

**LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE**

**Tuesday, April 10, 2018
8:00 a.m.**

Information Items

Recent/Pending Contract Awards:

<u>Project</u>	<u>Contractor</u>	<u>Amount</u>
Fifth Street- Phase 3	Counts and Dobyns	\$4,534,022

Update on priority projects: -See attached report.

General Business

1. Wastewater Treatment Plant Project Eric Schrader
2. Roll Call

Pc: Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, Assistant City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: May 8, 2018

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

April 10, 2018

Projects of Interest		Phase	Phase Completion		Notes
Timberlake / Logan's Lane Intersection	*	Construction	October 2018		Construction Underway - Ramp Closure Moved to Mid-June due to Weather and School
Wards Ferry Road Improvements @ Heritage		Construction	October 2018		Construction Underway
Main Street Bridge		Construction	November 2018		Construction Underway
College Lake Dam		Preliminary	June 2018		Permit Renewed - Reviewing Preliminary Engineering Report
One Way Pairs @ 501/221		Preliminary	June 2019		NEPA Document Underway
Odd Fellows Road - Sections A and B1		Construction	August 2018		Working at Mayflower Drive Intersection
Odd Fellows Road - Section B2		Construction	May 2019		Awarded to English Construction Starting in Spring
Downtown Watermain Replacement & Streetscape 1	*	Construction	September 2017		Virginian Sidewalk Work Underway
Downtown Watermain Replacement & Streetscape 2		Design	May 2019		Survey and Design Underway
Liberty Mountain Drive - Phase 3	*	Bid	April 2018		Out for Advertisement - Bids Due April 25th.
Fifth Street Phase 3	*	Construction	June 2019		Notice to Proceed April 9th.
Indian Hill Road Bridge	*	Design	August 2018		Preliminary Engineering Report Received
VDOT Median Barrier Replacement 29 North		Construction	December 2018		Construction Underway
Peaks View Park Bridge	*	Construction	April 2018		Complete

LYNCHBURG CITY COUNCIL

Physical Development Committee Agenda Item Summary

MEETING DATE: **April 10 2018, Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION:

REGULAR:
INFORMATION: X

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: WWTP CSO Reduction Improvements Construction Project Status Update

KEY ELEMENTS:

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

RECOMMENDATION:

Proceed with completion of construction document design and planned construction start in July 2018.

SUMMARY:

In 1979, the City of Lynchburg had combined sewers serving 6,000 acres with 132 overflow points. In 1989, the first Long Term Control Plan was developed to address the situation and since 1994 the City has been under a Special Order of Consent with the Virginia Department of Environmental Quality (DEQ) to resolve that situation. The initial Long Term Control Plan (LTCP) and subsequent revisions outlined a strategy of complete separation of combined sewers. The latest LTCP update, approved by the Virginia DEQ on September 5, 2014 significantly modifies the City's CSO strategy to meet water quality standards.

Instead of complete separation of storm and sanitary sewers, the main point of the new LTCP update is a strategy of capture and treatment of the combined flows at the Lynchburg Regional Waste Water Treatment Plant (LRWWTP). This new strategy includes improvements to the influent pump station, additional screening and grit removal facilities, wet weather storage, additional disinfection, and modifications to other existing LRWWTP components that may be required to integrate the new strategy into the current plant. The wet weather design flow is expected to be 80 million gallons per day up from 44 mgd prior to the proposed improvements. It is projected that these improvements will reduce overflows to only 4 times in an average year. Construction drawing development is currently at 90% completion. The estimated total project cost including design, construction, and construction oversight is \$52.6M. Project will begin construction in July 2018. Construction duration will be 2 years.

Some minor components of collection system separation remain in the updated LTCP at a much reduced scale. Remaining CSO projects have an estimated total cost of \$8M.

PRIOR ACTION(S):

None.

FISCAL IMPACT:

Financing will be a combination of State Grant and Virginia Clean Water Revolving Fund (0% Loan).

CONTACT(S):

Eric Schrader, Project Manager (Water Resources)
Timothy Mitchell, Director Department of Water Resources

ATTACHMENT(S):

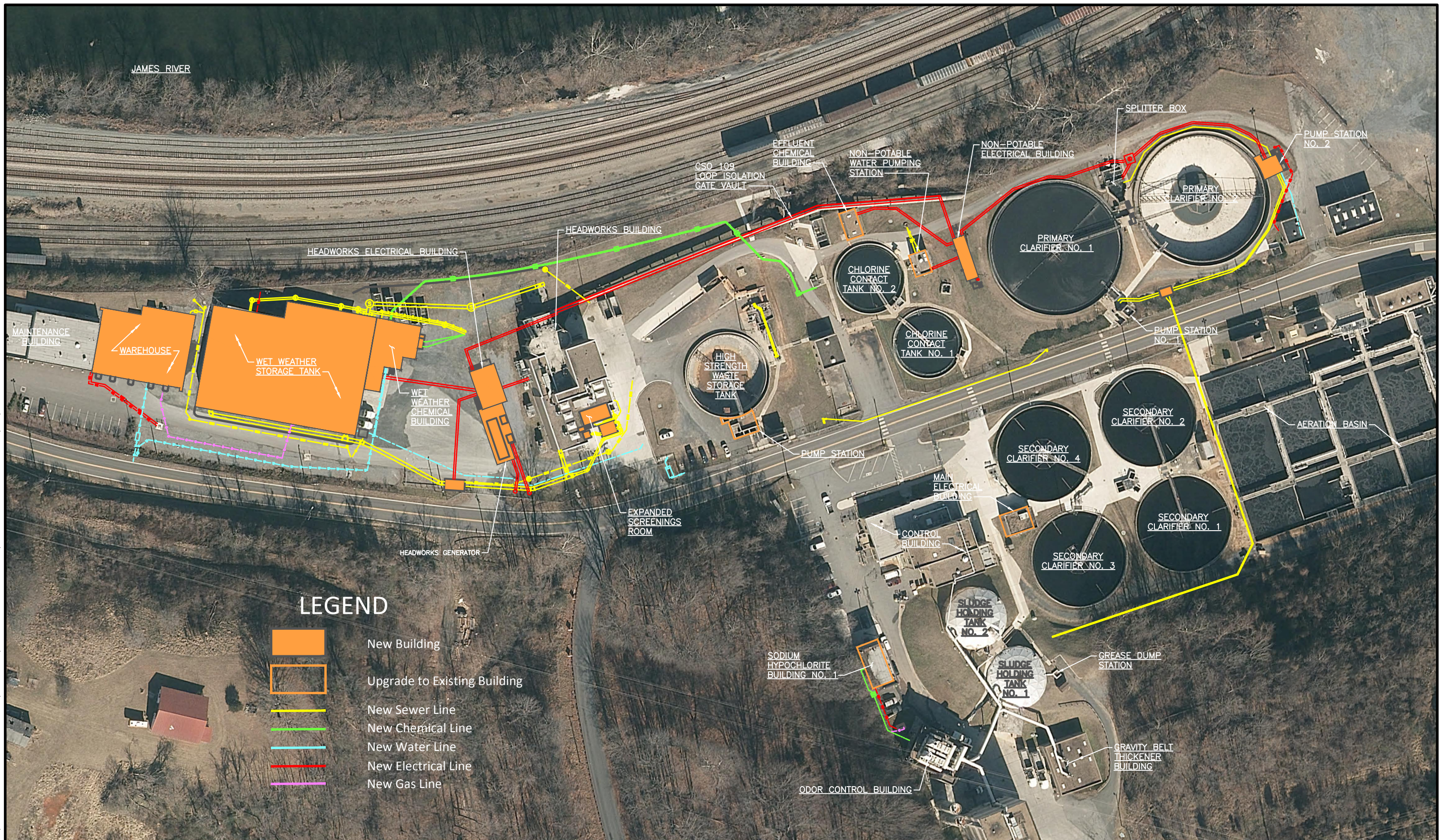
CSO Background Information
Site Plan Exhibit
Concord Turnpike Rendering
Cost Estimate Summary

REVIEWED BY:

CSO Program Background

- 1979
- * The City began to look at its CSO problem.
 - * 132 places were identified in the City where combined sewers overflowed.
 - * About 1 billion gallons of combined sewer overflow occurred each year.
- 1989
- * The number of combined sewer overflow points had been reduced to 108.
 - * The first formal plan known as a Long Term Control Plan (LTCP) was developed which included complete separation, interceptor upgrades, and rooftop rainleader disconnection.
- 2000
- * The number of overflow points was reduced to 60.
 - * The Long Term Control Plan was updated and the complete separation strategy was continued
- 2013
- * Number of overflow points was reduced to 20.
 - * About 200 million gallons of combined sewer overflow occur each year.
 - * The Long Term Control Plan was again reviewed and a new strategy was recommended.
- * Instead of complete separation of storm and sanitary sewers, the strategy of the new LTCP is capture and treatment of the combined flows at the Lynchburg Regional Waste Water Treatment Plant (LRWWTP).
 - * This includes improvements to the influent pump station, additional screening and grit removal facilities, wet weather storage, additional disinfection, and modifications to other existing LRWWTP components that may be required to integrate the new strategy into the current plant.
 - * The wet weather design flow should increase from the current 44 million gallons per day (mgd) to 80 mgd. These improvements should reduce overflows to only 4 times in an average year.
 - * **The change reduced the remaining CSO program expenses from \$262 million dollars to \$64 million dollars.**
- 2018
- * LRWWTP construction drawings are at 90% completion. The estimated total project cost including design, construction, and construction oversight is \$52.6M. Project will begin construction in July 2018. Construction duration will be 2 years.
 - * **This will be the last major CSO project in the program**
- Future - At the conclusion of the CSO program:
- * The number of overflow points will be reduced to 17 locations which will remain open indefinitely.
 - * About 69 million gallons of combined sewer overflow will occur each year.
 - * CSO discharges will not violate state water quality standards.

S:\0775_LYNCHBURG\CSO IMPLEMENTATION 0775B\21 CADD\21.04 PRESENTATIONS\SITE PLAN EXHIBIT 2018\03\28 5:09 PM COOPER, BRANDON



OVERALL NEW SITE PLAN
SCALE: 1" = 100'

CITY OF LYNCHBURG, VIRGINIA
WASTEWATER TREATMENT PLANT
COMBINED SEWER OVERFLOW
REDUCTION IMPROVEMENTS
MARCH 28, 2018



Concord Turnpike

1
PLAIN CONCRETE

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37°23'46.14" N 79°06'56.37" W elev 10 ft eye alt 8 ft

VICE MAYOR TWEEDY WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of April 10, 2018

4:00 P.M. – 6:30 P.M.

Work Session Agenda Items

4:00 - 1. Continue Review of Proposed FY 2019 Operating Budget and Capital Improvement Program

- Follow-up Discussion Regarding FY 2019 Lynchburg City Schools Budget
- Complete Discussion on the FY 2019 Operating Budget – Other Funds
- Review Proposed FY 2019 – FY 2023 Capital Improvement Program
- Overview of Items on “The List”

2. Roll Call

7:30 P.M.

City Council Agenda Items

Visit our Internet Web Site @ <http://www.lyncburgva.gov>

GENERAL POLICY REGARDING PUBLIC PARTICIPATION AT CITY COUNCIL MEETINGS

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

The City Council agenda is divided into three sections.

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

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

Procedure:

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

During the public hearing there shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify that group at the beginning of his or her remarks. A group may have only one spokesperson. After public comments have been received, for zoning petitions the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal. Upon the conclusion of public comments or the applicant's rebuttal the public hearing will be closed and the matter referred to Council for deliberation.

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

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

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

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

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

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

CONSENT AGENDA

- #3. Consideration of approving the minutes of the March 13, 2018 meeting.
 - *#4. Consideration of adopting Resolution #R-18-020 to amend the FY 2018 General Fund Budget appropriating \$40,000 to the Parks and Recreation Fees budget with resources from the Virginia Department of Health to fund the second year of the "We Got the Beet" campaign at the Lynchburg Community Market.
 - *#5. Consideration of adopting Resolution #R-18-022 to amend the FY 2018 General Fund budget and appropriate \$154,792 with resources from the General Fund Reserve for Contingencies to refund an overpayment of real estate taxes by the News and Advance for the property at 101 Wyndale Drive for the tax years 2014, 2015, and 2016.
-

PUBLIC HEARING

- #6. Public hearing regarding the petition of Presbyterian Homes & Family Services to rezone approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres located on portions of 4301 Williams Road and 150 Linden Avenue, also known as tax parcels 185-07-001, 068-01-005 and 068-01-800, from R-1, Low Density Residential District to IN-1C, Institutional District 1 (Conditional). The submitted concept plan and narrative indicates the planned construction of two (2) non-lighted turf athletic fields, an American with Disabilities Act (ADA) accessible pool, two (2) parking areas, associated grading, retaining walls and fencing.
(File: Community Development) #O-18-_____
-

GENERAL BUSINESS

- #7. Consideration of adopting an Ordinance to amend and reenact Section 2-89 of the Code of the City of Lynchburg, relating to criminal record history information for employees and applicants.
(File: City Code/City Council) #O-18-_____
- #8. Consideration of introducing a Resolution to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$20,812 with resources of \$20,812 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Systems Notification of Upcoming Court Hearings and Related Matters to implement an automated notification system to remind defendants and probationers of scheduled court dates and related appointments.
File: Community Corrections) #R-18-_____
- #9. Consideration of introducing a Resolution to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources of \$50,000 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Community Criminal Justice Board (CCJB) Planning.
(File: Community Corrections) #R-18-_____
- #10. Consideration of introducing a Resolution to amend the FY 2018 Operating and Capital Budgets and appropriate or rescind funds to reflect the Third Quarter Adjustments.
(File: Budget) #R-18-_____
- #11. Hear a presentation regarding a new initiative to promote pride in the City of Lynchburg.
(File: Communications and Marketing)

MEMORANDUM

TO: City Council
Bonnie Svrcek, City Manager
Charles Hartgrove, Deputy City Manager
John Hughes, IV, Assistant City Manager

FROM: Donna Witt, Director of Financial Services 

SUBJECT: Responses to Questions Raised at the March 27, 2018 Budget Work Session

DATE: April 10, 2018

At the March 27th Work Session on the FY 2019 Proposed Budget, Council members raised the questions listed below, which required staff follow-up.

1. Provide clarification on impact of reduction in School funding. (Foster)

The impact of the reduction in School funding of \$1,104,965 will result in the reduction of a minimum of 14 staff positions from the district including the central office.

2. Provide the number of veteran teachers that have not received a pay increase in the last two to three years. (Foster)

All employees have received raises. No employee has received a step increase on the scale since they were frozen. Percentage increases have been given since 2012 to all employees. The issue that veteran teachers have is with the scale and not being able to move on them. Employees have been sliding on the scale with the same pay (plus a % increase) but the steps have not been used. We were attempting to correct the scales this year.

The cost to fix the salary scale as the teachers have requested is \$11,871,938. This is the cost for all employees, we do not give salary increases to teachers only.

We have proposed an alternative solution, which is to revise the current salary scales which will cost \$1,754,301. This cost is for all employees and will be an average 2% salary increase annually; if approved this increase would occur every year even if there is no cost of living increase, this is not a one-time cost.

3. Provide the amount for a three (3) employee crew in Public Works – Grounds for cleaning up downtown. (Foster)

Costs associated with a Grounds crew dedicated to downtown are as follows:

Item	Cost
2 full-time employees, including benefits	\$82,266
1 temporary employee	25,106
Uniforms, safety apparel, etc.	1,200
4-wheel drive pick-up truck (per Fleet Services)	25,000
Total	\$133,572

The new crew would provide grounds maintenance services of City-owned property between 5th and 13th Streets, from Jefferson Street to Clay Street. Specific tasks include:

- Landscape maintenance
- Litter pickup
- Graffiti removal
- Small tree maintenance
- Maintenance and clean-up of public open spaces
 - Monument Terrace
 - Bluffwalk
 - Riverfront Park
 - Parking lot landscape
 - Landscaped bump outs

The progress on the Downtown Streetscape Project as well as completion of The Virginian and the Academy Center of the Arts continue to create more assets and public space that require maintenance; adding this new crew would allow Public Works to proactively have resources in place to address increasing needs.

4. *Please provide a list of the community and neighborhood centers and include the number of employees at each. (Foster)*

Please see Attachment A.

5. *Please provide the number of days the volume of those who wanted to swim exceeded the number of lifeguards available which resulted in calling in another lifeguard. (Nelson)*

Zero. We initially plan and staff all days for full capacity (400 customers), for which the current aquatics budget allows. To manage expenses, the aquatics program management will then adjust downward (send guards home) if necessary, based on actual attendance. Attendance can be low due to a variety of reasons, including the weather and overall popularity of the pool.

The funding that is targeted to be cut will not affect hours at the pool, given current conditions. However, staff has two significant concerns:

- A. Life-Guards Pay Increase: if we have a difficult time recruiting and/or retaining guards because the City's pay rates aren't competitive with other area pools or other higher-paying summer jobs we will have to increase the guards' hourly rates. This would increase the overall cost of operations and would possibly result in the program being underfunded.
- B. An Increase in pool-users: a significant increase in customers at the pool for the season (not a single day here and there). If we are not able to limit guard hours because of the normal variables (bad weather, low attendance, etc.) we will need more labor hours, which could exceed the requested budgeted funds.

6. *How many 18 year olds go on Public Assistance? (Tweedy)*

The latest report shows 142 eighteen year olds are receiving Supplemental Nutrition Assistance Program (SNAP) or food stamp benefits.

7. *Twenty (20) year history of general wage increases for the City and Schools.*

Please see Attachment B.

c: Valeria Chambers

Community and Neighborhood Centers

Community Centers:

Miller Center – 301 Grove Street

- 1 Full-time Recreation Supervisor – oversees all three Community Centers
- 2 Full-time Senior-Recreation Specialists – one of which splits their time between Miller and Jackson Heights Art Studio (67% - Miller, 33% - Jackson Heights)

Templeton Senior Center – 225 Wiggington Road

- 1 Full-time Senior-Recreation Specialist
- 1 Part-time Recreation Specialist (0.58 FTE)
- 1 Part-time Recreation Specialist (0.58 FTE) – Funded by the P&R Fees budget

Jackson Heights Art Studio – 720 Winston Ridge Road

- Shares a full-time Senior-Recreation Specialist with Miller Center (see above)
- Temporary/Hourly staff (approximately 0.35 FTE) – Funded by the P&R Fees budget

Neighborhood Centers:

College Hill Center – 811 Jackson Street

- 1 Full-time Senior-Recreation Specialist
- 1 Part-time Recreation Specialist (0.70 FTE)

Daniels Hill Center – 317 Norwood Street

- 1 Full-time Senior-Recreation Specialist
- 2 Part-time Recreation Specialist (0.70 and 0.55 FTE)

Diamond Hill Centers – 1005 Seventeenth Street

- 1 Full-time Senior-Recreation Specialist
- 1 Part-time Recreation Specialist (0.70 FTE)

Fairview Center – 3621 Campbell Avenue

- 1 Full-time Senior-Recreation Specialist
- 1 Part-time Recreation Specialist (0.70 FTE)
- 1 Part-time Parks & Recreation Aide (0.70 FTE)

Yoder Center – 109 Jackson Heights

- 1 Full-time Senior-Recreation Specialist
- 1 Part-time Recreation Specialist (0.70 FTE)

Neighborhood Centers (*continued*):

Jefferson Park Center – 405 York Street

- Currently no City staff assigned to this center; the Boys & Girls Club oversees the center's programming.

Other – Floating staff, which are not assigned to a particular center and are used for filling vacancies at centers and are assigned to projects and special programming as needed.

- Part-time Senior-Recreation Specialist (0.80 FTE)
- Part-time Recreation Specialist (0.38 FTE)
- Temporary/Hourly staff (1.81 FTE) for additional staffing for summer camp programming.

Parks and Recreation Department

FY 2019 Overview

Jackson Heights Art Studio

Current Programming

Adult Art Classes

Yearly Participation	Average Monthly participation	Total Yearly Revenue	Total Annual Utilities and Mainten. Costs	Days used
1221	167	\$16,812	\$8470	T,W,TH

Jackson Heights Art Studio

New Programming

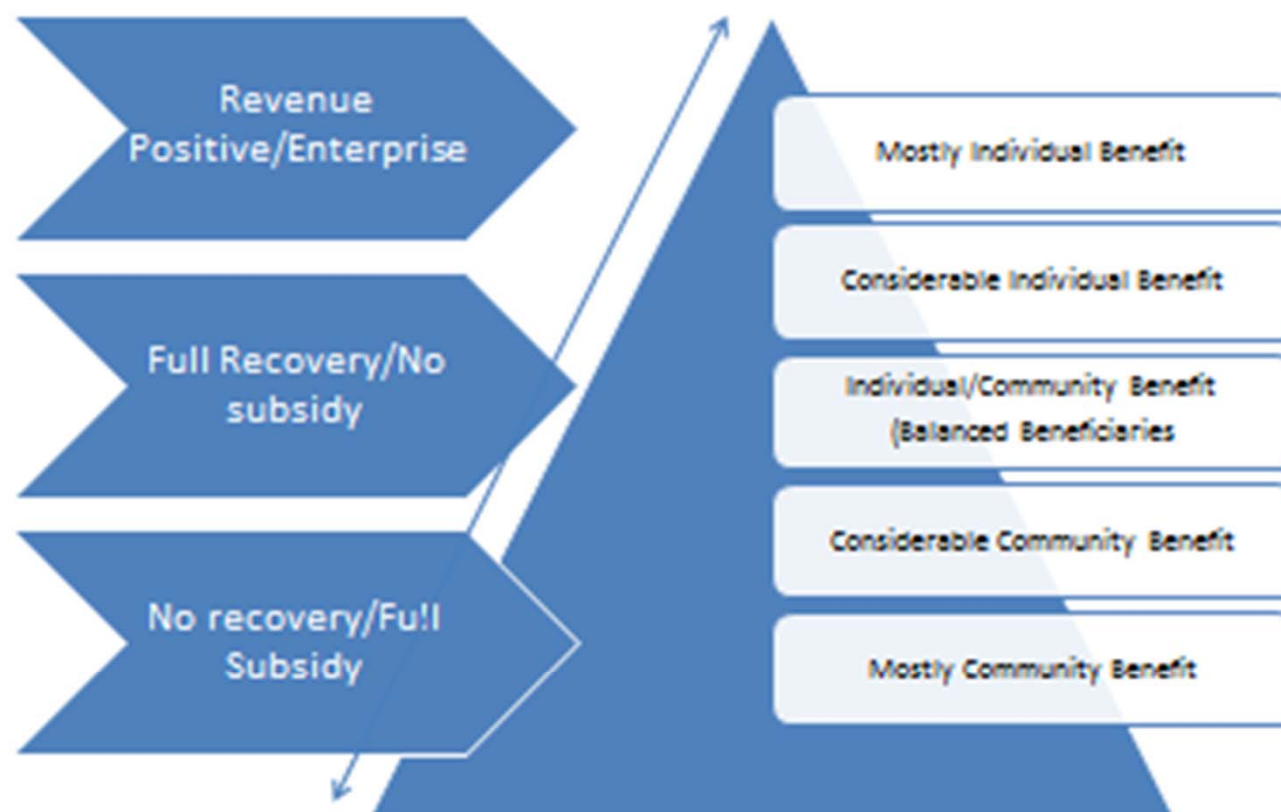
Therapeutic Programming



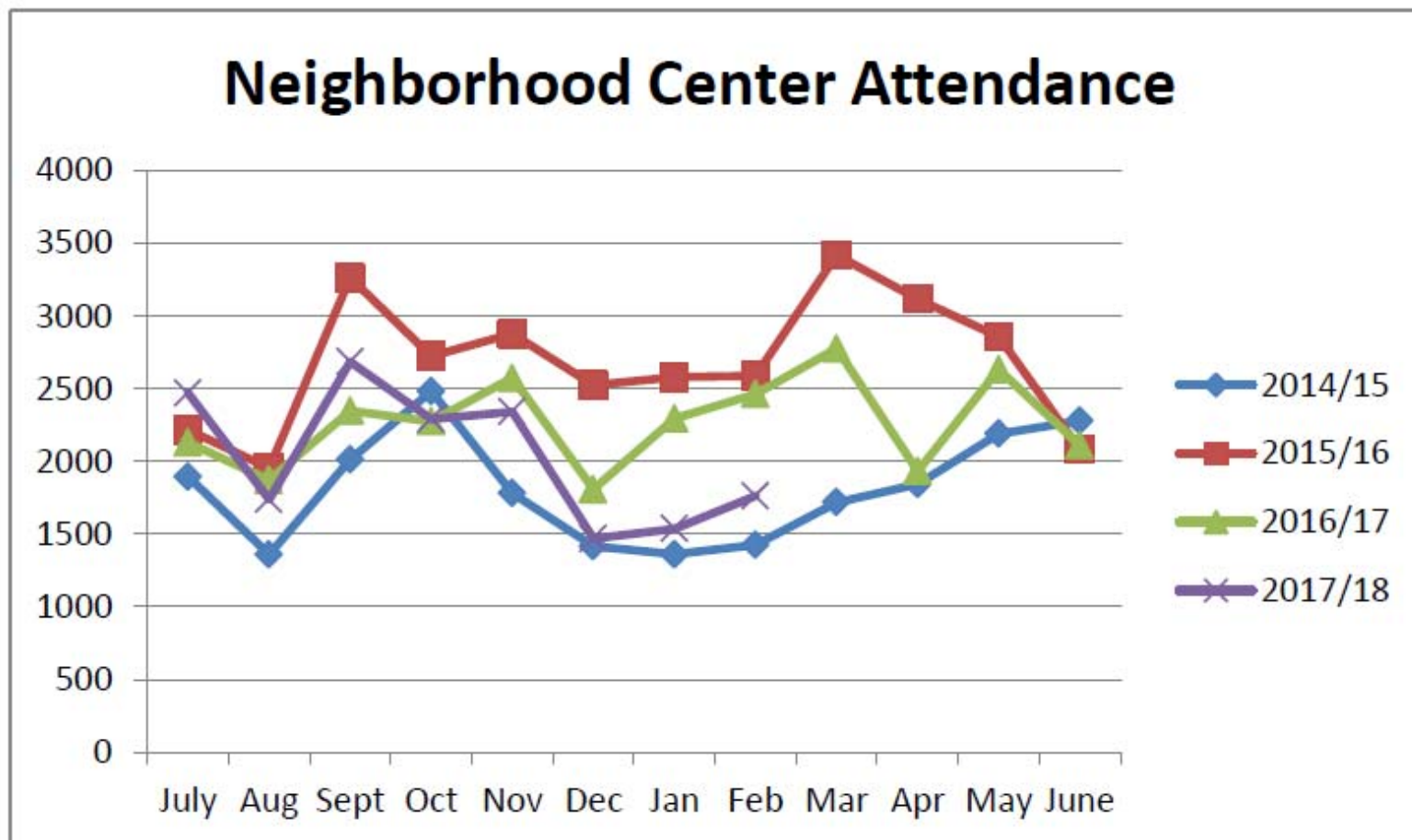
Templeton Senior Center

Yearly Participati on 50+ programs	Monthly Participati on @ Templeton	Total Yearly Revenue	Total Yearly Expenses	Days Used	Monthly Fitness Partic.	Off site program Partic.
18,159	1513	\$26,236	10,592	M-F and 1 S/mo.	70	424

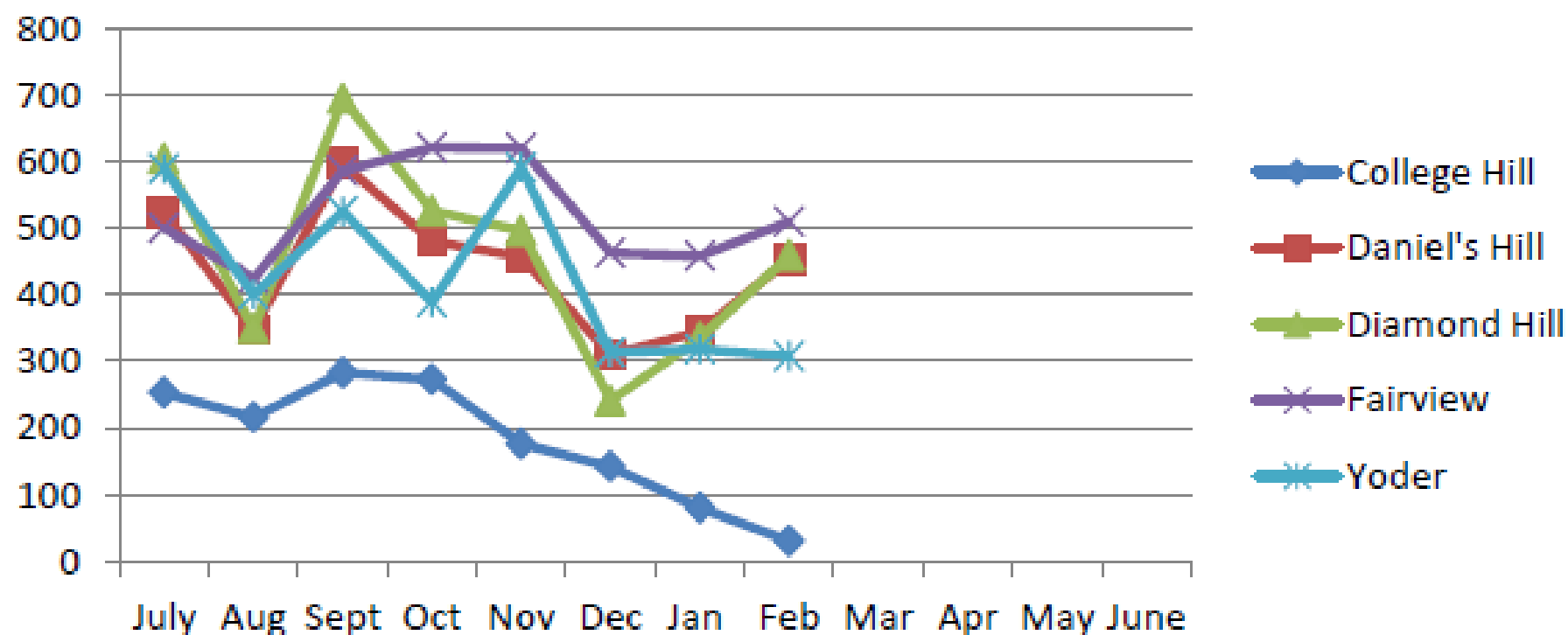
LPRD Cost Recovery and Subsidy Allocation Philosophy



Combined Productivity Chart



FY 2017-18 Neighborhood Center Attendance



Neighborhood Center Key Programming

- After-School Program
- Preschool Playgroup
- Teen Leaders
- Senior Recreation Shuffle
- Schools Out!
- Summer at the Center – Traditional Day Camps
- Community Meetings
- Classes and Workshops
- Celebrations and Events
- Partnerships ex.
- LCS and Boys and Girls Club

LPRD Staff Positions

- 48.34 in LPRD Operating Budget
- 8.51 in fees budget
- 5.26 in Lynchburg Community Market
- -----
- 62.11 FTE

Budget Absorption

- Virginia Commonwealth Games
- Skatepark
- Doubled volume of program registrations and doubled external special events.
- Internal Events
 - Food Truck Thursdays, Movies in the Park, Celebration of Lights, Hill City Hoops, March Madness, Art Expo, Square Dances, Daddy Daughter Dance, Point of Honor Egg Hunt, Dive In Movie, etc.

Lynchburg Parks and Recreation Facilities Benchmark

Indoor Park Facility	National Median Number/population	Target for Lynchburg	Agencies offering this facility	Current Parks and Recreation Facilities	=/-
Fitness Centers	1/39,765	2	40%	0	-2 needed
Recreation Centers	1/26,650	3	69%	1.5 Miller and <u>ArtS</u>	-1.5 needed
Gyms	1/26,418	3	63%	1	-2 needed
Community Centers	1/30,000	2.5	45%	6 Neighborhood Centers	+3
Senior Centers	1/49,500	1.5	43%	1 Templeton	-.5 needed
Performance Amphitheatre	1/45,817	2	28%	1	-1 needed
Nature Center	1/114,620	.5	27%	.5	-.5 needed
Stadium	1/57,051	1.5	15%	2	.5
Teen Center	1/62,700	1	9%	.5	-.5 needed

LPRD Outdoor Facility Benchmarks

Outdoor Park Facility	National Median Number/population	Target for Lynchburg	School Facilities #/ do we use?	Current Parks and Recreation Facilities	+/-
Basketball Courts	1/7000 (outdoor)	10 (outdoor)	6/ yes (indoor) (as available)	10 outdoor courts	0 needed
Softball Adult	1/12,463	6	0	5	1 needed
Softball Youth	1/9,687	7	2/N	2	5 needed
Baseball Youth	1/6,599	10	6/Y	3	4 fields needed
Outdoor Swimming Pools	1/34,686	3	0	1	2 pools needed
Multipurpose Fields	1/8,060	10	0	3	7 needed
Baseball – Adult	1/19,694	3	0	1	2 needed
Football Fields	1/25,523	3	5/yes as available	0	1 needed
Soccer Fields – Youth	1/6,671	10	CVU-7	2	1 needed
Soccer Fields- Adult	1/12,771	5	0	2	3 needed
Lacrosse	1/26,639	3	0	1	2 needed
Volleyball Court	1/13,736	6	4/ yes as available	0	2 needed

City of Lynchburg
General Wage Increase (GWI) 20 year history
(not including market studies)

	% Increase	Date of GWI	Comments
FY 2018	N/A		
FY 2017	2.0%	1/1/2017	
FY 2016	2.0%	7/1/2015	
FY 2015	2.0%	7/2/2014	
FY 2014	3.0%	7/3/2013	
FY 2013	5.6%	7/1/2012	net 0% - VRS Increase to offset employee share of VRS
FY 2012	N/A		
FY 2011	N/A	6/30/2011	A \$787 one-time bonus was provided for full-time and prorated for part-time
FY 2010	N/A	6/22/2010	A \$500 one-time bonus was provided for full-time and prorated for part-time
FY 2009	N/A		Furlough Days = 2.5 days or 20 hours
FY 2008	2.0%	7/9/2008	
FY 2007	2.0%	7/11/2007	
FY 2006	3.0%	7/12/2006	varies based on performance
FY 2005	3.0%	12/28/2005	
FY 2004	2.0%	7/1/2003	
FY 2003	2.0%	7/1/2002	
FY 2002	3.0%	7/1/2001	
FY 2001	4.0%	7/1/2000	
FY 2000	4.0%	6/9/1999	
FY 1999	4.0%	<i>see comment</i>	First Pay Period of Fiscal Year 1999 as noted on the notification to employees

Lynchburg City Schools			
20 Years - General Wage Increase (GWI) History			
	% Increase	Date of GWI	Comments
FY2018			
FY2017	2.00%	1/1/2017	Raise effective Jan 1st
FY2016	2.00%	7/1/2015	
FY2015	2.00%	7/1/2014	
FY2014	3.00%	7/1/2013	
FY2013	5.75%	7/1/2012	VRS increase to offset employee share of VRS - net increase 0%
FY2012	0.00%	12/16/2011	Employees were given a one time bonus of 2% of their annual salary
FY2011	0.00%		
FY2010	0.00%		
FY2009	5.00%	7/1/2008	Step increase (avg 3%) plus 2% COL raise
FY2008	3% - 4%	7/1/2007	Employees placed on new pay table - % increase varied
FY2007	5.00%	7/1/2006	Salary adjustments made based on salary survey - actual increase % varies by position
FY2006	5.00%	7/1/2005	
FY2005	2.00%	7/1/2004	
FY2004	3.00%	7/1/2003	
FY2003	2.00%	7/1/2002	
FY2002	5.00%	7/1/2001	
FY2001	4.00%	7/1/2000	
FY2000	4.00%	7/1/1999	
FY1999	3.45%	7/1/1998	

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// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of March, 2018, at 4:00 P.M. in the Council Chamber, City Hall, Joan Foster, President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,

Treney Tweedy, Sterling A. Wilder, Joan F. Foster

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Absent:

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// City Manager Bonnie Svrcek presented the Proposed FY 2019 Operating Budget and FY 2019-2023 Capital Improvement Program (CIP) for the City of Lynchburg. The Proposed FY 2019 Operating Budget and Capital Improvement Program funds include the General, Fleet, Airport, Water, Sewer, Stormwater and other minor funds and totals \$375.4 million, an increase of \$1.1 million or 0.3% over the Adopted FY 2018 Operating Budget. The FY 2019 – 2023 Capital Improvement Program funds total \$383.1 million with a FY 2019 investment of \$57.3 million. The budget proposal was built on the following “Guiding Principles” and fully complies with City Council's Adopted Financial Management Policies.

- Balance the budget with no new revenue requirements
- Preserve funding for public safety
- Use City Council focus areas (Poverty Reduction, Economic Development, Workforce Infrastructure) as cornerstones for budget development
- Preserve quality of life program
- Focus on outcomes
- Identify strategic initiatives with long-term outcomes
- Utilize technology to reduce expenditures wherever possible

Ms. Svrcek further stated that in November each department was requested to submit a budget with a target reduction to achieve an overall 2% reduction from the Adopted FY 2018 Department Budget. For the departments, this reduction ranged from 0% to 3.1% based on the size of their budgets. Ms. Svrcek stated she asked for this reduction due to the very flat revenue environment. Lynchburg City Schools were also asked to submit a budget with the approximate 2.6% reduction from current year. Lynchburg

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City Schools submitted a budget equal to FY 2018 plus a request for school bus replacements. The initial gap between projected FY 2019 revenues and submitted operating expenditures was \$464,000. This gap included all reductions submitted by departments to meet their targets and the Schools request. A sampling of the submitted budget reductions and the consequences of such reductions on the delivery of City services included:

- Emergency Services – discontinue the Emergency Medical Dispatch Program including one (1) full-time Communications Specialist.
- Financial Services – elimination of a vacant Financial Technician II position
- Fire Department – eliminate eight (8) Firefighter positions
- Information Technology – eliminate a Network Analyst position
- Parks and Recreation - City's sponsorship of Special Events would be eliminated, eliminate internet service at three (3) Community Centers and reduction in funding for staff at Miller Park Pool.
- Police Department – eliminate seven (7) full time sworn Police Officers and two (2) full-time civilian positions resulting in the disbandment of the Community Action Team (CAT); eliminate four (4) full-time equivalent Animal Control Unit positions.
- Public Works – close seven (7) recycling drop-off sites

Choosing to incorporate the majority of the sampling of submitted reductions is not in alignment with the Guiding Principles used to develop the Proposed Budget and is generally not included in the proposal.

Ms. Svrcek went on to say the highlights of this Proposed Budget include the following:

- Maintains current services with no tax increase for services in the General Fund
- \$2.2 million increase in expenditures, reserves and transfers
- Preserves funding for Police Department, Fire Department, Sheriff, Animal Control and Emergency Services
- Reduces Schools Operating fund request by \$748,500; funds replacement of four (4) school buses

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Non-dedicated revenues, or revenues that can be used at the City's discretion, are projected to total \$141.1 million, an increase of approximately \$160,900 or not even 0.1% over the Adopted FY 2018 Budget. Dedicated revenues in the Proposed FY 2019 Budget total \$39.1 million, approximately \$754,700 or almost two percent (1.9%) more than the current year.

The total proposed expenditures, reserves and transfers are \$189,970,880 or an increase of \$2.2 million or 1.2% over the Adopted FY 2018 Budget of \$187,737,400. The majority of this increase is a transfer of \$5.4 million for maintenance projects in the Capital Improvement Program for the City and Schools compared to \$3.3 million in the Adopted FY 2018 Budget, or an increase of \$2.1 million.

Significant changes from the current year in the proposed General Fund budget include the following:

- A decrease in local funding for the operation of Lynchburg City Schools (\$748,465) is proposed. Of this amount, \$1,104,965 is a reduction in the operating budget, which is offset by \$356,500 for school buses. At the end of the General Assembly session, Lynchburg City Schools are slated to receive approximately \$2.0 million in additional funding from the Commonwealth in FY 2019.
- Decrease of \$604,196 in funding for the Blue Ridge Regional Jail Authority based on projected population
- Increase of \$98,577 for Horizon Behavioral Health
- Increase of \$146,000 for a Chief Information Security Officer in Information Technology
- Additional funding for health benefits of \$470,594 based on prior year claims experience
- Additional funding for the Line of Duty Act payments of \$110,000
- Increase in Long-Term "On-Time" Financing Reserve of \$500,000 for Capital Improvement Programs
- Decrease of \$175,000 for the Employee Health Clinic offset by \$50,000 for a Workplace Safety and Wellness Program
- Increase of \$548,909 in Debt Service for General Fund and Schools, including the Line of Credit interest.

The personnel changes are as follows: four (4) additional Full-Time Equivalent (FTE) positions in the General Fund, two (2) FTEs in the Water Fund, three (3) FTEs in the Sewer Fund and one (1) FTE in the Stormwater Fund in Water Resources. Eight (8) FTE positions in the General Fund are proposed to be eliminated which include: a vacant Business Auditor position in the Commission of the Revenue's office, a vacant position in the Financial Services Department, a Nurse position in Occupational Health, Deputy Sheriff position is proposed to be eliminated from the Sheriff's Office Budget due to the State reducing positions, a Building Services Coordinator position in Public Works, Youth Planner position in Juvenile Services that has been vacant for several years and the equivalent of two (2) FTE reductions in Part-Time and Hourly positions are proposed in a number of General Fund Departments.

Local funding for Schools Operations is proposed to be \$50.7 million (\$41.3 million, including \$356,500 for school bus replacements and Debt Service \$9.4 million). With the projected enrollment of 7,922 students in FY 2019, local per student support for operations would decrease from \$5,265 to \$5,211. In the Proposed FY 2019 Budget total appropriations for Schools operating, including all activities and funding sources is estimated to be \$107.6 million, an increase of approximately \$980,000 from FY 2018 for the Lynchburg Public Schools.

The City finances a large component of the Capital Improvement Program (CIP) with general obligation bonds. In the Proposed FY 2019 Budget, funding in the amount of \$18,199,071 is included for Debt Service for the City and Schools. This funding represents an increase of \$548,909 or 3.1% from FY 2018, including \$250,000 for line of credit interest for capital projects.

The Debt Management Policy requires annual debt service expenditures for tax-supported debt not to exceed 10% of total General Fund expenditures plus School Component Unit expenditures, minus the transfer to Schools. FY 2019 debt service as a percent of expenditures is projected to be 7.4%.

The Proposed FY 2019 Budget includes new or additional funding for the following major reserves:

- \$1.2 million is proposed for the General Fund Reserve for Contingencies. It is recommended that \$400,000 be carried forward to fully fund the FY 2019 General Fund Reserve for Contingencies with the remaining funds falling to fund balance

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- \$250,000 is proposed for the Other Post-Employment Benefits Reserve
- \$25,000 for the Drug Court Program Reserve
- \$50,000 for the Concord Turnpike Maintenance Reserve
- \$875,000 for the Long-Term “On-Time” Debt Financing Reserve
- \$450,000 for the Citywide Salary Study and Implementation Plan Reserve

The major Human Resources Highlights include the following:

- No general wage increase proposed for city employees
- No increase in medical premiums
- A slight increase in Virginia Retirement System contributions
- Continued concern with recruitment and retention throughout the City

In FY 2019, funding in the amount of \$5.4 million is proposed for Pay-As-You-Go Capital Improvements. Of this amount, \$4.6 million is funded from FY 2017 unassigned fund balance above the Council target of 10%; \$313,329 is funded from the General Fund; \$375,900 is funded from the FY 2018 Capital Maintenance Reserve and \$100,000 from the Downtown Projects Reserve.

The Lynchburg Regional Airport is budgeted as a separate fund to clearly delineate its financial operations. Cost center revenues will more than cover total expenditures of \$2.6 million. Approximately \$164,300 in operating surplus will be allocated to support capital pay-as-you-go investment in the airfield.

The Fleet Service Fund is an internal services fund that manages the City's fleet of over 700 vehicles and equipment. The total operating budget of \$6.8 million for Fleet Services is a decrease of over six percent (6.6%), or \$476,770 compared to the FY 2018 Adopted Budget of \$7.3 million.

The Department of Water Resources – Water Fund operates as an enterprise fund and requires no subsidy from the General Fund. Water Fund Highlights include: no rate or service charge increase proposed; increased consumption from contract customers; recognizes decreased water sales to

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Amherst, Bedford and Campbell counties and two new positions, a Utility Line Technician and a Utility Line Locator. The Sewer Fund highlights consist of: no change in sewer volume rate or monthly service charge; increase in contract revenues and three new positions, a Utility Line Technician, a Utility Line Locator, and a Plant Mechanic.

In January 2018, City Council adopted a Resolution that complements the Vision of “A Great Place to Live, Work, and Play” by defining Lynchburg as a “Thriving City” As a Thriving City, efforts will continue on the following four major initiatives in FY 2019:

- From Poverty to Progress: A focus on reducing the City’s poverty rate and increasing median household income
- Completion of the Downtown 2040 Master Plan
- Development of a new Economic Development Work Plan
- Reimagining Community Centers

In closing, Ms. Svrcek stated that with this Budget Proposal she has two major concerns:

- Resources are not available to propose a general wage increase for employees in FY 2019 (a one percent (1.0%) general wage increase in the General Fund equals \$623,000).
- Reducing funding for Lynchburg City Schools was a very difficult decision to make (education is a foundation for future success in life).

Ms. Svrcek concluded that the Proposed FY 2019 Budget is offered for City Council consideration, deliberation, amendment, and adoption. Over the next several weeks, Council will have the opportunity to hear from and question the representatives of the various departments and agencies seeking funding in the FY 2019 Budget.

Chief Financial Officer Donna Witt provided an overview of projected FY 2019 General Fund Revenues:

- Current Real Property Tax – FY 2019 Proposed - \$57,124,670.

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- Current Personal Property Tax – Local Portion – Actual FY 2017 revenues reflect a 1.5% increase over Actual FY 2016. FY 2017 Actual and assessments for FY 2018 and FY 2019 are reflecting slight growth based on more actively registered vehicles in the City. FY 2019 Proposed - \$17,820,355.
- Local Sales Tax – FY 2019 Proposed - \$15,351,347.
- Consumer Utility Tax Electric – tax revenue aligns with weather patterns. With rate fluctuations and consumer savings programs, this revenue remains constant at about \$3.8 million.
- Communications Sales and Use Tax – continues to decline; the reduction in land line use and the lower cost for telecommunication services has affected the revenue generated through this stream. FY 2019 Proposed - \$3,045,315.
- Business Licenses – Actual FY 2017 reflects a 9.7% increase over Actual FY 2016. FY 2018 collections are anticipated to reflect a slight increase over Actual FY 2016; however, may come in higher if FY 2017 assessments hold at \$8.6 million. FY 2019 Proposed - \$8,349,271.
- Motor Vehicle Licenses – Proposed FY 2019 Motor Vehicle Licenses reflects very slight continued growth based on an increase in actively registered vehicles in the City. FY 2019 Proposed - \$1,575,000.
- Lodging Tax – FY 2017 Lodging Tax Collections realized a 6% increase over FY 2016 which exceeded budget projections. FY 2019 Proposed - \$2,783,000.
- Meals Tax – FY 2017 Meals Tax collections exceed FY 2016 collections by 2.1%. This is the lowest year over year growth since the 2008 recession. FY 2018 collections through November are consistent with budget, but no growth over FY 2017 is anticipated in the FY 2018 Adopted Budget. The FY 2019 Proposed Budget reflects this slight growth. FY 2019 Proposed - \$14,544,000.
- Ambulance Service Fees – the FY 2019 Proposed Budget is less than the FY 2018 Adopted Budget based on declining collections over the last few years. FY 2019 Proposed - \$2,665,000.
- Non-Dedicated Revenue highlights include: Amusement Tax continues to grow about \$25,000; Permits, Fees, and Regulatory Licenses anticipate an additional \$62,000, however Court Fines and Forfeitures anticipate a \$200,000 reduction; total interest on investments about \$66,000; in Miscellaneous Non-Dedicated, Region 2000 Services Authority losing about \$100,000; and the Total Non-Dedicated Revenues anticipate an increase of \$160,896 over the current year.

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- Dedicated Revenue highlights include: Police – School Resource Officer Program increase about \$50,450; Off- Duty Police Fee anticipate a \$68,000 increase; Public Works - Residential Disposal Fee anticipate \$45,000; Parking Revenue increase \$30,000. Emergency Services - Recovery – E-911 Wireless anticipate a \$113,000 increase; Public Works - Highway Maintenance anticipate \$106,000; Local Law Enforcement Funding (House Bill 599) increase \$106,000 for FY 2018 and FY 2019. Total State Categorical Aid increase \$306,000. The Total Dedicated Revenues increase \$754,667 and Total General Fund Revenues increase \$915,563.

// City Manager Bonnie Svrcek began the review/walk-through of the FY 2019 Proposed Budget General Fund individual budgets within the following categories: General Government Administration; Judicial Administration; Public Safety; Public Works; Health and Welfare; Parks, Recreation and Culture; and Community Development.

General Government Administration

- Council/Manager Offices – The Department Submitted FY 2019 Council/Manager Offices budget of \$1,046,832 represents a 3.2% decreased of \$34,078 compared to the Adopted FY 2018 budget of \$1,080,910.
- City Assessor Office – The Department Submitted FY 2019 City Assessor budget of \$706,494 represents a 3.2% decrease of \$23,547 compared to the Adopted FY 2018 budget of \$730,041
- City Attorney – The Department Submitted FY 2019 City Attorney budget of \$728,548 represents a 4.3% decrease of \$32,895 compared to the Adopted FY 2018 budget of \$761,443.
- Commissioner of the Revenue - The Department Submitted FY 2019 Commissioner of the Revenue budget of \$730,338 represents a 6.6% decrease of \$51,540 compared to the Adopted FY 2018 budget of \$781,878.
- Financial Services – The Department Submitted FY 2019 Financial Services budget of \$3,165,196 represents a 3.0% decrease of \$99,007 compared to the Adopted FY 2018 budget of \$3,264,203.
- Information Technology – The Department Submitted FY 2019 Information Technology budget of \$3,568,096 represents a 3.0% decrease of \$111,399 compared to the Adopted FY 2018 budget of \$3,679,495.

Council Members raised concerns and questions regarding the budget. Vice Mayor Tweedy stated she was hoping to see the City use technology to cut down on costs and for city staff to take a “deeper dive” into city services to see if there are ways to maximize efficiencies and do more with less. Are there areas in the budget where we can better utilize technology and how we can figure out quicker ways to do things? Vice Mayor Tweedy went on to say we may have some staff reductions even in our own departments. She went on to say I am not saying we want to eliminate people as layoffs, but I am saying to get down deeper into the budget because we cannot give city employees raises. The City Manager responded to Vice Mayor Tweedy’s comments about the proposed budget, stating that city staff worked to follow Council’s recommendations laid out at its February budget retreat when building the budget. Another area of discussion was the proposed elimination of \$27,476 from the Council/Manager budget to pay for Federal Relations Liaison services, which helps connect the city to grant opportunities from the federal government. Ms. Svrcek stated the liaison helped the Lynchburg Police Department secure a grant from the U. S. Department of Justice for more than \$200,000 to purchase body cameras for officers. After further discussion of other positive outcomes that have come from the service, Council suggested putting the Federal Relations Liaison position on “The List”.

Due to time constraints Council will continue the review of the FY 2019 Proposed Operating Budget, on March 20, 2018 after the presentation of the Lynchburg City Schools Operating Budget.

// During roll call Council Member Perrow thanked City staff for attending the Budget meeting.

// Council Member Wilder mentioned several items: 1) the March Madness event put on by Parks and Recreation, 2) he met with members of Garland Hill neighborhood regarding concerns on issues of loitering at 5th and Madison Streets and thanked the Police Department for coming to talk with the neighborhood regarding their concerns and the resources that are available, and the owners of new businesses located on 5th Street attended the neighborhood meeting.

// Council Member Dolan thanked Council Member Wilder for taking the initiative for the neighborhood clean-up.

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// Mayor Foster and Vice Mayor Tweedy thanked the organizers of the Lynchburg Praise event that was held Sunday, March 4, 2018 at E. C. Glass and also thanked Jonathan Falwell for organizing the event; it was well attended and commitments were received for 600 backpacks.

// Mayor Foster made the following announcements:

- Town and Gown Initiative Meeting on March 14, 2018 at 11:30 A.M. in the conference room at the Greater Lynchburg Transit Company (GLTC) located at 419 Bradley Drive.
- A tour of the Virginian Hotel on March 20, 2018 at 2:30 P.M.

// City Council recessed the meeting at 6:00 p.m.

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

The following Members were present:

Present: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Absent: 0

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

// Copies of the minutes of the February 13, 2018 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as amended:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster 7

Noes: 0

// Copies of the minutes of the February 27, 2016 meeting, having been previously furnished Council, reading was dispensed with. Council Member Perrow asked that the minutes be pulled from the Consent Agenda because he was not present at that meeting. On motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote approved the minutes as amended:

Ayes: Dolan, Helgeson, Nelson, Tweedy, Wilder, Foster 6

Noes: 0

Abstain: Perrow 1

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// In the matter of Fire, Resolution #R-18-012, to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$62,817 with resources of \$32,826 from the Virginia Office of Emergency Medical Services – Rescue Squad Assistance Fund and \$29,991 transferred from the FY 2018 General Fund Fire Department budget to purchase one chest compression device, one Power Pro stretcher and one cardiac monitor/defibrillator for the Fire Department laid over from the February 27, 2018 meeting, was again presented and read, and on motion of Council Member Helgeson, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
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Noes:	0
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// In the matter of Community Development, a public hearing was held regarding City Council Report #5 to receive public input and adopt the Proposed Fiscal Year (FY) 2019 Community Development Block Grant (CDBG) and HOME Programs.

Vice Mayor Tweedy stated that she is currently a member of the Lynchburg Community Action Group Board (Lyn-CAG) and she feels she can give a positive discussion and is able to vote on this item regarding Lyn-CAG.

Council Member Dolan stated she is a member of the Lynchburg Community Action Group Board and she feels that she can give an unbiased judgement on anything put forth on this item.

Grants Manager Melva Walker provided a summary of the request of the U.S. Department of Housing and Urban Development (HUD) funds for the CDBG and HOME Programs. The final entitlement allocations for FY 2019 have not been received from HUD; however, the City anticipates receiving approximately \$662,564 in CDBG entitlement funds with an additional \$3,233.70 in program income funds for a total available allocation of CDBG funding in the amount of \$665,797.70. The City anticipates receiving \$300,951 in HOME Program entitlement funds and there is \$35,640 in recaptured HOME funds for a total available allocation of HOME funding in the amount of \$336,591. The following individuals spoke regarding the Community Development Block Grant (CDBG) and HOME Programs.

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Mr. William Coleman, CEO of Lynchburg Community Action Group (Lyn-CAG) thanked City Council for their support for CBDG and HOME funding for FY 2019. Lyn-CAG submitted three applications this year for consideration:

- First-time Homebuyer Down Payment Assistance Program
- Homeownership Substantial Rehabilitation Program
- Accountability & Data Analysis Software System to help with the Poverty to Progress Initiatives

Ms. Dawn Fagan, Executive Director of the Lynchburg Redevelopment and Housing Authority (LRHA), thanked the Community Development Advisory Committee (CADAC), City Staff and City Council for the CDBG funding which allows them to provide and administer services to the citizens of Lynchburg. The following are four applications that LRHA is submitting:

- Rental Rehabilitation Program
- Vacant Housing Revitalization and Rehabilitation Program
- Centralized Homeless Intake Coordinator
- Affordable Housing Resource Center

Mr. Jeff Smith, Executive Director for Rush Lifetime Homes thanked City Council for their past support and future support for funding to CDBG and HOME across the board. An application was presented for the James River Housing Project which provides housing options to those who are disabled and low-income and eliminates barriers to housing. There was no one else present who wished to speak to this item, and the public hearing was closed.

Mayor Foster, Chair of the CDAC Committee made the following comments after the public hearing was closed: 1) each applicant provided a detailed summary of their submitted applications; 2) there was discussion and interaction between the Committee Members and the applicants regarding the applications and the funding requests; and 3) the Committee reached a consensus regarding each of the applications and the amount of funds that would be recommended for approval. Council Member Nelson,

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Vice Chair of the CDAC Committee mentioned that it was a very good collaboration between the Committee and the applicants and thanked everyone for working together on the CDBD and HOME programs.

On motion of Council Member Nelson, seconded by Council Member Perrow, Council by the following recorded vote adopted Resolution #R-18-016, as presented, to adopt the Proposed Fiscal Year (FY) 2019 Community Development Block Grant (CDBG) and HOME Programs:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// In the matter of City Council and in consideration of City Council Report #6, Karl Loos with the Lynchburg Education Association spoke before Council regarding teachers' pay rates at Lynchburg City Schools.

// In the matter of City Council, City Council Report #7 was discussed requiring criminal background checks for candidates for the Lynchburg City School Board and the Youth Services Citizens Board. City Manager Bonnie Svrcek stated given the heightened concern for safety in schools across the nation, City Council members have expressed a desire to discuss requiring criminal background checks for volunteers to Council appointed Boards where the volunteer may have interaction with juveniles. The Council appointed Boards that this requirement may impact are the Youth Services Citizens Board and the School Board. Council discussion on the requirement for a criminal background check for School Board and Youth Services Board members included the following questions and concerns:

- Do other city departments require background checks?
- What is the School Board's current policy on its volunteers?
- The School Board has a policy that applies to all their volunteers and Council appoints people that are exempt from that policy. Council appoints School Board Members and we are giving a waiver to our appointees exempting them from the policy.

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- What level of background checks are we requiring (State, F.B.I. and Criminal Records)?
- Stay consistent with the Lynchburg School Board and Youth Services Board policies.
- Does Parks & Recreation have a policy?
- Include driving records in the background check.
- The timing to receive these reports and the cost of the reports.

Council asked City Staff to come back with a formal policy regarding to what extent background checks would be required. Council Member Nelson made a motion, seconded by Council Member Perrow that any appointment to the School Board and Youth Services Board shall be subject to City Council receiving a satisfactory Virginia and F.B.I. criminal background check of that appointee prior to that appointee being qualified to serve. City staff is requested to propose any additional criteria reasonably required to implement this protocol. Council by the following recorded vote agreed to go forward with the policy but instructed Staff to explore the details to implement this policy for School Board and Youth Services Board:

Ayes: Dolan, Helgeson, Nelson, Perrow, Tweedy, Wilder, Foster	7
Noes:	0

// The meeting was adjourned at 8:40 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning: 4301 Williams Road and 150 Linden Avenue – R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional)

KEY ELEMENTS:

___Economic Development ___Excellent Government **X** Natural and Built Environment **X** Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the rezoning from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional) to allow the construction of two (2) non-lighted turf athletic fields, a swimming pool and two (2) parking areas.

SUMMARY: Presbyterian Homes & Family Services, Inc. is petitioning to rezone portions of three (3) tracts located at 4301 Williams Road and 150 Linden Avenue from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional). The area proposed for rezoning is approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres which are only a portion of the one hundred sixty-three (163) acre campus.

The petition is consistent with the *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* which recommends an Institutional use for the property. The submitted concept plan meets or exceeds the development standards of the *Zoning Ordinance*. A traffic analysis submitted by the petitioner indicates that there would be no degradation of the Level of Service (LOS) for the roads and intersections serving the property.

Presbyterian Homes & Family Services, Inc. is the legal name of the petitioner. Circa 2014 the petitioner established the name HumanKind as part of a rebranding effort. Presbyterian Homes & Family Services, Inc. (d/b/a HumanKind) is used interchangeably throughout attachments submitted by the petitioner.

PRIOR ACTION(S):

February 28, 2018: The Planning Division recommended approval of the rezoning petition.
The Planning Commission conducted a public hearing and tabled the petition until March 14, 2018.

March 14, 2018: The Planning Commission recommended approval of the rezoning petition (5-2).

FISCAL IMPACT: N/A

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – February 28, 2018
- Planning Commission Packet – February 28, 2018
 - o Planning Commission Report
 - o Zoning Map with Adjoining Owners
 - o Future Land Use Map
 - o Watershed Map
 - o Planimetric and Topographic Map
 - o Narrative and Exhibits 1-10
 - o Enlarged Rezoning Site Concept Plan

- o Rezoning Site Plan
- o Traffic Analysis (separate attachment due to file size)
- o Letter from Mr. John Bruce, Mr. Robert Day and Mr. Joseph Sanzone
- o Letter from Mr. David Kerr
- o Letter from Mr. Hershel Keller, Counsel for Westminster Canterbury
- o Letter from Mr. John Francisco, Counsel for Presbyterian Homes & Family Services, Inc.
- o Property Photograph
- o Speaker Signup Sheet
- Planning Commission Minutes – March 14, 2018
- Planning Commission Packet – March 14, 2018
 - o Planning Commission Memorandum
 - o Letter from Presbyterian Board Chair, Michael Elliot to Westminster-Canterbury Board Chair, Dr. William Gayle, Jr. and Exhibits 1-4
 - o Letter to Mr. Tom Martin from Mr. John Francisco stating full list of proffers
 - o Concept plan showing one hundred (100)-foot buffer
 - o Site Section showing site sections from Westminster-Canterbury to proposed athletic fields

REVIEWED BY: bms

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 4301 WILLIAMS ROAD AND 150 LINDEN AVENUE FROM R-1, LOW DENSITY RESIDENTIAL DISTRICT TO IN-1C, INSTITUTIONAL 1 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 35.2 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.2-54. __ which shall read as follows:

Section 35.2-54. __. Change of a certain area located at 4301 Williams Road and 150 Linden Avenue from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional).

The area embraced within the following boundaries:

LEGAL DESCRIPTION

COMMENCING AT A POINT ON THE WESTERN RIGHT OF WAY LINE OF VIRGINIA EPISCOPAL SCHOOL ROAD, SAID POINT BEING 1061.1' +/- SOUTH OF THE P.C. (POINT OF CURVATURE) AT THE INTERSECTION OF VIRGINIA EPISCOPAL SCHOOL ROAD AND WILLIAMS.

THENCE LEAVING SAID WESTERN RIGHT OF WAY LINE AND ALONG THE NORTHERN LINE OF A PRIVATE ROAD ACCESS EASEMENT, S 68°44'10" W, 94.94 FEET TO A POINT

THENCE, CONTINUING ALONG SAID PRIVATE ROAD ACCESS EASEMENT, S 75°53'21" W, 156.39 FEET TO A POINT;

THENCE, CONTINUING ALONG SAID PRIVATE ROAD ACCESS EASEMENT, S 66°42'45" W, 257.53 FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING OF PROPOSED REZONING AREA.

THENCE, S 41°36'48" E, 36.74 FEET TO A POINT;

THENCE, S 17°50'36" E, 28.97 FEET TO A POINT;

THENCE, S 07°41'11" E, 44.86 FEET TO A POINT;

THENCE, S 02°15'58" W, 16.21 FEET TO A POINT;

THENCE, S 41°38'11" W, 135.07 FEET TO A POINT;

THENCE, S 33°50'44" W, 271.52 FEET TO A POINT;

THENCE, S 35°36'16" W, 264.30 FEET TO A POINT;

THENCE, S 52°25'53" W, 130.54 FEET TO A POINT;

THENCE, S 46°56'30" W, 148.77 FEET TO A POINT;

THENCE, S 37°30'37" W, 160.13 FEET TO A POINT;

THENCE, S 45°11'27" W, 208.03 FEET TO A POINT;

THENCE, N 67°52'03" W, 579.74 FEET TO A POINT;

THENCE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 205.90 FEET, A CENTRAL ANGLE OF 56°02'29", A TANGENT LENGTH OF 109.57 FEET, THE LONG CHORD OF WHICH BEARS N 45°24'14" W FOR A DISTANCE OF 193.46 FEET WITH A RADIAL LINE IN OF N 16°34'31" E AND A RADIAL LINE OUT OF S 72°37'00" W FOR AN ARC LENGTH OF 201.39 FEET TO A POINT;

THENCE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 221.42 FEET, A CENTRAL ANGLE OF 58°44'15", A TANGENT LENGTH OF 124.61 FEET, THE LONG CHORD OF WHICH BEARS N 18°53'38" E FOR A DISTANCE OF 217.18 FEET WITH A RADIAL LINE IN OF N 79°31'30" E AND A RADIAL LINE OUT OF N 41°44'14" W FOR AN ARC LENGTH OF 226.99 FEET TO A POINT;

THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 276.48 FEET, A CENTRAL ANGLE OF 60°04'14", A TANGENT LENGTH OF 159.85 FEET, THE LONG CHORD OF WHICH BEARS N 15°32'38" E FOR A DISTANCE OF 276.78 FEET WITH A RADIAL LINE IN OF N 44°25'15" W AND A RADIAL LINE OUT OF N 75°30'31" E FOR AN ARC LENGTH OF 289.87 FEET TO A POINT;

THENCE, S 78°45'48" W, 454.59 FEET TO A POINT;

THENCE, ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 153.59 FEET, A CENTRAL ANGLE OF 62°31'29", A TANGENT LENGTH OF 93.25 FEET, THE LONG CHORD OF WHICH BEARS N 66°27'54" W FOR A DISTANCE OF 159.42 FEET WITH A RADIAL LINE IN OF N 07°43'39" W AND A RADIAL LINE OUT OF S 54°47'50" W FOR AN ARC LENGTH OF 167.61 FEET TO A POINT;

THENCE, N 14°57'23" W, 533.74 FEET TO A POINT;

THENCE, N 45°42'19" E, 327.63 FEET TO A POINT;

THENCE, ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 100.00 FEET, A TANGENT LENGTH OF 16.31 FEET, A CENTRAL ANGLE OF 18°31'36", THE RADIUS OF WHICH BEARS S 44°17'41" E, THE CHORD OF WHICH BEARS N 54°58'07" E FOR A DISTANCE OF 32.19 FEET; THENCE ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 32.34 FEET TO A POINT;

THENCE, N 64°13'55" E, 228.68 FEET TO A POINT;

THENCE, N 69°51'23" E, 397.08 FEET TO A POINT;

THENCE, N 70°08'51" E, 213.25 FEET TO A POINT;

THENCE, S 34°55'27" E, 59.02 FEET TO A FOUND PIPE;

THENCE, S 51°31'00" E, 369.49 FEET TO A FOUND IRON ROD;

THENCE, S 27°39'49" E, 773.75 FEET TO A FOUND IRON ROD;

THENCE, S 58°14'34" E, 107.16 FEET TO A FOUND IRON ROD;

THENCE, ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 502.13 FEET, A CENTRAL ANGLE OF 28°08'10", A TANGENT LENGTH OF 125.83 FEET, THE LONG CHORD OF WHICH BEARS N 49°16'02" E FOR A DISTANCE OF 244.11 FEET WITH A RADIAL LINE IN OF N 26°39'53" W AND A RADIAL LINE OUT OF S 54°48'04" E FOR AN ARC LENGTH OF 246.58 FEET TO A POINT;

THENCE, N 36°59'10" E, 124.70 FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING AND CONTAINING 2,083,754 SQUARE FEET OR 47.836 ACRES OF LAND.

..is hereby changed from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional) subject to the following voluntary proffers submitted by the petitioner Presbyterian Homes & Family Services, Inc.:

1. Petitioner will not construct or install light poles and related equipment for sports lighting / the illumination of the proposed athletic fields;
2. Petitioner proffers that it will not construct or install any buildings or structures within one hundred (100) feet of the shared property boundary line with Westminster Canterbury;

3. No construction of synthetic turf fields other than the two fields described in the current concept plan;
4. No construction or maintenance of an outdoor illuminated electrical scoreboard;
5. No construction or maintenance of bleachers or stands;
6. No construction or maintenance of an outdoor public address or amplified sound system;
7. No construction or maintenance of a new, freestanding gymnasium building;
8. No construction or maintenance of a building to house an indoor swimming pool;
9. To install and maintain sports netting around the two fields designed to prevent balls and other objects from leaving HumanKind's property and entering neighboring property;
10. To install and maintain an additional traffic dampening device on the private drive on HumanKind's property near the common boundary with Westminster Canterbury;
11. To install and maintain signage along the private drive on HumanKind's property warning drivers to obey posted speed limits and to watch for turning vehicles entering or exiting the private drive from the Westminster Canterbury parking lots;
12. To direct visitors to the HumanKind property (in online, written, and verbal communications) to use the entrance of the private drive at VES Road (instead of the entrance at Linden Avenue).

And the City Planner shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.2-30 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

041K

MINUTES OF THE FEBRUARY 28, 2018 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Presbyterian Homes & Family Services to rezone approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres located on portions of 4301 Williams Road and 150 Linden Avenue, also known as tax parcels 185-07-001, 068-01-005 and 068-01-800, from R-1, Low Density Residential District to IN-1C, Institutional District 1 (Conditional). The submitted concept plan and narrative indicates the planned construction of two (2) non-lighted turf athletic fields, an American with Disabilities Act (ADA) accessible pool, two (2) parking areas, associated grading, retaining walls and fencing.

Mr. Tom Martin had the following summary for the commission. The proposal is to rezone approximately 47.836 acres of the 166 acres that are owned and maintained by Presbyterian Homes & Family Services (PHFS) from R-1, Low Density Residential to IN-1C, Institutional 1 (Conditional). The submitted concept plan indicates the construction of two non-lighted turf athletic fields, an Americans with Disabilities Act (ADA) accessible swimming pool that would replace an existing swimming pool, the addition of two parking lots, along with the associated grading, retaining wall and fencing.

Mr. Martin reminded them that the institutional district ordinance was adopted by City Council on March 12, 2013. This was after over two years of meetings with institutions throughout the City and other stakeholders. The purpose of the ordinance was to facilitate the development of the City's institutions without the need for conditional use permits. The ordinance was based upon common themes that developed during the stakeholder discussions, including the following: improvements that do not cause offsite impacts should be allowed by right; the ordinance should focus on expansions or incremental growth resulting in offsite impacts; a definition of substantial impact requiring a more in-depth review should be developed; there should be flexibility in the requirements for master plans and there should be an ongoing dialogue between the institutions and the City.

The resulting IN-1 district that is being requested by this petition is intended to provide for institutional uses such as colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. The district provides flexibility for institutions while identifying areas intended and needed for future development. IN-1 districts are for institutional campuses located primarily within or adjacent to residential districts. The IN-1 district provides for the flexibility of the institution while providing development procedures and standards to minimize the offsite impacts such as noise, lighting, traffic and the capacity of water and sanitary sewer infrastructure associated with the development of the institution.

The area is recommended for Institutional use on the City's *Future Land Use Map (FLUM)*, as adopted by City Council in 2013. The area was also recommended for Institutional use in the 2002 *Comprehensive Plan* and as far back as the 1984 General Plan, so it has been the City's intent to see this area develop for Institutional use since at least 1984.

As required by the *Zoning Ordinance*, the petitioner contracted with the Timmons Group to do a traffic analysis. The resulting analysis included the intersection of VES Road and Linden Avenue and the intersection of VES Road and Rivermont Avenue. The analysis included existing traffic volumes on the roads and at those intersections, as well as traffic that would be generated by these expansions, the traffic that was included in the 2016 traffic study submitted by Westminster Canterbury during their rezoning to IN-1 and an additional traffic growth rate of one percent. The resulting analysis concluded that all of the intersections would continue to function at a Level of Service A or B with the exception of the southbound movement at VES Road and Rivermont Avenue, which currently operates at a Level of Service E. Even after development, that intersection would still function at a Level of Service E.

Because traffic is a significant offsite impact, any time the institution would submit a site plan that would cause that Level of Service to degrade, the institution is required to improve the intersection or it would not be able to expand. The traffic analysis submitted indicates that it would take an additional 175 southbound trips in the p.m. peak hours before that Level of Service would degrade. The City's Transportation Engineer has reviewed the traffic analysis and concurs with its conclusions.

The PHFS campus was established in 1903. The petitioner has met or exceeded the development standards in the *Zoning Ordinance*. The area has been and continues to be recommended for Institutional use on the City's *FLUM*. The area proposed for rezoning is only a portion of the entire campus of the PHFS property, leaving approximately 117 acres in its current zoning and is not proposed for development. PHFS has proffered not to light the athletic fields and maintain a 100 foot setback instead of the required 50-foot setback along with a vegetative evergreen buffer that was planted in 2016. These things should result in little to no impact from this proposal. The Planning Division recommends approval of the rezoning petition with the voluntarily submitted proffers.

Mr. John Francisco, legal counsel for PHFS, and Mr. Bob Dendy, the President and CEO of PHFS, were present to represent the application. Mr. Dendy commented that he has been the President and CEO of PHFS for the past 15 years. The board of directors and trustees are fortunate to be the stewards of one of the most beautiful green spaces in the City of Lynchburg. They do not take that responsibility lightly. They have a long history of doing what is good and helpful in the neighborhood. They want what is best for their neighborhood and neighbors and feel their plan is consistent with those beliefs. He remarked that the neighborhood grew up around PHFS and Virginia Episcopal School (VES).

An impressive public/private partnership with the City of Lynchburg recruited PHFS to our community in the early 1900s. PHFS is grateful to the City for a century of collaboration. The campus has always provided a sanctuary for recreation, worship, education and fun for children and families. The fields, cross country courses, tennis courts, cottages, gym, pool, gardens, chapel and ponds have been an integral part of the neighborhood and part of the wider community. Today HumanKind employs about 135 people and serves thousands each year helping make Lynchburg a great place to live, work and play for everyone.

In addition to those they serve, more than 10,000 people visit their campus each year and enjoy the facilities. They provide more than \$5 million in charitable care each year locally in areas that are very similar to the services they provided when children were in residence. They come with mental issues, some with developmental disabilities, early childhood development concerns, homelessness, workforce development needs and transportation needs. The campus is beautiful, vibrant and bustling with services and collaborative partners. They host a collaborative partner school for children with autism and a day support program for adults with autism. The preschool and after school programs serve children with diverse learning styles and fees are based on a sliding scale. They provide space and support for collaborative community gardens and donated more than 1,000 pounds of vegetables in 2017 to address some of the food deserts. They host a dozen collaborative summer camps providing a safe and fun place for children to swim and play outside.

The cross country course is noted as the best in the region serving as the home course for middle schools, high schoolers and home schoolers. The commitment to mind, body and spirit has been a part of its mission from its earliest days. Play has always been an important part of its mission and campus since it was laid out by Charles Gillette in 1923. The plans to replace the pool, to formalize two fields and to formalize parking are intended to meet some but certainly not all of the needs for children to play. Two fields are all they have planned and they intentionally carved out 47.836 acres to limit its opportunities being respectful of and responsive to its neighbors. Its historic and current campus activities fit in the IN-1 designation. As an institution serving children and families, they have been a good and generous neighbor. They have been faithful to the intended use of its land. They have listened

carefully and prayerfully and come today with reasonable plans consistent with its mission and consistent with the City's expectations for the neighborhood.

Mr. John Francisco with the firm of Woods, Rogers, Edmunds and Williams was present to represent the petition. He would like to address the reasonableness of what PHFS is trying to do and the reasonableness of reclassifying approximately a 48 acre portion of the 166 acre campus. They have carefully reviewed its historical institutional uses and analyzed its current uses and its foreseeable future uses, as required under the two-year concept plan. Mr. Francisco clarified that the original application was to rezone 49.709 acres. The revised application is for 47.836 acres for inclusion into the IN-1 zoning district that was approved by the Planning Commission and City Council in 2013. Mr. Francisco stated there is absolutely nothing unreasonable about bringing the historical institutional uses within the framework of the ordinance. If you read the ordinance, PHFS fits exactly within it. The IN-1 ordinance was written by the planning department and approved by the Planning Commission and City Council inherently in contemplation of it being inside or next to residential neighborhoods. There cannot be an argument that there is something inherently inconsistent between an IN-1 zoned district and a residential district, even an R-1 district. There cannot be a valid argument that just giving someone an IN-1 zoning inherently damages the property values of the surrounding neighborhood. The ordinance was specifically written with criteria to prevent that from happening.

Mr. Francisco addressed the requirement for a traffic study. If PHFS comes back two years or twenty years from now and tries to do something inconsistent with the concept plan, the first requirement will be to do a traffic study. There has to be a comfort level from the planning department that traffic would not be increased to the extent that would cause a negative material adverse impact on the neighborhood and properties.

Mr. Francisco also pointed out that there is a 20 percent green space requirement. You cannot build on more than 80 percent of your property. If you look at the narrowly tailored 48-acre area and see what they have planned, as well as taking the topography into consideration, the thoughts and assertions by the neighbors worried about future additional construction on the property is simply not supported by the facts on the ground.

As set forth in the narrative, PHFS has submitted a two-year concept plan. What is in the concept plan is what PHFS intends to do. Neighbors have asked what might happen in twenty years with a different board of directors. No one knows how to respond to that because they have no way of knowing what will happen in ten or twenty years, but it is unfair to ask them to submit a thirty-year concept plan. It is unfair to require a thirty-year commitment when that is not the requirement of the ordinance. Westminster Canterbury submitted a concept plan for IN-1 zoning in 2016 and was not required to answer those types of questions or submit a concept plan that went beyond two years.

Mr. Francisco indicated PHFS has tried to be a good neighbor. They have been talking to the neighbors about this project for four or five years. Most people know what happened in 2013 when a conditional use permit (CUP) application was submitted. After complaints from the neighbors, it was withdrawn. That project has been winnowed down significantly. They have made over twenty concessions. They took out things the neighbors complained about, primarily the lights. From their knowledge, they feel they have eliminated any material adverse impact on the surrounding neighborhood.

A letter was submitted about an hour ago in response to a letter received by counsel for Westminster Canterbury. The letter was received by the City yesterday afternoon and PHFS did not know about the letter until today. He apologizes for the lateness of his response. He did the best to respond on short notice and additional statements are in that letter.

Chair Perault asked if there was anyone who wished to speak in favor of the petition. Mr. Michael Elliott came forward to speak. He has served as the board chair for HumanKind for the last three years. There are some other board members present today that came from Richmond. Mr. Elliott mentioned that he moved here a few years ago and he looked around for a while to find a place where he could serve that matched his passions. Its mission speaks to him and to everything he has tried to accomplish in life. Its mission is to strengthen individuals and families through care, counseling and education. This in turn strengthens the community.

On behalf of the board, he can say these are the plans. There is no long term, large plan that outstrips what they see before them. The pool and fields will allow them to reach the youth in the area in a very impactful way.

Mr. Elliott gave a personal story about a coach that impacted him in his life. What his coach did for him was important to him both on the basketball court and in his life. He sees the fields and the pool as a way for others like his coach to impact others like himself in a positive way.

Mr. Kevin Camm of Virginia Cooperative Extension came forward to speak in favor of the petition. He is the extension coordinator for 4H and Agriculture and Natural Resources and the unit coordinator of the office in Lynchburg. He manages 140 master gardener volunteers. They reached out to HumanKind in 2014 to do something for the community and it was a win from the beginning. There are food issues and food deserts all over Lynchburg. The David Instructional Garden developed from there. They would like to develop it into a bigger and better community garden. They would like people to come, sit, relax, grow food and give back to the community. In 2018 they plan to open 18 new planting beds for people from all spectrums.

Virginia Cooperative Extension is all about providing research-based information. They research through feasibility studies and strategic plans. He would like to point out some advantages of community gardens and athletic sports. They provide positive interpersonal skill development, healthy living and special belonging, develop confidence and self-esteem, reduce stress and depression, build leadership, character and life development skills and aid in drug and alcohol abuse prevention. The combination of gardening and sports is a win-win for Lynchburg. It fits PHFS's mission and the Virginia Cooperative Extension's mission of being a collaborative cooperative organization in the community. This project is going to impact so many Lynchburg families and youth. The kids can play on the fields and the parents can go to the gardens and relax and learn about healthy eating. It is a "no brainer" but he does appreciate their allowing him to speak on behalf of their organization and PHFS.

Ms. Andrea Reid came forward to speak in favor of the petition. She has both a personal and professional relationship with HumanKind. In the 1960s, she attended the Timothy Club (now called Camp Timothy), which is a six-week Bible-based summer enrichment program. The highlight of the program was swimming each morning. In 1994 she returned to direct the Camp Timothy program, which has serviced over 2,400 children between the ages of 5 and 14. One of the highlights still remains swimming.

HumanKind is a safe place for the children to go every summer. The staff has compassion and there is no fee to use the swimming pool, courts or athletic fields. Many of the children they serve are underprivileged.

Ms. Kim Price, the managing director for women's and family services for Centra Health, came forward to speak in favor of the petition. She has been in her position for 15 years and HumanKind has been very instrumental with their home visitation program with the Healthy Homes program. Some women struggle when they return home from the hospital and HumanKind provides the follow-up care that Centra is not able to provide. HumanKind staff is always flexible and looking for new opportunities; they collaborate often. On occasion, they have also used the property for educational programs.

HumanKind has provided them with lactation consultants. On a personal note, as a parent, she has spent many hours on the cross country field. It is a great opportunity and a great track. They also host a 5K that Centra sponsors every year.

Mr. Charles Tucker, the director of athletics and activities at Linkhorne Middle School, came forward to speak in favor of the petition. They have established a great relationship with HumanKind over the past 15 years. The high schools, middle schools and home schoolers all use this property for their competitions and practices. Without groups like HumanKind, he would have a hard time being able to engage children in healthy activities after school. They have allowed them to use their course free of charge and have maintained it, which is no small matter. He is definitely in support of them enhancing their campus to provide more support for our children.

Ms. Kathy Morris was present to speak in favor of the petition. She lives very close to PHFS and is a former Blue Ridge Lacrosse president and board member. She is speaking in support of the turf fields at HumanKind. Their main season is in the spring and they are currently using the City's field at Blackwater Creek and a small parcel at Linkhorne Middle School. These fields have very limited availability, so their club has really struggled to find fields where their children can play. The fields open in March and the coaches are anxious to get on the fields in February but there is nowhere for them to play. If they had turf fields, it would be exciting to be able to play year round. They appreciate the City allowing them to use its fields but they are prioritized third behind Parks & Recreation and any City sporting event. They typically have to miss four or five games or practices in a season.

She also works with the E C Glass lacrosse program. These students partner with the Boys and Girls Club to teach the sport of lacrosse to children that might otherwise not have the opportunity to play. The fields at HumanKind would provide a great outdoor space for them to teach. They currently teach inside in a small gym.

As she mentioned, she lives close to HumanKind and appreciates that it is willing to open its property to those that want to enjoy its beautiful campus. She is grateful for the seven years HumanKind hosted cross country events for her children. She is excited to have this park-like setting in her own back yard.

Dr. Tom Shahady, an Environmental Sciences professor at Lynchburg College, was present to support the petition. He has been coaching for years at VES and can really get strongly behind the idea of athletic fields and other facilities that young people can use. The students at Lynchburg College also need places like this to spend time on teams and develop character. It does a tremendous amount for them. From an environmental perspective, he supports the community gardens. He mentioned that HumanKind also allows E C Glass band to do fundraisers at its campus. That supports a lot of kids that would otherwise not be able to participate in band.

Dr. Shahady read from the report: "Resource Conservation Areas include rivers, streams, wetlands, floodplains and adjacent steep slopes. These areas serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The conservation of these environmentally sensitive areas is one of the primary goals of the Plan. (*p. 61*).” He would encourage them to rezone the area designated on the *FLUM* as Resource Conservation to Institutional as well. Often portions of Resource Conservation are significantly reduced in rezoning petitions. Rarely do we see petitions include these areas. He would strongly encourage them to consider this in this petition, if possible.

Ms. Jane White, a resident of Westminster Canterbury, came forward to speak in favor of the petition. She is so excited at the thought of happy voices playing sports. She has been to lots of athletic events. Sometimes she gets to them and finds out they are canceled due to wet fields. She thinks it is a wonderful use of their property and she is very proud to be endorsing the proposal.

Mr. Richard Greene came forward to speak in favor of the petition. He lives on Williams Road and moved there very recently. He has come to realize what an asset the PHFS campus provides for him and his family and the neighborhood. Any enhancement of the property makes it a better asset to him and to his property. He has raised three children in the area and there is a real dearth of athletic fields in that whole area of town. The closest field, if this is not approved, would probably be Linkhorne Middle School. Sometimes he had to take his children outside of the City in order for them to be able to play and practice. To have been able to walk to a place like PHFS to watch them play would have been great. These fields are very much needed for the community and that neighborhood in particular.

Chair Perault asked for anyone else that wished to speak in favor of the petition. No one came forward. He asked for those that wished to speak in opposition to the petition to come forward.

Mr. Sean Huyett, the President and CEO of Westminster Canterbury came forward to speak. They have had a number of conversations with HumanKind. Over the years, they have shared concerns about lights, traffic and noise. He understands there is an opportunity here to minimize or remove some of those concerns, which is headway and better than where they have come from. He starts with the business perspective of a fairly large organization concerned with how a large project done in the wrong way can affect its financial model. Some people at Westminster Canterbury may speak in support and may want to have this project—Westminster Canterbury is supportive of kids—but at the same time, if they have problems with its financial model, that potentially affects resident fees. Fees go up and it becomes less affordable for people.

They have concerns as to whether or not they can market their cottages. Depending on how close the ball fields are to them, it could affect them. He would not know until five or ten years down the road. By that time, it will be too late. Obviously, Westminster Canterbury has concerns with their ability to stay marketable and viable.

Last time a development was discussed with Westminster Canterbury, it was a proposal for two fields. By the time it was presented to the City, there were two more phases proposed for a total of five fields, so there is a trust concern. With an IN-1 designation, how will the campus grow? This time, they were told there would be two fields and two parking lots. Now through talking to their attorney, it is their understanding that there is an additional parking lot. They want IN-1 to possibly do more later and that was not what was presented to them in January by PHFS. They said no bleachers, no lights and no PA system and 200 parking spaces. The proffers only state no lights and a 50-foot buffer pushed back from the other 50 feet they had.

In the rewritten narrative, there is also something about colleges. This is worrisome to them as Liberty, Lynchburg College and Randolph College have turf fields. They support sports and believe in wellness and activities. He is confused as to why colleges would even be in the narrative. What are they trying to bring into the neighborhood? Will that bring big busses and tournaments?

They have had discussions with PHFS and offered to buy some of this land four years ago in order to protect some of their property and their business model. They asked PHFS to build the fields in the middle of the property to mitigate some of its concerns. PHFS did not wish to sell them some of its property and the fields are not being built in the middle of the property.

There is an easement that was granted for Linden Avenue off VES Road. It was for their mission of an orphanage. It is not a public thoroughway. If the IN-1 development stops at what is presented today, that may be okay. Westminster Canterbury thinks there still needs to be some safety precautions, whether it is stop signs or speed bumps. If this IN-1 designation is approved and the area around the horseshoe of buildings has additional fields placed in there, the concern is who is here to protect the Westminster Canterbury residents? When you look at the area off VES Road, you are going to have kids

coming from E C Glass flying up the road going to practice, hopefully not texting. They have 80- to 85-year old residents pulling out in their cars. That is a big concern for them.

Westminster Canterbury opposes the IN-1 rezoning. They are open to discussing a CUP with no lights, no lighted scoreboards, no public address system, traffic provisions to provide safety for its residents and the people that come through Linden Avenue. Also, when you read about the tree buffer, it is a line of evergreens. It is not a natural buffer. Westminster Canterbury has planted 115 trees on the hill leading to its property and will probably continue to plant more trees because they do not know what is going to happen at the PHFS campus.

Mr. Randy Davis was present to speak in opposition to the petition. He lives in one of the cottages at Westminster Canterbury. He would also support a CUP instead of a rezoning in order to limit PHFS to the current concept plan. In their presentations to Westminster Canterbury in January, PHFS said this is all they plan to do for the foreseeable future and reduced it from the previous, much larger plan. He reiterated that the only proffers they have submitted are for no lighting and a 100-foot buffer. He would like to see the proffers for the other items like no bleachers, lighted scoreboards and no PA system. He would also like to see a proffer that nothing else is done other than the two fields and no more than 200 parking spaces.

He had a question as to why there was another project number REZ1802-0002 added to the City's Etrakit system. He noted there are no additional documents attached to the project but he would like an explanation.

Mr. Bob Day was present to speak in opposition to the petition. He lives at 3856 Peakland Place. He would like to ask them "Why IN-1?" This new code provides significant benefits and eliminates steps in the review process when a complex project is proposed. This zoning district has been only used once. Westminster Canterbury had a building project and the funding lined up. It reduced and resized the project based on neighborhood input. IN-1 zoning is now allowing a faster completion schedule.

HumanKind's proposal is just a concept that is intended to grow in scope. It is not a complex project and it does not have funding lined up. It is a "build it as the money comes in" type of project. It is a classic example of what should be managed as a CUP. When presented to the neighbors, HumanKind's proposal contained these caveats: no stadium seating, no lights, no PA system and 200 parking spaces. These were the neighbors' heartburns from the previous plan. If proposed as a CUP with these four conditions, it would sail through with little to no opposition. He would like the commission to ask them about the other caveats other than no lights.

HumanKind did a traffic study which yielded little insight. VES Road is windy and hilly. Neighbors turning on to VES Road from driveways or side streets do it quickly because they drive fast on VES Road. One neighbor on VES Road has had five cars crash through her fence. At the intersection with Boonsboro Road, it is exciting because drivers race up the hill to make the light. That intersection is rated as an E on a scale of A to F.

HumanKind does not need a zoning change to complete this proposal. They only want it to avoid the public review process. A zoning change gives wide latitude. An IN-1 zoning change eliminates public comment and the Planning Commission's review for five years. A zoning change is permanent. The hill at HumanKind is a neighborhood treasure. They know that someday it will be developed, but they want the Planning Commission to represent the neighbors and to be involved in the discussion of how the land should evolve. As neighbors, they want to talk to the Planning Commission about what should happen to the land. If they cannot, then they have lost some of their representative government. He urges them to be stingy in granting IN-1 zoning to anyone. Few projects need the streamlining that it provides. Most can be accomplished with a CUP and that should be the course of action in this case. The commission should deny the request.

Mr. John Bruce was present to speak in opposition to the petition. He lives at 1111 VES Road. His opposition is centered on the zoning request not so much the proposed plan. The IN-1 zoning is new for Lynchburg and it seems logical that it should be applied to entities that have had a consistent mission and have long term tenure. Unfortunately, HumanKind has had to change its activities over the years due to funding changes and government programs. For years, their revenue from grants and contributions has been well short of expenses. He began following their financials in 2013 when they wanted to build a large sports complex. Through analysis, he questions the long term viability in its current form. Examination of HumanKind's required 999 IRS filing shows a worrisome pattern of large drawdowns from its endowment fund. Since 2008 in a period when asset values generally doubled for market returns, HumanKind's endowment has dropped from \$61.6 million to \$29.6 million. Excess spending from the endowment is the reason. Most well run organizations will spend only three to five percent of its endowment value to supplement programs. That way the endowment can support both current and future generations. That will not happen with HumanKind. On a cumulative basis, it has pulled out \$51.6 million out of its endowment fund. That is not a prudent use of the money that was given years ago to support an orphanage. Irresponsible is a better term. Reasonable projections give HumanKind's endowment fund about ten years.

In PHFS's discussions with Westminster Canterbury, they talked about spending so called reserves to build the sports complex. That is just more endowment spending. They also said they would reserve money each year to replace the synthetic turf fields. How can you reserve money when you currently run multimillion dollar deficits? What will happen when the endowment fund can no longer support its activities? With IN-1, a lot could happen by right and possibly not what the neighbors and the City envisioned. He requests that the Planning Commission deny this IN-1 request.

Mr. Ben Smith, a resident of Westminster Canterbury, came forward to speak in opposition of the petition. His concerns are largely personal. He thinks he could live reasonably comfortable with the plan as it was proposed to them at Westminster Canterbury in January with legally binding constraints on amplification, parking and future development. That seems to have vanished since that time. He has no great objection to the initial plan but does object to the IN-1 zoning. PHFS has a long storied reputation in Lynchburg but HumanKind is not PHFS. They are a new organization and are evidently in the process of reinventing themselves. Some of that reinvention process may have created some of the problems with the way in which they have presented this proposal. He would suggest they do not give them IN-1 zoning at the present time. Give HumanKind an opportunity to develop a local reputation as an institution that is as clear as Westminster Canterbury or Centra or Lynchburg College. It will take a while but if they are a viable organization, they will get it. He would like the City to do what is necessary so there are no unfortunate or unintended consequences for the community at large.

Mr. David Kerr of 140 Linden Avenue came forward to speak in opposition to the petition. He has been a resident since September of 2017. From what he has seen, HumanKind has already shown its hand as far as what it wants to do. They have come with larger plans and scaled them back. They have been feeling things out and now instead of doing a CUP, they are trying to rezone to IN-1. He is not crazy about the plan, but if it were a CUP, he could live with it much more than the IN-1 zoning for all the reasons that have already been stated.

Mr. Kerr pointed out that the traffic study only concentrated on VES Road. There is nothing in it about Linden Avenue. With on street parking, Linden Avenue basically turns into a one-way street in that only one car can go down it at a time. The rumor mill is saying PHFS wants to bring in tournaments from all over the state, which is going to bring a lot of traffic that Linden Avenue cannot handle.

He bought his home in this neighborhood because they currently have very little noise or light pollution. If they get the parking lot that will be almost in his back yard, he thinks they will come back later and say they need lighting for safety purposes. The next thing you know, his whole back yard is lit

up. He understands their plan and if he lived in a vacuum, it might be okay. But he does not live in a vacuum. He lives right next door and it is going to affect him greatly. It is going to affect everyone on Linden Avenue a great deal.

Mr. Jim Harris of 4412 Gladwell Place came forward to speak in opposition to the petition. The rear of his property borders this property. He has read the memo that was sent to people on February 8. It says we have engaged with meetings with neighbors and Westminster Canterbury. Mr. Dendy claims he spoke to Mr. Harris, but Mr. Harris said this is the first time he has ever met Mr. Dendy. He has a long history with Presbyterian Homes because he has lived there since 1980 and has never complained. But that was when it was for kids. The mission has changed. IN-1 zoning is not the correct way. He does not believe this project is about kids. He is a child supporter 100 percent. He thinks this project is about revenue and bringing people to the campus. He is against the project and hopes they vote against it.

Mr. Casey Barker of 144 Linden Avenue was present to speak against the petition. He has lived there since 1992 and PHFS has been a great neighbor. He is not so sure HumanKind will be a good neighbor. He says that because the last proposal PHFS brought them was about 17 acres; now it is close to 50 acres. He is pretty sure that the people that live in the cottages at Westminster Canterbury are good neighbors, quiet and not too rambunctious. He thinks this proposal is a start. They want to get their foot in the door and then they want to expand. Looking at their concept plan, he feels kind of like "David against Goliath" because currently they say "we are not putting lights up." Is the entrance going to be off VES Road, Linden Avenue or Williams Road? He is in opposition to what may happen down the road with all this property. He can hear conversations when people are walking up the hill to the HumanKind property. He can live with all the events they hold there but he cannot live with a business like this, which he thinks HumanKind will be, in his back yard.

Mr. Hershel Keller, the attorney for Westminster Canterbury, came forward to speak in opposition to the petition. He does not think that anyone is questioning the good that PHFS has done over the years and that HumanKind will continue to do. The question is really one of land use planning and if this is a good use of the property. Mr. Keller wished to speak to the easement. The property is accessed by two means, one is via Linden Avenue and the other is through a private easement through Westminster Canterbury that was restricted to the historical purposes of the orphanage. Since the orphanage is no longer in existence, those uses have expired. He is sure Mr. Francisco is very competent counsel and that he will take issue with this interpretation. However, Mr. Keller and Westminster Canterbury will disagree with PHFS that PHFS still has the right to use that easement.

At a minimum, that easement is in question. There is uncertainty as to whether or not that easement can be closed by Westminster Canterbury. He is there to tell them it can be closed. If this project goes forward, Westminster Canterbury can close that easement. They can park a bulldozer there. They can put concrete bollards up. They can stop that easement and then what will happen. IN-1 zoning is for all relevant purposes permanent. It will not be limited to just this project and all that traffic will come down Linden Avenue. It just cannot handle that traffic. From a land use planning aspect, it is definitely appropriate to consider access. If the easement access is uncertain and it goes away, they are making a decision to potentially force all the traffic down Linden Avenue. He acknowledged this is a really great project, just not for this particular property.

Mr. Keller asked for anyone opposed to the project that had not spoken to stand and approximately 20 to 25 people stood in opposition.

Chair Perault asked for anyone else that wished to speak in opposition to the petition. No one came forward. He indicated that the petitioner could come and give a rebuttal to any points made.

Mr. Francisco said he respects everyone that spoke both in favor and against the petition. He certainly respects those that live in the area and near this project. The people that live closest to this

project are obviously the cottage residents at Westminster Canterbury. They are the most impacted and should have the most concerns. PHFS has done its best to accommodate those concerns by agreeing forever not to put up lights on this property. If they want to put up lights in the future, they have to come back and reapply.

With respect to Westminster Canterbury, PHFS has no intention of affecting its financial model. PHFS has no intention to hurt its ability to market its cottages. No one said that anything PHFS is doing has an objective adverse negative impact on their property value. There were some comments by Mr. Day about VES Road being windy and kids speeding down the road and the light at Boonsboro Road being difficult. That is not PHFS's fault and is not up to PHFS to deal with those issues. It is not the intent to make VES Road any worse than how it already exists. The traffic study is appropriate and shows the limited traffic.

The last thing he would like to talk about and the thing he takes most seriously is the threat by Mr. Keller—the statement by Mr. Keller—that if PHFS gets IN-1 zoning, it will shut down the access to VES Road. As set forth in detail in his letter, that is completely an illegal invalid argument. It is way more than a disagreement. There is no question about the validity of PHFS's access easement, but we are not supposed to debate the easement here. This isn't the Lynchburg Circuit Court. If they want to file a lawsuit, he will vigorously defend PHFS. They have an easement not for purposes of access to an orphanage. PHFS has access forever as long as it continues to use its property with the charitable purposes of Presbyterian Homes and Family Services, Inc. To argue that the easement is subject to it being an orphanage and only for busses is simply invalid. We have full access. They are not going to bring people down Linden Avenue; people are going to use VES Road.

They reached out to people in the neighborhood. They did not knock on doors but they put out flyers and had community meetings. They met with Westminster Canterbury. He has been engaged in phone conversations with Mr. Keller for at least five or six weeks in which he proactively asked him to give him statements on behalf of Westminster Canterbury voicing their objections to this project in the hope that when they got those objections, PHFS could decide whether it wanted to proffer certain things. He did not get a letter from Mr. Keller. They never heard objections until today in order to consider making proffers. They are not trying to change anything in their initial presentation to Westminster Canterbury. They are still committed to not installing scoreboards, bleachers or air horns. If those had been presented to them in a timely fashion before this hearing instead of them finding out about them just today, they could have tried to accommodate those concerns.

That being said, PHFS has tried to be reasonable over the last four years. PHFS is continuing to be reasonable and has been a good neighbor since 1903.

Mr. Keller and Mr. Huyett came back for final comments. Mr. Keller said he called Mr. Francisco last Monday. They had a conversation about whether the neighbors and Westminster Canterbury would either withdraw opposition or support this particular project under a CUP. He was not happy with that offer. Mr. Francisco was supposed to get back with Mr. Keller after a board meeting and he did not receive a return phone call. Westminster Canterbury has really tried to engage PHFS very seriously in a conversation about the project--about proffers--about going forward with a CUP. This has caused a trust issue not only for this application but what is the intent of this project going forward. Do they just intend to build what they are showing them or when they get IN-1, will they build something much more?

Mr. Huyett commented that for some reason they agreed to have their lawyers talk to each other rather than the organizations. He gets passionate about this; he plans to be there a long time. He does not understand why they had to get lawyers. They said eight days ago they would like to see a CUP; they are not saying they are opposed to this. They are trying to find a "middle of the road" way for them to carry out their mission and to protect Westminster Canterbury's mission. They are in a pretty good business at Westminster Canterbury in terms of demographics and do not want to mess that up. He

apologizes that we are here arguing about this. He would have hoped in conversations that PHFS would have said that they do not want to do a CUP but we will come back with proffers about no lights, bleachers or PA system or more than 200 parking spaces. He cannot say he supports this because he still has concerns about it. But if it were a CUP, they could possibly make it work for both organizations and see both of them thrive in the future.

Regarding the easement, Mr. Huyett said Mr. Keller did not say “would.” They are not putting a bulldozer there. They are not trying to shut down that road. He said “could.” But they want to protect the safety of their residents.

Commissioner Light noted that there are members of Westminster Canterbury's board in attendance. He would assume they are speaking on behalf of the board. Mr. Huyett said that is correct.

Chair Perault closed the public hearing portion of the petition. Chair Perault reminded the commission that while they can express general concerns about proffers or the lack of thereof, it cannot make specific suggestions or guidance along those lines.

Chair Perault asked Mr. Martin if he could provide insight as to institutional zoning for this area. Mr. Martin reiterated that the idea of the institutional ordinance originally came about because of institutions such as Lynchburg College, Liberty University, Westminster Canterbury and Presbyterian Homes were having to get CUPs for just about every little thing that they wanted to do. Up until that time, the way staff had dealt with that was to say prepare a master plan and think about all the uses that you could ever dream of and as long as it is on the master plan, then you can move forward. What City staff heard from institutions across the City was that anything beyond two years was speculative. They could not plan out any further because their missions change. Planning Commission and City Council at that time said we want to give our institutions flexibility. The City supports its institutions. They provide important missions and services. We want them to grow within defined boundaries and continue their missions as long as they do not create offsite impacts. The impacts discussed were lighting, noise, water and sewer availability and traffic.

The driving factor is traffic. Anything that would degrade the Level of Service at Rivermont Avenue and VES Road below the current Level of Service of E—before the City would issue any building permit—PHFS would have to negate that issue. Now if you think about that logically, fixing that problem is going to be very expensive. So more than likely, that is going to stop the development for a while. But historically, if you look at the *FLUM* and the land use patterns, PHFS has been in that area since 1903. On the *FLUMs* that have been adopted by City Council and recommended by Planning Commission, this area has been recommended for Institutional use since at least 1984. So the City has always intended for this property to be used as an institution and to remain as an institution.

Commissioner Johnson asked if the *FLUM* designation for Institutional includes Virginia Episcopal School (VES). Mr. Martin said it does. Commissioner Johnson asked if VES has applied for IN-1. Mr. Martin said it has not been in conversations with the City about rezoning. She noted they have done many CUPS over the years. Mr. Martin noted there are two institutional zones in the City. Westminster Canterbury is IN-1 and Liberty University is IN-2. If VES applied for IN-1 zoning in the future, Mr. Martin thinks they would have a good basis for it based on the *FLUM*.

Mr. Martin reminded them that one of the catalysts for the institutional ordinance was that Lynchburg College had to come in for a CUP for batting cages. City Council wanted to give the institutions some flexibility because each time it comes in for a CUP there is quite a bit of time and funds expended.

Commissioner Marion commented that some of the neighbors think this is the tip of the iceberg and they fear PHFS wants to build all kinds of things. There does not seem to be much space to put another field, maybe there is room for one more field to the north. She asked Mr. Martin if they could put in

another unlighted field without coming back if they get IN-1 zoning. Mr. Martin said yes but they have to maintain 80 percent open space, which will be approximately nine acres. They would also have to do another traffic study and show the impact of that field.

Mr. Martin commented that they had originally proposed a little bit larger area for rezoning that encompassed the Resource Conservation area. Staff requested that they move out of that area to keep that area undisturbed. Chair Perault wondered why it was not included if the City's goal is to protect Resource Conservation areas. Mr. Martin said they could have included that area but did not ask to rezone it to Resource Conservation. They did not ask for it to be rezoned to Institutional so we have no reason to believe that it is not going to stay in its current state. Staff asked them to take out of their rezoning request in order to ensure that it remained undisturbed.

Commissioner Rogers asked Mr. Martin if the institutional ordinance is meant for institutions looking to the future, not necessarily starting projects right away. He asked what the difference is between an institutional zoning and the timeframe for a conditional use permit. Mr. Martin noted that CUPs used to expire in six months. With the adoption of the new ordinance, they expire in three years. The institutional zoning is permanent and gives an institution the flexibility within reason to grow as they see fit and their mission evolves.

Chair Perault asked about PHFS's proposal in 2013. Mr. Martin said that proposal was much more involved than this proposal. Mr. Martin noted that he would be very surprised if PHFS could meet the conditions of a traffic study with that original proposal.

Commissioner Marion noted that PHFS has access to VES Road. It would be very hard to get there. It would have to cross a creek but Linden Avenue crosses a creek. She noted that she does not have big objections to the plan. She does have a question about traffic on the access through Westminster Canterbury's property. She did not see any mention about traffic calming measures. She noted there are some speed bumps on the hill going up to where the fields would be located. She would like to see a speed bump very close to the Westminster Canterbury parking lot. Mr. Martin noted that is not a City street, so they would have to work that out with the property owner. Commissioner Marion noted that this is her biggest concern. She would like to see the traffic slowed down. The speed bumps they currently have do not go all the way across the road. It would be even better if they did.

Commissioner Marion noted that the VES football field is just as close on the other side of them. It is down and these would be up on a hill so there is that difference. She is referring to the proximity of VES's field and these potential fields to the big house not the cottages. Commissioner Marion also noted that a lighted scoreboard should not be a problem because all the games will have to be during the day because the fields are not lit.

Chair Perault asked Mr. Francisco to come back up to speak. He is concerned about the lack of consistency in what his letter states and the submitted proffers. Mr. Francisco said PHFS is not refusing to proffer additional items. No one has asked them to proffer them. They are being asked to think of everything that Westminster Canterbury might want PHFS to proffer and do so. His hope was to speak with Mr. Keller instead of hearing from him in a voicemail that they are not going to be sending a letter with objections and would just be opposing the IN-1 rezoning. If the Planning Commission were to say they would like to see additional proffers, he would be happy to meet with his client. He did not know that they were required to proactively proffer everything that has been complained about here today.

They are willing to put up netting to stop lacrosse balls from going into the cottages. They would meet with Westminster Canterbury about putting up speed bumps. They have no intention of being inconsistent or difficult.

Commissioner Lowe said he spent good bit of time driving around the area. At that time he did not know about the other entrance on VES Road. He noted that Linden Avenue is a tight squeeze and wondered how busses go down that road; however, now that he knows about the other entrance and looks at the easement, he does note this is not a court of law. When he reads the easement conditions, it says it cannot be used for public use so that, in his opinion, means they cannot have an IN-1 entrance there. Commissioner Lowe did note that it is already essentially being used for public use because people use it to get events such as the Turkey Trot. If this cannot be used for public access, then they need to go back and look at Linden Avenue for a traffic study. He is not sure they are empowered to say that the easement can be used for public use.

Mr. Martin said it is not the role of the Planning Commission or City staff to determine anything about that easement. In his opinion, it would be public use if it were dedicated to the City of Lynchburg and everyone could come and go. You have two attorneys that disagree and he thinks the commission can do one of several things. The zoning ordinance gives them 100 days to make a decision. That gives them until their regularly scheduled meeting of May 23. You can approve this based on the merit of staff's recommendation. They could seek a proffer limiting access to this side of Linden Avenue. You could deny the petition. You could table it until the access issue is worked out but he is not sure they could work out the easement issue in 100 days.

He noted that there have been some things suggested that might make the commission more comfortable with the petition if PHFS were willing to make additional proffers.

Commissioner Light said he did not have any questions. He thinks he understands the issues that are involved very well. Personally, he thinks they should make a decision because people have taken the time to come today. He is not for "kicking the can down the road." There may be some consequences that develop between the parties as a result of their making a decision but he is not in favor of delaying a decision today.

Commissioner Rogers asked if they can add proffers today. Mr. Martin said he will look it up in the code. Mr. Francisco thinks they can be added today. Mr. Martin said historically proffers have been added at the commission meeting.

Mr. Dendy said they would be happy to add proffers. The no lighting proffer has already been made. They would proffer for traffic calming measures at the woods edge entrance, no bleachers and no sound system. Obviously, the traffic calming measures would be subject to Westminster Canterbury's approval because that is their property. Mr. Dendy thinks the easement gives them responsibility for maintenance and if Westminster Canterbury is open to it, they would consider this part of maintaining a safe thoroughfare. Chair Perault noted that proffer could state that it is subject to the approval of Westminster Canterbury. Mr. Martin noted that the proffers need to be submitted in writing so the petitioner could begin writing them at this point.

Commissioner Johnson noted that her issue is access and the easement. She had a conversation with the City attorney. He could not give her an independent opinion but did say that it is not for her to say which side she agrees with. You can say there is obviously a disagreement between the two parties about access. She is uncomfortable with agreeing with an IN-1 zoning based on the uncertainty of that easement. She would be more comfortable if the two parties could come to an agreement in the 100 day period because she would not be comfortable with access being from Linden Avenue.

Mr. Francisco came forward to speak but Chair Perault indicated it would not be beneficial to debate the legal aspects of the easement. Mr. Francisco said he does not have a personal disagreement with Mr. Keller about the easement. PHFS has a legal access easement today. Just because they put in a letter that they question it does not change that fact. PHFS has legal access until they don't have legal access. The only way that would change is if the Lynchburg Circuit Court agrees with Westminster Canterbury if

it files a lawsuit to attempt to terminate the easement. It is unfair to make this rezoning contingent on a hypothetical situation. He is not aware of a dispute that what PHFS is doing is in violation of the easement. The Blue Ridge Autism school has been operating there for years and no one has said that it is not an orphanage and it is inconsistent with the charitable purposes of an orphanage. With all due respect to Commissioner Johnson, there is no question in PHFS's mind and there is no question under the law that they have legal access. He thinks this is a case of throwing something up against the wall to gum this up and he is not sure what they are supposed to do about it.

Commissioner Bowden thinks this is an incremental use. It is a public easement now. But with an IN-1 use does that change the type of traffic that is coming in there? Based on the traffic study, the traffic is going to be incremental to what they currently have. It is not a question of "you can come but you cannot come." He thinks the question to ask is if there is going to be a different type of traffic with an IN-1 use. He thinks the plan is wonderful but he questions the zoning.

Commissioner Rogers noted that when Westminster Canterbury went through the process, it was brought up that PHFS was involved in the development of the institutional ordinance. PHFS does have land that abuts a public road. He would note that they are talking a district within a large piece of land. There are plenty of sites that use private access to get into their facilities. People use them as a public thoroughfare but it is not considered a public thoroughfare. Traffic calming measures keep people from doing that. He would actually like to see them put a barrier at the Linden Avenue entrance. Commissioner Rogers noted that during his site visit he talked to a neighbor that said what PHFS is proposing is great. When he looks at IN-1 zoning, he does not see an access question in there. There is nothing in the ordinance that keeps them from doing it based on access.

Commissioner Light noted that he lives on Linden Avenue but does not live in the area that is affected by Peakland Place. He does not think he lives in an affected area that would prevent him from making a vote. This is not about the work that PHFS has done. They have done tremendous work for the City and have a statewide impact. He cannot cast a vote in favor of the rezoning because of the uncertainties that surround the issue. The proffers that are being made give him better assurances but there is too much uncertainty about the IN-1 status to vote in favor of the petition. The uncertainties are regarding the easement and unforeseen consequences of HumanKind having more flexibility in the future. He does not like to make people come through the CUP process but he would like to maintain a closer watch on how the property develops.

Mr. Martin stated that PHFS could definitely give some written proffers today.

Commissioner Lowe said as it stands today he cannot vote in favor of this petition even though he is an ardent supporter of what PHFS does. What concerns him is the uncertainty of the easement and the future development and what the proffers say right now. He acknowledges there is a 100-foot buffer being proffered but he is concerned about what happens at 101 feet.

Chair Perault noted that one of their guidelines is to try and follow the *FLUM* and the *Comprehensive Plan* as much as possible. When they get these petitions, he often starts with looking for reasons why they do not fit the *Comprehensive Plan* and the *FLUM*. He sees this as a good fit for this area as well as VES down the road potentially. This is why this area is designated Institutional in the *FLUM*. He thinks concessions have been made and this is a better proposal than the one in 2013. He does have a concern with the lack of specific proffers. He is not sure if that is enough to sway him, but in general he is in support of what is being done.

Commissioner Rogers leans more toward supporting it for the same reason. He thinks it is a good fit and that is what the institutional ordinance was designed for. If this is the City's plan for this area, he feels they are supposed to follow that as planners.

Commissioner Marion asked what might happen in the future if HumanKind ceases to exist. Can the property be rezoned back to residential? Mr. Martin said absolutely and pointed out what happens if Westminster Canterbury ceases to be an institution. It is the same concept really.

Commissioner Rogers pointed out that if it stays R-1, it might develop in ways they do not like. This might actually be an opportunity to protect that land.

Commissioner Marion is leaning toward supporting the rezoning because she does not see how they can do much more than they say they are going to do. She asked Mr. Martin if they decide not to go forward this plan but have institutional zoning if PHFS can do whatever they want. Mr. Martin said as long as it is an approved institutional use and if the uses do not trigger a traffic study, then yes. If anything they do degrades the Level of Service, they either have to improve the road or they cannot do the improvement. We all know road improvements are very expensive so they would have to weigh that. Chair Perault would argue that there is simply a lack of space. Mr. Martin pointed out that they are not asking to rezone their entire property. If they were, he thinks there would be some very valid concerns.

Mr. Martin said there is no longer a 21-day submittal period for proffers so the petitioner can submit additional proffers today. Commissioner Johnson asked if they would be willing to offer a proffer to close the Linden Avenue access. Mr. Francisco would be very wary to close the Linden Avenue access if Westminster Canterbury is going to take away their other access according to what Mr. Keller said. He thinks it would be more appropriate to proffer that if they lose their easement access in a court of law that the property will revert back to R-1. They are not going to bring busses down Linden Avenue. If PHFS lost access on its private road off VES Road, they would agree not to do this plan. Mr. Francisco also commented that PHFS maintains this private road. He also reiterated that right now PHFS has that access.

Mr. Martin thinks that would be a better solution than closing the Linden Avenue access because you never want to limit yourself to just one way in and one way out. That is not good for emergency access and for people that are sent that way by GPS. He would suggest that if they lose the VES Road access that they do not do this what is on this concept plan. They should just maintain what they are doing now. The zoning cannot be reverted back to R-1. That does not work.

Commissioner Light pointed out this is why he cannot vote in favor of it because this is another uncertainty. Chair Perault would argue that the proffers that have been suggested would ease his concerns. Mr. Francisco is still not sure what they are supposed to do ease their mind about the access that they currently have. We are talking about hypothetical situations where that access can be taken from them. Chair Perault thinks that point has been made.

Mr. Francisco read the proffers PHFS is willing to make. "The applicant, Presbyterian Homes and Family Services, Inc. hereby amends its application for rezoning its property from R-1 to IN-1 as follows: We agree not to install any scoreboards. We agree not to install any sound system or PA system. We agree not to install bleachers or stands. We agree to install traffic dampening devices at the appropriate location near the Woods Edge parking lot either on its property or on Westminster Canterbury's property to the extent that we are required to obtain their permission to do so."

He did not write the proffer about not developing the property if they lose the easement access because these were written before they had that discussion. Commissioner Marion said she would be more comfortable if they added that proffer. He thinks the best proffer would be that this zoning permit is conditional upon PHFS maintaining its currently established legal access to VES Road. If they lost a lawsuit filed by Westminster Canterbury, the PHFS would be in violation of the zoning permit.

Mr. Keller asked if the applicant would agree to build what is on the concept plan and nothing else. Mr. Francisco said they will not proffer that; that is basically defeating the whole purpose of the

institutional zoning. That is completely unreasonable and not consistent with the ordinance. Chair Perault thinks that goes beyond the scope of what they are doing here.

Chair Perault wanted to get clarification on the additional project that was entered in Etrakit for Mr. Davis. Mr. Martin said they create a project for each parcel involved but they are all linked back to the parent project where the attachments are located.

Mr. Kerr asked if he could make a point because they keep talking to the people from Westminster Canterbury and PHFS. Mr. Kerr feels that even if the easement remains open, the traffic will still increase on Linden Avenue. There has been no traffic study done for Linden Avenue. He pointed out that if you put 150 Linden Avenue into a GPS, it will take you to the Linden Avenue entrance or the VES Road entrance. But if there is traffic at VES Road, people are going to come down Linden Avenue. Chair Perault said they do take traffic issues very seriously.

Mr. Francisco said he has been authorized to say "In addition, PHFS proffers that it will maintain and preserve its current access to VES Road from the private road in place pursuant to the easement dated September 27, 1993." If PHFS loses the easement, the permit goes away. Mr. Martin noted that what they do not want to happen is to proffer they will maintain this easement. The way that is worded it could be interpreted that if PHFS does not maintain that easement, it cannot do anything on its property. Mr. Francisco said PHFS would not put itself in that position. If they were not confident that what they were building was consistent with the charitable purposes of the organization, which they believe this concept plan is, they could always file a declaratory judgement action with the court and get the court's permission before it got too far down the road.

Mr. Martin noted they want to be able to maintain what they are doing now and if by some circumstance, the easement was shut down, PHFS does not want to have a zoning that says you can't do anything.

Mr. Keller suggested they take what has been said today and try to work with PHFS on finalizing these proffers. They are trying to write these proffers on the fly. The matter could be tabled and the two organizations could have a discussion and try to come back with an agreement. Chair Perault's stance is that the last proffer muddies the water a little bit. He would be comfortable making a recommendation with the other proffers they submitted. Mr. Davis asked if they needed to add the proffer about no lights needs to be added. Mr. Francisco said it is an amendment and the original proffers still stand.

Commissioner Marion asked if they have to have another public hearing if they table this today. Mr. Martin said they do not. Commissioners Johnson and Lowe said it would make a difference to them if the item was tabled. He thinks the two lawyers need to hash it out and come back with a cleaner proposal. Commissioner Lowe made a motion to table this item until its next meeting on March 14. The motion was seconded by Commissioner Bowden and passed by the following vote:

AYES:	Bowden, Johnson, Lowe, Marion and Rogers	5
NOES:	Light and Perault	2
ABSENT:		0
ABSTENTIONS:		0

Mr. Kerr asked if they could have a traffic study of Linden Avenue since this matter is being tabled. Chair Perault said that could not happen in two weeks. Mr. Kerr noted that it still has not been done.

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

To: Planning Commission
From: Planning Division
Date: February 28, 2018
Re: **Rezoning: 4301 Williams Road and 150 Linden Avenue – R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional)**

I. PETITIONER

Presbyterian Homes & Family Services, Inc., 150 Linden Avenue, Lynchburg, Virginia 24503
Representative: Mr. John W. Francisco, Woods Rogers Edmunds & Williams, 828 Main Street, Lynchburg, Virginia 24504

II. LOCATION

The subject property includes portions of three (3) tracts located at 4301 Williams Road and 150 Linden Avenue. The portion of the property proposed for rezoning is approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres.

Property Owner: Presbyterian Homes & Family Services, Inc., 150 Linden Avenue, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petition is to rezone a portion of the property from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional). The submitted concept plan and narrative indicates the planned construction of two (2) non-lighted turf athletic fields, and American with Disabilities Act (ADA) accessible pool, two (2) parking areas, associated grading, retaining walls and fencing. The IN-1, Institutional 1 District would also allow the continued use of the property for residential and community based programs currently based on or from the campus.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends an Institutional and Resource Conservation use for the property.
- City Council adopted amendments to the *Zoning Ordinance* on March 12, 2013 creating IN-1, Institutional 1 Districts and IN-2, Institutional 2 Districts. The districts are intended to provide flexibility for institutions while identifying areas intended for future development.
- IN-1 Districts are intended for institutional uses such as schools, colleges, universities, senior living facilities, and medical facilities with multiple buildings contained in a campus setting and located primarily within or adjacent to residential areas.
- Child and Youth Services, Child and Adult Day Care, and associated uses are permitted by right in the IN-1 District.
- The submitted traffic study indicates that the proposed improvements would have minimal to no impact on the study area intersections and no roadway improvements are warranted.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* from the *Comprehensive Plan 2013-2030* recommends an Institutional use for the majority of the property. An area of Resource Conservation is recommended along Pigeon Creek which extends in a northeasterly direction across the property. At the suggestion of city staff, the petitioner removed all but a small portion of the area (located in the northeastern corner of the area proposed for rezoning) recommended for Resource Conservation land uses from the rezoning petition.

Areas recommended for Institutional uses include the City's institutions such as religious, educational, and other nonprofit entities. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*p. 76*)

Resource Conservation Areas include rivers, streams, wetlands, floodplains and adjacent steep slopes. These areas serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The conservation of these environmentally sensitive areas is one of the primary goals of the Plan. (*p. 61*).

2. **Zoning.** The subject property was annexed into the City in 1926 and 1958. The existing R-1, Low Density Residential District Zoning was established in 1978.
3. **Proffers.** The petitioner has submitted the following voluntarily submitted proffers:
 - a. Petitioner will not construct or install light poles and related equipment for sports lighting/ the illumination of the proposed athletic fields.
 - b. Petitioner proffers that it will not construct or install any buildings or structures within one-hundred (100) feet of the shared property boundary line with Westminster Canterbury.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are 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 June 10, 1980, City Council approved the petition of Virginia Episcopal School for a conditional use permit (CUP) at 400 VES Road for a master development plan.
 - On October 8, 1985, City Council approved the petition of Virginia Episcopal School for a CUP at 400 VES Road to allow the construction of a gymnasium addition.
 - On December 12, 1985, City Council approved the petition of Virginia Episcopal School for a CUP at 340 VES Road to allow the construction of an athletic field.
 - On May 13, 1986, City Council approved the petition of Virginia Episcopal School for a CUP at 400 VES Road to allow the construction of a new dormitory and two (2) entrance drives.
 - On June 14, 1988, City Council approved the petition of Peakland Baptist Church for a CUP at 4018 Peakland Place to allow the construction of a fifty-six (56) space parking area.
 - On June 12, 1990, City Council approved the petition of Westminster Canterbury for a CUP at 501 VES Road to allow the construction of buildings and parking lot additions.

- On September 25, 1990, City Council approved the petition of Presbyterian Homes & Family Services for a CUP at 150 Linden Avenue to allow the construction of a group home residential structure, alterations to the administration building and the addition of a parking area.
 - On October 9, 1990, City Council approved the petition of Virginia Episcopal School for a CUP at 400 VES Road to revise the previously approved master plan.
 - On March 9, 1993, City Council approved the petition of Parham & Patricia Fox for a CUP at 3908 Peakland Place to allow the conversion of an existing accessory building into a guest house.
 - On November 14, 1995, City Council approved the petition of Westminster Canterbury for a CUP at 501 VES Road to allow the expansion of the assisted living group home facility by adding a cottage program.
 - On June 10, 1997, City Council approved the petition of First Presbyterian Church for a CUP at 1215 VES Road to allow the construction of an office addition, columbarium and five additional parking spaces.
 - On July 13, 1999, City Council approved the petition of Westminster Canterbury for a CUP at 501 VES Road to allow the construction a wellness center and swimming pool.
 - On August 11, 1998, City Council approved the petition of Presbyterian Homes & Family Services for a CUP at 150 Linden Avenue to allow the construction of a student activity center and parking area.
 - On October 10, 2000, City Council approved the petition of Peakland Baptist Church for a CUP at 4018 Peakland Place to allow the construction of a columbarium.
 - On January 9, 2001, City Council approved the petition of Westminster Canterbury for a CUP at 501 VES Road to allow the construction of buildings and parking areas.
 - On March 9, 2010, City Council approved the petition of Cole Brothers Circus for a CUP at 150 Linden Avenue to allow the operation of a temporary circus.
 - On December 14, 2010, City Council approved the petition of Peakland Baptist Church for a CUP at 4006 and 4018 Peakland Place to allow the construction of a sixty-three (63) space parking area.
 - On September 13, 2016, City Council approved the petition of Westminster Canterbury to rezone approximately twenty (20) acres from R-4, High Density Residential District to IN-1, Institutional 1 District at 501 VES Road and 3801 Williams Road.
6. **Site Description.** The area proposed for rezoning includes portions of three (3) tracts located at 4301 Williams Road and 150 Linden Avenue totaling one hundred sixty-three acres. The area proposed for rezoning is approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres.

The area contains the main campus of Presbyterian Homes & Family Services and areas that would allow the construction of two (2) non-lighted, turf athletic fields, a swimming pool and two (2) parking areas.

The campus was established in 1903 upon a charter from the Virginia General Assembly and was originally three hundred seventeen (317) acres. Over time, portions of the original property were sold to establish the Peakland Place neighborhood, First Presbyterian Church and the Westminster Canterbury Cottages.

As seen in historical imagery, the campus of the Presbyterian Homes & Family Services has remained substantially unchanged as compared to the surrounding area:



1941 Imagery



1955 Imagery



1972 Imagery



1997 Imagery



2017 Imagery

7. **Proposed Use of Property.** If the petition is approved, the concept plan indicates the construction of two (2) non-lighted turf athletic fields, an American with Disabilities Act (ADA) accessible pool, two (2) parking areas, associated grading, retaining walls and fencing. The IN-1, Institutional 1 District would also allow the continued use of the property for residential and community based programs currently based on or from the campus



8. **Traffic, Parking and Public Transit.** As required by the *Zoning Ordinance*, a transportation analysis prepared by Timmons Group, was submitted by the petitioner. The submitted transportation analysis was reviewed by the City's Transportation Engineer. The City's Transportation Engineer concurs with the results of the submitted transportation analysis.

The submitted analysis included the intersection of VES Road / Presbyterian Home Entrance and the signalized intersection of Rivermont Avenue / VES Road. The analysis included existing traffic volumes, a one percent (1%) annual growth rate and traffic generated by the expansion of Westminster Canterbury.

The analysis indicates all movements currently function at a Level of Service (LOS) A or B, with the exception of the southbound movements at the signalized intersection of Rivermont Avenue and VES Road, which currently functions at an LOS of E. The *Zoning Ordinance*

requires that in the case of City Streets or intersections with a LOS lower than “D” that the amount of traffic that would degrade the LOS further be projected. The analysis indicates that after the development of the proposed athletic fields, and accounting for existing traffic conditions, a one percent (1%) annual growth rate in traffic volumes and including the Westminster Canterbury expansion, the Rivermont Avenue / VES intersection will continue to function at the current LOS and could accommodate an additional 175 southbound vehicles in the PM peak hour prior to degradation in Level of Service.

As required by Section 35.2-49.4 Modification of Concept Plans, of the *Zoning Ordinance* a new concept plan and traffic study would be required when the City’s Technical Review Committee (TRC) determines that the institutions existing and proposed development would result in a further degradation of the intersection of Rivermont Avenue / VES Road. Improvements required to prevent a further lowering of the LOS and having a clearly demonstrated nexus would be required to be made prior to further development of the campus.

The analysis concludes that the proposed uses would have minimal to no impact on the study intersections and no roadway improves are warranted.

The submitted narrative indicates that a total of two hundred (200) parking spaces will be available to serve the existing and proposed facilities.

The property is served by Greater Lynchburg Transit Company (GLTC) Route 3A, with stops located to the south on VES Road (approximately 718 feet) and north on VES Road (approximately 600 feet). Both stops are connected to Linden Avenue by sidewalk; however, sidewalk is not available along Linden Avenue, which is a private road.

9. **Stormwater Management.** An erosion and sediment control plan and stormwater management plan will be required prior to final site plan approval. The submitted concept plan and narrative indicates that stormwater management will be addressed by the use of bioretention facilities, dry swales, and infiltration practices such as permeable pavers.
10. **Emergency Services:** The City’s Police Department had no comments of concern regarding the proposed rezoning. The City’s Fire Marshal noted the need to address requirements of the 2012 Virginia Statewide Fire Prevention Code during final site plan preparation.
11. **Impact.** City Council adopted the Institutional Zoning Districts in 2013 after a two (2) year long process and input from the City’s institutions and other stakeholders. The discussion for the creation for institutional districts arose from concerns with the number of conditional use permits required by the City’s institutions in order to grow and accomplish their missions.

The development of the Institutional Districts Ordinance was based upon the following common themes that developed from stakeholder input and were presented to Planning Commission and City Council:

- Improvements that do not cause off-site impacts should be allowed by right.
- Primary concern should be related to expansions or incremental growth that results in off-site impacts.
- There should be flexibility in requirements for master plans. Planning beyond two (2) years is speculative for institutions.

As stated in Section 35.2-49, IN-1 District Purpose, of the *Zoning Ordinance*, the IN-1 district is intended to provide for institutional uses such as schools, colleges, universities, senior living

facilities, medical facilities and churches with multiple buildings contained in a campus setting. This district provides flexibility for institutions while identifying areas intended for future development. IN-1 districts are for institutional campuses located primarily within or adjacent to residential areas. Institutions are encouraged to maintain a dialogue with City staff that will provide a greater understanding of the relationship of the institutions' and the City's future development plans and the availability of adequate water, sanitary sewer and transportation infrastructure.

The Ordinance further provides that this district (IN-1) will provide flexibility for institutions while creating development procedures and standards to minimize off site impacts such as noise, lighting, traffic and availability / capacity of water and sanitary sewer infrastructure associated with their development.

Section 35.2-49.5, IN-1 District Development Standards of the *Zoning Ordinance* sets the following as requirements:

- Maximum height of a structure shall not exceed the horizontal distance from the nearest residential district boundary.
- Light sources shall be shielded, not radiate above five degrees below horizontal and not exceed thirty-five (35) feet in height.
- Contain a minimum of five (5) acres.
- Front setback – 40 feet
- Minimum setback from residential district – 50 feet
- Minimum side setback – 50 feet
- Minimum rear setback – 50 feet
- Minimum open space – 20% of campus

The campus of the Presbyterian Home was established in 1903 upon a charter from the Virginia General Assembly and was originally three hundred seventeen (317) acres. Over time, portions of the original property were sold to establish the Peakland Place neighborhood, First Presbyterian Church and the Westminster Canterbury Cottages. Essentially, the area has developed around the campus which has remained unchanged.

The property proposed for rezoning is recommended for Institutional uses on the City's Future Land Use Map as contained in the *Comprehensive Plan 2013-2030*. It was fully anticipated that areas recommended for institutional uses would remain in use by the institution and be considered for zoning to IN-1, Institutional 1 or IN-2, Institutional 2 district at the discretion of the property owners.

The area proposed for rezoning is directly adjacent to an IN-1 District established for Westminster Canterbury in 2016 which is a more intensive use than proposed by the petitioner. The area is also only a portion of the entire campus and would leave approximately one hundred sixteen (116) acres in its current state and not proposed for any development. The 116 acres not proposed for rezoning, and the fact that the petitioner has met or exceeded the development standards of the IN-1 District by voluntarily submitted proffers would result in little to no negative impact on the adjacent area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the rezoning on February 6, 2018. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Presbyterian Homes and Family Services, Inc., to rezone approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres located at 4301 Williams Road and 150 Linden Avenue from R-1, Low Density Residential District to IN-1C, Institutional District (Conditional) subject to the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Charles Hartgrove, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Bob Dendy, Petitioner
Mr. John Francisco, Representative

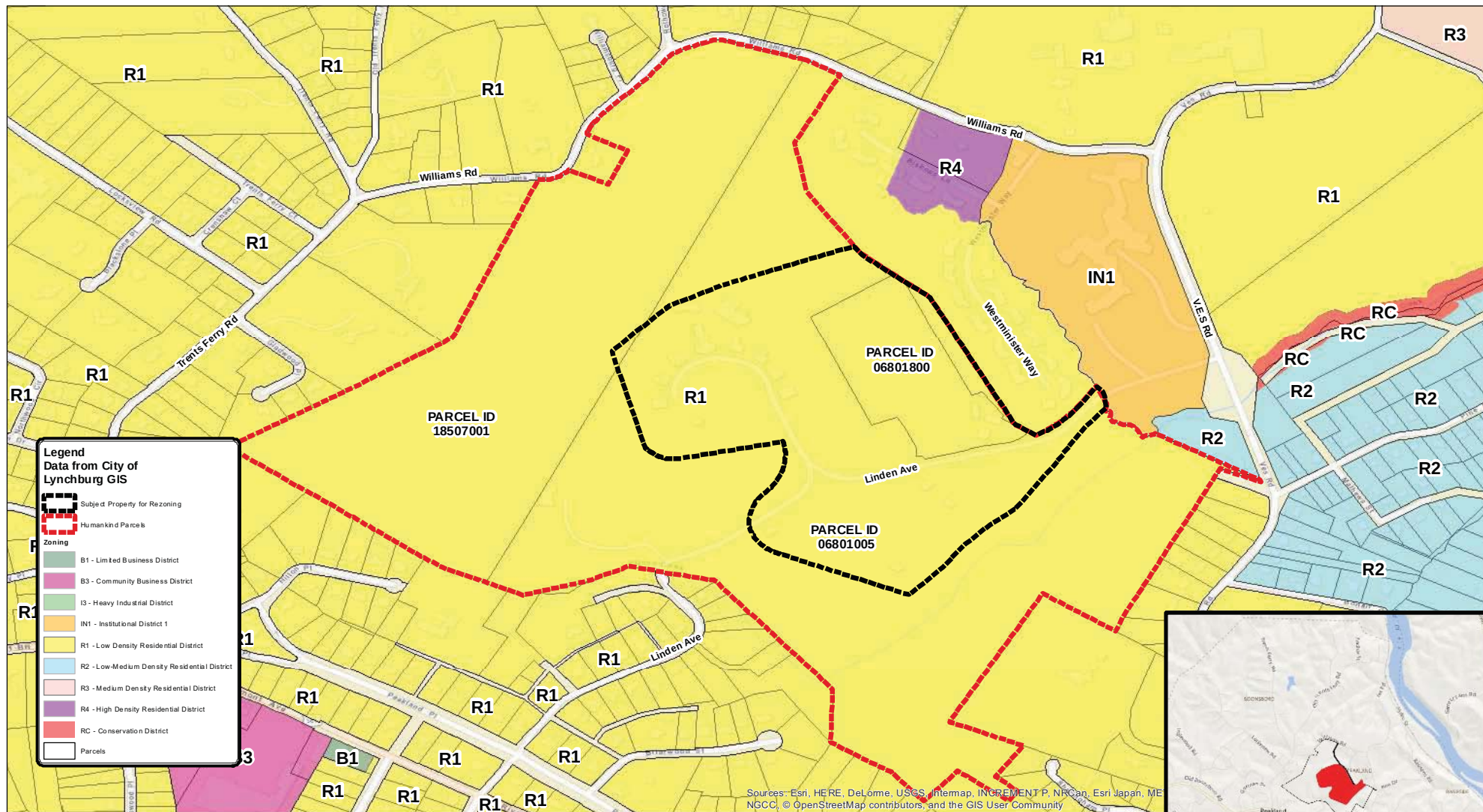
VII. ATTACHMENTS

1. **Zoning Map with Adjoining Owners List**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Narrative and Exhibits 1-10**
6. **Concept Plan**
7. **Traffic Analysis**
8. **Letter from Mr. Bob Day**
9. **Property Photograph**

Zoning Map Zoning Request

February 16, 2018

Rezoning from R-1 to IN-1
Presbyterian Homes & Family Services, Inc.



0 500 1,000 Feet
1 inch = 500 feet

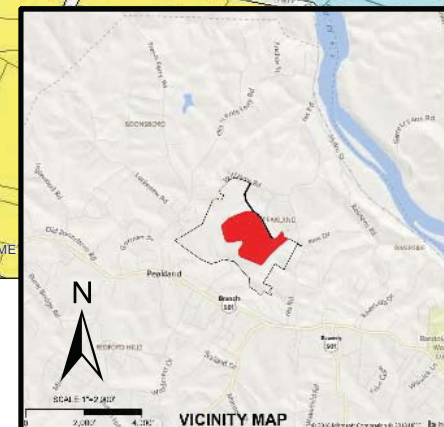


TIMMONS GROUP
YOUR VISION ACHIEVED THROUGH OURS.

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Property Information

Parcel ID	Address
06801800	150 Linden Ave
06801005	150 Linden Ave
18507001	4301 Williams Rd



Parcel ID	Address	Owner
06702002	130 LINDEN AVE	APPALACHIAN ELECTRIC POWER
06901023	3819 SHERINGHAM PL	ATAMAN, VEDAT T
06702029	148 LINDEN AVE	BARKER, S CASEY & CREAMER, SARAH E
06702028	144 LINDEN AVE	BARKER, STEPHEN C & CREAMER, SARAH E
06901027	3821 SHERINGHAM PL	BATT, LEWIS T III & VIRGINIA M
18508006	4223 HILTON PL	BELL, CECELIA HOLLEY
07009034	601 PINE DR	BOLTON, JOHN A
18504001	4418 WILLIAMS RD	BOWDEN, JOHN W JR & DORI A
06801011	905 VES RD	BOYD, GERALD L & DONNA M
06801006	1111 VES RD	BRUCE, JOHN T & MARGARET H
06801009	1001 VES RD	BRYANT, PAMELA LORRAINE TRS
06901004	3827 SHERINGHAM PL	CARTER, BEATRICE
06901003	3823 SHERINGHAM PL	CARTER, BEATRICE J
06801008	1005 VES RD	CATEL, JAMES M & LOIS I
18507012	4400 GLADWOOD PL	CHILDRESS, L DEAK & MARY SUE D
06702045	3864 PEAKLAND PL	CITY OF LYNCHBURG
06801013	837 VES RD	CLEMENTS, FRED A & ALICE J
18508004	4215 HILTON PL	COLVIN, HUGH F JR & TISHA S
18506008	960 ROTHWOOD RD	CONNELL, JUDITH C TRS
18507013	4404 GLADWOOD PL	CRADDOCK, CLAIBORNE W II & ELIZABETH
07009038	609 PINE DR	CROUCH, DEBRA S
18507009	1422 TRENTS FERRY RD	CROWDER, BRIAN L & EMILY S
18508005	4219 HILTON PL	DARDEN, NORMAN D III & PAIGE O
07008019	608 PINE DR	DAVIES, JONATHAN E & YVONNE S
07008021	606 PINE DR	DAVIES, JONATHAN E & YVONNE S
06702003	3856 PEAKLAND PL	DAY, ROBERT W & CAROL ANN
06801012	901 VES RD	DEACON, THOMAS T
06701005	129 LINDEN AVE	ELLEGALA, CHITRA
06701004	133 LINDEN AVE	ELLEGALA, DILANTHA B & CATHARINA J
18507017	4405 WILLIAMS RD	FEINMAN, ARLENE S TRS
06901002	1215 VES RD	FIRST PRESBYTERIAN CHURCH OF
18506001	971 ROTHWOOD RD	FREEMAN, JOSEPH K & ANN M
06702004	3852 PEAKLAND PL	GILES, DONALD M & FRANCES J
18504002	4410 WILLIAMS RD	GREENE, RICHARD A & CATHERINE W
06801015	829 VES RD	HAGSTROM, JAMES B & MONA C
06801014	833 VES RD	HAGSTROM, JAMES B & MONA C
06801016	825 VES RD	HAGSTROM, JAMES B & MONA C
18507004	4412 GLADWOOD PL	HARRIS, JAMES R JR
18507011	1434 TRENTS FERRY RD	HARVEY, JUDITH K
18505006	1004 WILLIAMSBURG PL	HENSLEY, PAUL B & REBECCA G
18505003	1005 WILLIAMSBURG PL	HUDGINS, DEBORAH H
06904004	830 VES RD	HUNTER, CURTIS M & HUNTER, MARK D
06702026	136 LINDEN AVE	JENNINGS, WILLIAM R JR
06901014	3820 SHERINGHAM PL	JOHNSON, STEPHEN M & SUZANNE G
06701007	125 LINDEN AVE	JORDAN, DONNA R & JORDAN, DARLENE R

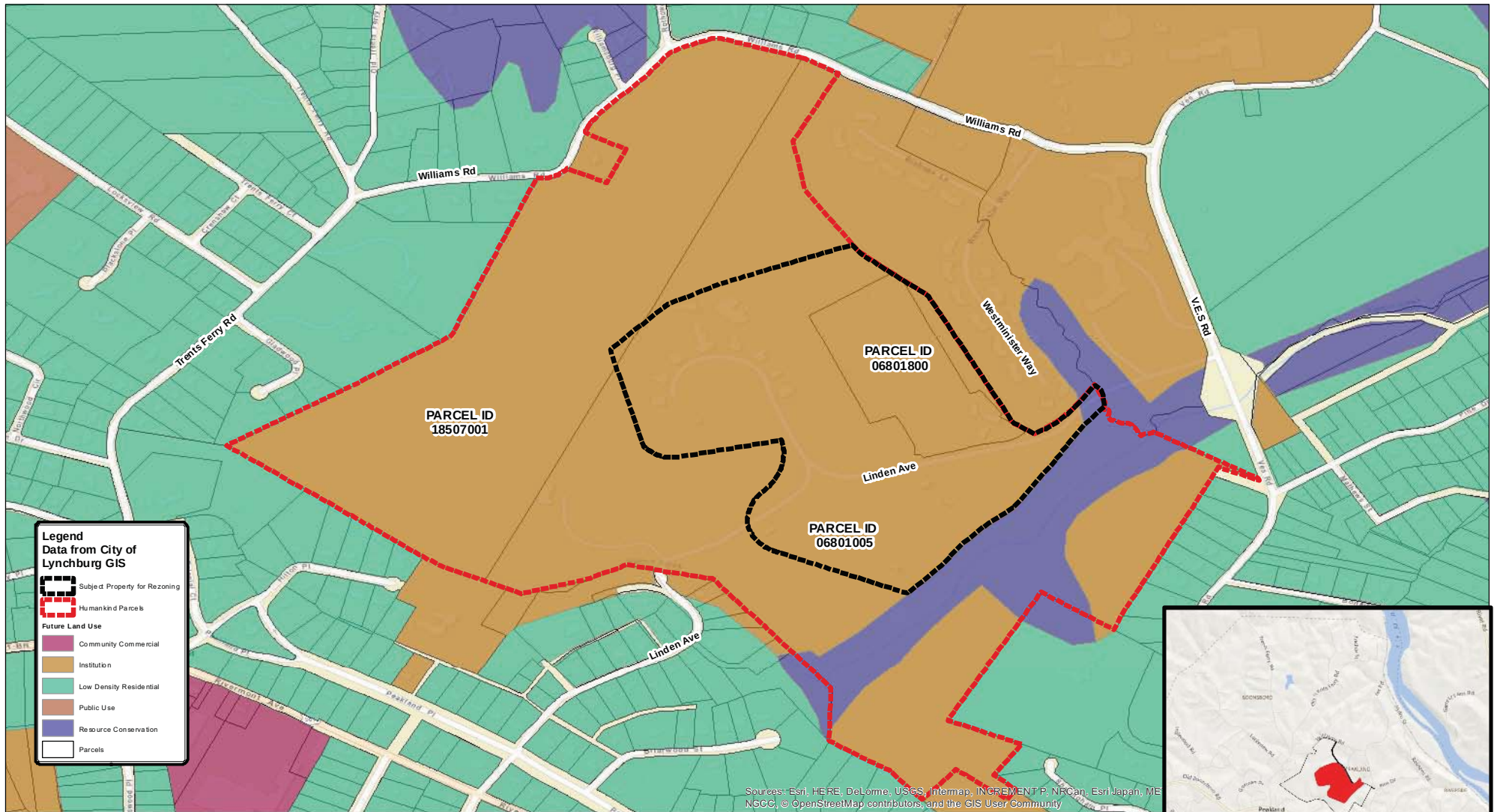
10001038	4112 WILLIAMS RD	JUDD, CHARLES & WANDA
18506010	4132 WILLIAMS RD	KAZI, JUNAID M
06702027	140 LINDEN AVE	KERR, DAVID A JR & SARAH L
06702025	132 LINDEN AVE	KERSTEN REAL ESTATE LLC
18507005	4411 GLADWOOD PL	KHOURY, JOSEPH B & BROOKS, LAURA M
06702001	3860 PEAKLAND PL	LANGSETH, STEPHEN C & KAREN M
06702006	3844 PEAKLAND PL	LESLIE, ROBERT M & SARAH E
18505001	1001 WILLIAMSBURG PL	LEYS, CHARLES H & ANNE A
18508008	4224 HILTON PL	LINCOLN, GILSON H TRS
06701003	117 LINDEN AVE	LIPPARD, MARGARET K TRS
18507008	1416 TRENTS FERRY RD	LONG, MELINDA ET AL
18508003	4209 HILTON PL	LUPTON, GEORGE M III & KAREN S
06801007	1105 VES RD	LYNN, CATHERINE W CO-TRS &
06701001	109 LINDEN AVE	MCGUINN, J WILLIAM III & ESTER S
06801010	909 VES RD	MILLER, ELLIOT R & JOCELYN M
18508007	4227 HILTON PL	MULLEN, CARL J & MULLEN, BETTY H
18508015	1438 TRENTS FERRY RD	ONEILL, MICHAEL JAMES &
18508014	1450 TRENTS FERRY RD	ONEILL, MICHAEL JAMES &
18505007	1000 WILLIAMSBURG PL	ORE, DONALD W & ARLINE M
18507014	4408 GLADWOOD PL	OWNBY, EVAN D & ANNE C
06701016	4018 PEAKLAND PL	PEAKLAND BAPTIST CHURCH TRS
06701023	4006 PEAKLAND PL	PEAKLAND BAPTIST CHURCH TRS
06702005	3848 PEAKLAND PL	PERROW, MOSBY G III & HOLLY W
10001039	4116 WILLIAMS RD	PREMIER INVESTMENTS GROUP LLC
06801005	150 LINDEN AVE	PRESBYTERIAN HOME
06801004	715 VES RD	PRESBYTERIAN HOMES & FAMILY SERVICES
06701002	137 LINDEN AVE	PRESBYTERIAN ORPHANS HOME
18507001	4301 WILLIAMS RD	PRESBYTERIAN ORPHANS HOME
06801800	150 LINDEN AVE	PRESBYTERIAN ORPHANS HOME ACCT DEPT
18507018	4401 WILLIAMS RD	PRESBYTERIAN ORPHANS HOME ACCT DEPT
10001040	4120 WILLIAMS RD	QUINN, MICHAEL J & AMY F
18507003	1210 TRENTS FERRY RD	SANZONE, JOSEPH A & BRENDA B
06702033	123 BRIARWOOD ST	SIMPSON, MARGARET H
06702034	128 BRIARWOOD ST	SIMPSON, MARGARET H
06702024	127 BRIARWOOD ST	SIMPSON, MARGARET H
18506009	964 ROTHWOOD RD	SMITH, ANDREW BRYANT & ZAMAN, SAMIRA
18506012	4130 WILLIAMS RD	SUMMERS, LAWRENCE C
07009040	615 PINE DR	THOMPSON, JAMES W
06904005	800 VES RD	TINSLEY, ROBERT L
18603023	4128 WILLIAMS RD	TURNBOW, TYLER JAY SR
07009044	700 VES RD	VIRGINIA EPISCOPAL SCHOOL
18507010	1428 TRENTS FERRY RD	WALDER, EDWARD F & URSULA F
06702035	124 BRIARWOOD ST	WALKER, GEORGE C JR & LYNNE R FLLP
06801003	501 VES RD	WESTMINSTER CANTERBURY OF LYNCHBURG
06801018	3801 WILLIAMS RD	WESTMINSTER CANTERBURY OF LYNCHBURG
18507016	4409 WILLIAMS RD	WILLIAMS, ALICE HEARD TRUST

18505002 1003 WILLIAMSBURG PL WILSON, RONALD P JR & HEATHER M

**FLUM Map
Zoning Request**

February 16, 2018

**Rezoning from R-1 to IN-1
Presbyterian Homes & Family Services, Inc.**



0 500 1,000 Feet
1 inch = 500 feet



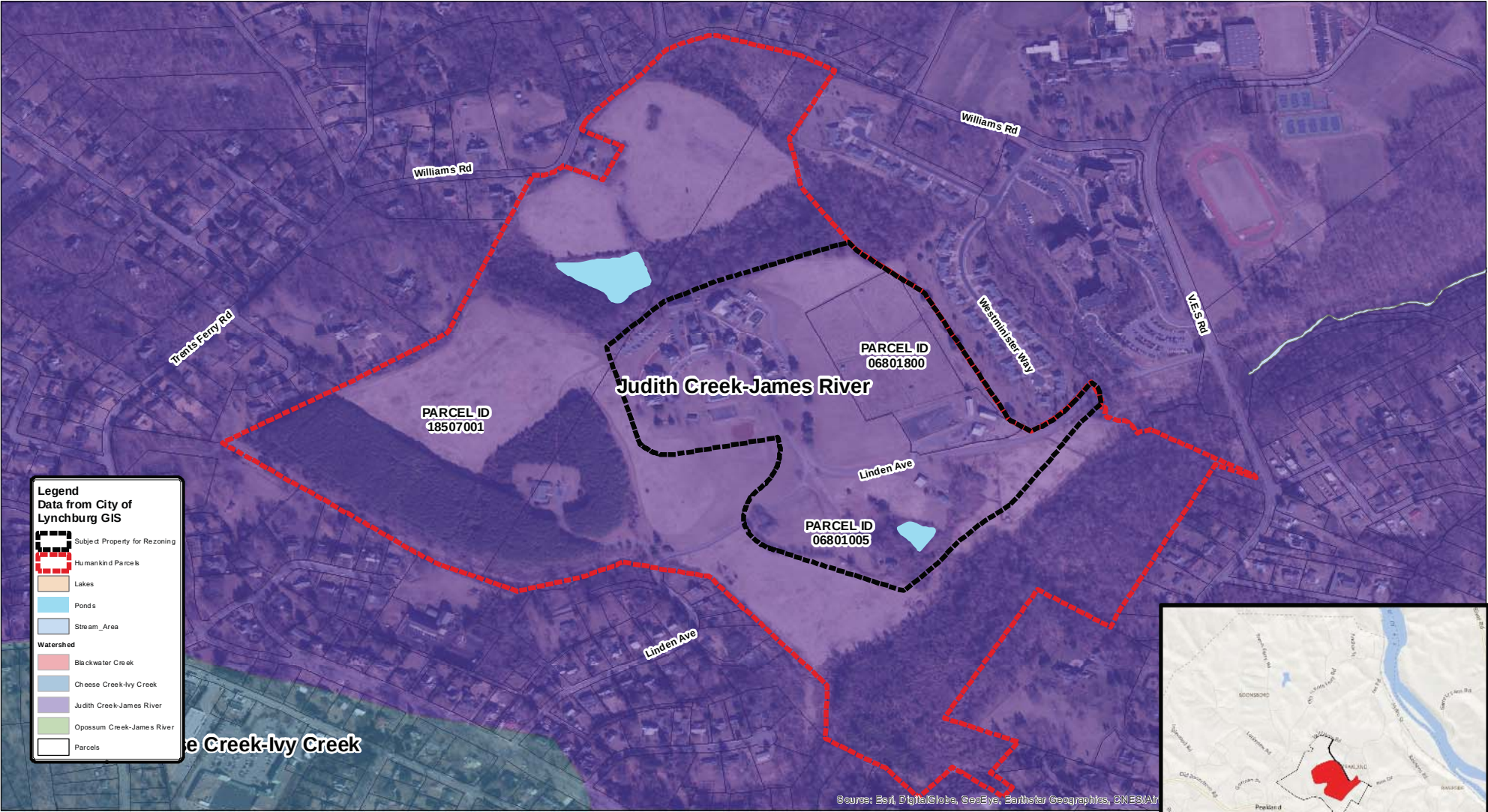
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Property Information

Parcel ID	Address
06801800	150 Linden Ave
06801005	150 Linden Ave
18507001	4301 Williams Rd



Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, ME, NCCG, © OpenStreetMap contributors, and the GIS User Community



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Air

Property Information

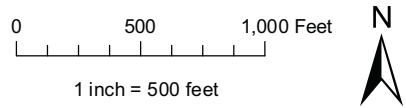
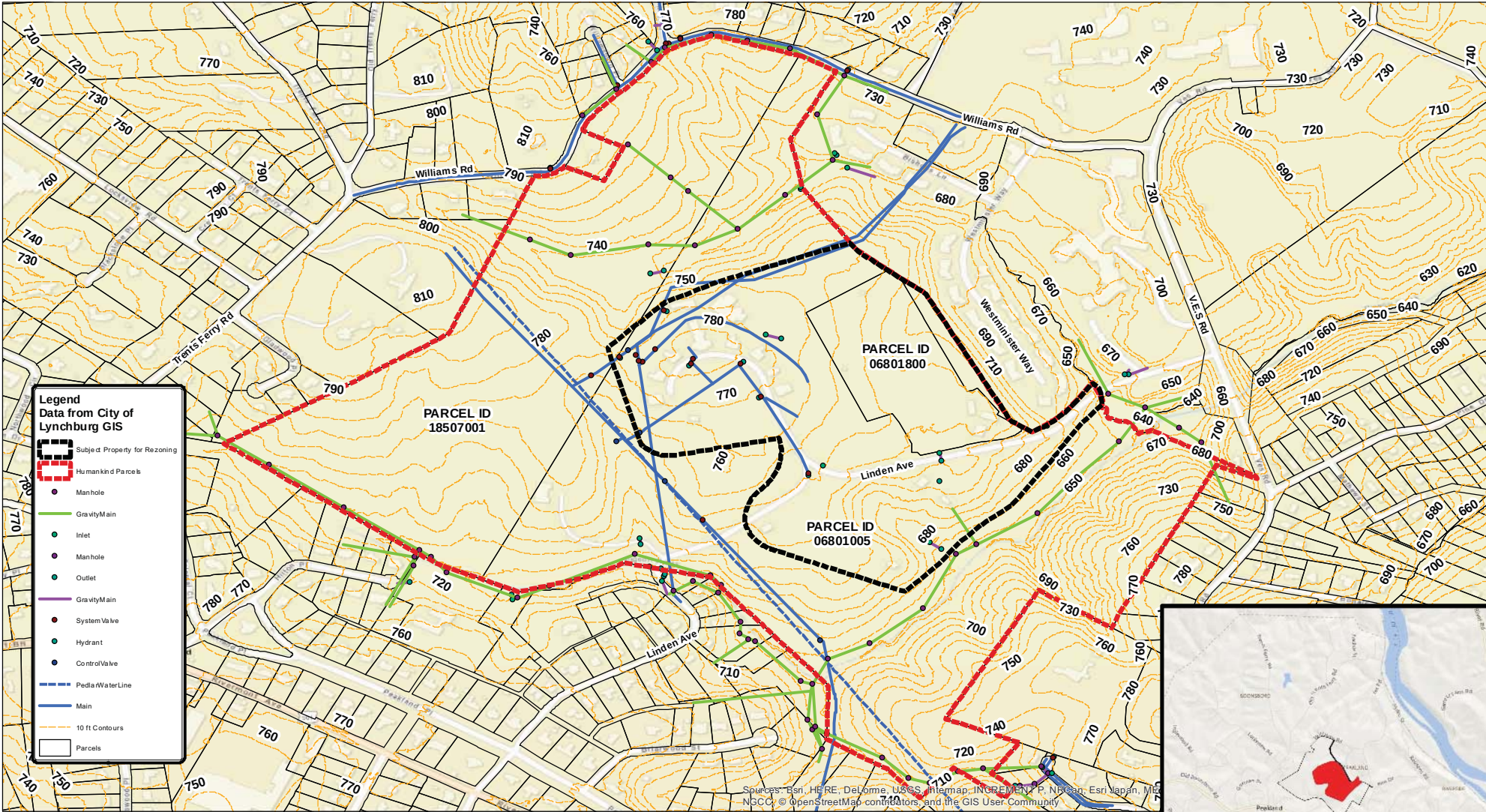
Parcel ID	Address
06801800	150 Linden Ave
06801005	150 Linden Ave
18507001	4301 Williams Rd



Planimetric and Topographic Map
Zoning Request

February 16, 2018

Rezoning from R-1 to IN-1
Presbyterian Homes & Family Services, Inc.



WWW.TIMMONS.COM

Property Information

Parcel ID	Address
06801800	150 Linden Ave
06801005	150 Linden Ave
18507001	4301 Williams Rd



TO: Tom Martin, AICP -- City Planner

FROM: John Francisco – Representative for Petitioner HumanKind

DATE: February 15, 2018

RE: FIRST AMENDED REZONING PETITION NARRATIVE (IN RESPONSE TO COMMENTS AND SUGGESTIONS IN THE REPORT OF THE TECHNICAL REVIEW COMMITTEE DATED FEBRUARY 12, 2018)

GENERAL PROJECT DESCRIPTION

This petition consists of a request to rezone **47.836 acres** (out of the total of approximately 166 total acres on the campus) owned by Presbyterian Homes & Family Services, Inc. (d/b/a “HumanKind”) from its current R-1 zoning designation (Low Density Residential) to IN-1 zoning designation (Institutional District IN-1).¹ **The remaining approximately 118 acres of surrounding property owned by HumanKind on its campus will remain R-1. See, Exhibit 1.**

The purpose of this rezoning request is to obtain formal recognition that HumanKind’s historical and current institutional and charitable uses of this 47.836 portion of its 166-acre campus are related to the provision of services, care and education of children, families and other members of the general public (rather than any “low density residential” use). Accordingly, the designated 47.836 acre area is more appropriately described within the framework of the Institutional District IN-1 zoning classification adopted by the City of Lynchburg in 2013. *See*, Section 35.2-49 of the Ordinance: Institutional District (IN-1) (pp. 130-136).

In addition, this rezoning request is entirely consistent with the City of Lynchburg 2013-2030 Comprehensive Plan adopted on September 27, 2013 which identifies the contemplated “future use” of the entire 166 acre campus at HumanKind) as “Institutional” use. *See*, Comprehensive Plan at pp. 64-70).

In addition, an IN-1 zoning designation on the 47.836 acre area will provide flexibility to HumanKind to continue to maximize the institutional and charitable uses of that area, while creating development procedures and imposing ongoing standards to limit and control future use and minimize off-site impacts such as noise, lighting, traffic, and availability / capacity of water and sanitary sewer infrastructure associated with the development (per Section 35.2-49.1 of the City of Lynchburg Zoning Ordinance).

¹ HumanKind filed its original application on January 22, 2018, and it identified 49.709 acres for the proposed IN-1 zoning district. Due to comments by neighbors and boundary changes suggested by the Technical Review Committee, HumanKind has revised the proposed IN-1 area and reduced it an additional two acres down to 47.836 acres.

The current and expected future uses of the property within the proposed 47.836 acre IN-1 area are best described under the following specific classifications for authorized uses set forth in the Ordinance for IN-1 (at Section 35.2-49.2 (Exhibit IV-21)):

- Natural and Other Recreational Parks (5500);
- Nursery or Preschool (6110);
- Grade School (6120);
- Child and Youth Services (6561);
- Child and Adult Day Care (6562c);
- Care Services / Community Food Services (6563-6566); and
- Vegetable Farming or Growing (9120).

As described further below, past, current, and proposed future uses are consistent with those descriptions. Therefore, all existing and anticipated future land uses (as set forth in the concept plan) would be a permitted use by right in an IN-1 zoning district.

Any future proposed development on this 47.836 acre IN-1 portion of the HumanKind campus will be designed per the IN-1 District Development Standards of Section 35.2-49.5 of the Ordinance.

HISTORICAL (AND CURRENT) INSTITUTIONAL AND CHARITABLE USE OF THE PROPERTY COMPATIBLE WITH SURROUNDING USES AND CONSISTENT WITH THE INSTITUTIONAL DISTRICT 1 ZONING ORDINANCE

1. Use of the Property.

A. Historical Use.

The Presbyterian Orphans Home was originally established in 1903 by a charter from the Virginia General Assembly. There was a statewide search for an orphanage, and a Lynchburg site was sponsored by local attorney George Caskie and local businessman John Craddock. A site was found and, in April 1903, the organization purchased a 317-acre farm and farmhouse from Edwin and Eleanor Prescott Ivey. At that time, the property was four miles outside of the city limits of Lynchburg along the Lexington Turnpike (now known as Boonesboro Road). The purchase price was \$30,000. The Lynchburg City Council contributed \$3,000 toward that purchase price, and the citizens of Lynchburg contributed another \$6,600. Therefore, from its very first day, this property was acquired and has always been maintained and used in a spirit of partnership with the City of Lynchburg and all of its residents.

In 1910, Presbyterian Homes sold 105 (of its then 317) acres to the Peakland Corporation for the development and construction of the “Peakland Place” neighborhood, then located at the western terminus of the trolley line from downtown Lynchburg. Presbyterian Homes used the

money from that sale to construct the original main buildings on campus which are still there today (and which are registered on the National Register of Historic Places). Over the years, Presbyterian Homes also sold off parts of its property to First Presbyterian Church (8.5 acres in 1950) and to Westminster Canterbury (20 acres in 1995, later cleared and used for the construction of the “Cottages”) to allow them to expand their operations.

In 1923, Presbyterian Homes commissioned a Master Plan by renowned Virginia landscape architect Mr. Charles F. Gillette.² The Gillette Master Plan accounted for the future planned growth of the institution, including the construction of several additional buildings on the campus, along with greenspace, a pool, gymnasium, tennis courts, and athletic fields to provide a place for children to play. See, a portion of the Gillette Master Plan identifying the placement of athletic fields and facilities at **Exhibit 2**. Therefore, it was contemplated from the earliest days of the organization to construct and maintain athletic facilities and fields as an integral tool to provide care and education to children. The Gillette Master Plan guided development of the Presbyterian Homes campus from 1928 until 1959, but not all of the plans were fully realized and formalized (including the construction of some of the athletic facilities) because of restricted financial circumstances related to the Great Depression and WWII.

An early aerial photograph of the Presbyterian Homes property from approximately the 1930’s is attached at **Exhibit 3**. A second aerial photograph of the campus from approximately the 1980’s (prior to the sale of 20 acres to Westminster Canterbury and construction of the “Cottages”) is attached at **Exhibit 4**.

B. Current Use, Mission and Services, and Collaborative Partners.

Over the years and decades, Presbyterian Homes continued to operate to provide institutional housing and care to children on the campus.³ Those services for the benefit of children and families have adapted many times over the last 115 years, including the addition of care for adults with developmental disabilities in 1967 and wider family services on campus and in the community since the 1980’s.

The mission of HumanKind is: **To strengthen individuals and families through care, counseling, and education.** HumanKind is a 501(c)(3) tax-exempt charitable organization serving children and families in this community by providing homes, educational and spiritual care, counseling, gardening, sports and recreation, and overall character development. The

² Charles Gillette had previously supervised the completion of the landscape design for the University of Richmond's new campus in 1913. In 1915, he began designing the grounds of the Nelson House in Yorktown, Virginia. In 1924, he commenced work on the landscape restoration of Kenmore in Fredericksburg, Virginia. A few years later, he initiated plans for the landscaping of Virginia House and Agecroft, both reconstructed English manor houses located in Richmond's Windsor Farms neighborhood. During the 1950s, Gillette redesigned the gardens of Virginia's Executive Mansion in Richmond at the request of then Governor Thomas B. Stanley. In 1958, he designed the grounds for the Reynolds Metals Company International Headquarters in Richmond. See, https://en.wikipedia.org/wiki/Charles_Gillette.

³ In 2010, Presbyterian Homes and Family Services merged with the Family Alliance. In 2014, it changed its name to “HumanKind.”

organization currently offers a wide range of residential and community-based programs on campus and out in the community, including:

- Early childhood development
- Home visitation
- Work force development
- Homes for adults with developmental disabilities
- Economic empowerment
- Mental health services

HumanKind has provided on its campus the following services for the community for many years:

- Administrative Personnel for all services in all locations (115 years)
- Hosting and Provision of Summer Camps (50+ years)
- Residential care for adults with Developmental Disabilities (20+ years)
- Early Childhood Education in the Little Wings Preschool (10 years)
- After School Care (10 years)
- Master Gardeners Community Gardens (4 years)
- Child Care Resource Center (3 years)
- Blue Ridge Autism and Achievement Center (BRAAC school) (3 years)
- Therapeutic Foster Care Family Sessions (1 year)
- Katy's Place (Day support for young adults with Autism) (1 year)

The organization currently serves approximately 7,000 members of the community per year, both on-campus and off-campus. HumanKind currently employs approximately 135 employees, with 84 of those employees working on the Presbyterian Homes campus.

Collaborative partners who currently use the HumanKind campus for the provision of services to the community include the following:

- Lynchburg City Schools
- Lynchburg City Schools Transportation
- Virginia Episcopal School
- BWXT
- Blue Ridge Autism and Achievement Center (BRAAC)
- Camp Timothy
- Boy Scouts of America
- Katy's Place
- Master Gardeners Community Gardens
- Lynchburg Police Department
- Lynchburg Fire Department

In addition, a list and description of the uses of the HumanKind facilities in 2017 by collaborative partners and local companies and organizations is attached at **Exhibit 5**.

Finally, additional information about the wide variety of community services provided by HumanKind is further described and depicted in a short video available online at the following address: https://youtu.be/a_gI8YXIfYA

C. Continuous Charitable Use of the Property for Recreation.

A common factor in all of those services over the years, however, was using the land on the campus as an asset to further the education, growth, health, and character building of children throughout the community. This quote, by the Superintendent, comes from the cover of “The Bulletin” (donor newsletter) in 1937:

“Municipalities are providing parks, athletic fields, swimming pools, etc. for the public and most any Institution of any standing has some provision for such activities. Play is an important element in the life of every body, especially children. Money invested in play apparatus and a place in which to play, is well invested and will contribute to the glory of God as surely as any social work.”

It is very difficult to quantify how many thousands of children have learned to swim, bike, fish, run and compete in baseball, tennis, equestrian, soccer, football and other recreational outdoor activities on the Presbyterian Homes campus over the last 115 years. While children were active in sports and excelled in the classroom, football has captured the greatest attention thanks to the boys’ decision to play “shoeless” from the 1920’s to the 1950’s. Those teams are thought to be the only in American football history to have played barefoot, and a full-length movie is in development to share the story about the “Shoeless Wonders” with a national audience. See, **Exhibit 6** (historical photographs of the Shoeless Wonders).

In addition, a swimming pool was built on the property in 1947 and was seen as “extravagant” in its day, installed to reduce drownings in the James River. Over the years, it became a vital aspect of life on campus and it has always been shared generously with other children in the community who did not have other opportunities to access a swimming pool in the summer. Camp Timothy, of the Churches for Urban Ministry, is one of the many summer camps that have used the pool for five decades. See, **Exhibit 7** (historical photographs of children enjoying the swimming pool in the 1960’s and 1970’s). Again, play and recreation for children have always been a primary focus since 1903.

2. The Implementation of the Institutional (IN-1 and IN-2) Zoning District Classifications and the Adoption of the City of Lynchburg 2013-2030 Comprehensive Plan (with Institutional Use Districts) in 2013.

In or about 2010, the City of Lynchburg began the process of developing a new “Institutional” zoning classification as part of the Comprehensive Plan. Initial discussions about such a zoning classification focused primarily on large institutions like Liberty University. On or about December 15, 2010, the City held the first stakeholders meeting at which an initial draft of the ordinance was proposed. In 2011, other stakeholders including Centra Health, Westminster Canterbury, and HumanKind urged the city planners to develop and implement a broader

institutional zoning classification which also included relatively smaller institutional organizations providing services to the public in proximity to surrounding residential neighborhoods. In response to this request, the city planning department developed a two-tiered framework (keeping “IN-2” which was the original ordinance, and creating a new “IN-1” designation with additional limiting criteria and greater controls). It is important to note that the IN-1 zoning districts were specifically contemplated to exist adjacent to residential zoned districts.

There was another public meeting on January 9, 2013 to hear the public’s comments on the proposed ordinance which created the separate IN-1 / IN-2 frameworks. The Planning Commission unanimously approved that ordinance and it was formally adopted by the City Council on March 12, 2013. At that time, the various areas in the city contemplated as falling under the new “Institutional” zoning designation were delineated in the City of Lynchburg 2013 – 2030 Comprehensive Plan, including the entire 166-acre HumanKind property, as well as the neighboring properties at Westminster Canterbury and Virginia Episcopal School (VES) (among other sites around the city). *See*, City of Lynchburg 2013-2030 Comprehensive Plan, Exhibit 6-3, Future Land Use Map, and the description of “Institutional” zoning uses at **Exhibit 8** (note: all properties identified for planned and future “institutional” use are color-coded on the map as light blue).

Despite that institutional zoning district designation, an owner of property identified as “Institutional” in the Comprehensive Plan must apply for the rezoning and go through the public hearing process. Westminster Canterbury made its application and obtained a zoning permit for IN-1 use on a portion of its property in 2016. Likewise, HumanKind is now doing the same thing on a portion of its neighboring property. Rather than exercising its right to attempt to rezone its entire 166-acre campus as IN-1, however, HumanKind has identified approximately 48 acres for formal designation as institutional use. The remaining 118 acres on its campus will continue as R-1.

TWO-YEAR FUTURE DEVELOPMENT PROJECTION

A. Overview of Planned Greenspace Enhancement Project

Potential Greenspace Enhancement in the next two years is expected to consist of the installation of two (2) new multi-sport (football, soccer, field hockey, lacrosse) athletic turf fields, an outdoor handicap-accessible recreational pool, and a community gardens project, with associated grading (a retaining wall), fencing, and associated parking areas. The approximate locations of those planned installations are set forth on the attached Revised Development Concept Plan exhibits submitted with this application, but the exact locations and final dimensions are to be determined at the time of site plan submission. Two artist renderings of what HumanKind foresees the proposed Greenspace Enhancement Project will look like upon completion are attached at **Exhibit 9**.

B. Location, Size and Shape of the Proposed IN-1 Zoning District.

The reasons for the size, shape and location of the particular 47.836 acre area for the proposed IN-1 zoning district are as follows:

- As set forth above, it incorporates and is limited to areas of actual historical, current and anticipated institutional and charitable use (as opposed to low-density residential use);
- it is consistent with the area contemplated for formalized athletic facilities in the 1923 Master Plan by Charles Gillette;
- the relatively flat topography in this area is appropriate for grading such that no soil is expected to be transported off the property (and no additional soil should be delivered to the property), and there will be a single retaining wall (expected to be no more than 8-10 feet in height);
- the access for ingress to and egress from the parking areas for the proposed athletic fields along the existing roadway is optimal; and
- it ties-in and touches the IN-1 zoning district previously designated at the neighboring property owned by Westminster Canterbury since 2016.

As noted above in Footnote no. 2, the size and shape of the proposed IN-1 area has been reduced by approximately two (2) acres from the area originally proposed in the application submitted on January 22, 2018, based on the following two changes:

(1) at the suggestion of the Technical Review Committee, the property line of the IN-1 zone along the border of the Westminster Canterbury property (at the location of the “Cottages”) has been moved 50 feet in order to simplify the zoning map by having the IN-1 area touch the property boundary line with Westminster Canterbury (and not leave a 50 foot wide strip of R-1). To mitigate for this change, however, that HumanKind has voluntarily supplemented its application and proffered that it will not construct any building or structure within 100 feet of that property boundary line shared with Westminster Canterbury (which is 50 feet greater than the standard set-back set forth in the Ordinance); and

(2) based on questions and comments at the public meetings on January 15 and discussions with and suggestions by TRC, HumanKind has voluntarily agreed to redraw the southern boundary line of the proposed IN-1 zone in order to (i) move the IN-1 zoning district even farther away from neighbors to the south; and (ii) to remove from the IN-1 area as much of the resource conservation area as depicted on the Comprehensive Plan as possible (*see*, the revised FLUM Map Exhibit submitted herewith).

C. New All-Weather Synthetic Turf Athletic Fields.

The two (2) all-weather turf athletic fields will be located immediately adjacent to one another (side by side) inside the single, general area labeled “Synthetic Turf Athletic Fields” in the amended concept plans. The fields will be the private property of HumanKind and will not be open to the public without first being scheduled / obtaining permission. It is expected that the new fields will primarily be used to serve youth ages 5-17. It is premature to confirm with collaborative partners the details of scheduling and specific use of fields, but it is anticipated that current youth

leagues, teams, churches and possibly colleges will request to schedule field time. HumanKind expects practices after school (during the school year) and during the day (in the summer) and it is expected that games will primarily occur on the weekends (with reasonable start times). Time of usage will be during daylight hours given that there will not be sports lighting facilities for this project.

There will be a single retaining wall (to the west of the fields). There will be fencing around the fields. There are plans for a small, one-story building at the entrance to provide some security, bathrooms, and possibly a small concession stand (with no kitchen).

D. New Outdoor Handicap-Accessible Recreational Pool.

In addition, there will be an open-air (outdoor), zero-entry (handicap accessible) recreational pool with an associated pump house and changing rooms and possibly a one-story snack shack. There will be fencing around the pool as required by code. This is to replace the now out-of-date pool which has been on the property since 1947 (which pool which will be removed once the new pool is installed). HumanKind and its engineering consultant will confirm that the location and construction of the new pool will not interfere with or impact any existing, underground city waterlines running in proximity to the proposed location.

E. Community Gardens and Vegetative Landscape Buffer.

In addition, community gardens have been planted and will be maintained. The existing historical barns in that area will be maintained. See, artist renderings at **Exhibit 9**.

In addition, in February 2016, HumanKind planted a significant vegetative landscape buffer along the entire property boundary line with Westminster Canterbury in proximity to the "Cottages." That buffer consists of approximately 80 pine trees of a variety commonly used for screening (*Thuja Green Giant Arborvitae*), which trees typically grow up to three (3) feet per year and reach a mature height of 30 feet and a width of 12 feet. That vegetative landscape buffer between the proposed athletic fields and the Cottages at Westminster Canterbury will continue to grow taller and widen and thicken, and HumanKind will continue to maintain and care for that vegetative buffer.

F. Parking.

Finally, there will be associated parking (currently planned to be up to approximately 200 spaces) for this project in the following three (3) areas:

- (1) two (2) new formalized and asphalted parking areas. One will be immediately adjacent and to the south of the athletic fields. The other will be farther to the south down Linden Road (where cars currently park in the grass for overflow parking during cross country meets and other events on campus); and
- (2) one, existing, temporary gravel parking area adjacent to (west of) the proposed location for the new swimming pool (which gravel parking area is currently used under a two-year temporary permit for a gravel lot issued on March 21, 2017). This gravel lot will be

redesigned, reconfigured, removed, and replaced with a formalized, asphalted, permanent parking area in connection with construction of the new pool.

With regard to those parking lots, HumanKind will provide and maintain a gated access (as necessary) to provide continued access to utilities on the property.

ONGOING COMMUNICATION WITH NEIGHBORING PROPERTY OWNERS AND SIGNIFICANT REDUCTION IN THE SCOPE OF THE CONCEPT PLAN SINCE 2013 IN ORDER TO ELIMINATE NEGATIVE OFF-SITE IMPACTS

A. Significant Reduction in the Scope of the Project Since 2013.

Presbyterian Homes / HumanKind has been a good steward of this property since 1903. Scheduled and collaborative access to the property for walking, running, hiking, biking, swimming, fishing, playing games, enjoying picnics, running in cross country meets, etc. has always been encouraged for the last 115 years.

In or about 2012-2013, the organization developed plans for a project with what was then a significantly larger scope and included athletic fields with permanent sports lighting structures and equipment, a 28,000 square foot gymnasium (with multiple basketball courts), an indoor swimming complex (with an Olympic-sized competition pool), and associated parking of over 600 spaces.

In response to feedback from neighbors, HumanKind reduced the scope significantly. More than 20 reductions and changes have been made to the original concept plan, the most significant being:

- Reduction in overall budget from over \$12 million to approximately \$4.5 million;
- Elimination of the 28,000 square foot field house / gymnasium;
- Elimination of the indoor swimming facility;
- Elimination of permanent stands / bleachers, scoreboard, and sound system;
- Reduction in planned parking spaces (from over 600 spaces down to approximately 200 spaces); and
- Elimination of permanent light poles and equipment with sports lighting to illuminate the athletic fields.

On the final point, HumanKind has voluntarily agreed (in a proffer) not to install sports lighting (poles and lights) as a condition of the IN-1 zoning permit (in other words, if the organization wanted to install poles and lights for sports lighting the athletic fields in the future, it would have to resubmit an application for a new IN-1 zoning permit and go through the entire public approval process once again). As you can see, HumanKind has listened to its neighbors and it has *significantly* reduced the scope of this project in order to eliminate (or reduce as much as

reasonably possible) all potentially negative off-site impacts for noise, lighting, traffic, and availability / capacity of water and sanitary sewer infrastructure.

B. Ongoing Meetings and Communications with Neighbors.

On January 15, 2018, HumanKind conducted two community meetings. HumanKind conducted the first meeting at Westminster Canterbury and it was attended by well over 100 residents and various members of management. HumanKind conducted a second, separate meeting later that night at HumanKind and it was attended by about 60 residents living within 500 feet of the property. Bob Dendy (President) and Michael Elliott (Chairman of the Board of Directors) from HumanKind conducted a presentation and answered questions at both meetings. In addition, representatives of HumanKind have also had sit-down meetings with other individual neighbors in January 2018. There was a good dialogue in all of those meetings. HumanKind is not aware of any objections to the anticipated Greenway Enhancement Project set forth in the current concept plan as presented in those meetings.

C. Helping to Address a Significant Community Need for Athletic Fields.

Finally, the project is addressing a real community need. There simply are not enough athletic fields (especially all-weather synthetic turf fields) in the City of Lynchburg, especially in the Boonsboro area (which is in proximity to a “park desert” by the Department of Parks and Recreation). The community’s need for all-weather turf fields is clear among representatives of the city and local organizations and sports leagues. See, **Exhibit 10** (communication from the Department of Parks and Recreation and a map of “park deserts” in Lynchburg). HumanKind is using its property in a low-impact manner in order to help address a significant community need and in a way that is compatible with the surrounding neighborhood and which does not result in any material negative impacts to the neighbors.

TRAFFIC IMPACT ANALYSIS

A traffic impact analysis was performed on January 18, 2018 by the Timmons Group (certified by Stephen O. Schmidt, P.E.) and was part of the original submittal on January 22, 2018. In addition, supplemental analysis considered additional traffic-count information obtained on February 8, 2018, which data has been incorporated into the revised Traffic Analysis Report dated February 12, 2018 submitted herewith (which again confirmed the same conclusions in the January 18, 2018 report). In summary, there will be no material negative impacts to surrounding traffic infrastructure.

STORMWATER MANAGEMENT / WATER QUALITY

Stormwater quantity and quality treatment for the proposed development on the subject property will be accomplished via Virginia Runoff Reduction Method options, including but not limited to:

1. Bioretention facilities, dry swales, and infiltration practices.
2. Installation of permeable paving in proposed parking areas to reduce site imperviousness and to eliminate concentrated discharge from the site. This alternative would promote infiltration, thereby minimizing the hydrologic impact of development. Water quality treatment, if required, could be accomplished using a bioretention filter. Underdrains from these systems would be routed to receiving channels which currently exist on the property.
3. All stormwater management strategies implemented will need to be reviewed and approved by the City of Lynchburg TRC committee at the time of review and approval of building site plans which shall comply with all current local, state and federal regulations pertaining to stormwater management. The four key elements (which include velocity, volume, duration and frequency of peak flow)s will all be considered and satisfied during the final design process.

This property is located in Flood Zone “X” and is not located in the 100-year floodplain.

COMMENCING AT A POINT ON THE WESTERN RIGHT-OF-WAY LINE OF VIRGINIA EPISCOPAL SCHOOL ROAD, SAID POINT BEING 1863.1' N⁷-SOUTH OF THE P.C. POINT, 54.187'13"1" AT THE INTERSECTION OF VIRGINIA EPISCOPAL SCHOOL ROAD AND WILLIAMS.

THENCE LEAVING SAID WESTERN RIGHT-OF-WAY LINE AND ALONG THE NORTHERN LONG CHORD OF WHICH BEARS N 49°54'28"E FOR A DISTANCE OF 10.364' FEET TO A POINT;

THENCE CONTINUING ALONG SAID PRIVATE ROAD ACROSS EASEMENT, S 75°52'31" W, 153.91' FEET TO A POINT;

THENCE CONTINUING ALONG SAID PRIVATE ROAD ACROSS EASEMENT, S 64°42'45" W, 270.53' FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING OF PROPOSED REDZONING AREA;

THENCE S 41°48'48" E, 36.74' FEET TO A POINT

THENCE S 75°50'36" E, 28.897' FEET TO A POINT;

THENCE S 57°04'11" E, 44.88' FEET TO A POINT;

THENCE S 62°15'58" W, 16.12' FEET TO A POINT;

THENCE S 41°48'17" W, 138.07' FEET TO A POINT;

THENCE S 28°59'44" W, 175.12' FEET AND A RADIAL LINE OUT OF AT 41°47'14" W FOR AN ARC LENGTH OF 226.99' FEET TO A POINT;

THENCE S 53°56'16" W, 264.30' FEET TO A POINT;

THENCE S 22°25'53" W, 130.64' FEET TO A POINT;

THENCE S 40°56'39" W, 148.77' FEET TO A POINT;

THENCE S 37°39'37" W, 160.13' FEET TO A POINT;

THENCE S 41°12'27" W, 208.83' FEET AND A RADIAL LINE OUT OF AT 41°47'14" W FOR AN ARC LENGTH OF 226.99' FEET TO A POINT;

THENCE N 67°52'30" W, 579.74' FEET TO A POINT;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 205.90' FEET, A CENTRAL ANGLE OF 58°02'24", A TANGENT LENGTH OF 159.57' FEET, THE LONG CHORD OF WHICH BEARS N 49°54'28"E FOR A DISTANCE OF 10.364' FEET WITH A RADIAL LINE IN OF N 10°43'31" E AND A RADIAL LINE OUT OF S 72°37'50" W FOR AN ARC LENGTH OF 167.61' FEET TO A POINT;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 221.62' FEET, A CENTRAL ANGLE OF 58°44'15", A TANGENT LENGTH OF 124.61' FEET, THE LONG CHORD OF WHICH BEARS N 10°43'31" E FOR A DISTANCE OF 217.18' FEET WITH A RADIAL LINE IN OF N 7°31'31" E AND A RADIAL LINE OUT OF AT 41°47'14" W FOR AN ARC LENGTH OF 226.99' FEET TO A POINT;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 274.48' FEET, A CENTRAL ANGLE OF 64°23'29", A TANGENT LENGTH OF 193.25' FEET, THE LONG CHORD OF WHICH BEARS N 10°43'31" E FOR A DISTANCE OF 278.78' FEET WITH A RADIAL LINE IN OF N 0°47'39" W AND A RADIAL LINE OUT OF AT 73°59'31" E FOR AN ARC LENGTH OF 289.87' FEET TO A POINT;

THENCE S 78°42'48" W, 454.59' FEET TO A POINT;

THENCE ALONG A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 151.59' FEET, A CENTRAL ANGLE OF 64°23'29", A TANGENT LENGTH OF 93.25' FEET, THE LONG CHORD OF WHICH BEARS N 10°43'31" E FOR A DISTANCE OF 10.364' FEET WITH A RADIAL LINE IN OF N 0°47'39" W AND A RADIAL LINE OUT OF S 54°47'50" W FOR AN ARC LENGTH OF 167.61' FEET TO A POINT;

THENCE N 14°52'27" W, 533.74' FEET TO A POINT;

THENCE N 44°52'41" W, 573.75' FEET TO A POINT;

THENCE ALONG A TANGENT CURVE TO THE RIGHT WITH A RADIUS OF 100.00' FEET, A TANGENT LENGTH OF 16.31' FEET, A CENTRAL ANGLE OF 18°31'36", THE RADIUS OF CURVATURE BEING 100.00' FEET, WHICH BEARS N 64°00'40" E, A DISTANCE OF 32.19' FEET, THENCE ALONG THE ARC OF SAID CURVE FOR A POINT OF BEGINNING OF SAID REDZONING AREA, WHICH BEARS N 64°00'40" E, A DISTANCE OF 32.19' FEET;

THENCE S 41°12'27" W, 208.83' FEET TO A POINT;

THENCE N 0°51'22" E, 39.70' FEET TO A POINT;

THENCE N 14°53'27" E, 59.02' FEET TO A FOUND PIPE;

THENCE S 51°23'00" E, 369.49' FEET TO A FOUND IRON ROD;

THENCE S 27°59'44" E, 173.75' FEET TO A FOUND IRON ROD;

THENCE S 0°51'34" E, 38.14' FEET TO A FOUND IRON ROD;

THENCE ALONG A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 592.13' FEET, A CENTRAL ANGLE OF 28°09'18", A TANGENT LENGTH OF 125.81' FEET, THE LONG CHORD OF WHICH BEARS S 49°10'52" E FOR A DISTANCE OF 244.11' FEET WITH A RADIAL LINE IN OF N 24°19'53" W AND A RADIAL LINE OUT OF S 54°49'40" E FOR A DISTANCE OF 248.58' FEET TO A POINT;

THENCE N 0°50'10" E, 1.120' FEET TO THE TRUE AND ACTUAL POINT OF BEGINNING OF SAID REDZONING AREA, 2,885.724 SQUARE FEET OF 47.018 ACRES OF LAND.

CURVE	RADIUS	LENGTH	TANGENT	DELTA	CHORD BEARING	CHORD
-------	--------	--------	---------	-------	---------------	-------

LINE	FLUATING	LENGTH
1	412.57	1.0
11	412.57	1.0
12	412.57	1.0



LEGEND	
PRESBYTERIAN HOMES	
<u>PARCEL ID</u>	<u>ACREAGE</u>
06801005	102.79
06801800	9.66
18507001	53.42
SUBJECT PROPERTY	47.84



TIMMONS GROUP 

Presbyterian Homes and Family Services, Inc

LYNCHBURG - VA
Rezoning Site Plan

REVISION DESCRIPTION

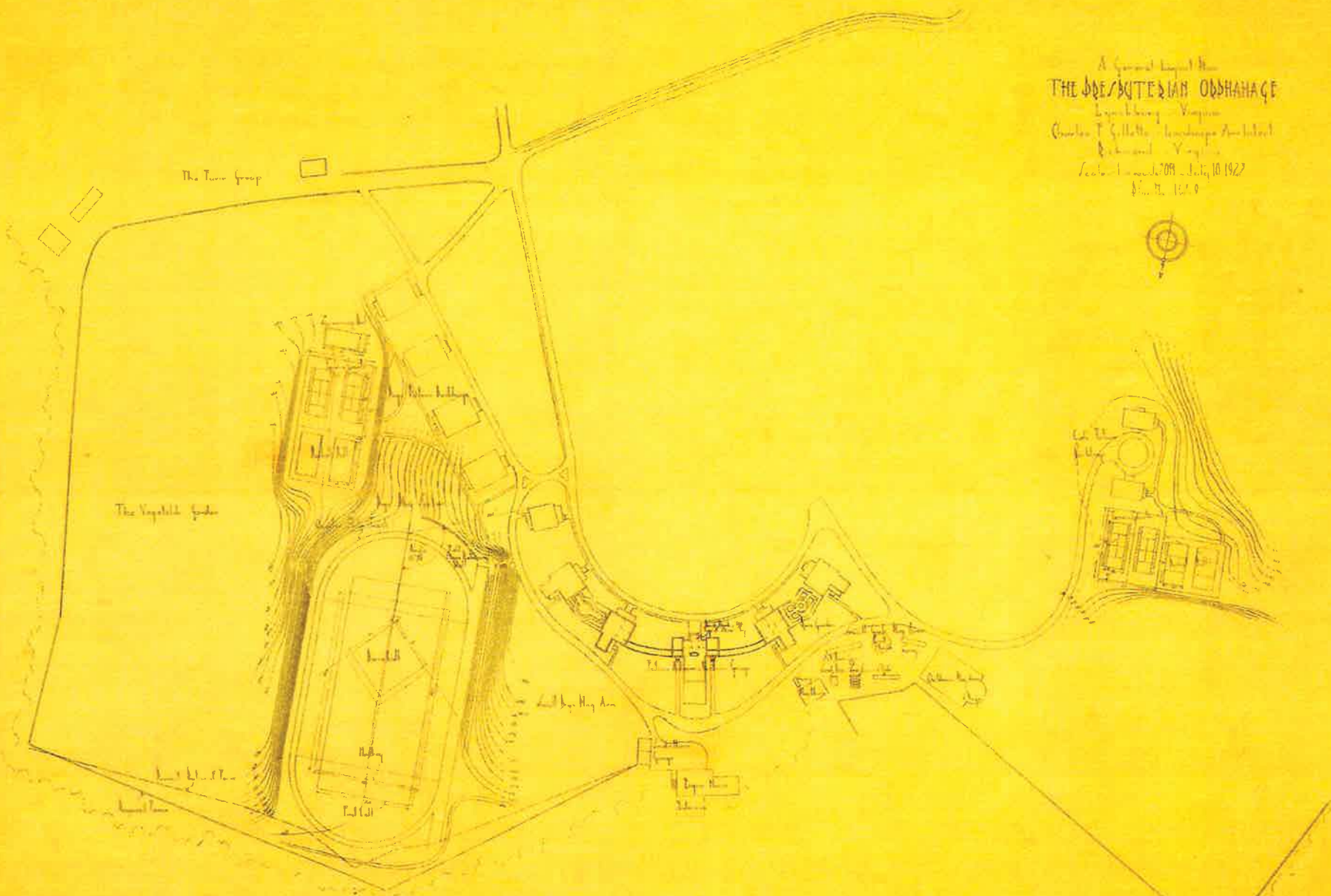
[illegible]

DESIGNED BY
CHECKED BY
SCALE

Inc	
-----	--

over 900 and announced that it was the nation's primary oil trader. Shell said it had not been authorized to make an offer for any public securities, but did not say whether it was authorized to make an offer for private securities. Shell said it was not authorized to make an offer for private securities.

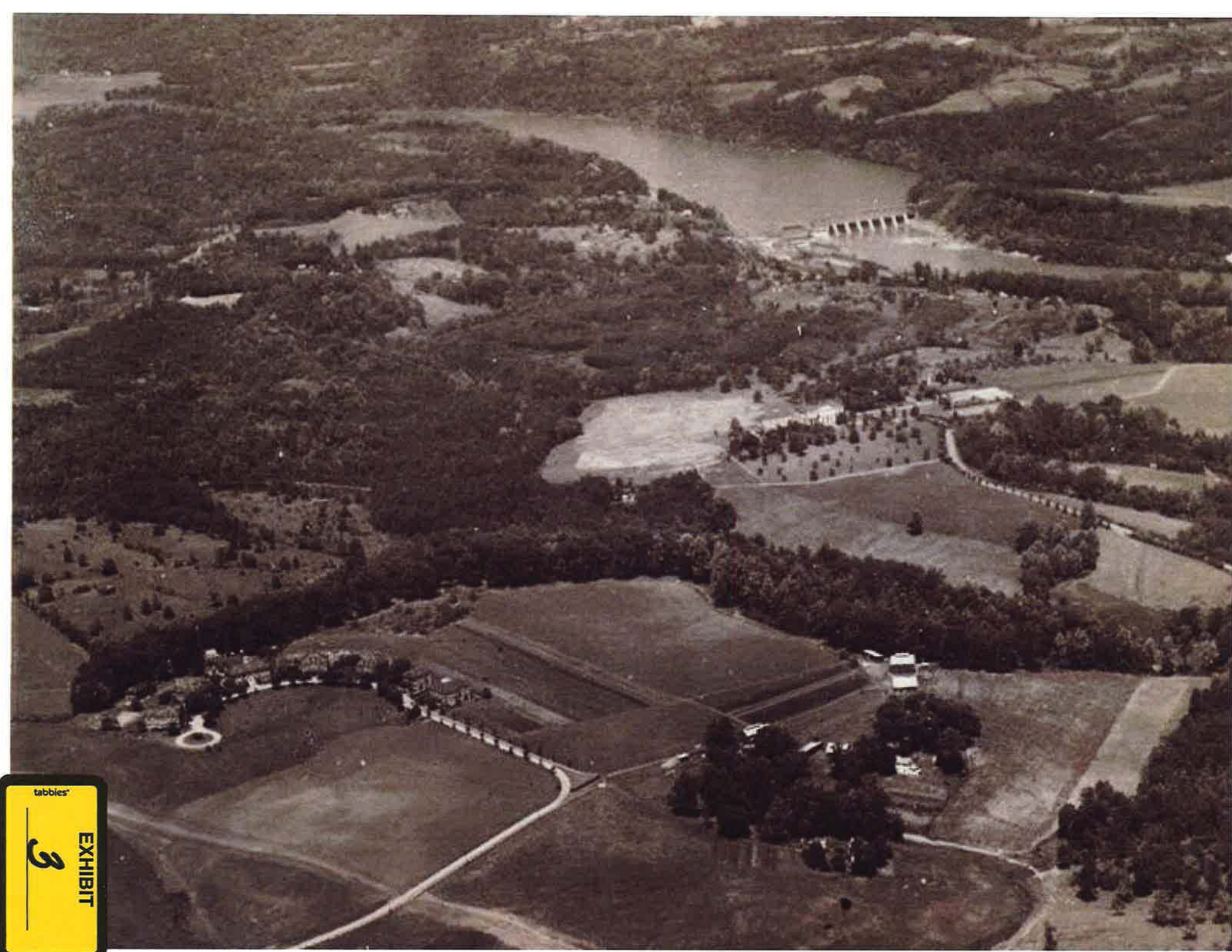
A General Layout Plan
THE PRESBYTERIAN ORPHANAGE
 Lynchburg, Virginia
 Charles T. Gillette, Landscape Architect
 Richmond, Virginia
 Feat. 1-1000, July 10, 1927
 S. H. 102.8



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2

EXHIBIT



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3

EXHIBIT



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4

EXHIBIT

2017 Facilities Use at HumanKind: Totaling more than 10,000 campus visitors

Partners who used our facilities in 2017

PHYSICAL ACTIVITY GROUPS:

Use of Gym / Baseball Fields / Outside Courts / Unmarked Open Fields / Pavilion / Pond

25+ Cross-Country Teams from around the state	Katie's Place Day Support
Against All Odds AAU Football	Kerr Fast pitch Softball Liberty Christian Academy
Big Brothers Big Sisters	Lighthouse Kids
Blue Ridge Autism & Achievement Center (BRAAC)	Little League Little Wings After-School Little Wings Preschool
Boy Scouts	Lynchburg Area Bikers Lynchburg Home School Athletics
Boys & Girls Club	Lynchburg Youth Group Home
Camp Ausome	
Central VA United Soccer	
College Hill Rec Center	
First Presbyterian Church	



Onward Christian Preschool
Rivermont Evangelical Church
Special Olympics: Cheer Team
Sports Outreach
St. John's Episcopal Church
Thomas Terrace Baptist Church
VA Prep Academy
Vector Space
Yoder Rec Center

Use of Cottage Space / Chapel / Gym Meeting / Farmhouse Space

Blue Ridge Autism & Achievement Center (BRAAC)	Lynchburg Human Services Lynchburg Police Department Sports Outreach T1DE
Hill City Master Gardeners	
Life Out Loud Films	
Lynchburg City Schools	

CORPORATE AND OTHER FAMILY BASED EVENTS:

Use of any area

Abbott Labs
Anniversary
Celebration
Big Brothers Big
Sisters
Summer Celebration
BWXT Family Day
Centra Pathways Recovery Fest
Healthy Families Summer Celebration



on campus

June 5K Road Race
Lighthouse Christmas Banquet
Little Wings Fall Festival
Living Word Church Family Picnic
Lynchburg Toy Run (benefiting HumanKind
& Miller Home)
Pottstown Presbyterian
Presbyterian Homes Alumni
T1DE Summer Celebration

EXHIBIT

5

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Therapeutic Foster Care Family Fun Day

POOL USE:

Use specifically of the pool: 69.5% increase in pool hours used from 2016 to 2017 (331 hours to 561 hours, based on hours worked by lifeguards.)



Abbot Labs

Big Brothers Big Sisters

Blue Ridge Autism &
Achievement Center
(BRAAC)

Boys & Girls Club

BWXT

Camp Ausome

Camp Meadowlark

Camp Timothy

Camp Zion

College Hill Rec Center

Healthy

Families:

Children &
Families

Katie's Place Day Support

Lighthouse Kids

Little Wings Summer Camp

Little Wings Preschool

Living Word Church

Lynchburg Group Home

Lynchburg Youth Group

Home

Presbyterian Homes
Alumni

T1DE

Therapeutic Foster Care
Children & Families

Thomas Terrace Baptist
Church

Yoder Rec Center

TRAILS USE:

- Scheduled use Cross-Country meets and practices: Linkhorne Middle, EC Glass High School, VES,
- Little Wings Preschool Walks
- Several local visitors use the trails for walking, running and dog walking – numbers not tracked for evening, weekend use.





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6

EXHIBIT



OCTOBER 30, 1950

LYNCHBURG DAILY ADVANCE

Shoeless Wonders Issue Challenge



These 89 pound football furies of Presbyterian Home have issued an open challenge to take on any team in their class for a State championship. The Shoeless Wonders have defeated Fairview 53 to 7; Riverside 41 to 0; Miller Park 41 to 0; Fairview again at 40 to 0; and Riverside again at 39 to 6. They are coached by Earl Blackburn, Lynchburg attorney. — (Staff Photo).



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EXHIBIT

7

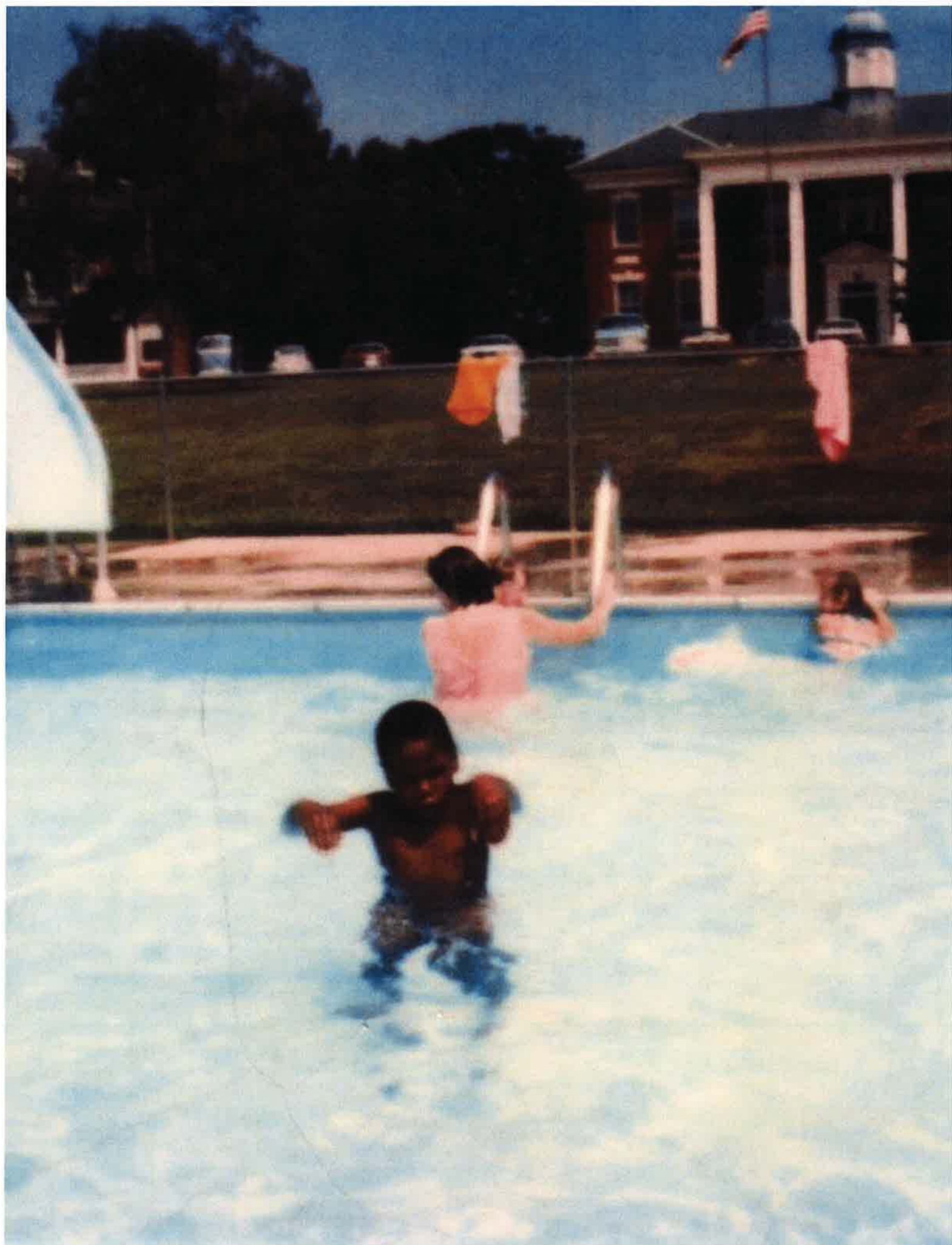
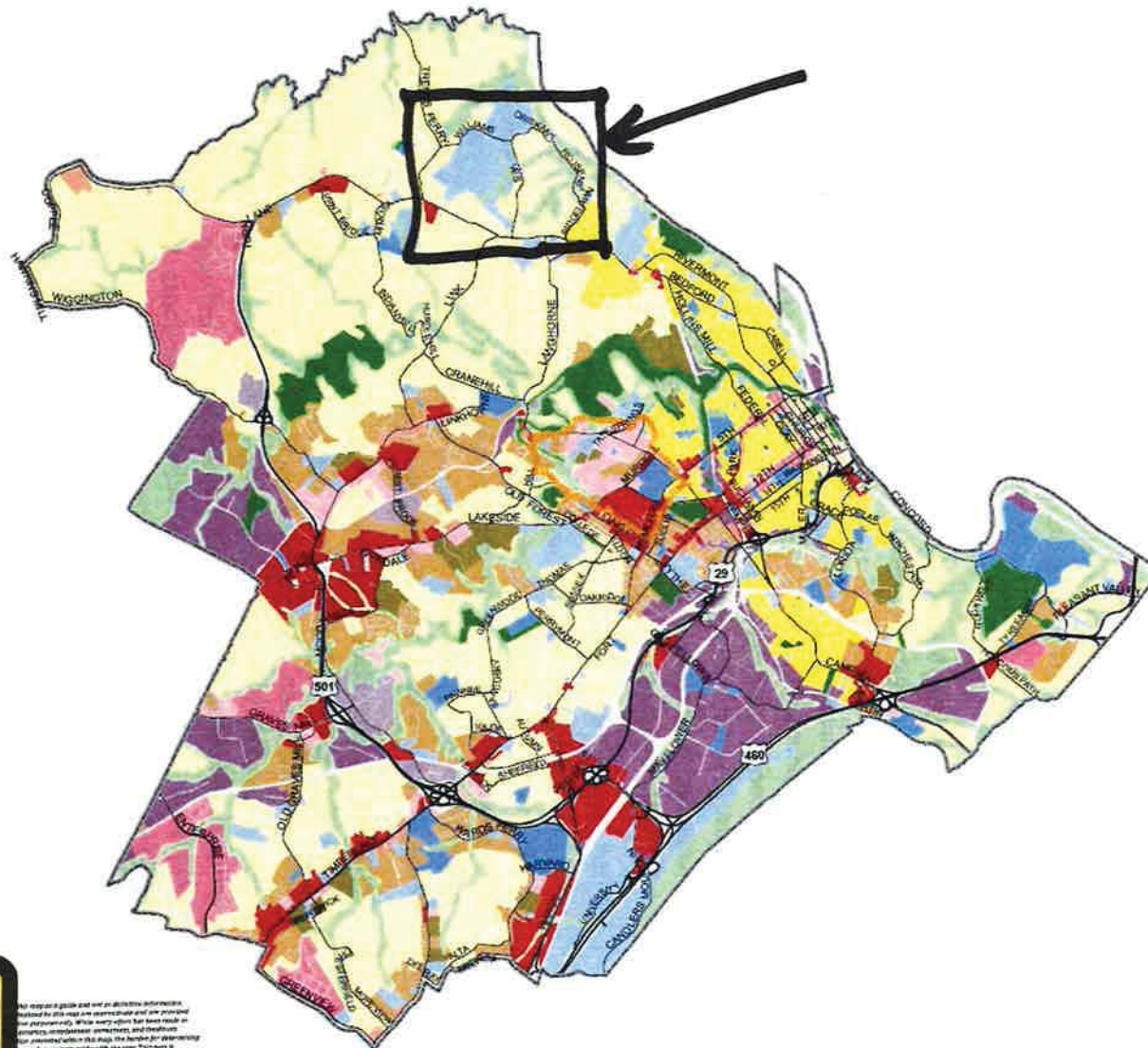


Exhibit 6-3 Future Land Use

September 2013



- Midtown Mixed Use*
- Low Density Residential
- Traditional Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Commercial
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Mixed Use
- Public Use
- Public Parks
- Resource Conservation

* see the Midtown Area Plan
for additional guidance

Prepared by:
Department of Community Development
Planning Works

 **City of Lynchburg**
COMPREHENSIVE PLAN
Preparing for the Future 2013-2030

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EXHIBIT

This report is a guide and not a definitive information. The City of Lynchburg and its staff are not responsible for any errors or omissions. While every effort has been made to ensure the accuracy of the information, the City of Lynchburg and its staff are not responsible for any errors or omissions. The City of Lynchburg and its staff are not responsible for any errors or omissions.

Resource Conservation Areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. These include sewer mains, wastewater treatment plants, water intakes and outfalls, road crossings, and public boat ramps. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. Many of the stream valley Resource Conservation Areas are recommended to become greenways in the Parks and Recreation element, and thus may have public access trails. Other Resource Conservation Areas, not designated as greenways on the Parks & Recreation Map, are to remain in natural vegetation for purely environmental protection reasons.

On privately owned land within conservation areas, the intent of this Plan is to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best management practices. The zoning ordinance should enable clustering, transfers of development rights and density bonuses to encourage resource protection.

Public Use. Public Use areas include properties currently owned and operated by government (local, state, federal) excluding public parks and recreation centers, but including City Hall and other City government buildings, public schools, police stations, fire stations, libraries, museums, and others. State facilities and federal facilities, such as post offices, are included as well. When the City wishes to add a new public facility, the Future Land Use Map should be amended to show the new facility.

Institution. The City's institutions include the religious, educational, and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations, and other nonprofit institutions.

Downtown. Downtown is governed by the policies and recommendations of the Downtown and Riverfront Master Plan 2000, which is incorporated into this Comprehensive Plan by reference. Downtown is the central commercial core of the City and appropriately contains a mix of retail, entertainment, restaurant, office, employment, residential, public, park, and institutional uses. The area should retain its urban character. Demolition of historic buildings and erection of suburban style, low-density/intensity development is inappropriate.

Office. Office areas are intended for small-scale office buildings with building floor areas not exceeding 20,000 square feet and building heights not exceeding four stories. Such offices provide adequate space for professional and service uses, such as medical, legal, insurance, real estate, engineering, architectural, software development, and information management uses. Office uses are generally located in lower density areas of the City, often adjacent to low density residential areas, and therefore are intended to be more compatible in scale with single family homes than the urban office uses of



Artist rendering

tabbles®

EXHIBIT

9



From: Jones, Jennifer [mailto:Jenny.Jones@lynchburgva.gov]
Sent: Thursday, October 26, 2017 1:21 PM
To: Bob Dendy <bdendy@humankind.org>
Subject: RE: Park Deserts

Bob,

Beyond what the chart says, here are my bullet point statements regarding athletics:

1. Most of our adult athletics programming is at capacity. Without additional fields with lights and gyms, we are unable to grow our programs.
2. Currently we have to turn away groups and tournament directors who wish to use our facilities because of lack of space.
3. We cannot accommodate our youth partner group requests for field space.
4. Artificial turf fields are preferable to natural grass because of maintenance required and playability after rain events.

Jenny

New Name Same Mission: Strengthening individuals and families through care, counseling and education

CONFIDENTIALITY NOTICE:

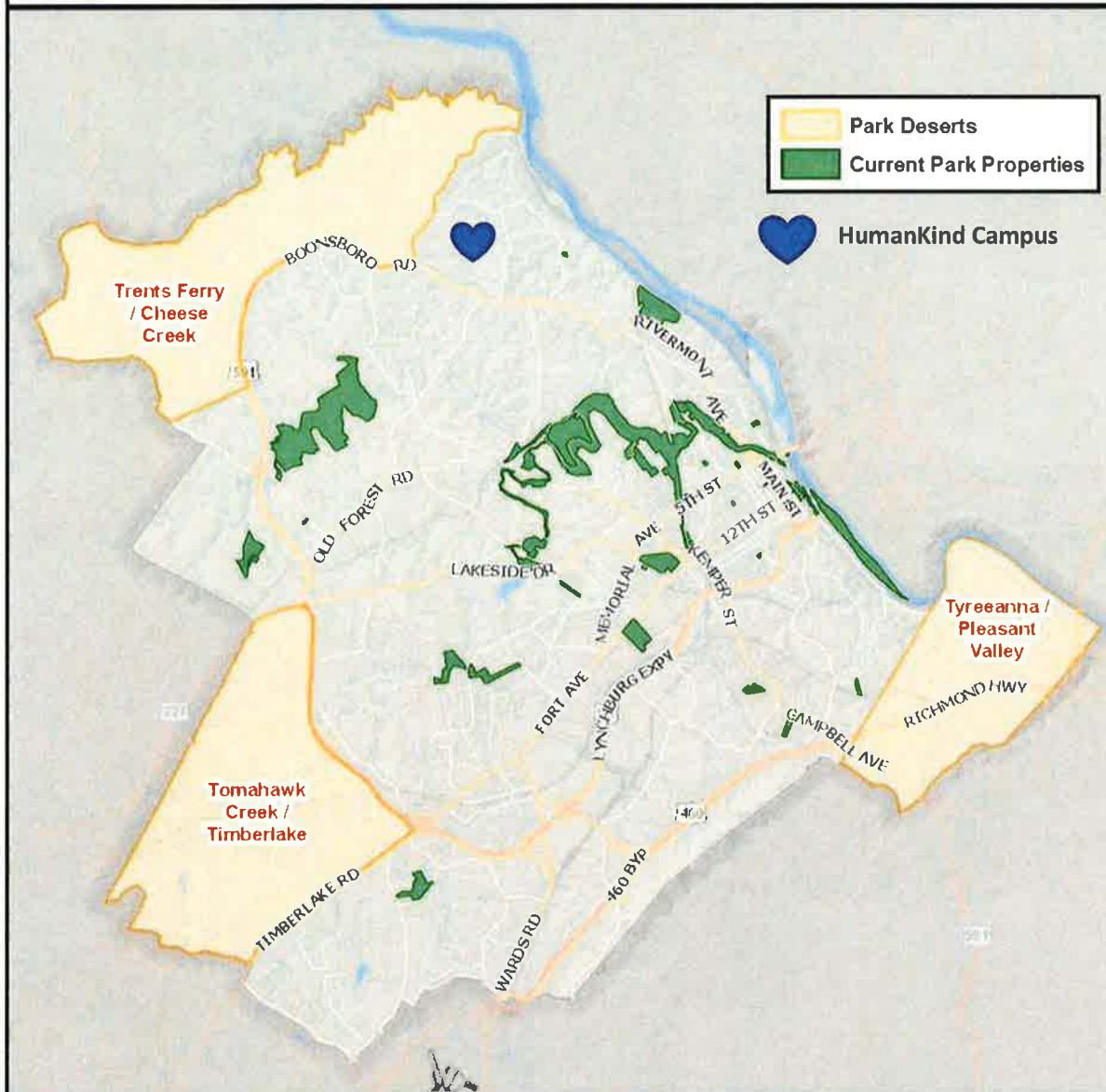
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City of Lynchburg Park Deserts



The inventory of parks in the Recreation Facilities Study and Parks and Recreation Master Plan shows that recreation facilities and park lands are not evenly distributed across the City. The Cheese Creek and Tomahawk Creek-Timberlake areas are underserved, so the Plan recommends establishing new community parks in those areas and in the Tyreanna/Pleasant Valley area.

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

February 13, 2018

Tom Martin
Lynchburg City Planning
900 Church Street
Lynchburg VA 24504

Subj: Rezoning Request REZ 1801-0001 (Humankind)

The applicant posted signs and invited neighbors to a briefing. Compared to the first proposal, this one is simple, confined and straightforward. If it had been proposed for a Conditional Use Permit, with proffers as discussed below, most agree that it would have little opposition. However, the project presented just a concept plan and a zoning change. And that worries a lot of neighbors.

The original project (CUP 1311-0001) was significantly larger and more complex. It had 4 elements that the neighbors strongly opposed – (1) bleacher seating, (2) field lights for night operations, (3) outside PA system and (4) large parking lots. The neighbors saw a negative impact on the surrounding R-1 area, a loss of value to their homes, and a loss of quality to their family life.

The new concept does not refer to the original proposal, but to the neighbors, it appears to be “get a small project approved now, and then expand it later”. Some expansion may be entirely reasonable, and if originally proposed as a Conditional Use Permit (where neighbors can voice their views to the Planning Commission and City Council) then most feel comfortable. But if expansion occurs without a neighborhood review, then the IN-1 zoning designation needs to be vigorously opposed.

The key issue then is defining very carefully what the applicant can do by right without a Conditional Use Permit. A summary taken from the City website, is provided as an attachment. The applicant’s project narrative identified four uses for this land – recreational park, preschool, daycare and vegetable farming. Of those four, recreational park needs further boundaries beyond the IN-1 authorization.

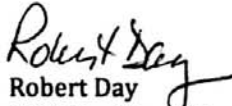
The applicant said in the neighbor briefing that the heartburns from the previous proposal were not in this concept – no bleachers, no lights, no PA system and limited additional parking. These need to be proffers in the application and they need to be specific so that later we don’t have definitional problems. For instance, parking must be limited by a specific number of spaces, lighting should state there will be no operations after dusk, etc.

The applicant’s project is just a concept and is not funded. It is an immature project. Yet the applicant is asking for a permanent zoning change based just on an idea. If the funding never arrives, the project will not be done. But the IN-1 zoning will remain. That doesn’t seem right. This is not a complex project that would benefit from an IN-1 designation. This is a simple project that should seek approval by a Conditional Use Permit.

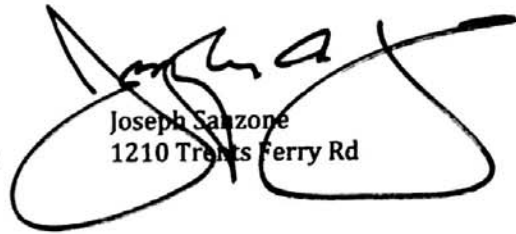
Please request very specific proffers from the applicant and suggest there will be much less neighborhood opposition if IN-1 zoning is not requested.



John Bruce
1111 VES Rd



Robert Day
3856 Peakland Place



Joseph Sanzone
1210 Trents Ferry Rd

Copy to:
Planning Commission Members
City Manager

**IN-1 Authorized Uses Listed in Text (35.2-49.2) and Appendix A
By LBCS# or X if there is no mention**

Text	App A	Permitted By Right
1200	1200	Housing Services
1310	X	Bed and Breakfast
1321	X	Boarding House
1322	X	Rooming House
1323	1323	Dormitory
X	2132	Consumer goods retail sales and service
4244	X	Data processing management and hosting services
4315/29/39	4315/29/39	Minor public utilities services - water, electricity, gas, comms
5500	5500	Natural/recreational parks without specific economic other than limited concessions
6110	6110	Nursery or preschool
6120	6120	Grade school
6130	6130	College or university
6141/3/5/7	6141/3/5/7	General Technical School
6400	6400	Gov't owned facility for fire/rescue/police
6511/6567	6511/6567	Medical offices, veterans affairs services
6512-14	6512-14	Outpatient services
6522	6522	Group home small
6561	6561	Child and youth services
6562a-c	6562a-c	Provide day care
6563-66	6563-66	Community food relief services
6600	6600	Religious institutions
9120/30	9120/30	Vegetable farming and orchards
9300	9300	Animal production – keep, graze, breed, feed

Text	App A	Conditional Use Permit Required
4239	4239	Telecommunications switch station
4315/29/39	4315/29/39	Major public utilities services - water, electricity, gas, comms
4316	4316	Electric substation
4331/33	4331/33	Water treatment plant
6523	6523	Group home large (>5 elderly or >9 disabled)

Distinguished Members of the Planning Commission,

I spoke at the original planning commission meeting addressing my concerns and those of my neighbors about the re-zoning and planned development for the Presbyterian Home/HumanKind property. I have read the proffers put forth by HumanKind ahead of the March 14th vote. In those proffers, Westminster's concerns are addressed, but those of the Peakland neighborhood are largely ignored.

No. 1 of the original proffers, HumanKind states:

"Petitioner will not construct or install light poles and related equipment for sports lighting / the illumination of the proposed athletic fields"

This addresses light pollution caused by the athletic fields, but it mentions nothing about lighting for parking lots. One of those proposed parking lots will be directly in the field of view of our bedroom window and back deck and as well as the sightlines of many of my neighbors.

Do our light pollution concerns carry less weight than those of Westminster?

Westminster is also being provided an evergreen buffer to block their sightline and noise from the athletic fields. Given where HumanKind plans on locating one of their parking lots, headlights from vehicles will be shining in my bedroom window as well. Because of the way sound carries with the topography, my neighbors and I can currently hear conversations of people walking on the HumanKind property as if we were right beside them. An evergreen buffer would help mitigate both of these issues for our neighborhood as well. Why are we not offered the same evergreen buffer as Westminster?

No. 6 of the additional proffers states:

"No construction or maintenance of an outdoor public address or amplified sound system"

This proffer says absolutely nothing about HumanKind using portable sound systems.

No. 10-12 of the additional proffers state:

"10. To install and maintain an additional traffic dampening device on the private drive on HumanKind's property near the common boundary with Westminster Canterbury;

11. To install and maintain signage along the private drive on HumanKind's property warning drivers to obey posted speed limits and to watch for turning vehicles entering or exiting the private drive from the Westminster Canterbury parking lots;

12. To direct visitors to the HumanKind property (in online, written, and verbal communications) to use the entrance of the private drive at VES Road (instead of the entrance at Linden Road)."

Here, the access from Linden Ave is just an afterthought. This access was NOT addressed in any traffic study. Any increased activity at the Presbyterian Home/HumanKind will result in increased traffic on Linden Ave and affect those in the Peakland neighborhood. Linden Ave is a very narrow (at times, one lane) winding road that simply cannot handle increased traffic.

HumanKind claims in proffer No. 12 that they will direct visitors to the VES Road entrance, but let's think of a simple real world scenario. Those coming to HumanKind that are not already familiar with the route

will likely use a GPS unit either in their car or on their phone to guide them. If they are coming from the direction of downtown via Rivermont Ave it will likely guide them down VES Road and there will be no issue. However, if they are coming from the other direction via Boonsboro Road a GPS unit will guide them via Linden Ave.

HumanKind claimed in their remarks at the original planning commission meeting that there would be no buses coming down Linden Ave. I am here to inform you, buses already do utilize Linden Ave when HumanKind hosts cross country meets.

If an outside party were to attend the previous meeting and read all of the proffers they would believe there are only two affected parties. That is completely untrue. While HumanKind and Westminster have their issues and lawyers to work them out, it seems like the residents of the area have had their concerns largely ignored. My comments speak specifically to the Linden Ave residents of Peakland, but there are also those along VES Road that will be greatly affected. I write to remind you of those of the community that simply wish to keep the current climate of their respective neighborhood.

I also wish to remind you that while HumanKind claims their current plan is extent of expansion they wish to accomplish, they have in the past shown far greater plans than their current one. Those were shot down and now they are attempting to get their foot in the door with this trimmed-down plan and re-zoning.

If their current plan was truly the extent of their wishes for expansion, why would they need to have the property re-zoned when they could get a conditional use permit? The answer is because it makes it that much easier to get the entirety of their property re-zoned to IN-1 at a later date. No one doubts the merits of the work that HumanKind has done, but this project is being pushed to generate revenue not further their mission.

I write this to you at this late hour to keep our concerns fresh in your minds and ask that you please consider all affected parties and all of the facts.

Thank you,

David Kerr

140 Linden Ave



GENTRY LOCKE
Attorneys

Herschel V. Keller

keller@gentrylocke.com

P: (434) 455-9944

F: (540) 983-9400

February 27, 2018

Members of the Lynchburg Planning Commission
900 Church Street – 2nd Floor
Lynchburg, Virginia 24505

Re: *Application by Presbyterian Homes & Family Services, Inc. IN-2 Zoning*

Dear Chairman Perault, Vice-Chairman Light and Members of the Lynchburg Planning Commission:

This firm represents Westminster-Canterbury of Lynchburg, Inc. We write on behalf of Westminster-Canterbury in opposition to the referenced application.

Introduction:

Presbyterian Homes & Family Services, recently rebranded as *HumanKind*, seeks to rezone approximately 50 acres of land at the north end of Linden Avenue to Institutional-1 (IN-1) zoning, which is one of the most flexible zoning classifications available in the City of Lynchburg. Unlike a college, a private high school, or a retirement community (the types of institutions for which the IN-1 ordinances were adopted), *HumanKind* does not have a singular purpose. Rather, it operates in a variety of areas, including early childhood education, group home management, teaching parenting skills, and providing mental health services. Now, it wants to get into a new business, facilities for amateur sports.

HumanKind's Board Chair, Michael Elliott, and its CEO, Bob Dendy, have made repeated assurances to Westminster-Canterbury's board, its residents and its staff, as well as neighbors on Peakland Place, V.E.S. Road and Trent's Ferry Road, that *HumanKind* has no plans to build anything more than the small project it showed the community. However, in spite of these assurances, *HumanKind* has not committed to build only this limited project as a proffer in the current rezoning application. Even when the community offered to withdraw opposition to the proposed project on the condition *HumanKind* proceed under the guidelines of a CUP, *HumanKind* rejected the proposal explaining that it needs the "flexibility" afforded to it by IN-1 zoning. Offering assurances, on one hand, that *HumanKind* has plans to build nothing more than small project it showed the neighborhood, and needing "flexibility" to do something more, on the other, are inconsistent concepts and *Humankind* has not explained this incontinency

If *HumanKind's* rezoning application is granted, it could build by-right a large sports complex with 4 turf fields, a gymnasium, an Olympic sized swimming pool, a spray garden, a 600 space parking lot, amplified score boards, and significant outdoor lighting. In fact, *HumanKind* proposed to build such a complex in 2013, and now the area for which it seeks rezoning almost mirrors the area proposed for development of the large scale sports complex that was the subject of its 2013 Conditional Use Permit ("CUP") application. (Please see Exhibit A to this letter, which is the master plan submitted with the 2013 application, and Exhibit B, which outlines the area of *HumanKind's* property it seeks to rezone.)

Of significant concern to Westminster-Canterbury and neighbors in the surrounding community is the poor state of the road system in these neighborhoods. The property it seeks to rezone is only accessible by Linden Avenue, which is arguably one of the worst roads in the City of Lynchburg for increased traffic, or a private easement that runs over land owned by Westminster-Canterbury. This easement is restricted from use by *HumanKind* for anything other than accessing an orphanage. These entrances are insufficient to safely handle the additional traffic that would result from *HumanKind*'s project.

HumanKind Lacks a Specific Institutional Purpose:

HumanKind was originally called "The Presbyterian Orphan's Home." According to filings with the State Corporation Commission from the early 20th century, "The purpose of the corporation [was] to care for and relieve orphan and destitute children." Over the years, *HumanKind* amended its articles of incorporation, changing its name and its stated purposes numerous times. This most recently occurred in 2010, when, it amended its articles to provide in part:

"The Corporation is organized and shall operate exclusively for religious, charitable, and educational purposes, the prevention of cruelty to children, or one or more other exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, including without limitation, ministering to children, mentally challenged persons and their families, and economically disadvantaged persons and families in developing the opportunity and capacity for useful and satisfying lives." [emphasis added]

This language allows *HumanKind* to engage in any use, business, or purpose, and to develop any project whatsoever, so long as it is lawful for a tax-exempt entity under the Internal Revenue Code. Accordingly, if granted IN-1 zoning, *HumanKind* will be free to develop any kind of project it chooses and only be limited by the broad list of by-right uses contained in the IN-1 zoning ordinances. These IN-1 permitted uses include, without limitation: housing services, boarding houses, rooming houses, data centers, recreation parks, schools, doctor's offices, outpatient clinics, laboratories, group homes, commercial orchards, animal production facilities, retail shops, churches and colleges. Clearly, certain of these uses are inconsistent with the character of the surrounding neighborhood and should not be authorized by the City. A plain reading on the IN-1 ordinances suggests a sports complex is not even a permitted use in an IN-1 district, as it is not included on the list.

The purpose of the IN-1 zoning district is "to provide for institutional uses such as schools, colleges, universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting." (§ 35.2-49.1 of the Lynchburg City Code) Given its lack of a singular purpose, it is not clear that *HumanKind* meets the definition of an "institution" within the meaning of the ordinances. For purposes of land use planning, it can generally be predicted what a school, senior living facility, medical facility or church is likely to do with its property. These are well known uses and planners have a general understanding of what to expect in the terms of future land uses from these types of applicants who serve a defined purpose. The same is not true for *HumanKind*.

HumanKind's unwillingness to develop its project under a CUP and its statement that it desires to have the "flexibility" afforded by IN-1 zoning indicates *HumanKind* contemplates the potential for future development of its property beyond what it has shown its neighbors. IN-1 zoning would allow it to do so without further public hearings, or input from the community, the Planning Commission or City Council.

If *HumanKind* is granted IN-1 zoning, it could, by-right, abandon the sports complex concept and build a data center, a group home for registered sexual offenders, or rooming houses within 100 feet of Westminster-Canterbury, which houses a vulnerable aging population. It is inappropriate to allow this kind of flexibility for an entity lacking a specific institutional purpose.

HumanKind's Property is Difficult to Access:

HumanKind's official address is 150 Linden Avenue. Linden Avenue is one of only two ways to access *HumanKind's* property. The other is by a private easement Westminster-Canterbury granted *HumanKind* to allow school buses to stop using Linden Avenue when picking up and dropping off children to *HumanKind* when it was still an orphanage.

Linden Avenue is located within a quiet, upscale residential neighborhood. It is a narrow, hilly street on which residents oftentimes park their cars on both sides of the street, resulting in an access that is sometimes less than one lane wide. The Westminster-Canterbury easement is located off of V.E.S. Road. Coming from out of the area, it is typically accessed by way of V.E.S. Road or Williams Road. Anyone who has traveled Williams Road knows it is not a street that can handle anything but a light traffic load. Even at that, the turn in front of 4418 Williams Road almost forces a car into the oncoming lane when traveling northbound. Williams and V.E.S. Roads are used by two of the most dangerous driving groups known: (i) teenage drivers traveling to and from Virginia Episcopal School, and (ii) elderly drivers traveling to and from Westminster-Canterbury. It cannot safely handle additional traffic from whatever more intensive uses *HumanKind* might build, if it is afforded the flexibility of IN-1 zoning.

The Westminster-Canterbury easement is jointly used by *HumanKind* and residents of Westminster's Woods Edge building. Adding teenage drivers into this mix is a recipe for disaster. One can easily envision an elderly driver slowly exiting the Wood Edge parking lot, turning left towards V.E.S. Road, with a texting teenaged driver barreling down the easement after winning a game. The outcome for both drivers would be tragic. *HumanKind* once offered to place traffic control devices at this intersection, but no mention of these is contained in its application.

HumanKind's February 15, 2018 supplemental application submission indicates (top of page 8) that "youth leagues, teams, churches and possibly colleges" will use the fields it desires to build. These groups normally travel in buses. College sports teams frequently travel in motor coaches. We are hard pressed to understand any rationale for approving a project that will cause Trailways buses to travel down Linden Avenue, Williams Road or V.E.S. Road. When you consider that the popular navigation app, WAZE, directs traffic to *HumanKind* across Peakland Place and down Linden Avenue, we can surmise that many out of town drivers, including bus drivers, will access the proposed fields by using the Linden Avenue entrance to *HumanKind's* property. Allowing for a development that will put any more traffic, especially bus traffic, on these roads will create a safety issue for area residents.

Lastly, *HumanKind* ignores that the Westminster-Canterbury's easement is only to be used for the purposes of an orphanage. It has indicated a willingness to litigate this issue with its neighbor, Westminster-Canterbury. We pose a question: What happens if this project is approved, and Westminster-Canterbury is then successful in getting a court to enjoin *HumanKind's* unauthorized use of the easement; where will all the traffic go? It will be forced onto Linden Avenue. It seems a prudent developer would take steps to make certain it could maintain reasonable access to any property it desires to develop, before applying to rezone the property.



HumanKind's Proposed Use is Not in Keeping with the Character of the Surrounding Neighborhoods:

HumanKind's application contains only two proffers: it will not install stadium lighting, and it will set the edge of the field back from the property line one-hundred feet. The application does nothing to prohibit the use of amplified public address systems, electronic scoreboards with loud buzzers, the use of air-horns, the installation of stands, the creation of any effective vegetative buffer between the fields and the neighbors, to limit the number of future parking spaces, or to provide a means to keep balls (including things such as hard, heavy, fast-moving lacrosse balls) from striking Westminster-Canterbury's cottages or their residents.

If not limited at least in these respects, the project would create significant offsite impacts and disrupt the business of Westminster-Canterbury, which is one of the City's largest employers. If these issues are not addressed, Westminster-Canterbury could foresee the potential of having to discount entrance fees for its cottages in order to sell them. This could seriously damage Westminster-Canterbury's business and result in lay-offs or worse. Other neighbors in the area will suffer similar impacts, including reduction in property values, but it will impact Westminster-Canterbury the hardest.

Conclusion:

For all of these reasons, but in particular the public health, welfare and safety issues created as a result of the difficulty in getting to *HumanKind's* property, we ask the Planning Commission to recommend against *HumanKind's* application for the flexibility of IN-1 zoning. The proposed project is not an appropriate use given the character of the surrounding neighborhoods, it will create a dangerous traffic situation for drivers in the area, young and old alike, and it is not in keeping with the intent of the IN-1 zoning ordinance.

Very truly yours,

GENTRY LOCKE

By: *H. V. Keller* on behalf of
Herschel V. Keller, Esq.

HVK:jle
Enclosures



OVERALL MASTER PLAN
 FOR
PRESBYTERIAN HOME AND FAMILY SERVICES
 LYNCHBURG, VIRGINIA

PROJECT NO.	PW70807
S.I. NO.	
DATE	08/22/2013
DRAWN BY	DMV
CHECKED BY	PHC

1500 - 0001
40
YR 1500 - 0001
SHEET NO.
1 OF 1



EXHIBIT A

JOHN W. FRANCISCO
(434) 455-9113
jfrancisco@woodsrogers.com

February 28, 2018

VIA E-MAIL

Members of Lynchburg Planning Committee
900 Church Street, 2nd FL.
Lynchburg, VA 24504

**Re: Response to Letter from Gentry Locke on Behalf of Westminster-
Canterbury dated February 27, 2018**

Dear Planning Commission:

As you know, this law firm represents Presbyterian Home & Family Services, Inc. in connection with the application for IN-1 Zoning. We have just received from the Planning Department a copy of the referenced letter. The purpose of this letter is to respond to several misstatements (and overstatements) of fact and law set forth in the letter, as follows:

1) **IN-1 Zoning**: First, the letter incorrectly states that the application is for IN-2 zoning. This is absolutely incorrect. As is clear from the application, Presbyterian Homes & Family Services, Inc. (Presbyterian Homes) is applying for IN-1 zoning.

2) **Branding is Irrelevant**: Presbyterian Homes did adopt a service mark ("HumanKind"), but the corporation and its corporation's name still exists and continues. The corporation still owns the property, as it has for many years and as it did when the recorded Deed of Easement was granted to it in 1993. Use of trademarks or service marks by non-profit organizations is customary.

3) **No "New Business"**: As set forth in the Project Narrative, recreational play and athletics do not represent "new business" for Presbyterian Homes & Family Services, Inc. The corporation has supported youth athletics, as a charitable activity consistent with its charitable purpose, for many decades on its campus, well before Westminster-Canterbury moved in next door. Constructing two ball fields for kids to play on is not "new business" for this organization.

4) **Access**: The property at issue is not "difficult to access" and Presbyterian Homes has not failed to legally secure access. The easement is not limited to "school bus use to bring students to and from the Orphanage." There is no valid legal basis for Westminster-Canterbury to threaten or question the access at this time.

(a) Presbyterian Homes is the owner of the real property at issue, as it has been since 1903. In 1993, Westminster-Canterbury granted Presbyterian Homes a publically recorded Deed of Easement which provided, as a recorded property right to Presbyterian Homes for the

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{2293348-1, 707914-00006-07}

benefit of all 167 of its acres (on three defined parcels), a **perpetual right of way and easement** of ingress and egress together with a right to construct and maintain a road within the easement, **provided however that the easement and right of way is for the benefit of the 167 acres (defined therein as “the Presbyterian Home Parcel”) for use in connection with the charitable purpose of Presbyterian Homes & Family Services, Inc. (specifically defined in the agreement as the “Presbyterian Home” and which every lawyer knows is consistent with normal legal practice in documents such as this).** A copy of the Deed of Easement is attached hereto as **“Exhibit 1.”**

(b) Contrary to the assertion by counsel for Westminster-Canterbury, there is nothing in this recorded Deed of Easement that limits the easement to access only the “Orphanage” or to school bus traffic for the purpose of bringing students to and from the Orphanage. Rather, Presbyterian Homes has a recorded property right for a perpetual right of way to access all 167 acres of its property (on three parcels) as long as they are being used in a manner consistent with the “charitable purposes” of the corporation. If the parties in that agreement actually intended to limit the access to “The Orphanage” buildings on one parcel, or if the parties wanted to somehow limit the “charitable purpose” of Presbyterian Homes & Family Services, Inc. to the one(s) existing only in 1993, then they could have done that. But they clearly did not.

(c) There is nothing in the current application before this Planning Commission which would support any contention that the historical, current and planned use of the property at issue has been, is, or will be in any way inconsistent with the “charitable purposes” of Presbyterian Homes & Family Services, Inc. **Therefore, there is nothing before this Planning Commission that implicates Presbyterian Homes’ current and perpetual right to access VES Road.** The corporation is a charitable organization that has adapted over the years to meet the human service needs of its clients in the community. Just like Westminster-Canterbury (whose President came before this Planning Commission in 2016 and stated that his organization was applying for IN-1 zoning to remain flexible and competitive in light of the fact that his organization’s needs had changed), Presbyterian Homes has been resilient and remained relevant to human service needs in this community. In its efforts to meet and adapt to new challenges should be applauded. But the fact that things are not exactly as they were in 1993 are not legally relevant to Presbyterian Home’s continuing easement rights. Virginia case law on this issue is clear.

(d) The charitable purpose doctrine as applied to 501(c)(3) entities is legally complicated. But one thing that is clear is this: merely because a 501(c)(3) entity charges fees in connection with the use of its property or facilities by third parties does not, in and of itself, mean that property or those facilities are being used for a non-charitable purpose. Rather, the valid issue is who is using the property and for what purpose. As set forth at length in the Project Narrative, building two ball fields for practice and play in this community to play on is in no way inconsistent with the charitable purposes of Presbyterian Homes & Family Services, Inc., even if modest usage fees are paid by the participants to help offset costs.

(e) To the extent that Westminster-Canterbury wishes to attempt to cast doubt on the easement with this legally invalid argument that it has thrown out to this Planning Commission, then it is free to attempt to challenge the corporation's continued use of the easement in a private civil action in Lynchburg Circuit Court, and Presbyterian Homes would vigorously defend itself and argue that it has done nothing, and it has proposed nothing, that would in any way cause it to lose its perpetual legal right to access VES Road. Unless and until Westminster-Canterbury does that, then there is no "question" or "uncertainty" about this access easement. Nothing about R-1 v. IN-1 zoning designation changes or has any material impact on those private right issues between the parties. In any event, it is not appropriate to suggest that this issue should be tried before this commission, with all due respect.

5) **IN-1 v. Remaining R-1 (and submitting CUP):** The implied assertion in the letter that HumanKind is not being sincere and honest with respect to the concept plan is completely false and incorrect.

(a) HumanKind is applying for IN-1 zoning because that zoning classification was in large part created to assist institutions like HumanKind to get out from under the burden of an R-1 classification and grow, while at the same time providing protections to residential neighbors. Its next door neighbor, Westminster-Canterbury, applied for this zoning classification in 2016 on a portion of its property. We are now following suit for exactly the same reasons.

(b) As set forth in the Project Narrative, HumanKind falls exactly within the descriptions for Institutional 1 Zoning set forth in the Zoning Ordinance and the Comprehensive Plan, which Comprehensive Plan defines "institutions" as follows:

"The City's institutions includes the religious, educational, and other non-profit entities in the City. Examples include churches, cemeteries, private schools and universities, private non-profit hospitals, service clubs and organizations, and other non-profit institutions."

(c) Any argument that HumanKind is not a proper "institution" intended to fall within IN-1 is not accurate. Presbyterian Homes clearly falls within the definition for "institutions" set forth above. As set forth in the Project Narrative, HumanKind was one of the four or five active stakeholders in the process of drafting the IN-1 ordinance (along with Mr. Herschel Keller who actively participated in that process as counsel for Westminster-Canterbury). As Mr. Keller knows better than anyone, the Planning Department and the City of Lynchburg specifically reviewed and considered the inclusion of both Westminster-Canterbury and Presbyterian Homes in the creation and drafting of this ordinance. The argument that Westminster-Canterbury (a 501(c)(3) service organization organized for the charitable purpose of providing housing to the elderly) is a proper recipient of the benefits of IN-1 zoning, but its next door

neighbor (a 501(c)(3) organization organized for charitable and educational purposes related to children and families) is not, is completely incorrect.

(d) It is true that Presbyterian Homes' charitable purposes have covered a wide-range of services, adapting over time, which is completely consistent with its history. This is no different than other non-profit organizations, including Westminster-Canterbury which must also adapt to changing social dynamics and needs. Nowhere in the Zoning Ordinance, or the Comprehensive Plan, however, is there any kind of requirement that a non-profit organization must have a "singular purpose" (whatever that means). This appears to be an attempt to introduce new criteria not in the Zoning Ordinance or the Comprehensive Plan.

(e) HumanKind is not choosing to proceed with the "CUP process" because to do so would in essence be a surrender to remain R-1. This expectation is unfair and unreasonable. Just like at Westminster-Canterbury, the residential zoning designation no longer reasonably accommodates the variety of historical and ongoing uses occurring on the property right now which are not, and have never been, low density residential housing uses. Each "cottage" at Presbyterian Homes was constructed to accommodate and often provided homes for more than 25 people.

(f) HumanKind is entitled to the benefit of the concepts and procedures set forth in the IN-1 ordinance, which were written with exactly this situation in mind. It also should be entitled to the flexibility afforded by the ordinance for the exact same reasons argued by Westminster-Canterbury in 2016 – i.e., to be allowed to use its property for its highest and best institutional use and to grow, but under developmental controls. Imposing on Presbyterian Homes the continuation of R-1 low density zoning, requiring a reliance on "grandfathered uses" and a cumbersome and costly R-1 / CUP process (while allowing its next door neighbor to be IN-1), would be unreasonable and arbitrary and inconsistent with Presbyterian Home's charitable mission and its decades-long use of this 47 acre portion of its campus.

(g) Finally, Presbyterian Homes will not have a "blank check" to do whatever it wants on the property. This is a complaint with the framework of the ordinance written by the Planning Department and approved by this Commission and City Council. That characterization and complaint is neither accurate nor fair. In addition, the boundaries of the carefully drawn IN-1 area, the holdback of 118 acres to R-1, the 100 foot setback from the Cottages at Westminster-Canterbury (proffered), the 20% greenspace holdback requirements, the topography of the property, the "charitable purpose" limitation in the access easement, and the controls set forth in the ordinance (especially the requirement to perform a traffic study in the event of any proposed construction in excess of the concept plan) will limit what Presbyterian Homes & Family Services, Inc. can do on this property.

6. **Several Other Overstatements:** There are several other statements in this letter that simply have no basis in fact and overstate the situation, namely the following:

(a) That Presbyterian Homes allegedly threatened to aggressively litigate the easement issue. Not true. Rather, it was Westminster-Canterbury that threatened to terminate the easement in 2013-2014 at the time of the prior larger proposal / CUP process (for the same reasons set forth in its letter), and Presbyterian Homes merely verbally responded to that threat that it would be more than willing to defend itself against such action (given it would have no other option);

(b) That HumanKind intends to build an “amateur sports facility” or a “sports complex.” Not true. That is not what we intend to do. We intend to build, along with community gardens and an outdoor handicap accessible pool, two ball fields for kids to play on;

(c) That it is possible that a “group home for registered sexual offenders” could be constructed in the IN-1 zoning district within 100 feet of the houses of “vulnerable aging population” at Westminster-Canterbury. Are there such things? What is the purpose of this kind of statement being injected into a reasonable discussion of this matter? As Mr. Keller should know, Presbyterian Homes’ right to place a “group home” on its property has nothing to do with R-1 versus IN-1. We can already do that (and we have done it in the past). *See*, Virginia Code Section 15.2-2291 (which states that zoning ordinances for all purposes shall consider a residential facility in which no more than eight aged, infirm, or disabled persons reside, with one or more residential counselors or other staff persons, as residential occupancy by a single family”). Therefore, this issue is completely irrelevant;

(d) That this project will likely result in Trailways buses travelling down Linden Road. Not true. Whatever buses come to the site will come down VES Road like they already do for events at VES, Westminster Canterbury and HumanKind. HumanKind is and has been committed to routing all traffic to the VES Road entrance and not over and through Linden Avenue and it will continue to do so;

(e) That this project will cause texting teenage drivers “barreling down the road after winning a game” to injure or kill elderly drivers parking at Westminster Canterbury. What are we supposed to say in response to a statement like that? Is every proposed project in Lynchburg which involves potential use by teenagers going to be denied on these grounds? The traffic study clearly demonstrates that there will be no material adverse effect on VES Road or at the intersection between VES Road and Linden Road. Increased volume of traffic is allowed under the access easement. There is no limitation of use preventing motor vehicles operated by teenagers who have just won lacrosse games (or otherwise). As stated at the community meeting, however, Presbyterian Homes has previously installed speed bumps on its private drive. In addition, we remain open to a reasonable dialogue and to working with Westminster-Canterbury on ways to mitigate speed or line of sight issues at the intersection; and

(f) That this project will result in significant off-site impacts from “air horns” and “loud buzzers” and “flying lacrosse balls,” etc. that will result in Westminster-Canterbury

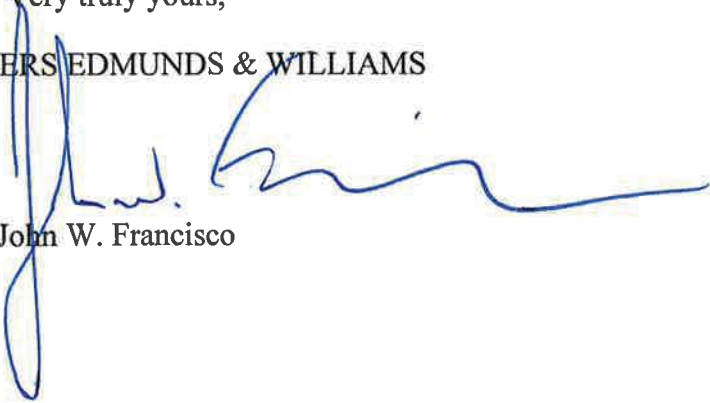
Members of Lynchburg Planning Committee
February 28, 2018
Page -6-

suffering significant financial damage and having to lay-off workers. Presbyterian Homes has already stated that it does not intend to install buzzers, horns, and scoreboards. Presbyterian Homes has already stated that it is going to install standard sports netting (and fencing) around the fields. This is not evidence of negative impact to Westminster Canterbury.

Thank you for your continued time and effort in considering this matter.

Very truly yours,

WOODS ROGERS EDMUNDS & WILLIAMS


John W. Francisco

JWF/jl
Enclosure

8913
7459

P.C. 4
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BOOK 879 PAGE 175
BOOK 873 PAGE 125

THIS DEED OF EASEMENT, made this 27th day of September, 1993, by and among WESTMINSTER-CANTERBURY OF LYNCHBURG, INC., a Virginia nonstock corporation ("Westminster-Canterbury"); PRESBYTERIAN HOME & FAMILY SERVICES, INC., a Virginia nonstock corporation, (the "Presbyterian Home"); WM. TRACEY SHAW, Trustee under a Deed of Trust dated February 1, 1978, recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia in Deed Book 543, page 670, as amended and restated by an Amended and Restated Deed of Trust dated as of September 1, 1990, recorded in said Clerk's Office in Deed Book 780, page 215, (the "Trustee" and the "Deed of Trust", respectively); and CENTRAL FIDELITY BANK (successor to the Fidelity American Bank, N.A.) as Trustee under an Indenture of Trust, dated as of February 1, 1978, as amended by a certain First Supplemental Indenture of Trust, dated as of September 1, 1990, (the "Bond Trustee" and the "Trust Indenture", respectively);

W I T N E S S E T H T H A T:

WHEREAS, Westminster-Canterbury is the owner of a certain parcel of land containing 20.2 acres, more or less, situated in the City of Lynchburg, Virginia and described in the Deed of Trust (the "Westminster Parcel"); and

WHEREAS, the Presbyterian Home is the owner of certain contiguous parcels of land containing in the aggregate approximately 167 acres, situated in the City of Lynchburg, Virginia, adjoining the Westminster Parcel, presently

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BOOK 879 PAGE 176

BOOK 873 PAGE 126

designated on the real estate tax maps of the City of Lynchburg as parcels numbered 068-01-005, 068-01-001, 067-01-002, 185-07-001, 185-07-002 and 185-07-018 (the "Presbyterian Home Parcel"); and

WHEREAS, the Trustee is the holder of a certain Promissory Note of Westminster-Canterbury, dated February 1, 1978, in principal amount of \$11,240,000 and a certain Promissory Note of Westminster-Canterbury, dated September 1, 1990 in principal amount of \$5,500,000 which obligations are secured by the Deed of Trust; and

WHEREAS, Westminster-Canterbury wishes to grant and convey to the Presbyterian Home a right of way and easement over and across the Westminster Parcel and has requested the Trustee to subordinate the lien of the Deed of Trust as to such right of way and easement; and

WHEREAS, the Trustee has agreed to subordinate the lien of the Deed of Trust as to such right of way and easement upon direction by the Bond Trustee to do so;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Westminster-Canterbury does hereby grant and convey, with Special Warranty of Title, unto the Presbyterian Home, as an appurtenance to the Presbyterian Home Parcel, a perpetual right of way and easement of ingress and egress together with the right to construct, repair, replace and maintain a road with all necessary cuts, fills and drainage facilities

or structures, within, over and upon that certain tract or parcel of land shown and described upon the attached plat titled "Plat Showing Easement for Right of Way Across Property of Westminster-Canterbury, Inc., Lynchburg, Virginia" dated April 16, 1992, made by Hurt & Proffitt, Inc., as containing 0.804 acre, more or less;

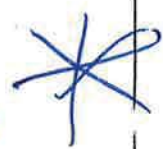
PROVIDED, HOWEVER, that this grant and conveyance is subject to the following reservations, covenants, conditions and restrictions:

(1) The easement and right of way herein granted is for the benefit of the Presbyterian Home Parcel for use in connection with the charitable purposes of the Presbyterian Home, and for no other use.

(2) Said easement and right of way shall not be used as a public way or thoroughfare and shall not be dedicated to any public use.

(3) Presbyterian Home shall erect and maintain an illuminated sign of a design and construction approved by Westminster-Canterbury at or readily visible from the right of way of V.E.S. Road identifying the right of way as an entrance to Presbyterian Home.

(4) Presbyterian Home shall keep and maintain the easement and right of way in good order and repair at its own expense and defend, indemnify and hold harmless Westminster-Canterbury from the claims of all persons arising from and out of the use of the easement and right of way.



Handwritten signature or initials in black ink, located at the bottom right of the page.

BOOK 879 PAGE 178

BOOK 873 PAGE 128

(5) Presbyterian Home shall carry public liability insurance with respect to the easement and right of way naming Westminster-Canterbury as an insured and having coverages as to injury to persons and property which are reasonable for the risks insured.

(6) Westminster-Canterbury reserves the right and easement to extend or grant to the City of Lynchburg or any public utility the right to extend utility lines serving the Westminster Parcel over, across and under the above described parcel, provided that in no event shall the exercise of this reservation result in permanent damage, alteration or obstruction of the said easement and right of way or unreasonably interfere with the use thereof by Presbyterian Home.

(7) Westminster-Canterbury reserves the right to use the said easement and right of way for purposes not inconsistent with use as an access road as an appurtenance to the Westminster Parcel. In the event and to the extent of the exercise of the right reserved herein, Westminster-Canterbury and its successors in title shall share and participate in the obligations and covenants set forth in paragraphs (4) and (5), above, and the covenants and obligations therein set forth shall be reciprocal between the then owners of the Westminster Parcel and the Presbyterian Home Parcel.

AND THIS DEED FURTHER WITNESSETH:

That the Trustee, at the direction of the Bond Trustee

as evidenced by its execution of this Deed, does hereby subordinate and make subject to the interest created by this Deed, all right, title and interest which he may have in and to the aforesaid right of way and easement under the Deed of Trust.

WITNESS the following signatures as of the date first above written.

WESTMINSTER-CANTERBURY OF
LYNCHBURG, INC.

By Hunsdon Cary III
Its PRESIDENT

PRESBYTERIAN HOME & FAMILY
SERVICES, INC.

By R. Peter Jordan
Its President

Wm. Tracey Shaw (SEAL)
Wm. Tracey Shaw, Trustee

CENTRAL FIDELITY BANK, Bond Trustee

By J. S. Craig
Its AST. VICE PRESIDENT

STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 5th day of October, 1993 by Hunsdon Cary III,
PRESIDENT of Westminster-Canterbury of Lynchburg,
Inc.

My commission expires 12-31-95.

Judy Sprause
Notary Public



STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 29th day of Sept., 1993 by E. Peter Gertner,
President of The Presbyterian Home & Family
Services, Inc.

My commission expires 7-31-95.

Nancy C. Lister
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 18th day of October, 1993 by Wm. Tracey Shaw,
Trustee.

My commission expires Dec. 31, 1996.

Mary H. Fields
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Richmond

to-wit:

The foregoing instrument was acknowledged before me
this 14th day of October, 1993 by SS Craig,
Asst. Vice Pres of Central Fidelity Bank, Bond Trustee.

My commission expires 12-31-95.

Dawn W. Estis
Notary Public



6

Virginia: In the Clerk's Office of the
Circuit Court of the City of Lynchburg
The foregoing instrument was this day
presented in the office aforesaid and
is, together with the certificate of
acknowledgment annexed, admitted to
record this 19th day of Oct
1993, at 3:39 o'clock P M.

TESTE: [Signature] Clerk

<u>.15</u>	Tax
<u>.05</u>	City Tax
<u>15.00</u>	Fee
<u>15.20</u>	TOTAL

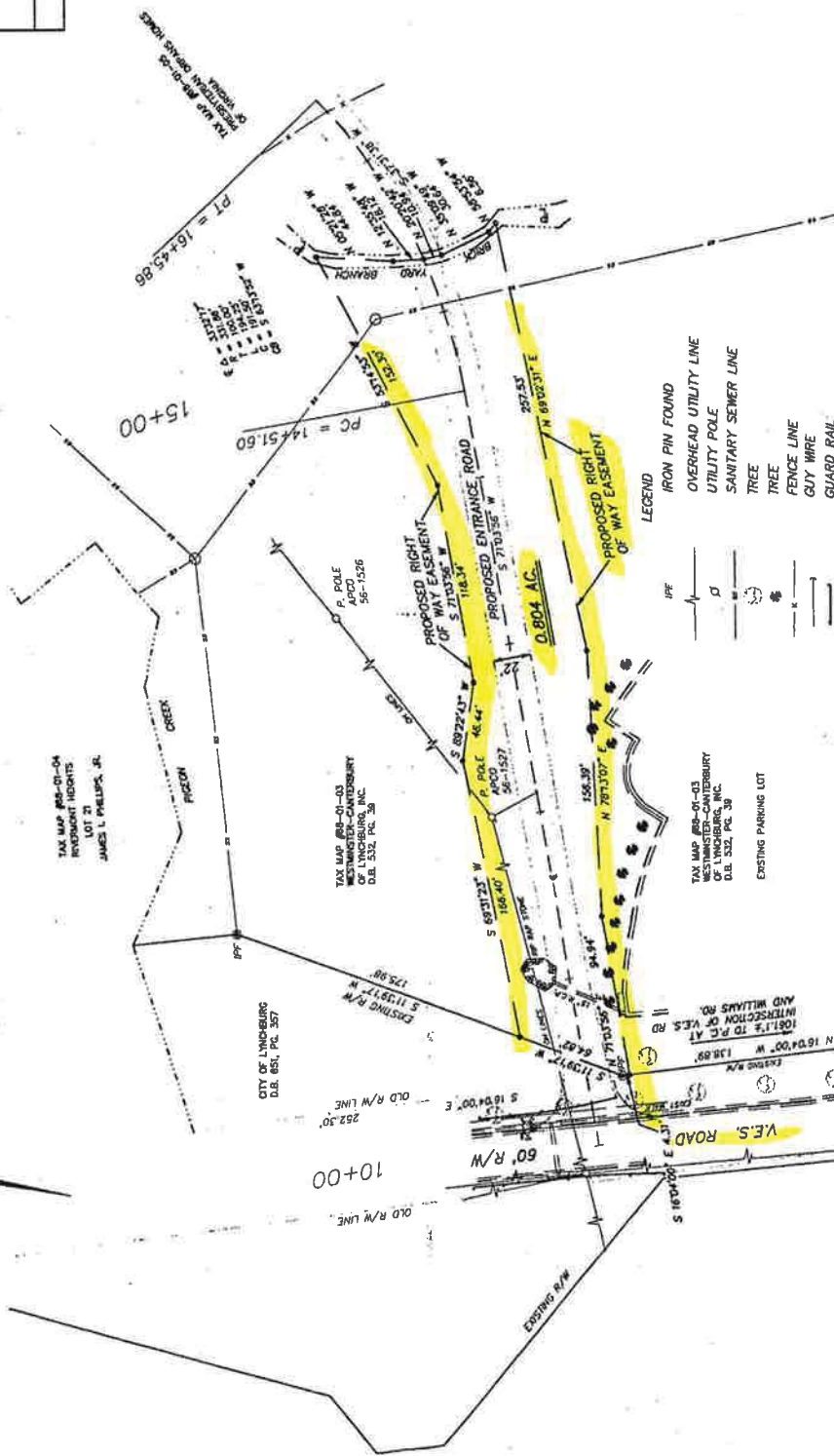
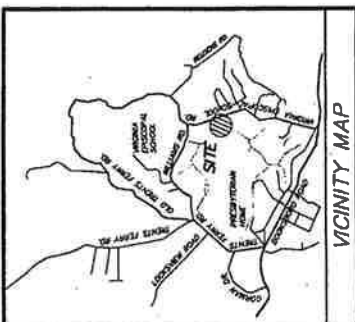
Virginia: In the Clerk's Office of the
Circuit Court of the City of Lynchburg
The foregoing instrument was this day
presented in the office aforesaid and
is, together with the certificate of
acknowledgment annexed, admitted to
record this 9th day of Dec
1993, at 3:10 o'clock P M.

Examined and
Delivered to
Grantee

TESTE: [Signature] Clerk
George Frazer

	Tax
	City Tax
<u>25.00</u>	Fee
<u>25.00</u>	TOTAL

981-186



HURT & PROFFITT, INC.



PLAT SHOWING
EASEMENT FOR RIGHT OF WAY
ACROSS PROPERTY OF

WESTMINSTER--CANTERBURY OF LYNCHBURG, INC.

VIRGINIA

C:\OWGS\910477\RW-EASE | HP-SHEET11



02/04/2017

© 2017 Pictometry

Humankind Rezoning
From R-1 to IN-1
February 28, 2018

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAV	IN OPPOSITION	NEUTRAL
<i>[Signature]</i>		704-533-0836			
B. b. Derdy		755-3656	✓		
Michael Elliott	1041	434-941570	✓		
Kevin Camm		434-455-3710	✓		
Andrea Reid		434-444-3171	✓		
Kurt Au		434-406767			
Ch G. Tamm					
Katryn Morris		609-2410			
Tom Strahmy		9445684			
Jane White		386-3463			
RICHARD GREENE	4410 WILLIAMS RD	384-9314			
Sean Hest	Westminster Church	386-3505			
Randy Davis	184 BISHOPS LN WC	386-3454		✓	
TOOPO Day	3890. PERKLAND				
John Bruce	1111 VES Rd	3841515		✓	
Ben Smith	432 QV	386-3728			
David Kerr	140 Linden Ave	548 599-7831		✓	
T. Harris	44126 Valley Dr	384-6888			

Humankind Rezoning From R-1 to IN-1 February 28, 2018

PLEASE PRINT

[illegible]

MINUTES OF THE MARCH 14, 2018 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Item tabled from the February 28, 2018 Planning Commission Meeting: Petition of Presbyterian Homes & Family Services to rezone approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres located on portions of 4301 Williams Road and 150 Linden Avenue, also known as tax parcels 185-07-001, 068-01-005 and 068-01-800, from R-1, Low Density Residential District to IN-1C, Institutional District 1 (Conditional). The submitted concept plan and narrative indicates the planned construction of two (2) non-lighted turf athletic fields, an American with Disabilities Act (ADA) accessible pool, two (2) parking areas, associated grading, retaining walls and fencing:

Mr. Tom Martin reminded the commissioners that this item was tabled at their last meeting in order to give the petitioner some time to consider additional proffers to address some of the concerns that were brought up at the public hearing.

The petition proposes to rezone approximately 48 acres of the 166 acres owned and maintained by Presbyterian Homes and Family Services (PHFS). Mr. Martin indicated the area to be rezoned on the concept plan provided by the petitioner. The property is currently zoned R-1, Low Density Residential, however, it is indicated for Institutional uses on the City's *Future Land Use Map (FLUM)*. It has been recommended for Institutional since at least 1984. Institutional uses include the City's institutions such as religious, educational and other nonprofit entities. Examples of these include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions such as PHFS.

As required by the City's Zoning Ordinance, the petitioner conducted a traffic analysis. The analysis looked at the intersections of VES Road and Linden Avenue and VES Road and Rivermont Avenue. The analysis included the traffic volumes that would be generated by the uses proposed by this petition as well as those that were proposed by Westminster Canterbury when it was rezoned to IN-1. It also included a one percent annual growth rate. The result of that analysis indicated that the intersections would continue to function at a Level of Service A or B with the exception being the southbound movement at VES Road and Rivermont Avenue. That intersection would continue to function at a Level of Service E. The study indicated that intersection would take an additional 175 peak hour trips before it would degrade to a Level of Service F.

The PHFS campus was established in 1903. The petitioner has met or exceeded the standards contained in the Zoning Ordinance. The petitioner has submitted ten additional proffers since the public hearing conducted on February 28. The petitioner also retained the original two proffers. These proffers were submitted in an attempt to address the concerns heard by the petitioner at the last public hearing. They have been voluntarily submitted and are acceptable to the Planning Division. Mr. Martin reminded them that the public hearing was closed on February 28. The commission may choose to deliberate just among themselves or they may call on members of the public to speak.

Chair Perault asked the commissioners if they would like the petitioner to come forward and add any comments and then to invite a specific response or two. The commissioners were in consensus to conduct the meeting in this manner.

Mr. John Francisco, counsel for PHFS, came forward to speak. He indicated that PHFS took the request of the commission seriously. It was their impression that the message was to mitigate all the concerns the neighbors made at the public hearing. What they heard at the public hearing was that the proffers submitted to that point were not full and complete to address the statements made by the community. PHFS voluntarily proffered ten additional proffers. He feels they remove any uncertainty as to hypothetical future activities that PHFS may have otherwise been allowed to do in the IN-1 zoning.

PHFS proffered away additional athletic fields, illuminated scoreboards, bleachers or stands, public address or amplified sound system, any freestanding gymnasium building and any indoor pool facility. PHFS agreed to install and maintain sports netting around the fields in order to prevent balls from flying off the property. PHFS proffered to put in additional traffic dampening devices on the roadway on its property as close as possible to the Woods Edge parking lot. PHFS agreed to place and maintain signs along the private drive on its property to tell people to obey speed limits and to watch for turning vehicles. PHFS agreed to direct all visitors to the property by any outward communication or website to use the VES Road entrance.

They also confirmed in response to some comments by Commissioner Lowe at the last meeting that they have never dedicated the private drive from the entrance at Linden Avenue all the way to the property line at Westminster Canterbury to the State of Virginia or the City of Lynchburg. Neither has ever accepted that road as a public road. Therefore, it is not a public road regardless of whether members of the public drive on it from time to time. There is Virginia case law on that point if the commission needs further clarification on that point.

Members of the staff at PHFS researched its historical files back to the early 1990s when this easement was negotiated. They found various letters that were shared with the commission. The Board of Directors of PHFS wrote a letter to the chairman of the Board of Directors of Westminster Canterbury and attempted to further explore the basis of their statements disputing the easement. Primarily, it was a request for Westminster Canterbury to establish its claim that the nature of the easement is for the uses related to a charitable purpose or an orphanage. All the evidence and statements and letters that PHFS was able to find in its records indicated that it was clearly negotiated to be for the purposes of any charitable purpose of the organization. PHFS asked Westminster Canterbury to provide any information to the contrary by document or statement or otherwise so they could better understand their position and none was provided. There was a meeting between the chairmen of the boards and the CEOs of PHFS and Westminster Canterbury last week. It is Mr. Francisco's understanding that it was a productive discussion on the easement and the proffers. He would like the parties that were there to comment on what agreement was reached. It is Mr. Francisco's understanding that an agreement was reached as to the easement removing any present dispute as to what is before the commission with regard to the IN-1 application and the concept plan. In addition, PHFS requested Westminster Canterbury if they had any additional requests or suggestions for proffers other than the ones that have been voluntarily made and were told they did not have any additional ones. Instead of him characterizing the specific nature of the agreement, Mr. Francisco will let them speak to that topic.

It is Mr. Francisco's sincere belief that PHFS has done everything that is expected of them to do since the public hearing. PHFS has made additional proffers to mitigate any possible negative adverse impacts and to remove the easement issue as a present dispute before the commission. PHFS has filed this application and meets the criteria of IN-1 and feel confident that it has gone above and beyond what has been required of someone in its position to apply for IN-1 zoning. There are no negative adverse impacts at this time and they continue to appreciate the commission's attention to this matter.

Chair Perault asked if a representative from Westminster Canterbury wished to comment. Mr. Sean Huyett, CEO of Westminster Canterbury, and Mr. Hershel Keller, counsel for Westminster Canterbury came forward.

Mr. Sean Huyett: "Good afternoon. We did have a very productive meeting on Monday and are very appreciative of the proffers that HumanKind has given for this project. They are everything that we were hoping for. We are still at a point where we feel like we need to object to the application for the reason that the easement is still a hang up. We are not blocking this project based on—we are—how do I say this? We are saying it's okay for this project to go ahead with—using our easement—with what is defined in this scope—two fields, a pool, the parking spaces. Where we have a problem is we still feel like the easement is something that is important to us. We've talked at prior meetings about the safety

and everything. I think there's parameters in place for this to be a safe zone or can be made safer and that we can take care of that issue. Our concern is if this is expanded in the future, we want to reserve the right to oppose that easement and we just don't feel like we can completely say yes to this, so it is somewhat awkward. We are saying for this project, they can use the easement but we are still trying to work out the details. We—it's been very last minute—and I'll take fault for that. We are still now on a third document of trying to get some agreement on the easement to say we are okay for you to do this and we understand public right-of-ways and charitable purposes but that we just don't want to have "x" amount of cars exponentially increased coming through that area in the future."

Mr. Hershel Keller: "Hershel Keller. I'm a lawyer speaking on behalf of Westminster Canterbury just speaking briefly to the easement in response to the letter that was filed with the commission that was sent from Michael Elliott to the board chair at Westminster Canterbury, Bill Gayle. There is a whole sea of law with respect to easements. So for example, if Mr. Huyett and I are neighbors—we have neighboring farms—and Sean comes to me and he says listen your farm is right next to mine. My access to the main road is down a little windy road and it is very hard for me to get to the grocery store and school. I'd like to have an easement across your property and I say, well you're my neighbor and we're friends, so I'm happy to grant you that easement. And so I grant him an easement across his property that is restricted to the purpose of a farm and then several years later he builds a 50,000 head Angus feeding operation—he builds a very large commercial milk production facility—even though the easement is still restricted to the purposes of a farm and he could argue that those are the uses, it is what is considered under the law an overburdening of the easement. The proper remedy is an extinguishment. And so we recognize the back and forth, but the fact of the matter is, it is still an outstanding issue between Westminster Canterbury and the Presbyterian Homes as to who has what rights in and to the easement. And we continue to believe that under the law that we have the right to terminate that easement if the project goes forward without an agreement. And you know, the saying in my business and our business is that if the law's on your side, argue the law. When the facts are on your side, you argue the facts. When all else fails, jump up and down and pound on the table. And so you have me arguing the law and the other side arguing the facts of this.

We have been negotiating a written—there was a verbal accord reached with respect to the easement, which was that Westminster Canterbury would allow any existing uses that were currently occurring on the Presbyterian Homes property and we would also grant them the right to any uses that are contemplated on the concept plan that is filed as part of the IN-1 application. But if that if they expanded beyond that, we would have the right to go back—it would revert us back to our current position, which is there is a dispute and that Westminster Canterbury's failure to enforce its rights with respect to the easement now could not be used against it in the future. We have done several terms of the document and we just don't have an agreement yet and it's really for that reason that we are opposing the application, although we are very grateful for the proffers that were made. So thank you."

Chair Perault asked if Mr. Kerr was present. He was not present. Chair Perault commented that they have a letter from him that covers the concerns of the neighbors very well. He has highlighted his points and they will be brought up later.

Commissioner Light thought Mr. Bob Day might have some further comments. Mr. Day came up to speak and said that from the neighbors' perspective, certainly the concept that is presented is very attractive, certainly with all the proffers. The soccer fields are a great idea and they hope that it is done. What we are very uncomfortable with is the IN-1 zoning designation in order to get there. An IN-1 zoning grants the applicant the flexibility to do many things by right. Five years from now or ten years from now, if they decide to sell the property, there may be a 24/7 industrial park there or a four-story daycare center that competes with Westminster Canterbury. There are a number of things that the owner can do by right. HumanKind has no intention of going down that road but the next owner might. The neighbors would like to be involved in the future evolution of that land in discussions with the Planning Commission and City Council. With a conditional use permit, they can do that. If they grant IN-

1 zoning, they cannot talk to them or to City Council. The neighbors do not like the IN-1 zoning and would be much happier if it were dropped from the code. They would like the commission to tell PHFS that this is a great idea and to come back with a conditional use permit application and it will sail right through.

Commissioner Lowe read a portion of the easement regarding using the easement as a public way or thoroughfare or dedicating it as a public use. Commissioner Lowe wanted to know if that statement would still remain in the easement. The answer given to him was yes.

Chair Perault thought there were four issues to discuss, the proffers, the easement, questions about finances and the concept of IN-1 zoning versus a conditional use permit. With regard to the proffers, he asked the commissioners if they felt progress had been made. He thinks they did and the commissioners seemed to agree with that as well. Chair Perault noted that a member of the public has voiced a concern about whether the parking lots would be lighted. He also mentioned evergreen buffers by the neighborhood area as well as by Westminster Canterbury. He also mentioned portable sound systems. Chair Perault wanted to bring them up to see if they were large enough concerns for the other commissioners.

Commissioner Marion noted that the neighbor had also brought up a concern about headlights. She does not think there will be a lot of headlights because there will be no night practices or games. She does not think they will be playing in the dark without field lights. She does not think they will have parking lot lights unless they are planning on using them for other programs.

She did wonder about the evergreen buffer and she cannot tell whether it is necessary to buffer the closest parking lot from Linden Avenue. It looks like there are some trees there already. Chair Perault indicated those were not major issues for him. The buffer could be addressed with more evergreens down the road. He thinks a lot has been conceded with the difference in buffers from before and what has been offered now.

A member of the public wanted to know if PHFS plans on lighting the parking lots. Chair Perault indicated that someone from the commission would need to ask them that question. Commissioner Rogers cannot imagine PHFS spending money to light parking lots that are not going to be used at night. That is a significant cost.

Chair Perault indicated he is not sure where he stands with regard to the easement. Commissioner Marion indicated she feels a lot better about the easement in that Westminster Canterbury says that they reserve the right to restrict any future use beyond what is proposed. She knows if PHFS has bigger plans, it has to come back for approval for it. They cannot do much beyond this concept plan because if they are going to add more traffic, it sounds like they are going to have to answer to Westminster Canterbury at that point. That makes her a little bit more at ease.

Commissioner Rogers thought the easement would restrict commercial uses because it is for the charitable use of the property as opposed to a for profit use like apartments or condos or industry. Chair Perault indicated that if the City is okay with the easement as it stands, that is what he relies on for his judgment.

Commissioner Lowe read the portion of the easement: "Said easement and right-of-way shall not be used as a public way or thoroughfare and shall not be dedicated to any public use." We can't have traffic coming off VES Road on that easement to access the fields because that violates or is in conflict with the wording in the easement. Others felt that it is a private use. Commissioner Bowden thought public use would mean if someone were using it a cut through or if the public were coming there outside of an activity sponsored by PHFS. Commissioner Lowe said it says public use. Commissioner Bowden asked him to think about that for a minute. If he were not an employee of HumanKind, he could not come and

watch his child run cross country. Commissioner Bowden thinks that if it is for an event that is sponsored by HumanKind, you are by definition coming on to the property as a guest.

Mr. Francisco asked if he could speak to the issue. Mr. Keller and Mr. Joseph Sanzone also rose to address the issue. Mr. Francisco was invited to speak as he is the attorney for the petitioner. Commissioner Bowden commented that this is a point of law that should not affect zoning. This is something that regardless of what they decide today, the lawyers will debate this for as long as it takes both sides to settle the dispute. In Commissioner Bowden's mind, this issue is completely separate from the zoning. Commissioner Lowe said his concern is that if Westminster Canterbury says PHFS cannot use that access road, the only way in and out will be from Linden Avenue. We do not have a traffic study for Linden Avenue. Commissioner Lowe thinks that as long as the language about public use is in the easement, they have to be concerned about those on Linden Avenue.

Commissioner Rogers wondered if it is written in the zoning law that someone has to have an easement. Can they rezone land and not have an easement necessarily? Commissioner Bowden acknowledged that traffic would be driven down Linden Avenue if the easement was taken away. Commissioner Rogers pointed out it would be private traffic though and not public traffic. Commissioner Johnson asked if the easement were taken away if this would have to come back to the commission because the whole concept would change. Commissioner Rogers said if the outer perimeter of the property were requested to be rezoned, that would certainly come to them.

Commissioner Johnson asked Mr. Martin if it would have to come back to them if the easement were taken away because that would be a concept change. Mr. Martin thought they have a couple of things going on. One, he thinks it is very important for the commission to remember that Westminster Canterbury just conceded that it is not going to dispute the use of the easement for what is before them on the concept plan. Mr. Keller indicated that is not what they said. Mr. Martin disagreed and said it is pretty much what they said. Mr. Martin said if that is not what he said, he should come clarify because that is what both he and Mr. Huyett said. Commissioner Light said that is not what he understood either.

Mr. Martin said that if at some point PHFS loses the easement and it has to run traffic through the other side of Linden Avenue, then there would have to be additional traffic studies and if they cannot maintain the Level of Service, then they would not be able to do anything or they would have to improve the streets.

Mr. Martin thinks PHFS has proffered out all sorts of things. Mr. Martin is really at a loss. We created these institutional districts, spent two years of work on them exactly for this because we did not want our institutions to have to come back and request conditional use permit after conditional use permit. There is also something called equal protection. PHFS should be able to enjoy the use of its property exactly the way their neighbor does. All this stuff about whether we should be considering their endowments and their financial stuff—we should not be doing that. It is purely based on the impacts and they have submitted everything required by the ordinance. They have actually exceeded the requirements of the ordinance.

Chair Perault thought that if the easement is lost and traffic is affected, then something will be done. For him, that removes the easement concern. Commissioner Marion thinks that if they lost the easement and they had the fields and they needed to get to them, they could probably get there from Williams Road. Chair Perault asked if they could move on from the easement. Mr. Francisco asked if he could speak and Chair Perault indicated not at this time. Mr. Sanzone asked if he could speak and Mr. Francisco said he would object to that since he was not allowed to speak on the easement. Chair Perault said he is not interested in calling anyone forward to discuss the easement. He thinks they have covered it. Commissioner Light thinks they have beaten it to death.

Chair Perault indicated that the next topic is finances. It seemed that someone implied that Westminster Canterbury earned the right to IN-1 zoning but HumanKind has not based on some financial discussions. The commission has never considered finances and he considers that a very dangerous road to go down. For him, the finances were never an issue. He honestly didn't appreciate that being discussed. Other commissioners agreed with him and didn't think it was any of their business. Chair Perault pointed out they have had things rezoned and then the company goes belly up and the lot sits vacant. Anything that is decided does carry over to new owners.

Commissioner Light thinks it is correct that they should not consider finances. He hopes that HumanKind has a wonderful, successful continuing endowment. This is not about the great work that HumanKind does and he hopes they continue to be a great asset to the community. He thinks it is similar to what went on with Oakwood Country Club. Who would have thought that Oakwood Country Club would find itself in bankruptcy and that land was sort of up for grabs. It turned out okay in the end. He knows they can make predictions that never came true. They base their opinions on things that never come true. It is certainly not the deciding issue in his mind but they are there to exercise their discretion. If not, the commission would not exist. There is still an issue in the back of his mind about the financial implications of what could possibly happen with that large tract of land. For a time, the situation with Oakwood Country Club was quite a tumultuous situation in the community. It is not his only consideration but it is a consideration that is in the back of his mind.

The last topic on Chair Perault's list was IN-1 zoning versus a conditional use permit. Commissioner Rogers thinks that the information contained in the proffers would relate to what would be in a conditional use permit.

Commissioner Bowden thinks the discussions have been contentious but also involved. To Mr. Martin's point, the IN-1 zoning is a pretty restrictive zoning particularly given the fact that everything on there with the exception of the telecommunications tower is something that HumanKind is already doing. There is really no additional use that would be allowed. Even if someone else bought the property, they could not build high rise apartments because that is not allowed in the IN-1 zoning. He is okay with the proposed zoning based on the definitions in the Zoning Ordinance. He noted that PHFS has given away a lot of the stuff that one would normally consider to be an option to really advance the IN-1, but he can see nothing on here that is going to create drastic distress in his mind over what is going to happen down the road. The commission's role is to see where zoning fits. The fact of the matter is that this is exactly the type of situation that is included in the IN-1 definition. He does not have a good reason to go against the recommendation of the Planning Division based on what is in the code.

Chair Perault would agree and would argue that their charge is to more specifically find out where zoning doesn't fit. He comes in to these matters looking for reasons to disagree with a petition when it does not favor what the *FLUM* has laid out. You might be against IN-1 as a zoning classification but as long as it exists, this matches up with that description including the fact that we have IN-1 right next to it. It is hard for him to come up with a reason to vote against it.

Commissioner Lowe said he is in support of the concept of IN-1 for this property but he is not in support of this petition due to the easement issue. He thinks it is the correct zoning but he thinks there are some issues that need to be addressed.

Commissioner Light said he is not a big fan of the institutional zoning concept in general. That is one of the factors that will influence his vote against the petition.

Commissioner Marion asked Commissioner Bowden why he felt the high rise apartments could not happen. Was that because of traffic concerns? Commissioner Bowden said it is not a permitted use. Commissioner Johnson clarified though that anything that would increase traffic would have to come

back to them. Chair Perault pointed out that Liberty University just had to come back to them because of the traffic impact of expanding Williams Stadium.

Commissioner Marion said she is very concerned with traffic on Linden Avenue and VES Road. A Level of Service E is pretty bad. However, we have hit this wall before. We are not supposed to penalize the last guy into the room because the traffic has gotten too bad already. According to the traffic study, this proposal is not going to make that intersection a Level of Service F.

Commissioner Light pointed out that they just had a proposal for townhouses before them that had a lot of the same concerns about traffic and safety and the vote was 5 to 2 to deny that petition. That was subsequently upheld by a 4 to 3 vote by City Council.

Commissioner Marion noted that while she is concerned about traffic, she cannot vote against the petition because the traffic study did not show this proposal would make it any worse. She finds it hard to believe that the traffic study is what it is and it doesn't tip the traffic, but it doesn't.

Commissioner Johnson thinks that the traffic as it stands is bad. She thinks that is a Lynchburg City infrastructure issue. She does not think it is fair to penalize a landowner for a problem that the City has although the commission did that with the townhouse petition recently. She is a little conflicted. Chair Perault noted that with that petition he had concerns with the traffic and the fit. Mr. Martin pointed out that there was no traffic study with that petition saying anything different.

Commissioner Bowden noted that the traffic study did show that the Levels of Service are good except for the intersection of VES Road and Rivermont Avenue which is horrible but it has always been horrible. But you have to weigh that against the fact that we are talking about incremental traffic here. We are talking about some sports situations that should be lighter in terms of being later in the day or on the weekends. He does not think they are dealing with something like a townhouse development where you have "x" number of people living there with "x" number of cars. In his opinion, that has more of an impact. He has followed his children in sports and he has just never seen those kinds of crowds for soccer and cross country. He is not dismissing the traffic study but he just does not see traffic being a huge concern in this application.

Chair Perault reminded the public that the commission makes a recommendation and the final decision rests with City Council. He would encourage them to follow up at their meeting. He also noted that there has been more dialogue among the interested parties in the past few weeks face to face than there has been in a long time and that is a good thing for neighbors to have. He would definitely encourage that to continue. That can only improve the situation in whatever the outcome.

Commissioner Bowden made the following motion, which was seconded by Commissioner Rogers:

That the Planning Commission recommends to City Council approval of the petition of Presbyterian Homes and Family Services, Inc., to rezone approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres located at 4301 Williams Road and 150 Linden Avenue from R-1, Low Density Residential District to IN-1C, Institutional District (Conditional) subject to the voluntarily submitted proffers."

The motion passed by the following vote:

AYES:	Bowden, Johnson, Marion, Perault and Rogers	5
NOES:	Light and Lowe	2
ABSTENTIONS:		0
ABSENT:		0



Memorandum

Planning Division • Community Development

900 Church Street
Lynchburg, Virginia 24504
P 434-455-3900

To: Planning Commission

From: Tom Martin, AICP, City Planner

Cc: File

Date: March 14, 2018

Re: Rezoning: 4301 Williams Road and 150 Linden Avenue – R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional)

On February 24, 2018, the Planning Commission conducted a public hearing concerning the petition of Presbyterian Homes & Family Services, Inc., to rezone portions of three tracts located at 4301 Williams Road and 150 Linden Avenue from R-1, Low Density Residential District to IN-1C, Institutional 1 District (Conditional). The area proposed for rezoning is approximately forty-seven and eight hundred thirty-six thousandths (47.836) acres and is a portion of the larger one hundred sixty six (166) acre campus.

After closing the public hearing, the Planning Commission tabled discussion until March 14, 2018. The item was tabled in order to allow the petitioner to consider additional proffers that may address concerns of the Planning Commission and the public.

In addition to the two originally submitted proffers, the petitioner has offered ten (10) additional voluntarily submitted proffers:

Original Proffers

1. Petitioner will not construct or install light poles and related equipment for sports lighting / the illumination of the proposed athletic fields;
2. Petitioner proffers that it will not construct or install any buildings or structures within one hundred (100) feet of the shared property boundary line with Westminster Canterbury;

Additional Proffers

3. No construction of synthetic turf fields other than the two fields described in the current concept plan;
4. No construction or maintenance of an outdoor illuminated electrical scoreboard;
5. No construction or maintenance of bleachers or stands;
6. No construction or maintenance of an outdoor public address or amplified sound system;

7. No construction or maintenance of a new, freestanding gymnasium building;
8. No construction or maintenance of a building to house an indoor swimming pool;
9. To install and maintain sports netting around the two fields designed to prevent balls and other objects from leaving our property and entering neighboring property;
10. To install and maintain an additional traffic dampening device on the private drive on HumanKind's property near the common boundary with Westminster Canterbury;
11. To install and maintain signage along the private drive on HumanKind's property warning drivers to obey posted speed limits and to watch for turning vehicles entering or exiting the private drive from the Westminster Canterbury parking lots;
12. To direct visitors to the HumanKind property (in online, written, and verbal communications) to use the entrance of the private drive at VES Road (instead of the entrance at Linden Road).

Attached you will also find correspondence from Michael Elliott, Chairman, Board of Directors, Presbyterian Homes & Family Services, Inc. (HumanKind) to Dr. William E. Gayle, Jr., Chairman, Board of Directors, Westminster-Canterbury of Lynchburg, Inc. This letter outlines the additional proffers and also provides additional information concerning access to VES Road as discussed during the February 28, 2018 Planning Commission public hearing.

If you have questions, regarding this matter, please contact me at (434) 455-3909.

Attachment:

Letter from Michael Elliott, Chairman, Board of Directors, Presbyterian Homes & Family Services, Inc. (HumanKind) with Exhibits 1-4



March 8, 2018

Dr. William E. Gayle, Jr.
Chairman, Board of Directors
Westminster-Canterbury of Lynchburg, Inc.
1892 Fox Hill Road
Lynchburg, VA 24503-6497

Re: Additional Information in Connection with Presbyterian Homes & Family Services, Inc.'s Application for Rezoning R-1 to IN-1

Dear Bill:

I am writing this letter as Chairman of the Board of Directors of Presbyterian Homes & Family Services, Inc. (d/b/a "HumanKind") in reference to our plans to re-zone approximately 47 acres of our 167 acre Presbyterian Homes Campus from low density residential (R-1) to institutional zoning (IN-1). I wanted to share two issues relevant to the Lynchburg Planning Commissions' continuing review of the pending application, additional proffers and access to VES Road.

I. Additional Proffers to Address and Eliminate Other Concerns by Neighbors

It became evident during the Planning Commission hearing on February 28 that there were concerns about our Greenspace Enhancements not specifically addressed in two proffers made by HumanKind. This letter is to confirm that HumanKind agrees to make ten additional proffers as conditions of future development within the proposed IN-1 zoning area:

- 1) No construction of synthetic turf fields other than the two fields described in the current concept plan;
- 2) No construction or maintenance of an outdoor illuminated electrical scoreboard;
- 3) No construction or maintenance of bleachers or stands;
- 4) No construction or maintenance of an outdoor public address or amplified sound system;
- 5) No construction or maintenance of a new, freestanding gymnasium building;
- 6) No construction or maintenance of a building to house an indoor swimming pool;

- 7) To install and maintain sports netting around the two fields designed to prevent balls and other objects from leaving our property and entering neighboring property;
- 8) To install and maintain an additional traffic dampening device on the private drive on HumanKind's property near the common boundary with Westminster Canterbury;
- 9) To install and maintain signage along the private drive on HumanKind's property warning drivers to obey posted speed limits and to watch for turning vehicles entering or exiting the private drive from the Westminster Canterbury parking lots;
- 10) To direct visitors to the HumanKind property (in online, written, and verbal communications) to use the entrance of the private drive at VES Road (instead of the entrance at Linden Road).

With the original two proffers, plus these ten, we believe we have completely addressed all concerns about potential adverse impacts to neighbors related to HumanKind's Greenspace Enhancements.

II. Access to VES Road

I also want to address the assertions made by the attorney for the Board of Directors of Westminster Canterbury, Mr. Keller, in his letter dated February 27, 2018 and in his verbal statements to the Planning Commission at the February 28 hearing concerning HumanKind's right of access to VES Road, which has been in place and in continuous use since 1993.

As you know, the parties' respective rights and obligations concerning this access are clearly set forth in the recorded Deed of Easement dated September 27, 1993 (a copy of which is attached as Exhibit 4). According to Mr. Keller, it is now the position of the Board of Directors of Westminster Canterbury that the easement is only for access to and from "an orphanage," and that Westminster-Canterbury would be within its rights, today, to block HumanKind's access to VES Road. As you can understand, we take these statements extremely seriously in that they threaten both our continued daily operations on our Campus to provide services to the community as well as our important IN-1 application.

We do not know what historical information, if any, Mr. Keller was provided or was citing in support of those assertions on behalf of your Board. We have pulled letters from our files and would like to take this opportunity to ensure that we are all clear on the intent and purpose of the easement. The following historical documents contradict statements concerning the scope of the access rights conveyed to HumanKind:

1. Letter from Wm. Tracey Shaw, as counsel for Westminster Canterbury, to E. Peter Geitner, President of Presbyterian Homes & Family Services, Inc., dated August 5, 1991, enclosing an earlier draft version of the proposed Deed of Easement which proposed to only grant a limited access easement "for use as a licensed residential program for children, and no other use") (see Exhibit 1);

2. Letter from George H. Fralin, Jr., as counsel for Presbyterian Homes & Family Services, Inc., to his client Reverend E. Peter Geitner (President), dated August 5, 1991, responding to that earlier draft Deed of Easement from Wm. Tracey Shaw's letter dated the same day (from August 5, 1991, referenced above) and stating that Mr. Fralin "would be more comfortable with a provision that the right-of-way is made for the benefit of the Presbyterian Home parcel for the greater charitable purposes of the home rather than limiting its use to only the licensed residential program") (see Exhibit 2); and
3. Letter from Wm. Tracey Shaw, as counsel for Westminster Canterbury, to George Fralin, as counsel for Presbyterian Homes & Family Services, Inc., dated December 10, 1992, confirming that the Executive Committee of Westminster Canterbury had no objection to the earlier changes proposed by Mr. Fralin to the Deed of Easement, which changed the granting clause by expanding the use of the easement to any use consistent with the "charitable purposes" of the organization (see Exhibit 3).

The final version of the Deed of Easement (Exhibit 4) is completely consistent with the intent demonstrated in these letters and it does not limit the right of access for only uses related to "an orphanage" or for "a licensed residential program." It clearly grants and conveys a permanent easement for all time for so long as the use of the Campus is for the "charitable purposes" of the Presbyterian Homes & Family Services, Inc. And, as you can see, that was clearly the intent of the persons negotiating that term. Of course, our Board is pursuing the Greenspace Enhancement because it is clearly and squarely within our Mission and consistent with the historical use of our Campus.

In light of the further information in these background documents, the Board of Directors of HumanKind would like to know what other documents exist, if any, on which your Board of Directors relies in support of its statements in the February 27 letter and at the Planning Commission hearing on February 28 concerning this easement. To the extent that you have such documents, we would respectfully request you share them with us immediately to allow us to further evaluate this issue. We are not aware of any such documents.

In the absence of such documents, we respectfully request the Board of Directors of Westminster-Canterbury publicly retract statements to the Planning Commission, acknowledge and agree that the easement at issue grants Presbyterian Homes & Family Services, Inc. (HumanKind) the perpetual right to use the easement for so long as such use is consistent with the charitable purposes of the organization (and is not limited to access to and from an orphanage). We respectfully ask that this be done no later than the end of business on Tuesday, March 13, 2018. We would appreciate your timeliness because the Planning Commission reconvenes on Wednesday, March 14 for further consideration of our IN-1 application.

As always, I would invite you to contact me at (434) 200-4552 at your convenience if you have any questions about this letter or want to discuss them further. By copy of this letter to Mr. Tom Martin, City Planner for the City of Lynchburg, I am informing him and the Planning Commission of this communication.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Michael Elliott', with a stylized, cursive script.

Michael Elliott
Chairman, Board of Directors
Presbyterian Homes & Family Services, Inc. (HumanKind)

Enclosures

Cc: Mr. Tom Martin (w/enclosures)
Mr. Sean Huyett (w/enclosures)
Mr. Herschel Keller, Esq. (w/enclosures)
Mr. Bob Dendy
Mr. John Francisco, Esq. (w/enclosures)

EDMUNDS & WILLIAMS

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J. EASLEY EDMUNDS, JR.

(1914-1977)

SAMUEL H. WILLIAMS

(1914-1970)

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ROBERT D. RICHARDS
PAUL H. COFFEY, JR.
KENNETH S. WHITE
ROBERT C. WOOD, III
HENRY M. SACKETT, III
RAYNER V. SNEAD, JR.
BERNARD C. BALDWIN, III
WM. TRACEY SHAW
R. EDWIN BURNETTE, JR.
BEVIN R. ALEXANDER, JR.
PATRICIA R. BLACK
WILLIAM E. PHILLIPS

ELEANOR A. PUTNAM DUNN
KEVIN L. CASH

August 5, 1991

E. Peter Geitner
President
Presbyterian Home & Family Services, Inc.
150 Linden Avenue
Lynchburg, VA 24503-2099

Dear Peter:

I have your letter of August 1, 1991.

I am enclosing a revised Deed of Easement and am providing a copy directly to George Fralin.

Keep in mind that as is apparent from the face of the Deed, Central Fidelity Bank must consent to this conveyance of Westminster-Canterbury property because that property collateralizes Notes held by the Bank on behalf of holders of tax exempt bonds utilized to finance the construction of Westminster-Canterbury. I do not anticipate that this consent will be a problem, but since the Bank acts as Trustee for members of the public who hold tax exempt bonds, the process is somewhat complicated and does involve some expense.

Given that your building project is two to three years away, I suggest that after George Fralin has reviewed this instrument, both the Westminster-Canterbury and Presbyterian Home Boards approve it. We will then hold the instrument until the building projects becomes closer to commencement. At that time we can obtain the consent of the Bank and record.

Best wishes.

Very truly yours,

EDMUNDS & WILLIAMS, P.C.

By

Wm. Tracey Shaw

WTS:msw

cc: George H. Fralin, Jr., Esq.
H. Cary

EXHIBIT

1

THIS DEED, made this ____ day of _____, 1991, by and among WESTMINSTER-CANTERBURY OF LYNCHBURG, INC., a Virginia nonstock corporation ("Westminster-Canterbury"); PRESBYTERIAN HOME & FAMILY SERVICES, INC., a Virginia Nonstock Corporation, (the "Presbyterian Home"); WM. TRACEY SHAW, Trustee under a Deed of Trust, dated February 1, 1978, as amended and restated by an Amended and Restated Deed of Trust, dated as of September 1, 1990 (the "Trustee") (the "Deed of Trust"); and CENTRAL FIDELITY BANK (successor to the Fidelity American Bank, N.A.) as Trustee under an Indenture of Trust, dated as of February 1, 1978, as amended by a certain First Supplemental Indenture of Trust, dated as of September 1, 1990 (the "Bond Trustee") (the "Trust Indenture");

W I T N E S S E T H T H A T :

WHEREAS, Westminster-Canterbury is the owner of a certain parcel of land containing 20.2 acres, more or less, situated in the City of Lynchburg, Virginia and shown on a "Plat of Survey Proposed Sanitary Sewer Easements Across Westminster-Canterbury of Lynchburg, Inc., City of Lynchburg, Virginia" by Shanks Associates, P.C., Roanoke, Virginia 24011, dated January 21, 1991, revised _____, a copy of which Plat is attached hereto as Exhibit A (the "Westminster Parcel"); and

WHEREAS, the Presbyterian Home is the owner of a certain parcel of land containing _____ acres, more or less, situated in the City of Lynchburg and shown _____, a copy of which plat is recorded in the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia, in Deed Book _____, page _____ (the "Presbyterian Home Parcel"); and

WHEREAS, the Trustee is the holder of a certain Promissory Note of Westminster-Canterbury, dated February 1, 1978, in principal amount of \$11,240,000 and a certain Promissory Note of Westminster-Canterbury, dated September 1, 1990 in principal amount of \$5,500,000 which obligations are secured by the Deed of Trust; and

WHEREAS, Westminster-Canterbury wishes to grant and convey to the Presbyterian Home a right of way and easement over and across the Westminster Parcel and has requested the Trustee to subordinate the lien of the Deed of Trust as to such right of way and easement; and

WHEREAS, the Trustee has agreed to subordinate the lien of the Deed of Trust as to such right of way and easement upon direction by the Bond Trustee to do so;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Westminster-Canterbury does hereby grant and convey, with Special Warranty and English Covenants of Title, unto the Presbyterian Home, as an appurtenance to the Presbyterian Home Parcel, a perpetual right of way and easement of ingress and egress measuring _____ feet wide and _____ feet in length, more or less, as shown on the attached plat as _____;

PROVIDED, HOWEVER, that this grant and conveyance is made for the benefit of the Presbyterian Home Parcel for use as a licensed residential program for children, and for no other use; and

PROVIDED, FURTHER, that the Presbyterian Home covenants and agrees to make no use of such easement and right of way which would unduly burden the the Westminster Parcel;

AND THIS DEED FURTHER WITNESSETH:

That the Trustee, at the direction of the Bond Trustee as evidenced by its execution of this Deed, does hereby subordinate and make subject to the interest created by this Deed, all right, title and interest which he may have in and to the aforesaid right of way and easement under the Deed of Trust.

WITNESS the following signatures as of the date first above written.

WESTMINSTER-CANTERBURY OF
LYNCHBURG, INC.

By _____

THE PRESBYTERIAN HOME

By _____

WM. TRACEY SHAW, Trustee (SEAL)

CENTRAL FIDELITY BANK, Bond Trustee

By _____

COMMONWEALTH OF VIRGINIA)
CITY OF LYNCHBURG)

To-wit:

The foregoing was acknowledged before me this _____ day
of _____, 1991, by _____,
_____ of and on behalf of WESTMINSTER-CANTERBURY
OF LYNCHBURG, INC., a Virginia nonstock corporation.

My commission expires _____

Notary Public

COMMONWEALTH OF VIRGINIA)
CITY OF LYNCHBURG)

To-wit:

The foregoing was acknowledged before me this _____ day
of _____, 1991, by _____,
_____ of and on behalf of THE PRESBYTERIAN HOME,
_____.

My commission expires _____

Notary Public

COMMONWEALTH OF VIRGINIA)
(To-wit:
CITY OF LYNCHBURG)

The foregoing was acknowledged before me this _____ day
of _____, 1991, by WM. TRACEY SHAW, Trustee.

My commission expires _____.

Notary Public

COMMONWEALTH OF VIRGINIA)
(To-wit:
CITY OF LYNCHBURG)

The foregoing was acknowledged before me this _____ day
of _____, 1991, by _____,
_____ of and on behalf of CENTRAL FIDELITY BANK.

My commission expires _____.

Notary Public

LAW OFFICES
FRALIN, FREEMAN & KINNIER, P.C.
ALLIED ARTS BUILDING
P.O. BOX 1177
LYNCHBURG, VIRGINIA

700 ALLIED ARTS BUILDING
725 CHURCH STREET
LYNCHBURG, VIRGINIA 24504

24505

TELEPHONE (804) 846-5900
TELECOPIER (804) 847-0585

August 5, 1991

Rev. E. Peter Geitner
Presbyterian Home & Family
Services, Inc.
150 Linden Avenue
Lynchburg, Virginia 24503

Dear Peter:

I received a copy of a letter to you of August 5, 1991 from Tracey Shaw, representing Westminster-Canterbury, regarding a proposed right-of-way over Westminster-Canterbury property.

While I am not sure what this involves, I have some preliminary comments.

Regarding the reference to the property of Presbyterian Home, I do not believe there is currently an available plat of all of the property. This description needs to be pinned down to identify exactly what portion of our property will be serviced by the right-of-way, or all of the property.

Second, if there are any easements needed for the drainage of surface water from the right-of-way, they also need to be specified and referred to in the deed and shown on the plat of the right-of-way.

Third, I would be more comfortable with a provision that the right-of-way is made for the benefit of the Presbyterian Home parcel for the charitable purposes of the Home rather than limiting it to use as a licensed residential program. Again, this may be affected by exactly what use you intend to make of the right-of-way.

Fourth, I would like to see the phrase "unduly burdened" in the next to the last paragraph elaborated on, to avoid as much potential future controversy as possible.

Lastly, the corporate name of the Home needs to be correctly stated in the signature block and the notarial certificate, but we can take care of that later.

I am going on vacation August 6, 1991 and will not be back until August 21. I assume there is no screaming hurry to answer Mr. Shaw's letter.

EXHIBIT

2

Geitner

2

August 5, 1991

I also believe we should have at least a not-to-exceed estimate of the legal and other expenses the Home is going to be expected to bear in connection with the subordination of the Westminster-Canterbury deed of trust to avoid any unpleasant surprises after the fact.

Yours truly,

A handwritten signature in dark ink, appearing to be "G. Fralin, Jr.", written over a horizontal line.

George H. Fralin, Jr.

ncf

RECEIVED

DEC 14 1992

LAW OFFICES
EDMUNDS & WILLIAMS
A PROFESSIONAL CORPORATION

SUITE 400
800 MAIN STREET
P. O. BOX 958

LYNCHBURG, VIRGINIA 24505-0958

TELEPHONE (804) 846-9000
TELECOPIER (804) 846-0337

FRALIN, FREEMAN
& KINNER, P.C.
J. EASLEY EDMUNDS, JR.
(1914-1977)
SAMUEL H. WILLIAMS
(1914-1970)

B. C. BALDWIN, JR.
ROBERT D. RICHARDS
PAUL H. COFFEY, JR.
KENNETH S. WHITE
ROBERT C. WOOD, III
HENRY M. SACKETT, III
RAYNER V. SNEAD, JR.
BERNARD C. BALDWIN, III
WM. TRACEY SHAW
R. EDWIN BURNETTE, JR.
DEVIN R. ALEXANDER, JR.
PATRICIA R. BLACK
WILLIAM E. PHILLIPS

KEVIN L. CASH
JAMES O. WATTS, IV

December 10, 1992

George H. Fralin, Jr., Esquire
P. O. Box 1177
Lynchburg, VA 24505

Re: Westminster-Canterbury Easement/Presbyterian Home

Dear George:

I have your letter of November 4, 1992.

I have discussed the changes which your deed of easement makes in ours of last year and those changes have been reviewed by the Executive Committee at Westminster-Canterbury.

We have no objection to the change in the granting clause which expands the use of the easement to "charitable purposes" of the Presbyterian Home.

However, we note that you eliminated provisos requiring the maintenance of the easement in good order and indemnification proviso holding Westminster-Canterbury harmless from claims arising out of the use of the easement. The latter proviso also required the maintenance of public liability insurance. The Executive Committee wants to retain those covenants in the deed. It is not necessary to utilize any particular minimum coverage figures but some language requiring the maintenance of appropriate public liability insurance with Westminster-Canterbury as an insured should be included.

Your letter mentions the plat of the right of way. My copy did not contain such a plat. I would appreciate it if you would send it on.

F:\Library\wts01391.gen
December 10, 1992

EXHIBIT

tabbies

3

EDMUNDS & WILLIAMS P. C.

George H. Fralin, Jr., Esq.
December 10, 1992
Page 2

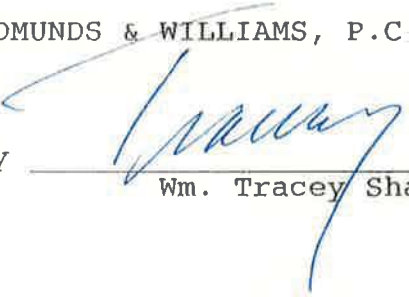
Once I have a final deed I would be glad to submit it to the Bond Trustee for approval along with the required certifications from Westminster-Canterbury.

Best wishes.

Very truly yours,

EDMUNDS & WILLIAMS, P.C.

By



Wm. Tracey Shaw

WTS:msw
cc: H. Cary
Rev. E. Peter Geitner

8913
7459

P.C.

Page

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186

BOOK 879 PAGE 175

BOOK 873 PAGE 125

THIS DEED OF EASEMENT, made this 27th day of September, 1993, by and among WESTMINSTER-CANTERBURY OF LYNCHBURG, INC., a Virginia nonstock corporation ("Westminster-Canterbury"); PRESBYTERIAN HOME & FAMILY SERVICES, INC., a Virginia nonstock corporation, (the "Presbyterian Home"); WM. TRACEY SHAW, Trustee under a Deed of Trust dated February 1, 1978, recorded in the Clerk's Office of the Circuit Court of the City of Lynchburg, Virginia in Deed Book 543, page 670, as amended and restated by an Amended and Restated Deed of Trust dated as of September 1, 1990, recorded in said Clerk's Office in Deed Book 780, page 215, (the "Trustee" and the "Deed of Trust", respectively); and CENTRAL FIDELITY BANK (successor to the Fidelity American Bank, N.A.) as Trustee under an Indenture of Trust, dated as of February 1, 1978, as amended by a certain First Supplemental Indenture of Trust, dated as of September 1, 1990, (the "Bond Trustee" and the "Trust Indenture", respectively);

W I T N E S S E T H T H A T:

WHEREAS, Westminster-Canterbury is the owner of a certain parcel of land containing 20.2 acres, more or less, situated in the City of Lynchburg, Virginia and described in the Deed of Trust (the "Westminster Parcel"); and

WHEREAS, the Presbyterian Home is the owner of certain contiguous parcels of land containing in the aggregate approximately 167 acres, situated in the City of Lynchburg, Virginia, adjoining the Westminster Parcel, presently

Mc

EXHIBIT

4

tabbies

designated on the real estate tax maps of the City of Lynchburg as parcels numbered 068-01-005, 068-01-001, 067-01-002, 185-07-001, 185-07-002 and 185-07-018 (the "Presbyterian Home Parcel"); and

WHEREAS, the Trustee is the holder of a certain Promissory Note of Westminster-Canterbury, dated February 1, 1978, in principal amount of \$11,240,000 and a certain Promissory Note of Westminster-Canterbury, dated September 1, 1990 in principal amount of \$5,500,000 which obligations are secured by the Deed of Trust; and

WHEREAS, Westminster-Canterbury wishes to grant and convey to the Presbyterian Home a right of way and easement over and across the Westminster Parcel and has requested the Trustee to subordinate the lien of the Deed of Trust as to such right of way and easement; and

WHEREAS, the Trustee has agreed to subordinate the lien of the Deed of Trust as to such right of way and easement upon direction by the Bond Trustee to do so;

NOW, THEREFORE, for and in consideration of the premises and other good and valuable consideration, the receipt of which is hereby acknowledged, Westminster-Canterbury does hereby grant and convey, with Special Warranty of Title, unto the Presbyterian Home, as an appurtenance to the Presbyterian Home Parcel, a perpetual right of way and easement of ingress and egress together with the right to construct, repair, replace and maintain a road with all necessary cuts, fills and drainage facilities

or structures, within, over and upon that certain tract or parcel of land shown and described upon the attached plat titled "Plat Showing Easement for Right of Way Across Property of Westminster-Canterbury, Inc., Lynchburg, Virginia" dated April 16, 1992, made by Hurt & Proffitt, Inc., as containing 0.804 acre, more or less;

PROVIDED, HOWEVER, that this grant and conveyance is subject to the following reservations, covenants, conditions and restrictions:

(1) The easement and right of way herein granted is for the benefit of the Presbyterian Home Parcel for use in connection with the charitable purposes of the Presbyterian Home, and for no other use.

(2) Said easement and right of way shall not be used as a public way or thoroughfare and shall not be dedicated to any public use.

(3) Presbyterian Home shall erect and maintain an illuminated sign of a design and construction approved by Westminster-Canterbury at or readily visible from the right of way of V.E.S. Road identifying the right of way as an entrance to Presbyterian Home.

(4) Presbyterian Home shall keep and maintain the easement and right of way in good order and repair at its own expense and defend, indemnify and hold harmless Westminster-Canterbury from the claims of all persons arising from and out of the use of the easement and right of way.

Handwritten signature

(5) Presbyterian Home shall carry public liability insurance with respect to the easement and right of way naming Westminster-Canterbury as an insured and having coverages as to injury to persons and property which are reasonable for the risks insured.

(6) Westminster-Canterbury reserves the right and easement to extend or grant to the City of Lynchburg or any public utility the right to extend utility lines serving the Westminster Parcel over, across and under the above described parcel, provided that in no event shall the exercise of this reservation result in permanent damage, alteration or obstruction of the said easement and right of way or unreasonably interfere with the use thereof by Presbyterian Home.

(7) Westminster-Canterbury reserves the right to use the said easement and right of way for purposes not inconsistent with use as an access road as an appurtenance to the Westminster Parcel. In the event and to the extent of the exercise of the right reserved herein, Westminster-Canterbury and its successors in title shall share and participate in the obligations and covenants set forth in paragraphs (4) and (5), above, and the covenants and obligations therein set forth shall be reciprocal between the then owners of the Westminster Parcel and the Presbyterian Home Parcel.

AND THIS DEED FURTHER WITNESSETH:

That the Trustee, at the direction of the Bond Trustee.

BOOK 879 PAGE 179
BOOK 873 PAGE 129

as evidenced by its execution of this Deed, does hereby subordinate and make subject to the interest created by this Deed, all right, title and interest which he may have in and to the aforesaid right of way and easement under the Deed of Trust.

WITNESS the following signatures as of the date first above written.

WESTMINSTER-CANTERBURY OF
LYNCHBURG, INC.

By

Its PRESIDENT

PRESBYTERIAN HOME & FAMILY
SERVICES, INC.

By

Its President

Wm. Tracey Shaw, Trustee

CENTRAL FIDELITY BANK, Bond Trustee

By

Its AST. VICE PRESIDENT

STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 5th day of October, 1993 by HUNSDON CARY III,
PRESIDENT of Westminster-Canterbury of Lynchburg,
Inc.

My commission expires 12-31-95.

Judy Sprouse
Notary Public



STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 29th day of Sept., 1993 by E. Peter Gartner,
President of The Presbyterian Home & Family
Services, Inc.

My commission expires 7-31-95.

Nancy C. Foster
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Lynchburg

to-wit:

The foregoing instrument was acknowledged before me
this 18th day of October, 1993 by Wm. Tracey Shaw,
Trustee.

My commission expires Dec. 31, 1996.

Mary H. Fields
Notary Public

STATE OF VIRGINIA
CITY/COUNTY OF Richmond

to-wit:

The foregoing instrument was acknowledged before me
this 14th day of October, 1993 by JS Craig,
Asst. Vice Pres of Central Fidelity Bank, Bond Trustee.

My commission expires 12-31-95.

Dianne W. Estis
Notary Public



6

Virginia: In the Clerk's Office of the
Circuit Court of the City of Lynchburg
The foregoing instrument was this day
presented in the office aforesaid and
is, together with the certificate of
acknowledgment annexed, admitted to
record this 19th day of Oct
1993, at 3:39 o'clock P M.

TESTE: [Signature] Clerk

<u>.15</u>	Tax
<u>.05</u>	city Tax
<u>15.00</u>	Fee
<u>15.20</u>	TOTAL

Virginia: In the Clerk's Office of the
Circuit Court of the City of Lynchburg
The foregoing instrument was this day
presented in the office aforesaid and
is, together with the certificate of
acknowledgment annexed, admitted to
record this 9th day of Dec
1993, at 3:10 o'clock P M.

TESTE: [Signature] Clerk

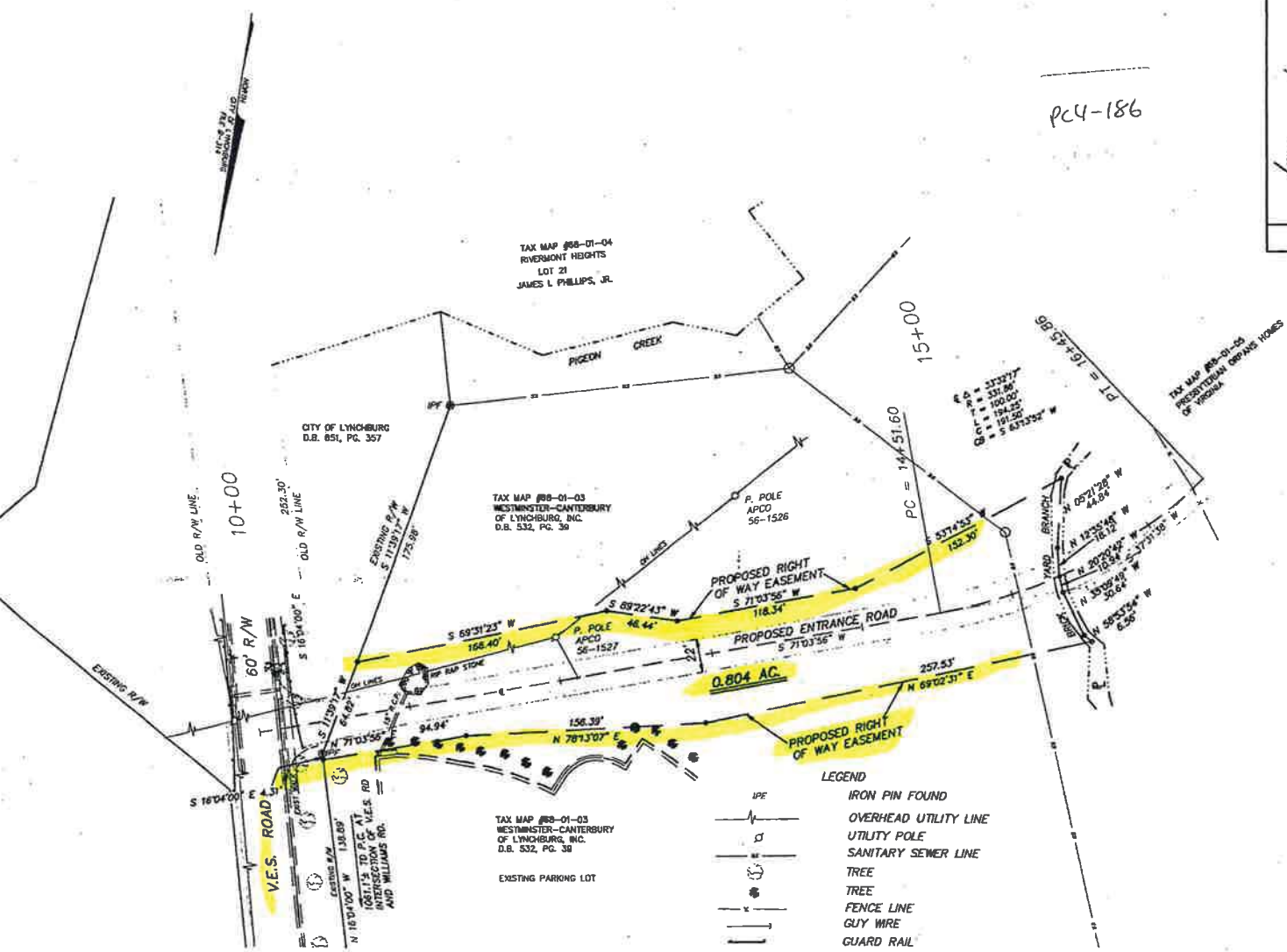
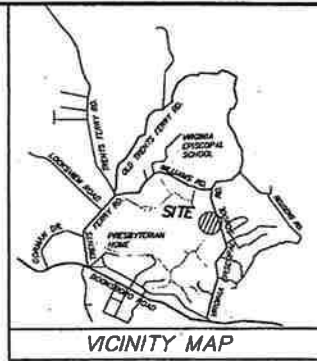
	Tax
	City Tax
<u>25.00</u>	Fee
<u>25.00</u>	TOTAL

Examined and
Delivered to
Grantee

George Hahn

Deed Bk 879 - 175

PC4-186



HURT & PROFFITT, INC.
Engineers • Surveyors • Planners

2524 Langhorne Road
Lynchburg, VA 24501
Phone: (804) 847-7796

Sheet # 1 OF 1		Rev.:
G.L. #: 229-9-D4.8		Date: APRIL 16, 1992
Dr. By: RWL	Comm. #: 910477	File #: SL-867

GRAPHIC SCALE IN FEET

PLAT SHOWING
EASEMENT FOR RIGHT OF WAY
ACROSS PROPERTY OF
WESTMINSTER-CANTERBURY OF LYNCHBURG, INC.
LYNCHBURG, VIRGINIA

JOHN W. FRANCISCO
(434) 455-9113
jfrancisco@woodsrogers.com

March 8, 2018

VIA ELECTRONIC FILING

Mr. Tom Martin, AICP
City of Lynchburg Planning Commission
900 Church Street, 2nd FL.
Lynchburg, VA 24504-1620

**Re: Supplemental Submission from HumanKind in Connection with Application
for Rezoning of 47.836 Acres from R-1 to IN-1 Zoning District**

Dear Mr. Martin:

As you know, pursuant to my letter to you and dated February 15, 2018, the Petitioner, Presbyterian Homes & Family Services, Inc. (d/b/a "HumanKind"), made the following two (2) written proffers under Section 4 of the referenced Application for IN-1 zoning:

1. Petitioner will not construct or install light poles and related equipment for sports lighting / the illumination of the proposed athletic fields; and
2. Petitioner proffers that it will not construct or install any buildings or structures within one-hundred (100) feet of the shared property boundary line with Westminster Canterbury.

In addition to those two proffers, the Petitioner makes the following ten (10) additional proffers in connection with its IN-1 zoning application:

3. No construction of synthetic turf fields other than the two fields described in the current concept plan;
4. No construction or maintenance of an outdoor illuminated electrical scoreboard;
5. No construction or maintenance of outdoor bleachers or stands;
6. No construction or maintenance of an outdoor public address or amplified sound system;
7. No construction or maintenance of a new, freestanding gymnasium building;
8. No construction or maintenance of a building to house an indoor swimming pool;

828 Main St, 19th Floor
Lynchburg, Virginia 24504
P (434) 846-9000 • F (434) 846-0337

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Charlottesville • Danville • Lynchburg • Richmond • Roanoke

Mr. Tom Martin, AICP
March 8, 2018
Page -2-

9. To install and maintain sports netting around the two fields designed to prevent balls and other objects from leaving HumanKind's property and entering neighboring property;
10. To install and maintain an additional traffic dampening device in the private drive on HumanKind's property near the common boundary with Westminster Canterbury;
11. To install and maintain signage along the private drive on HumanKind's property warning drivers to obey posted speed limits and to watch for turning vehicles entering the private drive from the Westminster Canterbury parking lots; and
12. To direct visitors to the HumanKind property (in online, written, and verbal communications) to use the entrance of the private drive at VES Road (instead of the entrance at Linden Road).

With these twelve proffers, Presbyterian Homes & Family Services, Inc. believes that it has completely addressed all concerns about potential negative adverse impacts to the neighbors related to this Greenspace Enhancement Project.

Very truly yours,

WOODS ROGERS EDMUNDS & WILLIAMS

John W. Francisco

JWF/jl

S:\2023\0505 - Timmons - Timmons\0505\0505.dwg (Plot Date: 11/13/2023 11:13 AM) by Adam Vargus



TIMMONS GROUP

Presbyterian Homes and Family Services, Inc
LYNCHBURG, VA

Enlarged Rezoning Site Concept Plan

THE DRAWING PREPARED AT THE
CORPORATE OFFICE
1081 E. Main St., Suite 100
Lynchburg, VA 23705
TEL: 804.266.6800 FAX: 804.540.1015 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

DATE: 11/13/2023

DESIGNED BY: JAV

CHECKED BY: JAV

SCALE: 1"=100'

DATE: 11/13/2023

DESIGNED BY: JAV

CHECKED BY: JAV

SCALE: 1"=100'

JOB NO.

SHEET NO.

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To: Donald DeBerry, PE (City of Lynchburg)
From: Steve Schmidt, PE, PTOE
RE: Humankind Athletic Field Traffic Analysis
Date: January 18, 2018
Copy: Scott Dunn, AICP, PTP (Timmons Group)



Timmons Group has performed a traffic analysis in support of the proposed expansion of the athletic facilities at Humankind. The analysis was completed to determine the impact of the traffic generated by the proposed expansion on the surrounding roadway network. The site is located north of Rivermont Avenue and west of VES Road with access provided by the existing Presbyterian Home Entrance. See Figure 1 for the site location (all Figures are located at the end of the report).

The scope of this analysis was developed via email correspondence with City of Lynchburg representatives. A copy of the correspondence is included in Appendix A.

Background Information

The proposed expansion of the existing athletic facilities includes two (2) multi-purpose outdoor athletic fields and an outdoor pool. The pool replaces the existing outdoor pool; therefore, no new trips are generated by the new pool. This analysis only looks at traffic generated by the two (2) athletic fields. See Figure 2 for the proposed site plan. For purposes of this analysis it was assumed that the athletic field expansion will be completed by 2018.

A traffic study was previously completed in 2013 for the proposed athletic field expansion. That study ("Traffic Impact Study for the Presbyterian Home Recreational Facilities") was completed by Hurt & Proffitt and serves as the basis for this analysis.

A second traffic study was completed in 2016 for the expansion of the Westminster Canterbury assisted living facility. This study was completed by EPR, PC and assumed an additional 84 beds at the facility.

Data from the 2013 study is included in this analysis along with the traffic generated by the expansion of the assisted living facility.

In accordance with the 2013 study, this analysis includes the following intersections:

1. VES Road / Presbyterian Home Entrance (unsignalized); and
2. Rivermont Avenue / VES Road (signalized).

Given the nature of the proposed uses and in accordance with the 2013 study, the analysis includes the weekday PM peak hour and Saturday peak hours only. Further, the Rivermont Avenue/VES Road intersection was analyzed in the PM peak hour only.

The analysis looks at the study intersections under 2018 Background Traffic conditions and 2018 Total Traffic conditions.

The 2018 Background Traffic conditions consist of the following:

1. Existing traffic volumes (2016);
2. 1% annual growth in traffic; and
3. Traffic generated by the expansion of the Westminster Canterbury assisted living facility.

The 2018 Total Traffic conditions includes the 2018 Background Traffic volumes and the traffic that will be generated by the expansion of the Humankind athletic facilities.

Existing Roadway Network

Rivermont Avenue is a 2-lane to 3-lane undivided roadway with a posted 35 MPH speed limit. On-street parking is provided along portions of the roadway. The intersection with VES Road is signalized with the westbound right turn lane channelized (Stop controlled) and not a part of the traffic signal.

VES Road is a 2-lane undivided roadway with a posted 30 MPH speed limit and no on-street parking. The intersection with the Presbyterian Home Entrance is unsignalized with VES Road running free and the Presbyterian Home Entrance stop controlled.

The existing roadway geometry is shown on Figure 3.

Existing Traffic Volumes

Existing peak hour traffic volumes were obtained from the previous traffic studies and are shown on Figure 4.

It should be noted that the 2016 study assumed that existing traffic volumes did not increase from 2013.

2018 Background Traffic Volumes

Although the previous traffic studies assumed no growth in existing traffic, to be conservative this analysis applied a 1% annual growth rate to all movements over a two-year period (2016 to 2018). The resulting traffic volumes are shown on Figure 5.

The traffic generated by the Westminster Canterbury expansion was obtained from the 2016 traffic study and is shown on Figure 6.

The resulting 2018 Background Traffic is shown on Figure 7.

2018 Background Traffic Capacity Analysis

The capacity of the study intersections under 2018 background traffic conditions was analyzed using the 2010 Highway Capacity Manual (HCM) methodologies and SYNCHRO Version 9.1. The analysis includes delay, level of service, and 95th percentile queuing.

The results of the analysis are summarized in Table 1 and the analysis worksheets are contained in Appendix B.

**Table 1: Intersection Level of Service, Delay, and Queue Summary
for 2018 Background Traffic Conditions**

Intersection and Type of Control	Movement and Approach	Turn Lane Storage (ft)	PM PEAK HOUR			SAT PEAK HOUR		
			Delay ¹ (sec/veh)	LOS ¹	HCM 2000 95th Percentile Queue Length (ft)	Delay ¹ (sec/veh)	LOS ¹	HCM 2000 95th Percentile Queue Length (ft)
1. VES Road (N-S) at Presbyterian Home Ent. (E-W) Unsignalized	NB Thru-left		1.2	A	0	0.8	A	0
	<i>NB Approach</i>		1.2	A	--	0.8	A	--
	SB Thru-Right		†	†	†	†	†	†
	<i>SB Approach</i>		†	†	--	†	†	--
	EB Left-Right		9.1	A	3	8.7	A	0
	<i>EB Approach</i>		9.1	A	--	8.7	A	--
2. Rivermont Ave. (E-W) at VES Road (N-S) Signalized	SB Left	55	63.6	E	#171	Intersection Not Analyzed in This Peak Hour		
	SB Right		74.4	E	56			
	<i>SB Approach</i>		68.9	E	--			
	EB Left	150	7.2	A	24			
	EB Thru		3.9	A	139			
	<i>EB Approach</i>		4.4	A	--			
	WB Thru		10.6	B	426			
	<i>WB Approach</i>		10.6	B	--			
	Overall		16.7	B	--			

¹ Overall intersection LOS and delay reported for signalized intersections only.

² Channelized right turn not controlled by the signal.

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

- 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.

As shown in Table 1, the VES Road/Presbyterian Home Entrance intersection will operate at LOS A during both the weekday PM and Saturday peak hours with minimal to no queueing.

The Rivermont Avenue/VES Road intersection will operate at an overall LOS B in the weekday PM peak hour. The southbound left and southbound right turn will both operate at an LOS E with a 95th percentile queue that extends beyond the available storage.

Proposed Development and Trip Generation/Distribution

As noted above, the proposed expansion would consist of two multi-purpose outdoor athletic fields and an outdoor pool. Consistent with the 2013 study, it was assumed that the pool is replacing an existing outdoor pool and therefore will not generate any new trips.

Based on a lack of ITE data for multi-purpose outdoor athletic fields, the 2013 study generated trips for the athletic fields based on the number of players, family/fans, and coaches in attendance. Using the same assumptions, the trips generated by the two athletic fields were calculated as follows:

- Each field can accommodate 25 players (50 players total);
- Each player would be accompanied by 1.5 family/fans ($50 * 1.5 = 75$ family/fans);
- Two teams per field (4 total) and 2 coaches per team ($4 * 2 = 8$ coaches);
- The resulting total number of people in attendance at any one time is 133;
- Assume an average vehicle occupancy of 2.5 people/vehicle;
- The total number of vehicles in a peak hour is $133/2.5 = 54$; and
- 70% of those vehicles would enter in the peak hour and 30% would exit.

The resulting weekday PM and Saturday peak hour trip generation is shown on Table 2.

Table 2: Site Trip Generation

LAND USE	AMOUNT UNITS	WEEKDAY TRIPS			SATURDAY TRIPS		
		PM Peak Hour			SAT Peak Hour		
		IN	OUT	TOTAL	IN	OUT	TOTAL
Proposed Development							
Athletic Fields	2 Fields	38	16	54	38	16	54

Note: Trip generation obtained from previously approved traffic study (2013).

As shown in Table 2, the proposed development will generate 54 PM peak hour trips (38 in and 16 out) and 54 Saturday peak hour trips (38 in and 16 out).

The trips generated by the proposed school were distributed to the roadway network based on the existing travel patterns, the nature of the use, and the previously completed traffic studies.

The following directional distributions were assumed:

- To/From the North on VES Road – 20%
- To/From the East on Rivermont Avenue – 45%
- To/From the West on Rivermont Avenue – 35%

The directional distributions were then applied to the study intersection as shown on Figure 8.

The site trip distribution percentages shown on Figure 8 were applied to the trip generation shown in Table 2 to distribute the new trips to the surrounding roadway network. The resulting site generated trips are shown in Figure 9.

2018 Total Traffic

The 2018 background traffic volumes (Figure 7) were combined with the site-generated trips (Figure 9) to yield the 2018 total traffic volumes which are shown on Figure 10.

2018 Total Traffic Capacity Analysis

The capacity of the study intersections under 2018 total traffic conditions was analyzed using the 2010 Highway Capacity Manual (HCM) methodologies and SYNCHRO Version 9.1. The analysis includes delay, level of service, and 95th percentile queuing.

The results of the analysis are summarized in Table 3 and the analysis worksheets are contained in Appendix C.

**Table 3: Intersection Level of Service, Delay, and Queue Summary
for 2018 Total Traffic Conditions**

Intersection and Type of Control	Movement and Approach	Turn Lane Storage (ft)	PM PEAK HOUR			SAT PEAK HOUR		
			Delay ¹ (sec/veh)	LOS ¹	HCM 2000 95th Percentile Queue Length (ft)	Delay ¹ (sec/veh)	LOS ¹	HCM 2000 95th Percentile Queue Length (ft)
1. VES Road (N-S) at Presbyterian Home Ent. (E-W) Unsignalized	NB Thru-left		2.6	A	3	3.8	A	3
	<i>NB Approach</i>		2.6	A	--	3.8	A	--
	SB Thru-Right		†	†	†	†	†	†
	<i>SB Approach</i>		†	†	--	†	†	--
	EB Left-Right		9.4	A	5	8.8	A	3
	<i>EB Approach</i>		9.4	A	--	8.8	A	--
2. Rivermont Ave. (E-W) at VES Road (N-S) Signalized	SB Left	55	66.4	E	#188	Intersection Not Analyzed in This Peak Hour		
	SB Right		76.8	E	58			
	<i>SB Approach</i>		71.5	E	--			
	EB Left	150	7.5	A	26			
	EB Thru		4.0	A	139			
	<i>EB Approach</i>		4.6	A	--			
	WB Thru		10.8	B	430			
	<i>WB Approach</i>		10.8	B	--			
	Overall		17.6	B	--			

¹ Overall intersection LOS and delay reported for signalized intersections only.

² Channelized right turn not controlled by the signal.

† SYNCHRO does not provide level of service or delay for unsignalized movements with no conflicting volumes.

- 95th percentile volume exceeds capacity, queue may be longer. Queue shown is maximum after two cycles.

As shown in Table 3, the VES Road/Presbyterian Home Entrance intersection will continue to operate at LOS A during both the weekday PM and Saturday peak hours with minimal to no queueing.

The Rivermont Avenue/VES Road intersection will continue to operate at an overall LOS B in the weekday PM peak hour. The southbound left and southbound right turns both continue to operate at an LOS E with a 95th percentile queue that extends beyond the available storage.

The additional traffic generated by the proposed athletic fields will have minimal to no impact on the study intersections.

Turn Lane Warrant Analysis

A turn lane warrant analysis was completed for the northbound left and southbound right movements at the VES Road/Presbyterian Home Entrance intersection.

The 2018 total volumes shown on Figure 10 were used in conjunction with the left and right turn lane nomographs from the VDOT *Road Design Manual Appendix F*. The analysis is included in Appendix D and indicates the following:

- **Neither** a right turn lane **nor** taper is warranted at the intersection.
- A left turn lane is **not** warranted at the intersection.

Supplemental Additional Traffic Threshold Analysis for the PM Peak Hour

The 2016 Westminster Canterbury Traffic Analysis contained a supplemental analysis to determine the amount of additional southbound traffic (beyond that generated by the Westminster Canterbury expansion) that can be accommodated at the Rivermont Avenue/VES Road intersection before the LOS of the intersection would deteriorate in the PM peak hour. A copy of that analysis is included in Appendix E.

Based on the 2016 analysis, it was determined that 192 additional southbound vehicles can be accommodated at the Rivermont Avenue/VES Road intersection before the LOS of the southbound movements deteriorates from LOS E to LOS F in the PM peak hour.

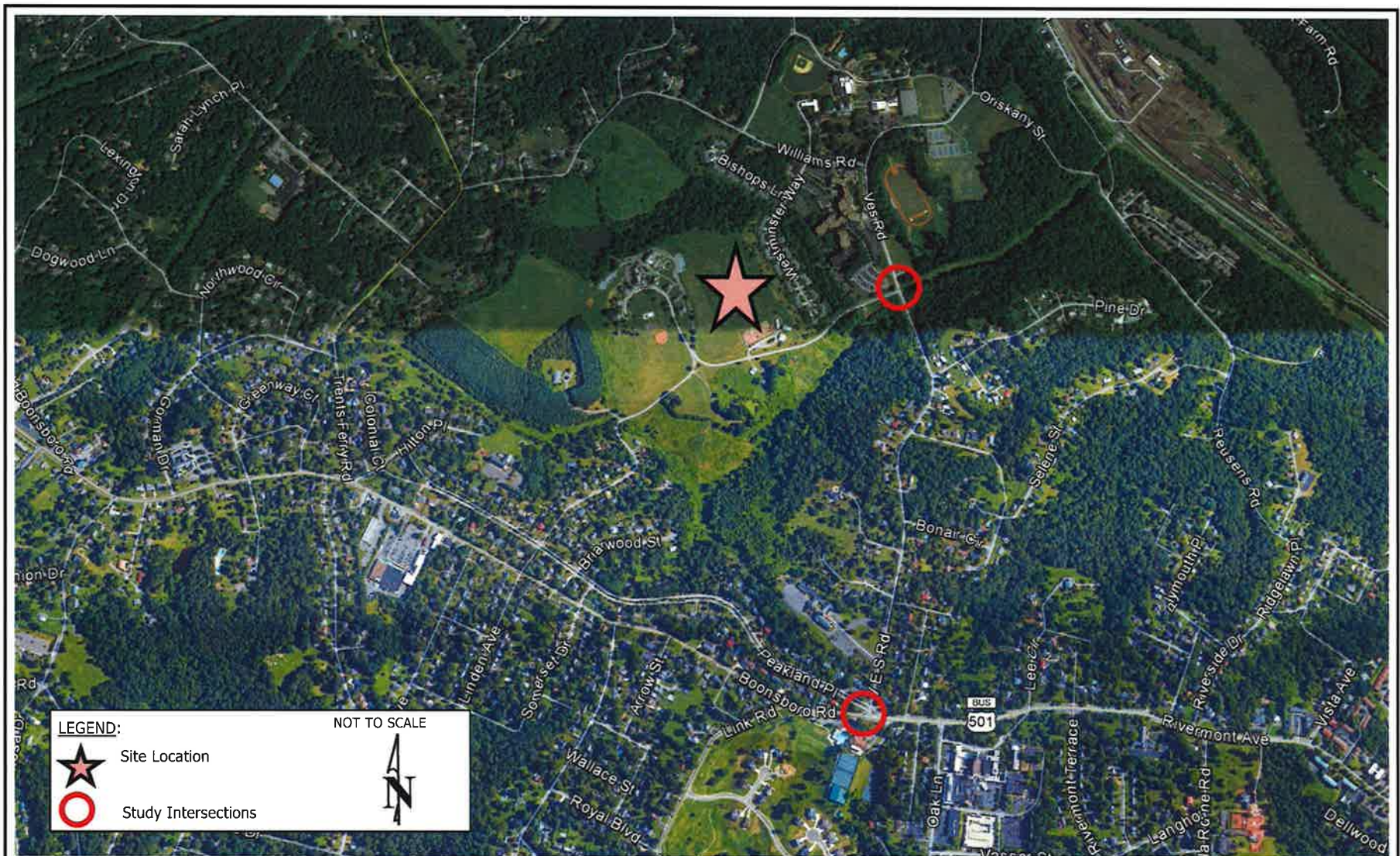
After applying the 1% traffic growth rate (which resulted in 4 additional southbound vehicles) and the traffic generated by the Humankind athletic field expansion (which resulted in 13 additional vehicles), the intersection can accommodate an additional 175 southbound vehicles in the PM peak hour.

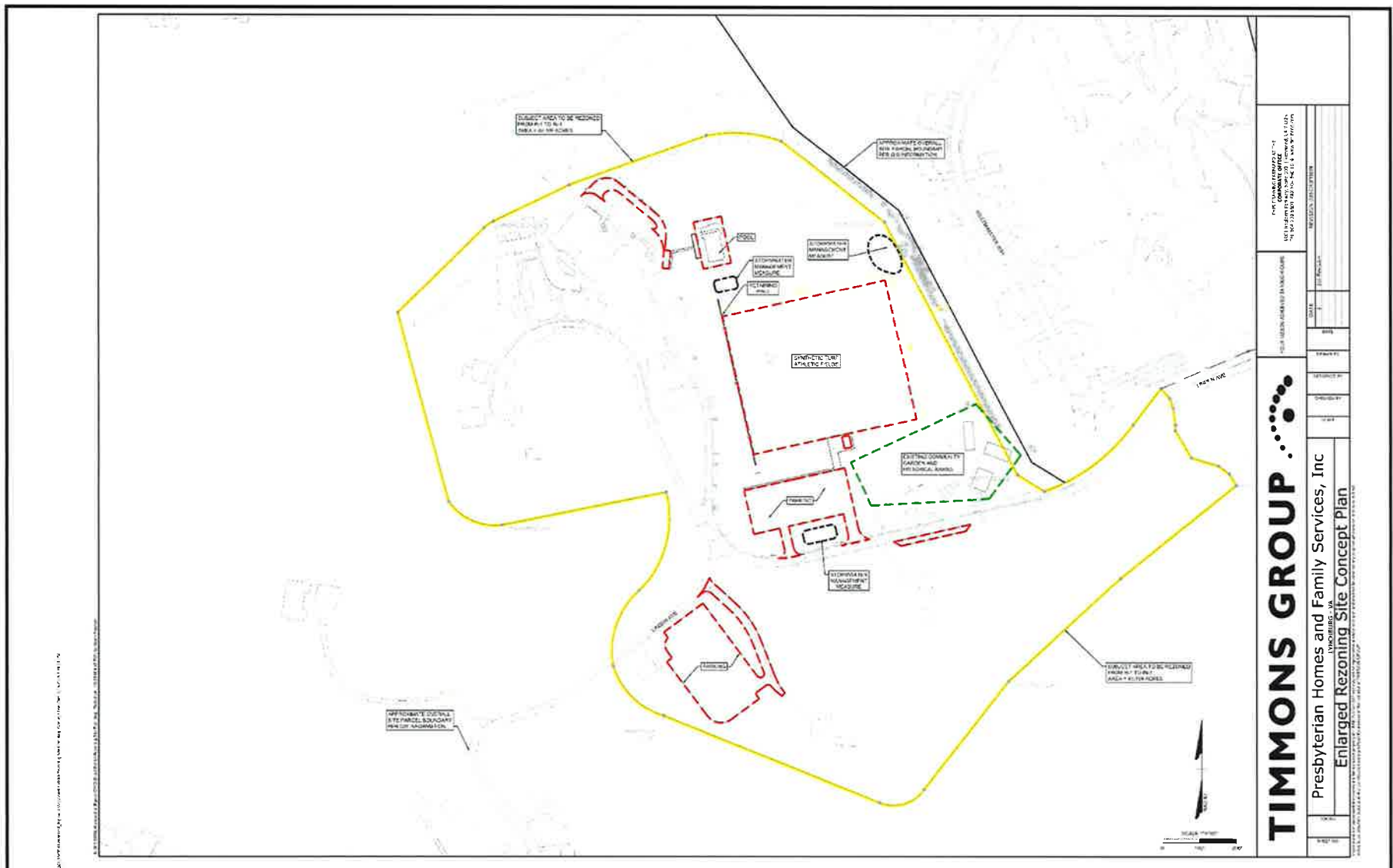
It should be noted that the 2016 analysis maintained the existing traffic signal timings when determining the traffic threshold. It is likely that signal timing adjustments (i.e. more time to the southbound approach) will result in additional capacity for the southbound approach without deteriorating the LOS of the eastbound/westbound movements.

Conclusions

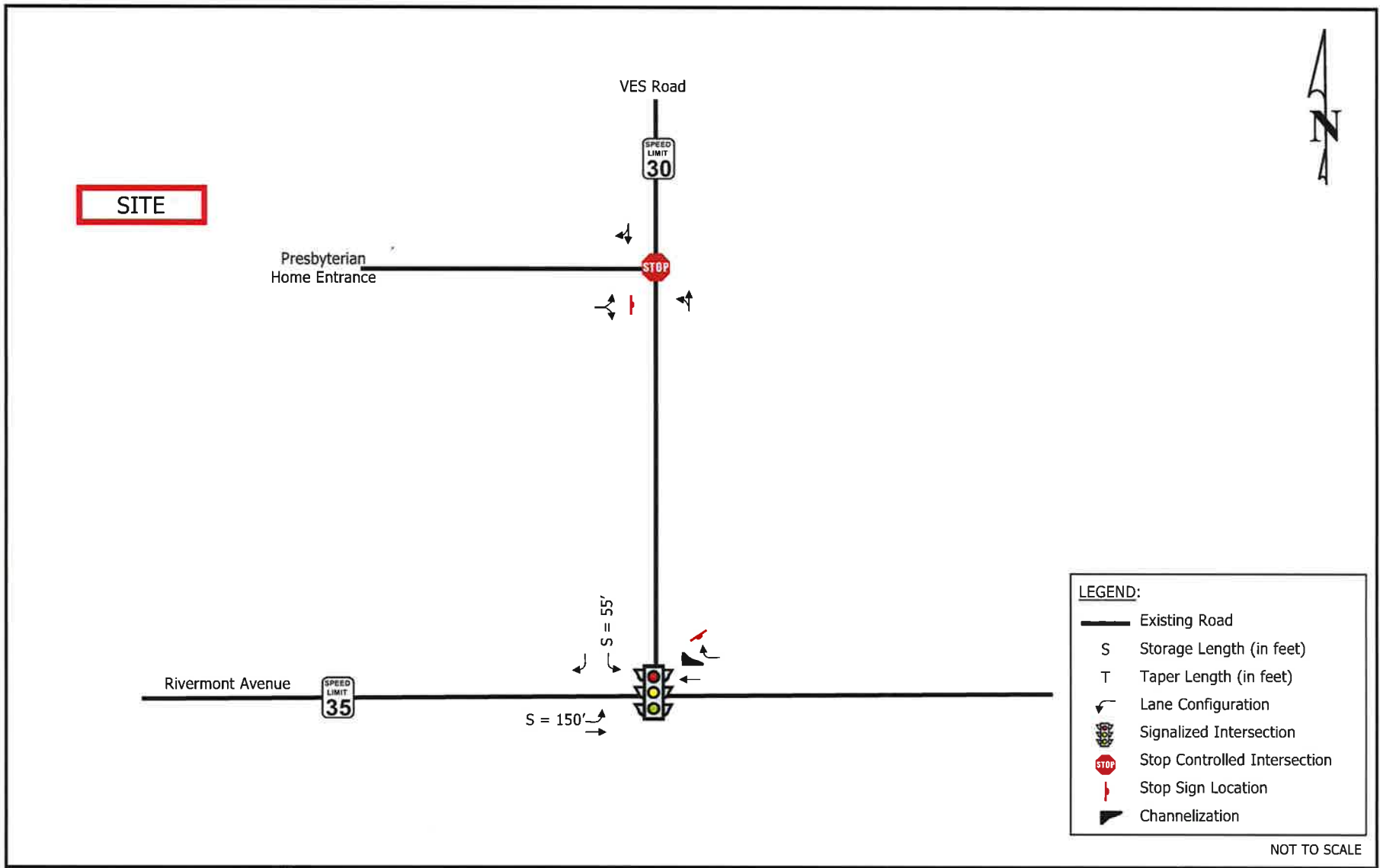
The proposed expansion of the Humankind athletic facilities will have minimal to no impact on the study intersections and will not warrant a northbound left turn lane or southbound right turn lane at the VES Road/Presbyterian Home Entrance intersection.

Further, after the development of the athletic fields, the Rivermont Avenue/VES Road can accommodate an additional 175 southbound vehicles in the PM peak hour.



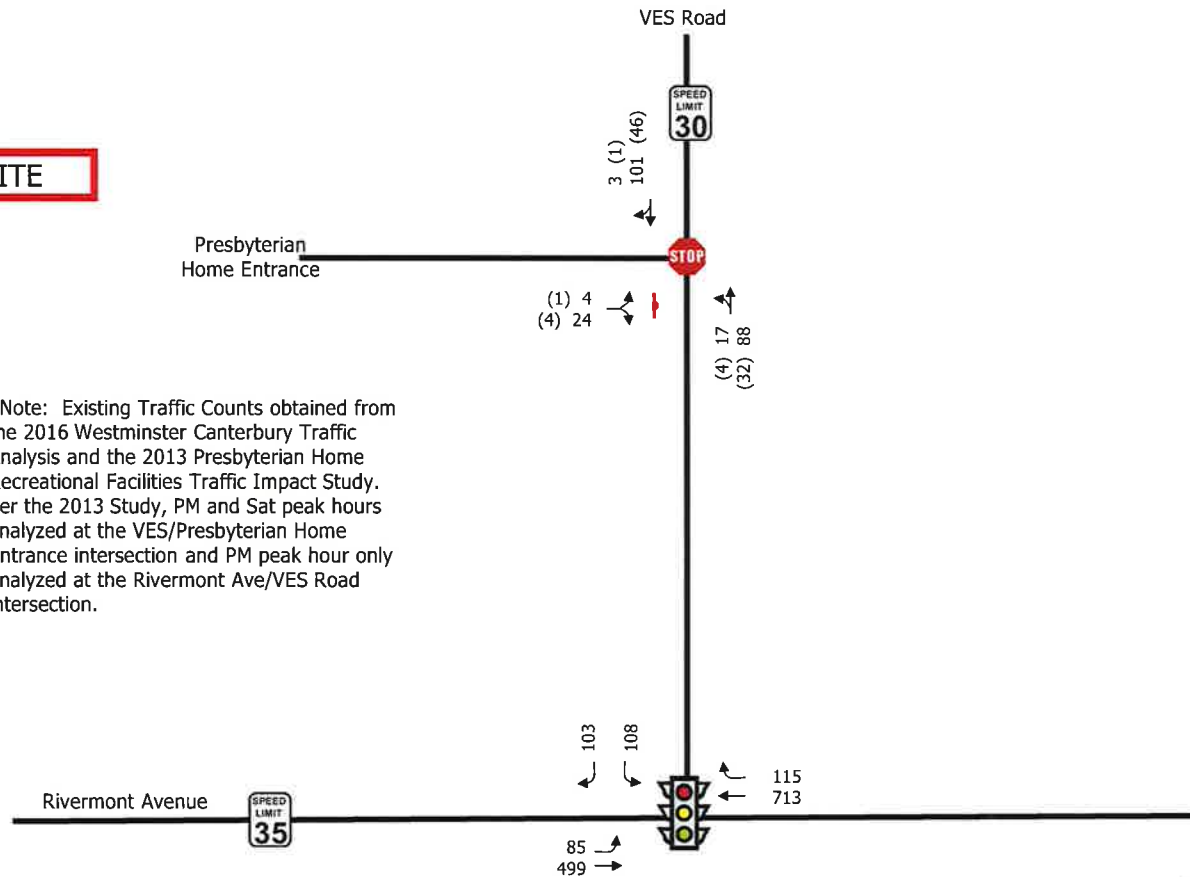


Site Plan
Humankind
City of Lynchburg, Virginia



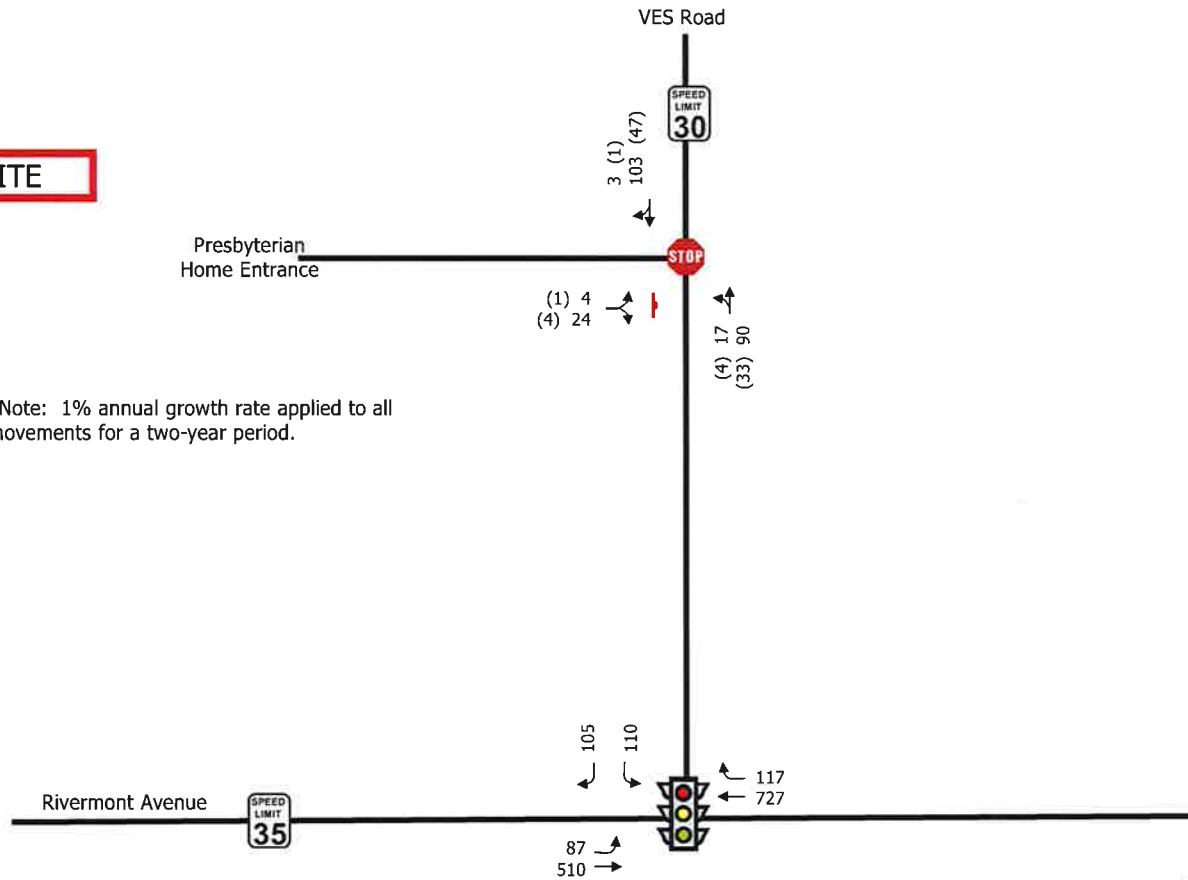
SITE

*Note: Existing Traffic Counts obtained from the 2016 Westminster Canterbury Traffic Analysis and the 2013 Presbyterian Home Recreational Facilities Traffic Impact Study. Per the 2013 Study, PM and Sat peak hours analyzed at the VES/Presbyterian Home Entrance intersection and PM peak hour only analyzed at the Rivermont Ave/VES Road intersection.



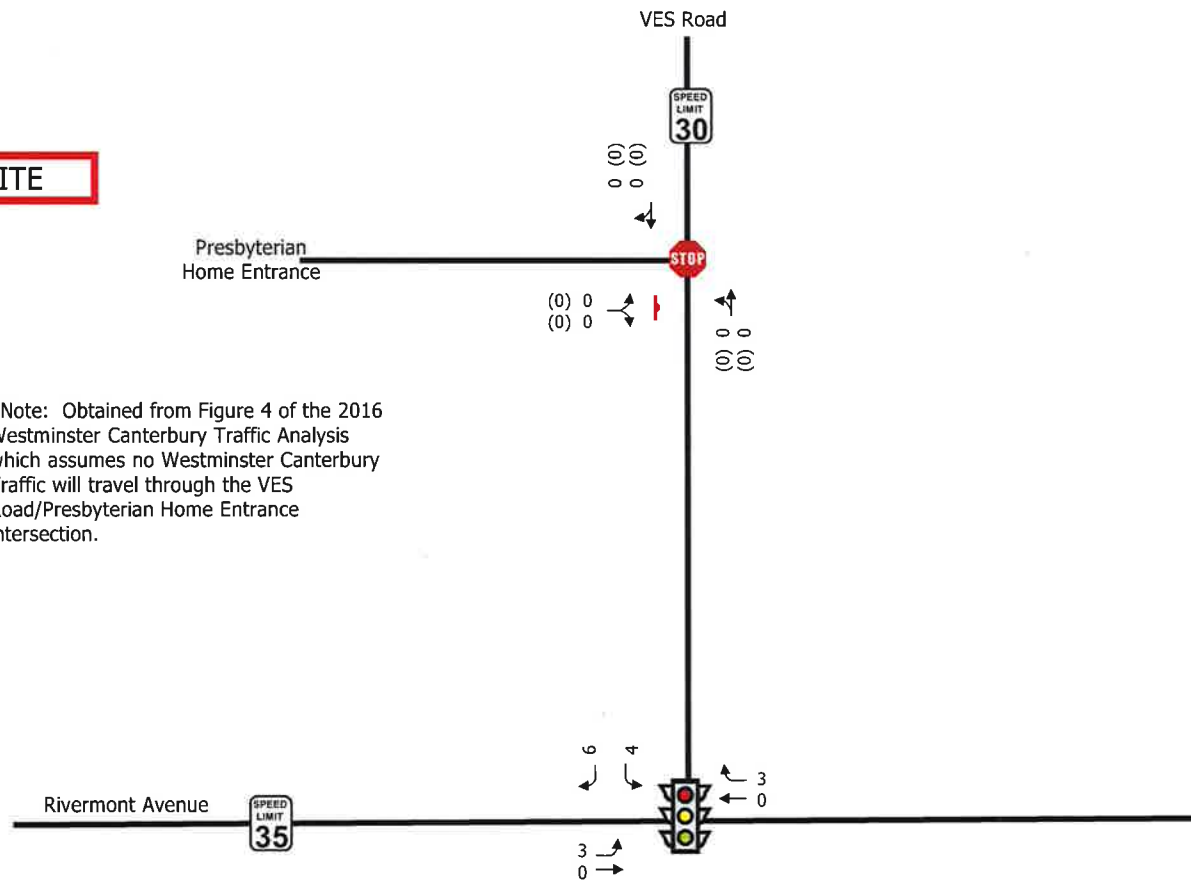
SITE

*Note: 1% annual growth rate applied to all movements for a two-year period.



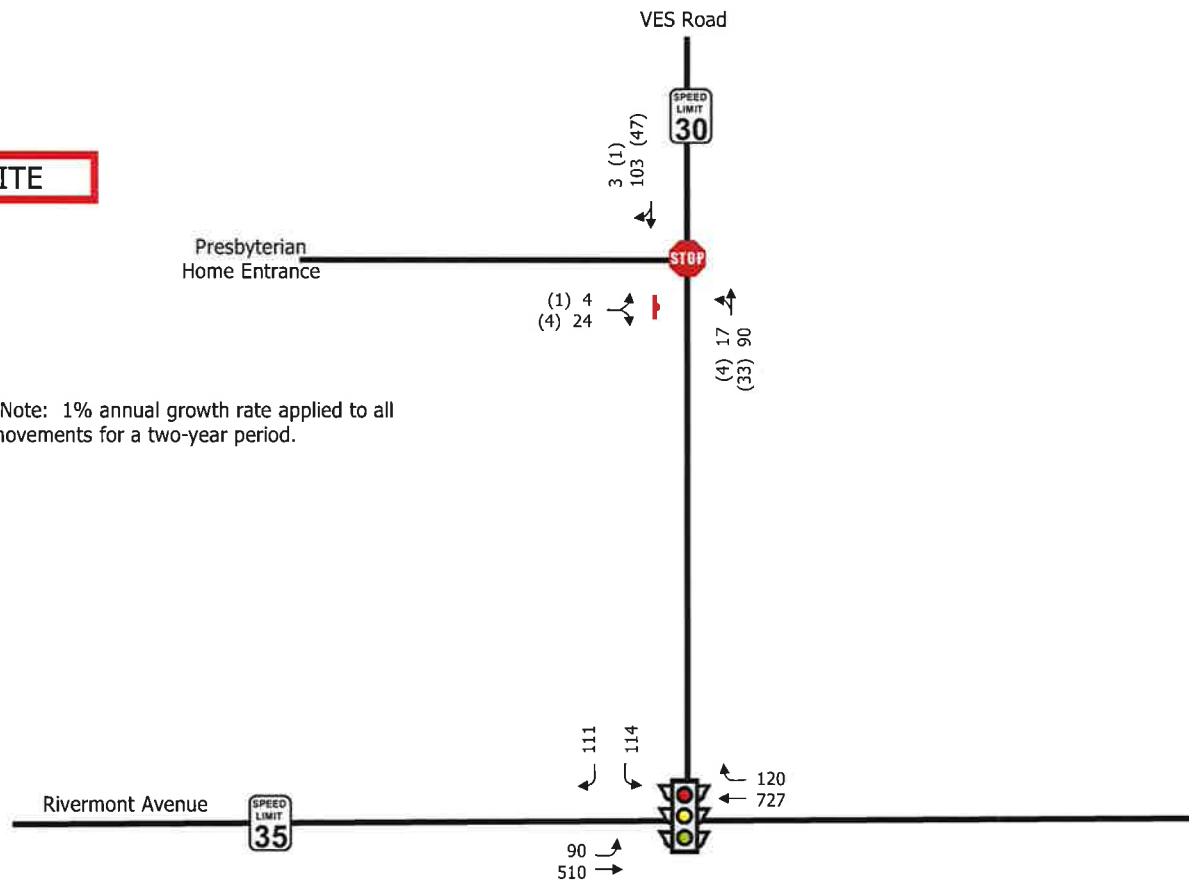
SITE

*Note: Obtained from Figure 4 of the 2016 Westminster Canterbury Traffic Analysis which assumes no Westminster Canterbury Traffic will travel through the VES Road/Presbyterian Home Entrance intersection.



SITE

*Note: 1% annual growth rate applied to all movements for a two-year period.

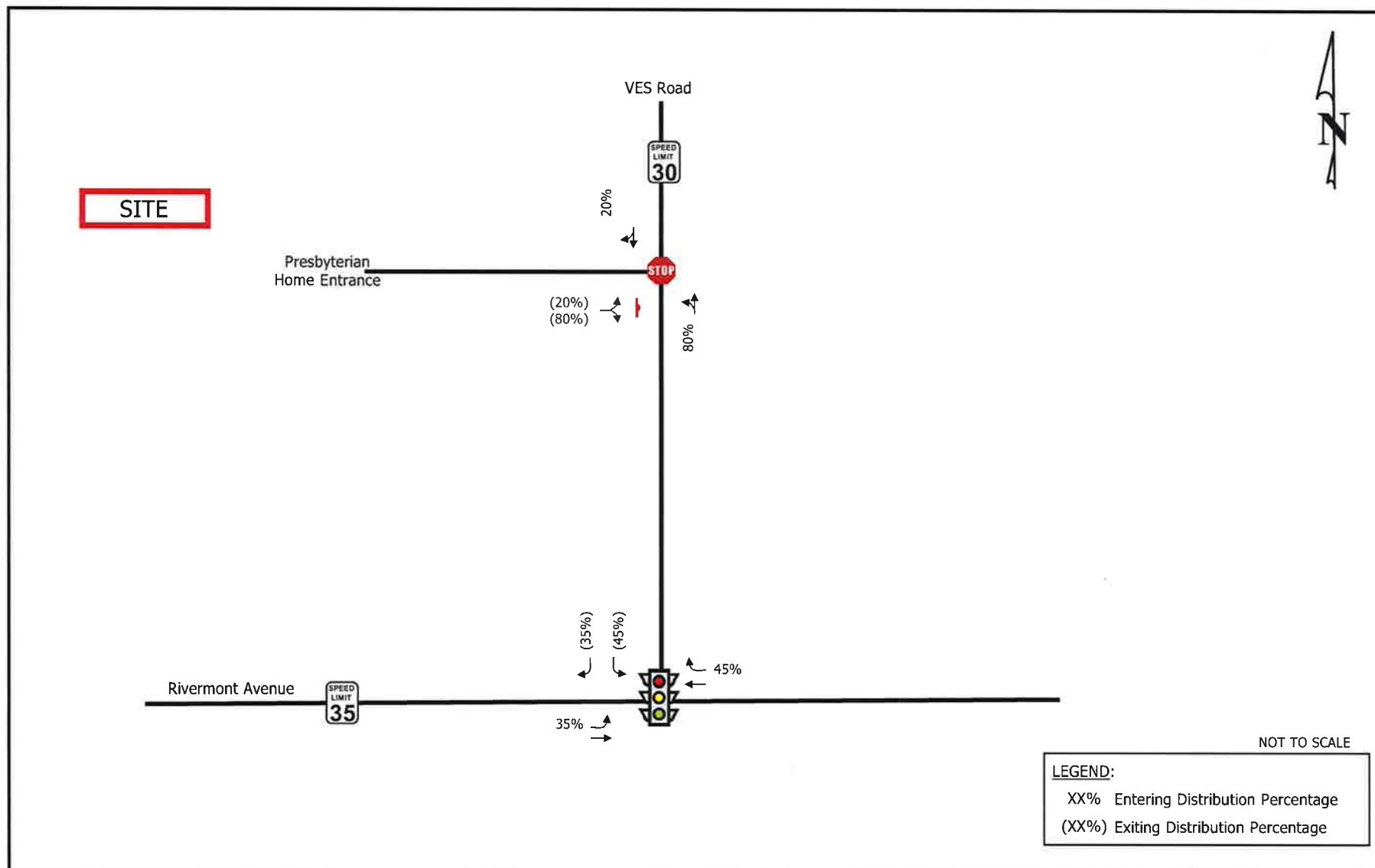


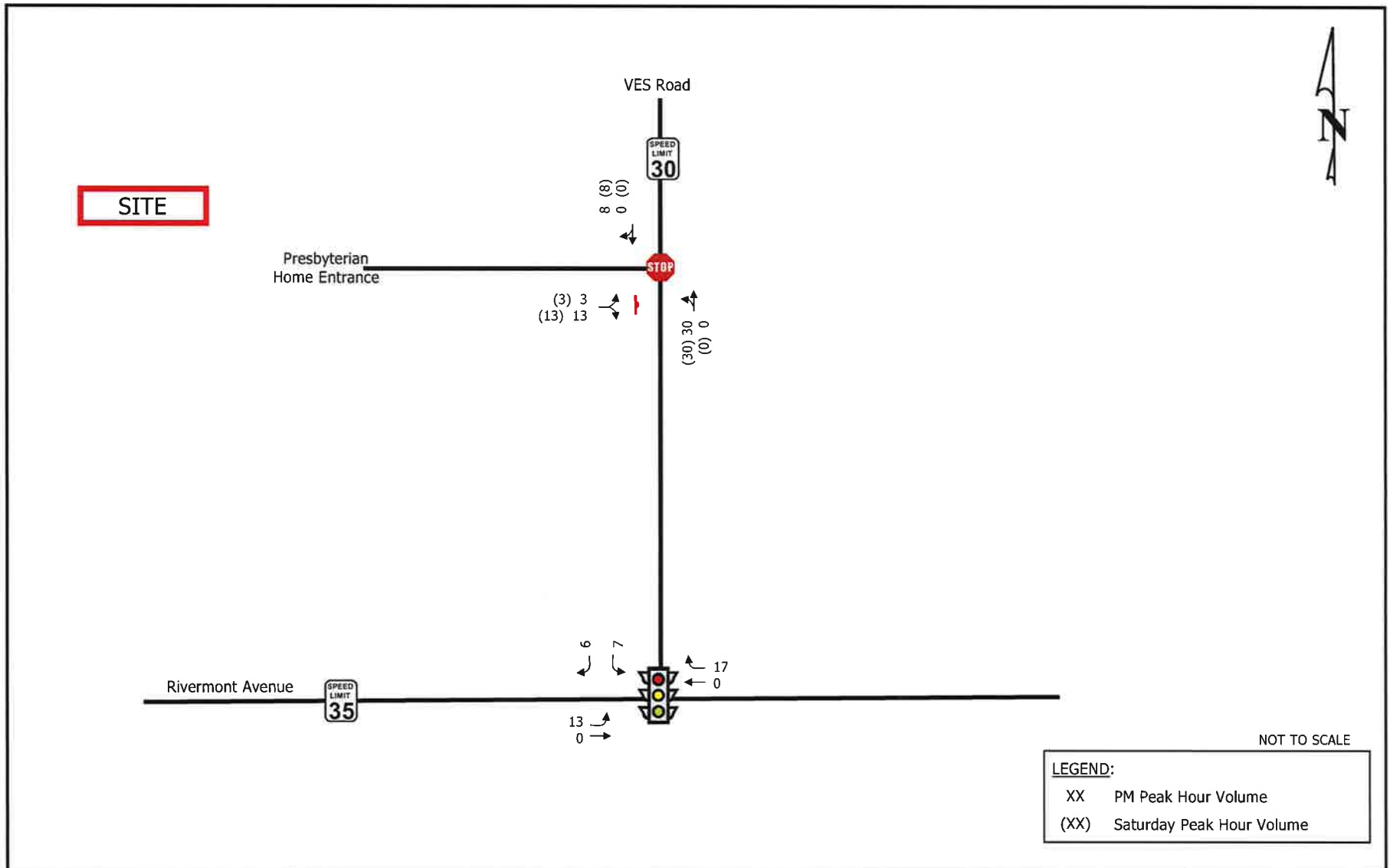
NOT TO SCALE

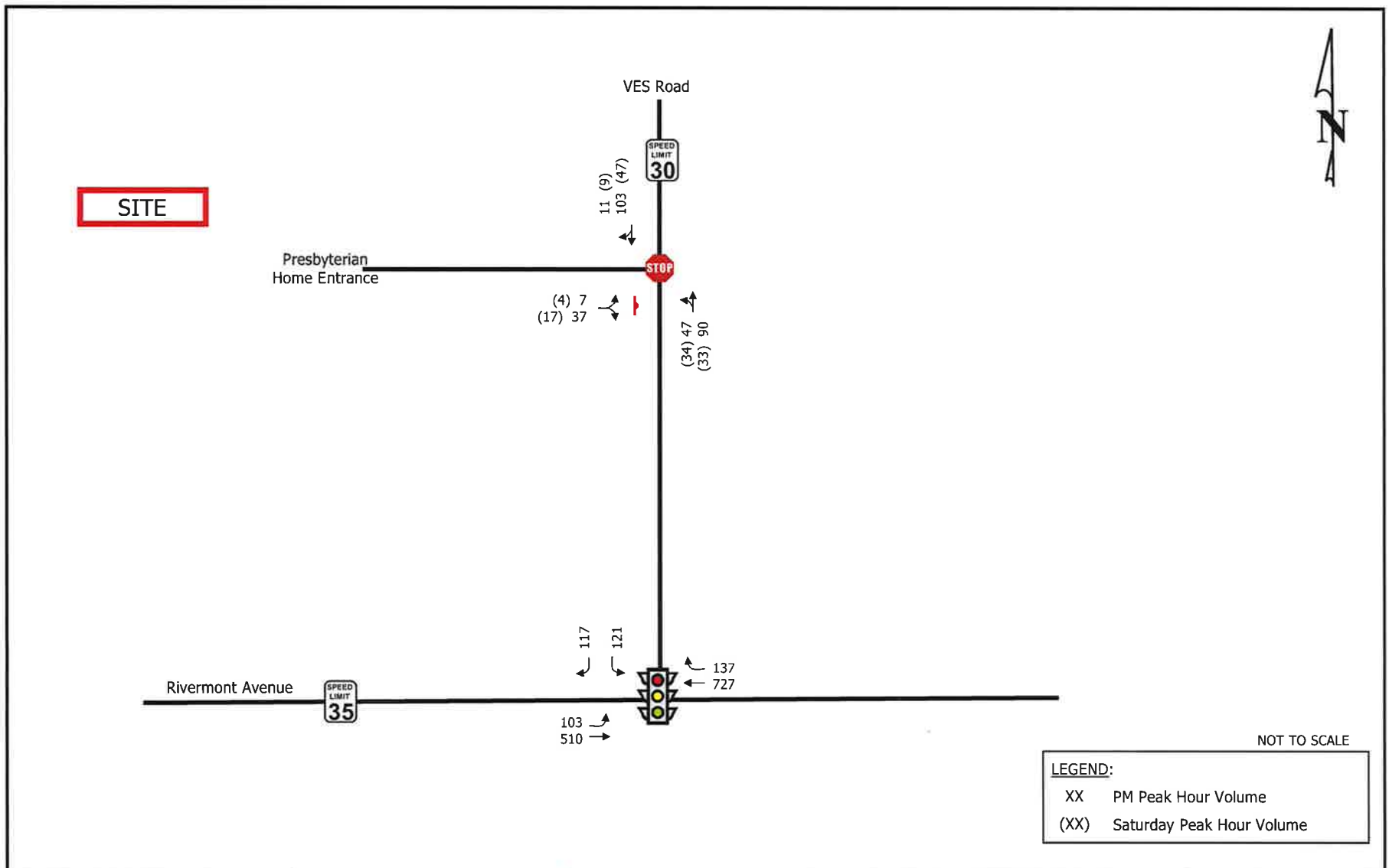
LEGEND:

XX PM Peak Hour Volume

(XX) Saturday Peak Hour Volume







APPENDIX A

Scoping Correspondence

Steve Schmidt

From: Deberry, Don <donald.deberry@lynchburgva.gov>
Sent: Thursday, November 16, 2017 1:22 PM
To: Scott Dunn; Martin, Tom
Cc: bdendy@humankind.org; daustin@humankind.org; Tim Davey; Steve Schmidt
Subject: Re: Traffic Study Request - Westminster Canterbury

Looks good to me.

Donald DeBerry, P.E.
City Transportation Engineer
900 Church St.
City of Lynchburg, Virginia 24504
donald.deberry@lynchburgva.gov
434-455-3935

From: Scott Dunn <scott.dunn@timmons.com>
Sent: Thursday, November 16, 2017 12:01 PM
To: Deberry, Don; Martin, Tom
Cc: bdendy@humankind.org; daustin@humankind.org; Tim Davey; Steve Schmidt
Subject: RE: Traffic Study Request - Westminster Canterbury

Tom – Thanks for the clarification.

Don – Based on the Tom's email below, the following is proposed:

- Compare the background volumes at the VES/Rivermont intersection from the WC study against the previously prepared Presbyterian Home study and determine an annual growth rate.
- Apply the calculated growth rate to traffic volumes at the VES/Rivermont and VES/Presbyterian Home Entrance intersections to project 2018 volumes.
- Add in projected site trips from the WC study to calculate 2018 background volumes.
- Perform capacity analyses for the two (2) intersections for 2018 background conditions.
- Calculate site-generated traffic using information from the 2013 Presbyterian Home study in conjunction with the current development plan and distribute site-generated traffic based on previously used percentages.
- Perform capacity analyses for the two (2) intersections for 2018 background conditions.
- Complete left- and right-turn lane warrant analyses at the VES/Presbyterian Home Entrance intersection.
- Complete a supplemental analysis to determine how much additional traffic could be generated by the campus before LOS at the VES/Rivermont intersection degrades to a LOS D or by a letter grade for the AM and PM peak periods.
- Prepare a report summarizing approach, findings, and recommendations relative to the completed work.

If there are any additional items required, please let me know.

Thanks,
Scott

APPENDIX B

2018 Background Traffic Analysis

Intersection						
Int Delay, s/veh	1.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	4	24	17	90	103	3
Future Vol, veh/h	4	24	17	90	103	3
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	26	18	98	112	3

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	249	114	115
Stage 1	114	-	-
Stage 2	135	-	-
Critical Hdwy	6.42	6.22	4.12
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	2.218
Pot Cap-1 Maneuver	739	939	1474
Stage 1	911	-	-
Stage 2	891	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	729	939	1474
Mov Cap-2 Maneuver	729	-	-
Stage 1	911	-	-
Stage 2	879	-	-

Approach	EB	NB	SB
HCM Control Delay, s	9.1	1.2	0
HCM LOS	A		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1474	-	902	-	-
HCM Lane V/C Ratio	0.013	-	0.034	-	-
HCM Control Delay (s)	7.5	0	9.1	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0.1	-	-

Queues

2: Rivermont Ave & VES Road

12/07/2017



Lane Group	EBL	EST	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	98	554	790	130	124	121
v/c Ratio	0.22	0.37	0.62	0.08	0.72	0.46
Control Delay	3.8	4.2	12.8	0.1	73.1	14.5
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	3.8	4.2	12.8	0.1	73.1	14.5
Queue Length 50th (ft)	13	99	295	0	90	0
Queue Length 95th (ft)	24	139	426	0	#171	56
Internal Link Dist (ft)		946	770		2952	
Turn Bay Length (ft)	150				55	
Base Capacity (vph)	500	1484	1274	1583	185	274
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.20	0.37	0.62	0.08	0.67	0.44

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM 2010 Signalized Intersection Summary

2: Rivermont Ave & VES Road

12/07/2017

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	90	510	727	120	114	111		
Future Volume (veh/h)	90	510	727	120	114	111		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	98	554	790	0	124	121		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	472	1492	1315	1118	166	148		
Arrive On Green	0.04	0.80	0.71	0.00	0.09	0.09		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	98	554	790	0	124	121		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.6	9.6	24.6	0.0	7.7	8.5		
Cycle Q Clear(g_c), s	1.6	9.6	24.6	0.0	7.7	8.5		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	472	1492	1315	1118	166	148		
V/C Ratio(X)	0.21	0.37	0.60	0.00	0.75	0.82		
Avail Cap(c_a), veh/h	585	1492	1315	1118	187	167		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	6.9	3.2	8.5	0.0	50.2	50.5		
Incr Delay (d2), s/veh	0.2	0.7	2.0	0.0	13.5	23.8		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.9	5.1	13.3	0.0	4.4	8.2		
LnGrp Delay(d),s/veh	7.2	3.9	10.6	0.0	63.6	74.4		
LnGrp LOS	A	A	B		E	E		
Approach Vol, veh/h		652	790		245			
Approach Delay, s/veh		4.4	10.6		68.9			
Approach LOS		A	B		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				97.0		16.6	10.8	86.2
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				91.0		12.0	12.0	73.0
Max Q Clear Time (g_c+I1), s				11.6		10.5	3.6	26.6
Green Ext Time (p_c), s				13.5		0.1	0.1	12.7
Intersection Summary								
HCM 2010 Ctrl Delay			16.7					
HCM 2010 LOS			B					

Intersection

Int Delay, s/veh 0.8

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations	W			↑	↑	
Traffic Vol, veh/h	1	4	4	33	47	1
Future Vol, veh/h	1	4	4	33	47	1
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	1	4	4	36	51	1

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	97	52	52	0	-	0
Stage 1	52	-	-	-	-	-
Stage 2	45	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	902	1016	1554	-	-	-
Stage 1	970	-	-	-	-	-
Stage 2	977	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	899	1016	1554	-	-	-
Mov Cap-2 Maneuver	899	-	-	-	-	-
Stage 1	970	-	-	-	-	-
Stage 2	974	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	8.7	0.8	0
HCM LOS	A		

Minor Lane/Major Mvmt NBL NBT EBLn1 SBT SBR

Capacity (veh/h)	1554	-	990	-	-
HCM Lane V/C Ratio	0.003	-	0.005	-	-
HCM Control Delay (s)	7.3	0	8.7	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0	-	0	-	-

APPENDIX C

2018 Total Traffic Analysis

Intersection

Int Delay, s/veh 2.6

Movement EBL EBR NBL NBT SBT SBR

Lane Configurations						
Traffic Vol, veh/h	7	37	47	90	103	11
Future Vol, veh/h	7	37	47	90	103	11
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	8	40	51	98	112	12

Major/Minor Minor2 Major1 Major2

Conflicting Flow All	318	118	124	0	-	0
Stage 1	118	-	-	-	-	-
Stage 2	200	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	675	934	1463	-	-	-
Stage 1	907	-	-	-	-	-
Stage 2	834	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	650	934	1463	-	-	-
Mov Cap-2 Maneuver	650	-	-	-	-	-
Stage 1	907	-	-	-	-	-
Stage 2	803	-	-	-	-	-

Approach EB NB SB

HCM Control Delay, s	9.4	2.6	0
HCM LOS	A		

Minor Lane/Major Mvmt NBL NBT EBLn1 SBT SBR

Capacity (veh/h)	1463	-	873	-	-
HCM Lane V/C Ratio	0.035	-	0.055	-	-
HCM Control Delay (s)	7.5	0	9.4	-	-
HCM Lane LOS	A	A	A	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-

Queues

2: Rivermont Ave & VES Road

12/07/2017



Lane Group	EBL	EBT	WBT	WBR	SBL	SBR
Lane Group Flow (vph)	112	554	790	149	132	127
v/c Ratio	0.25	0.37	0.62	0.09	0.75	0.47
Control Delay	4.1	4.3	13.1	0.1	76.1	14.4
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0
Total Delay	4.1	4.3	13.1	0.1	76.1	14.4
Queue Length 50th (ft)	15	99	297	0	96	0
Queue Length 95th (ft)	26	139	430	0	#188	58
Internal Link Dist (ft)		946	770		2952	
Turn Bay Length (ft)	150				55	
Base Capacity (vph)	497	1482	1268	1583	185	279
Starvation Cap Reductn	0	0	0	0	0	0
Spillback Cap Reductn	0	0	0	0	0	0
Storage Cap Reductn	0	0	0	0	0	0
Reduced v/c Ratio	0.23	0.37	0.62	0.09	0.71	0.46

Intersection Summary

95th percentile volume exceeds capacity, queue may be longer.
Queue shown is maximum after two cycles.

HCM 2010 Signalized Intersection Summary

2: Rivermont Ave & VES Road

12/07/2017

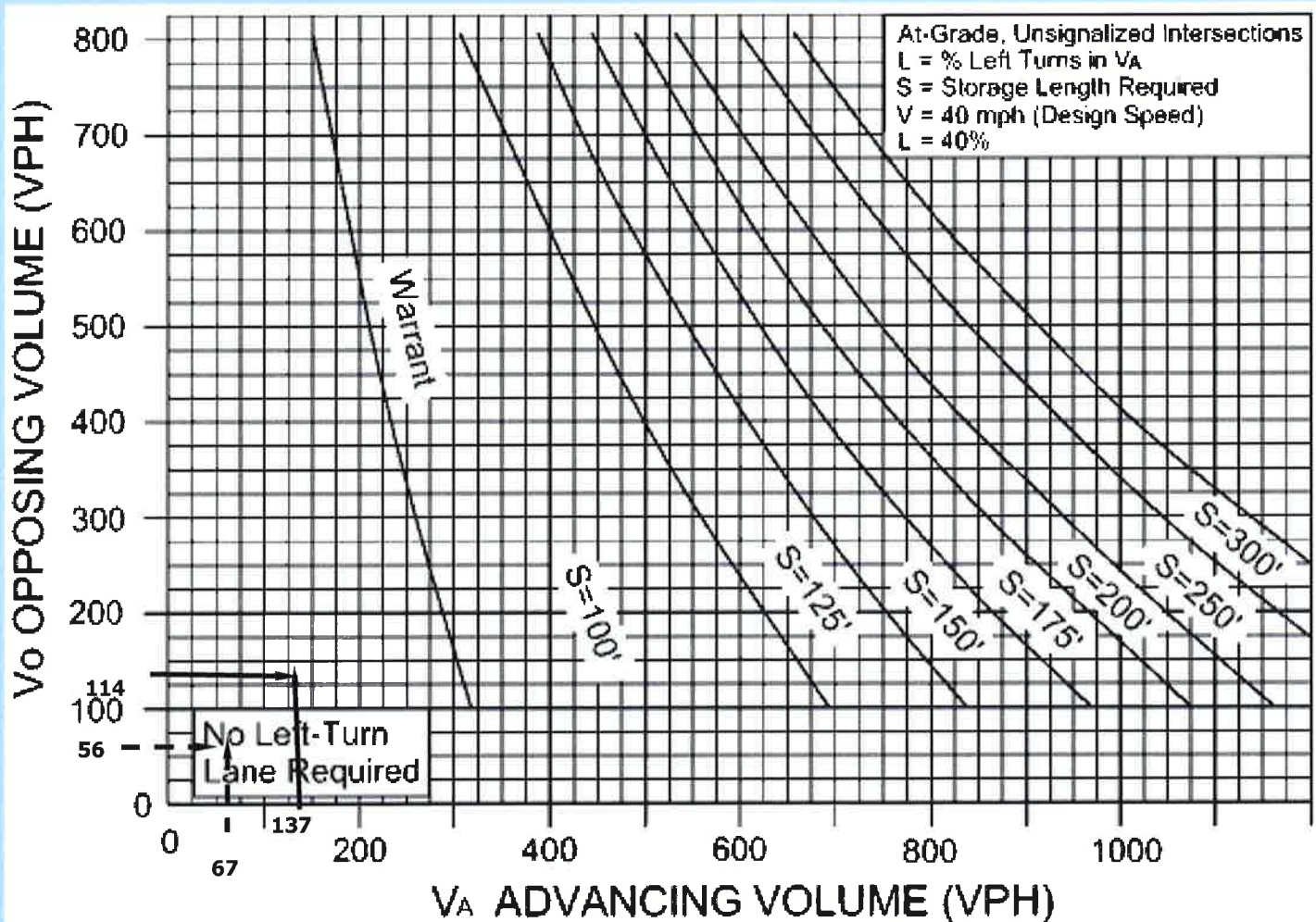
								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	103	510	727	137	121	117		
Future Volume (veh/h)	103	510	727	137	121	117		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	112	554	790	0	132	127		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	469	1486	1309	1112	172	154		
Arrive On Green	0.04	0.80	0.70	0.00	0.10	0.10		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	112	554	790	0	132	127		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.8	9.8	25.0	0.0	8.3	9.0		
Cycle Q Clear(g_c), s	1.8	9.8	25.0	0.0	8.3	9.0		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	469	1486	1309	1112	172	154		
V/C Ratio(X)	0.24	0.37	0.60	0.00	0.77	0.83		
Avail Cap(c_a), veh/h	580	1486	1309	1112	187	167		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	7.2	3.3	8.8	0.0	50.2	50.6		
Incr Delay (d2), s/veh	0.3	0.7	2.1	0.0	16.1	26.2		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	1.0	5.2	13.5	0.0	4.8	8.8		
LnGrp Delay(d),s/veh	7.5	4.0	10.8	0.0	66.4	76.8		
LnGrp LOS	A	A	B		E	E		
Approach Vol, veh/h		666	790		259			
Approach Delay, s/veh		4.6	10.8		71.5			
Approach LOS		A	B		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				97.0		17.1	10.9	86.1
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				91.0		12.0	12.0	73.0
Max Q Clear Time (g_c+l1), s				11.8		11.0	3.8	27.0
Green Ext Time (p_c), s				13.5		0.1	0.1	12.7
Intersection Summary								
HCM 2010 Ctrl Delay			17.6					
HCM 2010 LOS			B					

Intersection						
Int Delay, s/veh	3.1					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	4	17	34	33	47	9
Future Vol, veh/h	4	17	34	33	47	9
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	4	18	37	36	51	10
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	166	56	61	0	-	0
Stage 1	56	-	-	-	-	-
Stage 2	110	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	824	1011	1542	-	-	-
Stage 1	967	-	-	-	-	-
Stage 2	915	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	804	1011	1542	-	-	-
Mov Cap-2 Maneuver	804	-	-	-	-	-
Stage 1	967	-	-	-	-	-
Stage 2	893	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	8.8	3.8		0		
HCM LOS	A					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1542	-	964	-	-	
HCM Lane V/C Ratio	0.024	-	0.024	-	-	
HCM Control Delay (s)	7.4	0	8.8	-	-	
HCM Lane LOS	A	A	A	-	-	
HCM 95th %tile Q(veh)	0.1	-	0.1	-	-	

APPENDIX D

Turn Lane Warrant Analysis

**WARRANT FOR LEFT-TURN STORAGE LANES
ON TWO-LANE HIGHWAYS (40 MPH)
FIGURE 3-10 VDOT ROAD DESIGN MANUAL APPENDIX F**

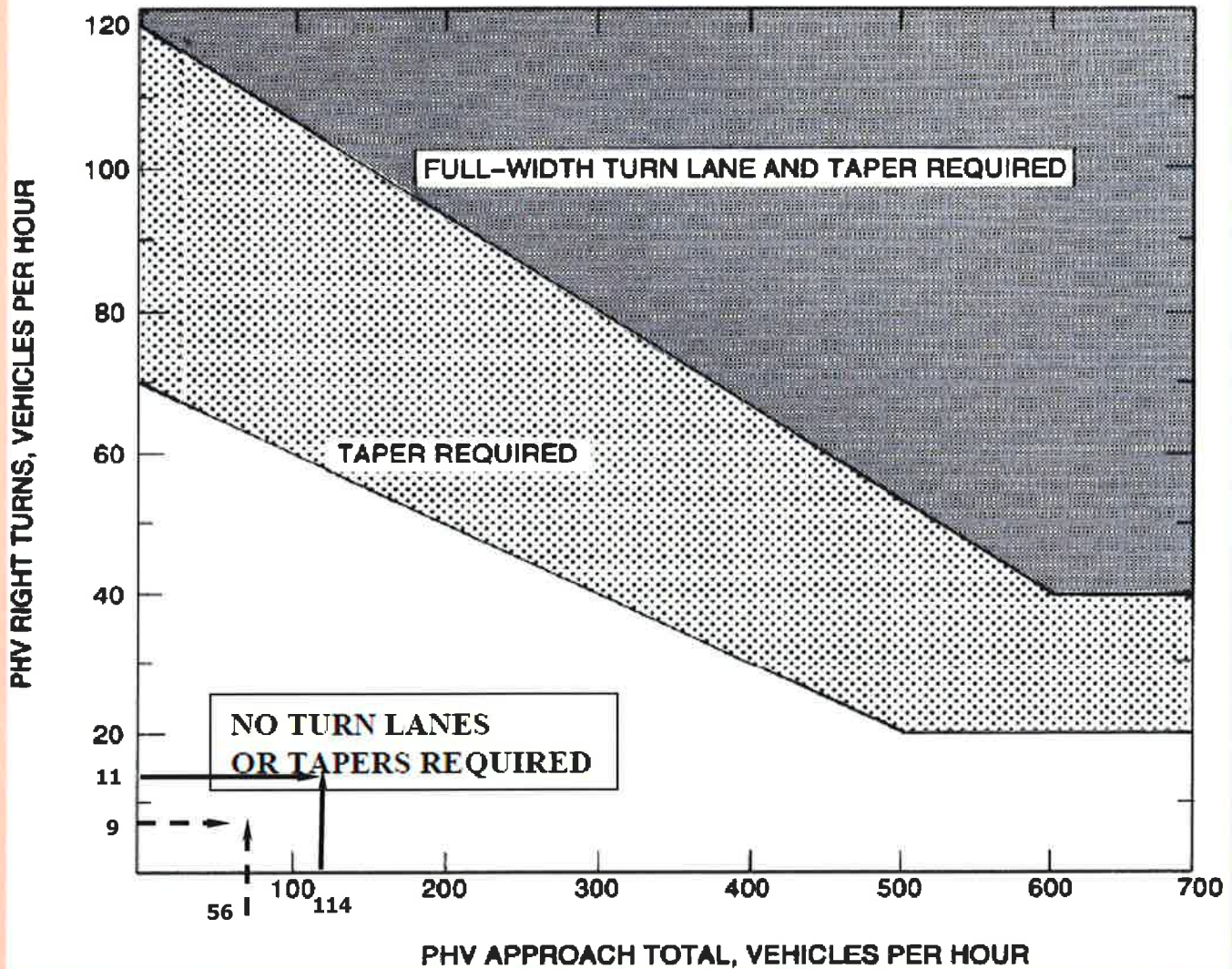


LEGEND

— PM Peak Hour
 - - - Sat Peak Hour

NO LEFT TURN LANE REQUIRED

GUIDELINES FOR RIGHT TURN TREATMENT (2-LANE HIGHWAY)
FIGURE 3-26 VDOT ROAD DESIGN MANUAL APPENDIX F



LEGEND

— PM Peak Hour
- - - Sat Peak Hour

NO RIGHT TURN LANE OR TAPER REQUIRED

APPENDIX E

2016 Threshold Analysis

MEMORANDUM

TO: MAGGIE COSSMAN, P.E.

FROM: BILL WUENSCH, P.E., PTOE

ORGANIZATION: CITY OF LYNCHBURG

DATE: JULY 19, 2016

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: WESTMINSTER CANTERBURY TRAFFIC ANALYSIS
SUPPLEMENT

YOUR REFERENCE NUMBER:

☐ URGENT☒ FOR YOUR USE☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE**Westminster Canterbury Traffic Analysis Supplement****1. Introduction**

The purpose of this memorandum is to supplement the prior *Westminster Canterbury Traffic Analysis* (the prior study) prepared by EPR, P.C. in May of 2016. The objective of the analysis is to identify a threshold for how many additional vehicles, beyond those generated by the Westminster facility expansion, can be processed by the Rivermont Avenue / VES Road intersection before the level of service at the intersection is diminished. By diminished we are referring to a drop in LOS rating, i.e. C to D, or D to E, etc....

2. Analysis**Level of Service in Build Condition**

The level of service results at the intersection of Rivermont Avenue and VES Road in build the condition were obtained from the prior study and are shown in the below **Table 1**.

Table 1 Level of Service in Build Condition

		AM LOS	PM LOS
Rivermont EB	EBL	A	A
Rivermont EB	EBT	A	A
Rivermont WB	WBT	A	A
Rivermont WB	WBR	A	A
VES SB	SBL	D	E
VES SB	SBR	D	E
Intersection		A	B

Test by Adding Traffic Volumes

Synchro (version 9.1) was used for the analysis. Traffic volumes were added to the build condition in the prior study to assess the number of vehicles coming out from VES Road beyond the Westminster Canterbury development build condition can be processed by the intersection before a change the level of service occurred at the intersection of Rivermont Avenue and VES Road. The result of the test leads to following findings:

- In the morning peak hour, 220 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound left turn on VES Road, which changes level of service from LOS D to LOS E.
- In the afternoon peak hour, 192 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound right turn on VES Road, which is from LOS E to LOS F.

The level of service results at the intersection of Rivermont Avenue and VES Road with above described traffic volumes are summarized in the below **Table 2**. The synchro output reports are attached at the end of this memorandum.

Table 2 Level of Service with 220 Vehicles in AM and 192 Vehicles in PM

		AM LOS	PM LOS
Rivermont EB	EBL	A	A
Rivermont EB	EBT	A	A
Rivermont WB	WBT	A	A
Rivermont WB	WBR	A	A
VES SB	SBL	E	E
VES SB	SBR	D	F
Intersection		B	C

3. Findings and Conclusions

Based on the analysis performed in this memorandum:

- In the morning peak hour, 220 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound left turn on VES Road, which is from LOS D to LOS E.

- In the afternoon peak hour, 192 vehicles coming out from VES Road beyond the Westminster Canterbury development build condition will change the level of service at the intersection of Rivermont Avenue and VES Road. The change will be on southbound right turn on VES Road, which is from LOS E to LOS F.

End of Memorandum

Attachment: Synchro Output Reports

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

7/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	77	718	391	63	229	120		
Future Volume (veh/h)	77	718	391	63	229	120		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	84	780	425	0	249	130		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	617	1324	1137	966	289	258		
Arrive On Green	0.04	0.71	0.61	0.00	0.16	0.16		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	84	780	425	0	249	130		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	1.6	19.8	10.9	0.0	13.0	7.1		
Cycle Q Clear(g_c), s	1.6	19.8	10.9	0.0	13.0	7.1		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	617	1324	1137	966	289	258		
V/C Ratio(X)	0.14	0.59	0.37	0.00	0.86	0.50		
Avail Cap(c_a), veh/h	662	1324	1137	966	355	317		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	6.4	6.8	9.4	0.0	38.7	36.3		
Incr Delay (d2), s/veh	0.1	1.9	0.2	0.0	16.4	1.5		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	0.8	10.7	5.6	0.0	7.7	6.4		
LnGrp Delay(d),s/veh	6.5	8.8	9.6	0.0	55.1	37.8		
LnGrp LOS	A	A	A		E	D		
Approach Vol, veh/h		864	425		379			
Approach Delay, s/veh		8.5	9.6		49.2			
Approach LOS		A	A		D			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				73.5		21.5	9.6	64.0
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				64.0		19.0	6.0	52.0
Max Q Clear Time (g_c+I1), s				21.8		15.0	3.6	12.9
Green Ext Time (p_c), s				10.6		0.5	0.0	10.4
Intersection Summary								
HCM 2010 Ctrl Delay			18.0					
HCM 2010 LOS			B					

HCM 2010 Signalized Intersection Summary

4: rivermont & ves

7/19/2016

								
Movement	EBL	EBT	WBT	WBR	SBL	SBR		
Lane Configurations								
Traffic Volume (veh/h)	88	499	713	120	194	219		
Future Volume (veh/h)	88	499	713	120	194	219		
Number	7	4	8	18	1	16		
Initial Q (Qb), veh	0	0	0	0	0	0		
Ped-Bike Adj(A_pbT)	1.00			1.00	1.00	1.00		
Parking Bus, Adj	1.00	1.00	1.00	1.00	1.00	1.00		
Adj Sat Flow, veh/h/ln	1863	1863	1863	1863	1863	1863		
Adj Flow Rate, veh/h	96	542	775	0	211	238		
Adj No. of Lanes	1	1	1	1	1	1		
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92		
Percent Heavy Veh, %	2	2	2	2	2	2		
Cap, veh/h	394	1361	1201	1021	293	261		
Arrive On Green	0.03	0.73	0.64	0.00	0.17	0.17		
Sat Flow, veh/h	1774	1863	1863	1583	1774	1583		
Grp Volume(v), veh/h	96	542	775	0	211	238		
Grp Sat Flow(s),veh/h/ln	1774	1863	1863	1583	1774	1583		
Q Serve(g_s), s	2.0	12.7	29.1	0.0	13.0	17.0		
Cycle Q Clear(g_c), s	2.0	12.7	29.1	0.0	13.0	17.0		
Prop In Lane	1.00			1.00	1.00	1.00		
Lane Grp Cap(c), veh/h	394	1361	1201	1021	293	261		
V/C Ratio(X)	0.24	0.40	0.65	0.00	0.72	0.91		
Avail Cap(c_a), veh/h	427	1361	1201	1021	293	262		
HCM Platoon Ratio	1.00	1.00	1.00	1.00	1.00	1.00		
Upstream Filter(I)	1.00	1.00	1.00	0.00	1.00	1.00		
Uniform Delay (d), s/veh	9.5	5.9	9.4	0.0	45.5	47.2		
Incr Delay (d2), s/veh	0.3	0.9	1.2	0.0	8.3	33.0		
Initial Q Delay(d3),s/veh	0.0	0.0	0.0	0.0	0.0	0.0		
%ile BackOfQ(50%),veh/ln	1.0	6.8	9.3	0.0	7.0	16.3		
LnGrp Delay(d),s/veh	9.8	6.8	9.6	0.0	55.8	80.2		
LnGrp LOS	A	A	A		E	F		
Approach Vol, veh/h		638	775		449			
Approach Delay, s/veh		7.4	9.6		67.8			
Approach LOS		A	A		E			
Timer	1	2	3	4	5	6	7	8
Assigned Phs				4		6	7	8
Phs Duration (G+Y+Rc), s				90.0		25.0	9.8	80.2
Change Period (Y+Rc), s				6.0		6.0	6.0	6.0
Max Green Setting (Gmax), s				84.0		19.0	6.0	72.0
Max Q Clear Time (g_c+I1), s				14.7		19.0	4.0	31.1
Green Ext Time (p_c), s				12.8		0.0	0.0	11.9
Intersection Summary								
HCM 2010 Ctrl Delay			24.5					
HCM 2010 LOS			C					

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

**ITEM TITLE: Criminal Background Checks for Candidates for Council Appointed Boards
that Interact with Juveniles**

KEY ELEMENTS:

___Economic Development ___Excellent Government ___Natural and Built Environment **X**Safe Community ___Vibrant Community

RECOMMENDATION: Approve a policy regarding the effect of criminal conviction or founded complaint of child abuse or neglect on appointments by City Council to the Lynchburg School Board and the Youth Citizens Advisory Board and adopt an Ordinance to amend and reenact Section 2-89 of the Code of the City of Lynchburg, 1981, the amended section relating to criminal record history information for employees and applicants.

SUMMARY: On March 13, 2018 Council directed staff to research and propose a policy regarding a requirement for criminal background checks for Council appointed Board members that interact with juveniles. The two Boards that this policy impacts are the School Board and the Youth Services Citizens Board.

Research revealed that the Lynchburg City Schools (LCS) has an electronic scanner and anyone who is required to undergo a criminal background check goes to the Human Resources Office at LCS Administration on Court Street and fills out a Consent Form for submission to "Live Scan". The Live Scan criminal background check goes through the State police and FBI databases. If a background check is requested on an individual and they have never been arrested, it takes about 24 hours for LCS to get a report. If the background check comes back with a designation "in process" it *generally* means the individual who is the subject of the background check has a criminal record and it can take up to six (6) weeks for LCS to get the results of the background check. The cost of a Live Scan criminal background check is \$37.

The City uses Southeastern Safety Consultants, Inc. to conduct criminal background checks for applicants whose positions require a background check. Following completion of a Consent Form authorizing the check, the request is submitted electronically; it typically takes 2 to 4 days to get results. This background check checks the sexual offender registry and criminal record databases of the 50 states and costs \$15.

Since City Council indicated that it wants to conduct the same background checks on applicants for the School Board that Lynchburg City Schools conducts for its employees and volunteers, staff recommends the use of Live Scan for both the School Board and the Youth Citizens Advisory Board.

Attached is a revised Lynchburg City School Board Application Form that includes the language regarding criminal background checks. Similar language has been added to the Application Form for the Youth Services Advisory Board.

A representative of the Police Department, Department of Human Services, and the City Attorney will be available to answer any questions you may have about criminal background checks for volunteers desiring to serve on these two Council-appointed Boards.

PRIOR ACTION(S): March 13, 2018 Council Meeting

FISCAL IMPACT: \$37 per Live Scan Background check; total impact dependent upon number of candidates City Council wishes to consider. Estimate: 6 checks annually @ \$37 = \$222.

CONTACT(S): Bonnie Svrcek, City Manager – 455-3990
Walter Erwin, City Attorney – 455-3973
Valeria Chambers, Clerk of Council – 455- 3983

ATTACHMENT(S): Ordinance
Policy Re: The Effect or Criminal Conviction or Founded Complaint of Child abuse or
Neglect on Appointments by City Council
Revised Lynchburg City School Board Application Form

REVIEWED BY: bms

AN ORDINANCE TO AMEND AND REENACT SECTION 2-89 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO CRIMINAL RECORD HISTORY INFORMATION FOR EMPLOYEES AND APPLICANTS.

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

1. That Section 11-163 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 2-89. - Authority to obtain criminal history record information.

(a) Pursuant to the authority of Sections 15.2-1505.1 and 19.2-389 of the Code of Virginia 1950, as amended, in the conduct of investigations of applicants for public employment with the city, permits or licenses, or for public employment with the Lynchburg school system, whenever, in the interest of the public welfare or safety, it is necessary to determine if the past criminal conduct of a person would be compatible with the nature of the employment, permit or license under consideration, the city manager or the superintendent of schools or their designees shall be authorized to request the chief of police or other appropriate person to obtain the criminal history records of such applicant from the Virginia Criminal Records Exchange, the Federal Bureau of Investigation or other appropriate sources, and the chief of police or other appropriate person shall be authorized to obtain and disseminate such criminal history record to the city manager or the superintendent of schools or their designees. If an applicant is denied employment because of information appearing in his criminal history record, the applicant shall be notified that information from his criminal history record contributed to such denial.

(b) The city is authorized to obtain the criminal history records from the Virginia Criminal Records Exchange, the Federal Bureau of Investigation, the registry maintained by the Department of Social Services of founded complaints of child abuse and neglect, or other appropriate sources, for applicants for positions on the Lynchburg School Board and the Lynchburg Youth Services Citizens Board.

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

Adopted:

Certified:

Clerk of Council

043K

EFFECT OF CRIMINAL CONVICTION OR FOUNDED COMPLAINT OF CHILD ABUSE OR NEGLECT ON APPOINTMENTS BY CITY COUNCIL

The Lynchburg City Council will not appoint individuals to the Lynchburg School Board and the Lynchburg Youth Services Citizens Board who are determined to be unsuited for appointment by reason of a criminal conviction or information appearing in the registry of founded complaints of child abuse and neglect maintained by the Virginia Department of Social Services.

I. APPLICANTS FOR APPOINTMENT

A. Criminal Convictions

The Lynchburg City Council will not appoint any applicant to the Lynchburg School Board and the Lynchburg Youth Services Citizens Board who has been convicted of (i) a felony or any offense involving the sexual molestation, physical or sexual abuse or rape of a child, (ii) a crime of moral turpitude, or (iii) a founded case of child abuse and neglect.

All applicants who are selected for interviews by City Council for a position on the School Board and all applicants for a position on the Youth Services Citizens Board as a condition of being considered for appointment, shall submit to fingerprinting and provide personal descriptive information in order that the City can request a criminal history records check on the applicant. The information and fingerprints shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigations for the purpose of obtaining criminal history record information on applicants who are offered or accept employment

If an applicant is denied appointment because of information appearing on his or her criminal history record, the City shall provide a copy of the information provided by the Central Criminal Records Exchange to the applicant.

B. Founded Complaints of Child Abuse or Neglect

All applicants who are selected for interviews by City Council for a position on the School Board and all applicants for a position on the Youth Services Citizens Board as a condition of being considered for appointment, shall provide written consent and the necessary personal information for the City to obtain a search of the registry maintained by the Department of Social Services of founded complaints of child abuse and neglect. The City will ensure that all such searches are requested in conformance with the regulations of the Department of Social Services. In addition, where an applicant has resided in another

state within the last five years, as condition of appointment the applicant shall provide written consent and the necessary personal information for the City to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state.

If an applicant is denied appointment because of information appearing on his or her record in the registry, the City shall provide a copy of the information obtained from the registry to the applicant. The information provided to the City by the Department of Social Services shall be confidential and shall not be disseminated by the City.

C. Probation

For purposes of this policy, a court's placing an individual on probation pursuant to Section 18.2-251 of the Virginia Code shall be treated as a conviction and a finding of guilt.

II. COSTS OF CONDUCTING CRIMINAL RECORDS ABUSE AND NEGLECT CHECKS

The City shall pay for the fingerprinting, criminal record check and abuse and neglect check conducted pursuant to this policy.

Adopted: _____

Certified: _____

Clerk of Council



Lynchburg City School Board Application Form

Completing this form is one way to indicate your interest in being considered for appointment to the Lynchburg City School Board. All appointments are at the discretion of City Council. An applicant for a position on the Lynchburg School Board who is selected for an interview by City Council will be required to sign a consent form authorizing the City to obtain the applicant's state and national criminal background records. The failure of an applicant to sign a consent form will disqualify the applicant for consideration of appointment to the School Board. The Clerk of Council Office processes all boards and commissions applications: Valeria P. Chambers, MMC, Clerk of Council, 900 Church Street, Lynchburg, VA 24504; email valeria.chambers@lynchburgva.gov; phone (434)455-3983; fax (434) 847-1536.

Full Name: Dr./Mr./Mrs./Ms. _____ Date: _____

Street Address: _____ Zip: _____

Preferred Phone#: _____ Business Phone#: _____

Fax #: _____ E-Mail: _____

Occupation: _____ Employer: _____

Do you live in the City of Lynchburg? Yes ☐ No ☐

School District: _____ Ward: _____

Please list any City Board, Commission, Committee or Authority on which you currently serve:

What experience do you offer as a candidate for the Lynchburg School Board?

What do you feel you would contribute to the Lynchburg School Board and to the community if appointed?

*A resume or separate sheet with additional information may be included.

Attendance requirements: City Council requires appointees to attend at least 75% of the yearly committee meetings. Absences may be excused because of personal illness or serious illness of members of the immediate family, death of a family member, unscheduled or unforeseen business trips, and emergency work assignments only. All other absences are recorded as unexcused. **Will you be able to attend at least 75% of the regular meetings of the boards to which you may be appointed?** Yes ☐ No ☐

Revised 4/2018

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Byrne/JAG Program Grant No. 18-A4262AD11 for Systems Notification of Upcoming Court Hearings and Related Matters

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$20,812, with resources of \$20,812 provided through a federal Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Systems Notification of Upcoming Court Hearings and Related Matters to implement an automated notification system to remind defendants and probationers of scheduled court dates and related appointments.

SUMMARY: Under the direction of the Community Criminal Justice Board (CCJB) the Community Corrections and Pretrial Services Agency has applied for and been awarded a Federal Byrne/JAG Program Grant from the Department of Criminal Justice Services. The grant is in the amount of \$20,812 to implement an automated notification system to remind defendants and probationers of scheduled court dates and related appointments. The project has two goals: 1) to research existing web-based appointment reminder systems and submit a Request for Proposals (RFP) to solicit vendors capable of providing a system that can utilize technology to remind clients via text, email or phone of 8,000 plus annual appointments and 2) to develop and implement local agency procedures and protocols to routinely utilize the court and appointment reminder technology on an ongoing basis, with the objectives of preserving the excellent court appearance rate of pretrial defendants irrespective of increasing caseloads and improving the rate of supervision appointments kept by defendants and probationers. This is a nine month grant which will include the Procurement Department issuing an RFP to solicit applicable vendors and securing a multiyear contract.

PRIOR ACTION(S): None

FISCAL IMPACT: Funding in the amount of \$20,812 needs to be appropriated and budgeted. Funding is fully reimbursable through this grant and no matching funds are required. Upon conclusion of the vendor contract period, if the DCJS statewide case management system has not been updated or replaced to include a systems notification component, probation supervision fees will be utilized to fund continuation of the local notification system.

CONTACT(S): Cynthia Plummer, Director, Community Corrections and Pretrial Services Agency - 455-3751

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2018 City/Federal/State Aid Fund budget is amended and \$20,812 is appropriated with resources of \$20,812 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Systems Notification of Upcoming Court Hearings and Related Matters to implement an automated notification system to remind defendants and probationers of scheduled court dates and related appointments.

Introduced: April 10, 2018

Adopted:

Certified:

Clerk of Council

039K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **9**

CONSENT:
ACTION: X

REGULAR: X
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Byrne/JAG Program Grant No. 18-A4261AD11 for Community Criminal Justice Board Comprehensive Planning

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution to amend the FY 2018 City/Federal/State Aid Fund budget and appropriate \$50,000, with resources of \$50,000 provided through a federal Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS) for Community Criminal Justice Board (CCJB) Comprehensive Planning to enhance cross-system collaboration and development of a framework to identify and develop data driven solutions in the local criminal justice system.

SUMMARY: Under the direction of the Community Criminal Justice Board (CCJB) the Community Corrections and Pretrial Services Agency has applied for and been awarded a Federal Byrne/JAG Program Grant from the Department of Criminal Justice Services. The grant is in the amount of \$50,000 to enhance cross-system collaboration by developing a CCJB framework to identify and develop data driven solutions for system wide challenges throughout the local criminal justice system. Central to this grant will be the hiring of a part-time, temporary, Criminal Justice Planner to lead the CCJB through the development of a two year action plan to identify and prioritize activities that can be addressed through the framework. Two internships are also included to provide research assistance and administrative support. This is a nine month grant which has the potential for a no cost extension of several months to accommodate a delayed start due to the necessary hiring process. The person hired for the Criminal Justice Planner position will be informed that funding for this position is not available beyond the nine month grant period. No local funds are required.

PRIOR ACTION(S): None

FISCAL IMPACT: Funding in the amount of \$50,000 needs to be appropriated and budgeted. Funding is fully reimbursable through this grant and no matching funds are required. Upon conclusion of the grant period all items produced will be provided to DCJS and the action plan developed will become a routine item on the CCJB quarterly meeting agenda.

CONTACT(S): Cynthia Plummer, Director, Community Corrections and Pretrial Services Agency - 455-3751

ATTACHMENT(S): Resolution

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED that the FY 2018 City/Federal/State Aid Fund budget is amended and \$50,000 is appropriated with resources of \$50,000 from the Byrne/Justice Assistance Grant (JAG) Program awarded by the Department of Criminal Justice Services (DCJS)) for Community Criminal Justice Board (CCJB) Planning.

Introduced: April 10, 2018

Adopted:

Certified:

Clerk of Council

038K

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2018 Third Quarter Adjustment

KEY ELEMENTS:

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

RECOMMENDATION: Adopt a resolution amending the FY 2018 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2018 Third Quarter Detail by Fund in Attachment A.

SUMMARY: In March, staff began a review of FY 2018 operating and capital 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 necessary 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.

The General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Lynchburg Expressway Appearance Fund (LEAF), Airport, City Capital Projects, Water Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2018 Third Quarter Adjustments.

PRIOR ACTION(S): Adoption of the FY 2018 Operating and Capital Budgets: May 23, 2017
First Quarter Adjustments: October 10, 2017
First Reading of Third Quarter Adjustments: April 10, 2018

FISCAL IMPACT: As noted on Attachment A.

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

ATTACHMENT(S): Resolution; Attachment A: FY 2018 Third Quarter Adjustments – Summary and Detail

REVIEWED BY:

RESOLUTION:

BE IT RESOLVED That the FY 2018 Adopted Budget is amended and funds are appropriated or rescinded to reflect the Third Quarter Adjustments as identified in Attachment A in the General, City/Federal/State Aid, Community Development Block Grant (CDBG), Forfeited Assets, Lynchburg Expressway Appearance Fund (LEAF), Airport, City Capital Projects, Water Capital Projects, and Airport Capital/Grant Projects Fund.

Introduced:

Adopted:

Certified:

Clerk of Council

042K

ATTACHMENT A**FY 2018 Third Quarter Adjustment
SUMMARY BY FUND**

	Expenditures	Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/ Assigned Fund Balance
GENERAL FUND	\$326,261	\$268,700	\$56,791	\$770
CITY/FEDERAL/STATE AID FUND	(133,630)	(133,630)	0	0
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND	(6,316)	0	0	(6,316)
FORFEITED ASSETS FUND	17,235	17,235	0	0
LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF)	30,000	70,000	0	0
CITY CAPITAL PROJECTS FUND	302,377	52,377	0	250,000
SCHOOLS CAPITAL PROJECTS FUND	15,000	15,000	0	0
WATER CAPITAL FUND	10,200	0	0	10,200
AIRPORT FUND	847,500	352,500	0	495,000
AIRPORT CAPITAL/GRANT PROJECTS FUND	730,000	495,000	0	235,000
TOTALS	\$2,138,627	\$1,137,182	\$56,791	\$984,654

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
GENERAL FUND					
Public Works - Adopt-A-Bed Program	4,470	3,700		770	To appropriate private contributions and associated expenditures for the Adopt-A-Bed Program; expenditures in excess of revenue will draw from the Adopt-A-Bed Assigned Fund balance.
Registrar	34,951		34,951		To appropriate funds requested for projected expenses associated with the June 2018 Dual Primary Election. At the time of budget preparation for FY 2018, this primary election had not been called.
TRANSFERS					
Transfer to Public Works - Snow and Ice Removal Operating Budget from City Capital Projects Fund	250,000	250,000			Transfer funds to Public Works - Snow and Ice Removal Operating Budget from City Capital Projects Fund to appropriate funds from the Snow, Street, and Bridge Reserve to restock materials (primarily salt) used during the current snow season.
Transfer from General Fund Budget to City Capital Fund	21,840		21,840		Transfer from General Fund to City Capital Fund Budget to appropriate funds associated with the cost of renovations in Council Chambers.
Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating	15,000	15,000			Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating to install a canopy over the playground at Laurel School.
GENERAL FUND Total	326,261	268,700	56,791	770	
CITY/FEDERAL/STATE AID FUND					
Office of the Commonwealth's Attorney	(146,936)	(146,936)			To rescind the FY 2018 Adopted budget appropriation for the Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence and Stalking Grant Program all four (4) years of the grant life were appropriated by Council in FY 2017.
Public Works	13,306	13,306			To appropriate the annual award from the Virginia Department of Environmental Quality for litter prevention and recycling.
CITY/FEDERAL/STATE AID FUND Total	(133,630)	(133,630)	-	-	
COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND					
Community Development	(6,316)			(6,316)	To true-up Bluffwalk appropriations.
CDBG FUND Total	(6,316)	-	-	(6,316)	
FORFEITED ASSETS FUND					
Police Department	17,235	17,235			To appropriate Asset Forfeiture revenues received.
FORFEITED ASSETS FUND Total	17,235	17,235	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
LYNCHBURG EXPRESSWAY APPEARANCE FUND (LEAF)					
Public Works	30,000	70,000			To appropriate additional funding for FY 2018 LEAF currently \$40,000 is budgeted for expenses. An additional \$30,000 in expenses is anticipated for the remainder of FY 2018. There is enough earned revenue recognized in FY 2018 to cover all expenses.
LEAF Total	30,000	70,000	-	-	

CITY CAPITAL PROJECTS FUND

Public Works - Engineering	12,303	12,303			To appropriate Urban Construction Initiative (UCI) interest.
Public Works - Engineering	(3,520)	(3,520)			To rescind the Virginia Department of Transportation (VDOT) Revenue Share Appropriation due to an appropriation error.
Public Works - Engineering	11,554	11,554			To appropriate funds from a Right of Way settlement with Jamestown Development Group associated with the Reserve at Burton Creek. Funds were deposited in January and placed in the Capital Fund Suspense Revenue account. There are no stipulations tied to the use of these funds.
Transfer to City Capital Fund from General Fund Budget	21,840	21,840			<i>Transfer to City Capital Fund from General Fund Budget</i> to appropriate funds associated with the cost of renovations in Council Chambers.
Transfer to City Capital Fund from Water Capital Fund Budget	10,200	10,200			<i>Transfer from Water Capital to City Capital Fund</i> to appropriate funds for a grant award of \$10,200 from the Virginia Department of Conservation and Recreation (DCR) for costs associated with bringing the College Lake Dam into compliance with minimum standards for dam safety regulations.
Transfer from City Capital Projects Fund to Public Works - Snow and Ice Removal Operating Budget	250,000			250,000	<i>Transfer from City Capital Projects Fund to Public Works - Snow and Ice Removal Operating Budget</i> to appropriate funds from the Snow, Street, and Bridge Reserve to restock materials (primarily salt) used during the current snow season.
CITY CAPITAL PROJECTS FUND Total	302,377	52,377	-	250,000	

SCHOOLS CAPITAL FUND

Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating	15,000	15,000			<i>Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating</i> to install a canopy over the playground at Laurel School.
SCHOOLS CAPITAL FUND Total	15,000	15,000	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
WATER CAPITAL FUND					
Transfer from Water Capital Fund to City Capital Fund Budget	10,200			10,200	Transfer from Water Capital to City Capital Fund to appropriate funds for a grant award of \$10,200 from the Virginia Department of Conservation and Recreation (DCR) for costs associated with bringing the College Lake Dam into compliance with minimum standards for dam safety regulations.
WATER CAPITAL FUND Total	10,200	-	-	10,200	

AIRPORT FUND

Airport	212,500	212,500			To appropriate additional expenditures for stormwater monitoring, rental car service facility maintenance, additional custodial supplies, replenishing snow removal chemicals, and additional 80% state funded non-recurring maintenance/repair/equipment projects. Also to increase budgeted revenues for parking lot revenue, revenue from rental car companies, proceeds from sale of surplus property, and miscellaneous revenue for the American Electric Power (AEP) easement.
Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget	140,000	140,000			Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget to appropriate funds for 80% state funded non-recurring maintenance/repair/equipment purchases.
Transfer from Airport Operating Fund to Airport Capital/Grant Projects Fund Budget	495,000			495,000	Transfer from Airport Operating Fund to Airport Capital/Grant Projects Fund Budget to appropriate funds for new Corporate Hangar pay-as-you-go partial project financing.
AIRPORT FUND Total	847,500	352,500	-	495,000	

AIRPORT CAPITAL/GRANT PROJECTS FUND

Airport	95,000			95,000	To appropriate and increase budget for new MidField Corporate Hangar project for low bid higher than estimated.
Transfer to Airport Capital/Grant Projects Fund from Airport Operating Fund Budget	495,000	495,000			Transfer to Airport Capital/Grant Projects Fund from Airport Operating Fund Budget to appropriate funds for new Corporate Hangar pay-as-you-go partial project financing.
Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget	140,000			140,000	Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget to appropriate funds for 80% state funded non-recurring maintenance/repair/equipment purchases.
AIRPORT CAPITAL/GRANT PROJECTS FUND Total	730,000	495,000	-	235,000	

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 10, 2018**

AGENDA ITEM #: **11**

CONSENT: REGULAR: **X**
ACTION: INFORMATION: X

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Community Pride – Love Lynchburg Initiative

KEY ELEMENTS:

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

RECOMMENDATION: Hear a presentation regarding a new initiative to promote pride in our City.

SUMMARY: JoAnn Martin, Director of Communications and Marketing Department will provide a presentation on a new Community Pride – Love Lynchburg initiative.

PRIOR ACTION(S): None

FISCAL IMPACT: None

CONTACT(S): JoAnn Martin, Director, Communications and Marketing, 455-3801
Bonnie Svrcek, City Manager, 455-3990

ATTACHMENT(S): Love Lynchburg PowerPoint

REVIEWED BY: bms

040K



Community Pride/ Civic Engagement Initiative

City Council Presentation
April 10, 2018

Background

- Communications and Marketing began working on a Strategic Plan for the Department in 2017
- Process included:
 - interviewing all City departments
 - reviewing Citizen Survey results
 - gathering anecdotal data from citizens
 - conducting Gap Analysis



Background

- The results of the strategic planning is a multi-faceted Communications Plan for internal and external communications that includes:
 - Media Relations
 - Social Media
 - Targeted Messages
 - Technology
 - Community Pride/Citizen Engagement



Community Pride/Citizen Engagement

- “No matter where you live, there is something to love about the place you call home.”
 - Encourages pride in public/private spaces
 - Improves citizen engagement
 - Fosters volunteerism
 - Improves community identity
 - Supports economic development/tourism



Community Pride/Citizen Engagement

- Elements of the Initiative:
 - sustainability
 - cross promotion with other departments (Economic Development, Tourism, Parks and Recreation, Public Works, etc.)
 - testimonials from residents and business owners
 - social media presence
 - public meeting alternatives – pop-ups/online, etc.
 - partnering/engaging w/citizens in problem solving





- Audiences:
 - general public
 - businesses/employers
 - tourists/visitors
 - prospective residents
 - Lynchburg City employees





- Soft launch: Easter Egg Roll at Point of Honor





- Partnering with Public Works and Parks and Recreation for the official launch of **Love Lynchburg!**



COMMUNITY CLEANUP

SATURDAY, APRIL 21
10 AM – 2 PM

Join us as we clean up the City, one neighborhood at a time!

CITY WIDE CLEANUP

Public Works Complex, 1700 Memorial Ave.
We will give you a cleanup location, safety vests, orange bags and litter grabbers.

• You can bring up to 10 tires (no rims) for recycling!

NEIGHBORHOOD CLEANUPS

SPECIAL EXHIBITS • REFRESHMENTS
RESOURCE TABLES

Safety vests, orange bags and litter grabbers provided.

Daniel's Hill Community Center
317 Norwood Street

Diamond Hill Community Center
1005 17th Street

Fairview Community Center
3621 Campbell Avenue

Yoder Community Center
109 Jackson Street

CALL CITIZENS FIRST FOR MORE INFO:
(434) 856-2489

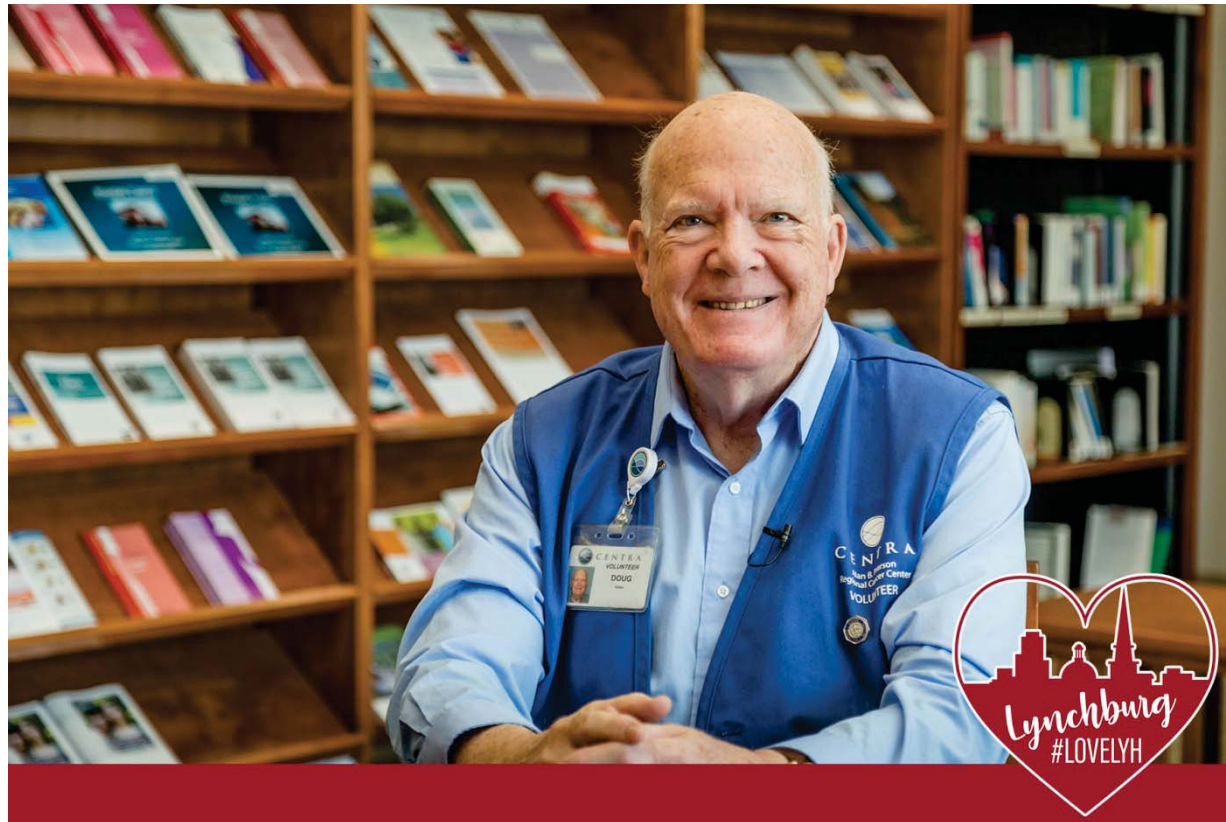




- During the week of April 16, City employees will be showing their love by sprucing up their own work areas and buildings.



A Sample of a Love Lynchburg Testimony





QUESTIONS?

