADDRESS:
JEFFERSON ST.
PHONE:
PRESENT ZONING:
PROPOSED USE:
RESIDENTIAL CONDOMINIUMS
ADDL. INFORMATION: CALL PLANNING DIV., DEPT. OF
COMMUNITY PLANNING & DEV.

Invest Lynchburg, LLC

Conditional Use Permit to fill in the flood plain at 1215 and 1221 Jefferson Street

April 11, 2012

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Shannon Cotello	2524 Langhorne Rd	847-7796	✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 15

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

ACTION: **X** INFORMATION:

ITEM TITLE: ***Future Land Use Map (FLUM)* Amendment – Virginia University of Lynchburg, Employment 2 to Traditional Residential use at 2057 and 2059 Campbell Avenue**

Rezoning – Virginia University of Lynchburg, from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District Conditional at 2057 and 2059 Campbell Avenue

Conditional Use Permit – Virginia University of Lynchburg, construct two (2) dormitories at 2057, 2059, and 2221 Campbell Avenue

RECOMMENDATION: Denial of the *FLUM* amendment, rezoning and conditional use permit petitions.

SUMMARY: Virginia University of Lynchburg is petitioning to (1) amend the *FLUM* from Employment 2 to Traditional Residential use; (2) to rezone the properties at 2057 and 2059 Campbell Avenue from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District; and (3) for a conditional use permit at 2057, 2059, and 2221 Campbell Avenue in order to construct two (2) dormitories to serve a growing student population at the college. The Planning Commission recommended denial of the petition because the majority did not feel the petition addressed how the dormitories would be incorporated into the community and campus. Issues raised by the commissioners included noise, building design and potential neighborhood impacts.

PRIOR ACTION(S):

April 11, 2012: The Planning Division recommended approval of the petitions.

The Planning Commission recommended denial (3-2, with 2 members absent, Hooper and Coleman) of the *FLUM* amendment, rezoning petition and conditional use permit petitions.

FISCAL IMPACT: None

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

ATTACHMENT(S):
- Ordinance
- Planning Commission Report – April 11, 2012
- Planning Commission Minutes – April 11, 2012
- Vicinity Zoning Pattern
- Vicinity Proposed Land Use
- Watershed Location Map
- Concept Plan
- Property Photos
- Speaker Signup Sheet

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE AMENDING THE FUTURE LAND USE MAP FOR THE PROPERTIES LOCATED AT 2057 AND 2059 CAMPBELL AVENUE FROM 2057 AND 2059 CAMPBELL AVENUE.

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

Section 35.1-76.____. Amend the Future Land Use Map for the subject properties at 2057 and 2059 Campbell Avenue from 2057 and 2059 Campbell Avenue.

The area embraced within the following boundaries . . . .

DESCRIPTION of a 0.256 acre parcel of land located in the City of Lynchburg, State of Virginia fully described as follows:

BEGINNING AT A POINT, said point being at the southeast right of way line of Campbell Avenue three hundred forty-five (345) feet to the property corner of Kelly Street; Thence S53°47’56”W one hundred twenty-four (124) feet to an iron rebar set; Thence N36°12’04”W ninety (90) feet to an iron rebar found; Thence N53°47’56”E one hundred twenty-four (124) feet to an iron rebar found; Thence along the right of way of Campbell Avenue S36°12’04”E ninety (90) to the POINT OF BEGINNING, CONTAINING 0.256 acres of land, more or less.

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

Adopted:

Certified: ______________________________
Clerk of Council

070L1

ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2057 AND 2059 CAMPBELL AVENUE FROM A I-2, LIGHT INDUSTRIAL DISTRICT TO A R-3C, MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT.

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

Section 35.1-76.__. Change of a certain area located at 2057 and 2059 Campbell Avenue from a I-2, Light Industrial District to a R-3C, Medium Density Two-Family Residential District.

The area embraced within the following boundaries …

DESCRIPTION of a 0.256 acre parcel of land located in the City of Lynchburg, State of Virginia fully described as follows:

BEGINNING AT A POINT, said point being at the southeast right of way line of Campbell Avenue three hundred forty-five (345) feet to the property corner of Kelly Street; Thence S53°47’56”W one hundred twenty-four (124) feet to an iron rebar set; Thence N36°12’04”W ninety (90) feet to an iron rebar found; Thence N53°47’56”E one hundred twenty-four (124) feet to an iron rebar found; Thence along the right of way of Campbell Avenue S36°12’04”E ninety (90) to the POINT OF BEGINNING, CONTAINING 0.256 acres of land, more or less.

… is hereby changed from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District.

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

Adopted:

Certified: ______________________________
Clerk of Council

070L2

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO VIRGINIA UNIVERSITY OF LYNCHBURG TO ALLOW TWO (2) DORMITORIES AT 2057, 2059, AND 2221 CAMPBELL AVENUE FOR STUDENT RESIDENTS OF THE INSTITUTION IN AN R-3C, MEDIUM DENSITY, TWO-FAMILY RESIDENTIAL DISTRICT CONDITIONAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Virginia University of Lynchburg for a conditional use permit at 2057, 2059, and 2221 Campbell Avenue to allow for the construction of two (2) dormitories in an R-3C, Medium Density, Two-Family Residential District Conditional, is hereby approved subject to the following conditions:

1. The property shall be used in substantial compliance with the Concept Plans dated March 26, 2012, by the Virginia University of Lynchburg.
2. Students that are housed within the two (2) dormitories will not be permitted to have a vehicle on campus.
3. The dormitory will have non-directional and glare shielded lighting to prevent illumination across the property lines.
4. The petition is subject to the right-of-way vacation for the unimproved portion of Kelly Street adjacent to the property.
5. The petitioner will provide a sidewalk connection from the rear of the property at 2059 Campbell Avenue near the intersection of Kelly Street and the alley to the sidewalk terminus at Kelly Street and Garfield Avenue.

Adopted:

Certified: ______________________________
Clerk of Council

070L3

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 11, 2012
Re: **Future Land Use Map Amendment: 2057 and 2059 Campbell Avenue – Employment 2 to Traditional Residential**

Rezoning: 2057 and 2059 Campbell Avenue - I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional)

Conditional Use Permit: Virginia University of Lynchburg dormitories at 2057 and 2059 Campbell Avenue and 2221 Campbell Avenue

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I. PETITIONER

Virginia University of Lynchburg, 2058 Garfield Avenue, Lynchburg, VA 24501
Representative: Mr. Russ Nixon, Nixon Land Surveying, 1063 Airport Road, Suite C, Lynchburg, VA 24502

II. LOCATION

The subject properties include two (2) tracts totaling approximately two hundred eleven thousandths (0.211) of an acre at 2057 and 2059 Campbell Avenue and one (1) tract totaling approximately two hundred eighty-five thousandths (0.285) of an acre at 2221 Campbell Avenue.
Property Owner: Virginia University of Lynchburg, 2058 Garfield Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of this petition is to allow for the construction of two (2) four thousand three hundred forty (4,340) square foot dormitories for students attending Virginia University of Lynchburg.

IV. SUMMARY

- Petition agrees with the *Zoning Ordinance* which permits dormitories in an R-3, Medium Density Two-Family Residential District with an approved conditional use permit.
- Petition agrees with the *Comprehensive Plan 2002-2020* which recommends a Traditional Residential use in the area.

<u>The Planning Division recommends approval of the rezoning and conditional use permit petitions.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The properties located at 2057 and 2059 Campbell Avenue are designated for an Employment 2 use and the property at 2221 Campbell Avenue is designated for Traditional Residential use by the *Future Land Use Map (FLUM)*. The petitioner is requesting the Employment 2 use be amended to a Traditional Residential use.

The *Comprehensive Plan 2002-2020* provides that Employment 2 areas should include light and heavy manufacturing, research and development, flex space and large-scale office uses. Employment 2 options for this property are limited given the topography, road infrastructure and existing land use compatibility, which would all prove to be prohibitive in the industrial development of the site. The proposed Traditional Residential use is more appropriate given the surrounding R-3, Medium Density Two-Family Residential District and the adjacent Traditional Residential uses.

Traditional Residential areas are applied to the City's older neighborhoods generally built prior to World War II. Consequently, many of the homes in these areas do not conform to current zoning standards in terms of lot sizes, building heights and setbacks. New residential infill should be designed to utilize comparable setbacks, yards and building heights (***pg. 5.6***). The dormitories, as proposed, suit the neighborhood housing style and the design, scale and site layout all blend with the existing built environment.

2. **Zoning.** The subject properties were annexed into the City in 1926. The properties at 2057 and 2059 Campbell Avenue have been zoned I-2, Light Industrial District since 1978; however, residential and vacant land uses make up the majority of land uses within this two (2)-block segment of I-2 zoning. The existing R-3, Medium Density, Two-Family Residential District at 2221 Campbell Avenue was also established in 1978.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would 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 January 8, 1980, Lynchburg City Council approved Fairview Christian Church's conditional use permit petition (CUP) to use a portion of the existing church for a child care facility in an R-3, Medium Density Two-Family Residential District 2314 Mosby Avenue.
   - On March 13, 1984, Lynchburg City Council approved Fairview Christian Church's CUP petition to allow for the construction of a parking lot in an R-3, Medium Density Two-Family Residential District at 2205 Mosby Avenue.
   - On November 12, 1985, Lynchburg City Council approved Christian Chapel's CUP petition to construct an addition to the existing church and parking lot in an R-3, Medium Density Two-Family Residential District at 2347 Holliday Street.
   - On November 14, 1989, Lynchburg City Council approved Virginia Seminary and College's CUP petition to allow the conversion of an existing building into a college bookstore and retail snack bar in an R-3, Medium Density Two-Family Residential District at 2202 Garfield Avenue.
   - On February 9, 1993, Lynchburg City Council approved New Life Gospel Assembly's CUP petition to allow an expansion of the existing church building for restrooms, office space and a nursery in an R-3, Medium Density Two-Family Residential District at 2261 Campbell Avenue.
   - On October 12, 1993, Lynchburg City Council approved The Church of God of Prophecy's CUP petition to allow for the construction of five (5) classrooms, two (2) restrooms, a multi-use facility and five (5) additional parking spaces in an R-3, Medium

Density Two-Family Residential District at 2600 Garfield Avenue.

- On October 25, 1994, Lynchburg City Council approved Christian Chapel's CUP petition to construct an addition to the existing church and a pavilion in an R-3, Medium Density Two-Family Residential District at 2347 Holliday Street.
- On December 9, 1997, Lynchburg City Council approved New Life Church's CUP petition to construct a new sanctuary with associated parking in an R-3, Medium Density Two-Family Residential District at 2261 Campbell Avenue.
- On May 9, 2000, Lynchburg City Council approved The Church of God of Prophecy's CUP petition to construct a fellowship hall with associated parking in an I-2, Light Industrial District at the intersection of Otey Street and Cobbs Street.
- On April 9, 2002, Lynchburg City Council approved Christian Chapel's CUP petition to construct an addition to the existing church in an R-3, Medium Density Two-Family Residential District at 2347 Holliday Street.
- On June 14, 2011, Lynchburg City Council approved Virginia University of Lynchburg's CUP petition to convert a residential dwelling into an office use associated with the institution in an R-3, Medium Density Two-Family Residential District at 2054 Garfield Avenue.
- On June 14, 2011, Lynchburg City Council approved Virginia University of Lynchburg's CUP petition to construct a four-story student dormitory in an R-3, Medium Density Two-Family Residential District at 2057 Garfield Avenue.
- On November 8, 2011, Lynchburg City Council approved Virginia University of Lynchburg's CUP petition to convert two (2) residential dwellings into office uses associated with the institution in an R-3, Medium Density Two-Family Residential District at 2147 and 2460 Campbell Avenue.

5. **Site Description.** The properties are currently vacant and single family homes are adjacent to both sites. Although both sites front along Campbell Avenue, the topography limits vehicular access from the street. The property at 2221 Campbell Avenue totals approximately two hundred eighty-five thousandths (0.285) of an acre and is accessible by a sixteen (16)-foot wide alley at the rear of property off of Dewitt Street. Two (2) properties at 2057 and 2059 Campbell Avenue total approximately two hundred eleven thousandths (0.211) of an acre and are also accessible by a sixteen (16)-foot wide alley at the rear of property at Kelly Street. If the project is approved, the petitioner will also request the City vacate a portion of the right-of-way of Kelly Street, which would provide an additional forty-five thousandths (0.045) of an acre of property. A public hearing concerning vacation of the Kelly Street right-of-way would be scheduled for City Council on May 8, 2012.

6. **Proposed Use of Property.** The purpose of this petition is to allow construction of two (2) four thousand three hundred forty (4,340) square foot dormitories. The site is currently served by City water and sewer and landscaping for the project would comply with the requirements of the City's *Zoning Ordinance* which includes foundation plantings, street trees, vegetative buffers and utility area screening.

   City staff encouraged the petitioner to host a neighborhood meeting to discuss the proposed dormitories with the area residents. At the time this report was written, the Planning Division had not received notification of a meeting or confirmation the applicant had shared the project with the neighbors.

7. **Traffic, Parking and Public Transit.** The applicant has confirmed that the students/residents living within the dormitory will not be permitted to have vehicles on campus. As such a traffic study was not required as part of the application for the rezoning and CUP.

   Section 35.1-25, Off-street parking and loading (e) of the *Zoning Ordinance* states that "for colleges exceeding one hundred (100) on campus and commuting students the parking need shall be determined by the petitioner and approved as part of a conditional use permit as required by Section 35.1-15". Although no parking areas are proposed as part of the project, pedestrian connections have been provided to both dorms via sidewalks along Dewitt Street and Campbell Avenue. City staff also recommends a sidewalk be extended along Kelly Street from its intersection with the alley to the termination of the sidewalk at its intersection with Garfield Avenue.

   The properties are served by Route 2 of the Greater Lynchburg Transit Company. The closest bus stop is located at Campbell Avenue/Dewitt Street.

8. **Stormwater Management.** The construction of the two (2) dormitories would exceed the one thousand (1,000) square foot threshold for stormwater management; as such, a plan to address water quantity and quality of the surface water runoff would be required for the construction. Section 16.2-20 of the City's Stormwater Ordinance provides for the mitigation of new impervious area between one thousand (1,000) and five thousand (5,000) square feet by the planting of new landscaping, which would be provided along the new building perimeter. Due to the style of the proposed structures, runoff from the site is expected to be in the form of sheet flow similar to single-family construction and downspouts will be splash-guarded to reduce concentrated flow. All stormwater management requirements will be addressed during the site plan review.

9. **Emergency Services.** Emergency vehicle access to the properties will be through the alleys at the rear of the property. The concept plan also provides for sidewalk access to the alleyway from each dormitory. The City's Fire Marshal had no concerns related to the development, as proposed. The City's Police Department provided comments related to the general safety of the site and these have or will be addressed prior to final site plan approval.

10. **Impact.** Virginia University of Lynchburg is anticipating a sixty percent (60%) growth rate in the next five (5) years. As such, the need for increased residential facilities has become a prominent concern.

    The greatest impact of the development will be the high concentration of students within the dormitories. The dormitories are proposed to house thirty-two (32) students each. Given the proposed area of each building, this equates to approximately one hundred thirty (130) square feet of living space per student. The national average for college dormitories is approximately three hundred fifty (350) square feet per student/resident. This density could result in compatibility issues with the surrounding less dense residential uses.

    To mitigate potential impacts to the area, the petitioner proposes the addition of significant landscaping on the concept plan, including vegetative buffering of the adjacent properties. Building elevations submitted with the petition indicate that the facades will be clad in vinyl and have a two-story design similar to dwellings within the neighborhood. Although no off-street parking facilities are proposed for the dormitories, the applicant has confirmed that the residents will not be permitted to have vehicles. Pedestrian facilities and public transit are accessible from both sites; however, staff does recommend the addition of a public sidewalk along Kelly Street to provide a connection from the proposed dormitory at 2057 and 2059 Campbell Avenue to Garfield Avenue.

Recognizing the projected growth of the university and the potential traffic, parking and related issues associated with this growth, the City has encouraged the Virginia University of Lynchburg to submit a master plan that accounts for future land use development that would ensure the coordinated development of the school.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on March 20, 2012. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final approval.

VI. PLANNING DIVISION RECOMMENDATION(s)

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Virginia University of Lynchburg to amend the *Future Land Use Map* for 2057 and 2059 Campbell Avenue from Employment 2 to Traditional Residential use.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Virginia University of Lynchburg to rezone approximately two hundred eleven thousandths (0.211) of an acre located at 2057 and 2059 Campbell Avenue, plus an adjoining forty-five thousandths (0.045) of an acre of right-of-way (Kelly Street) from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District.

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of the Virginia University of Lynchburg for a conditional use permit to construct one (1) dormitory at 2057 and 2059 Campbell Avenue and one (1) dormitory at 2221 Campbell Avenue, subject to the following conditions:

1. **The property shall be used in substantial compliance with the Concept Plans dated March 26, 2012, by the Virginia University of Lynchburg.**
2. **Students that are housed within the two (2) dormitories will not be permitted to have a vehicle on campus.**
3. **The dormitory will have non-directional and glare shielded lighting to prevent illumination across the property lines.**
4. **The petition is subject to the right-of-way vacation for the unimproved portion of Kelly Street adjacent to the property.**

5. **The petitioner will provide a sidewalk connection from the rear of the property at 2059 Campbell Avenue near the intersection of Kelly Street and the alley to the sidewalk terminus at Kelly Street and Garfield Avenue.**

This matter is respectfully offered for your consideration.

Kevin T. Henry
Planner II

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Donald DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Ms. Marjette Upshur, Director of Economic Development
Mr. Russ Nixon, Nixon Land Surveying, LLC

VII. ATTACHMENTS

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

MINUTES OF THE APRIL 11, 2012 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

c. Petition of Dunn Rite Construction to amend the *Future Land Use Map* from Employment 2 to Traditional Residential.

Petition of Dunn Rite Construction to rezone approximately two hundred fifty six thousandths (.256) of an acre from I-2, Light Industrial District, to R-3, Medium Density, Two-Family Residential District located at 2057 and 2059 Campbell Avenue to facilitate the construction of an approximately four thousand three hundred forty (4,340) square foot dormitory for use by Virginia University of Lynchburg.

Petition of Dunn Rite Construction for a conditional use permit at 2057, 2059, and 2221 Campbell Avenue to allow the construction of two (2) dormitories for use by Virginia University of Lynchburg, which will be approximately four thousand three hundred forty (4,340) square feet in size each.

Mr. Kevin Henry had the following comments for the commissioners. The purpose of this petition is to construct two dormitories for the Virginia University of Lynchburg. The *FLUM* designation for this property is currently an Employment 2 use and those options are fairly limited for the property given infrastructure and topography. Traditional Residential would be a more appropriate use for the property given the surrounding neighborhood. The current zoning is I-2 but much of the neighborhood has transitioned to a residential use.

Both of the properties have frontage on Campbell Avenue but access to the properties is from a sixteen-foot alley running parallel to Campbell Avenue. There is a portion of right-of-way on Kelly Street that is essentially a paper street that is proposed to be vacated as part of this petition. It is scheduled to go to City Council on May 8, 2012.

There is no parking associated with this petition because the students will not permitted any vehicles. However, there are pedestrian accommodations. Both sites have sidewalk access to get the students to the main campus. Staff is recommending that a sidewalk be placed along Kelly Street as well.

A stormwater management plan will be required for both sites. There is new landscaping that is required as well. A lot of the landscaping is being done as part of the stormwater management plan. All this will be finalized at the time of site plan submittal.

The greatest impact of the development will be the high concentration of students, 32 proposed for each dorm. That will mean approximately 130 square feet of living space per student. The national average is about 350 square feet of living space per student. It could raise issues as far as compatibility with the adjoining land uses and residential uses due to its higher density. The additional landscaping should help buffer these impacts. The building elevations show a two-story building clad in vinyl siding, which looks fairly similar to what is in the area. Staff feels the size will fit in the neighborhood.

Recognizing the projected growth of the university and potential traffic and parking related issues with this growth, the City has encouraged the university to submit a master plan. Knowing that this master plan is currently being formulated, staff would recommend approval of the *FLUM* amendment, the rezoning petition and the conditional use permit petitions.

Mr. Russ Nixon of Nixon Land Surveying came forward to represent the petition. The university feels they need these two dormitories for housing students given its current and projected growth. Mr. Nixon commented that these dormitories will look and act like a typical residential home. There will be no kitchen on site, as the students will be required to use the dining hall. They will be freshmen students and will not be allowed to have vehicles. Mr. Nixon mentioned that no neighbors have contacted him regarding these petitions.

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

Commissioner Sale asked if there would be any common space for the students. Mr. Nixon said there will be some common space on each floor, but essentially these dorms are for sleeping and studying. Mr. A. T. Dunn was present to answer questions as well. He stated that their plans came from looking at three other colleges and modeling these dorms identical to those other three colleges' new buildings. Chair Hamilton asked what kind of precautions they have taken so as to not disturb the neighbors given that the students will spend time outdoors. Mr. Nixon stated that the exterior landscaping required meets the commercial requirements and should help buffer those types of issues. Mr. Nixon pointed out that VUL owns many of the residences around these two sites.

Chair Hamilton asked when VUL will be submitting their master plan. Mr. Dunn stated that they have brought their master plan to the City to discuss it but have not formally submitted it. Mr. Dunn presented it very informally to the Planning Commission and gave a brief overview. Mr. Henry suggested that anything on this master plan is very preliminary and does not know how relevant it is to this petition. Chair Hamilton asked if it is VUL's intent to apply for IN-1 zoning, if that is passed by City Council. Mr. Nixon stated that if he is still representing VUL at that time that would be his recommendation. Mr. Dunn stated that the university is currently working on finalizing the preliminary master plan and can submit it within the next two to three months. However, if these petitions are passed by City Council, these dorms will be built for use by the students by this fall.

There was some discussion about which properties around these sites are owned by VUL. Mr. Nixon and Mr. Dunn pointed out these properties. Mr. Dunn stated that they have plans to buy up the six blocks around main campus as the properties become available. Chair Hamilton asked if they held a neighborhood meeting about these petitions. Mr. Dunn stated that they did not; however, no one has contacted them as a result of the posted notices or the mailed notifications. Mr. Dunn stated that VUL has a good relationship with the neighborhood. Many of the neighbors have contacted the university and stated that VUL could have the first right of refusal on purchasing their property.

In answer to a question, Mr. Nixon stated the rooms will be occupied by two persons. The average room size will be 260 square feet. Commissioner Swienton equated the size of this room to approximately double the size of his office. That seemed to him to be a pretty good sized dorm room. Mr. Nixon remarked that the size of this room will force the students to go the library. If they are not using the facilities at the college, they are not studying and doing their job. The rooms will contain two desks and a bathroom.

Commissioner Hannon commented that he is picturing that the dorms will look like an Army barracks. The building elevations show basically a four over four. Mr. Nixon stated that there are no balconies or outside stairwells.

Commissioner Swienton asked if the master plan had been submitted and approved, if that could have changed the landscaping requirements for each of these parcels. Mr. Henry did not think that it would have changed the landscaping requirements. Chair Hamilton noted that if it were zoned IN-1, the landscaping requirements could have been aggregate and there might be the potential for more green space at these dorms.

Commissioner Barnes felt that this is similar to the expansion that Lynchburg College did over the years. The commissioners noted that when Lynchburg College submitted its most recent master plan, it defined the boundaries where it would seek to acquire properties. Commissioner Barnes feels that is what VUL needs to do. Chair Hamilton agreed. Mr. Dunn said that he understands but the campus is very limited on space on main campus and cannot expand its boundaries there due to the railroad and other constraints.

Commissioner Swienton asked if there will be any other materials used on the dorms other than vinyl siding where they face Campbell Avenue. Mr. Dunn stated that there will not be any other materials used because they are trying to blend the buildings in with what exists on Campbell Avenue. Commissioner Swienton noted that he would like to see this area become a welcoming gateway to the whole Campbell Avenue area. Mr. Nixon feels that the new houses will perk the area up quite a bit. He noted that there are some substantially large houses there already and these should not look that far out of place.

There was some discussion about whether the City should be regulating (by way of a condition on the CUP) whether or not the students are allowed to have vehicles. Mr. Henry said it was not a decision of the City to place this condition into the conditional use permit. It was submitted by the university as a way of addressing the parking requirement and the lack of parking on the sites. Mr. Nixon pointed out that freshmen and sophomores at VUL are not permitted to have vehicles anyway and this is not an unusual rule at other universities. Mr. Dunn pointed out that there is currently adequate parking in and around the university to accommodate its current needs. Chair Hamilton pointed out that if the Planning Commission removed the condition, they would have to articulate a waiver of the parking requirement. Mr. Henry pointed out that in the site plan approval process there will be some signage required specifying that there is no parking allowed on site. It was also pointed out that when the master plan lays out all the required parking for the campus, it will supersede this condition, making it a moot point. In the interim, this condition addresses the lack of parking on site.

Commissioner Swienton made a motion to approve the petitions, which was seconded by Commissioner Sale, in order to open up the discussion.

Commissioner Swienton noted that although the dorms are meant to look like residential homes, they are university dorms. He notes, however, that they will be part of VUL's calling card. When there are prospective students, VUL has to have the confidence that the dorms are attractive enough for them to want to come there and live and study. He is willing to vote for it but he would like to see the City staff and VUL work together to get the master plan submitted as soon as possible.

Commissioner Hannon stated that he is conflicted. He is a big advocate of people being able to do what they want to do with their property. He is frustrated that the institutional zoning was sent to City Council last June and there was no opposition to the IN-1 zoning. We could have been dealing with that instead of this petition. It seems to him that this plan is hodge-podge. It is obviously going to have a huge impact on the neighborhood. He cannot picture how the students will have enough room and how the vinyl walls will keep out the noise of the students. However, he is conflicted because he would like to support the university and feels it is an important part of the community.

Commissioner Barnes asked for clarification that the university would like to build the dorms right away. Mr. Dunn stated that the students are currently staying at a motel and the room size is the exact same size as the proposed dorm rooms. The existing dorm rooms on campus are also the same size. If the proposal is not approved, Mr. Dunn said the students will continue to stay in the motel and will be bussed to the campus. Chair Hamilton thought the university had bought the Virginian apartment building on Rivermont Avenue and were housing students there. Mr. Dunn said they had not bought the building yet but had plans to house students there. Mr. Dunn stated that it is the hope of the university to get the students close to campus so they can eat and study there, which will be safer and better for their quality of life.

Chair Hamilton understands that the university is trying to do the right thing and thinks its growth is phenomenal. She has a problem with nesting 32 students in an area that has single-family homes all around it that are not owned by VUL. This is a lot of impact. Mr. Dunn feels that the homes will be well built. In the future, they may be converted to brick but initially they wanted them to be vinyl sided to blend into the neighborhood. Mr. Nixon pointed out that there are no neighbors here to complain about this project and no one has called him or the City to express any concerns. He believes VUL has the right vision and is going in the right direction.

Mr. Dunn pointed out that there will be two 24-hour security guards on the campus and these sites and there will be security cameras on the exterior of these buildings, stairwells and hallways as well. VUL is very conscious of being a good neighbor.

Commissioner Sale stated that density is his biggest concern as well but other universities have similar living conditions. He also feels that the master plan will be forthcoming soon. He stated that he will vote for this petition but he will not vote for anything else brought forward by the university until there is a master plan presented. Mr. Dunn stated that they are trying to gather information from all the professionals involved and to construct a master plan that addresses everyone's needs. They do not want to do one in haste that has left out something important. Commissioner Sale's point is that these two dorms are needed for the university as it currently is but the master plan needs to be presented in the next two to three months.

Commissioner Hannon noted that they are being asked to approve 10,000 square feet of building for 64 students. Before he could vote for it, he needs to see how the dorms would be integrated into the master plan. It is right on the cusp of being a size that is manageable, but for him, it goes just over it.

Chair Hamilton asked if the petitioners if they would like to delay the vote and table this petition, but the petitioners declined.

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

"That the Planning Commission recommends to City Council approval of the petition of the Virginia University of Lynchburg to amend the *Future Land Use Map* for 2057 and 2059 Campbell Avenue from Employment 2 to Traditional Residential use."

The motion failed by following vote:

AYES:	Sale and Swienton	2
NOES:	Barnes, Hamilton and Hannon	3
ABSTENTIONS:		0
ABSENT:	Coleman and Hooper	2

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

That the Planning Commission recommends to City Council approval of the petition of the Virginia University of Lynchburg to rezone approximately two hundred eleven thousandths (0.211) of an acre located at 2057 and 2059 Campbell Avenue, plus an adjoining forty-five thousandths (0.045) of an acre of right-of-way (Kelly Street) from I-2, Light Industrial District to R-3C, Medium Density Two-Family Residential District.

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1. The property shall be used in substantial compliance with the Concept Plans dated March 26, 2012, by the Virginia University of Lynchburg.

2. Students that are housed within the two (2) dormitories will not be permitted to have a vehicle on campus.
3. The dormitory will have non-directional and glare shielded lighting to prevent illumination across the property lines.

4. The petition is subject to the right-of-way vacation for the unimproved portion of Kelly Street adjacent to the property.

5. The petitioner will provide a sidewalk connection from the rear of the property at 2059 Campbell Avenue near the intersection of Kelly Street and the alley to the sidewalk terminus at Kelly Street and Garfield Avenue."

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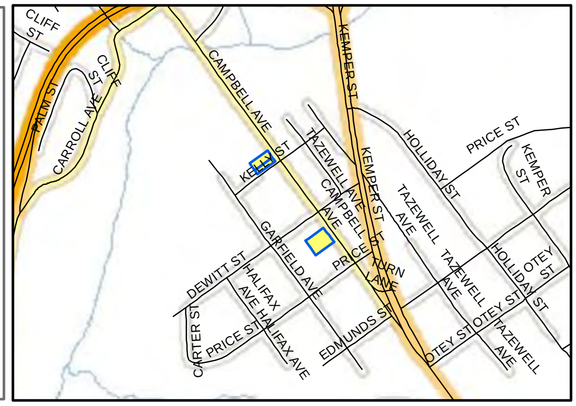
VIRGINIA UNIVERSITY OF LYNCHBURG
REZONING FROM I-2 TO R-3C AND CONDITIONAL USE PERMITS
2057, 2059 AND 2221 CAMPBELL AVENUE
Vicinity Zoning Pattern Map

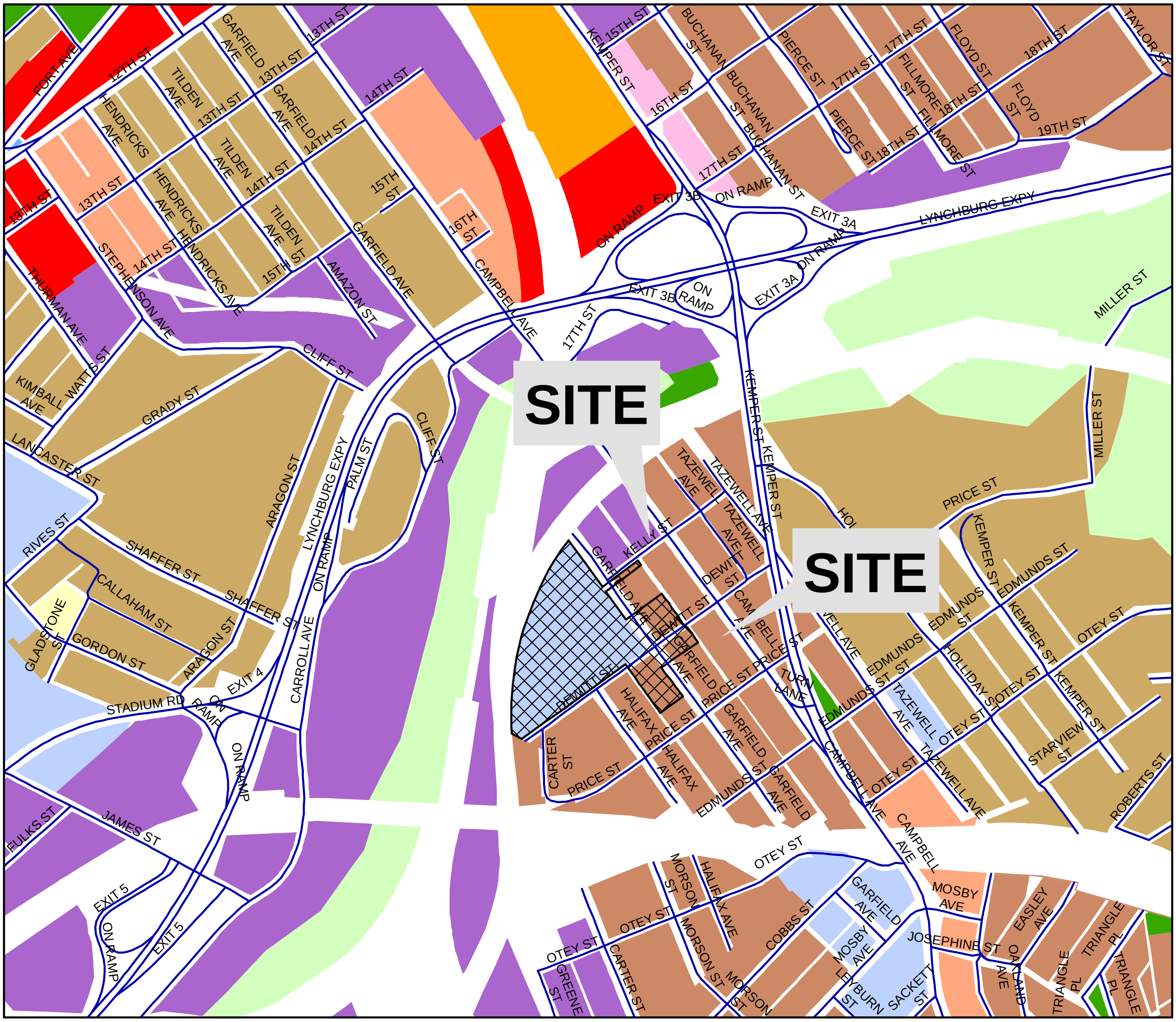
Subject Properties

200 Foot Buffer



PIN	Owner	Local Address
05008006	ALROY M ANDERSON	2025 TAZEWELL AVE
05011009	ANN VANDEGRAAF	2238 GARFIELD AVE
05010004	ANNETTE & LLOYD DIXON	2121 CAMPBELL AVE
05010003	ANNETTE & LLOYD DIXON	2129 CAMPBELL AVE
05010012	BETTIE L JONES	2050 GARFIELD AVE
05009017	BORN AGAIN CHRISTIAN CONSTRUCTION COMPANY	2022 GARFIELD AVE
05009018	BORN AGAIN CHRISTIAN CONSTRUCTION COMPANY	2020 GARFIELD AVE
05008013	BORN AGAIN CHRISTIAN CONSTRUCTION COMPANY	2028 CAMPBELL AVE
05006004	CARL & REGINA DAVIS	2219 KEMPER ST
05006014	CARL & REGINIA DAVIS	2208 CAMPBELL AVE
05008010	CARLTON BROWN	2044 CAMPBELL AVE
05010014	CHARLES M L MANGUM	2046 GARFIELD AVE
05010007	CHARLIE A ELLIOTT C/O JACQUELINE EARLY	2157 CAMPBELL AVE
05006005	CITY OF LYNCHBURG C/O STEVE LAWSON	2223 KEMPER ST
05006003	CITY OF LYNCHBURG C/O STEVE LAWSON	2215 KEMPER ST
05006002	CITY OF LYNCHBURG C/O STEVE LAWSON	2211 KEMPER ST
05011008	CLARENCE B & DAISIE G FERGUSON	2252 GARFIELD AVE
05007011	CONSTANCE L KEITH	2160 CAMPBELL AVE
05010001	EDMONIA C CARTER C/O M B FRAZIER	2101 CAMPBELL AVE
05006011	EDWARD L & LOIS A TAYLOR C/O FORT HILL TV SALES AND SERVICES	2248 CAMPBELL AVE
05006009	FRANKLIN D NASH JR	2264 CAMPBELL AVE
05006010	FRANKLIN D NASH JR	2252 CAMPBELL AVE
05007014	GARRY R DAVIS	2130 CAMPBELL AVE
05007015	GARRY R DAVIS	2128 CAMPBELL AVE
05009005	GARRY R DAVIS	2047 CAMPBELL AVE
05012017	GOLDEN T DARBY	2307 CAMPBELL AVE
05016003	IRVEN LEE HIGGINBOTHAM	2255 GARFIELD AVE
05016002	IRVEN LEE HIGGINBOTHAM	2253 GARFIELD AVE
05006016	IRVIN & MARION JONES	2200 CAMPBELL AVE
05006001	IRVIN & MARION JONES	2000 DEWITT ST
05006015	JAMES & LUDIE GOODE	2204 CAMPBELL AVE
05005017	JESSIE V KRAJEWSKI	2308 CAMPBELL AVE
05011015	JOHN A & BETTY A BURFORD	2229 CAMPBELL AVE
05007001	KATHY JONES	2105 TAZEWELL AVE
05007017	KATIE J B &CAROLINE STONE C/O M BRADLEY	2116 CAMPBELL AVE
05007016	KATIE J STONE C/O M BRADLEY	2126 CAMPBELL AVE
05008005	LARRY L WILLIAMS	2045 TAZEWELL AVE
05011003	LOIS D PANNELL LIFE	2245 CAMPBELL AVE
05011001	MABEL E SAUNDERS	2201 CAMPBELL AVE
05009011	MAGALINE J LAWHORNE	2034 GARFIELD AVE
05009001	MARGARET LAWHORN	2021 CAMPBELL AVE
05009004	MARGARET R LAWHORNE	2023 CAMPBELL AVE
05011010	MARTHA J PEERMAN	2222 GARFIELD AVE
05009016	MARY M MCCARRON	2024 GARFIELD AVE
05011005	NEW LIFE CHURCH OF JESUS	2259 CAMPBELL AVE

05011007	NEW LIFE CHURCH OF JESUS TRS	2260 GARFIELD AVE
05011006	NEW LIFE CHURCH OF JESUS TRS	2261 CAMPBELL AVE
05011004	NEW LIFE GOSPEL ASSEMBLY	2251 CAMPBELL AVE
05012001	NEW LIFE GOSPEL ASSEMBLY CHURCH TR	2301 CAMPBELL AVE
05008004	PERIGEE LLC	2043 TAZEWELL AVE
05006012	REBEKAH WARD	2212 CAMPBELL AVE
05009009	RICHARD L BAILEY REVOCABLE LIV TR	2040 GARFIELD AVE
05009010	RICHARD L BAILEY REVOCABLE LIV TR	2038 GARFIELD AVE
05008009	ROBIN FORD	2048 CAMPBELL AVE
05008007	ROBIN FORD	2060 CAMPBELL AVE
05011012	RONALD L & DEIRDRE H BANKS	2220 GARFIELD AVE
05007018	SANDRA D SCOTT	2108 CAMPBELL AVE
05007021	SANDRA D SCOTT	2106 CAMPBELL AVE
05010011	SHIRLEY M & LEE ROY LUTHER JR	2052 GARFIELD AVE
05018002	SOUTHERN RAILWAY	1725 CAMPBELL AVE
05007013	TERRENCE E DOWNES	2140 CAMPBELL AVE
05008011	TONY L BROWN	2036 CAMPBELL AVE
05008012	VICTOR E SOUTHERLAND	2032 CAMPBELL AVE
05010008	VIRGINIA SEMINARY	2062 GARFIELD AVE
05016001	VIRGINIA SEMINARY	2251 GARFIELD AVE
05011014	VIRGINIA SEMINARY	2202 GARFIELD AVE
05010009	VIRGINIA SEMINARY	2058 GARFIELD AVE
05010015	VIRGINIA SEMINARY	2044 GARFIELD AVE
05017001	VIRGINIA SEMINARY	2057 GARFIELD AVE
05011013	VIRGINIA SEMINARY & COLLEGE	2204 GARFIELD AVE
05010006	VIRGINIA UNIVERSITY OF LYNCHBURG	2147 CAMPBELL AVE
05009008	VIRGINIA UNIVERSITY OF LYNCHBURG	2059 CAMPBELL AVE
05009007	VIRGINIA UNIVERSITY OF LYNCHBURG	2057 CAMPBELL AVE
05011002	VIRGINIA UNIVERSITY OF LYNCHBURG INC	2221 CAMPBELL AVE
05010010	VIRGINIA UNIVERSITY OF LYNCHBURG INC	2054 GARFIELD AVE
05010005	VIRGINIA UNIVERSITY OF LYNCHBURG INC	2125 CAMPBELL AVE
05007012	WILLIAM C & WINIFRED M JONES	2150 CAMPBELL AVE
05010002	WILLIAM C CARTER ESTATE C/O M B FRAZIER	2107 CAMPBELL AVE
05009012	WILLIAM H & KATHERYNE HARRIS	2032 GARFIELD AVE
05012016	WILLIAM M THOMAS EST C/O WILLIAM M THOMAS JR	2304 GARFIELD AVE



- 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

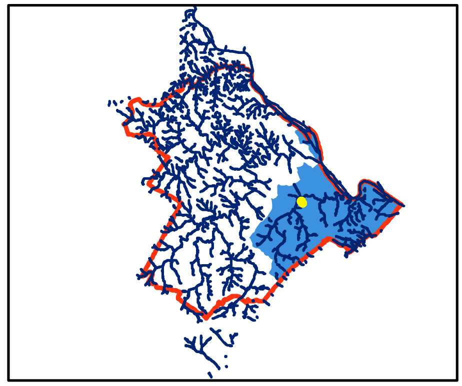
LAND USE MAP
VIRGINIA UNIVERSITY OF LYNCHBURG
2057, 2059 AND 2221 CAMPBELL AVENUE
REZONING FROM I-2 TO R-3C
AND CONDITIONAL USE PERMITS

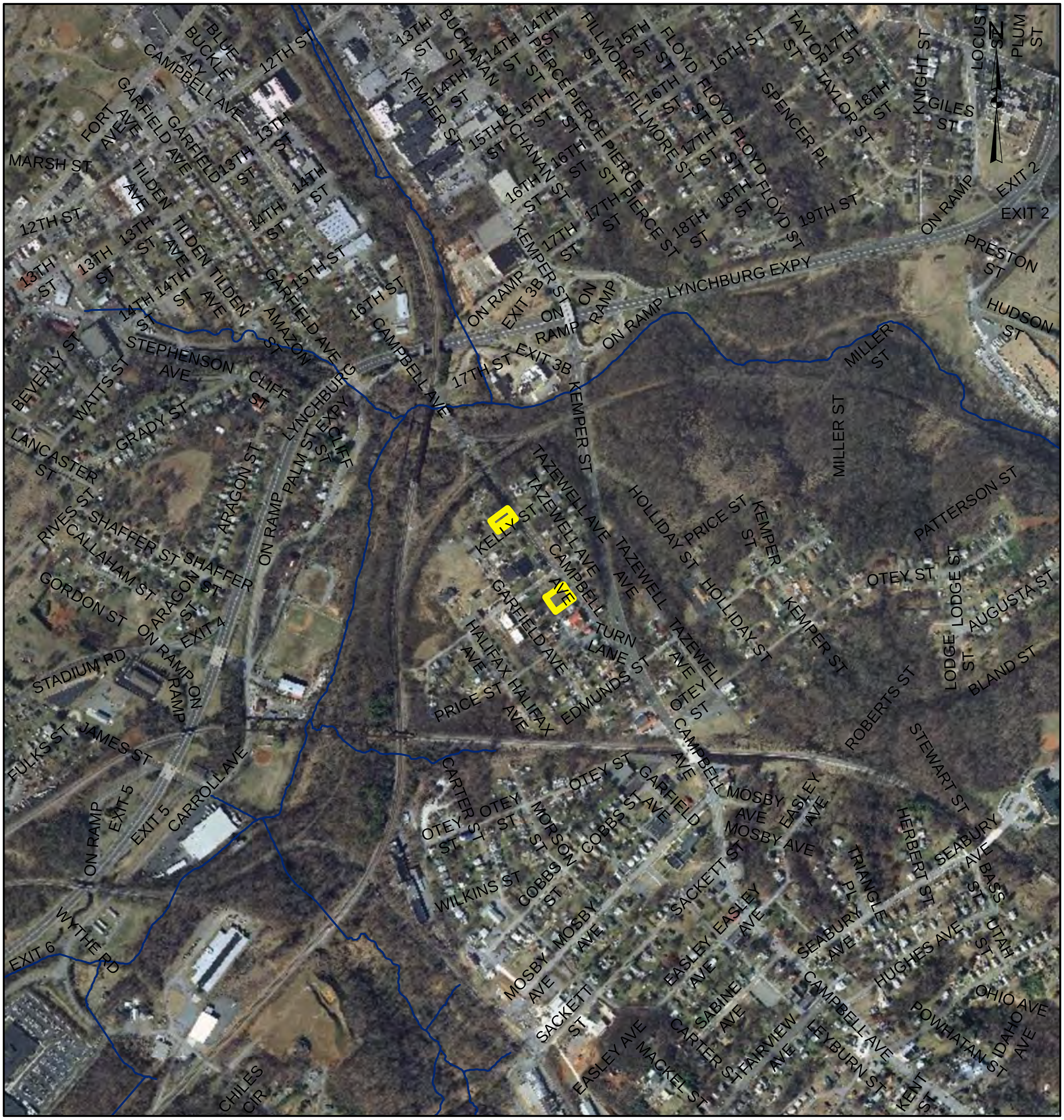
N

VIRGINIA UNIVERSITY OF LYNCHBURG
REZONING FROM I-2 TO R-3C
AND CONDITIONAL USE PERMIT
2057, 2059 AND 2221 CAMPBELL AVENUE

Watershed Location Map

- Project Site
- Ivy Creek
- Corporate Limit





Virginia University of Lynchburg, LLC

NARRATIVE

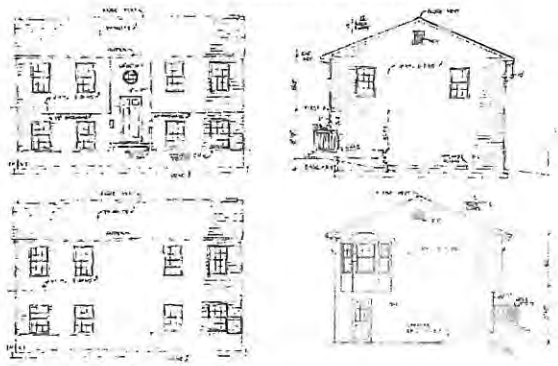
The purpose of this project is to build a 4,340 sq.ft. dormitory at 2221 Campbell Avenue that will house 32 students for the Virginia University of Lynchburg. The exterior of the dormitory will have a single family residential appearance that will make it consistent with the existing conditions of the adjoining properties. The dormitory will not have an interior Kitchen area.This building will have a sprinkler system.

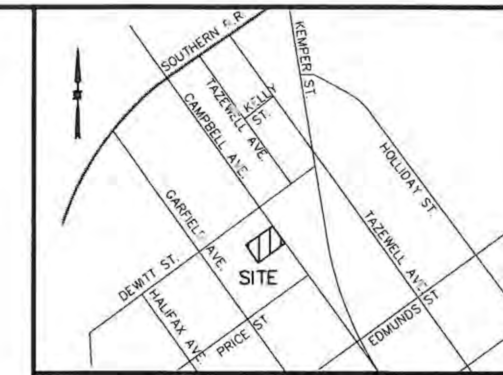
There will be no provided parking for this dormitory. Students that are housed in this dormitory will not be permitted to have a vehicle on campus. Transportation will be provided by shuttle and by GLTC (Greater Lynchburg Transit Company). There is an existing pedestrian accessed sidewalk currently serving this property along Campbell Avenue. Visitor parking will be provided on the main campus at Humbles Hall.

The Dormitory will have non-directional and glare shielded exterior security lighting. security cameras will also be installed throughout the dormitory.

VIRGINIA UNIVERSITY OF LYNCHBURG
SIBI AUXILIUM ET LIBERTAS
1886

PROPOSED BUILDING ELEVATIONS





VICINITY MAP N.T.S.

WATER & SEWER:

CITY OF LYNCHBURG
UTILITY DEPARTMENT
525 TAYLOR STREET
LYNCHBURG, VA. 24501
(434) 455-4271

TELEPHONE:

VERIZON WIRELESS, INC.
ENGINEERING DEPARTMENT
553 LEESVILLE ROAD
LYNCHBURG, VA. 24502
(434) 237-9522
REPAIR: 1-888-663-0363

ELECTRICITY:

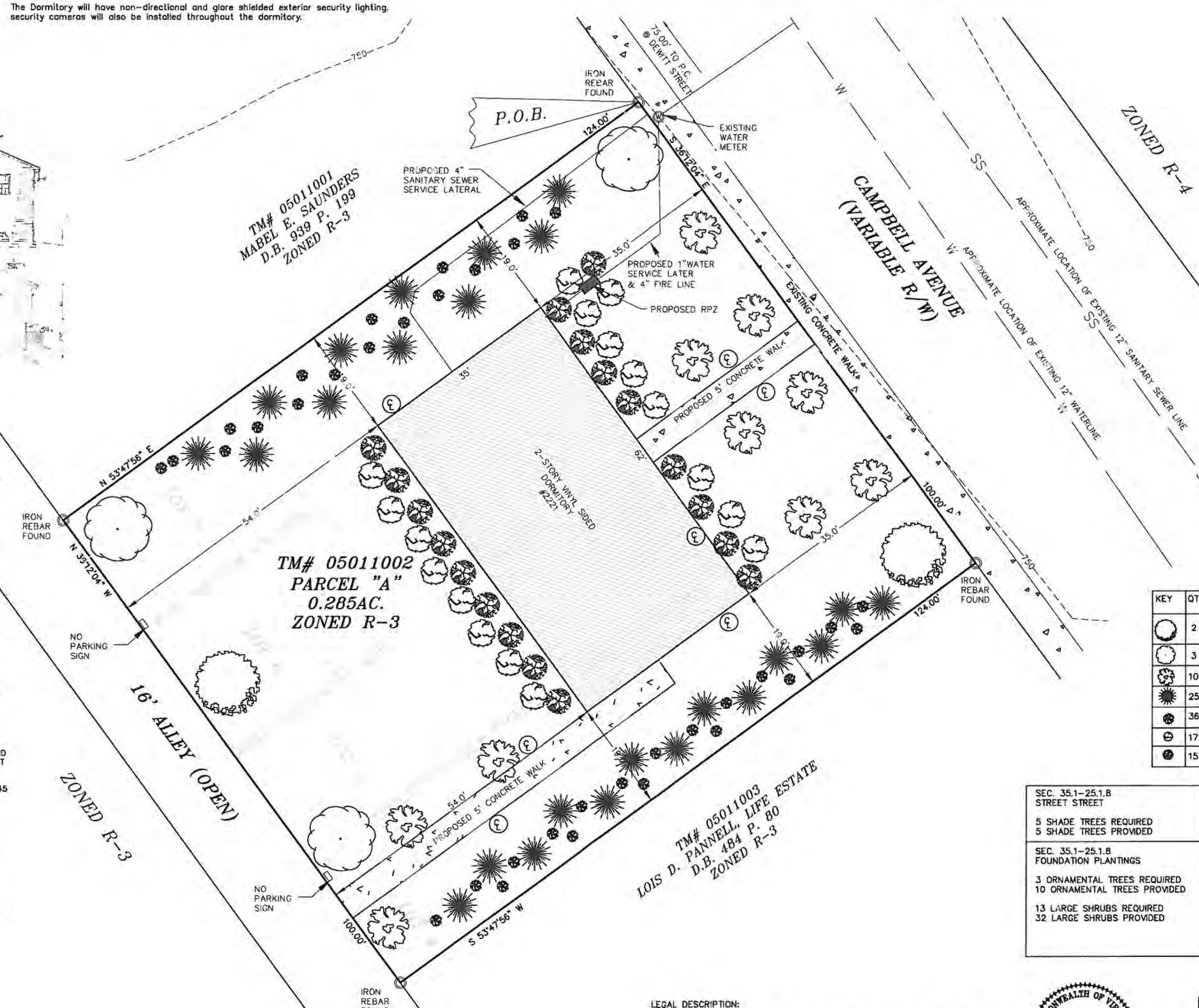
AMERICAN ELECTRIC POWER
4001 MAYFLOWER DRIVE
LYNCHBURG, VA. 24501
(434) 522-4281

GAS:

COLUMBIA GAS OF VIRGINIA
CUSTOMER SERVICE
RICHMOND, VA. 23236
1-888-460-4332

CABLE:

COMCAST DIGITAL CABLE
2820 LINKHORNE DRIVE
LYNCHBURG, VA. 24503
1-888-266-2278



LEGEND:

P.C. = PROPERTY CORNER
R/W = RIGHT-OF-WAY
℄ = CLEARING LIMITS
P.O.B. = POINT OF BEGINNING
RPZ = PRESSURE REDUCING ZONE

GENERAL NOTES:

1.) THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.

2.) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

3.) THE AREA SHOWN IS LOCATED IN ZONE 'X' AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 5100930044D DATED JUNE 3, 2008 BY F.E.M.A.

4.) TOTAL AREA FOR CONDITIONAL USE PERMITS IS = 0.285AC.

5.) SUBJECT PROPERTY CURRENTLY ZONED R-3.

6.) A CONDITIONAL USE PERMIT IS BEING REQUESTED TO BUILD A DORMITORY TO SERVICE THE VIRGINIA UNIVERSITY OF LYNCHBURG FOR STUDENT HOUSING.

7.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.

8.) LANDSCAPING SHALL BE INSTALLED PER CITY OF LYNCHBURG ORDINANCE.

9.) THE EXISTING INTERIOR LOT LINES OF LOTS 4, 5, 6 & 7, BLOCK 20 WILL BE VACATED AND BECOME AN INTEGRAL PART THEREOF. THE TOTAL COMBINED AREA TO CREATE PARCEL "A" WILL BE 0.285 ACRES.

10.) CONTOURS SHOWN WERE TAKEN FROM CITY OF LYNCHBURG GIS DATA.

11.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDIANCE. ALL ABOVE GROUND UTILITIES SUCH A HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.

STORM WATER MANAGEMENT AND WATER QUALITY NOTES:

1. THIS SITE WILL HAVE MINIMAL LAND DISTURBANCE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES MUST FOLLOW THE MOST CURRENT EROSION AND SEDIMENTATION CONTROL HANDBOOK MEASURES.

2. THE PROPOSED NEW IMPERVIOUS AREA FOR THIS PROPERTY IS 2,645 SQUARE FEET. PER CITY CODE 16.2-20 STORMWATER QUALITY AND QUANTITY WILL BE ADDRESSED BY LANDSCAPING PER CODE.

WATER AND SEWER NOTES:

1. THIS PROPERTY WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SEWER CONNECTIONS.

PROPOSED USES FOR PROPERTY:

1. OWNER/DEVELOPER INTENDS TO USE THIS PROPERTY AS A DORMITORY TO HOUSE 32 STUDENTS FOR THE VIRGINIA UNIVERSITY OF LYNCHBURG.

2. TRASH COLLECTION WILL BE DONE BY A TRASH COLLECTION COMPANY.

PLANT LIST

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
	2	RED MAPLE	ACER RUBRUM	1-1/2" CAL	4'	WELL BRANCHED
	3	SUGAR MAPLE	ACER SACCHARUM	1-1/2" CAL	4'	WELL BRANCHED
	10	FLOWERING CHERRY	PRUNUS SERRULATA 'SHIRFUGEN'	1-1/2"CAL	4'	WELL BRANCHED
	25	THUJA 'GREEN GIANT'	ARBORVITAE CUPRESSACEAE	1-1/2"CAL	4'	WELL BRANCHED
	36	GOLD GLOBE ARBORVITAE	THUJA OCCIDENTALIS 'AUREA'	N/A	3'	FULL PLANT
	17	JAPENSE HOLLY	ILEX CRENATA	N/A	3'	FULL PLANT
	15	WINTER RED HOLLY	ILEX VERTICILLATA	N/A	3'	FULL PLANT

SEC. 35.1-25.1.8
STREET STREET

5 SHADE TREES REQUIRED
5 SHADE TREES PROVIDED

SEC. 35.1-25.1.8
FOUNDATION PLANTINGS

3 ORNAMENTAL TREES REQUIRED
10 ORNAMENTAL TREES PROVIDED

13 LARGE SHRUBS REQUIRED
32 LARGE SHRUBS PROVIDED

SEC. 35.1-25.1.11
BUFFERING

25 EVERGREEN TREES REQUIRED
25 EVERGREEN TREES PROVIDED

36 MEDIUM EVERGREEN SHRUBS REQUIRED
36 MEDIUM EVERGREEN SHRUBS PROVIDED

SEC. 16.2-20
WATER QUALITY & QUANTITY

56 LARGE SHRUBS REQUIRED
32 LARGE SHRUBS PROVIDED
36 MEDIUM SHRUBS PROVIDED

10 ORNAMENTAL TREES REQUIRED
10 ORNAMENTAL TREES PROVIDED

SEC. 35.1-25.1.10
UTILITY SCREENING

AROUND RPZ AND PROPOSED LOCATION OF HVAC UNIT

10 5 0 10 20
GRAPHIC SCALE IN FEET

SOURCE OF TITLE:
TAX MAP NO. 05011002
VIRGINIA UNIVERSITY OF LYNCHBURG, LLC
INSTR.NO. 100001851

LEGAL DESCRIPTION:

Beginning at the northwest right of way line of Campbell Avenue 75.00' to the property corner of Dewitt Street; Thence along the right of way line of Campbell Avenue S36°12'04"E 100.00' to and iron rebar found; Thence S53°47'56"W 124.00' to an iron rebar found; Thence N36°12'04"W 100.00' to an iron rebar found; Thence N53°47'56"E 124.00' to an iron rebar found at the point of beginning.

COMMONWEALTH OF VIRGINIA
RUSSELL E. NIXON
Lic. No. 2588
03/26/12
LAND SURVEYOR

SURVEYED FOR: VIRGINIA UNIVERSITY OF LYNCHBURG, LLC

Nixon Land Surveying, L.L.C.
1003C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-5600
Fax: (434) 237-0600
Email: ren@nixonlsec.com
www.nixonlandsurveying.com
DO NOT MOVE AN ANCIENT BOUNDARY STONE OR ENCROACH ON THE FIELDS OF THE FATHERLESS. PROVERBS 23:10 (NIV)

SITE PLAN FOR CONDITIONAL USE PERMIT
PROPOSED DORMITORIES
PARCEL "A" RECONFIGURED LOTS 4-7, BLOCK 20
South Lynchburg Company
2221 CAMPBELL COUNTY, VIRGINIA
CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2012032		REVISED:03/26/12
SCALE: 1"=10'	DR. BY: VPB	DATE: 03/01/12
SHEET: 1 OF 1	CHK. BY: REN	DRW. NME. SITEPLN

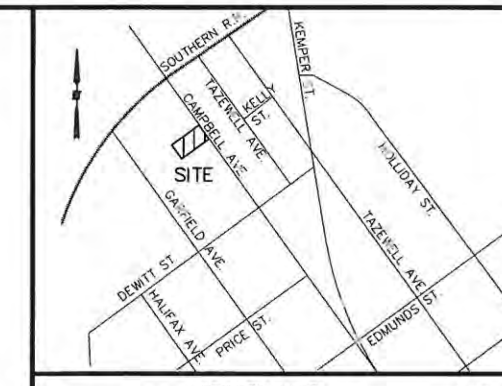
Virginia University of Lynchburg, LLC

NARRATIVE

The purpose of this project is to build a 4,340 sq.ft dormitory at 2057 and 2059 (which said property will retain the address 2057 and nullify the address of 2059) Campbell Avenue that will house 32 students for the Virginia University of Lynchburg. The exterior of the dormitory will have a single family residential appearance that will make it consistent with the existing conditions of the adjoining properties. The dormitory will not have an interior Kitchen area. This building will have a sprinkler system.

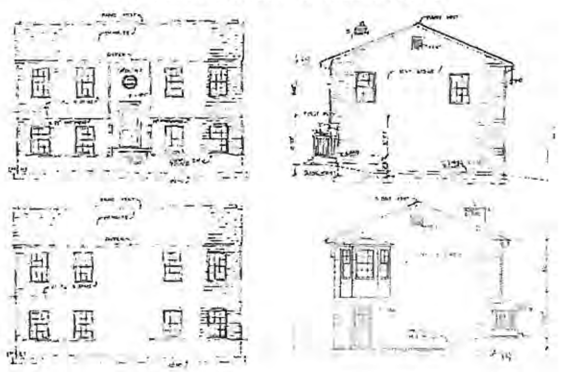
There will be no provided parking for this dormitory. Students that are housed in this dormitory will not be permitted to have a vehicle on campus. Transportation will be provided by shuttle and by GLTC (Greater Lynchburg Transit Company). There is an existing pedestrian accessed sidewalk currently serving this property along Campbell Avenue. Visitor parking will be provided on the main campus at Humbles Hall.

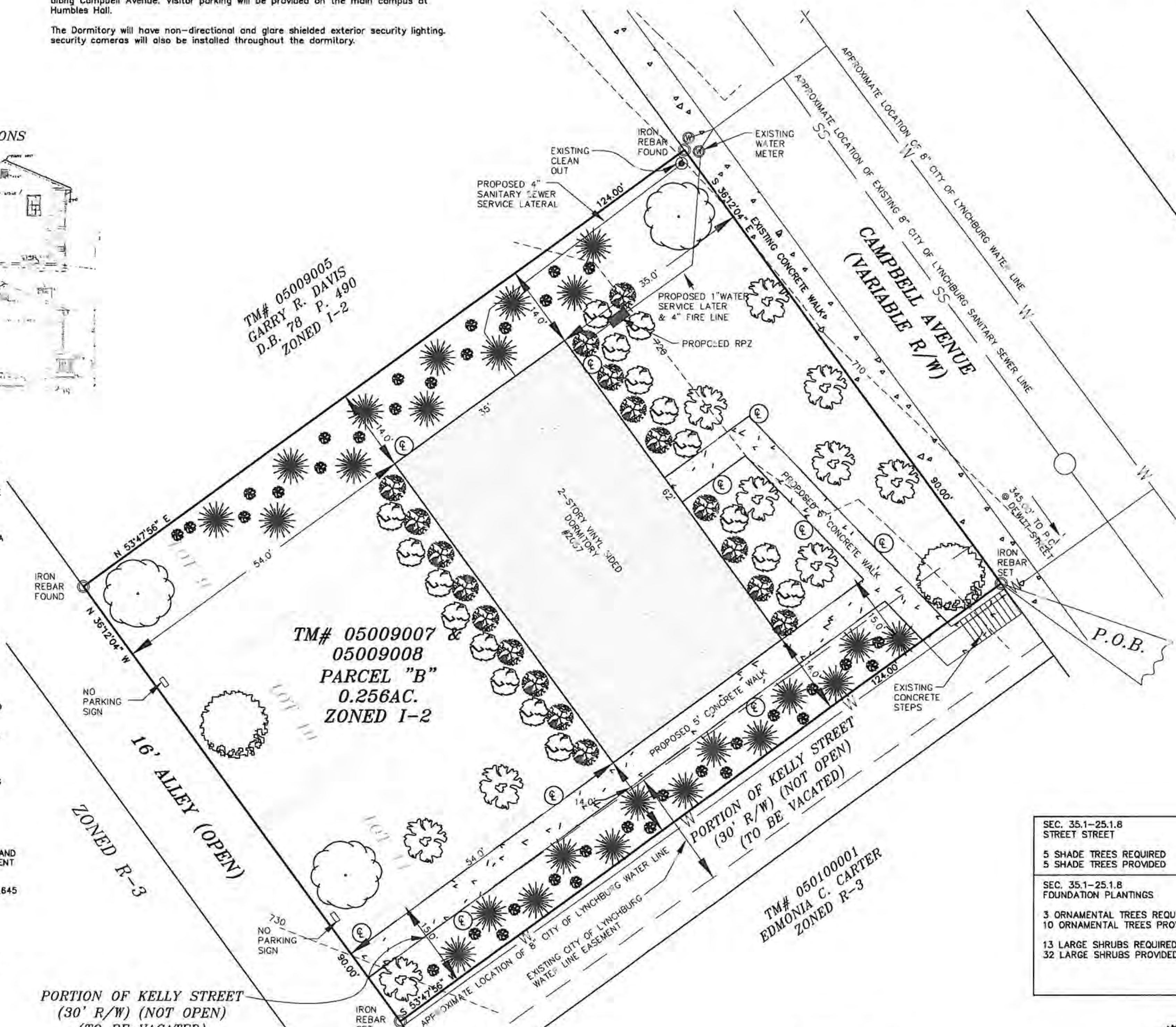
The Dormitory will have non-directional and glare shielded exterior security lighting. security cameras will also be installed throughout the dormitory.



VICINITY MAP N.T.S.

PROPOSED BUILDING ELEVATIONS





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P.C. = PROPERTY CORNER
R/W = RIGHT-OF-WAY
℄ = CLEARING LIMITS
P.O.B. = POINT OF BEGINNING
RPZ = PRESSURE REDUCING ZONE

WATER & SEWER:

CITY OF LYNCHBURG
UTILITY DEPARTMENT
525 TAYLOR STREET
LYNCHBURG, VA. 24501
(434) 455-4271

TELEPHONE:

VERIZON WIRELESS, INC.
ENGINEERING DEPARTMENT
553 LEESVILLE ROAD
LYNCHBURG, VA. 24502
(434) 237-9522
REPAIR: 1-888-663-0363

ELECTRICTY:

AMERICAN ELECTRIC POWER
4001 MAYFLOWER DRIVE
LYNCHBURG, VA. 24501
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GAS:

COLUMBIA GAS OF VIRGINIA
CUSTOMER SERVICE
RICHMOND, VA. 23236
1-888-460-4332

CABLE:

COMCAST DIGITAL CABLE
2820 LINKHORNE DRIVE
LYNCHBURG, VA. 24503
1-888-266-2278

PLANT LIST

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
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	3	SUGAR MAPLE	ACER SACCHARUM	1-1/2" CAL	4'	WELL BRANCHED
	10	FLOWERING CHERRY	PRUNUS SERRULATA 'SHIRFUGEN'	1-1/2"CAL	4'	WELL BRANCHED
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	17	JAPENSE HOLLY	ILEX CRENATA	N/A	3'	FULL PLANT
	15	WINTER RED HOLLY	ILEX VERTICILLATA	N/A	3'	FULL PLANT

GENERAL NOTES:

1.) THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.

2.) THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

3.) THE AREA SHOWN IS LOCATED IN ZONE 'X' AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 5100930044D DATED JUNE 3, 2008 BY F.E.M.A.

4.) TOTAL AREA FOR CONDITIONAL USE PERMITS IS = 0.256AC.

5.) SUBJECT PROPERTY CURRENTLY ZONED I-2.

6.) A REZONING TO R- 3 AND A CONDITIONAL USE PERMIT IS BEING REQUESTED TO BUILD A DORMITORY TO SERVICE THE VIRGINIA UNIVERSITY OF LYNCHBURG FOR STUDENT HOUSING.

7.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.

8.) LANDSCAPING SHALL BE INSTALLED PER CITY OF LYNCHBURG ORDINANCE.

9.) THE EXISTING INTERIOR LOT LINES OF LOTS 9, 10 AND 11, BLOCK 18 AND A 15' PORTION OF KELLY STREET (NOT OPEN) TO BE VACATED AND
ADDED TOGETHER AND BECOME AN INTEGRAL PART THEREOF. THE TOTAL COMBINED AREA TO CREATE PARCEL "B" WILL BE 0.256 ACRES.

10.) CONTOURS SHOWN WERE TAKEN FROM CITY OF LYNCHBURG GIS DATA.

11.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDIANCE. ALL ABOVE GROUND UTILITIES SUCH A HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.

STORM WATER MANAGEMENT AND WATER QUALITY NOTES:

1. THIS SITE WILL HAVE MINIMAL LAND DISTURBANCE. ALL EROSION AND SEDIMENTATION CONTROL MEASURES MUST FOLLOW THE MOST CURRENT EROSION AND SEDIMENTATION CONTROL HANDBOOK MEASURES.

2. THE PROPOSED NEW IMPERVIOUS AREA FOR THIS PROPERTY IS 2,645 SQUARE FEET. PER CITY CODE 16.2-20 STORMWATER QUALITY AND QUANTITY WILL BE ADDRESSED BY LANDSCAPING PER CODE.

WATER AND SEWER NOTES:

1. THIS PROPERTY WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SEWER CONNECTIONS.

PROPOSED USES FOR PROPERTY:

1. THE CURRENT FUTURE LAND USE DESIGNATION FOR THIS PROPERTY IS EMPLOYMENT. A PROPOSED FUTURE LAND USE AMENDMENT TO CHANGE THIS PROPERTY TO A TRADITIONAL RESIDENTIAL FUTURE LAND USE IS PROPOSED.

2. OWNER/DEVELOPER INTENDS TO USE THIS PROPERTY AS A DORMITORY TO HOUSE 32 STUDENTS FOR THE VIRGINIA UNIVERSITY OF LYNCHBURG.

3. TRASH COLLECTION WILL BE DONE BY A TRASH COLLECTION COMPANY.

SOURCE OF TITLE:
TAX MAP NO. 05009007
VIRGINIA UNIVERSITY OF LYNCHBURG, LLC
INSTR.NO. 090008463

SOURCE OF TITLE:
TAX MAP NO. 05009008
THE VIRGINIA UNIVERSITY OF LYNCHBURG
INST.NO. 100001315

SEC. 35.1-25.1.8
STREET STREET

5 SHADE TREES REQUIRED
5 SHADE TREES PROVIDED

SEC. 35.1-25.1.8
FOUNDATION PLANTINGS

3 ORNAMENTAL TREES REQUIRED
10 ORNAMENTAL TREES PROVIDED

13 LARGE SHRUBS REQUIRED
32 LARGE SHRUBS PROVIDED

SEC. 35.1-25.1.11
BUFFERING

25 EVERGREEN TREES REQUIRED
25 EVERGREEN TREES PROVIDED

36 MEDIUM EVERGREEN SHRUBS REQUIRED
36 MEDIUM EVERGREEN SHRUBS PROVIDED

SEC. 16.2-20
WATER QUALITY & QUANTITY

56 LARGE SHRUBS REQUIRED
32 LARGE SHRUBS PROVIDED
36 MEDIUM SHRUBS PROVIDED

10 ORNAMENTAL TREES REQUIRED
10 ORNAMENTAL TREES PROVIDED

SEC. 35.1-25.1.10
UTILITY SCREENING

AROUND RPZ AND PROPOSED LOCATION OF HVAC UNIT

10 5 0 10 20
GRAPHIC SCALE IN FEET

LEGAL DESCRIPTION:

Beginning at the southeast right of way line of Campbell Avenue 345.00' to the property corner of Dewitt Street; Thence S53°47'56"W 124.00' to an iron rebar set; Thence N36°12'04"W 90.00' to an iron rebar found; Thence N53°47'56"E 124.00' to an iron rebar found; Thence along the right of way of Campbell Avenue S36°12'04"E 90.00' to the point of beginning.

COMMONWEALTH OF VIRGINIA
RUSSELL E. NIXON
Lic. No. 2588
03/26/12
LAND SURVEYOR

SURVEYED FOR: VIRGINIA UNIVERSITY OF LYNCHBURG, LLC

Nixon Land Surveying, L.L.C.
1063C Airport Road
Lynchburg, VA 24502
Phone: (434) 237-58
Fax: (434) 237-066
Email: ren@nixonlsec.com
www.nixonlandsurveying.com

DO NOT MOVE AN ANCIENT BOUNDARY STONE OR ENCROACH ON THE FIELDS OF THE FATHERLESS. PROVERBS 23:10 (NIV)

SITE PLAN FOR REZONING & CONDITIONAL USE PERMIT & F.L.U.M. AMENDMENT
PROPOSED DORMITORIES
PARCEL "B"
RECONFIGURED LOTS 9,10&11, BLOCK 18
& VACATED PORTION OF KELLY STREET
South Lynchburg Company
2057 & 2059 CAMPBELL COUNTY, VIRGINIA
CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2012033		REVISED: 03/26/12
SCALE: 1"=10'	DR. BY: VPB	DATE: 03/01/12
SHEET: 1 OF 1	CHK. BY: REN	DRW. NME. SITEPLN

Virginia University of Lynchburg

Rezoning and Conditional Use Permits – 2057, 2059 and 2221 Campbell Avenue

April 11, 2012

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
RUSSEll	1063 AIRPORT RD. Lynchburg VA 24502	237-3600	✓		
Nixon					
AT DUNN	MADison Heights		✓		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 16

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Right-of-Way Vacation – Kelly Street between 2059 and 2101 Campbell Avenue**

RECOMMENDATION: Vacate a portion of Kelly Street between 2059 and 2101 Campbell Avenue.

SUMMARY: The Virginia University of Lynchburg is petitioning to vacate a portion of unopened right-of-way of Kelly Street, which extends in a southwesterly direction one hundred twenty-four (124) feet from its intersection with Campbell Avenue. The portion of right-of-way proposed for vacation is a "paper street" fronting along 2059 Campbell Avenue (owned by Virginia University of Lynchburg) and 2101 Campbell Avenue. If the right-of-way is vacated, each parcel along this block of Kelly Street would extend its boundary to the centerline of Kelly Street. As of the date of this report, the adjoining owner at 2101 Campbell Avenue had not been contacted by the applicant to determine their level of support for the vacation of this portion of Kelly Street. The aforementioned properties would retain frontage along Campbell Avenue, as well as the sixteen (16)-foot wide alley to the rear of the properties. As a condition of the right-of-way vacation the City will retain an easement for the existing public water line on this portion of Kelly Street.

The vacation of Kelly Street would facilitate the development of 2057 and 2059 Campbell Avenue as a dormitory for Virginia University Lynchburg students. Separate petitions to rezone the subject properties and for a conditional use permit have been submitted for City Council's consideration.

PRIOR ACTION(S):

March 20, 2012: The Technical Review Committee (TRC) reviewed the petition and those comments have been incorporated into the proposed ordinance.

April 10, 2012: The Physical Development Committee (PDC) reviewed the petition and recommended that it be forwarded to City Council for action.

FISCAL IMPACT: None

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

ATTACHMENT(S):
- Ordinance
- Street Vacation Map
- Aerial Photo
- Property Photos
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF KELLY STREET BETWEEN 2059 CAMPBELL AVENUE AND 2101 CAMPBELL AVENUE.

WHEREAS, The Virginia University of Lynchburg is petitioning to vacate a portion of the right-of-way of Kelly Street located between 2059 Campbell Avenue and 2101 Campbell Avenue, which extends approximately one hundred twenty-four (124) feet;

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

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

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

The portion of right-of-way of Kelly Street located between 2059 Campbell Avenue and 2101 Campbell Avenue, which extends one hundred twenty-four (124) feet and terminates at each respective intersection with Campbell Avenue and sixteen (16) feet wide alley located along the southern boundary of the aforementioned properties.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain, and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and (2) the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Water Resources Division and the City Engineering Division.

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

Adopted:

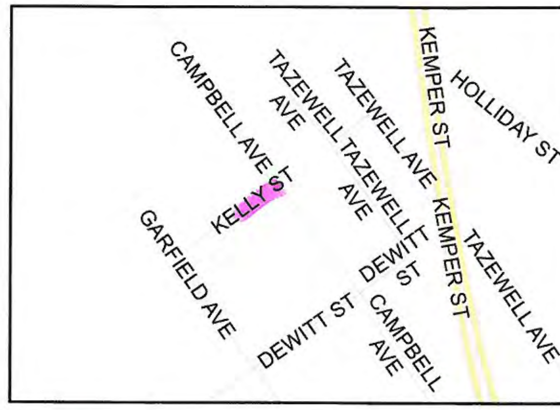
Certified: ______________________________
Clerk of Council

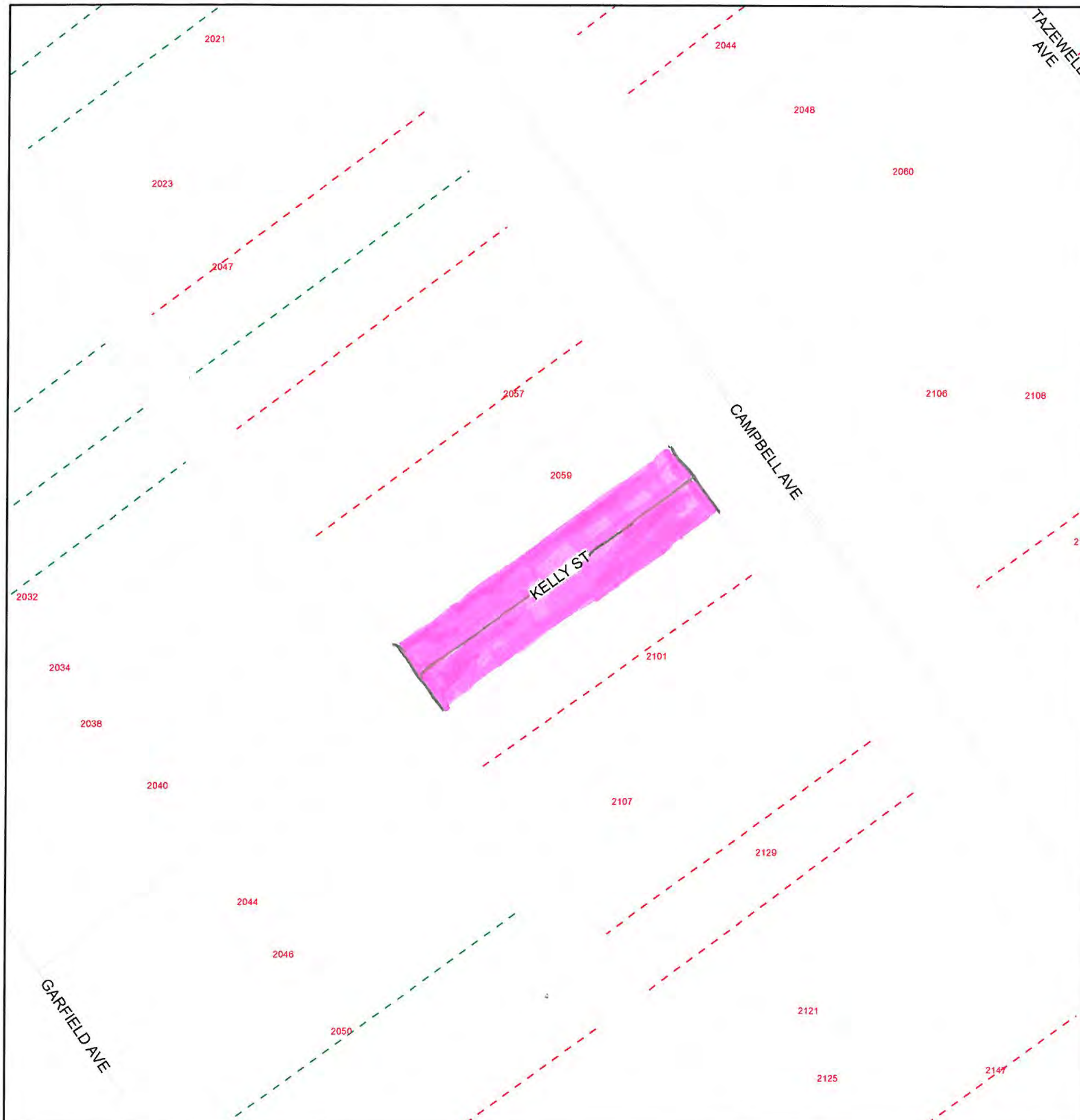
068L

Kelly Street Vacation

Right-of-Way Vacation

Area to be vacated



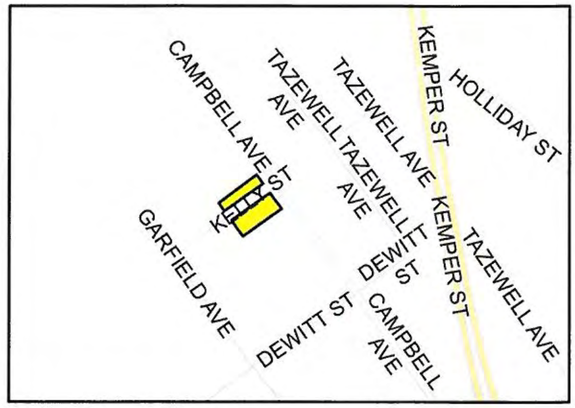


Kelly Street Vacation

Right-of-Way Vacation

Property

N
W E
S



TRC Report Date
3/27/2012

Project Number	**SUB1203-0005**
Project Name	**Kelly Street Vacation**
Site Address	2059 CAMPBELL AVE

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	No comments.
EngineeringAdm	Lee Newland	No comments.
EngineeringMapRoom	Debbie Stinson	Retain easement for existing public water line on this portion of Kelly Street.
Fire	Thomas Goode	No comments.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Kevin Henry	The adjoining property owner (2101 Campbell Ave.) must be contacted since the vacation of Kelly Street directly effects their property. The effect should be quite minimal, but the opinion of the adjoining owner should be known because if the right-of-way were to be vacated, their property would increase in size.
PWStreets	Dave Owen	No comments.
Traffic	Donald A DeBerry	No comments.
Utilities	Eric E Schrader	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

KELLY STREET

Street/Alley/Right-of-way

LOCATED BETWEEN

CAMPBELL AVENUE AND GARFIELD AVE

The undersigned applicant, VIRGINIA UNIVERSITY OF LYNCHBURG pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain Kelly STREET described as follows:

BEGINNING AT THE CORNER OF CAMPBELL AVENUE AND Kelly STREET ON THE SOUTH SIDE OF Campbell AVENUE; THENCE RUNNING S 53°47'56" W 124' TO A 16' ALLEY; THEN S 36°12'04" E 30' TO THE CORNER OF EDMONIA C. CARTER PROPERTY; THENCE N 53°47'56" E 124' TO THE CORNER AT CAMPBELL AVENUE THENCE N 36°12'04" W 30' TO THE BEGINNING.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on MAY 8th, 2012, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described Kelly STREET.

Given under my hand this 6 day of MARCH,

2012.

Russell E. [signature]
Applicant

1003 C AIRPORT RD
Lynchburg VA 24502
Address

237-3600
Telephone Number

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

REQUESTED TO BE VACATED

REQUESTED TO BE VACATED

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012**			AGENDA ITEM NO.: 17
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Right-of-Way Vacation – Portion of unopened Grayson Street between 1721 Monsview Place and 1851 Monsview Place and three (3) alleys**

RECOMMENDATION: Vacate a portion of unopened right of way and three (3) alleys.

SUMMARY: Rush Lifetime Homes is petitioning to vacate a portion of unopened right-of-way of Grayson Street, which extends in a southwesterly direction from Monsview Place toward Boston Avenue. This right-of-way begins on Monsview Place approximately four hundred seventy-six (476) feet from the intersection of Holly Street and Monsview Place and is two hundred fifty-two and ninety-seven hundredths (252.97) feet long. The following describes the three (3) unopened alleys: (1) an alley that travels southeast from Holly Street toward Poplar Street – this alley begins on Holly Street approximately four hundred fifty-five (455) feet from the intersection of Holly Street and Monsview Place and is three hundred sixty-nine and fifty-nine hundredths (369.59) feet long; (2) an alley that travels northwest from Poplar Street toward Holly Street – this alley begins on Poplar Street approximately one hundred sixty-eight (168) feet from the intersection of Poplar Street and Monsview Place and is ninety-nine and ninety-six hundredths (99.96) feet long; and, (3) an alley that travels southeast from Holly Street toward Poplar Street – this alley begins on Holly Street approximately one hundred seventy-five (175) feet from the intersection of Holly Street and Monsview Place and is three hundred twenty and ninety-four hundredths (320.94) feet long. The portions of right-of-way proposed for vacation are all “paper streets.” If the aforementioned portion of Grayson Street were to be vacated, each adjoining parcel (1721 Monsview Place and 1851 Monsview Place) would extend its boundary to the centerline of Grayson Street. The three (3) alleys would become part of the properties that completely surround them as shown on the attached preliminary subdivision plat.

The vacation of Grayson Street and three (3) alleys is sought in order to develop the property located at 1721 Monsview Place as a multi-family unit development. A separate rezoning petition has been submitted for City Council’s consideration.

PRIOR ACTION(S):

March 20, 2012: The Technical Review Committee (TRC) reviewed the petition and those comments have been incorporated into the proposed ordinance.

April 10, 2012: The Physical Development Committee (PDC) reviewed the petition and recommended that it be forwarded to City Council for action.

FISCAL IMPACT: None

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

ATTACHMENT(S):
- Ordinance
- Street Vacation Map
- Aerial Photo
- Property Photos
- Technical Review Committee Report
- Application for the Vacation of a Street/Alley/Right-of-Way

REVIEWED BY: lkp

ORDINANCE:

AN ORDINANCE VACATING A PORTION OF GRAYSON STREET BETWEEN 1721 MONSVIEW PLACE AND 1851 MONSVIEW PLACE AND THREE (3) UNOPENED ALLEYS INTERNAL TO 1721 MONSVIEW PLACE AND 1851 MONSVIEW PLACE.

WHEREAS, Rush Lifetime Homes is petitioning to vacate a portion of the right-of-way of Grayson Street located between 1721 Monsview Place and 1851 Monsview Place, which extends approximately two hundred fifty-two and ninety-seven hundredths (252.97) feet; three (3) unopened alleys: (1) an alley that travels southeast from Holly Street toward Poplar Street. This alley begins on Holly Street approximately four hundred fifty-five (455) feet from the intersection of Holly Street and Monsview Place and is three hundred sixty-nine and fifty-nine hundredths (369.59) feet long; (2) an alley that travels northwest from Poplar Street toward Holly Street. This alley begins on Poplar Street approximately one hundred sixty-eight (168) feet from the intersection of Poplar Street and Monsview Place and is ninety-nine and ninety-six hundredths (99.96) feet long; and, (3) an alley that travels southeast from Holly Street toward Poplar Street. This alley begins on Holly Street approximately one hundred seventy-five (175) feet from the intersection of Holly Street and Monsview Place and is three hundred twenty and ninety-four hundredths (320.94) feet long.

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

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right-of-way be, and the same hereby is, discontinued and vacated, namely:

THE PORTION OF RIGHT-OF-WAY OF GRAYSON STREET LOCATED BETWEEN 1721 MONSVIEW PLACE AND 1851 MONSVIEW PLACE, COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET AND THE SOUTHERLY RIGHT-OF-WAY OF MONSVIEW PLACE, THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF MONSVIEW PLACE SOUTH 28 DEGREES 23 MINUTES 46 SECONDS EAST 476.16 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY OF MONSVIEW PLACE SOUTH 28 DEGREES 23 MINUTES 46 SECONDS EAST 30.05 FEET TO A POINT; THENCE LEAVING THE SOUTHERLY RIGHT-OF-WAY OF MONSVIEW PLACE SOUTH 58 DEGREES 16 MINUTES 22 SECONDS WEST 239.30 FEET TO A POINT; THENCE NORTH 53 DEGREES 23 MINUTES 54 SECONDS WEST 32.28 FEET TO A POINT; THENCE NORTH 58 DEGREES 16 MINUTES 22 SECONDS EAST 252.97 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.169 ACRES (7384.1566 SQUARE FEET).

(1) AN ALLEY THAT TRAVELS SOUTHEAST FROM HOLLY STREET TOWARD THE STREET FORMERLY KNOWN AS POPLAR STREET, COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET AND THE NORTHERLY RIGHT-OF-WAY OF BOSTON AVENUE, THENCE ALONG THE EASTERLY RIGTH-OF-WAY OF HOLLY STREET NORTH 36 DEGREES 29 MINUTES 40 SECONDS EAST 125.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET NORTH 36 DEGREES 29 MINUTES 40 SECONDS EAST 16.00 FEET TO A POINT; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET SOUTH 53 DEGREES 23 MINUTES 54 SECONDS EAST 369.59 FEET TO A POINT; THENCE SOUTH 58 DEGREES 16 MINUTES 22 SECONDS WEST 17.22 FEET TO A POINT; THENCE NORTH 53 DEGREES 23 MINUTES 54 SECONDS WEST 363.20 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.135 ACRES (5862.3207 SQUARE FEET).

(2) AN ALLEY THAT TRAVELS NORTHWEST FROM POPLAR STREET TOWARD HOLLY STREET, COMMENCING AT A BREAK IN THE WESTERLY RIGHT-OF-WAY OF ASPEN STREET BETWEEN

BOSTON AVENUE AND MONSVIEW PLACE, THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF ASPEN STREET SOUTH 36 DEGREES 38 MINUTES 51 SECONDS WEST 1.73 FEET TO THE TRUE POINT OF BEGINNING; THENCE ALONG THE WESTERLY RIGHT-OF-WAY OF ASPEN STREET SOUTH 36 DEGREES 38 MINUTES 51 SECONDS WEST 16.00 FEET TO A POINT; THENCE LEAVING THE WESTERLY RIGHT-OF-WAY OF ASPEN STREET NORTH 53 DEGREES 23 MINUTES 54 SECONDS WEST 99.96 FEET TO A POINT; THENCE NORTH 58 DEGREES 31 MINUTES 06 SECONDS EAST 17.25 FEET TO A POINT; THENCE SOUTH 53 DEGREES 23 MINUTES 54 SECONDS EAST 93.54 FEET TO THE POINT OF BEGINNING AND CONTANING APPROXIMATELY 0.036 ACRES (1458.0420 SQUARE FEET).

(3) AN ALLEY THAT TRAVELS SOUTHEAST FROM HOLLY STREET TOWARD THE STREET FORMERLY KNOWN AS POPLAR STREET, COMMENCING AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET AND THE SOUTHERLY RIGHT-OF-WAY OF MONSVIEW PLACE, THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF MONSVIEW PLACE SOUTH 36 DEGREES 29 MINUTES 40 SECONDS WEST 165.65 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET SOUTH 28 DEGREES 23 MINUTES 46 SECONDS EAST 328.43 FEET TO A POINT; THENCE SOUTH 61 DEGREES 34 MINUTES 44 SECONDS WEST 16.00 FEET TO A POINT; THENCE NORTH 28 DEGREES 23 MINUTES 46 SECONDS WEST 320.94 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET; THENCE ALONG THE EASTERLY RIGHT-OF-WAY OF HOLLY STREET NORTH 36 DEGREES 29 MINUTES 40 SECONDS EAST 17.67 FEET TO THE POINT OF BEGINNING AND CONTAINING APPROXIMATELY 0.119 ACRES (5194.9517 SQUARE FEET).

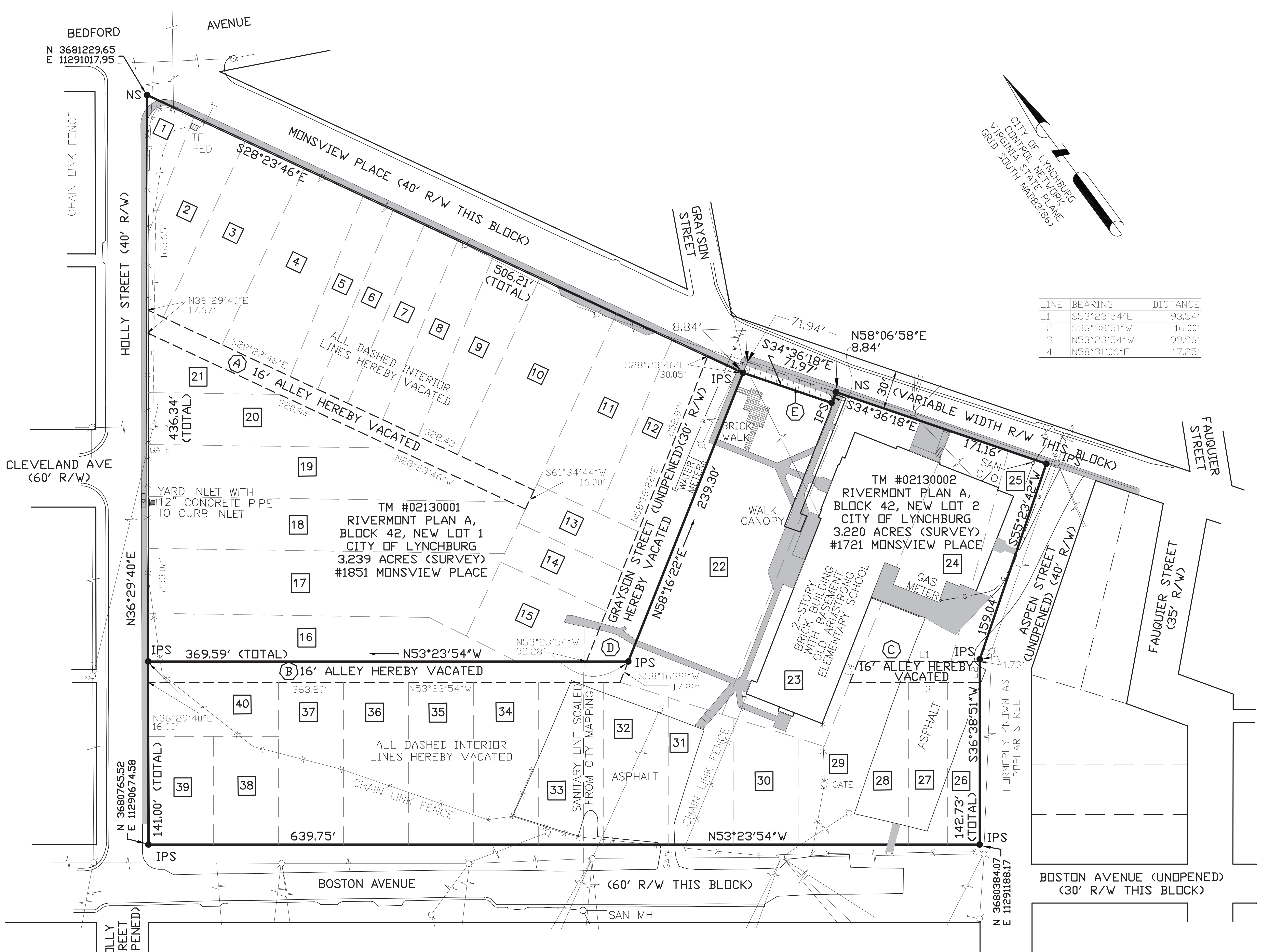
Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain, and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and (2) the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City’s right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager’s Office, City Water Resources Division and the City Engineering Division.

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

Adopted:

Certified: ______________________________
Clerk of Council

066L



LINE	BEARING	DISTANCE
L1	S53°23'54"E	93.54'
L2	S36°38'51"W	16.00'
L3	N53°23'54"W	99.96'
L4	N58°31'06"E	17.25'

SOURCE OF TITLE

1	DB 462 PG 222 DB 217 PG 4107 (PLAT)
2	DB 462 PG 440 DB 223 PG 473 (PLAT)
3	DB 462 PG 95
4	DB 462 PG 55
5-9	DB 462 PG 98 DB 307 PG 85 (PLAT)
10	DB 282 PG 442
11	DB 463 PG 214 DB 219 PG 406 (PLAT)
12	DB 463 PG 222/227 DB 369 PG 408 DB 219 PG 406 (PLAT)
13-14	DB 281 PG 19 DB 219 PG 406 (PLAT)
15	DB 321 PG 496 DB 219 PG 406 (PLAT)
16	DB 282 PG 366
17	DB 321 PG 33 DB 193 PG 138 (PLAT)
18-21	DB 281 PG 263 DB 193 PG 138 (PLAT)
22	DB 110 PG 46
23	DB 110 PG 45
24	DB 274 PG 254
25	DB 276 PG 447
26-28	DB 463 PG 663
29	DB 267 PG 259
30	DB 463 PG 150
31	DB 462 PG 247
32	DB 268 PG 353
33	DB 224 PG 409
34	DB 269 PG 83
35	DB 267 PG 635
36	DB 321 PG 378 DB 321 PG 380 (PLAT)
37	DB 322 PG 41 DB 321 PG 380 (PLAT)
38-39	DB 321 PG 378 DB 321 PG 380 (PLAT)
40	DB 325 PG 01 DB 292 PG 176 (PLAT) DB 321 PG 380 (PLAT)

LEGEND

- IPS 1/2" REBAR SET
- NS NAIL SET
- OVERHEAD UTILITY
- TELEPHONE POLE
- ELECTRIC POLE
- FENCE
- CONCRETE WALK/PAD
- # EXISTING PARCEL INDEX
- -W-W- WATER LINE
- -T-T- UNDERGROUND TELEPHONE
- -G-G- UNDERGROUND GAS

0 60 120 180

ALL DASHED INTERIOR LOT LINES FOR THE TWO(2) SUBJECT PROPERTIES ARE HEREBY VACATED.

COMMONWEALTH OF VIRGINIA
MICHAEL W. CASSIDY
Lic. No. 2396
LAND SURVEYOR
PRELIMINARY FOR CITY REVIEW ONLY

PIEDMONT SURVEYORS PLLC
3831 OLD FOREST ROAD - SUITE 6
LYNCHBURG, VA 24501
434-426-9510
WWW.PIEDMONTSURVEYORS.COM

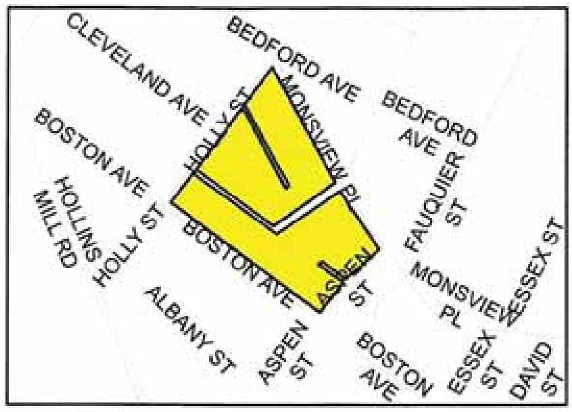
PROJECT NO. 2012-356
DRAWING NO. 2012-356-2
DATE 5/9/2012
SCALE 1" = 60'
SHEET 2 OF 2

PLAT SHOWING DIVISION FOR PROPERTY OF
CITY OF LYNCHBURG
OLD ARMSTRONG ELEMENTARY SCHOOL
MONSVIEW AVENUE
CITY OF LYNCHBURG, VIRGINIA

Armstrong School Street Vacations

Right-of-Way Vacation

Property




Grayson
STOP

TRC Report Date
3/27/2012

Project Number **SUB1203-0006**

Project Name **Street Vacation**

Site Address 1721 MONSVIEW PL

Review Type	Contact	Notes
AEP	Tom G Woodford	No comments.
Assessor	Steve Boyer	No comments.
EngineeringDesign	Lee Newland	No comments.
EngineeringMapRoom	Debbie Stinson	No comments.
Fire	Thomas Goode	Consider maintaining Fire Department access according to site design requirements for future expansion.
Neighbor Svcs	Rob Fowler	No comments.
Planning	Kevin Henry	No comments.
PWStreets	Dave Owen	No comments.
Traffic	Donald A DeBerry	No comments.
Utilities	Eric E Schrader	No comments.
Verizon	George Almond	No comments.

APPLICATION FOR THE VACATION OF A

Three (3) Alleys & One (1) Street Right-of-Way

Street/Alley/Right-of-way

LOCATED BETWEEN

Monsview Place and Boston Avenue

The undersigned applicant, Rush Lifetime Homes, pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain three (3) alleys and one (1) street right-of-way described as follows:

1. A 16 feet wide alley that travels south-east from Holly Street toward Poplar Street. This alley begins on Holly Street approximately 455 feet from the intersection of Holly Street and Monsview Place and is 362.97 feet long.
2. A 16 feet wide alley that travels north-west from Poplar Street toward Holly Street. This alley begins on Poplar Street approximately 168 feet from the intersection of Poplar Street and Monsview Place and is 99.96 feet long.
3. A 16 feet wide alley that travels south-east from Holly Street toward Poplar Street. This alley begins on Holly Street approximately 175 feet from the intersection of Holly Street and Monsview Place and is 321.26 feet long.

4. Grayson Street right-of-way that travels south-west from Monsview Place toward Boston Avenue. This right-of-way begins on Monsview Place approximately 476 feet from the intersection of Holly Street and Monsview Place and is 252.97 feet long.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on May 8, 2012, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described three (3) alleys and one (1) street right-of-way.

Given under my hand this 20th day of March, 2012.

Jeff Smith – Rush Lifetime Homes
Applicant

1022 Commerce Street, Ste. 3A

Lynchburg, VA 24505
Address

(434) 455-2120
Telephone Number

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

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012**			AGENDA ITEM NO.: 18
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Vacating approximately 0.129 acres of right of way located in front of 109 Jackson Street**

RECOMMENDATION:

After a public hearing, approve the attached resolution to vacate approximately 0.129 acres of right of way in front of the property owned by the city at 109 Jackson Street.

SUMMARY:

During a recent Yoder project some property line issues were discovered. The existing right of way line for Jackson Street is actually on the Yoder site where the playground and parking lot are located. Right of way has already been vacated on the adjacent parcel and the right of way line adjusted to the back edge of the existing sidewalk along Jackson Street. We would like to do the same in front of the Yoder site.

PRIOR ACTION(S):

Sent to TRC March 28, 2012
PDC meeting - April 10, 2012

FISCAL IMPACT: None

CONTACT(S):

Steve Lawson, Real Estate Manager – 455-3945
Lee Newland, City Engineer – 455-3947
David Owen, Director of Public Works – 455-4469

ATTACHMENT(S):

Resolution
Plat showing part of Jackson Street to be vacated

REVIEWED BY: lkp

ORDINANCE

An ORDINANCE TO VACATE 0.129 ACRE OF EXCESS RIGHT OF WAY

WHEREAS, the City recently discovered that a portion of the playground and parking lot for the Yoder Recreation Center are intruding into the Jackson Street right of way; and

WHEREAS, the area in question consists of 0.129 acre of unused, excess right of way that is located adjacent to 109 Jackson Street in the City of Lynchburg, Virginia; and

WHEREAS, the City is not currently using the 0.129 acre of excess right of way and has no plans to use such right of way in the future; finds that the City's continued ownership of the 0.129 acre of excess right of way is no longer necessary or required for the best interests of the City; and, finds that no public inconvenience will result from vacating the 0.129 acre of excess right of way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Sections 35-71 through 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

> Commencing at the intersection of the northerly right of way line of Second Street and the westerly right of way line of Jackson Street, thence following the westerly right of way line of Jackson Street N 35 degrees 00 minutes 28 seconds W, 234.40 feet to a point, thence continuing with the westerly right of way line of Jackson Street N 55 degrees 40 minutes 06 seconds E, 24.00 feet to a point, thence along a new line S 35 degrees 00 minutes 28 seconds E, 234.40 feet to a point, thence S 55 degrees 40 minutes 06 seconds W, 24.00 feet to the point of beginning which is the intersection of the northerly right of way line of Second Street and the westerly right of way line of Jackson Street. This parcel contains approximately 0.129 acre.

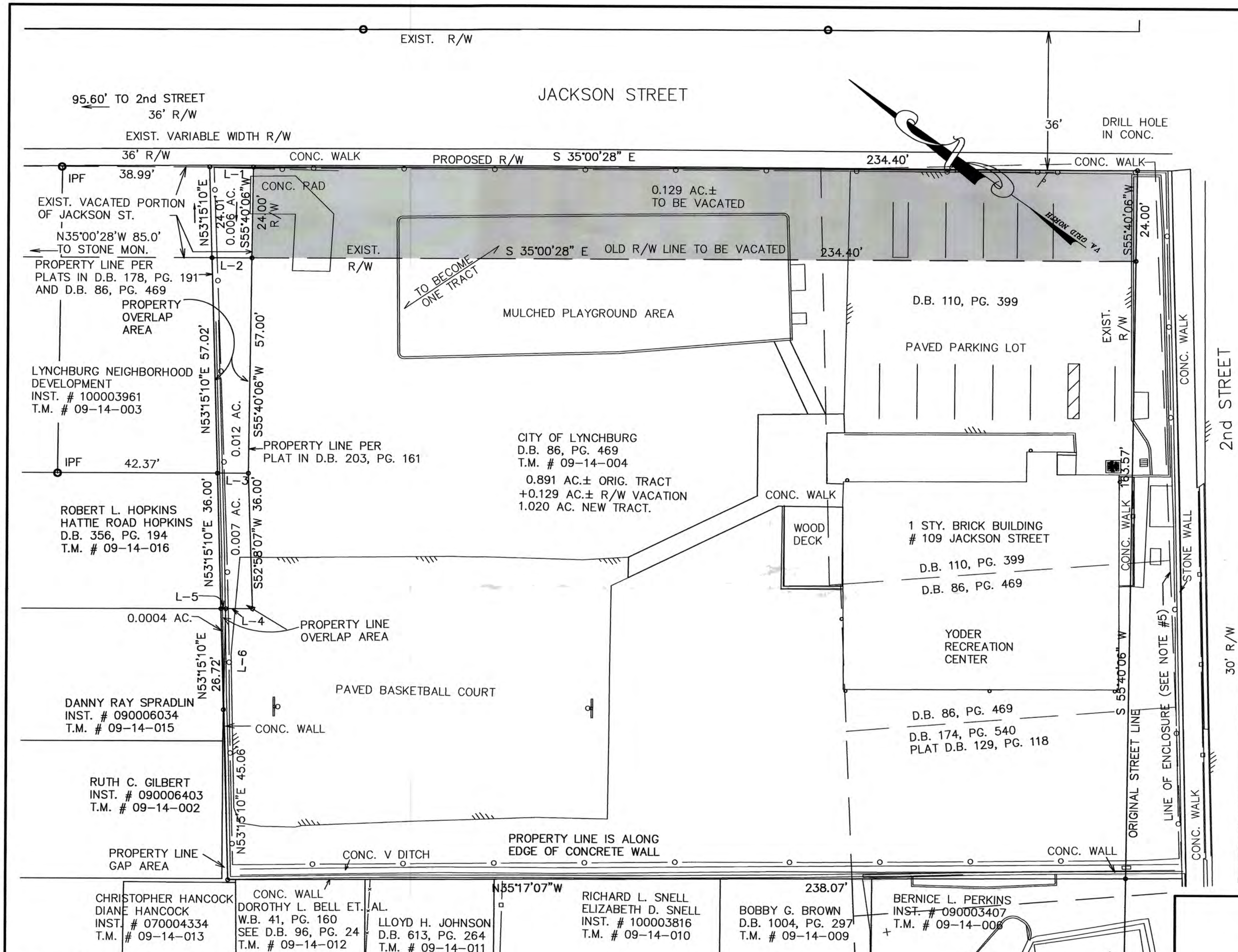
Provided, however, that any easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located in the vacated right of way or needed by the City in the future is hereby reserved unto the City of Lynchburg and the construction of a permanent structure over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

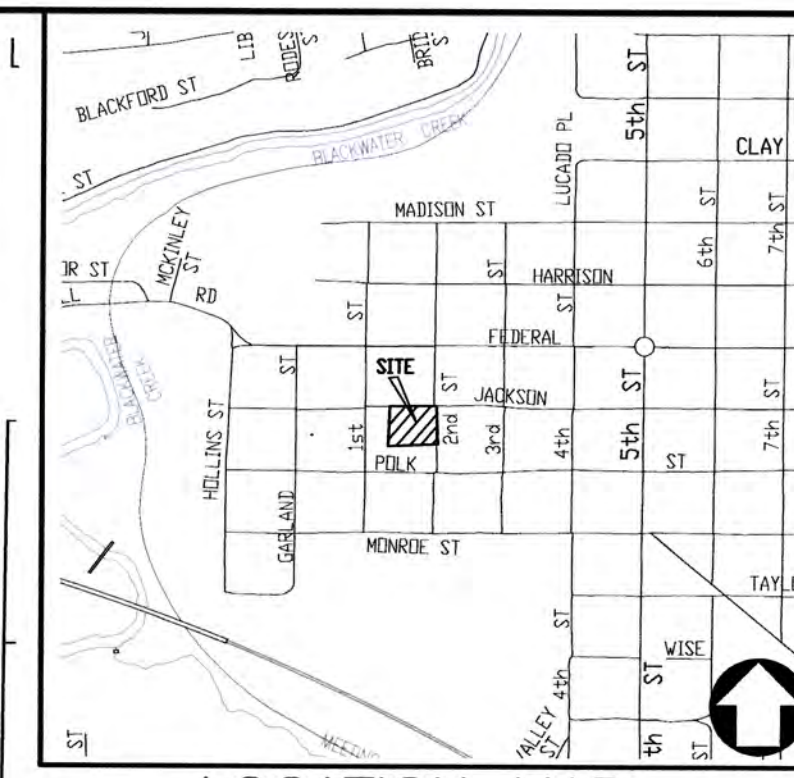
BE IT FURTHER ORDAINED that the Clerk of Council is hereby authorized and directed to deliver a duly certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: ______________________________
Clerk of Council

060L





LOCATION MAP
N.T.S.

VACATION AND RESUBDIVISION APPROVED:

CITY ENGINEER, LYNCHBURG, VA. DATE

CLERK OF COUNCIL, LYNCHBURG, VA. DATE

THIS VACATION APPROVED BY LYNCHBURG CITY COUNCIL ON ____________

COMMONWEALTH OF VIRGINIA
HERVEY R. TERRELL, JR.
Lic. No. 1819
LAND SURVEYOR

(NOTES CONT.)

5. THE LINE OF ENCLOSURE AS SHOWN ALONG THE STONE WALL ON 2ND STREET WAS TAKEN FROM EARLIER PLATS, (SEE D.B. 178, PG. 191 AND D.B. 86, 469). DEED BOOK 86, PAGE 469 DATED FEB. 22, 1910, CALLS THIS LINE THE NORTH LINE OF 2ND STREET AS PRESENTLY ESTABLISHED.

LINE TABLE

L-1	S35°00'28"E	11.62'
L-2	S35°00'28"E	10.60'
L-3	S35°00'31"E	8.20'
L-4	N35°01'14"W	7.10'
L-5	N35°01'14"W	1.28'
L-6	S55°59'46"W	26.71'

LEGEND

	EDGE OF PAVE
—○—	CHAIN LINK FENCE
IPF	IRON PIN FOUND
IPS	IRON PIN SET

THE VACATION APPEARING ON THIS PLAT IS MADE WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED AGENT.

KIMBALL PAYNE, CITY MANAGER, CITY OF LYNCHBURG DATE

COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF ____________________
I, ____________________, A NOTARY PUBLIC IN AND FOR THE STATE AFORESAID, DO HEREBY CERTIFY THAT THE OWNERS/REPRESENTATIVES WHOSE NAMES ARE SIGNED HEREON HAVE ACKNOWLEDGED THE SAME BEFORE ME THIS ______________ DAY OF ______________, 20___. MY COMMISSION EXPIRES ______________

NOTARY PUBLIC

NOTES:

1. IRONS OR MONUMENTS TO BE SET AT ALL CORNERS, WHERE POSSIBLE, OR AS OTHERWISE INDICATED ON THIS PLAT.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THIS DRAWING HAS BEEN PREPARED FROM AN ACTUAL FIELD TOPOGRAPHIC AND BOUNDARY SURVEY DONE IN 2009 AND 2010. THIS DRAWING DOES NOT SHOW SOME SITE IMPROVEMENTS DONE TO THE RECREATION CENTER IN THE SPRING AND SUMMER OF 2011.
4. THIS PROPERTY IS LOCATED IN ZONE "X" AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE "A" FOR A 100 YEAR FLOOD AS DETERMINED BY F.E.M.A., AND SHOWN ON THEIR MAP DATED JUNE 3, 2008, SEE COMMUNITY PANEL #5100930041D.

PLAT SHOWING PART OF JACKSON STREET TO BE VACATED

LOCATED AT
109 JACKSON STREET, LYNCHBURG, VA.

THE CITY OF LYNCHBURG, VIRGINIA
ENGINEERING DIVISION

DESIGNED BY: XXX	DRAWN BY: HRT	CHECKED BY: XXX
APPROVED BY: XXX		PROJECT NO.: XXXXX-S
SCALE: 1" = 20'		FILE NO.: D-2123
DATE: 3/26/2012		SHEET 1 OF 1
REVISED:		

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 19

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Fiscal Year (FY) 2013 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program**

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program FY 2013 Annual Action Plan and adopt a resolution approving the FY 2013 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal community development funds, to prepare an Annual Action Plan as a component of the approved 2010-2015 Five-Year Consolidated Plan. The Annual Action Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required Action Plan components and the CDBG and HOME projects that will be initiated during the program year to address the identified needs and objectives.

On April 7, 2012 a public notice was published in *The News and Advance* stating that a draft of the proposed 2012-2013 Annual Action Plan was available for public review for a 30-day public comment period. The public comment period began on April 7, 2012 and will continue until May 8, 2012. The advertisement for the Annual Action Plan included the projects recommended by City Council at its March 27, 2012 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval. Upon HUD approval of the Plan, CDBG and HOME applicants will be notified of the final allocations and HUD's release of funds.

PRIOR ACTION(S): March 27, 2012: City Council Work Session Regarding the FY 2013 Allocation of Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: N/A

CONTACT(S): Bonnie Svrcek, Deputy City Manager, 455-3987
Melva Walker, Grants Manager, 455-3916

ATTACHMENT(S): Fiscal Year 2013 Annual Action Plan Narrative
(Note: Individual Project Worksheets are available for Review in the Grants Administration Office)
Resolution

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Fiscal Year 2013 Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: ______________________________

Clerk of Council

064L

Third Annual Action Plan for 2010-2015 Consolidated Plan

The CPMP Annual Action Plan includes the SF 424 and Narrative Responses to Action Plan questions that CDBG, HOME, HOPWA, and ESG grantees must respond to each year in order to be compliant with the Consolidated Planning Regulations.

Narrative Responses

ACTION PLAN

Executive Summary

Mission: The mission of the City of Lynchburg's Consolidated Annual Action Plan for Program Year 2012 is to obtain the Community Development Block Grant (CDBG) and HOME Program funds that are fundamental to attaining the priorities and objectives identified in the 2010-2015 Consolidated Plan, thereby contributing to the health, welfare and future viability of the City, and specifically in the targeted low-to-moderate income areas.

Since 1975 the City of Lynchburg, as an entitlement jurisdiction through the Department of Housing and Urban Development (HUD), has received annual allocations for the Community Development Block Grant (CDBG) Program. In 1994 the HOME Investment Partnerships (HOME) Program began and the City was designated as a participating jurisdiction and began receiving annual formula allocations through the HOME Program.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Program, is required by HUD to submit a Consolidated Plan every five years and an Annual Action Plan in each of the five years of the Consolidated Plan. The Consolidated Plan and Annual Action Plan are mandated documents for receipt of CDBG and HOME Program funds and are designed to be a collaborative process whereby the community establishes a unified vision for community development actions. It offers local jurisdictions the opportunity to shape the various housing and community development programs into effective, coordinated neighborhood and community development strategies. It also creates the opportunity for strategic planning and citizen participation to take place in a comprehensive context while reducing duplication of effort.

The Plan describes the resources available, the programs and projects to be funded and the proposed accomplishments for Program Year 2012.

The Federal regulations set forth three basic goals against which HUD will evaluate the Consolidated Plan and Annual Action Plan and the jurisdiction's performance under the plan. Each jurisdiction's plan must state how it will pursue these goals for all community development programs, as well as all housing programs. These statutory program goals are as follows:

• Housing - The housing programs are to provide decent housing which includes: assisting homeless persons in obtaining affordable housing; assisting persons at risk of becoming homeless; retaining the affordable housing stock; increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.

• Community Development - The community development programs are to provide a suitable living environment which includes: improving the safety and livability of neighborhoods; eliminating blighting influences and the deterioration of property and facilities; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural, or aesthetic value; and conserving energy resources and use of renewable energy sources.

• Economic Development - The economic development programs are to expand economic opportunities which include: job creation and retention; establishment, stabilization and expansion of small businesses (including micro-businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low-income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long-term economic and social viability of the community; and empowerment and self-sufficiency for low-income persons to reduce generational poverty in federally assisted housing and public housing.

This Annual Action Plan corresponds to the City's next fiscal year (FY 2013), which begins July 1, 2012 and ends June 30, 2013. HUD will provide entitlement funds in the amount of $639,243 in CDBG and $283,839 in HOME Program funds. The primary Federal funding resources for the FY 2013 are the following:

Community Development Block Grant (CDBG): The primary objective of this program is to develop viable urban communities by providing decent housing, a suitable living environment, and economic opportunities, principally for persons of low and moderate income levels. Funds can be used for a wide array of activities, including: housing rehabilitation, homeownership assistance, lead-based paint detection and removal, construction or rehabilitation of public facilities and infrastructure, removal of architectural barriers, public services, rehabilitation of commercial or industrial buildings and loans or grants to businesses.

HOME Investment Partnership Program (HOME): The HOME program provides Federal funds for the development and rehabilitation of affordable rental and ownership housing for low and moderate income households. HOME funds can be used for activities that promote affordable rental housing and homeownership by low and moderate income households, including reconstruction, moderate or substantial rehabilitation, homebuyer assistance and tenant-based rental assistance.

The Consolidated Plan and Annual Action Plan define a specific course of action for meeting the community development and housing needs of the community. It is the means to analyze the full local context and the linkages to the larger region. It builds on local assets and coordinates a response to the needs of the community. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that families and communities can work together and thrive. A strategic plan also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps local governments and citizens keep track of results and learn what works in a community.

This year, the City will continue to make significant investments in our housing stock by way of the targeted neighborhood strategy, code enforcement compliance, removal of blighted properties, rental rehabilitation grants, direct homeownership assistance and owner-occupied rehabilitation projects. In addition to servicing our neighborhoods, the City will use some of our CDBG resources to help in the effort to revitalize the Fifth Street commercial corridor.

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Annual Action Plan. To expand and broaden citizen participation, City staff posted public notices on the City's web site (www.lynchburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

In accordance with the City's adopted Citizen Participation Plan below is a summary of the public meetings and public hearings that were held to allow citizens the opportunity to participate and comment on the development of the Annual Action Plan in conjunction with the goals and objectives established for the 2010-2015 Consolidated Plan and the FY 2013 Annual Action Plan.

■ On January 10, 2012 City Council conducted a public hearing to receive citizen comments regarding the goals for the development of the 2012-2013 Annual Action Plan and adopt a resolution approving the goals. There were no public comments.

■ During the period of January 13-30, 2012 the acceptance of applications for CDBG and HOME program funds for the City's Fiscal Year 2013 was conducted.

■ On February 21, 2012 the Community Development Advisory Committee (CDAC) conducted a public meeting for the purpose of reviewing submitted CDBG and HOME Program applications and formulating recommendations for consideration by City Council regarding the allocation of $1,026,735.81 in CDBG funds and $329,999.60 in HOME funds. These amounts included entitlement, reprogrammed and anticipated program income funds. A public notice advertisement was placed in *The News and Advance* on February 4, 2012 advising the public of this meeting.

■ On March 13, 2012 City Council conducted a public hearing regarding the CDAC Annual Action Plan recommended projects. A public notice was placed in *The News and Advance* on February 27, 2012 advising the public of this hearing. The advertisement for the Annual Action Plan included the projects recommended by CDAC at its February 21, 2012 meeting. The recommendations included the projects from previous years that were being reprogrammed into the 2012-2013 Annual Action Plan projects and the anticipated program income.

■ On March 27, 2012 the recommendations of CDAC and the comments made at the March 13, 2012 public hearing were discussed at the City Council work session. After review and discussion the final approval was given for the funding allocations for Fiscal Year 2013.

■ On April 7, 2012 a public notice was published in *The News and Advance* stating that a draft of the proposed 2012-2013 (FY 2013) Annual Action Plan was available for public review for a 30-day public comment period. The public comment period began on April 7, 2012 and will continue until May 8, 2012. The advertisement for the Annual Action Plan included how the proposed use of the $1,356,735 in Community Development Block Grant (CDBG) and HOME Program reprogrammed funds, entitlement funds and program income will be used for the FY 2013 projects.

■ On May 8, 2012 City Council will conclude the Annual Action Plan process by conducting a public hearing regarding the draft Action Plan that has been available for public review since April 7, 2012.

Any public comments that are received will be incorporated into the final Annual Action Plan.

In addition to public meetings and hearings, copies of the draft Annual Action Plan were made available for public review at the following locations in and throughout the City:

- Community Development Department, Grants Administration Office, Second Floor, City Hall, 900 Church Street, Lynchburg, Virginia 24504
- Lynchburg Public Library, 2311 Memorial Avenue, Lynchburg, Virginia
- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- Community Development Department, Grants Administration Division website: www.lynchburgva.gov/grants

The City's past performance in the administration and implementation of the CDBG and HOME Program has met the intent of the federal legislation creating these programs.
Through years of effective planning, partnership and monitoring, Lynchburg has facilitated affordability for decent housing, availability and accessibility to a suitable living environment, sustainability of a suitable living environment and accessibility to economic opportunities. The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2010. The

CAPER noted that the City's performance in Program Year 2010 met or exceeded regulatory expectations in regard to the following:
Serving low and moderate income persons
- Approximately 96% ($297,342) of the amount subject to low/mod benefit was used for activities that benefited low-to-moderate (LMI) persons within the City well above the minimum threshold of 70% set in 24 CFR570.901 (a).

Mandated budget category caps
- Approximately 12% ($108,856) of Lynchburg's CDBG allocation was spent on planning and administration, under the maximum of 20% allowed according to 24 CFR 570.206(g).

- Approximately 10% ($92,321) of Lynchburg's CDBG allocation funded public service activities, under the maximum of 15% mandated by 24CFR 570.201(e).

Home Program
- Within the HOME Program there were 93.5% and 85.4% respectively committed and disbursed funds with the submittal of the 2010 CAPER.

- Timeliness
Lynchburg carried out its CDBG-assisted activities in a timely manner, with 1.31 times the entitlement grant amount for the current program year in the line of credit 60 days prior to the year's conclusion, within the statutory requirements of 24 CFR 570.902.

The CAPER provided a comprehensive account of how its Program Year 2010 HUD funds were expended and what was accomplished. The City identified each goal as contained in the 2010-2015 Consolidated Plan and provided information on the amount of CDBG and/or HOME funds that were expended and what was accomplished for each corresponding activity.

For the third year of the 2010-2015 Consolidated Plan, the City will receive $639,243 in CDBG entitlement funds and $283,839 in HOME program funds. Along with these funds, reprogrammed funds, and program income ($433,653) the following projects will be implemented:

CDBG Program

Bluffwalk Section 108	$ 290,084.00
City Administration	25,000.00
Analysis of Impediments to Fair Housing	30,000.00
5th Street CDC Phase III – City	115,830.81
Tinbridge Hill Neighborhood	125,000.00
Riverside Park Improvements	125,000.00
Demolition of Substandard Structures – City	12,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) Administration	32,546.00
LRHA Delivery Costs – Rehabilitation	37,466.00
LRHA Rental Rehabilitation	30,000.00
LRHA Delivery Costs – Acquisition	68,473.00
LRHA Spot Blight Abatement	125,000.00
LRHA Delivery Costs – Disposition	10,336.00
Total CDBG	$ 1,026,735.81

HOME Program

Rush Homes (CHDO)	$ 175,000.00
LNDF Homeownership Fund	14,999.60
Lyn-Community Action Group (Lyn-CAG) Substantial Rehab	75,000.00
Lynchburg Neighborhood Development Foundation (LNDF) Single Family Housing Development	65,000.00
Total HOME	$ 329,999.60

The City of Lynchburg realizes that it cannot meet all the housing and community development needs contained with this Plan. The responsibilities for these efforts must be shared among all facets of the community. The City will make every effort to direct Federal, state, and other funds for community development and housing into projects and activities that will best achieve the goals of the Plan.

For more information or to submit comments regarding this Annual Action Plan, please contact Melva Walker, Grants Manager, at (434) 455-3916; 900 Church Street, Lynchburg, VA 24504; or email at: melva.walker@lynchburgva.gov

Citizen Participation

The Grants Administration office ensured that the public, Community Development Advisory Committee (CDAC) and City Council were kept advised of the annual consolidated planning process.

In accordance with the City's adopted Citizen Participation Plan below is a summary of the public meetings and public hearings that were held to allow citizens the opportunity to participate and comment on the development of the Annual Action Plan in conjunction with the goals and objectives established for the 2010-2015 Consolidated Plan. Copies of the public notices are included in Appendix A.

It is the intent of the City of Lynchburg to encourage and facilitate the participation of residents of the City in the formulation of priorities, strategies, and funding allocations in the Annual Action Plan. To expand and broaden citizen participation, City staff posted public notices on the City's web site (www.lynchburgva.gov/grants), at community centers and other neighborhood anchors (i.e. schools, neighborhood health centers, and public housing agencies/complexes).

On January 10, 2012 City Council conducted a public hearing to receive citizen comments regarding the goals for the development of the 2012-2013 Annual Action Plan and adopt a resolution approving the goals. There were no public comments at this meeting. City Council approved the goals as presented.

The goals for the 2012-2013 Annual Action Plan are as follows:

The primary objective of the CDBG program is to continue to develop viable urban communities through decent housing, suitable living environments and expanded economic opportunities for low- and moderate-income persons; the City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

<u>Housing Goals</u>
- Increase the number of owner-occupied units.
- Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
- Support initiatives to increase permanent affordable rental and housing ownership opportunities.
- Promote programs that assist <u>eligible</u> individuals in retaining their homes.

<u>Non-Housing Goals</u>
- Eliminate neighborhood deterioration, blight and blighting influences.
- Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.
- Support economic development efforts which will expand job opportunities and retention.
- Promote activities which support the healthy development of the City's at-risk youth, adults and families.

The acceptance and application process for CDBG and HOME program funds for Fiscal Year 2013 began on January 13, 2012 and ended on January 30, 2012. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in *The News and Advance* on January 13, 2012, indicating the acceptance of applications for funding programs, projects and activities under the CDBG and HOME Programs. The advertisement indicated the expected amount of funding for both programs. This public advertisement notice was posted on the City's web site, bulletin boards in City Hall, neighborhood community centers, the public libraries, and public housing complexes. City staff received seven (7) applications for CDBG funding and seven (7) applications for HOME funding.

CDAC conducted a public meeting on February 21, 2012 and received information from staff regarding the Annual Action Plan allocation of project funds. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in *The News and Advance* on February 4, 2012 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC reviewed the applications, summary allocation worksheet, and the various requirements for the allocation of funds for administration, non-public service, public service and the HOME Program. CDAC members discussed and developed their recommendations for CDBG and HOME Program projects for FY 2013. CDAC made recommendations to City Council for projects that they concluded would be most beneficial to the low and moderate income persons within the targeted neighborhoods and within the broad national goals established by HUD of providing decent housing, a suitable living environment and expanding economic opportunities. (See Appendix A for a copy of the CDAC minutes.)

CDAC and the public that were present were advised that City Council would hold a public hearing on March 13, 2012 on the project recommendations of the CDAC.

On March 13, 2012 City Council conducted a public hearing to allow citizen input regarding the CDAC Annual Action Plan recommended projects. A public notice advertisement was placed in *The News and Advance* on February 27, 2012 advising the public of this hearing.

At the public hearing eight (8) persons spoke to Council representing four (4) separate agencies. Two (2) persons addressed the HOME applications submitted by Lynchburg Neighborhood Development Foundation (LNDF) on behalf of Housing 2000, Inc. and LNDF; one (1) representative addressed the HOME applications submitted by Lynchburg Community Action Group (Lyn-CAG); four (4) persons spoke in support of the HOME application submitted by Rush Homes; and one (1) representative addressed the CDBG applications submitted by the Lynchburg Redevelopment and Housing Authority (LRHA). A majority of the comments were in support of the CDAC recommendations and the benefits that the people they serve receive as a result of the HOME and CDBG funds recommended for allocations to the represented agencies. The LNDF and Housing 2000 representatives asked Council to reconsider the recommendations of the CDAC for the HOME Program Homeownership Fund and the Housing 2000 Single Family Development project. These representatives stated that if funds could be directed to single family development and affordable mortgage financing projects, LNDF and Housing 2000 could continue to develop new housing in order to benefit the City, the targeted neighborhoods and new home buyers.

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After review and discussion the final approval was given for the funding allocations for Fiscal Year 2013.

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- Downtown Branch Library, City Hall, Basement Floor, 900 Church Street, Lynchburg, Virginia 24504
- Community Development Department, Grants Administration Division website: www.lynchburgva.gov/grants

Resources

City Resources

The following are the Federal, state, and local resources expected to be made available to address the needs identified in the Annual Action Plan.

Federally-funded City Programs

Shelter Plus Care Program

The City of Lynchburg received $320,700 in HUD funds in 2002 for the Shelter Plus Care (S+C) Program. This funding was provided for a five-year period. At the end of the five-year period, HUD granted a five-year extension to allow for additional housing units and the expenditure of the remainder of the original grant funds. Beginning in Fiscal Year 2010 HUD began awarding the S+C grants annually. For the FY 2013 Annual Action Plan, there has been a one-year renewal grant that was issued in the amount of $81,288.

The program provides rental assistance to approximately ten housing/household units. The overall goal of this grant is to identify homeless persons, ready for permanent housing, and offer additional time, financial assistance, and services to reinforce their own resources, skills and motivation to live independently and achieve self-sufficiency. The City conducts the program in collaboration with the Lynchburg Neighborhood Development Foundation (LNDF). Participants must be considered homeless, have a documented disability, and must cooperate with necessary services. LNDF secures the housing and provides services. Funds are received through the Supportive Housing Program.

Federal Housing Programs – Nonprofits Supportive Housing

The following agencies will receive $269,122 McKinney Vento Homeless Act funds through the Supportive Housing Program.

Applicant	Project	Amount
Lynchburg Community Action Group	The Family Living Center	$ 44,665
Lynchburg Neighborhood Development Foundation	The Cornerstone	$ 64,748
Miriam's House	Housing Management Information System	$ 21,357
Miriam's House	Supportive Housing	$ 87,252
Rush Lifetime Homes, Inc	Rush Homes	$ 51,100
	Total:	**$ 269,122**

Community Development Financial Institution (CDFI): The U.S. Treasury has supported the development of financial institutions that primarily operate in distressed communities and offer credit to low- and moderate-income households. Lynchburg Community Loan Fund (LCLF) is a CDFI that provides housing loans in the form of subordinate mortgages for the purchase and repair of homes. The investment area includes the more blighted areas of the City of Lynchburg, and the target population is borrowers earning at or below 80% of the Area Median Income (AMI). LCLF received seed funds from a previous CDBG allocation and has provided loans to the target population.

Historically, the larger banking community has been the major investors in CDFIs. This has been seen in Lynchburg as several local banks offered long-term pledges of contributions to LCLF for its loans. As a non-profit CDFI, LCLF can obtain grant funds to reduce the cost of borrowing and further spread its resources. As it grows, LCLF will consider additional loan products, such as facilities lending, and expanding the territory it serves under Treasury certification. The Board of LCLF is conducting feasibility studies of such expansion and the effect on the original target market.

State Housing Programs
State program funds are funneled to the City through other non-profit organizations, which assist with homeownership and weatherization of homes for low-income residents.

Affordable Housing Preservation Program: Funds from this flexible source distributed by the Virginia Department of Housing and Community Development (DHCD) have been used by several housing development agencies including Rush Homes and LNDF. Coupling these funds with other funds specifically directed to projects serving special needs populations has resulted in a significant increase in the number of accessible houses available in Lynchburg.

Private Equity Investment through Tax Credit Programs
Federal Low Income Housing Tax Credits (LIHTC)
This source of financing for affordable housing development has been used in Lynchburg since the program's inception in the mid-1980s. Four completed LIHTC projects include Victoria Ridge, Hilltop Homes, College Hill Homes and Central City Homes. These four projects provided 113 affordable rental units through new construction, renovation and adaptive re-use of existing houses and buildings throughout Lynchburg's central city neighborhoods. In some cases, buildings were donated to the projects from LRHA, and the City invested HOME funds in each of these projects.

Victoria Ridge is an affordable housing development of 24 units for individuals with disabilities. There is $3.1 million of LIHTC in this project. Of the 24 Tax Credit Assistance Program (TCAP) units, there is a subset of 11 HOME-assisted units which meet the HOME Program affordability and rent restrictions. The City has provided $183,525 of HOME Program funds for this project. The project has 12 units that are fully accessible units designed for individuals with disabilities whose rents are affordable at the tax credit limit and the HOME limit whichever is the least amount.

Hilltop Homes is an acquisition and rehabilitation project consisting of 12 existing buildings in a scattered site development which resulted in 24 affordable housing units. This project includes approximately $3 million in LIHTC, long-term financing and $120,000 in HOME Program funds.

Federal and State Historic Preservation Tax Credits
Lynchburg is a historic city and one that, over a century ago, was the second wealthiest city in the country on a per-capita basis. It was a port and distribution center on the James River and its leadership was comprised of wealthy merchants. Therefore, the housing stock, especially in the older City, is of varied historic design and architecture. Preserving these buildings has not always been a City priority but, in recent years has taken on major significance. The Lynchburg Historical Foundation (LHF) is a non-profit organization that supports preservation efforts and works with local professionals and residents to maintain this important part of the City's history. LHF also works with other organizations such as Lynchburg College's Center for the History and Culture of Central Virginia to research and develop the record of Lynchburg's past. As revitalization of the City's downtown continues, the momentum and preservation will be a critical issue in terms of construction and in terms of funds. Many local residents, businesses, and non-profit organizations have begun to use the federal and state historic tax credits and enterprise zone tax credits. The amount of investment from the sale of these credits has increased substantially since the State credits have become effective.

The investment opportunities in the development of historic properties in Virginia are two-fold. In addition to credits against federal income tax liability, investors can also seek credits against State income tax liability. A combined maximum of 25% of the cost of approved basis is available for tax credits under the State program and 20% is available under the Federal program. This incentive for investors to participate in the revitalization of the City, its downtown, and its residential neighborhoods is a positive boost to the City's renaissance.

New Market Tax Credits
The City has benefited from equity investment as the private sector has utilized this mechanism for some downtown projects and for projects included in the vision of the Fifth St. Master Plan. The City has invested in the projects and supports the ongoing work of its partners to increase the private resources available to assist in implementing its plans.

Local Programs

City Code

The City Code of Ordinances of the City of Lynchburg authorizes City Council to designate rehabilitation districts and to waive customer availability charges for connection to the water and sewer systems. Non-profit housing developers may petition Council for the above designation when redeveloping residential property for low- and moderate-income households. This program has been used by Habitat for Humanity in the past.

Real estate tax relief is available to the elderly and persons with disabilities earning $30,000 or less per year, with a net worth of $60,000 or less excluding the house in which they live.

The City may also exempt from real estate taxes for 15 years qualified properties in which the structure is 50 years of age or older and the improvements that are considered as substantial rehabilitation/renovation to the existing structure will increase the assessed value by 40 percent or more. For commercial or industrial real estate, the existing structure must be 25 years of age or older and the improvements to the existing structure will increase the assessed value by 60 percent or more.

There are also tax incentives provided to businesses that locate within the two designated enterprise zones.

Code Compliance

The City Inspections and Code Compliance Division supports neighborhood revitalization by providing code enforcement of existing structures in need of repair, and the enforcement of the abandoned vehicle program, the weed enforcement/inmate labor program, and the illegal dumping program. The goals of the program include strengthening cooperation between residents, businesses, religious organizations, non-profit agencies, and City departments to improve the livability of neighborhoods. One example of this type of collaboration exists in the creation of the Community Code Compliance Team originally chartered by City Council in 1997 as the Code Enforcement Task Force. The Team's purpose is to "develop and implement a coordinated and focused long term strategy to improve living conditions through consistent code enforcement, thereby facilitating a positive impact on the quality of life in Lynchburg". The Team conducts neighborhood walk-throughs addressing a variety of concerns including illegal dumping, overgrown yards, abandoned or inoperative motor vehicles, Property Maintenance Code violations, infrastructure, and other issues. The Team conducts walk-through inspections in various City neighborhoods. The walk-throughs include representatives from the neighborhood, as well as the City Manager's Office, Community Development, Billings and Collections, Fire Marshal, Public Services, Police, City Attorney's Office, Social Services, Commissioner of the Revenue, Lynchburg Redevelopment and Housing Authority and City Council. City staff works with residents to identify concerns, as well as raise awareness of local codes and public maintenance needs (i.e. street lights and pot holes, etc.).

Private Resources

Greater Lynchburg Habitat for Humanity provides new single-family housing for purchase by low- and moderate-income families. Habitat has constructed over 277 such houses to date using mostly private donations and significant support from the churches and faith communities. The City continues to provide HOME Program funds to Habitat who serves the low- and very low-income population provides the opportunity for them to purchase a home. The City continues to encourage Habitat to renovate historic homes in the targeted area. This preserves the fabric of the City's historic neighborhoods and prevents further deterioration and vacancy in these areas.

The City will continue to cooperate with local non-profits, neighborhood groups, and others to address obstacles to meeting underserved need, foster and maintain affordable housing, remove barriers to affordable housing, evaluate and reduce lead based paint hazards, develop institutional structures, enhance coordination between public and private housing and social service agencies, and foster public housing improvements and resident initiatives. Agencies and groups that coordinate this effort are the LNDF, Rebuilding Together, Housing and Homeless Coalition, Lyn-CAG, LRHA, Community Code Compliance Team, and the Lynchburg Department of Social Services.

According to LRHA's 2010-2015 Public Housing Authority Plan (PHAP) the estimated amount of Section 8 Tenant-Based Rental Assistance for Calendar Year 2012 is $3,916,710.

LNDF received $1 million in Neighborhood Stabilization Program (NSP) funds to leverage and address priority needs in Calendar Year 2010. The funds revolve and the program income may be expended to continue acquiring and renovating houses. During this program year LNDF will continue to acquire and renovate houses within the parameters of NSP.

Annual Objectives

Goals and objectives to be carried out during the action plan period are indicated by placing a check in the following boxes.

☒	**Objective Category Decent Housing** Which includes:	☒	**Objective Category: Suitable Living Environment** Which includes:	☒	**Objective Category: Expanded Economic Opportunities** Which includes:
☒	assisting homeless persons in obtaining affordable housing	☒	improving the safety and livability of neighborhoods	☐	job creation and retention
☒	assisting persons at risk of becoming homeless	☒	eliminating blighting influences and the deterioration of property and facilities	☐	establishment, stabilization and expansion of small business (including micro-businesses)
☒	retaining the affordable housing stock	☒	increasing the access to quality public and private facilities	☐	the provision of public services concerned with employment
☒	increasing the availability of affordable permanent housing in standard condition to low-income and moderate-income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability	☒	reducing the isolation of income groups within areas through spatial deconcentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods	☒	the provision of jobs to low-income persons living in areas affected by those programs and activities under programs covered by the plan
☒	increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/ADOS) to live in dignity and independence	☒	restoring and preserving properties of special historic, architectural, or aesthetic value	☒	availability of mortgage financing for low income persons at reasonable rates using non-discriminatory lending practices
☒	providing affordable housing that is accessible to job opportunities	☒	conserving energy resources and use of renewable energy sources	☒	access to capital and credit for development activities that promote the long-term economic social viability of the community

The City of Lynchburg will use an estimated $520,830 of its CDBG allocation and $330,000 of its HOME Program allocation to fund activities that benefit low-to-moderate income persons.

As stated in the Consolidated Plan, in March 2006, HUD issued the "Notice of Outcome Performance Measurement System for Community Planning and Development Formula Grant Programs." The HUD Outcome Measurement System includes Objectives, Outcome Measures and Indicators. The City must choose one of the three objectives and Outcomes for each activity. In identifying the outcome/objective, HUD has developed a numbering system that ties to the CPD Performance Measurement System (PMS).

The Housing Objective category is:

Provide Decent Housing. Activities that are categorized in this objective are designed to cover the wide range of housing activities under CDBG and HOME. The objective focuses on housing programs where the purpose of the program is to meet individual, family or community needs.

The three Outcome categories for housing are:

1. **Availability/Accessibility**. Applies to activities that make service, infrastructure, public service, public facilities, housing, or shelter available or accessible to low and moderate-income persons including persons with disabilities. Accessibility does not only refer to physical barriers, but also to making the basic of daily living available and accessible to low- and moderate-income persons who live in the housing unit or use the facility.
2. **Affordability**. Applies to activities that provide affordability in various ways in the lives of low- and moderate-income persons. It may include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
3. **Sustainability**. Promoting Livable or Viable Communities. Applies to activities that focus on improving communities or neighborhoods, helping to make them livable or viable by providing benefit to low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain the communities or neighborhoods.

The charts below illustrate the allocated priorities and objectives and outcomes the City plans to meet during the 2012-2013 Annual Action Plan to promote the development, sustainability and suitability of housing and fair housing within the community:

	Availability/Accessibility	Affordability	Sustainability
Decent Housing	DH-1	DH-2	DH-3

Housing Ownership and Rehabilitation

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Homeownership-Owner-occupied (CHDO) (DH-1)	Lynchburg Community Action Group (Lyn-CAG) plans to acquire and rehabilitate one (1) housing structure for sale to a low-to-moderate income person through the use of Community Housing Development Organization (CHDO) HOME Program funds
Homeownership-Homebuyer (DH-1)	Lynchburg Neighborhood Development Foundation (LNDF) plans to provide down payment assistance to three (3) homebuyers and develop three (3) housing structures for low-to-moderate income persons
Homeownership-Retention/Housing Rehabilitation (DH-2)	Lyn-CAG plans to rehabilitate four (4) housing units to allow the homeowners to retain their homes
Rental Units (DH-1)	Rush Lifetime Homes plans to develop 28 rental housing units for people with special needs

The City of Lynchburg supports assisting individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons.

The overarching strategy for accomplishing the housing goals of the City is to conduct activities that complement and enhance the work being done by City departments and their partners using the various sources of public and private funding available.
The two objective categories for Community Development are:

1. **Creating Suitable Living Environment**. Relates to activities that are designed to benefit communities/neighborhoods, families, or individuals by addressing issues in their living environment. This objective relates to activities that are intended to address a wide range of issues faced by low- and moderate-income persons, from physical problems with their environment, such as poor quality infrastructure to social issues such as crime prevention, literacy, or elderly health services.
2. **Creating Economic Opportunities**. Applicable to activities that are related to economic development, commercial revitalization or job creation.

The three Outcome categories are:

1. **Availability/Accessibility**. Applies to activities that make service, infrastructure, public service, public facilities, housing, or shelter available or accessible to low and moderate-income persons, including persons with disabilities. Accessibility does not only refer to physical barriers, but also to making the basic of daily living available and accessible to low- and moderate-income persons who live in the housing unit or use the facility.
2. **Affordability**. Applies to activities that provide affordability in various ways in the lives of low- and moderate-income persons. It may include the creation or maintenance of affordable housing, basic infrastructure hook-ups, or services such as transportation or day care.
3. **Sustainability**. Promoting Livable or Viable Communities. Applies to activities that focus on improving communities or neighborhoods, helping to make them livable or viable by providing benefit to low- and moderate-income or by removing or eliminating slums or blighted areas, through multiple activities or services that sustain the communities or neighborhoods.

The charts below illustrate the allocated priorities and objectives and outcomes the City plans to meet during the 2012-2013 Annual Action Plan to meet the community development needs of the citizens**.**

	Availability/Accessibility	Affordability	Sustainability
Suitable Living Environment	SL-1	SL-2	SL-3
Economic Opportunity	EO-1	EO-2	EO-3

Support of Neighborhoods

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Neighborhood/Community Meetings (SL-1)	Five (5) neighborhood walk-through meetings planned by Community Code Compliance Team
Infrastructure Improvements (SL-1) (Fifth Street-Phase III)	Fifth Street Master Plan Project - Streetscape improvements south between Jackson and Taylor Streets

Economic Development Efforts

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Enterprise Zone (EO-3) (Maintain current zone designations)	The City plans to maintain Zone #2 (includes CDBG Target Census Tract areas) and Zone #46 (Old Forest Road & Lakeside Drive area).
Downtown Redevelopment Improvements (EO-3) (Phase II & III – Lower Bluffwalk-Jefferson Street)	Infrastructure improvements to include the construction of a pedestrian-scaled street, ADA compliant walkway, and streetscape improvements.

Public Service Providers for Youth, Adults and Families

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Youth, Adults and Families Activities (SL-1) (Youth Job Training - Tinbridge Hill Neighborhood)	Twelve (12) youth planned to be provided with job training skills

Residential Rental Property Inspections Program and
Property Maintenance Inspections

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Rental Property Inspections (SL-3)	The Code Compliance Division of the Community Development Department plans on completing 450 rental property inspections
Property Maintenance Inspections (SL-3)	The Code Compliance Division of the Community Development Department plans on completing 2100 property maintenance inspections

Demolition and Code Enforcement

PROGRAM	ANNUAL ACTION PLAN GOALS
	2012 (FY 2013)
Demolitions (SL-3)	The Code Compliance Division of the Community Development Department plans to demolish two (2) structures that pose a risk to the health and safety of a targeted neighborhood
Weed Ordinance- Property Clearance (SL-3)	The Code Compliance Division of the Community Development Department plans to address by clearing 250 properties as a result of weed complaint-based inspections
Removal of Abandoned Vehicles (SL-3)	The Code Compliance Division of the Community Development Department plans to remove 100 abandoned vehicles in accordance with City Code requirements

Description of Activities

For the third year of the 2010-2015 Consolidated Plan, the City will receive $639,243 in CDBG entitlement funds and $283,839 in HOME program funds. Along with these funds, reprogrammed funds, and program income ($433,653) the following projects will be implemented:

CDBG Program

Bluffwalk Section 108	$ 290,084.00
City Administration	25,000.00
Analysis of Impediments to Fair Housing	30,000.00
5th Street CDC Phase III – City	115,830.81
Tinbridge Hill Neighborhood	125,000.00
Riverside Park Improvements	125,000.00
Demolition of Substandard Structures – City	12,000.00
Lynchburg Redevelopment and Housing Authority (LRHA) Administration	32,546.00
LRHA Delivery Costs – Rehabilitation	37,466.00
LRHA Rental Rehabilitation	30,000.00
LRHA Delivery Costs – Acquisition	68,473.00
LRHA Spot Blight Abatement	125,000.00
LRHA Delivery Costs – Disposition	10,336.00
Total CDBG	$ 1,026,735.81

HOME Program

Rush Homes (CHDO)	$ 175,000.00
LNDF Homeownership Fund	14,999.60
Lyn-Community Action Group (Lyn-CAG) Substantial Rehab	75,000.00
Lynchburg Neighborhood Development Foundation (LNDF) Single Family Housing Development	65,000.00
Total HOME	$ 329,999.60

Summary of Fiscal Year 2013 CDBG and HOME Activities

The following Summary of Activities provides a narrative description of each activity to be funded through the Annual Action Plan. The summary identifies the agency or organization to be funded, the amount of the award, the activities to be undertaken, and if known, the location of the project.

Community Development Block Grant (CDBG) Activities

The City of Lynchburg will have available $1,026,735.81 in CDBG funds to support administrative and service delivery operations, housing, community development, economic development, and public service activities for twelve projects and activities.

Section 108 Loan (Bluff Walk) - A total of $290,084 in CDBG funds has been set aside for debt repayment on the Section 108 Loan to the Bluff Walk Center.

In June 2003, the City of Lynchburg was awarded a Section 108 Loan in the amount of $3.2 million for the Bluff Walk Center - a boutique hotel, upscale restaurant, microbrewery, and conference center that opened in the spring of 2007. This $23 million dollar renovation project added new permanent full-time positions, stimulated additional public and private investment, and serves as a tourist attraction in the City.

The Center is one of the major redevelopment projects included in the Downtown Riverfront Master Plan 2000. The purpose of creating the Master Plan was to restore the economic vitality and dignity of our once prosperous downtown, riverfront and surrounding neighborhoods. The City's downtown and surrounding neighborhoods have significant blighting conditions and have officially been determined by HUD as a slum and blighted area since the 1970's.

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

Program Administration (City) - The City will use $25,000 of its CDBG allocation for the payment of reasonable administrative charges related to the planning and execution of community development activities. The majority of these funds will be used to pay a percentage of the salary and benefits of Community Development staff dedicated to managing the CDBG and HOME Programs. (Note: Due to reduced HUD allocations and the availability of prior year Administration allocations for CDBG and HOME, the City was able to reduce the amount of the CDBG administration request.)

City Administration – Analysis of Impediments to Fair Housing – The City will use $30,000 of CDBG funds to update of the City's Analysis of Impediments to Fair Housing. The U.S. Department of Housing and Urban Development (HUD) requires all localities that are direct recipients of Community Development Block Grant (CDBG) and HOME Program funds to conduct an assessment of the barriers to housing choice, and to develop a plan for overcoming the impediments that are identified.

Fifth Street Community Development Corporation (CDC) - The City has allocated $115,830.81 in CDBG funds to extend streetscape improvements south between Jackson and Taylor Streets, and to complete the stabilization of 702/708 Fifth Street. Funding is also requested for consultant services to assist in redevelopment activities.

The Fifth Street Master Plan was adopted by City Council on May 23, 2006. The City has committed CDBG, and capital funds to improve the streetscape over three phases. Phase I was completed in September 2009 and included the construction of water and sewer lines in addition to a modern urban roundabout and complimentary streetscape between Jackson & Harrison Streets. Phase II is currently under construction and will contain the same underground utility upgrades and streetscape improvements as Phase I. Phase II extends from Harrison Street to Church Street. Phase III would extend streetscape improvements south between Jackson and Taylor Streets. Initial stabilization work is near completion at 702/708 Fifth Street.

Tinbridge Hill Neighborhood Council - The City has allocated $125,000 in CDBG funds for the continued development of the Sustainable Neighborhood Program model in Tinbridge Hill. The funds would be used for housing rehabilitation, consultant services for the implementation of the redevelopment strategies, and youth job training to assist with sustaining youth engagement within the neighborhood.

The Tinbridge Hill Neighborhood Council (THNC), in partnership with the City of Lynchburg, and supported by the Friends of Tinbridge Hill propose a long-term, targeted investment of CDBG funds into Tinbridge Hill to assist its residents and outside stakeholders accomplish the goals of the 1996 Tinbridge Hill Plan as it is now being updated.

This proposal has two purposes: The first is to develop a Sustainable Neighborhoods Strategy, using Tinbridge Hill as a model that can be applied in other Lynchburg neighborhoods. The second is to request adequate and significant funding to Tinbridge Hill over a period of five years that is designed to accomplish those activities identified as essential to forming a Sustainable Neighborhood. As a model program, benchmarks were established in the first year that will guide the redevelopment of the neighborhood through the remainder of the investment period.

Five focus areas are defined in Tinbridge Hill's original Neighborhood Plan and continue to be the issues for discussion and concern today. These areas are housing, community beautification, infrastructure improvements, neighborhood services, and safety. As funds are not available in any given year to conduct the work needed to meet these needs, in Program Year 2011 THNC targeted their CDBG allocation to obvious and achievable activities such as seeking a consultant for the development of a neighborhood plan for redevelopment and neighborhood stability, Blackwater Creek access, housing rehabilitation and encouraged neighborhood participation in the process and building capacity in the neighborhood. All of these activities are essential for long-term sustainability.

The Friends of Tinbridge Hill stakeholders along with the neighborhood residents plan to seek leveraged funds to assist with this project.

Riverside Park Improvements – The City has allocated $125,000 of CDBG funds for renovations to Riverside Park, including renovations and improvements to the parking area serving the Playcore, basketball and sprayground; the creation of new and improved pedestrian access walkways to the park and Playcore area; resurfacing and lining of the basketball court, new goals for the court, and amenities to the Playcore area including signage, walkways, landscaping, and seating. The parking area renovations will include innovative approaches to stormwater management in order to meet new state and city standards that improve both the quantity and quality of water.

Demolition of Substandard Structures – The City has allocated $12,000 of CDBG funds to provide supplemental demolition funding to address the current backlog of condemned homes that pose a risk to the health and safety of the neighborhood. Although Department of Community Development staff explores all other programs and means available to rehabilitate structures prior to demolishing them, these funds are critical to removing hazardous situations from neighborhoods when all other means are exhausted.

Program Administration (Lynchburg Redevelopment and Housing Authority-LRHA) – This agency has been awarded $32,546 in CDBG funds to provide for the payment of the pro-rata share of salaries, benefits, travel and operating costs attributable to employees' duties associated with the CDBG program as outlined in the Authority's annual administrative budget.

Lynchburg Redevelopment and Housing Authority (LRHA): Delivery – Rehabilitation The City has allocated $37,466 of CDBG funds for direct service costs associated with identifying and monitoring spot blight properties and coordinating rehabilitation activities with owners.

Lynchburg Redevelopment and Housing Authority (LRHA) – Rental Rehabilitation -The City awarded $30,000 of CDBG funds for the Rental Rehabilitation Program at LRHA. These funds will be used to provide grants to owners to rehabilitate six (6) houses.

This program issues grants to owners of rental properties that are located within the City's Rental Inspection Area. This area includes Census Tracts 4, 5,6,7,11,12 and 13. The property must have property maintenance code violations cited by the City or have Housing Quality Standards deficiencies. The grant will also be available to owners who are providing energy upgrades and or accessibility compliance. The grant is a fifty percent matching grant with a maximum per unit of $5,000. The end result of this program allows owners to provide improved living conditions and lower energy cost to low income families. Additionally, it results in the elimination of blighted properties creating improved living standards for the entire neighborhood.

Lynchburg Redevelopment & Housing Authority (LRHA) – Delivery Costs - Acquisition - The City has allocated $68,473 in CDBG funds for direct costs associated with the properties that will be acquired in the Spot Blight Program. These costs will include property maintenance and coordinating work with appraisers and legal counsel under contract with LRHA.

Lynchburg Redevelopment & Housing Authority (LRHA) – Spot Blight Program - The City has allocated $125,000 in CDBG funds to address eight (8) vacant, deteriorated properties within the Tinbridge Hill neighborhood and throughout the City. This is part of a larger collaboration of the Tinbridge Hill Neighborhood Council (THNC), eight (8) other organizations and the City to concentrate efforts in this area to make a significant impact in the neighborhood. LRHA plans to acquire the following properties: 1418 Fourth Street, 917 Second Street, 808 Dinwiddie Street, 104 Whitehall Road, 116 Polk Street, and 1722 Fillmore Street.

Section 36-19.5 of the Code of Virginia allows a local housing authority and a local governing body to work together in identifying structures that are deteriorated and have a detrimental influence on surrounding properties. This program also allows the enforcement of housing codes.

Lynchburg Redevelopment & Housing Authority – Delivery Costs – Disposition - The City has allocated $10,336 in CDBG funds for direct property maintenance costs associated with previously-acquired properties until such time as disposition of the properties occur.

HOME ACTIVITIES

The City of Lynchburg will have available $329,999.60 in HOME program funds to support housing activities during FY 2013. Four (4) projects have been allocated funding for HOME eligible activities. The City has designated 53% of the entitlement funds for one (1) Community Housing Development Organization (CHDO) project.

Rush Homes – Community Housing Development Organization (CHDO) – Armstrong Place Apartments – The City has allocated $175,000 of HOME Program CHDO funds for the development of Armstrong Place Apartments, 28 apartments for people with special needs and low incomes, through historic rehabilitation (adaptive reuse) of Armstrong Elementary School located at 1721 Monsview Place. These funds will be used for gap financing and to provide the 25 percent match requirement of the Department of Housing and Community Development (DHCD) for this project.

Funding necessary for the development of this project in addition to City HOME funds includes: Low Income Housing Tax Credits; Virginia and Federal Historic Tax Credits; Virginia Department of Housing and Community Development (DHCD) HOME funds; and a Virginia Housing Development Authority (VHDA) low interest loan.

Lynchburg Neighborhood Development Foundation (LNDF)–Homeownership Fund
This organization and program has been awarded $14,999.60 in HOME program funds to provide affordable mortgage financing assistance for three (3) low-to-moderate income persons and ultimately homeownership for these persons.

Lynchburg Homeownership Fund is a combination of programs administered by LNDF that seek to create and support homeownership. This philosophy has been an essential part of LNDF's mission and incorporates blended multi-layered financing from City and State sources along with private mortgages from conventional lenders and buyer's cash investment. This application seeks to continue to blend City HOME funds in the mortgages offered to low- and moderate-income borrowers.

LNDF's affordable mortgages consist of a 30-year, fixed rate first mortgage at below-market interest rates and additional subordinate mortgages at low rates or forgiven over time. These mechanisms help with making the mortgage affordable, but most often additional soft loans are needed as well. As the economy has driven conventional mortgage rates down, VHDA, our primary source of first mortgage loans, is rethinking its program in order to let the private sector handle the originating loan.

LNDF has brought more than $16 million into the region for this purpose, creating more than 250 new homeowners in the City and throughout the planning district, as well as assisting several hundred others achieve their housing goals through other means.

Lynchburg Neighborhood Development Foundation (LNDF) – Single-Family Development

This organization and program has been awarded $65,000 in HOME program funds to provide assistance for the development of three (3) housing structures for low-to-moderate income families.

This program is a continuation of the years of single-family development undertaken by LNDF. LNDF develops properties primarily in very low-income neighborhoods of Lynchburg where property values are low and overall community revitalization is needed. LNDF has developed and sold 28 newly renovated or built single family homes, to qualified low- and moderate-income buyers. Last year, LNDF received HOME funds to use as development subsidies in three Tinbridge Hill projects. With this request, LNDF proposes to develop three (3) homes for resale to HOME-eligible borrowers in the City.
These properties are located at 708 Polk Street, 700 Taylor Street, and 1110, 1112 Seventh Street.

Lynchburg Community Action Group (Lyn-CAG) Rehabilitation Program -The $75,000 in HOME funds will be used for eligible repair and rehabilitation of owner-occupied housing. Lyn-CAG projects that four (4) low-to-moderate income homeowners will be served with substantial rehabilitation funds from the HOME Program funds and the State Department of Housing and Community Development (DHCD). These properties are located at 846 Rivermont Avenue, 1022 Fillmore Street, 1720 Floyd Street, and 615 Madison Street.

The Homeowner Substantial Rehabilitation Program provides substantial rehabilitation for eligible low-to-moderate income owned properties. The Program is designed to remove health and safety hazards and code violations from the homes of low-income homeowners who live in the City of Lynchburg and meet HUD income guidelines for HOME programs. Typical requests for services include electrical, plumbing, structural and roof repair/replacement. All local contractors who provide the services are licensed and insured. Building materials are purchased from local businesses.

The Annual Action Plan includes the Project Worksheets that list the Objective and Outcome for each of the projects. (Attachment A)

Geographic Distribution/Allocation Priorities

Geographic Distribution of Assistance

According to the 2010 Census, the population in Lynchburg is 75,568 and the Metropolitan Statistical Area (MSA) is 252,634. White citizens account for 64% of the City's population, African-American citizens' account for 29%, and the remaining 7% is made up of two or more races. The Hispanic/Latino population was at 3%.

The median household income in 2010 was $37,058 and the number of persons below poverty is 22.7% of the population. This is an increase of approximately 15% more than that of the 2000 Census This compares to an average income range of $15,000 - $25,000 in the target census tracts. Incomes in these neighborhoods are significantly lower than incomes City-wide.

A disproportionate number of non-whites live in the target market (69.5%) while the city-wide non-white population is 36% of the population.

Minorities in Lynchburg tend to be concentrated in the older portion of the City that is identified as Census Tracts 4, 5, 6, 7, 11, and 19, Minority concentration is defined as a census tract with a minority population of greater than 40%. This area corresponds to the area where a majority of persons are low- and moderate-income as defined by the United States Department of Housing and Urban Development (HUD) and are the Census Tracts in which the Community Development Block Grant (CDBG) and HOME funds are distributed in the Annual Action Plan. (See Appendix B– Targeted Census Tract Map and Project Location Map)

Basis for Allocating Investments

The City of Lynchburg's Consolidated Action Plan draws attention to the housing needs and services in six contiguous census tracts that comprise the CDBG targeted area: Census Tracts 4, 5, 6, 7, 11, and 19 (Tracts 12 and 13 from Census 2000 were combined in Census 2010). This area comprises the central city neighborhoods of Lynchburg that surround the Downtown Central Business District. Demographics and surveys in these neighborhoods indicate that this is where the highest degree of housing problems exists, where the most blight is observed, and where most of the City's low- and low-to-moderate-income persons reside.

These targeted census tracts were selected for concentrated assistance because of their high levels of low-to-moderate income residents and because of their distinct need for housing revitalization and development/redevelopment due to long-term neglect.

The City continues to focus on increasing homeownership and neighborhood stability, through the construction and sale of new housing on formerly abandoned vacant lots, the rehabilitation and sale of vacant houses and through rehabilitation assistance to owner-occupied housing for low and moderate income households.

The City through the HOME Program provides funds for down payment assistance and principal reduction assistance to ensure affordability.

In addition, the City plans to use the CDBG and HOME Program funds to address the housing needs of low and moderate income households. The funds will be used to help low- and moderate-income homeowners through minor and substantial home renovations that would help to maintain safety and increase energy efficiency and functionality in older homes. This provision helps to fulfill the needs of not only the low- to moderate-income homeowner, but also the elderly homeowner, where, in both cases, homeowners often delay investing in necessary rehabilitation due to the expense involved in repairing or renovating their home.

Annual Affordable Housing Goals

The goals identified by City Council form the housing priorities for the Annual Action Plan, and guide the direction of City funds and other available resources. The following are the goals and allocation priorities to reach them.

Increase the number of owner-occupied units
The City supports and encourages owner-occupied housing units within distressed neighborhoods. The City's Comprehensive Plan states that a range of housing options is desirable but a greater proportion of owner-occupied is determined to create more stable neighborhoods as personal investment in long-range trends is stronger.

The 2010 Census reported 53% of the City's occupied housing units were owner-occupied, compared with 47% rental units.

This represents a slight increase in the owner-occupied units City-wide. A corresponding increase was also identified in the census tracts that make up the target market. However, the ratio of owner-occupied units to rental units is lower than in more stable areas of the City, or than in other parts of the country. Efforts to build attractive markets for homeownership in the neighborhoods surrounding downtown is a necessary part of this undertaking.

In order to achieve long-term stability and investment in City neighborhoods, homebuyers must be encouraged to purchase in these areas. This will entail incremental strategies that include working with developers, banks, and others to take collaborative action to achieve the goal of improving and retaining owner-occupancy and housing conditions for existing homeowners. With limited government resources, the City believes the participation of the private, for-profit sector is necessary, with government involvement limited to leveraging other resources with CDBG and HOME dollars for those low- and moderate-income households, which require more assistance in order to, become owners.

Additional strategies include: (1) support of new and rehabilitated housing for ownership in a wide range of prices; (2) encourage developers, banks, and homeowners to take individual action in this regard; and (3) provide incentives for buyers and homeowners to invest a portion of personal funds into the project; and (4) assisting service providers to develop full-service housing counseling programs, including a homebuyers' club to develop qualified new purchasers. As a related matter, the City believes that the buyer should enter the process with some equity to minimize the need for subsidy and to spread City investment as broadly as possible.

Rehabilitate substandard housing units. Emphasis is to be placed on programs that require an investment of funds and/or labor on the part of the owner commensurate with the owner's resources.
The City's Comprehensive Plan identified housing deficiencies in nearly 3,500 rental properties and 1,460 owner-occupied properties. The City's goal to make all housing safe, decent, and affordable will require that a variety of strategies be implemented simultaneously over the next five years and notably within this Annual Action Plan. One strategy is to support financial mechanisms and incentives that encourage individuals in their efforts to repair and keep their homes and properties in good condition. To the extent feasible, owners should provide their own resources so that limited government funds will be spread to the maximum number of houses.

Another strategy is to extend some assistance programs to private landlords as well as homeowners. As business owners, these landlords are responsible for providing a quality product to the public, i.e. renting out only those properties which comply with the International Building Code. Landlords who do not correct Code violations within a 30-day time frame will be denied a Certificate of Occupancy for those units, and therefore, cannot legally rent them out. Potential loss of rental income provides a direct incentive for the landlord to correct the problems. The City is taking a proactive rather than a reactive approach to prevent the further decline of the targeted neighborhoods. The LRHA Rental Rehabilitation Program has received in the past and has been allocated CDBG funds in Program Year 2012 to address observed and eligible repairs according to this strategy.

Clearly, collaboration with other public and private resources is necessary. The primary home-repair agency, Lyn-CAG and Rebuilding Together Lynchburg (RTL) will continue their owner-occupied home repair programs in order to assist the City in achieving its goal.

Strategies will include City support of resident education and training programs that: (1) identify rights and responsibilities of residents; (2) provide skills in home maintenance and upkeep; and (3) support individuals seeking to improve their housing situations.

The City's Residential Rental Property Inspections Program will continue to be a key strategy through the routine inspections of all rental properties throughout the City. In March 2005, City Council unanimously approved a new ordinance focusing on property maintenance of rental housing. This ordinance requires owners of rental property to register any rental unit in the CDBG-targeted area and confirm that the unit complies with the Property Maintenance Code of the Uniform Statewide Building Code (USBC). The City's Comprehensive Plan states that it will explore the effectiveness of incentives that encourage the rehabilitation of older rental properties, or possibly develop an awards program to recognize quality rehabilitation and maintenance of rental properties.

City funds will be made available for other housing providers, combining these with investment resources, such as the Low Income Housing Tax Credits program which can be expanded to increase the stock of safe and affordable housing. However, the City's support of such equity investment for low-income rental units is limited to renovation of existing buildings so that the current stock of housing and structures appropriate for adaptive reuse can be exhausted before new units are constructed.

Acquisition and donation of vacant, blighted properties, by the City and LRHA, and the subsequent transfer to non-profits to develop affordable housing, both rental and owner-occupied, will continue and be expanded, as will the support Lyn-CAG and other organizations that provide assistance to low-income owners.

Support initiatives to increase permanent affordable rental and housing ownership opportunities.
The City supports the national priority to increase the homeownership rate, particularly for low- or moderate-income families. Homeownership promotes stable neighborhoods

and an increased sense of community along with personal financial investment. Owning a home is usually the largest investment, and largest asset, of most households. Data reveals that homeowners are less likely to experience housing problems (substandard conditions, cost-burdens) than renting families. There are several public and private efforts ongoing in the City to attract more first-time buyers by offering various incentives. The City's Comprehensive Plan states that the City will foster and expand relationships with local lenders to develop partnerships for first-time home buyers.

In order to increase homeownership, the City must be prepared to assist families who are unable to meet the entrance profiles for conventional lending but are still credit-worthy and able to meet their financial obligations. The City will need to partner with lenders and/or support alternative lending opportunities, by investing subsidies into the financing. The following are strategies that have been successful in Lynchburg and other places in meeting this priority: (1) continued and increased collaboration with area non-profit agencies, through the distribution of HOME and CDBG program funds; (2) expanded partnerships in the private sector, including corporate and banking sponsorship of homebuyer initiatives; and (3) new incentives to support private developers who build/renovate affordable single-family homes.

These strategies include exploring other public and private funding programs throughout the country to see if they can form models for us to maximize the available loan programs for first-time homebuyers. The use of CDBG and HOME funds to adjust market factors that sometime prohibit credit-worthy homebuyers from access to mainstream lending programs will make a difference in making new homeowners.

Moderate-income renters are an obvious target market for some of these programs. Most moderate-income persons could purchase a suitable house through programs that provide assistance in the form of lower interest rates and flexible loans for down payments and closing costs City partners, such as LNDF, LRHA, Lyn-CAG, and Greater Lynchburg Habitat for Humanity (GLHFH), share this goal and offer several homeownership programs to meet the needs of the City's low income families.

The need for permanent housing for homeless, the disabled, and those with special needs is documented in the Continuum of Care. The scope of the Continuum is regional and therefore, the City's desire is to support permanent housing development throughout the Central Virginia Planning District (Planning District 11). All persons in the region should have housing choices and assistance available.

Special needs populations include, but are not limited to, persons who are mentally ill, mentally disabled, physically disabled, and substance abusers/addicts, have AIDS, are homeless, and are elderly and in need of supportive housing. This population is spread throughout the region, but many of the supportive resources are located in the City of Lynchburg. Increased support of regional homeless and special needs facilities and services, such as the regional Disabilities Services Board, will continue to be specific objectives of the City. Another objective will be to improve regional transportation, especially for persons with special needs so as to maximize access to limited resources.

Promote programs that assist eligible individuals in retaining their homes.
The review of promising programs to address the challenges facing low-income families living in distressed neighborhoods reveals three key themes: (1) Earnings and asset development programs are used to increase the economic self-sufficiency of low-income families and include: place-based employment programs, a focus on "good jobs," the use of work incentives, programs that promote banking, car and home ownership, and
the use of the Earned Income Tax Credit; (2) Family strengthening programs are used to improve health and educational outcomes, as well as link families to needed support and benefit services and include: nurse home visitation, parenting education, early childhood educational programs, and facilitating the receipt of support services; and (3) Neighborhood strengthening programs are used to improve features of the neighborhood, collaboration among service providers, and resident involvement in neighborhood affairs and include: the use of community development corporations, comprehensive community initiatives and community organizing strategies.

Whether they originate from federal programs, such as HOME or CDBG, or local sources, such as housing trust funds or housing bonds, local or state governments are generally the source for the subsidies that make homes affordable to low- and moderate-income families. These subsidies generally cover the difference between what it costs to develop the home and the purchase price that families in the targeted income range can afford and retain once purchased.

The City will continue to support homeowner rehabilitation programs and homebuyer programs that provide interest write-down loans to make the home affordable and allow homebuyers/homeowners to retain their home in challenging economic times.

Non-homeless Special Needs

The City is fortunate to have several resources through which services are delivered to the community. Some of these receive funding from the public sources, such as federal and state grants. Others are private activities operating solely with donated funds from the private sector. In all cases, the City encourages this work and relies on it to complement its social service functions to City residents. The following describes a few programs and lists others that are active in the City.

The Johnson Community Health Center (JCHC), a full-service medical facility has been designated a federally-qualified Community Health Center and recipient of significant federal grants. Several years ago CENTRA created JCHC with funds from its Foundation to meet the observed and severe primary health care needs of the community, especially those of low-income. CENTRA invested more than $1 million to build and staff JCHC and provided ongoing support through the Foundation to continue its progress. When seeking the federal qualifications, JCHC split from CENTRA and established itself as a separate organization with more than 50% of its Board of Directors coming from patients at JCHC. The goals of JCHC have been met and it continues to expand to meet health needs in Lynchburg and the surrounding region.

Security concerns in multi-family housing are addressed by LRHA who employs a security company to provide security to all four public housing complexes. The security guards who are employed work closely with the Lynchburg Police Department to make sure all Police Department policies are followed. This successful collaboration has allowed LRHA to quickly respond to illegal activity and enforce the "One Strike You're Out" policy and stop undesirable tenant activity.

Numerous civic groups provide gifts of volunteer time and money to assist low-income persons. The YWCA-Downtown Branch offers transitional housing for battered women, along with permanent housing above their offices, located in downtown. The ARC of Central Virginia provides enhanced physical and occupational therapy, supported employment, communication facilitation, and nursing care to individuals with mental retardation. The Lynchburg Area Center for Independent Living, Inc. is a private non-profit, non-residential consumer driven organization that promotes the efforts of persons with disabilities to live independently in the community and supports the efforts of the community to be open and accessible to all citizens.

In addition to the multiple public and private agencies providing supportive services to low-income citizens, the City currently operates a Citizens First Information Center phone hotline that coordinates with the United Way-sponsored Information and Referral Hot Line to inform citizens of the available services.

Public Housing

LRHA's efforts over the next year will be to continue to increase the awareness of the community of existing assistance programs, to attract more landlords to participate in the Section 8 Housing Choice Voucher Program and continue to work in partnership with other local housing providers such as Lyn-CAG, LNDF, and GLHFH. LRHA will continue to work with Rush Homes to provide assistance needed for physically and mentally challenged applicants. These efforts are also expanded by working closely with the Lynchburg Area Center for Independent Living (LACIL).

LRHA will continue to work with the YWCA Domestic Violence Program and Miriam's House in following the Violence Against Women Act (VAWA) by assisting women who have been in domestic violence situations placed in safe, decent, affordable housing. A cooperative effort continues in working with the Commonwealth Attorney's Office for the relocation program.

Homeless and Special Needs

Most homelessness initiatives in the City are coordinated through the Housing and Homeless Coalition of Central Virginia (HHC-CVA), a recipient of funding through the Stewart B. McKinney programs (Supportive Housing Program, Shelter Plus Care, etc.) Also participating in the HHC-CVA are the counties of Amherst, Appomattox, Bedford, and Campbell.

HHC-CVA is a regional organization comprised of agencies that serves as the lead entity for Supportive Housing Programs. The HHC-CVA currently has more than 35 listed member organizations, agencies, individuals, programs and businesses.

Sources of Funds
Most homelessness initiatives in the City are coordinated through HHC-CVA, a recipient of funding through the Stewart B. McKinney programs (Supportive Housing Program, Shelter Plus Care, etc.) Also participating in the HHC-CVA are the counties of Amherst, Appomattox, Bedford, and Campbell.

The City of Lynchburg will utilize its Shelter Plus Care annual allocation to provide rental assistance to homeless persons that are transitioning to permanent housing.

In 2010 Lyn-CAG received $363,000 in funding through the Homelessness Prevention and Rapid Re-Housing Program (HPRP) under Title XII of the American Recovery and Reinvestment Act of 2009 ("Recovery Act"). The primary objective of the HPRP was to prevent displacement of households who are potentially homeless, to assist homeless persons in securing permanent housing, to assist homeowners who may be in danger of becoming in arrears and therefore homeless, and to ensure that the persons who receive assistance become self-sufficient. Several ways to measure these objectives include tabulating the number of clients who remain in their housing situation (rental) and successfully complete financial literacy training, home-ownership counseling and/or budgeting counseling. This project served the cities of Lynchburg and Bedford, and the counties of Amherst, Appomattox, Bedford, and Campbell.

Homelessness
The City is a member of the HHC-CVA, which is a regional Continuum of Care (CoC) comprised of agencies that focuses on issues pertaining to homelessness.

Through the participation of its members of the HHC-CVA the Coalition can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing.

The specific priority needs outlined in the CoC strategy place high priority on the creation of eight (8) new permanent housing beds for the chronically homeless, job training, and employment programs, and the journey from transitional to permanent housing for both families and individuals. The CoC's homeless activities during the five-year period of this Consolidated Plan will also coordinate homeless prevention services to those at risk of becoming homeless.

Chronic Homelessness
The HHC-CVA has designated the creation of new permanent housing beds for chronically homeless individuals as one of its strategic planning objectives.

The HHC-CVA provides a comprehensive response to the different needs of homeless individuals and families so that they can make the critical transition from the streets to independent living.

It is important that a balance of emergency, transitional, and permanent supportive housing be provided, along with homeless prevention, case management and other supportive services, so that the transition of homeless persons to self-sufficiency becomes permanent.

Homelessness Prevention
Homelessness prevention is achieved using a variety of means, often through a connected network of services coordinated with public and nonprofit agencies. The HHC-CVA plans to continue its objectives to reduce the numbers of unsheltered households with children. The HHC-CVA will identify major prevention/intervention funding sources and agencies, collate regulations and limitations of each source or entity, create a tool for regular reporting of utilization of funds, and analyze gaps and utilization.

The HHC-CVA also plans to maintain or increase the number of persons employed at program exit. Employment is a critical step for homeless persons to achieve greater self-sufficiency. The HHC-CVA is comprised of several employers that work with homeless agencies to secure employment for clients. Case managers continuously work to ensure the appropriate evaluation of skills and abilities of clients in order to locate employment opportunities prior to exit.

Discharge Coordination Policies
In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the HHC-CVA continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge. The following are supportive service agencies that coordinate discharge:

Foster Care (Youth Aging Out):
The Virginia Department of Social Services requires a service plan policy to be implemented by the Local Departments of Social Services so that youth aging out of foster care are released into a permanent housing setting. The local Departments of Social Services participate in the CoC and coordinate with colleague agencies to appropriately plan for discharge of youth out of foster care into private, permanent rental housing and with access to employment opportunities. Specifically, the Lynchburg Department of Social Services, to the extent possible, attempts to discharge youth to a home-like setting, sometimes with a family member or other adult who can provide guidance. As foster children turn 14 years of age, they are provided with independent living skills, which include budgeting the funds that they receive from foster care and/or their employment, how to keep a checkbook, and how to set up an apartment for themselves. The Independent Living Coordinator meets with older foster youth (those 16 and above) on a monthly basis to do training and discuss the variety of issues that arise for these children.

Health Care:
CENTRA Health is the primary hospital provider in the region served by the CoC and its staff work closely with area agencies, providers, and organizations in the CoC to ensure safe and adequate placement of those being released from the hospital system. CENTRA is connected to many of the CoC and other local agencies for appropriate release planning back to families or to private rental housing and connection with services.

Mental Health:
Virginia mandates that persons discharged from State institutions or systems of care has a plan for discharge that prevents the occurrence of homelessness. The policy states that patients cannot be discharged into homelessness, including the streets, shelters, or other HUD

McKinney-Vento funded programs. The State Hospital System in Virginia works with the Community Services Boards to coordinate discharge planning. This population routinely will go to private or church-run group homes and/or halfway houses until becoming stable in the community. The Central Virginia Community Services Board (CVCSB) serves the CoC region, participates in the CoC, and accesses funds to secure apartments and other housing options for discharged State hospital patients.

Corrections:
The Virginia Department of Corrections has protocols in place to specifically include housing needs in discharge plans. At discharge, the inmate must have a verifiable address in order to be released and the Probation and Parole District office is directed to address this need and use available local resources to help with housing. Often, the discharged inmate will return to family or to locally funded emergency shelters, such as the Salvation Army. The City of Lynchburg and other localities participate in the CoC and provide coordination for this effort.

The following objectives have been established for the CoC agencies for the period of this Annual Action Plan.

Objective 1: Create new permanent housing beds for chronically homeless individuals.

The YWCA is considering setting aside one or two units for the chronically homeless. Additionally, the CoC is looking into participating in the statewide permanent housing project that will add another 1000 houses for VA homeless and consider innovative ways to increase our permanent housing beds. This effort looks at seriously jeopardized persons and their health concerns that make them primary candidates for permanent housing, combining multiple resources from the services and medical communities to support this permanent housing. Engaging in this effort will add an additional 2-3 permanent housing units.

The Steering Committee considered many alternatives to current funding and operations that would increase this inventory and has agreed to continue with its current programs and seeks additional resources that would increase permanent housing units through multiple sources. The greatest challenge is the funding for the supportive services and we continue to communicate with other statewide and regional groups to meet these needs, especially if the numbers of units increase. These efforts are intended to add another 5 to 10 permanent housing units to our inventory of supportive housing.

Objective 2: Increase percentage of homeless persons staying in permanent housing over 6 months to at least 77%.

The Continuum participants are now exceeding the baseline goal of 77% and intend to keep this percentage high. The CoC will continue to implement the following activities: expanding the Shelter/Transitional Living (TL) Directors Committee to one that invites many other service provider agencies to increase awareness and participation in services. Lynchburg Neighborhood Development Foundation (LNDF) has engaged in a partnership with the Substance Abuse and Addiction Recovery Alliance of Virginia (SAARA) to offer housing opportunities to participants in their outpatient recovery program. This will lead to other relationships to decrease the occurrence of relapse. Additionally, the permanent SHPs all work very closely together and share a case manager and HMIS representative. The Steering

Committee conducts an analysis of APR data to determine which programs are experiencing difficulties and need assistance from the Coalition.

The Steering Committee is devising tools to identify changes in the permanent housing participant community. Multi-agency meetings will look at the results of this analysis and offer ideas as to enhance communication and interaction. Therefore, it is anticipated that permanent housing tenants will have a positive experience in their homes and will continue to rent at permanent housing facilities. Shared input meetings will help in determining eviction policies and assess the benefits of shared service providers.

Objective 3: Increase percentage of homeless persons moving from transitional housing to permanent housing to at least 65%.

Miriam's House (MH) and Lyn-CAG have exceeded this goal, though both will continue to work closely with community agencies to rapidly move homeless individuals and families into permanent housing. This will be done through collaboration with local subsidized housing agencies. In January 2012 there was a meeting that was coordinated by the Shelter/TL Directors Committee with a panel of representatives from each of the major subsidized housing agencies. The panel plans to present to the HHC-CVA all of the subsidized housing options to better educate case workers on eligibility and the application process. Participants in transitional housing will continue to receive weekly case management to link them with resources that will empower them to live independently. These linkages involve agencies in the areas of mental health, healthcare, financial assistance, education, employment, substance abuse and children's services. Furthermore, MH will develop a Memorandum of Understanding (MOU) with the local Housing Authority to provide assistance with subsidized housing options for individuals and families preparing to move into permanent housing.

The Shelter/TL Directors Committee through the Clinical Services Network will continue to host meetings regarding local subsidized housing opportunities to better educate caseworkers. Transitional housing programs will continue to work in tandem with the Housing Authority to assess and track if there are projected indicators of an exacerbated dearth of permanent housing as the economy continues to worsen. Also, transitional housing programs will look to develop working relationships with large property owners in Lynchburg, so as to potentially streamline discharges into safe and affordable housing. An example of this is that during 2011, MH Board of Directors successfully sought out a new Board member who owns and manages a substantial amount of rental property in the Lynchburg vicinity. MH is now utilizing this Board members expertise and resources to find suitable housing in the Lynchburg area for graduating residents.

Objective 4: Increase percentage of participants in all CoC-funded projects that is employed at program exit to 20 percent or more.

This goal has been exceeded. The Shelter/TL Directors Committee will coordinate a Clinical Services Network (CSN) to focus on employment assistance programs. Case managers in each of the CoC funded projects will be able to attend trainings to learn more about program eligibility, application process and program details. Individuals in the CoC funded programs will be referred to agencies based on needs. Homeless youth ages 14-18 will be referred to Family

Alliance's Youthworks program while single parents who receive Temporary Assistance to Needy Families will be referred to the Virginia Initiative for Employment not Welfare program. Clients with disabilities will be referred to the Virginia Department of Rehabilitative Services for employment services. The CoC will continue to be aware of new employment assistance programs in order to educate case managers through the quarterly CSN meetings.

In the long term, the Shelter/TL Directors Committee will continually increase awareness of local employment assistance programs in order to assist case workers with referring clients who are also unemployed to an appropriate program. CoC funded program representatives will participate in the Homeless and Housing Coalition and contribute to the resources provided by the Clinical Services Network. The Homeless and Housing Coalition members will intentionally reach out to major local employers who could be of assistance in providing entry level jobs to unemployed individuals as appropriate.

Objective 5: Decrease the number of homeless households with children. The Shelter/TL Directors committee will look at the effect of homelessness on families and resulting issues. This assessment will include identifying barriers to housing and employment and generate reports on initiatives to assist families in distress.

The Steering Committee is identifying partnerships with non-CoC members, especially those in the medical and mental health communities, whose focus is children's services and family issues will provide resources to homeless households and also attempt to prevent individuals from reaching the point of homelessness. One of the goals of the Steering Committee is to increase public participation in the Homeless and Housing Coalition and to increase education on homeless issues, especially the effect in families.

Barriers to Affordable Housing

Lynchburg is a city of relatively low housing costs. However, average income and cost-of-living also reflect these somewhat lower housing costs. In recent years there has been a resurgence of housing development, primarily in the outlying areas of the City. Development in the CDBG area remains limited to non-profit and subsidized activity. This is due to the very low property values in these census tracts and a greater value placed on improvements to property than to the land itself. In the target area, this high value on improvements, or buildings, had the effect of costing more than clearing land and, thereby, negating the opportunities of redevelopment. This was also a large disincentive to development through renovation because the cost of repair typically exceeds the value of the renovated property. Therefore, subsidized development has been the primary construction tool in the CDBG neighborhoods to off-set the resistance of these neighborhoods to general real-estate market forces.

Even though the City’s Zoning Ordinance has been amended there are still outdated requirements that can be viewed as barriers to affordable housing. The City’s Zoning Ordinance was adopted in 1978 after the City annexed portions of Amherst, Bedford, and Campbell counties in 1976. The ordinance is “suburban” in style and does not serve the older “traditional” areas of the City well. Existing dwellings in older areas of the City are typically located on smaller lots and do not conform to the Zoning Ordinances standards for setbacks or lot sizes. These large suburban setbacks and lot size requirements have prevented homes from being expanded and prevented the construction of affordable infill housing. The City is beginning an assessment of the City Zoning Ordinance to determine an action plan for revision.

In some cases the City has approved waiver of certain City fees that create undue costs of development of housing by non-profit organizations. These and other strategies will continue to be considered so that increased development costs would not be passed on to low-income home buyers.

Other Actions

Addressing Obstacles to Meeting Underserved Needs

The City will continue to cooperate with local non-profits, neighborhood groups, and others to address obstacles to meeting the underserved need, foster and maintain affordable housing, remove barriers to affordable housing, evaluate and reduce lead based paint hazards, develop institutional structure, enhance coordination between public and private housing and social services agencies, and foster public housing improvements, and resident initiatives. Agencies and groups that coordinate this effort are the Lynchburg Neighborhood Development Foundation (LNDF), Housing and Homeless Coalition of Central Virginia, Lynchburg Community Action Group (Lyn-CAG), Rebuilding Together Lynchburg, Lynchburg Redevelopment and Housing Authority (LRHA), Community Code Compliance Team and the Lynchburg Department of Social Services.

Access to Public Transportation

Public transportation is one of the public systems that play a central role in supporting and sustaining the livability and economic vitality of the City. Ensuring that actions at all levels of government are coordinated, market-responsive, and sensitive to community development goals and objectives is of fundamental importance to the City. To the extent practicable, the City will review its housing strategy and in coordination with the Greater Lynchburg Transit Company strive to provide residents of affordable housing access to public transportation.

COMMUNITY DEVELOPMENT

The goals identified by City Council form the Community Development needs for this plan, and guide the objectives and direction of City funds and available resources. The following are the priorities and strategies to reach them.

Eliminate neighborhood deterioration, blight, and blighting influences.
The City will continue its coordinated and aggressive code enforcement of dealing with weeds, abandoned motor vehicles, litter, and vacant buildings in an effort to improve the safety and appearance of neighborhoods, in which people live, work and play. The City will continue to use supervised inmate labor from the local jail to secure abandoned buildings against illegal entry, clean illegal dumpsites, and cut weeds on neglected properties. The Community Development staff will continue to involve the Police Department, Fire Marshall, and LRHA in determining the priority for demolition of substandard housing. The above is part of the City's ongoing Code Compliance Program, and is a high priority activity that reports to City Council annually.

Another segment of this Program is the continued support of the Community Code Compliance Team, a cross-departmental group of City employees whose job responsibilities relate to enforcement and/or quality of life issues. This Team will continue to focus on enforcing codes in a fair and effective manner; devise new strategies to address neighborhood/citizen concerns; and walk neighborhood streets as a group so that they can see and hear concerns first-hand and respond with their own observations.

The City will continue its selective demolition program in the targeted neighborhoods. The program is focused on demolition of non-historic structures and site preparation for the collaboration with non-profit housing providers to offer the sites for housing construction and the waiver of fees for landfill and demolition costs. The City has allocated CDBG funds in Program Year 2012 to assist with this ongoing initiative.

Public infrastructure in the downtown area is being addressed by the Combined Sewer Overflow (CSO) project and street improvements as part of the downtown redevelopment. The City will seek to complete this CSO project within the next three to five years. The Riverfront Park will meet recreational and entertainment needs for the City and region, in particular the targeted neighborhoods.

Support the organized efforts in neighborhoods to leverage their resources to improve and sustain community livability and services.
Neighborhoods are an important foundation for improving and sustaining community livability and services. Strong neighborhoods help to create more active and informed citizens which in turn result in a stronger community. Within neighborhoods there are shared identities, issues, concerns, and interests. Each neighborhood has its own unique priorities and character. The neighborhoods within Lynchburg’s Historic Districts are working to preserve historical aesthetics. Some neighborhoods have traffic problems while others are dealing with beautification, crime, youth, socioeconomic, and/or family concerns. There are a variety of

neighborhood issues, each neighborhood needs an avenue to deal with their own needs so that the community continues to be strengthened and protected.

Supporting the work of neighborhoods in order to create opportunities for citizens to take a leading role in their future is important for improving and sustaining community livability and services. The process must include citizens, government, community organizations and other stakeholders working together to develop a common goal, mission and vision to address neighborhood concerns. The purpose of supporting organized neighborhood efforts to leverage their resources to improve and sustain community livability and services is ultimately to develop mutual responsibility and collaboration in community building and problem solving.

Another important aspect of improving and sustaining community livability and services is to build on the existing assets within the various neighborhoods by investing in existing housing stock through revitalization and rehabilitation efforts. Also, creating opportunities to make home ownership available to qualified individuals and providing assistance to help homeowners keep their homes helps to strengthen neighborhoods.

The City is moving towards focusing funds and efforts on the Tinbridge Hill Neighborhood. Several non-profit groups and churches (Friends of Tinbridge Hill) have joined together to focus on improving the quality of housing and infrastructure in this neighborhood. Tinbridge Hill is anchored by the very active Yoder Community Center which recently underwent a renovation which was partially funded with CDBG funds, City funds, and private funds.

In Program Year 2011, The Tinbridge Hill Neighborhood Council (THNC), in partnership with the City of Lynchburg, and supported by the Friends of Tinbridge Hill (FTH) proposed a long-term, targeted investment of CDBG funds into Tinbridge Hill to assist its residents and community stakeholders accomplish its goals and develop a
comprehensive vision. The residents and Neighborhood Council have built strong and productive relationships with identified and proven achievements. THNC and FTH have successfully engaged a number of stakeholders including the Legacy Museum of African-American History, the Old City Cemetery, Johnson Health Center, Presbyterian Homes and Family Services, Habitat for Humanity, Saint John's Episcopal Church, Randolph College, Rebuilding Together Lynchburg and other organizations throughout the community for various neighborhood improvement efforts.

Activities funded with Program Year 2011 CDBG funds included housing rehabilitation, technical assistance to update the 1996 neighborhood plan, planning and study of access to Blackwater Creek Trail from Tinbridge Hill and interim assistance for neighborhood cleanup activities**.**

The Program Year 2012 CDBG funds will be used for continued housing rehabilitation, technical assistance to secure planning and design expertise to build on the work of the updated neighborhood plan and public service in the form of job training for Tinbridge Hill youth.

City staff is continuing its development of a formalized effort regarding the sustainability of neighborhoods. Although still under development, operating principles that are proposed to guide the City's work in neighborhoods include:

- Sustaining neighborhoods through partnerships with non-profits, developers, businesses, neighborhood groups, and citizens.
- Recognizing and preserving neighborhood identity, character, history, and diversity.
- Public safety is necessary for vibrant and sustainable neighborhoods.
- Promoting well designed neighborhoods where residents are able to work, shop, and play close to home.
- Fostering connectivity within and among neighborhoods.

Proposed Goals that support the draft operating principles for neighborhoods include:
- Supporting mixed-use neighborhoods with accessible green space.
- Encouraging innovative, safe, and affordable housing choices.
- Recognizing the uniqueness of all neighborhoods and partnering in revitalization efforts.
- Promoting neighborhood partnerships to maximize community resources and facilitate self-sufficiency.
- Connecting neighborhoods through infrastructure and public services.

Objectives and specific benchmarks will be closely linked with the goals noted above.

Support Economic Development efforts which will expand job opportunities and retention.
The City's goal is to incentivize and support commercial and industrial development in order to encourage economic growth, expand the tax base and increase job creation. We will use the following strategies: (1) aggressive, targeted downtown redevelopment and revitalization efforts focused on existing business support, new business attraction and residential, infrastructure and quality of life investments; (2) continue to offer and even expand redevelopment and façade improvement financing to businesses in the downtown census tract to further redevelopment in this area and instill pride in our Main Street; (3) encourage continued support from the area banks in the privately-funded Enterprise Zone Loan Pool, which provides reduced rate loans to eligible businesses; (4) continue to support the Business Development Centre, a non-profit organization which provides Small Business Administration loans, other loans, and technical assistance to emerging businesses; and (5) increase existing business and entrepreneurial participation in the Economic Development Authority's Revolving Loan Fund. The City will also support projects that recruit and train low income persons and assist them in obtaining employment. The City will continue implementation of the downtown master plan for the redevelopment of downtown.

Promote activities which support the healthy development of the City's at-risk youth, adults and families
The City supports and will continue to serve at-risk youth, adults and families to provide comprehensive, collaborative, and quality services that empower youth and families. Goals established include: identifying the needs of youth and families and working collaboratively to meet those needs, providing high quality service and programs needed by youth and community programs that impact youth and families, and development of prevention resources and programs.

In addition, the City will continue to support public service providers in order to meet the needs of the low-to-moderate income persons, individuals with disabilities, substance abuse or addiction, persons with AIDS, persons that are homeless, and elderly persons. In addition to the services provided by the City's Social Services Department, there are many nonprofit organizations that coordinate with the City to provide the services needed.

PROGRAM SPECIFIC REQUIREMENTS

CDBG

1. Identify program income expected to be received during the program year, including:
   - amount expected to be generated by and deposited to revolving loan funds;
   - total amount expected to be received from each new float-funded activity included in this plan; and
   - amount expected to be received during the current program year from a float-funded activity described in a prior statement or plan.

   The City expects to receive $2,030.00 from Lynchburg Redevelopment and Housing Authority (LRHA) from an amortized loan which was described in a prior plan.

2. Program income received in the preceding program year that has not been included in a statement or plan.

   The City does not have any prior year program income that has not been included in a plan. However for the 2012 plan, the City has made adjustments for additional program income received in the 2010 plan year.

3. Proceeds from Section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in its strategic plan.

   The City does not have any proceeds from a Section 108 loan guarantee.

4. Surplus funds from any urban renewal settlement for community development and housing activities.

   The City does not have an urban renewal settlement.

5. Any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan.

   The City does not have any returned grant funds.

6. Income from float-funded activities.

   The City does not have any float-funded activities.

7. Urgent need activities, only if the jurisdiction certifies.

   The City does not have any urgent need activities.

HOME PROGRAM

HOME Assistance

The City of Lynchburg expects to utilize HOME funding for homeownership, rehabilitation, new construction, and development of rental assistance projects.

Other Forms of Investment

The City of Lynchburg does not intend to use other forms of investment.

Guidelines for Financing and Refinancing

Not applicable. During FY 2013, the City of Lynchburg does not anticipate using HOME funds to finance or refinance existing debt secured by multi-family housing that is being rehabilitated with HOME funds.

Recapture Provisions for Homebuyer and Homeownership Activities

In accordance with HOME program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy-downs, as available.

The HOME affordability periods are as follows:

HOME Investment Per Unit	Length of the Affordability Period
Less than $15, 000 subsidy	5 years
$15, 000 - $40,000 subsidy	10 years
More than $40,000 subsidy	15 years
New construction of rental housing	20 years

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

In accordance with HOME CPD 12-003 Notice “Guidance on Resale and Recapture Provision Requirements under the HOME Program” the City has submitted to the HUD Richmond Field Office the “Recapture Restriction Agreement” used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. HUD Richmond Field Office staff has reviewed the submitted documentation and found it acceptable for compliance with §92.254(a) (5)) of the HOME Program regulations.

Tenant-based Rental Assistance

The HOME funds are not used for tenant-based rental assistance.

HOME Affirmative Marketing

The City's Affirmative Marketing Procedures that will be followed to affirmatively market housing containing five or more HOME-assisted units is attached. (See Appendix C)

HOME Minority Outreach Program

The City's Minority Outreach Program procedures that will be followed in accordance with Section 281 of the HOME Investment Partnership Act and 24 CFR 92.350 is attached. (See Appendix C)

HOME Matching Requirements

HOME matching requirements are met by volunteer hours committed through non-profit agencies.

HOPWA

The City of Lynchburg does not receive Housing Opportunities for Persons with AIDS (HOPWA) funds.

EMERGENCY SOLUTIONS GRANTS (ESG)

No Applicable.

City staff consulted with the Virginia Department of Housing and Community Development (VDHCD) regarding grant awards for Emergency Solutions Grants within the City of Lynchburg and Metropolitan Statistical Area (MSA). VDHCD advised that neither the City of Lynchburg nor any local government in the counties of Amherst, Appomattox, Bedford and Campbell, or nonprofit agency within the Housing and Homeless Coalition of Central Virginia (HHC-CVA), are recipients of funding through ESG.

OTHER NARRATIVES AND ATTACHMENTS

Available Resources - The Table below reflects the CDBG and HOME financial resources available during Fiscal Year 2013.

Program	***FY 2013 Federal Funding***
Community Development Block Grant Program (CDBG) Entitlement	**$639,243.00**
Prior Year Funds Available for Reprogramming:	
Bluffwalk (Interest Payment 2011-2012)	121,859.00
City Program Administration (2010-2011)	54,835.68
Hunton Community Center (2008-2009)	1,948.83
LRHA Spot Blight Returned Funds (2009-2010)	13,573.50
LRHA Spot Blight Reprogramming (2009-2010)	105,477.26
LRHA Spot Blight Reprogramming (2010-2011)	80,000.00
LRHA Returned Funds due to Audit	4,333.00
Mary Bethune Academy (2008-2009)	251.74
Program Income (2010-2011)	3,183.80
Total Amount of Funds to Reprogram:	**385,462.81**
Program Income 2012-2013	**2,030.00**
Total CDBG Funds	**$1,026,735.81**
HOME Program-Entitlement	**$283,839.00**
Prior Year Funds Available for Reprogramming:	
City Program Administration (2007-2008)	251.90
City Program Administration (2008-2009)	686.70
Lynchburg Covenant Fellowship Shalom Rehab (2008-2009)	40,000.00
Program Income	5,222.00
Total Amount of Funds to Reprogram:	**46,160.60**
Total HOME Funds	**$329,999.60**
Total Federal Resources	**$1,356,735.41**

Low/Mod Benefit (91.220(1) (1) (iv) :

At least seventy percent (70%) of the CDBG funds will be used for activities that benefit persons of low- and moderate income or that live in a low- and moderate income area. The activities include housing rehabilitation, targeted neighborhood revitalization, acquisition, slums and blight, and public services. The project detail sheets identify the location of each project, which includes the CDBG-targeted areas (Census Tracts 4, 5, 6, 7, 11, and 19).

Lead-based Paint 91.205 (e)

Paint hazards are given high priority and addressed in all residential rehabilitation projects undertaken with federal funds as mandated by HUD and the Environmental Protection Agency (EPA). Paint hazard evaluations, testing, risk assessments, safe work practices, clearance and resident notifications will continue to be performed as part of the housing rehabilitation programs.

Fair Housing

Funding has been allocated in the FY 2013 CDBG projects for the City to update the current Analysis to the Impediments to Fair Housing (AI). This update is going to be reviewed in conjunction with the overall housing needs in the City including affordable, transitional, homelessness, and public housing.

During this Annual Action Plan the following actions will be taken to further affirmative fair housing:

- Fair Housing brochures will be available to the public through the CDBG subrecipients and to persons visiting City Hall, the public libraries, and the Community Development Department.
- City staff will participate in the Homeless and Housing Coalition, composed of service providers who prepare the Continuum of Care to address the needs of homeless persons and the special needs of persons that are not homeless but require supportive housing.
- The equal housing opportunity logo will be included on all newspaper ads placed by the Grant Administration Office.
- Provide fact sheets for bulletin boards within work areas and public common area.
- LRHA will continue to post in every building for which Section 8 occupants are located a Fair Housing Poster. There is also a poster in each staff person's office located at 918 Commerce Street.
- A public notice will be published in *The News and Advance* regarding fair housing rights and telephone numbers for concerned individuals to call if they felt their fair housing rights have been violated, or they wanted additional information. (See Appendix D)
- Information regarding fair housing and Fair Housing month (April 2012) will be posted on the City of Lynchburg web site. (See Appendix D)
- In addition to the web site and newspaper advertisements, City staff ensured that all bid documents and contract solicitation for City of Lynchburg, Federal and State projects include solicitation of minority-owned and women-owned businesses. All

non-profits that receive CDBG and HOME funds also have their own marketing policy that indicates recruitment and solicitation of minority-owned and women-owned businesses where possible.

- City staff will assist contractors in obtaining the certified list of minority-owned and women-owned businesses. The vendor/contractor list provided on the State of Virginia's web site will be distributed to contractors, as requested.

Section 108 Loan Guarantee

Project Name: **Bluffwalk Center Project**
Section 108 Project Number: **B-00-MC-51-0014**

Project Description:
In June 2003, the City was awarded a Section 108 Loan for the Bluffwalk Center. The Center consisted of a Boutique Hotel, Upscale Restaurant – Shoemakers, Microbrewery and Conference Center. The project later added another restaurant - Waterstone. This project has added new permanent full time jobs benefiting low and moderate income recipients.

Current Status:
The Bluffwalk Center Project has been completed**.** Repayment of principal and interest is in progress**.**

Section 108 Loan Amount: **$3,200,000**

Economic Development Initiative (EDI) Grant: **$800,000**

Total Amount of CDBG Funds Provided to Project for Repayment: **$932,970**

Matrix Code: **19F-Planned Repayment of Section 108 Loan Principal**

The number of jobs made available to low and moderate income recipients was actually 90 through full-time and part-time positions. However, the number of Full Time Equivalent (FTE) jobs made available to low and moderate income recipients was 54.6. The projected amount for the Bluffwalk Center Project was 61. The number of jobs made available to low income recipients was determined by comparing the annual salaries to 50% of the median income for Lynchburg per the 2000 census. The number of jobs made available to moderate income recipients was determined by comparing the annual salaries to 80% of the median income for Lynchburg per the 2000 census.

AGENDA ITEM # 20

April 29, 2012

Mrs. Chambers

Clerk of the City Council

Mrs. Chambers;

I am requesting to speak to Council on May 8th, 2012 regarding the City Budget.

Sincerely,

Craig Storrs

3436 Odd Fellows Road (Liberty University housing)

Lynchburg, VA 24502

(610) 984-3005

RECEIVED
APR 30 2012
Council/Manager
Offices

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **May 8, 2012** AGENDA ITEM NO.: 21

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

ACTION: **X** INFORMATION:

ITEM TITLE: **Consideration of an Ordinance to Regulate Excessive Animal Noise**

RECOMMENDATION: Adopt an ordinance to regulate excessive animal noise.

SUMMARY: This matter first came to Council as a result of citizen complaints regarding the crowing of roosters and the resulting disruption of neighborhood peace and quiet. Rather than attempting to regulate the number of roosters kept in the City, the City Attorney suggested that Council consider an ordinance regulating any animal that produced excessive noise. Council agreed and asked that an ordinance be drafted. It is attached for Council's consideration.

The proposed ordinance provides that an aggrieved citizen can file a complaint with the magistrate and that the court can order an offending animal to be removed from the City. There is no requirement for the Animal Warden to be involved in the process and the ordinance does not contain a criminal penalty. The only penalty is the owner being required to remove the animal/fowl from the City.

PRIOR ACTION(S): April 10, 2012, Council directed staff to draft an ordinance to address excessive noise from animals/fowl.

FISCAL IMPACT: None

CONTACT(S): Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): Proposed ordinance

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 7-6 , RELATING TO EXCESSIVE, CONTINOUS OR UNTIMELY NOISE FROM ANIMALS, LIVESTOCK, POULTRY OR FOWL.

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

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 7-6 as follows:

Sec. 7-6. Excessive, continuous or untimely sounds from animals, livestock, poultry or fowl

(a) It shall be unlawful and shall be a nuisance for an owner or custodian of any animal, livestock, poultry or fowl to harbor or keep any animal, livestock, poultry or fowl within the city which frequently or for a continued duration makes excessive, continuous or untimely sounds which are audible on the property of a complainant in the city.

(b) For the purposes of this section, "excessive, continuous or untimely sounds" shall mean any animal, livestock, poultry or fowl sounds which:

(1) Can be heard inside the confines of a dwelling unit, house or apartment of another person between the hours of 10:00 p.m. and 7:00 a.m.; or

(2) Can be heard inside the confides of a dwelling unit, house or apartment of another person at least once a minute for ten (10) consecutive minutes between the hours of 7:00 a.m. and 10:00 p.m.; or

(3) Can be heard at fifty (50) feet or more feet from the animal, livestock, poultry or fowl between the hours of 10:00 p.m. and 7:00 a.m.; or

(4) Can be heard at fifty (50) feet or from the animal, livestock, poultry or fowl at least once a minute for ten (10) consecutive minutes between the hours of 7:00 a.m. and 10:00 p.m.

(c) Any person who is subjected to excessive, continuous or untimely sounds from any animal, livestock, poultry or fowl may appear before a magistrate and request that a summons to be issued summoning the person owning or having custody of any animal, livestock, poultry or fowl suspected of making excessive, continuous or untimely sounds before the general district court of the city to show cause why such animal, livestock, poultry or fowl should not be ordered to be removed beyond the city limits. Upon proof that such animal, livestock, poultry or fowl is making excessive, continuous or untimely sounds, such animal, livestock, poultry or fowl shall, upon order of the general district court, be removed beyond the city limits, as directed by the general district court.

(d) If the owner or custodian of any animal, livestock, poultry or fowl fails to comply with the general district court's removal order within two (2) weeks, the animal control officer may impound the animal, livestock, poultry or fowl and offer the animal, livestock, poultry or fowl to an animal shelter for adoption in a home outside of the city or otherwise dispose of such animal, livestock, poultry or fowl if it cannot be adopted.

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

Adopted:

Certified: ______________________________
Clerk of Council

071L

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: ~~April 24, 2012~~ May 8, 2012 AGENDA ITEM NO.: xxx 9 22

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

ACTION: **X** INFORMATION:

ITEM TITLE: **FY 2012 Third Quarter Budget Adjustments**

RECOMMENDATION: Hold a public hearing and adopt a resolution to amend the FY 2012 Adopted Budget and appropriate funds to implement revenue, expenditure, and transfer adjustments as identified on Attachment A for the General Operating, City/Federal/State Aid, City Capital Projects, Comprehensive Services Act, Fleet Services, Regional Airport Operating, Regional Airport Capital, Regional Airport Passenger Facility, and LEAF Funds.

SUMMARY: In March staff began a review of FY 2012 operating revenues and expenditures of the City's various funds to determine if adjustments were needed prior to the end of the fiscal year. Departments were requested to submit any adjustments that needed to be considered prior to the end of the fiscal year. Attachment A provides a list of proposed expenditure and revenue adjustments based on a third quarter review.

PRIOR ACTION(S): Adoption of the FY 2012 Operating Budget: May 24, 2011

BUDGET IMPACT: As noted on Attachment A, the impact to the General Fund Reserve for Contingencies is $426,985, leaving a balance of $629,796. An amount of $500,000 is included to be carried over to the FY 2013 General Fund Reserve for Contingencies.

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

ATTACHMENT(S): Attachment A: FY 2012 Third Quarter Detail – Revenues and Expenditures

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the General Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the City/Federal/State Aid Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the City Capital Projects Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the Comprehensive Services Act Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the Fleet Services Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the Regional Airport Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the Regional Airport Capital Projects Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the Passenger Facility Charge Fund as identified on the FY 2012 Third Quarter Detail by Fund;

BE IT FURTHER RESOLVED that the FY 2012 budget is amended and that there be appropriated from the funds and resources of the City of Lynchburg the sums for the LEAF Special Revenue Fund as identified on the FY 2012 Third Quarter Detail by Fund;

Introduced: Adopted:

Certified: ______________________________
Clerk of Council

053L

FY 2012 THIRD QUARTER DETAIL

GENERAL FUND

DEPARTMENT/DIVISION	REVENUES	EXPENDITURES	PURPOSE
Emergency Services	$5,000	$5,000	Appropriate donation received from Harris Corp. for Day in the Park.
Fire		$64,590	Appropriate wages and FICA for seven recruits attending recruit academy.
Fire	$150,000	$20,000	Appropriation for increased ambulance fees due to the receipt of additional revenue.
Fire	$10,000	$10,000	Appropriate revenue from the sale of two defibrillators to purchase medical supplies.
Fire	$2,500	$2,500	Appropriate PIER revenue received to purchase a replacement trailer for the Technical Rescue Team.
Police		$166,000	Appropriation for unanticipated overtime expenses due to staffing shortages.
Police		$7,000	Appropriation for increased polygraph expenditures.
Police		$21,500	Appropriation for bullet resistant vests.
Police		$5,300	Appropriation to replace computer equipment damaged by lightning.
Police		$11,600	Appropriation for fuel purchased from external vendors.
Police		$24,000	Appropriation to replace two police canines due to a retirement and an unexpected death.
Sheriff	$26,212	$26,212	Funding for part-time employees, fully reimbursable by the Compensation Board.
Sheriff	$7,864	$7,864	Funding for salary increases for two State funded position promotions, fully reimbursable by the Compensation Board.
Sheriff	$15,728	$15,728	Restoration of funding previously reduced by Compensation Board for part-time expenditures and supplies.
Social Services	$1,325,000	$1,325,000	Appropriate expenditures for ongoing social services programs based upon increased federal and state revenues. No additional local match is required.
Various Departments		$330,169	Appropriate funds for increased cost of fuel.
Airport		($73,174)	Reduce the General Fund Subsidy to the Airport.
Public Works		($36,000)	Move unspent snow removal funds to Fleet budget to cover shortfall in replacement budget for 2 dump trucks with snow removal equipment.
Transfer to Fleet		$36,000	Transfer to Fleet Fund to cover shortfall in replacement budget for 2 dump trucks with snow removal equipment.
Reserve for Contingency		($426,985)	Net difference between revenues and expenditures to be funded with Reserve for Contingency.
GENERAL FUND TOTAL	**$1,542,304**	**$1,542,304**	
Juvenile Detention Group Home Reserve		$440,185	Transfer balance of Juvenile Detention Group Home Reserve from General Fund to City Capital Projects Fund.

FY 2012 THIRD QUARTER DETAIL

CITY/FEDERAL/STATE AID FUND

DEPARTMENT/DIVISION	REVENUES	EXPENDITURES	PURPOSE
Commonwealth Attorney - Violence Against Women	$4,570	$4,570	Adjustment based on final grant award letter.
Region 2000 - Workforce Investment Act	$423,699	$423,699	Increase in federal revenues for Workforce Investment Act Program.
Fire - 4 for Life	$7,198	$7,198	Adjustment to final award letter.
Fire - Fire Programs	$3,464	$3,464	Adjustment to final award letter.
Social Services - Independent Living	$3,670	$3,670	Increase in Federal and State revenues for Independent Living grant.
CITY/FEDERAL/STATE AID FUND TOTAL	**$442,601**	**$442,601**	

CITY CAPITAL PROJECTS FUND

DEPARTMENT/DIVISION	REVENUES	EXPENDITURES	PURPOSE
Economic Development	$25,000	$25,000	Appropriate federal reimbursement from Region 2000 Local Government Council for the Odd Fellows Rd/Campbell Ave land use study project.
Economic Development		$5,000,000	Appropriate funds for Downtown projects to be funded with cash in the fund and paid back with Pay-As-You-Go over the next five years.
Buildings	$440,185	$440,185	Appropriate transfer from General Fund for Juvenile Detention Group Home project.
Buildings	$200,000	$200,000	Appropriate transfer from CSA Fund for Juvenile Detention Group Home project.
Transportation	($684,543)	($684,543)	Adjustments to match amounts awarded by the Virginia Department of Transportation for Kemper Street Station ($114,779), Memorial/Park/Lakeside ($277,000), and Kemper Street Bridge ($292,764).
CITY CAPITAL PROJECTS FUND TOTAL	**($19,358)**	**$4,980,642**	

COMPREHENSIVE SERVICES ACT FUND

DEPARTMENT/DIVISION	REVENUES	EXPENDITURES	PURPOSE
Juvenile Services	$400,000	$400,000	Appropriate funds for anticipated CSA expenditures.
Transfer to City Capital Projects Fund		$200,000	Transfer to City Capital Projects Fund for Juvenile Detention Group Home project.
COMPREHENSIVE SERVICES ACT FUND TOTAL	**$400,000**	**$600,000**	

FLEET SERVICES FUND

DEPARTMENT/DIVISION	REVENUES	EXPENDITURES	PURPOSE
	$525,000	**$525,000**	Appropriate funds due to increasing cost of fuel.
	$536,093	**$536,093**	Appropriate auction proceeds to purchase vehicle replacements.
	$36,000	**$36,000**	Transfer from Public Works Snow Division to cover shortfall in replacement budget for 2 dump trucks with snow removal equipment.
FLEET SERVICES FUND TOTAL	**$1,097,093**	**$1,097,093**	

ATTACHMENT A

FY 2012 THIRD QUARTER DETAIL

FUND	REVENUES	EXPENDITURES	PURPOSE
AIRPORT OPERATING FUND	**$428,250**	**$428,250**	Appropriate revenue received for additional fuel and various maintenance and repair projects. This includes a $73,174 reduction in the General Fund Subsidy to the Airport.
AIRPORT CAPITAL FUND	**$170,000**	**$170,000**	Transfer state portion of maintenance and repair projects to Airport Operating Fund.
AIRPORT PASSENGER FACILITY CHARGES FUND	**$3,046,338**	**$3,046,338**	Transfer PFC charges to the Airport Capital Fund to provide reimbursement for completed projects.
LEAF FUND		**$20,000**	Appropriate revenue for Phase I, II, and III landscaping projects.