

LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE

Tuesday, April 9, 2019
8:00 a.m.

Information Items

Recent/Pending Contract Awards: N/A

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

General Business

- | | | |
|--|---|--------------|
| 1) Encroachments Code Changes | - | Walter Erwin |
| 2) VDOT Programmatic Agreement | - | Lee Newland |
| 3) Loading Zone Update | - | Lee Newland |
| 4) Realignment of Route 501 Off Ramp/
Proposed Limited Access Control Changes | - | Tom Martin |

Roll Call

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

Next Meeting: May 14, 2019

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

April 9, 2019

Projects of Interest	Phase	Phase Completion	Sch	Bud	Notes
Timberlake / Logan's Lane Intersection	Construction	June 2019			Construction Underway - Leesville Turn Lanes Added
Wards Ferry Road Improvements @ Heritage	Construction	October 2018			Punchlist Work
Main Street Bridge	* Construction	January 2019			Construction Complete - Staining Concrete. Ramps Ready to Open
Fifth Street Phase 3	Construction	June 2019			Construction Underway
Liberty Mountain Drive - Phase 3	Construction	August 2019			Construction Underway - Projected Finish in September
Odd Fellows Road - Section B2	Construction	May 2019	V	V	Construction Underway - Bridge Closed
Downtown Watermain Replacement & Streetscape 2	* Design	May 2019			Design @ 90%. Project Shelved
Main Street Renewal Project	* Design	April 2019			Design @ 90% Review - Working w/AEP - Vaults Under Construction
Indian Hill Road Bridge	* Design	August 2018			Bid Project Summer 2019 - Easements being Acquired
College Lake Dam	Preliminary	June 2019			Environmental Permitting Underway - R/W being Acquired
One Way Pairs @ 501/221	* Preliminary	June 2019			NEPA Document Underway - SYIP Meeting April 11th.
Police Department Headquarters	* Preliminary	December 2018			Demolition Pre-Con Held 4/2 -

LEGEND

Schedule -

Green		0-5% Behind
Yellow		5-10% Behind
Red		> 10% Behind
V	V	VDOT Managed

Budget -

Green		0-10% Over
Yellow		10-20% Over
Red		> 20% Over
V	V	VDOT Managed

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #:

CONSENT:

REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: Amend City Code to Allow Encroachments Over City Right- of- Way

KEY ELEMENTS:

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

RECOMMENDATION: Amend Section 35-2.1 of the City Code so it will apply to buildings that were constructed after September 13, 1977.

SUMMARY: The state code allows localities to adopt ordinances permitting the owners of buildings or structures that encroach under, upon and over the public rights-of-way to maintain such encroachments as long as such encroachments do not obstruct the use of the rights-of-way for public travel or constitute a safety hazard. Lynchburg adopted such an ordinance on September 13, 1977 (Section 35-2.1 of the City Code) in response to a request from a citizen who had discovered that a portion of his building encroached into the public right-of-way in order to make the title to the building marketable so the building could be sold. However, Section 35-2.1 only applies to buildings that existed "at the date of the enactment" of the ordinance, and does not apply to buildings that were constructed after the adoption of the ordinance.

A property owner in the Wyndhurst area who wishes to sell his building recently discovered that as a result of an accidental error a portion of his building encroaches approximately 4 inches into the City's right-of-way. The discovery that the building encroaches into the City's right-of-way has stopped the sale of the building until the encroachment can be resolved. The City has been asked to amend Section 35-2.1 of the City Code so it will also apply to buildings that were constructed after September 13, 1977, in order that the title to such buildings will be marketable and can be sold. The Public Works Department has considered the request to amend Section 35-2.1 and does not believe amending the Section will have any adverse consequences for the City.

PRIOR ACTION(S): Section 35-2.1 was adopted on September 13, 1977 and amended on July 10, 1979.

FISCAL IMPACT: None

CONTACT(S): Walter C. Erwin, telephone number 455-3973.

ATTACHMENT(S): An ordinance amending Section 35-2.1 of the City Code.

REVIEWED BY: raw

AN ORDINANCE TO AMEND AND REENACT SECTION 35-2.1 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO ENCROACHMENTS IN THE PUBLIC RIGHTS OF WAY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Section 35-2.1 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 35-2.1. - Allowing certain encroachments to continue other than fences and billboards.

Owners of buildings or structures other than fences and billboards encroaching in, upon and over any public rights-of-way ~~streets or public alleys~~ therein may maintain such encroachments as they exist ~~at the date of enactment of this ordinance~~ until such buildings or structures are destroyed or removed; provided, however, that such encroachment does not interfere with the city's use of such rights-of-way ~~nor~~ obstruct the use of such rights-of-way ~~street or alley~~ by the public for travel nor constitute a public hazard and that the permitting of such encroachments to continue shall not relieve said owners of any negligence on their part on account of such encroachment.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Acting Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Virginia Department of Transportation (VDOT) Programmatic Administration Agreement

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Review and forward to Council for approval a resolution to renew the VDOT Programmatic Administration Agreement for three years until June 30, 2022.

SUMMARY: The programmatic administration agreement allows the City to administer the Revenue Sharing projects, with partial funding received from VDOT, for three years without having to execute a specific agreement with each project. Currently, without the programmatic agreement, the City would have nine individual agreements. The original agreement was executed on September 23, 2013, and it was extended in June 2016. After six years, the agreement cannot be extended and has to be renewed.

PRIOR ACTION: N/A

FISCAL IMPACT: None

CONTACT(S): Lee Newland, City Engineer 455-3947
Gaynelle Hart, Director of Public Works 455-4406

ATTACHMENT(S): Resolution

REVIEWED BY: raw

RESOLUTION:

WHEREAS, the Lynchburg City Council desires to execute a new Programmatic Project Administration Agreement with the Virginia Department of Transportation; and,

WHEREAS, the City of Lynchburg is a recipient of Virginia Department of Transportation funds under various grant programs for transportation related projects; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby reaffirms its commitments to fund the local share of preliminary engineering, right of way and construction (as applicable) of the projects under agreement with the Virginia Department of Transportation in accordance with the project financial documents; and,

BE IT FURTHER RESOLVED THAT: Bonnie Svrcek, City Manager, and/or her designees, are authorized to execute all City State Agreements and to execute any other documents that may be needed for any approved projects with the Virginia Department of Transportation.

Adopted: _____

Certified: _____
Acting Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Outreach Update on Loading Zone Ordinance Amendments for the Central Business District

KEY ELEMENTS:

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

RECOMMENDATION: Forward to City Council a recommendation to adopt ordinance amendments in City Code Sections 25-1, 25-249, 25-250, 25-265, and 25-270 impacting Central Business District parking that would change the manner for the use of loading zones, make it illegal for vehicles to park on one-way streets, and to increase the fine amounts for violations related to loading zones and parking on one-way streets.

SUMMARY At the February 26, 2019 PDC meeting City and consultant staff introduced the proposed loading zone ordinance changes followed by verbal report of initial outreach efforts at the March 12th PDC. The Committee requested another update once the initial outreach effort was complete at the end of March. Twenty four fleet managers and seventy five property and business owners were contacted. Additionally, as an e-blast was sent to a list of four hundred downtown stakeholders. City and consultant staff will give a verbal report of comments and themes from the outreach effort.

The following is a brief history and explanation of the proposed loading zone ordinances changes. On November 13, 2018, City Council adopted Resolution R-18-094 stating that “in order to promote the public necessity, convenience and general welfare, the City Council does hereby direct City Staff to prepare amendments to Sections 25-249, 25-250, and Section 25-265 of the City Code to ensure the effective designation, use and enforcement of timed and permanent loading zones for the deliveries outside of travel lanes.” During the reviews, staff also realized that changes were needed to Section 25-1 and Section 25-270 pertaining to definitions and construction parking permits. Upon approval of the City Code amendments, City staff will begin the process of implementing a 120 day loading zone pilot program to determine the effectiveness of the newly designated and timed loading zones on Main and Commerce Streets. The pilot program will be re-evaluated in September of this year. Regardless of any proposals related to downtown policy questions, staff’s recommendation for changes to loading zone management in the Central Business District is necessary to ensure a safer and more efficient flow of vehicular traffic and use of designated loading zones.

PRIOR ACTION(S): November 13, 2018, City Council adopted Resolution R-18-094
February 26, 2019, Physical Development Committee
March 12, 2019, Physical Development Committee

FISCAL IMPACT: Cost for new loading zone sign production and installation estimated at \$1,000. Cost for printing new parking tickets books estimated at \$2,100. Additional revenue generated from parking fines during pilot program estimated at \$ 7,500.

CONTACT(S): Lee Newland, City Engineer, 455-3947
David Malewitz, Parking Manager, 455-4240

ATTACHMENT(S):

- Proposed Ordinance Amendments Sections 25-1, 25-249, 25-250, 25-265, and 25-270 of the City Code.
- City Code Section 35-12 Protective Devices
- Parking Management Temporary Parking Permit Policy
- Map of Proposed Loading Zones for Pilot Program
- Proposed Loading Zone Signage
- Comparison of Locality Parking Fines
- Draft Communication Flyer

REVIEWED BY: raw

AN ORDINANCE TO AMEND AND REENACT SECTIONS 25-1, 25-249, 25-250, 25-265, AND 25-270 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO LOADING ZONINGS AND PARKING ON ONE-WAY STREETS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That Sections 25-1, 25-249, 25-250, 25-265, and 270 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 25-1. - Definitions.

The following words and phrases, when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

Antique motor vehicle. Every motor vehicle which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January first of each calendar year and is owned solely as a collectors item, and is used for participation in club activities, exhibits, tours, parades and similar uses, but in no event used for general transportation, may be classified by the commissioner as an antique motor vehicle.

Bicycle. As defined in section 10-1 of this Code.

Business district. The territory contiguous to a highway where 75 percentum or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by land and buildings actually in use and operation for business purposes.

Central Business District The area of downtown from Fifth Street to the Rt. 29 Business Expressway and from Clay Street to the riverfront

Chauffeur. Every person employed for the principal purpose of operating a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

Commission. The state corporation commission.

Commissioner. The commissioner of the division of motor vehicles of this state.

Crosswalk.

- (a) That portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway.
- (b) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

Dealer. Every person engaged in the business of buying, selling or exchanging motor vehicles, trailers and semitrailers in this city and who has an established place of business for such purpose in this city at which place of business the books and records of such dealer are kept and at which a substantial part of the business of such dealer is conducted.

Division. The division of motor vehicles of this state.

Essential parts. All integral parts and body parts, the removal, alteration or substitution of which will tend to conceal the identity of a vehicle.

Farm tractor. Every motor vehicle designed and used as a farm, agricultural or horticultural implement for drawing plows, mowing machines and other farm, agricultural or horticultural machinery and implements including self-propelled mowers designed and used for mowing lawns.

Highway. The entire width between the boundary lines of every way or place of whatsoever nature open to the use of the public for purposes of vehicular travel in this city, including the streets, alleys and publicly maintained parking lots in the city.

Intersection.

- (a) The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling upon different highways joining at any other angle may come in conflict.
- (b) Where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

Metal tires. All tires the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

Motorcycle. Every motor vehicle designed to travel on not more than three wheels in contact with the ground and any four wheeled vehicle weighing less than 500 pounds and equipped with an engine of less than six horsepower, except any such vehicle as may be included within the term "farm tractor," as defined in this section.

Motor vehicle. Every vehicle as herein defined which is self-propelled or designed for self-propulsion except that the definition contained in section 46.1-389(d) of the Code of Virginia shall apply for the purposes of section 46.1-388 et seq. of state law. Any structure designed, used or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office or commercial space shall be considered a part of a motor vehicle. For the purposes of this chapter, any device herein defined as a bicycle shall be deemed not to be a motor vehicle.

Nonresident. Every person who is not domiciled in this state, except:

- (a) Any foreign corporation which is authorized to do business in this state by the state corporation commission shall be deemed a resident of this state for the purposes of this chapter; provided, however, that in the case of corporations incorporated in this state but doing business without the state, only such principal place of business or branches located within this state shall be dealt with as residents of this state.
- (b) A person who becomes engaged in a gainful occupation in this state for a period exceeding 60 days shall be deemed a resident for the purposes of this chapter.
- (c) A person, other than a nonresident student, who has actually resided in this state for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address within this state in the application for registration, shall be deemed a resident for the purposes of this chapter.

Operator. Every person who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner. A person who holds the legal title of a vehicle or, in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter, except that in all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee upon payment of the rent stipulated, the lessor shall be regarded as the owner of such vehicle and the vehicle shall be subject to such requirements of this chapter as are applicable to vehicles operated for compensation; provided, however, that a "truck lessor" shall be regarded as the owner, and his vehicles shall be subject to such requirements of this chapter as are applicable to vehicles of private carriers.

Peace or police officer. Every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Person. Every natural person, firm, partnership, association or corporation.

Pneumatic tires. All tires inflated with compressed air.

Private road or driveway. Every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Reconstructed vehicle. Every vehicle of a type required to be registered hereunder materially altered from its original construction by the removal, addition or substitution of essential parts new or used.

Residential district. The territory contiguous to a highway, not comprising a business district, where 75 percentum or more of the property contiguous to such highway, on either side of the highway, for a distance of 300 feet or more along the highway is occupied by dwellings and land improved for dwelling purposes, or by dwellings, land improved for dwelling purposes and land or buildings in use for business purposes.

Road tractor. Every motor vehicle designed and used for drawing other vehicles and not so constructed as to carry any load thereon independently or any part of the weight of a vehicle or load so drawn.

Roadway. That portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or unpaved area.

Safety zone. The area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

Semitrailer. Every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

Shoulder. That part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

Solid rubber tire. Every tire made of rubber other than a pneumatic tire.

Specially constructed vehicle. Any vehicle which shall not have been originally constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle.

Superintendent. The superintendent of the department of state police of this state.

Tractor truck. Every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

Traffic lane or lane. That portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

Trailer. Every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle.

Vehicle. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks and except any vehicle as may be included within the term "bicycle."

Sec. 25-249. - Penalty for violation of division.

Unless otherwise provided, any person violating the provisions of this division ~~relating to overtime parking shall be punished by a fine of \$20.00 for each offense; and any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.~~ shall be punished as follows.

(a) Any person violating the provisions of this division relating to overtime parking shall be punished by a fine of \$20.00 for each offense.

(b) Any person violating the provisions of this division relating to parking in prohibited areas and loading zones shall be punished by a fine of \$30.00 for each offense.

(c) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally outside of the Central Business District shall be punished by a fine of \$30.00 for each offense.

(d) Any person violating the provisions of this division relating to parking in loading zones in the Central Business District shall be punished by a fine of \$50.00 for each offense.

(e) Any person violating the provisions of Section 25-250 relating to Stopping on the highways – Generally in the Central Business District shall be punished by a fine of \$100.00 for each offense.

Sec. 25-250. - Stopping on highways—Generally.

(a) No vehicle shall be stopped in such a manner as to impede or render dangerous the use of the street, alleyway or highway by others, except in the case of an emergency as the result of an accident or mechanical breakdown, in which case the emergency flashing lights of such vehicle shall be turned on if the vehicle is equipped with such lights and such lights are operating, and a report shall be made to the nearest police officer as soon as practicable and the vehicle shall be removed from the roadway to the shoulder as soon as possible and removed from the shoulder without unnecessary delay; and if such vehicle is

not promptly removed, such removal may also be ordered by a police officer at the expense of the owner if the disabled vehicle creates a traffic hazard.

- (b) Except upon one-way streets not located within the Central Business District boundaries, and when actually loading or unloading merchandise as provided in section 25-259, no vehicle shall be stopped except close to and parallel to the right-hand edge of the curb, close to and parallel to the left-hand edge of curb, or close to and parallel to the edge of the roadway on one-way streets. In no instance shall such vehicle be parked with the near wheels further than six inches from the curb.
- (c) Within the Central Business District, no vehicle shall be stopped in any portion of the roadway for the purposes of loading or unloading of merchandise, except for the designated loading zones or by issuance of a right-of way permit as provided in section 35-12.
- (de) No vehicle shall be stopped at or in the vicinity of a fire, vehicle or airplane accident or other area of emergency, in such a manner as to create a traffic hazard or interfere with the necessary procedures of police officers, fire fighters, rescue workers or others whose duty it is to deal with such emergencies. Any vehicle found unlawfully parked in the vicinity of such fire, accident or area of emergency may be removed by order of a police officer or in the absence of a police officer, by order of the uniformed fire or rescue officer in charge at the risk and expense, ~~not to exceed \$25.00~~, of the owner of the vehicle if such vehicle creates a traffic hazard or interferes with the necessary procedures of police officers, fire fighters, rescue workers or others whose assigned duty is to deal with such emergencies. Vehicles being used by accredited information services, such as press, radio and television, when being used for the gathering of news, shall be exempt from the provisions of this section, except when actually obstructing the police officers, fire fighters and rescue workers dealing with such emergencies.
- (ed) The provisions of this section shall not apply to any vehicle owned or controlled by the Commonwealth of Virginia Department of Highways and Transportation, or the city, while actually engaged in the construction, reconstruction or maintenance of highways.

Sec. 25-265. - Manner of using loading zones.

Where a loading and unloading zone has been set apart by the city manager or his designee in accordance with applicable provisions of this chapter, the following regulations shall apply with respect to the use of such areas so as not to unduly interfere with the use of public streets:

- (a) No person shall stop, stand or park a vehicle for any purpose or length of time, other than for the expeditious unloading and delivery or pickup and loading of materials, in any place marked as a curb loading zone during hours when the provisions applicable to such zones are in effect, more than thirty (30) minutes for the purposes of actively unloading and loading of materials or passengers in any place marked as a loading zone during when the provisions applicable to such zones are in effect as stated on appropriate signage.
- (b) ~~The driver of a passenger vehicle may stop temporarily in a space marked as a curb loading zone for the purpose of, and while actually engaged in, loading or unloading passengers or bundles. If a person requires parking accommodations for the purposes of unloading and delivery or pickup and loading materials that will exceed the thirty (30)~~

minute time length, then such person shall obtain a Temporary Parking Permit for the Central Business District as described in Section 25-270 of the City Code.

Sec. 25-270. - ~~Construction parking permits~~Temporary Parking Permits in the Central Business District.

~~Construction parking permits are issued by the inspections division of the community development department. Permits will be issued to vehicle owners who are actively engaged in the construction project (plumbing/electrical contractors, etc.). Construction parking permits shall only be issued for vehicles that are used to transport equipment, tools and supplies used by the owner at the work site.~~ Temporary parking permits are issued by the City Manager's designee for the use of on-street or off-street parking spaces for persons who are engaged in activities that require short-term parking accommodations within a reasonable proximity to a worksite, business, event, or residence for special need occasions.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____

Acting Clerk of Council

Sec. 35-12. - Protective devices.

When any work is being done on any street, alley, sidewalk or other public way or on structures abutting thereon, which may endanger persons passing thereon or thereby, barriers or other protective devices approved by the transportation engineer or the transportation engineer's designee, by application for and issuance of a right of way permit shall be erected and maintained to protect the public against any danger which may be presented to the public by reason of such work. Such barriers and devices shall be so constructed as to provide a light or other illumination during hours of darkness. Fees for right of way permits shall be set by the city manager. These fees are subject to annual review and revision by the city manager.

Traffic signs and traffic signals and markings placed or erected pursuant to this title shall conform in size, design, and color to those erected for the same purpose by the department of transportation.

The city transportation engineer may classify, designate, and mark highways and provide a uniform system of traffic control devices for such highways under the jurisdiction of the city. Such system of traffic control devices shall correlate with and, so far as possible, conform to the system adopted in other states.

All drivers of vehicles shall obey lawfully erected traffic control devices.

No provision of this section relating to the prohibition of disobeying traffic control devices or violating local traffic control devices shall be enforced against an alleged violator if, at the time and place of the alleged violation, any such traffic control device is not in proper position and sufficiently legible to be seen by an ordinarily observant person.

Any violation of this section shall constitute a class 4 misdemeanor.

(Code 1959, § 30-21; Ord. No. [O-18-013](#), 2-27-18)



Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lynchburgva.gov • P 434-455-4045 • F 434-847-1536

Temporary Parking Permit Policy **Central Business District**

Effective Date:

Purpose

To provide short-term parking accommodations for on-street and/or off-street parking spaces within the Central Business District that allow parking opportunities for vehicle drivers/owners who are actively engaged in, but not limited to, loading and unloading activities so as to have accommodating parking within a reasonable proximity to a worksite, business, event, or residence for special need occasions. Long-term parking may be accommodated by purchasing monthly parking permits within designated lots.

Permitted Uses

Permitted vehicles are allowed to park in designated City owned on-street and/or off-street parking spaces without having to adhere to posted time limit restrictions or hourly parking fees. Vehicles may also use privately owned parking facilities that are under a parking management agreement with the City. Uses of designated loading zones are exempt from this policy.

Issuance

The Parking Management department is responsible for all issuance and collection of fees.

Fees are established by the Parking Management department and approved by the City Manager. Fees are subject to review on an annual basis.

As of January 1, 2019 the fee is \$10.00 per day per parking space.

The Parking Management department reserves the right to limit the number of Temporary Parking Permits issued, or deny the request. Issuance will be based on the impact to businesses that will be affected by such parking accommodations. Individuals and/or businesses with outstanding balances owed on their parking account will be required to pay that debt amount prior to the issuance of a Temporary Parking Permit.

Designated Locations

Temporary Parking Permits will have the designated location displayed on the front of the permit where parking is permitted. Administrative discretion will be used to determine the appropriate location(s) for permitted use. A permitted vehicle(s) parked outside of the designated location will be subject to regular parking rules and is subject to the issuance of a parking citation(s) for related parking infractions.

Displaying Permits

Temporary Parking Permits must be clearly displayed with the location, expiration date, and permit number facing outward, toward the vehicle windshield, from the vehicle rear-view mirror or placed on the dashboard on the driver's side of the vehicle.

Failure to properly display a Temporary Parking Permit will result in a parking citation.

Lost/Stolen Permits

Lost or stolen parking permits must be reported to the Parking Management department. No refunds will be given for lost or stolen permits. A new Temporary Parking Permit will need to be purchased in place of a lost or stolen permit to be effective on the date of the new purchase.

Damaged Permits

Damaged parking permits can be replaced without a fee provided that the original parking permit is valid and returned to the Parking Management department. A new Temporary Parking Permit will be issued.

Refunds

No refunds will be issued for Temporary Parking Permits.

Transferring Permits

Temporary Parking Permits can be transferred from one vehicle to another; however, they may not be sold to other individuals. Permits that are illegally sold to third parties will be voided.

Enforcement

Enforcement of Temporary Parking Permits in the Central Business District is administered between the hours of 8 a.m. and 5 p.m., Monday – Friday, excluding Saturday, Sundays and City of Lynchburg designated holidays.

Violations

All vehicles found in violation of parking ordinances within *Chapter 25 "Motor Vehicles & Traffic", Article VIII Stopping, Standing, and Parking* are subject to civil infractions as outlined within the chapter.

Temporary Parking Permits for Construction Projects

Contractors may purchase Temporary Parking Permits for the purpose of parking construction related vehicles or other materials within close proximity to the construction site. A valid right-of-way permit issued from the Public Works Department, Engineering Division may be required prior to the issuance of a Temporary Parking Permit. Long-term construction projects that require parking are encouraged to purchase monthly parking permits within designated off-street public parking facilities.

In general, the following conditions apply for Construction Temporary Parking Permits:

- Permit issuance designed for industrial, institutional, commercial and residential construction projects.

- Parking Management will work with the contractor(s) to determine the best location for the use of the Temporary Parking Permit(s) in relationship to the work that is being conducted and location of the construction area.
- The Parking Management department will attempt to issue the permitted spaces closest to the worksite.
- Minimizing parking inconveniences to surrounding businesses will be a priority. Whenever possible, off-street parking spaces will be assigned to help preserve available on-street parking for businesses.
- Permit(s) are not required for parking on Saturdays and Sundays and during City of Lynchburg designated holidays.

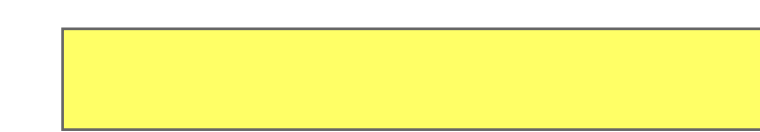
All authorized construction Temporary Parking Permits will be issued for no more than 30 day increments at a time and must be renewed on or before the expiration date at the Parking Management department in order to avoid the issuance of a parking citation(s).

For larger projects impacting the right-of-way, please contact the Public Works Department's Engineering Division at 434-455-3950 for more information.



Lynchburg Downtown Streetscape Loading Zone Pilot Program

LEGEND

 Proposed Loading Zones



City of Lynchburg
January 14, 2019



Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-4045 • F 434-847-1536

Proposed New Loading Zone Signage





Parking Management

900 Church Street • Lynchburg • Virginia • 24504

www.lyncburgva.gov • P 434-455-4045 • F 434-847-1536

Parking Fine Amounts in Comparable Localities

Infractions for Illegal Parking in Loading Zones and Lane of Traffic (Double Parked)

	Loading Zone (Restricted Area)	Double Parked	Notes
Lynchburg	\$30	\$30	Current fine amounts
Charlottesville	\$15	\$30	Fines doubled if not paid in 96 hours (4 days)
Danville	\$10	\$10	Fine increased by \$5 if not paid in 5 days
Harrisonburg	\$15	\$20	
Richmond	\$25	\$40	\$60 if sign is labeled will tow
Roanoke	\$20	\$20	
Staunton	\$15	\$10	
Winchester	\$25	\$25	Fines doubled if not paid in 15 days

LOADING ZONE CHANGES TO DOWNTOWN LYNCHBURG



BACKGROUND

In 2018, Lynchburg City Council instructed staff to review current ordinances regarding loading zones in the Central Business District and to make recommendations that would help ensure the effective designation, use and enforcement of timed and permanent loading zones for the deliveries outside of travel lanes. Staff has completed the initial recommendations as follows and has asked that Council consider the changes to loading zone management practices in the Central Business District to ensure a safer and more efficient flow of vehicular traffic. City Council's Physical Development Committee (PDC) has further instructed staff to conduct outreach and a "pilot" period to assess the viability of the recommended changes.

- 30-minute loading zone 7:00 a.m. - 11:00 a.m. / One-hour public parking after 11:00 a.m., Monday - Friday
- 30-minute loading zone 8:00 a.m. - 5:00 p.m., Monday - Friday

ORDINANCE CHANGES

- Create a consistent 30-minute time limit to all loading zones.
- Fine for a loading zone violation will increase from \$30 to \$50. The purpose of the increase is to encourage drivers to respect the time limits and to use the area for loading or unloading only.
- Fine for parking illegally in the travel lane of traffic will result in a \$100 fine. The purpose of the fine is to dissuade drivers from parking in the travel lane and to promote a safe environment for vehicular travel.
- When it is necessary to provide parking accommodations for longer deliveries or to facilitate special requests for all day parking related to construction, moving or other special needs from businesses, a right-of-way permit may be obtained through the Public Works Engineering Division or a temporary parking permit may be issued.
- Staff will make a report to PDC and the proposed ordinance changes will go to City Council on April 23, 2019.
- Pending City Council's approval, a pilot period is expected to commence May 2019 to test the viability of the changes.
- A final report regarding the loading zones ordinance changes will be made to City Council at its September 2019 meeting.

IMPLEMENTATION

- An outreach period will be conducted beginning Monday, March 4 to provide information regarding the proposed ordinance changes to businesses located in the pilot area and to the fleet managers of effected delivery companies.



ADDITIONAL INFORMATION

For more information, visit
www.lynchburgva.gov/cbdloadingzones

CONTACTS

Lee Newland – Public Works Department
 (434) 455-3947
lee.newland@lynchburgva.gov

Heather Kennedy – Cella Molnar & Associates
 (434) 528-3041
hkennedy@cella.cc

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019 Physical Development Committee**

AGENDA ITEM #:

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Limited Access Control Changes – 501 Off Ramp, Timberlake Road & Logan’s Lane

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of a letter of support to the Virginia Department of Transportation (VDOT) concerning proposed limited access control changes at the 501 Off Ramp, Timberlake Road and Logan’s Lane.

SUMMARY: Ms. Sharon White, P.E., CCM, VDOT is requesting City Council consider a letter of support for proposed limited access changes related to the Logan’s Lane project.

As proposed, the limited access changes could facilitate the future development of 7001 Timberlake Road and the abandoned Route 501 Ramp.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Increased real estate value to be determined upon property sale and development.

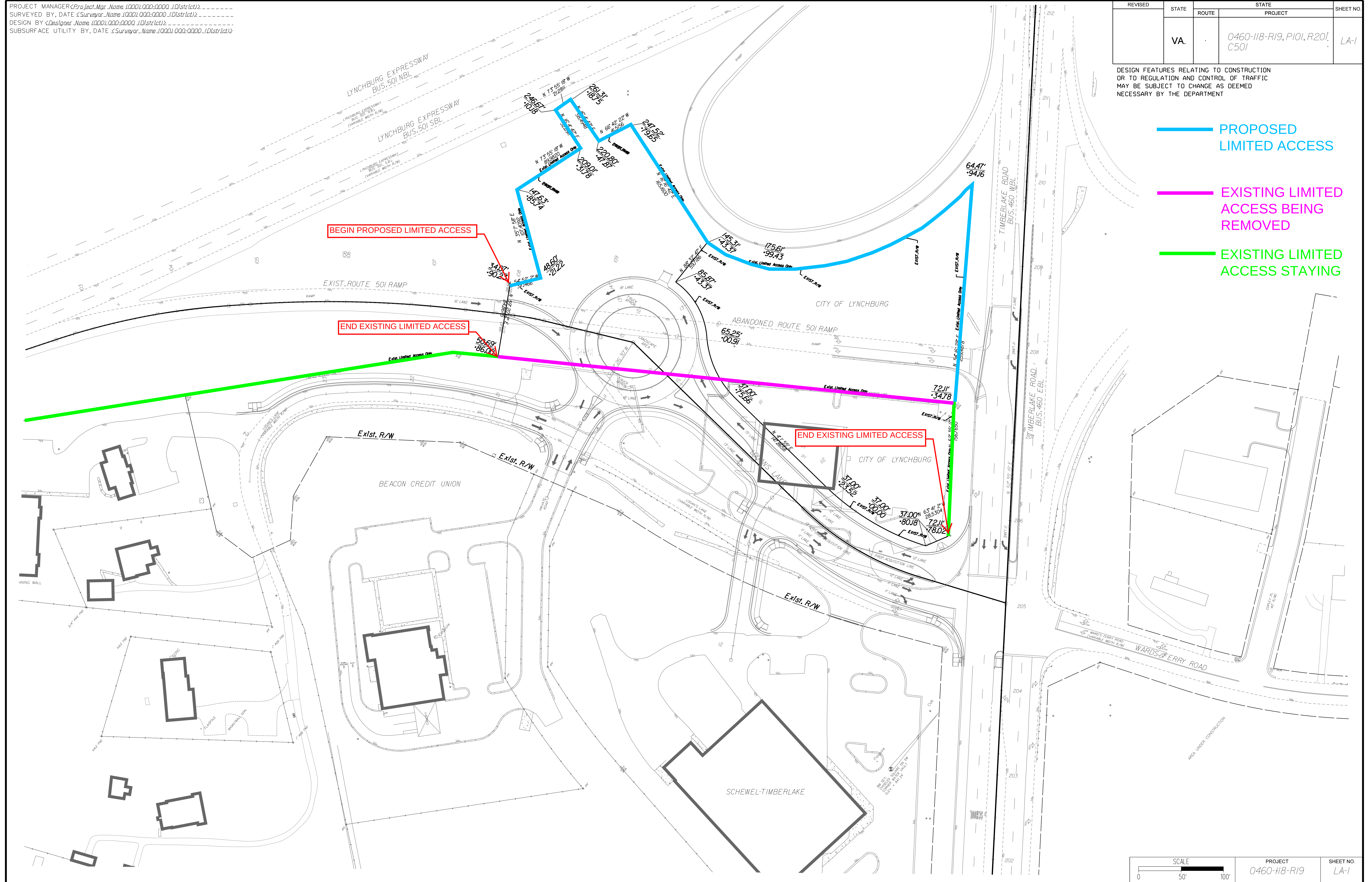
CONTACT(S): Lee Newland, City Engineer – 434-455-3900
Tom Martin, City Planner – 434-455-3900

ATTACHMENT(S):

- Revised Limited Access Exhibit
- Draft Letter of Support

REVISED	STATE	STATE		SHEET NO.
		ROUTE	PROJECT	
	VA.		0460-118-R19, P101, R201, C501	LA-1

- PROPOSED LIMITED ACCESS
- EXISTING LIMITED ACCESS BEING REMOVED
- EXISTING LIMITED ACCESS STAYING



SCALE 0 50' 100'	PROJECT 0460-H8-R19	SHEET NO. LA-1
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April 4, 2019

Sharon S. White, P.E., CCM
Virginia Department of Transportation
4219 Campbell Avenue
Lynchburg, VA 24501

RE: Realignment of Route 501 Business Off-Ramp (UPC 101211) Proposed Limited Access
Control Changes

Dear Ms. White:

Please accept this letter as confirmation that the City Council of Lynchburg, Virginia has reviewed and supports the limited access revisions along the Route 501 Business off-ramp, as required for the Logan's Lane Project.

Please contact Mr. Tom Martin at (434)455-3900, if you have any questions or need additional information. Thank you for your assistance.

Sincerely,

Bonnie Svrcek
City Manager

Cc: Members, City Council
Tom Martin, City Planner
Gaynelle Hart, Public Works Director
Lee Newland, P.E., City Engineer

REIVSED AGENDA

COUNCIL MEMBER WRIGHT WILL GIVE THE INVOCATION

A G E N D A

City Council Meeting of April 9, 2019

4:00 P.M. – Work Session

❖ Adopt a Resolution appointing the Clerk of Council

1. Review of Proposed FY 2020 – FY 2024 General Fund Capital Improvement Program
2. Roll Call

7:30 P.M.

City Council Agenda Items

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.

*** PREVIOUSLY DISCUSSED AND/OR CONSIDERED BY CITY COUNCIL**

Recognitions:

- ❖ Proclamation for the Census 2020 Kickoff

C O N S E N T A G E N D A

- #3. Consideration of approving the minutes of the March 19, 2019 meeting.
- #4. Consideration of approving the minutes of the March 26, 2019 meeting.
- #5. Consideration of approving the minutes of the April 2, 2019 meeting.

P U B L I C C O M M E N T

- #6. Hear from a citizen regarding a concern (Madeline Cotton).

P U B L I C H E A R I N G

- #7. Public Hearing regarding the proposed real property tax increase.
- #8. Public Hearing regarding the petition of Surgery Center of Lynchburg to rezone approximately five and one hundredth (5.01) acres at 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove the existing proffers to allow future building and parking lot expansions.
#O-19-____
- #9. Public Hearing regarding the petition of Willoughby Properties II, LLC. to rezone approximately one hundred and ninety-six thousandths (0.196) of an acre at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the conversion of the existing dwelling into apartments.
#O-19-____
- #10. Public Hearing regarding the petition of LYNVET, LLC for a conditional use permit at 802 Wiggington Road to allow the expansion of a veterinarian office in a B-3, Community Business District.
#R-19-____
- #11. REVISED: Public Hearing regarding the consideration of introducing a Resolution Amending the Fiscal Year 2019 Budget and Appropriating Supplemental Funds and Rescinding Appropriations for the City of Lynchburg for the Twelve Month Period Beginning July 1, 2018 and ending June 30, 2019.
#R-19-____

G E N E R A L B U S I N E S S

- #12. Hear a report on the 2018 activities of the Downtown Lynchburg Association (DLA).
- ~~#12. Consideration of introducing a Resolution to amend the FY 2019 Operating and Capital Budgets and appropriate or rescind funds to reflect the Third Quarter Adjustments.~~
#R-19-____
- #13. Consider and approve new procedures and a flat fee for landlord eviction set outs.

// A special meeting of the Council of the City of Lynchburg was held on the 19th day of March, 2019 at 4:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The purpose of this meeting was to continue review items associated with the FY 2020 Proposed Operating Budget. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, Sterling A. Wilder, Beau Wright, Treney Tweedy 6

Absent: E. J. Turner Perrow 1

// In the matter of Finance—Budget, City Manager Bonnie Svrcek noted that the FY 2020 Proposed Operating Budget concerning Airport, Fleet, and Water Resources Funds including Airport and Water Resources Capital Improvement Programs (CIP) would be reviewed in this session. Ms. Svrcek preempted her delivery with early data from the Balancing Act software application that indicated 121 Lynchburg residents have submitted budget information as of this meeting. Ms. Svrcek also addressed questions that Council raised during the Budget Review session of March 12, 2019 with a document, including attachments answering each question and items from “The List.” Councilmember Wright requested a cost schedule for fully realizing the wish list from the Lynchburg Police Department. Councilman Helgeson asked a question pertaining to the previous meeting’s budget review concerning cost reduction in solid waste collection.

// Mr. Charles Cramer, Director of Fleet Services presented the FY 2020 Proposed Operating Budget and CIP for Fleet Services.

// Mr. Mark Courtney, Airport Director presented the FY 2020 Proposed Operating Budget and CIP for the Airport. Mr. Courtney noted that this is the 5th consecutive year the Airport has been profitable and not in need of additional City funding to complete CIP projects.

// Mr. Tim Mitchell, Director of Water Resources presented the FY 2020 Proposed Operating Budget and CIP for Water Resources funds. Mr. Mitchell mentioned that the water system has a tremendous capacity for growth. Councilmember Helgeson asked for historic information on changes in costs for sludge disposal and questioned metrics of the Stormwater fund performance measures.

// Mrs. Donna Witt, Chief Financial Officer presented a review of Other Funds in the FY 2020 Proposed Operating Budget.

March 19, 2019

AGENDA ITEM #: 3

// City Manager Svrcek advised Council that FY 2020 Proposed Budgets of Component Units (Lynchburg City Schools and the Greater Lynchburg Transit Company) will be reviewed during the March 26, 2019 work session.

// The meeting was adjourned at 5:22P.M.

Acting Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 26th day of March, 2019 at 4:00 P.M. in the Council Chamber, City Hall, MaryJane Dolan, Vice President, presiding. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow,
Sterling A. Wilder, Beau Wright

6

Absent: Treney Tweedy

1

// In the matter of Finance – Budget, Council Report #1 was considered to review the Proposed FY 2020 Budget for Component Units, Lynchburg City Schools (LCS) and The Greater Lynchburg Transit Company (GLTC). City Manager Bonnie Svrcek noted that there were no questions to consider from the previous meeting.

// Dr. Crystal M. Edwards, Superintendent of LCS provided a presentation and overview of the LCS FY 2020 Proposed Budget recommendations. Dr. Edwards highlighted the relative lower salaries of City School teachers. Recommendations included reinvesting the LCS, Getting staff up to an average 5% raise, and to fund the portion of the Citywide Salary Study that affected LCS staff.

[Mayor Tweedy joined the meeting and assumed her role as President at 4:23PM]

Councilmember Randy Nelson disclosed that his wife is a principal in the City Schools; however he doesn't have a conflict of interest in the discussion on LCS budget. Councilmember Wilder posed a question regarding total amount of staff reductions to the LCS budget and regarding potential collaboration between City departments. Councilmember Helgeson stated that the City Schools did not provide requested information on what a 5% cut would look like. Dr. Edwards noted that the information on this subject was contained in the packet provided to Council. Councilmember Helgeson spoke to declining enrollment in City Schools and the increased budget requests over the past several years. Dr. Edwards commented on what she has been doing since her appointment to assess and manage this situation. Dr. Edwards further posited that she has no documents advising where there are 200 additional staff members. This was in response to Councilmember Helgeson's comment paraphrasing Interim Superintendent Dr. Larry Massie's assertion that there were 400 less children and 200 additional staff during a school year. Dr. Edwards mentioned possible situations where this issue could have been interpreted as overall additional staff with declining enrollment, including not considering the context of staff hires. Councilmember Wright stated that the City Schools would have to absorb 5% of any staff raises

within level funding if not matched locally. Councilmember Perrow stated that the local match isn't a "new money" match, and commended Dr. Edwards for budgeting conservatively. Councilmember Perrow also suggested using the return of funds balance for future similar costs. Mr. Anthony Beckles, Chief Financial Officer of Lynchburg City Schools assisted in answering additional budget questions from Council. Councilmember Perrow noted that the proposed budget request averages to over \$14,000 per student when looking at the raw numbers, and that he supports a study on redistricting. Councilmember Nelson requested final numbers on the total number of Federal dollars allocated to the schools. Mr. Beckles advised these numbers are not available yet. Councilmember Nelson asked if the return of funds balance could be realized earlier in the fiscal year to address specific financial need. Dr. Edwards advised that LCS staff are looking at different budgeting methods moving forward. Mr. Beckles also advised that the impact and variance of health claims makes some use of other funds risky. Councilmember Helgeson reiterated the effect of Average Daily Membership (ADM) on school budgets. Mr. Beckles responded that he reviews and assesses the budget projections monthly. Mayor Tweedy suggested the Council be cognizant of time and ask staff to address additional questions or have the Superintendent return at a later date to answer questions. Councilmember Helgeson stated that the City School budget is a large part of the City's annual budget, and the Council should spend ample time on this matter. Councilmember Perrow commended Mr. Beckles for his professional work with the LCS budget. Councilmember Wright requested information from the past two fiscal years in the form of a proposed budget to actual budget document. Vice Mayor Dolan questioned why the return of fund balance was not used for salaries when there is a 1993 document approving use of funds in this manner. Dr. Edwards noted that she was not aware of the 1993 agreement until after the budget was submitted. Mayor Tweedy commented on the need for guaranteed results from staff toward the goal of having a great school system in Lynchburg with improved operations, education, and delivery of services. Mayor Tweedy mentioned the possibility of forming an Efficiency Task Force and potentially halting work on school gyms in the Capital Improvement Program to focus on other pertinent needs and to put the LCS Budget on the "list."

//Brian Booth, Director of the Greater Lynchburg Transit Company (GLTC) provided a presentation and overview of the GLTC FY 2020 Proposed Budget. Mr. Booth advised that GLTC recently completed the transit development plan supported by a community-wide survey.

Three priorities arose from this survey including: 1) more frequent service, 2) more direct service, and 3) extended hours of service. Per Mr. Booth, the proposed budget represents an approximately \$68,000 decrease from the FY 2019 adopted budget. Councilmember Helgeson questioned the reduction in fare revenue. Mr. Booth explained that policies for subsidized fares have contributed to the reduction in revenue. Councilmember Helgeson asked that the request for a partial return of fund balance be added to the “list.” Councilmember Perrow inquired about the effect of route changes on the ridership. Mr. Booth stated the passengers have expressed about 75% positive feedback and 25% negative feedback to these changes.

// City Manager Svrcek suggested that the FY 2020-2040 Capital Improvement Program review begin at the next session. Ms. Svrcek also reminded Council that the Public Hearing on the FY 2020 Proposed Budget would be held at 7PM in Council Chamber on Tuesday April 2, 2019. Councilmember Perrow asked about the Lynchburg Business Development Center funds. Ms. Svrcek responded that there were no changes in that fund.

// In the matter of Roll Call, [Council Report #3] Mayor Tweedy mentioned that the Mayor’s Youth Council 5K walk/run held on Saturday March 23, 2019 at Peaks View Park was a success. Love Lynchburg day is April 13, 2019 and citizens are encouraged to get out, clean up lots, and beautify neighborhoods. Mayor Tweedy also advised that the Care Collaborative will be held on April 13, 2019 as well at the Salvation Army.

// In the matter of holding a closed session, Council Report #4 was considered and on motion of Council Member Helgeson, seconded by Council Member Wilder, Council by the following recorded vote elected to hold a closed meeting for the discussion and consideration of prospective candidates for the position of Clerk of Council; for the discussion and consideration of the sale of three City-owned parcels of land located at 99, 103, and 106 Breezewood Drive because discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the City; and for consultation with legal counsel and briefings by staff members pertaining to probable litigation concerning the Link Road shooting incident that occurred on February 18, 2018; pursuant to Section 2.2-3711(A)(1),(3) and (7) of the Code of Virginia.:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy

7

Noes:

0

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

// Council Member Wright made the following motion:

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

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

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

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

Ayes: Dolan, Nelson, Tweedy, Wilder, Wright 5

Noes: 0

Abstentions: Helgeson, Perrow 2

// The meeting was recessed after the closed session.

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

The following Members were present:

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

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance led by Boy Scout Troop #50, from the American Legion Hall.

// Mayor Tweedy requested a motion to revise the Council agenda by adding a motion for the consideration of approving the sale of three parcels of land. On motion of Councilmember Nelson, seconded by Councilmember Perrow, Council by the following recorded vote approved the motion to amend the agenda:

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

Noes: 0

// Councilmember Helgeson raised a point of order concerning the previous motion to amend the

agenda. As parliamentary authority, City Attorney Walter Erwin advised that Council by consensus vote may note that the item was voted upon when the Council came out of closed meeting and will be reflected in the closed record.

// Mayor Tweedy recognized Sheriff Don Sloan concerning re-accreditation of the Lynchburg Sheriff's Office. Sheriff Sloan provided a brief presentation on the accreditation process and history. Sheriff Sloan noted that on January 24, 2019 the Virginia Law Enforcement Professional Standards Commission (VLEPSC) voted unanimously to award a third accreditation to the Lynchburg Sheriff's Office. Two representatives from the VLEPSC were present to speak on behalf of the Commission and support Sheriff Sloan.

// In the matter of the Consent Agenda, Council Report #5 was considered. Copies of the minutes of the March 12, 2019 meeting, having been previously furnished Council; reading was dispensed with, and on motion of Council Member Wilder, seconded by Council Member Perrow, Council by the following recorded vote approved the minutes as presented:

Ayes: Dolan, Helgeson, Nelson, Perrow, Wilder, Wright, Tweedy

7

Noes:

0

// In the matter of Public Comment, Council Report #6 was considered to hear from a citizen regarding a concern. Madeline Cotton was not present to speak.

// In the matter of Public Comment, Council Report #7 was considered to hear from a citizen regarding a concern. Thomas Wood addressed Council regarding his opposition to increased taxes and support for locking property taxes for citizens 75 years and older.

// In the matter of General Business – Lynchburg Police Department (LPD), City Council Report #8 was considered regarding the tethering of dogs and extreme weather conditions for dogs left outside in the City. Police Chief Ryan Zuidema provided a brief presentation on this item noting that the LPD met with several stakeholders after the initial request from Councilmember Wright to address citizen concerns. Councilmember Wright made a statement regarding the collaborative efforts to draft this proposed Ordinance and the need for such local policy. On motion of Council Member Wright, seconded by Council Member Dolan, Council considered the motion to adopt an Ordinance on this matter. Discussion germane to the motion ensued between Councilmembers. Councilmember Nelson noted concerns on proposed language in the Ordinance that may hinder enforcement, and may have unintended legal consequences for citizens. Councilmember Helgeson reflected upon personal experiences that suggest this issue is

not a pervasive problem in the City. Specifically, Councilmember Helgeson posited that his father, a milkman, could have been penalized with jail time for tethering their dog under such an ordinance. Councilmember Wilder stated that this may be a burden for the LPD, and asked if the Police Department could handle this additional workload. LPD Chief Zuidema and Ryan Ball, Chief Animal Warden responded to these questions indicating such calls would be a low priority. Councilmember Wilder asked if this law would be upheld as a standard, or an actual enforced ordinance. Vice Mayor Dolan gave support to the motion, and mentioned that this Ordinance should be a standard for citizens to follow. Councilmember Wright commented that other localities have more restrictive ordinances than what is proposed in this legislation. Councilmember Perrow stated that many renters in the urban residential district are unable to have animals in the residences and perhaps this ordinance would create unintended consequences. Councilmember Perrow also noted that he is concerned this Ordinance would be an overreach. City Attorney Walter Erwin advised Council that if the State adopted an ordinance on tethering, the City may revisit the matter and vote accordingly to change local laws. Mayor Tweedy encouraged everyone to remember the consideration of the safety and protection of people while exhibiting concern for animals. Commonwealth Attorney, Bethany Harrison addressed questions on criminal prosecution for animal cruelty crimes from Councilmembers Helgeson and Nelson. Ms. Harrison noted that she was not a part of the meetings held to craft the proposed ordinance, although she did give input regarding the specific language necessary for enforcement. Ms. Harrison stated that Class II misdemeanors carry a penalty of up to six (6) months in jail and incorporate seizure of the animal, which is a time-intensive process of litigation. Commonwealth Attorney Harrison provided an example of a civil seizure hearing on animal cruelty held earlier on today [March 26, 2019] that took 45 minutes. This is considered a significant amount of time on the misdemeanor court docket. Ms. Harrison stated that she hopes the Commonwealth attorney's Office does not see a number of cases rising to Class II Misdemeanors in relation to this proposed ordinance. Council by the following recorded vote adopted Ordinance #0-19-020, as presented, creating Section 7-42 to restrict the conditions under which dogs can be tethered and Section 7-43 restricting conditions under which dogs can be left outside in extreme weather conditions.

Ayes: Dolan, Nelson, Wilder, Wright, Tweedy 5

Noes: Helgeson, Perrow 2

// In the matter of General Business – Public Works, City Council Report #9 was considered. Mr. Lee Newland, City Engineer provided a brief summary of the request. As this matter was approved by the Physical Development Committee (PDC) on March 12, 2019, Councilmember Perrow, as PDC Chair noted support of the resolution. On motion of Council Member Perrow, there was no second necessary and Council by the following recorded vote adopted Resolution #R-19-021, as presented, requesting the Commonwealth Transportation Board (CTB) provide funding from the Virginia Department of Transportation’s (VDOT) Economic Development Access Program for a new road to give access to a proposed new industrial facility off of Carroll Avenue.

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

Noes: 0

// In the matter of General Business – Public Works, City Council Report #10 was considered. Mr. Lee Newland, City Engineer provided a brief summary of the request. As this matter was approved by the Physical Development Committee (PDC) on March 12, 2019, Councilmember Perrow, as PDC Chair noted support of the resolution. On motion of Council Member Perrow, there was no second necessary and Council by the following recorded vote adopted Resolution #R-19-022, as presented, retracting support for the Atlanta Avenue Trail project.

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

Noes: 0

The meeting was adjourned at 8:37 P.M.

Acting Clerk of Council

// A special meeting of the Council of the City of Lynchburg was held on the 2nd day of April, 2019 at 7:00 P.M. in the Council Chamber, City Hall, Treney Tweedy, President, presiding. The purpose of this meeting was to hold a Public Hearing on the FY 2020 Proposed Operating Budget and the Proposed FY 2020-2024 Capital Improvement Program for the City of Lynchburg, which includes funding for General, Schools, Fleet, Airport, Water, Sewer, Stormwater and Other Funds. The following Members were present:

Present: MaryJane Dolan, Jeff S. Helgeson, J. Randy Nelson, E. J. Turner Perrow, Sterling A. Wilder, Beau Wright, Treney Tweedy 7

Absent: 0

// City Manager Bonnie Svrcek provided introductory remarks on the funds associated with the FY 2020 Operating Budget and FY 2020-2024 Capital Improvement Program. Ms. Svrcek's brief overview observed that the \$408.1 million proposed budget included a significant investment in capital assets over the next five years. Guiding Principles noted the primary preservation of core service delivery and secondary need for quality of life items. Council's focus areas of growing and redeveloping the economy, maintaining impactful schools, having exceptional neighborhoods and strong families as well as a resilient, agile and innovative organization were considered in the budget. Budget Highlights from Ms. Svrcek's presentation included:

- Maintains current services with no tax rate increases for services in the General Fund; however, an increase in trash decals/bag fees is proposed
 - 64 gallon (\$80 to \$110); 32 gallon (\$40 to \$55); bags (\$1.25 to \$2.00)
- Preserves majority of funding for Police Department, Fire Department, Sheriff, Animal Control and Emergency Services
- Schools Operating expenditures of \$42.0 million equal to FY 2019 Adopted appropriation
- Total revenues projected to increase 3.0% or \$5.5 million compared to current year
- Biggest increase is in Real Property Taxes due to reassessment
- Budget issue will be whether to equalize the tax rate
 - This means reducing the tax rate from \$1.11 to \$1.05 per \$100 assessed value to generate the same revenue as current year; this would mean revenues and expenditures need to be adjusted by \$3.4 million.
- Total proposed expenditures, reserves and transfers are \$193.6 million or an increase of

\$945,100 or .5% over current year.

- Council policy requires a fund balance equal to 10% of General Fund revenues
- This proposal includes a 10.4% fund balance
- \$4.4 million in General Fund pay-go dedicated to maintaining the City's capital assets.
- Projects proposed for funding include:
 - Major building repair: \$1,358,000
 - General street improvements: \$500,000
 - Downtown Development: \$900,000
 - Parks Paving and Lighting: \$251,000
 - Radio Replacements: \$203,908
 - Snow, Streets, and Bridges Reserve: \$250,000

Ms. Svrcek remarked that the budget was built on organic growth rather than a proposal to increase taxes. She also thanked City Department Heads and their departmental support teams, as well as the budget team of Donna Witt, Chief Financial Officer; Starlette Early, Budget Analyst; Megan Palmer, Budget Specialist, Reid Lanham and Tyler Grachan in Financial Services, and Deputy City Manager Dr. Reid Wodicka for stellar work on the budget.

// In the matter of Finance –Budget, a public hearing was held regarding City Council Report #1 concerning the FY 2020 Proposed Operating Budget and the Proposed FY 2020-2024 Capital Improvement Program for the City of Lynchburg, including funding for General, Schools, Fleet, Airport, Water, Sewer, Stormwater, and Other Funds. Fifteen speakers rose to address items related to the FY 2020 Proposed Budget including three in support of additional funding for Lynchburg City Schools, one suggesting the City of Lynchburg reconsider not being a member of the Virginia Municipal League in FY 2020, one voicing concerns on cuts to the Museum budget, one in opposition to cutting funding for poverty reduction, one representing the Lynchburg Firefighters Association, one representing the Lynchburg Police Foundation, another expressing concerns about cuts to the Police budget, two commenting on the Great Lynchburg Transit Company (GLTC) budget, two citizens voicing opposition to increased real estate taxes, a representative from One Community One Voice regarding cuts in budget for the Police Department, and a citizen who provided opinion on proposed cuts to GLTC, a need for teacher raise, and support of funding for Lynchburg Fire and Police employees. There was no one else present who wished to speak and the Public Hearing was closed.

April 2, 2019

AGENDA ITEM #: 5

Mayor Tweedy noted that the Public Hearing on proposed real property tax increases will be held on Tuesday, April 9, 2019 at 7:30PM.

// The meeting was adjourned at 8:05P.M.

Acting Clerk of Council

Campbell, Alicia

From: Madeline Cotton <madelinecottoncosmomswcas@gmail.com>
Sent: Thursday, March 28, 2019 10:29 AM
To: Campbell, Alicia
Subject: Re: Request to be added to the City Council meeting agenda

Dear Mrs. Campbell,

I apologize for not attending the City Council meeting that was held on the 26th. I thought that tot was held on yesterday somehow. Could I be put on the agenda again? Afresh, I apologize for any inconvenience this may have caused.

Thank you for your attention. I look forward to communicating regarding this matter.

Sincerely,

Madeline Cotton Cosmo., MSW, CAS, MQMHP A-C

Sent from my iPhone

On Mar 25, 2019, at 10:23 AM, Madeline Cotton <madelinecottoncosmomswcas@gmail.com> wrote:

Thank you very much Mrs. Campbell. I plan to be in attendance.

Sincerely,

Madeline Cotton Cosmo., MSW, CAs, MQMHP A-C

Sent from my iPhone

On Mar 22, 2019, at 11:13 AM, Campbell, Alicia <alicia.campbell@lynchburgva.gov> wrote:

Hello –

You are on the agenda to speak at our next City Council meeting on March 26, 2019. The meeting will begin at 7:30pm and will be held in Council Chamber at City Hall.

If you have any questions, please let me know.

Thanks!

ALICIA F. CAMPBELL – Administrative Services Associate III
City of Lynchburg, City Manager's Office

900 Church Street
Lynchburg, VA 24504
P: (434) 455-3990 F: (434) 847-1536

From: Madeline Cotton [<mailto:madelinecottoncosmomswcas@gmail.com>]
Sent: Friday, March 08, 2019 4:06 PM
To: Campbell, Alicia; cotton_madeline@yahoo.com
Subject: Fwd: Request to be added to the City Council meeting agenda

Attention to all,

There was also a loss of government to properly that was in my possession.

Sent from my iPhone

Begin forwarded message:

From: Madeline Cotton
<madelinecottoncosmomswcas@gmail.com>
Date: March 8, 2019 at 3:19:33 PM EST
To: alicia.campbell@lynchburgva.gov
Subject: Request to be added to the City Council meeting agenda

Dear General Manager's Office and Lynchburg City Council Members,

I am writing to request permission to communicate with you at the next City Council meeting Regarding the loss of most of my property, inheritance, and possessions since I am moved back home from college.

Thank you for your attention. I look forward to communicating with you regarding this matter.

Sincerely,
Madeline Cotton Cosmo., MSW, CAS, MQMHP A-C
1923 Cherry St.
Duplex A
Lynchburg, Virginia 24504
(434)665-9897
madelinecottoncosmomswcas@gmail.com

Sent from my iPhone

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding Proposed Real Property Tax Increase and Discussion regarding an Increase in the Real Property Tax Rate

KEY ELEMENTS:

X Economic Development X Excellent Government X Natural and Built Environment X Safe Community X Vibrant Community

RECOMMENDATION: Conduct a public hearing regarding the proposed real property tax increase and determine if Council wants to propose an increase in the current real property tax rate of \$1.11.

SUMMARY: The Assessor's Office has completed the biennial reassessment of real property which will take effect on July 1, 2019. Notices to property owners were mailed on March 1st.

The FY 2020 Proposed Budget proposes no change to the real property tax rate. For budget discussions, each penny on the real property tax rate will generate approximately \$562,364. This revenue source represents just over thirty-nine percent (39.5%) of General Fund non-dedicated revenues. Adjusting the real property tax rate to produce the same amount of revenue as during FY 2019 would require a reduction from \$1.11 to \$1.05 per hundred dollars of assessed value (the "equalized tax rate"). Such a reduction, which is not recommended in this budget, would require an adjustment of approximately \$3,374,184 (\$0.06 x \$562,364) to estimated revenues and/or expenditures for FY 2020.

Because the reassessment will result in an increase of one percent or more in the total real property tax levied, City Council is required to hold a public hearing on the effective tax increase. (Reference, § 58.1-3321 of the Code of Virginia).

If City Council chooses to consider an increase in the real property tax rate, a public hearing will need to be advertised 30 days prior to the date of the public hearing. Council can advertise a tax rate higher than they may ultimately adopt; however, they may not adopt a tax rate higher than advertised. If City Council wishes to consider an increase in the real property tax rate, staff recommends a public hearing on such increase be advertised for Tuesday, May 14, 2019 at 7:30 p.m. as part of your regular City Council meeting.

PRIOR ACTION(S): None

FISCAL IMPACT: Any adjustment to the current real property tax rate would equal \$562,364 for each penny increase or decrease.

CONTACT(S): Bonnie Svrcek, City Manager - 455-3990
Jeff Bandy, City Assessor – 455-3821

ATTACHMENT(S): Notice of Proposed Real Property Tax Increase (corrected)

REVIEWED BY: bms

044A



NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The City of Lynchburg proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by 5.6 percent.
2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$1.05 per \$100 of assessed value. This rate will be known as the "lowered tax rate."
3. Effective Rate Increase: The City of Lynchburg proposes to adopt a tax rate of \$1.11 per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$.06 per \$100, or 5.71 percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of the City of Lynchburg will be ~~less~~ more than last year's by 8 percent.

A public hearing on the increase will be held on Tuesday, April 9, 2019 at 7:30 p.m. in City Council Chambers, City Hall, 900 Church Street, Lynchburg, Va.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-1C, Limited Business District (Conditional) to B-1, Limited Business District – 2401 Atherholt Road

KEY ELEMENTS:

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

RECOMMENDATION: Approval of the rezoning petition from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove a previously approved proffer.

SUMMARY: Surgery Center of Lynchburg is petitioning to rezone 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove previously approved proffers. The following proffers were approved as part of a rezoning from R-4, Multi-Family Residential District to B-1C, Limited Business District (Conditional) on June 13, 2000:

1. The property will be developed in substantial compliance with the attached site plan (by Marshall Erdman and Associates dated May 2, 2000).
2. The required right-of-way for the extension of Atherholt Road to the westernmost property line will be dedicated to the City of Lynchburg. (The petitioner complied with this proffer and the extension has been constructed.)

If the rezoning is approved, the proffers would be eliminated, which would allow for the construction of two (2) additional parking areas and two (2) future building additions.

PRIOR ACTION(S):

March 13, 2019: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (7-0) of the rezoning petition.

FISCAL IMPACT: Increased real estate value to be determined upon construction completion.

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

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – March 13, 2019
- Planning Commission Packet – March 13, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2401 ATHERHOLT ROAD FROM B-1C, LIMITED BUSINESS DISTRICT (CONDITIONAL) TO B-1, LIMITED BUSINESS DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.2 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 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District.

The area embraced within the following boundaries:

Beginning at an iron pin found along the western Atherholt Road right-of-way line at the eastern corner of the hereon described parcel and being the point of beginning; thence along said right-of-way the following courses: south 54 degrees 17 minutes 27 seconds west 508.37 feet to a point; along a curve to the left having a central angle of 13 degrees 06 minutes 29 seconds, a length of 120.11 feet, a radius of 525.00 feet, a chord length of 119.85 feet, and a chord bearing of south 47 degrees 44 minutes 12 seconds west to a point; thence leaving said right-of-way north 34 degrees 01 minutes 32 seconds west 364.53 feet to a point; thence north 54 degrees 17 minutes 27 seconds east 615.08 feet to a point; thence south 35 degrees 58 minutes 42 seconds east 350.70 feet to the point of beginning, and containing 5.01 acres, more or less.

...is hereby changed from B-1C, Limited Business District to B-1, Limited Business District.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____

Acting Clerk of Council

037A

MINUTES OF THE MARCH 13, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Surgery Center of Lynchburg to rezone approximately five and one hundredth (5.01) acres at 2401 Atherholt Road from B-1C, Limited Business District (Conditional) to B-1, Limited Business District to remove the existing proffers to allow future building and parking lot expansions.

Mr. Tom Martin summarized the report for the commissioners. This is a petition to rezone the property to remove previously approved proffers from a rezoning approved by City Council in May 2002. The property is recommended for mixed use on the City's *Future Land Use Map (FLUM)*. It is located in an area that is predominately office buildings and some institutional type uses. The removal of the proffers would allow for the expansion of the current building and the addition of two parking lots.

Stormwater management would be handled by the existing bioretention, a future detention basin and underground stormwater detention. Stormwater quality would be addressed by the purchase of offsite nutrient credits.

The only other proffer that was attached to the 2002 rezoning was a dedication of right-of-way for the future extension of Atherholt Road. They have complied with that and the road has been constructed. The Planning Division recommends approval of the rezoning petition.

Mr. Andy Klepac of Hurt & Proffitt was present to represent the petition. He noted that the parking addition in the northeast corner is really the emphasis of the surgery center's need for the rezoning. The original rezoning in 2002 proffered a site plan which did not show the parking lots or building addition. The building additions are conceptual at this point. They are being shown to give the City the surgery center's best idea of its future needs.

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

Commissioner Bowden asked Mr. Klepac to explain the phasing of the stormwater management measures. Mr. Klepac explained the site plan for the northeast parking lot has been prepared already, including the stormwater management measures. Other stormwater management measures will be put in place when the other parking lot and building additions are built.

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

"That the Planning Commission recommends to City Council approval of the petition of Surgery Center of Lynchburg to rezone approximately five and one hundredths (5.01) acres from B-1C, Limited Business District (Conditional) to B-1, Limited Business District at 2401 Atherholt Road to allow future building and parking lot expansions."

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission

From: Planning Division

Date: March 13, 2019

Re: Rezoning – B-1C, Limited Business District (Conditional) to B-1, Limited Business District

I. PETITIONER

Surgery Center of Lynchburg, 2401 Atherholt Road, Lynchburg, Virginia 24501

Representative: Andy Klepac, PE, Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, Virginia 24501

II. LOCATION

The subject property is located at 2401 Atherholt Road and contains approximately five and one hundredths (5.01) acres.

Property Owner: Same as petitioner

III. PURPOSE

The purpose of the petition is to remove the previously approved proffers to allow future building and parking lot expansions.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends Mixed Use for the subject property.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Mixed Use for the subject property. These areas do not fit into any single use category as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. The mixed use areas generally consist of large undeveloped or greenfield areas that are intended to be developed for a balanced mix of residential, neighborhood commercial, civic uses, parks and open spaces. The mix of uses in these areas is intended to be determined at the time of development review and approval. (*p. 76*)
2. **Zoning.** The subject property is currently zoned B-1C, Limited Business District (Conditional). The property was rezoned from R-4, High Density Residential to B-1C, Limited Business District (Conditional) on June 13, 2000. The existing proffers on the site include:
 - The property will be developed in substantial compliance with the site plan (by Marshall Erdman and Associates, dated May 2, 2002)
 - The required right-of-way for the extension of Atherholt Road to the westernmost property line will be dedicated to the City of Lynchburg.

The proposed rezoning would remove the existing proffers. The second proffer concerning right-of-way dedication has been fulfilled.

3. **Proffers:** N/A
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 a several items requiring City Council approval in the immediate area:
 - On June 11, 1985, Council approved the request of Central Virginia Psychiatric Associates, Inc. for a conditional use permit (CUP) at 2303 Yorktown Avenue to allow the operation of a care center and outpatient mental health facility.
 - On April 11, 1989, Council approved the request of William H. Burruss, Jr., to rezone 2303 Yorktown Avenue from R-4, Multi-family Residential District to B-1C, Limited Business District (Conditional) to allow an office use.
 - On February 13, 1990, Council approved the request of Snyder Hunt Corporation for a CUP at 2249 Murrell Road to allow an adult care facility.
 - On February 13, 1990, Council approved the request of Snyder Hunt Corporation to rezone property located in the 2200 block of Murrell Road from R-4, Multi-family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of an office complex.
 - On July 13, 1993, Council approved the request of Elderberry Nursing Home, Inc. to rezone property located behind Yorktown Avenue from R-4, Multi-family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a nursing home.
 - On May 28, 2002, Council approved the request of William H. Burruss, Jr. to rezone property located in the 2400 block of Atherholt Road from R-4, Multi-family Residential District to B-1C, Limited Business District (Conditional) to allow the development of the property as an office park.
6. **Site Description.** The subject property contains a medical office and parking area.
7. **Proposed Use of Property.** The purpose of the petition is to remove previously approved proffers to allow future building and parking lot expansions.
8. **Traffic, Parking and Public Transit.** The submitted concept plans shows future parking lot expansions. The site would meet parking minimum standards at the time of site plan review.

The Greater Lynchburg Transit Company Bus routes 1A and 1B serve the site.

The City's Transportation Engineer did not require a traffic analysis for this petition.
9. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan will be required prior to final site plan approval. Stormwater management will be addressed by the use of a bioretention pond and underground detention. Offsite nutrient credits will be purchased to address water quality.
10. **Emergency Services:** The City's Fire Marshal and Police Department's comments have or will be addressed prior to final site plan approval.
11. **Impact.** The proposed rezoning to remove previously approved proffers will allow the construction of additional office space and parking areas to support the operation of existing business. The proffer regarding the dedication of right-of-way has been fulfilled and is no

longer needed. The proposed building and parking expansions should have little to no negative impact on the surrounding area.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the rezoning petition on February 19, 2019. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Surgery Center of Lynchburg to rezone approximately five and one hundredths (5.01) acres from B-1C, Limited Business District (Conditional) to B-1, Limited Business District at 2401 Atherholt Road to allow future building and parking lot expansions.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, 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. Andy Klepac, P.E., Representative

VII. ATTACHMENTS

1. **Zoning Map with Adjoining Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Property Photograph**

Zoning Map

REZONING FROM B-1C TO B-1 TO REMOVE PROFFERS

Zoning Request

Surgery Center of Lynchburg

2425 R-4
00505002

TATE SPRINGS RD

2424

301.28

300.65

B-1C

2401

2405

00501017

313.08

00501002

R-3

PROPERTY INFORMATION

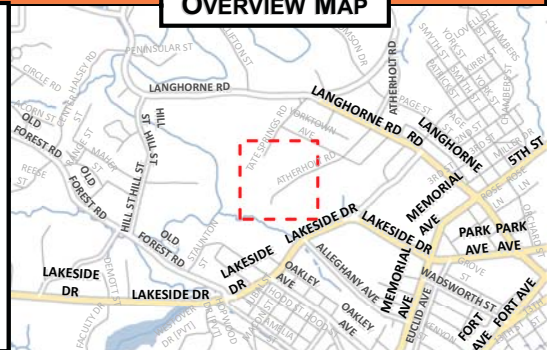
PARCEL ID ADDRESS
00501014 2401 ATHERHOLT RD

LEGEND

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

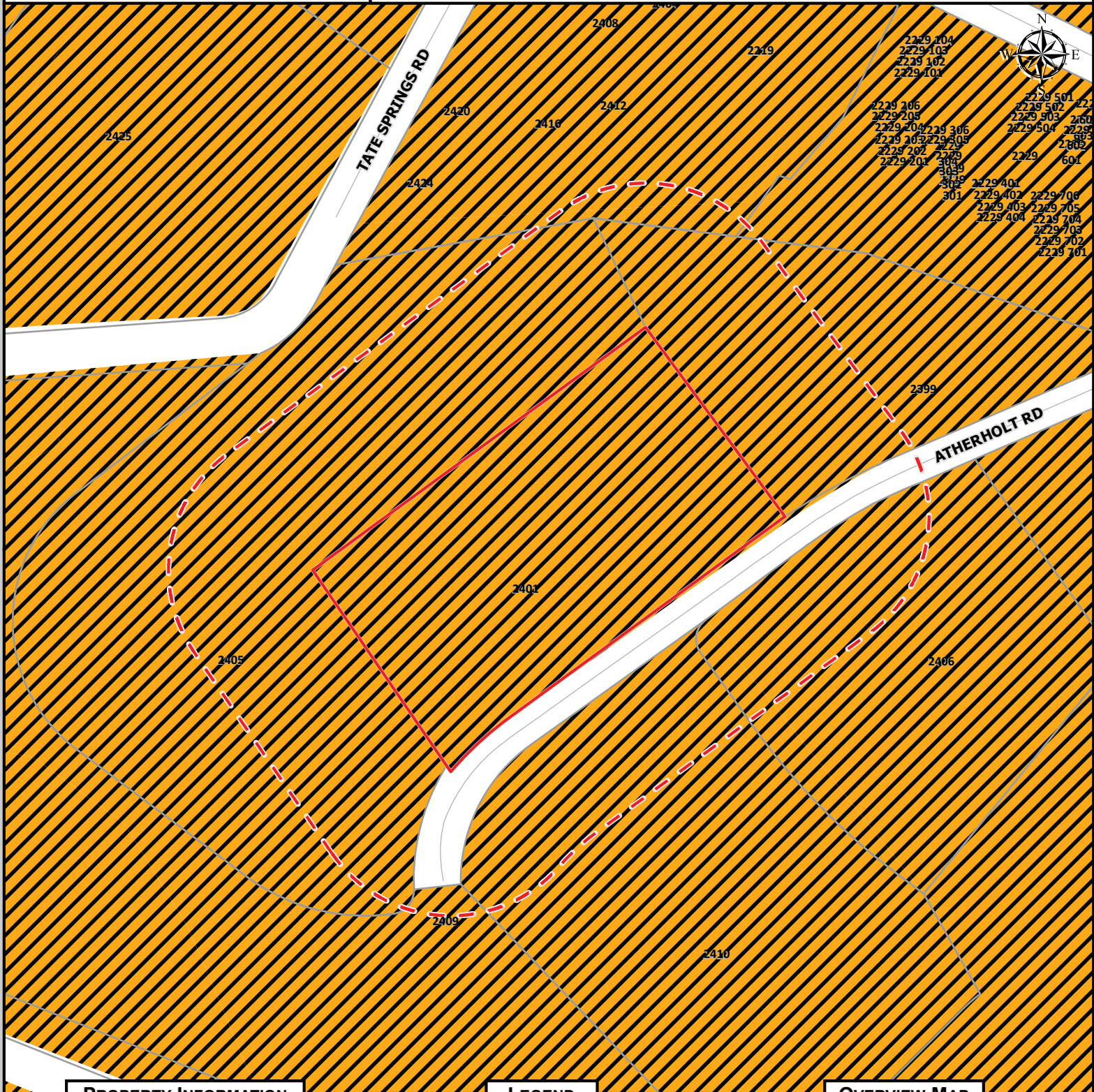
MAP SCALE: 1" to 200' DATE PRINTED: 3/26/2019

OVERVIEW MAP



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

Parcel ID	Address	Owner
00501015	2410 ATHERHOLT RD	CENTRA HEALTH INC
00501018	2399 ATHERHOLT RD	CENTRA HEALTH INC
00501017	2405 ATHERHOLT RD	CENTRAL VIRGINIA PROFESSIONAL
00501003	2229 YORKTOWN AVE	LYNCHBURG REDEVELOPMENT & HOUSING
00501014	2401 ATHERHOLT RD	SURGERY CENTER OF LYNCHBURG
00501002	2409 ATHERHOLT RD	WILLIAMS, MARY E TRS &
00501004	2201 YORKTOWN AVE	WINDSOR TERRACE LLC
00501012	2406 ATHERHOLT RD	YUBA AVIV LLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

00501014 2401 ATHERHOLT RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 3/26/2019

OVERVIEW MAP



Watershed Map

REZONING FROM B-1C TO B-1 TO REMOVE PROFFERS

Zoning Request

Surgery Center of Lynchburg



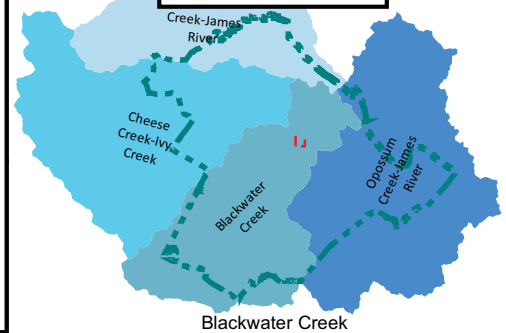
PROPERTY INFORMATION

PARCEL ID	ADDRESS
00501014	2401 ATHERHOLT RD

LEGEND

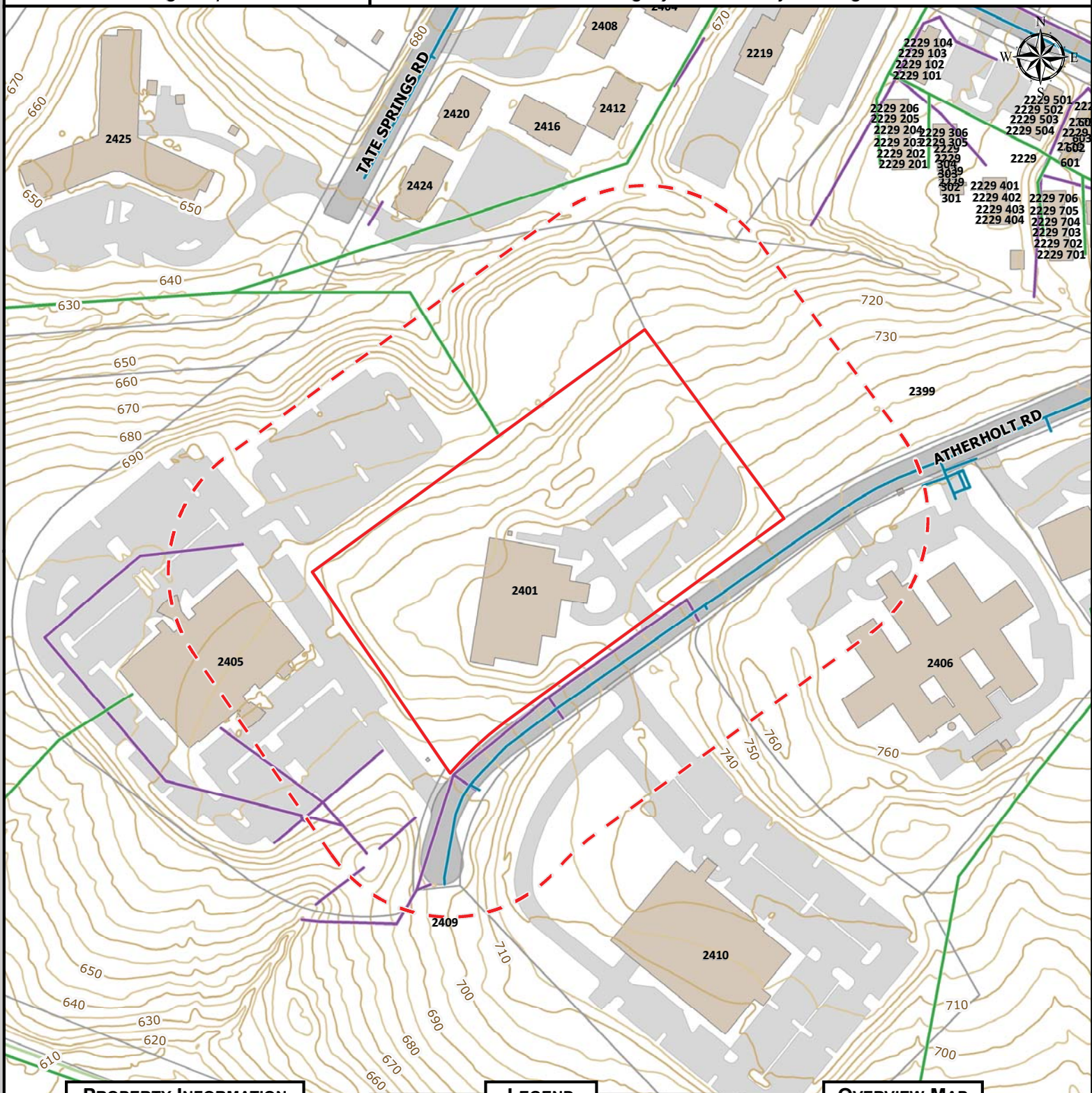
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/26/2019

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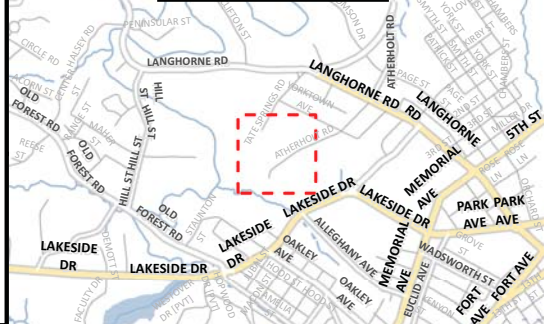
PROPERTY INFORMATION

PARCEL ID ADDRESS
00501014 2401 ATHERHOLT RD

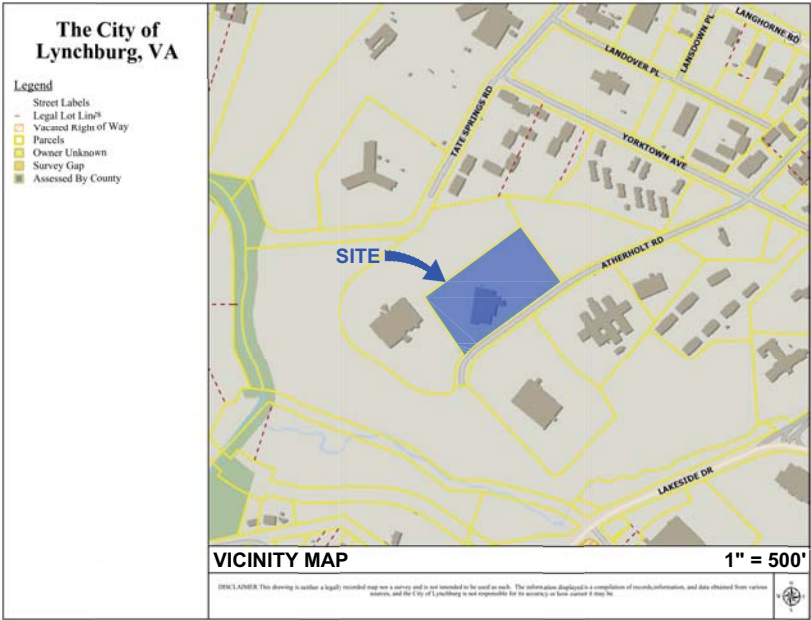
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour	100'	20'
		50'	10'
			5'
			1'

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/26/2019



LEGAL DESCRIPTION: TM #00501014

BEGINNING AT AN IRON PIN FOUND ALONG THE WESTERN ATHERHOLT ROAD RIGHT-OF-WAY LINE AT THE EASTERN CORNER OF THE HEREON DESCRIBED PARCEL AND BEING THE POINT OF BEGINNING; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES: SOUTH 54 DEGREES 17 MINUTES 27 SECONDS WEST 508.37 FEET TO A POINT; ALONG A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 13 DEGREES 06 MINUTES 29 SECONDS, A LENGTH OF 120.11 FEET, A RADIUS OF 525.00 FEET, A CHORD LENGTH OF 119.85 FEET, AND A CHORD BEARING OF SOUTH 47 DEGREES 44 MINUTES 12 SECONDS WEST TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY NORTH 34 DEGREES 01 MINUTES 32 SECONDS WEST 364.53 FEET TO A POINT; THENCE NORTH 54 DEGREES 17 MINUTES 27 SECONDS EAST 615.08 FEET TO A POINT; THENCE SOUTH 35 DEGREES 58 MINUTES 42 SECONDS EAST 350.70 FEET TO THE POINT OF BEGINNING, AND CONTAINING 5.01 ACRES, MORE OR LESS.

NOTES:

1. DEVELOPER:
SURGERY CENTER OF LYNCHBURG
2401 ATHERHOLT ROAD
LYNCHBURG, VA 24501
2. PARCEL ADDRESS: 2401 ATHERHOLT ROAD, LYNCHBURG, VA 24501
3. PARCEL ID: 00501014
4. PARCEL AREA: 5.01 ACRES
5. EXISTING ZONING: B-1C
PROPOSED ZONING: B-1
6. EXISTING FLUM DESIGNATION: MIXED-USE
PROPOSED FLUM DESIGNATION: MIXED-USE
7. PROPOSED BUILDING ADDITIONS:
USE: MEDICAL FACILITY
NO. OF STORIES: 1 (WITH PARTIAL BASEMENT)
MAX. AREA OF MAIN FLOOR: 31,500 SF (APPROXIMATE; INCLUDES FUTURE ADDITIONS)
MAX. HEIGHT: 26'
8. MINIMUM SETBACKS:
FRONT: 0'
SIDE: 0'
REAR: 25'
10. REQUIRED PARKING:
(1) SPACE PER EACH (4) PERSONS OF THE RATED CAPACITY OF THE BUILDING
315/ PERSONS / 4 = 79 SPACES REQUIRED
126 SPACES PROVIDED (INCLUDING 6 HC SPACES)
147 SPACES PROVIDED (INCLUDING FUTURE PARKING ADDITION)
11. PROPOSED DEVELOPMENT WILL BE SERVED BY EXISTING PUBLIC WATER AND SEWER CONNECTIONS. THERE ARE NO KNOWN CAPACITY ISSUES IN THE EXISTING SYSTEMS.
12. REFUSE WILL BE MANAGED BY AN ONSITE DUMPSTER.
13. PROPOSED LANDSCAPING IS SHOWN FOR SCHEMATIC PURPOSES. PARKING AREA LANDSCAPING, FOUNDATION PLANTINGS, AND UTILITY SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPE ORDINANCE. EXISTING VEGETATION WILL BE UTILIZED TO THE EXTENT FEASIBLE. STORMWATER MANAGEMENT AND EXTERIOR HVAC UNITS WILL BE SCREENED FROM VIEW FROM THE PUBLIC R/W.
14. ALL EXTERIOR LIGHTING FIXTURES SHALL BE DESIGNED, LOCATED, AND ARRANGED SO AS NOT TO DIRECT GLARE ON ADJOINING STREETS OR RESIDENTIAL PROPERTIES.
15. DUST CONTROL AND EROSION CONTROL WILL BE IN ACCORDANCE WITH THE VIRGINIA EROSION & SEDIMENT CONTROL HANDBOOK.
16. STORMWATER MANAGEMENT WILL BE IN ACCORDANCE WITH STATE AND LOCAL REQUIREMENTS. IT IS ANTICIPATED THAT ONSITE DETENTION WILL BE PROVIDED FOR QUANTITY CONTROL, AND OFFSITE NUTRIENT CREDITS WILL BE PURCHASED FOR QUALITY CONTROL. STORMWATER MANAGEMENT SHOWN IS SCHEMATIC.
17. THE AREA SHOWN HEREON IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS DETERMINED BY FEMA. SEE COMMUNITY PANEL MAP #5100930041D DATED 6/3/2008.

ENGINEERING >> SURVEYING >> PLAN

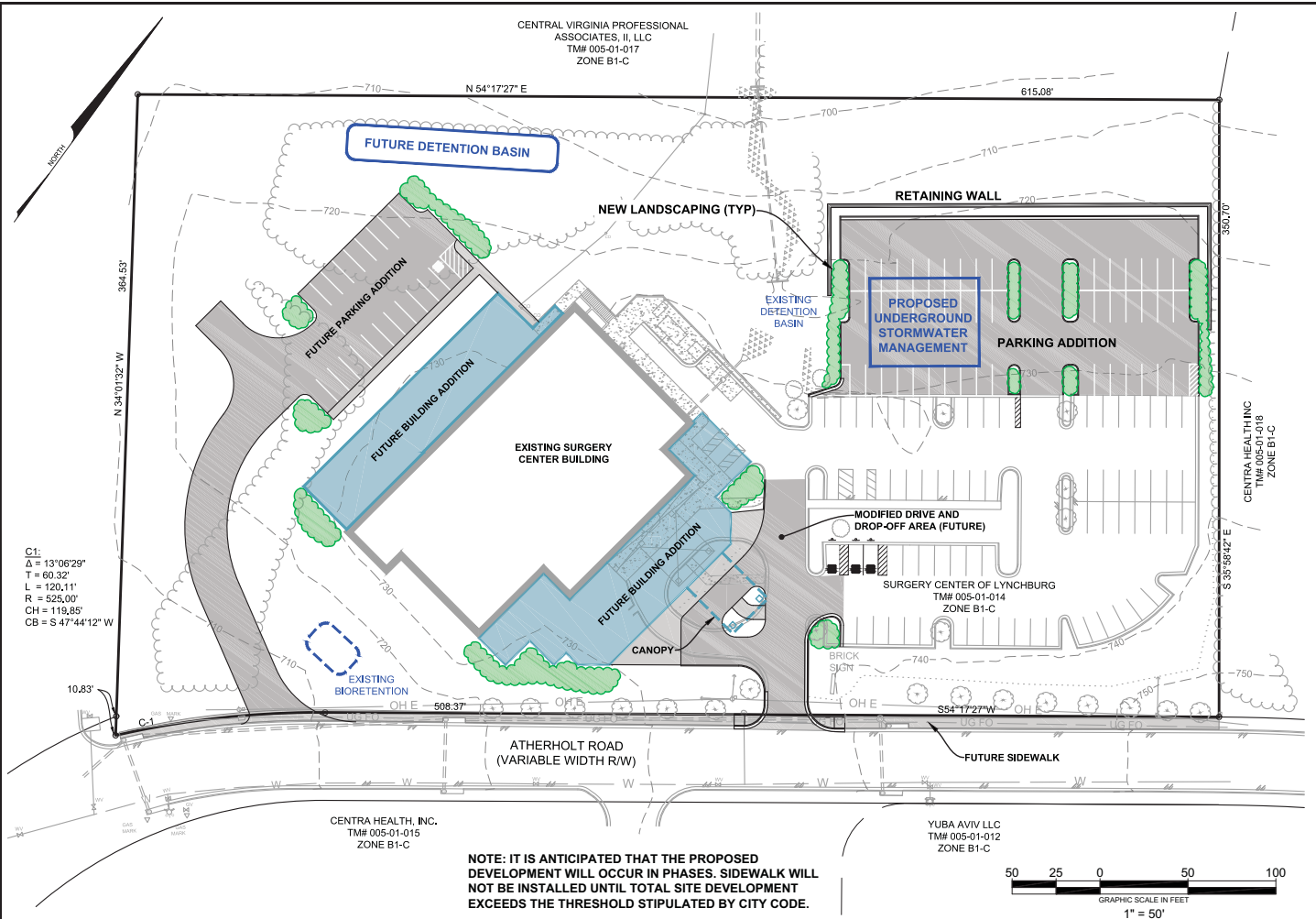
HURT & PROFFITT

INCORPORATED

2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
434.847.7788 EXT. 100
434.847.7788 MAIN
434.847.0047 FAX

REZONING CONCEPT PLAN
FOR
SURGERY CENTER OF LYNCHBURG
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180287
DATE: 2/4/2019
SHEET NO.
1 OF 2



ENGINEERING >> SURVEYING >> PLAN

HURT & PROFFITT
INCORPORATED

2524 LANGHORNE ROAD
LYNCHBURG, VA 24501
434.847.7758
434.847.0047 FAX

REZONING CONCEPT PLAN
FOR
SURGERY CENTER OF LYNCHBURG
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO: 20180287
DATE: 2/4/2019
SHEET NO.
2 OF 2



**2401 Atherholt Road
Rezoning from B-3C to B-3
March 13, 2019**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **9**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Rezoning – B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) – 1000 Court Street and 210 10th Street

KEY ELEMENTS:

___ Economic Development ___ Excellent Government **X** Natural and Built Environment ___ Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the rezoning petition from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the adaptive reuse of the structure as apartments.

SUMMARY: Anna Chytla, Willoughby Properties II, LLC is petitioning to rezone approximately one hundred and ninety-six thousandths (0.196) acres located at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional). If approved, the existing structure would be rehabilitated for use as seven (7) apartment units.

This project has been reviewed by the City's Historic Preservation Commission, which has granted a Certificate of Appropriateness (COA).

PRIOR ACTION(S):

March 13, 2019: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (7-0) of the rezoning petition.

FISCAL IMPACT:

Exact amount to be determined upon rehabilitation. This property is eligible for the Real Estate Rehabilitation and Renovation Program

CONTACT(S):

Tom Martin, City Planner – 455-3900
Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Minutes – March 13, 2019
- Planning Commission Packet – March 13, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 1000 COURT STREET AND 210 10TH STREET FROM B-1, LIMITED BUSINESS DISTRICT TO B-4C, URBAN COMMERCIAL 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 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional).

The area embraced within the following boundaries:

ALL THOSE CERTAIN TRACTS OR PARCELS OF LAND SITUATE AT #1000 COURT STREET IN THE CITY OF LYNCHBURG, VIRGINIA, DESIGNATED AS PARCEL 1, PARCEL 2 & PARCEL 3 ON A PLAT RECORDED IN DEED BOOK 859, PAGE 373, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, WHICH POINT IS LOCATED AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF COURT STREET WITH THE SOUTHEASTERLY LINE OF 10TH STREET THENCE, WITH SAID LINE OF 10TH STREET, NORTH 59 DEGREES 30 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 134.33 FEET TO A POINT; THENCE SOUTH 31 DEGREES 00 MINUTES 00 SECONDS EAST FOR A DISTANCE OF 85.00 FEET TO A POINT; THENCE SOUTH 59 DEGREES 30 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 33.00 FEET TO A POINT; THENCE NORTH 31 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 28.30 FEET TO A POINT; THENCE SOUTH 59 DEGREES 30 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 101.33 FEET TO A POINT, WHICH POINT IS LOCATED ON SAID LINE OF COURT STREET; THENCE, WITH SAID LINE OF COURT STREET, NORTH 31 DEGREES 00 MINUTES 00 SECONDS WEST FOR A DISTANCE OF 56.70 FEET TO THE POINT OF BEGINNING; TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD SAID PROPERTY CONTAINS, IN THE AGGREGATE, 0.196 ACRES MORE OR LESS.

...is hereby changed from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) subject to the conditions set out herein below which were voluntarily proffered in writing by the petitioner Anna Chytla, Willoughby Properties II, LLC, to wit:

1. The property will be developed in substantial compliance with the concept plan dated February 4, 2019.
2. Parking will be leased from neighboring private or public lots to ensure one parking space per unit together with two street parking spaces.

And the City Planner shall forthwith cause the "Official Zoning Map of the City of Lynchburg, Virginia" referred to in Section 35.2-32 of this chapter to be amended in accordance therewith.

Adopted:

Certified: _____

Acting Clerk of Council

MINUTES OF THE MARCH 13, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Willoughby Properties II, LLC. to rezone approximately one hundred and ninety-six thousandths (0.196) of an acre at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) to allow the conversion of the existing dwelling into apartments.

Mr. Tom Martin summarized the report for the commissioners. This property is located within the Courthouse Hill local historic district, as well as the state and national Courthouse Hill/Downtown district. The property contains a two and a half story with a basement wood frame brick veneer structure. It was constructed in 1907 and contains a little over 6,000 square feet. There was a structure fire in it a few years ago and it is very nice to see a proposal to bring it back to its former life.

The exterior renovations have been reviewed by the City's Historic Preservation Commission (HPC) and the owner was granted a Certificate of Appropriateness (COA) for the proposed modifications. The owner does plan on using state and federal historic tax credits, which will ensure compliance with the Secretary of the Interior's standards.

The property is recommended for a Downtown use on the City's *Future Land Use Map (FLUM)* and the proposed residential use of eight apartments should fit well into the downtown area (note: the number of apartment planned were submitted as seven to eight. It was later clarified by Ms. Chytla that she has settled on seven apartments in the building). It should also fit well in the Courthouse Hill district, which contains a mixture of office, institutional and residential uses. The petitioner has voluntarily proffered to provide off-street parking in nearby lots. The Planning Division does recommend approval of the rezoning petition.

Ms. Anna Chytla, the owner of the property, was present to represent the petition. She commented that she asked for the rezoning from B-1 to B-4 because of a bit of a quirk in the language in the City's *Zoning Ordinance*. Although B-4 is quite permissive as to the possible future uses for the property, she only intends for this to be a residential building. That is why she proffered that the property will be developed in substantial compliance with the site plan. She debated whether to put in seven or eight apartments and has decided on seven apartments. The plans have all been drawn and submitted to the Department of Historic Resources (DHR) and they are expecting approval in a few weeks. She hopes to start construction sometime in May.

Ms. Chytla mentioned that someone put her in touch with the previous owners of the property. The previous owners said this had previously been a seven-unit apartment building for several decades and they converted it back into a single-family dwelling. It has a lot of bathrooms and really does lend itself to division into seven units. Ms. Chytla's main interest in this property is to maintain it as a residence and preserve its historic value. It has a very nice garden in the back that she plans to restore fully. She thinks it will fit very nicely in the neighborhood, especially when the upper Bluffwalk is constructed in the future.

Chair Rogers asked for anyone who wished to speak in favor of the petition. Mr. Jonathan Baker came forward to speak. He owns 1004 Court Street and he is totally in favor of everything Ms. Chytla has planned. She has done great projects in the past and he is looking forward to seeing what she does with this property.

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

Chair Rogers commented that he remembers when this structure caught on fire. He has been in it before and he was concerned that it would have to be torn down because of the fire. It is an amazing building, so he is really glad that someone is stepping forward to restore it. He has been really impressed with the work that Ms. Chytla has already done on another historic property on Rivermont Avenue. It has been impressive to watch and to see that she has been sticking to her timeline on that project. He is very supportive of projects like this one.

Commissioner Light remarked that he was in the building in the early 1980s when the Johnson family owned it. It has broken his heart to see the building deteriorate. When he saw this petition, he was ecstatic to see that the building would be renovated. He knows she will approach this project with the same quality that she has done with the property on Rivermont Avenue. He knows that there are a lot of people downtown and on Courthouse Hill that are very excited to hear that this building will be restored.

Commissioner Marion noted that she is happy that off-street parking will be provided and asked where that parking will be located. Ms. Chytla said there are several options. She thinks the best one is with First Baptist Church. They are happy to let her have six to eight spaces. There are also some buildings across the street that have spare capacity. There is also a City lot two blocks away.

Chair Rogers asked if there is a public right-of-way behind this house that will be used for the upper Bluffwalk. Mr. Martin indicated it will have to become public right-of-way. The upper Bluffwalk has been in the Downtown plan since 2000. It mirrors the lower Bluffwalk but serves as more of a passive recreational use. It will be constructed in the outlying years, probably ten to fifteen years from now.

Commissioner Lowe said that he visited the site and he was visualizing how the building used to look years ago and looking forward with anticipation to what the owner will be doing to restore it. He is thankful someone can see the vision of what this building can once again be and how it can bring additional beauty to the downtown area.

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

"That the Planning Commission recommends to City Council approval of the petition of Willoughby Properties to rezone approximately one hundred and ninety-six thousandths (0.196) of an acre located at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) with the following voluntarily submitted proffers:

- 1. The property will be developed in substantial compliance with the concept plan dated February 4, 2019.**
- 2. Parking will be leased from neighboring private or public lots to ensure one parking space per unit together with two street parking spaces."**

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: March 13, 2019
Re: Rezoning: B-1, Limited Business District to B-4C, Urban Commercial District (Conditional)

I. PETITIONER

Anna Chytla, Willoughby Properties II, LLC, 2310 Walnut Ridge Lane, Charlottesville, Virginia 22911

Representative: Same as petitioner.

II. LOCATION

The subject property includes two (2) parcels totaling approximately one hundred and ninety-six thousandths (0.196) of an acre located at 1000 Court Street and 210 10th Street.

Property Owners: Same as petitioner.

III. PURPOSE

The purpose of the petition is to rezone the properties to facilitate the conversion of an existing building into eight (8) apartments.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a *Downtown* use for the subject property.
- The voluntarily submitted proffers indicate that parking spaces would be leased to serve the apartment units.
- The developer plans to utilize state and federal historic tax preservation credits and will comply with US Department of the Interior's Standards for Rehabilitation of historic buildings.
- The City's Historic Preservation Commission (HPC) approved a Certificate of Appropriateness (COA) for the property on February 19, 2019.
- The petition would provide for the restoration and adaptive reuse of a historic building.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Downtown use for this property. Downtown is governed by the policies and recommendations of the *Downtown 2040 Master Plan*, 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. (*p. 76*)
2. **Zoning.** The subject property is located in the original city limits of Lynchburg. The existing B-1, Limited Business District was established in 1978.
3. **Proffers.** The petitioner has submitted the following voluntary proffers:
 - The property will be developed in substantial compliance with the concept plan dated February 4, 2019

- Parking will be leased from neighboring private or public lots to ensure one parking space per unit together with two street parking spaces.

Proffer statements submitted by the petitioner indicate that substantial compliance with the site plan will preserve the historic nature of the neighborhood and limit future development on the property to compliment future construction of the upper bluffwalk. The proffer related to parking is intended to benefit the residents of the proposed apartments and to address any adverse impacts to parking congestion on Clay Street.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On February 10, 1987, City Council approved the conditional use permit (CUP) petition of Holy Cross Catholic Church to allow the construction of building and parking lot additions at 710-720 Clay Street.
 - On June 14, 1994, City Council approved the petition of Joseph and Brenda Sanzone to rezone 707 Clay Street from R-2, Low-Medium Density Residential District to B-1C, Limited Commercial District (Conditional) to allow use of the property as a law office.
 - On May 22, 2001, City Council adopted the *Downtown & Riverfront Master Plan 2000*.
 - On August 9, 2005, City Council approved the CUP petition of Lynchburg Daily Bread to allow the construction of an addition for food preparation and storage at 721 Clay Street.
 - On January 12, 2010, City Council approved the CUP petition of Adama Faroh, LLC to allow apartment and office uses at 802 Court Street.
 - On January 10, 2012, City Council approved the CUP petition of Historic Diamond Hill, LLC to allow apartment units at 721 Court Street.
 - On February 23, 2016, City Council adopted the current Zoning Ordinance which combined the B-6, Riverfront/Downtown District with the B-4, Urban Commercial District.
 - On November 13, 2018, City Council adopted the *Downtown 2040 Master Plan*.
6. **Site Description.** The subject property includes two (2) parcels totaling approximately one hundred and ninety-six thousandths (0.196) acres located at 1000 Court Street and 210 10th Street. The property contains a two and a half story wood structure constructed in 1907 with approximately six thousand (6,000) finished square feet.

The property is bound to the north, east and south by office uses and to the west by a parking area.



1000 Court Street & 210 10th Street

7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be redeveloped into eight (8) apartment units. Although parking is not required in the B-4, Urban Commercial District, the petitioner has voluntarily proffered to provide parking in off-street lots.
8. **Traffic, Parking and Public Transit.** The City's Engineering Division did not require a transportation analysis for the proposed use.

Parking is not required in the B-4, Urban Commercial District, yet the petitioner has voluntarily proffered to provide parking in nearby off-street lots.

The property is in close proximity to Greater Lynchburg Transit Company Routes 3A, 3B and 5. Bus stops are located at 10th & Church Streets and 10th and Clay Streets.
9. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management Plan would not be required for the conversion of the existing building into apartment units.
10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern with the petition as proposed.
11. **Impact.** The petition would allow the rehabilitation and adaptive reuse of an historic structure as an apartment building with eight (8) units. Adaptive reuse saves historic structures that give urban areas their character.

The property is within the Local Court House Hill Historic District and the State & National Court House Hill/Downtown Historic District. The petitioner proposes to preserve the building in accordance with local, state and federal historic preservation standards.

The preservation and rehabilitation of the existing building as apartment units should have little to no negative impact on the area and is an appropriate use for the Downtown Area.

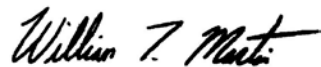
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan. Comments related to the petition have or will be addressed prior to final approval of the site plan.

VI. PLANNING DIVISION RECOMMENDED MOTION:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Willoughby Properties to rezone approximately one hundred and ninety-six thousandths (0.196) of an acre located at 1000 Court Street and 210 10th Street from B-1, Limited Business District to B-4C, Urban Commercial District (Conditional) subject to the following voluntarily submitted proffers:

1. The property will be developed in substantial compliance with the concept plan dated February 4, 2019.
2. Parking will be leased from neighboring private or public lots to ensure one parking space per unit together with two street parking spaces.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Ms. Anna Chytla, Petitioner / Property Owner

VII. ATTACHMENTS

1. Zoning Map with Adjoining Owners
2. Future Land Use Map
3. Watershed Map
4. Planimetric and Topographic Map
5. Concept Plan
6. Narrative
7. Property Photograph

Zoning Map

REZONING FROM B-1 TO B-4C

Zoning Request

Willoughby Properties II, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS
02462002	210 10TH ST
02462001	1000 COURT ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 3/1/2019

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Parcel ID	Address	Owner
02463001	1000 CHURCH ST	1000 CHURCH STREET INC
02451013	927 CHURCH ST	927 CHURCH STREET LLC
02451005	925 CHURCH ST	CITY OF LYNCHBURG
02451003	901 CHURCH ST	CITY OF LYNCHBURG
02451001	900 COURT ST	CITY OF LYNCHBURG
02451004	919 CHURCH ST	CITY OF LYNCHBURG
02450001	900 CHURCH ST	CITY OF LYNCHBURG
02452001	905 COURT ST	CITY OF LYNCHBURG
02461001	1000 CLAY ST	COLLEGE HILL
02462012	1010 COURT ST	FIRST BAPTIST CHURCH OF LYNCHBURG
02462011	1020 COURT ST	FIRST BAPTIST CHURCH OF LYNCHBURG
02462013	1004 COURT ST	JB PROPERTY GROUP LLC
02462003	1001 CHURCH ST	JBF LLC
02462004	1011 CHURCH ST	JBF LLC
02462010	1022 COURT ST	JESTER, ROYSTON IV
02463018	1008 CHURCH ST	LAKESIDE DRIVE STORAGE LLC
02461005	1011 COURT ST	LEEBRICK, THOMAS S
02461004	1007 COURT ST	LIETZAU, WILLIAM K & DIANE M
02461003	1001 COURT ST	MAY, JAMES C JR & FRANEDA S
02462007	1017 CHURCH ST	MELINDA L TENNIS LLC
02461006	1017 COURT ST	SPAIN, ERIC N
02462009	1025 CHURCH ST	SYLVESTER, JOSEPH A TRS &
02462008	1021 CHURCH ST	TENNIS, MELINDA L LLC
02463017	1016 CHURCH ST	TIN SHINGLES LLC
02462002	210 10TH ST	WILLOUGHBY PROPERTIES II LLC
02462001	1000 COURT ST	WILLOUGHBY PROPERTIES II LLC

FLUM Map

REZONING FROM B-1 TO B-4C

Zoning Request

Willoughby Properties II, LLC



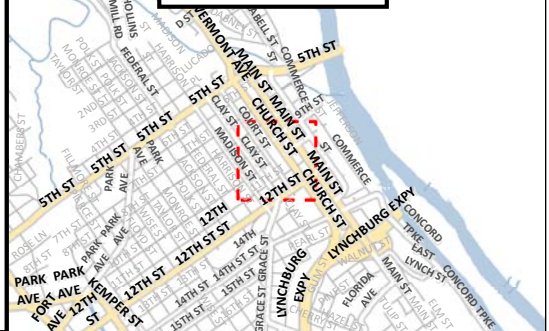
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02462002	210 10TH ST
02462001	1000 COURT ST

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 3/1/2019

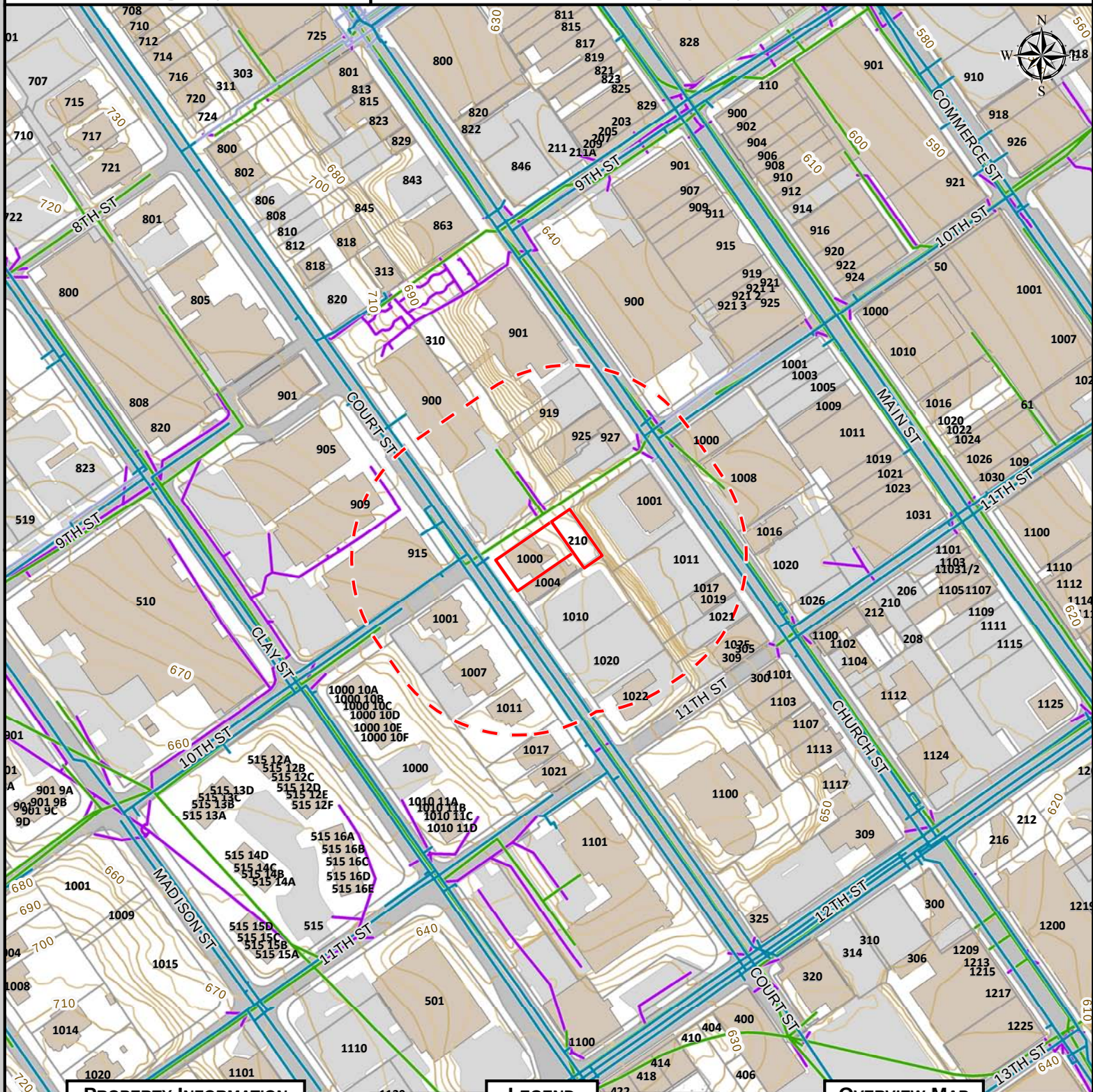
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Planimetric and Topographic Map

REZONING FROM B-1 TO B-4C

Zoning Request

Willoughby Properties II, LLC



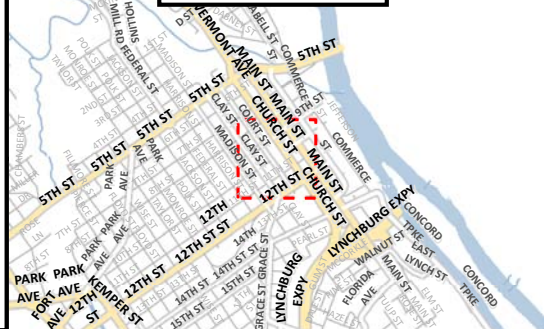
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02462002	210 10TH ST
02462001	1000 COURT ST

LEGEND

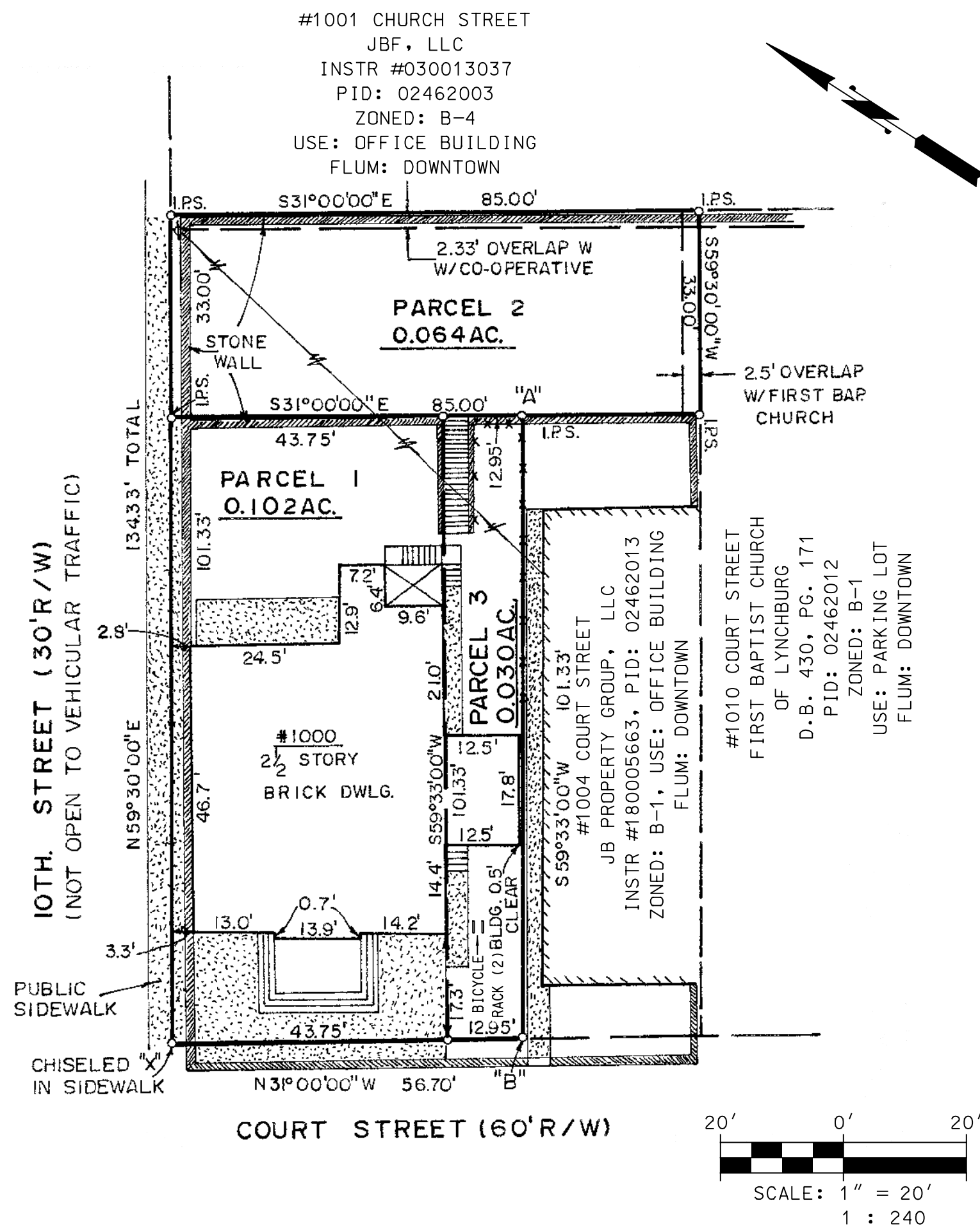
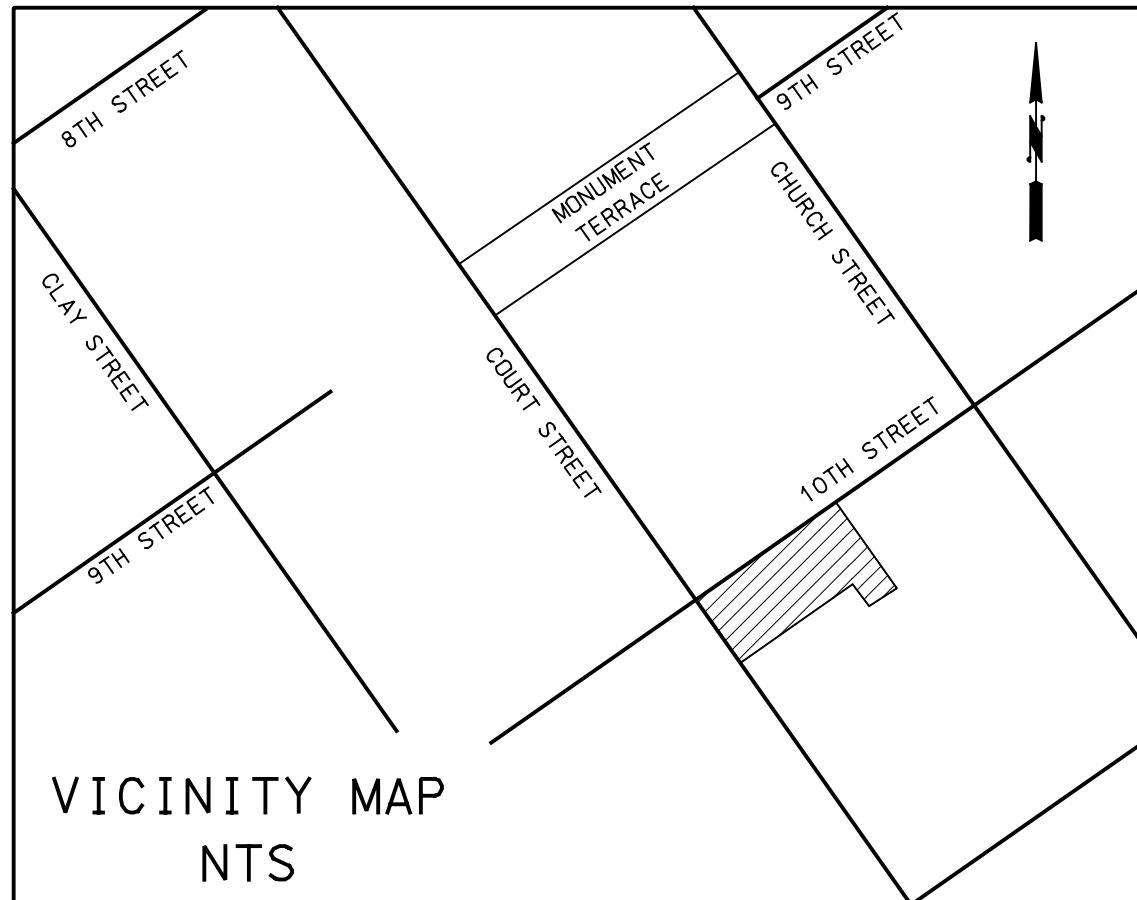
	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			

OVERVIEW MAP



MAP SCALE: 1" = 4,000' DATE PRINTED: 3/1/2019

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DEVELOPER/OWNER	NAME: Willoughby Properties II, Inc. ADDRESS: 2310 Walnut Ridge Lane Charlottesville, VA 22911-2200 CO - Anna Chytla Phone: 434-872-3015
PROPERTY ADDRESS:	1000 Court Street (Parcel 1 & 3) 210 10 th Street (Parcel 2)
PARCEL NO.:	Parcel 1 & Parcel 3, 02462001 Parcel 2, 02462002
SOURCE OF TITLE:	Instrument No. 180006525
PROPERTY ACREAGE:	Total, 0.196 ac. (8,537.76 sf) Parcel 1, 0.102 ac. Parcel 2, 0.064 ac. Parcel 3, 0.030 ac.
FUTURE LAND USE MAP	Downtown (no change required)
EXISTING LAND USE	1000 Court Street, Residential - Commercial 210 10 th Street, Vacant Commercial
PROPOSED LAND USE:	Residential Apartments - 8 Units Rezoning required to B-4
EXISTING ZONING:	PID: 02462001: B-1 Limited Business District PID: 02462002: B-1 Limited Business District & B-4 Central Business District
PROPOSED ZONING:	B-4 Central Business District
EXISTING BUILDING DATA	NUMBER STORIES 2 1/2 Story with finished basement SQUARE FOOTAGE 7,724 sf BUILDING HEIGHT 44'± constructed 1907 (40' max. for new construction)
PARKING:	REQUIRED PARKING: Not required PROVIDED: 2 on-street spaces available in front of building
BICYCLE:	8 units x 1 space / 6 unit = 1.3 2 spaces provided
SETBACKS:	FRONT: 0' Building SIDE: 0' Building REAR: 25' Building
LOT AREA:	6,000 with 1,000 sf / unit Total area provided 8,537.76 sf
WATER SERVICE:	Public, City of Lynchburg
SANITARY SERVICE:	Public, City of Lynchburg
REFUSE COLLECTION:	Public, City of Lynchburg

- NOTES:
- THIS CONCEPT PLAN HAS BEEN PREPARED FOR USE IN THE REZONING PROCESS FOR THE REDEVELOPMENT OF THE EXISTING STRUCTURE. THE PROPOSED CHANGE IN ZONING IS REQUIRED TO ALLOW MULTI-HOUSEHOLD RESIDENTIAL APARTMENT UNITS WITH GROUND FLOOR RESIDENTIAL UNITS DEVOID OF A MIXED-USE COMPONENT. THE PLAN IS SUBJECT TO ADJUSTMENT DURING THE ACTUAL DESIGN PHASE.
 - BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT A DESIGNATED SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930037D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
 - THERE WILL BE NO LAND DISTURBANCE GREATER THAN 1,000 SF; EXTERIOR CONSTRUCTION WILL BE LIMITED TO REPAIR OF EXISTING FACILITIES AND UTILITY UPGRADES. THEREFORE, THERE ARE NO STORMWATER MANAGEMENT OR WATER QUALITY REQUIREMENTS, AND NO PROVISIONS FOR SUCH ARE ANTICIPATED TO BE NEEDED.
 - ANY ADDITIONAL LIGHTING PROVIDED WILL MEET THE CITY OF LYNCHBURG ZONING ORDINANCE.

BERKLEY-HOWELL & ASSOC., P.C.
ENGINEERS - SURVEYORS - PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178

REQUEST FOR REZONING
OF
#1000 COURT STREET
CITY OF LYNCHBURG, VIRGINIA

SCALE: 1" = 20'	DATE: FEBRUARY 4, 2019	COMM. NO. 180151	F.B. REF.
		REF. 93361	

REZONING NARRATIVE
FOR
REDEVELOPMENT, REUSE,
AND HISTORIC PRESERVATION
OF
1000 COURT STREET
LYNCHBURG, VIRGINIA

PREPARED BY:
WILLOUGHBY PROPERTIES II, LLC
2310 WALNUT RIDGE LANE
CHARLOTTESVILLE, VA. 22911

ANNA CHYTILA, MANAGER

COMM. NO.
FEBRUARY 4, 2019

BACKGROUND, PROJECT SCOPE AND PURPOSE OF REZONING

a. Background

Willoughby Properties II, LLC acquired 1000 Court Street on October 15, 2018. The property is listed on the National Register of Historic Places and is part of the Court House Hill Historic District. The building is a three-story wood structure with brick veneer, constructed in 1907, and known as the Fanny Hughes House.

Currently, the property is in derelict condition. An attic fire in February 2015 caused substantial damage to the roof and the third story. Water from fire hoses and rainfall before the damage was repaired, destroyed majority of plaster ceilings and many walls and floors. Most windows and doors are in poor condition due to years of neglect. The garden in the rear of the building is overgrown and littered with debris. The property attracts vagrants and is an eyesore on a well-maintained block of Court Street.

b. Project Scope

Willoughby Properties intends to preserve the building in accordance with local, state and federal historic preservation standards, and convert it into seven to eight upscale apartments. All mechanical, electrical and plumbing systems will be replaced. The residences will have high quality finishes, fully restored doors and windows, hardwood floors, washer and dryer in each unit, granite counter tops, secure access, and a finely landscaped garden.

c. Purpose of Rezoning

The property consists of three parcels: Parcel 1 – 0.103 acres; Parcel 2 – 0.064 acres; and Parcel 3 – 0.030 acres. The building is situated on Parcels 1 and 3, which are zoned B-1, Limited Business. Parcel 2 is a vacant lot with a garden, and zoned B1, Limited Business and B4, Commercial.

A feasibility study was conducted to determine best use for the property given its configuration and historic character. Residential use as a single-family dwelling or a duplex permitted under B1 zoning is not economical. Historic restoration costs would significantly exceed the value of the property. Commercial uses contemplated by B1 zoning are not optimal either. Conversion to office or retail space would require major modifications to the interior and result in undesirable damage to the historical features of the house. Moreover, there is an oversupply of commercial space downtown.

A multi-family dwelling is most appropriate for the site for several reasons. The character of the building lends itself to residential use. The current floor plan can be easily modified to create 7 to 8 residences with minimal changes to interior walls while preserving important historic features such as casework, fireplaces, balconies, windows, doors, and entryways. The market for upscale residences in the downtown area is quite favorable.

To preserve the historic nature of the neighborhood and protect green space adjacent to the future upper bluff walk, Willoughby Properties proposes:

- Combining Parcel 2, currently zoned B1 and B4, with Parcel 1 and 3;
- Proffering that development of the 3 lots will be in substantial compliance with the concept plan submitted with this application; and
- Leasing five to six parking spaces for residents of the building to ameliorate potential parking congestion on Court Street.

CONSISTENCY WITH THE COMPREHENSIVE PLAN

The requested rezoning is consistent with the City's Downtown 2040 Master Plan:

- **Compatibility.** A multi-family dwelling is in character with the neighborhood. Court Street is a mixture of municipal buildings, museums, institutions, churches, offices, and other multi-family dwellings.
- **Adoptive Reuse of a Historic Building.** The project will preserve an important historical asset, contribute to the stability of the neighborhood, and improve surrounding property values.
- **Design Quality.** Willoughby Properties plans to utilize state and federal historic tax preservation credits and will comply with US Department of the Interior's Standards for Rehabilitation of historic buildings.
- **Elimination of Vacancy and Blight.** Construction will begin in April 2019 and be completed by February 2020.
- **Landscape and Streetscape.** All mature trees will be incorporated into future green space. The stone wall along 10th Street and the garden on Parcel 2 will be restored. Communal space will be created in the garden for residents' enjoyment. Landscaping will be added in front and on the east side of the historic building. The overall restoration of the grounds will complement the future upper bluff walk which will run along the northern border of the property.
- **Parking.** Two parking spaces are available on Court Street. Additional parking will be leased for residents in nearby private or public lots to provide at least one parking space for each unit.
- **Pedestrian and Bicycle Use.** A sidewalk exists along Court Street and 10th Street. A bicycle rack will be installed on the property. At least two apartments will be fully accessible and compliant with the American with Disabilities Act. A handicap accessible ramp will be installed at the front entrance to the building.
- **Utilities and Trash.** The site is currently served by a public water and sewer line, which should be adequate to meet the demands for the project. Trash collection will be arranged through the City of Lynchburg.
- **Stormwater Management.** The site will not be disturbed. Thus, storm water management will not be required.
- **Historic Preservation Commission Review.** The project will not involve changes to the site or significant modifications to the exterior of the historic building. The only change proposed to the building is enclosure of existing porches in the rear of the property. An application for a Certificate of Appropriateness for the porch enclosures will be submitted to the Historic Preservation Commission on February 8, 2019 for consideration at the Commission's February 25, 2019 meeting.

This project is fully consistent and complimentary to the City's 2040 Downtown Master Plan. We hope that it will be favorably received by the Technical Review Committee and the Planning Commission, and approved by the City Council.



**1000 Court Street, 210 10th Street
Rezoning from B-1 to B-4C
March 13, 2019**

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **10**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Conditional Use Permit (CUP) – LYNVET, LLC – 802 Wiggington Road

KEY ELEMENTS:

X Economic Development Excellent Government **X** Natural and Built Environment Safe Community **X** Vibrant Community

RECOMMENDATION: Approval of the conditional use permit (CUP) to allow the construction of a building addition and parking reconfiguration at the existing veterinary hospital.

SUMMARY: LYNVET, LLC is petitioning for a CUP in a B-3, Community Business District at 802 Wiggington Road to allow the construction of a two thousand two hundred fifty (2250) square foot building addition and parking reconfiguration at the existing veterinary hospital.

The building addition will include additional exam rooms and offices and will be constructed in the current parking area. There is, however, sufficient parking available both on site and with a recently constructed parking lot located on Mercury Street.

PRIOR ACTION(S):

March 13, 2019:

The Planning Division recommended approval of the CUP petition.

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

FISCAL IMPACT:

Increased real estate value to be determined upon construction completion.

CONTACT(S):

Tom Martin, City Planner – 455-3900

Kent White, Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – March 13, 2019
- Planning Commission Packet – March 13, 2019
 - Planning Commission Report
 - Zoning Map with Adjoining Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Property Photograph
 - Speaker Signup Sheet

REVIEWED BY: raw

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LYNVET, LLC IN A B-3, COMMUNITY BUSINESS DISTRICT AT 802 WIGGINGTON ROAD TO ALLOW A BUILDING ADDITION AND PARKING RECONFIGURATION AT THE EXISTING VETERINARY HOSPITAL.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that that the petition of LYNVET, LLC for a conditional use permit at 802 Wiggington Road to allow the construction of a two thousand, two hundred fifty (2,250) square foot building addition and parking reconfiguration at the existing veterinary hospital is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan, as prepared by White Engineering, Inc., dated January 22, 2019.

Adopted:

Certified: _____

Acting Clerk of Council

039A

MINUTES OF THE MARCH 13, 2019 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of LYNVET, LLC for a conditional use permit at 802 Wiggington Road to allow the expansion of a veterinarian office in a B-3, Community Business District.

Mr. Tom Martin summarized the report for the commissioners. This petition proposes to amend a previous conditional use approved by City Council in March 1999. The reason for this conditional use permit request is to construct a 2,250 square foot building. The property is zoned B-3, Community Business District. It was rezoned that way as part of the Northwest Expressway Study in 1989.

The veterinary hospital is a well-established use in that area and this addition should have little to no impact on the surrounding neighborhood. Adequate parking is available both on site and on Mercury Street in a recently constructed parking lot. Stormwater management is not required as the proposed addition is below the 5,000 square foot threshold. The Planning Division does recommend approval of the conditional use permit petition.

Mr. Jamey White of White Engineering & Design was present to represent the petition. The building addition will contain additional exam rooms and offices. The building will be constructed in a current parking area but with the additional parking lot existing on Mercury Street, there will be adequate parking.

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

Commissioner Perault noted that his family uses Peaks View Animal Hospital for their veterinary needs. He discussed this with the City Attorney and that is not an official conflict of interest. Commissioner Perault is confident he can assess the petition without bias.

The commissioners felt this was a straightforward petition. Chair Rogers noted that the parking addition and associated landscaping that was completed a couple of years ago looks great. Commissioner Perault noted staff's comment regarding the need to address the *Future Land Use Map (FLUM)* at a later date. Sometimes this is done at the same time as a rezoning or conditional use permit application; however, staff had acknowledged that this change could be done at another time.

Commissioner Marion made the following motion, which was seconded by Commissioner Bowden, and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of LYNVET, LLC for a conditional use permit to allow the construction of a building addition and parking reconfiguration at 802 Wiggington Road, subject to the following condition:

- 1. The property shall be developed in substantial compliance with the concept plan, as prepared by White Engineering, Inc. dated January 22, 2019."**

AYES:	Bowden, Johnson, Light, Lowe, Marion, Perault and Rogers	7
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

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

To: Planning Commission
From: Planning Division
Date: March 13, 2019
Re: **Conditional Use Permit (CUP) – LYNVET, LLC – 802 Wiggington Road**

I. PETITIONER

LYNVET, LLC, 802 Wiggington Road, Lynchburg, Virginia 24502

Representative: Jamey White, P.E., White Engineering & Design, Inc., 21 Timberoak Court, Lynchburg, Virginia 24502

II. LOCATION

The subject property is approximately eight tenths (0.8) of an acre located at 802 Wiggington Road.

III. PURPOSE

The purpose of the petition is to allow the construction of a two thousand, two hundred and fifty (2,250) square foot building addition and parking reconfiguration.

IV. SUMMARY

- The *Comprehensive Plan* recommends a low density residential use for the property.
- The property was rezoned to B-3C, Community Business District on September 12, 1989 as part of the Northwest Expressway Study.
- City Council approved a conditional use permit on March 9, 1999 to allow the construction of the veterinary hospital and associated parking.
- City Council approved the rezoning of 806 and 808 Mercury Street on August 9, 2016.
- The veterinary hospital is an established use in the area and the addition should create little to no impact.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

- 1. Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a low density residential use for the property. Low Density Residential uses are characterized by single-family homes at densities of up to four (4) units per acre.

With previous land use approvals related to the property and the established veterinary hospital, the *Future Land Use Map (FLUM)* designation should be updated in the near future.

- 2. Zoning.** The subject property was annexed into the City in 1976. The existing B-3C, Community Business District zoning was established on September 12, 1989 as part of the Northwest Expressway Study.

Veterinary hospitals are a permitted use within B-3, Community Business Districts upon approval of a conditional use permit by City Council.

3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 27, 1981, City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.
 - On August 14, 1984, City Council approved Central Virginia Indoor Tennis, Inc.'s petition to rezone approximately twenty (20) acres on Davis Cup Road from R-2, Low-Medium Density Single-Family Residential District to B-5C, General Business District (Conditional) to allow the expansion of an existing facility to be used as an all-purpose sports facility.
 - On July 12, 1988, City Council approved Juanita Milstead's CUP petition to operate an adult care center at 1319 Ashbourne Drive.
 - On September 12, 1989, City Council amended the official zoning map to reflect the rezoning of the Northwest Expressway Area as shown on the map entitled "Northwest Expressway Area Land Use Study – 1989 – Proposed Official Zoning Map – 9-12-89".
 - On September 12, 1989, City Council approved Juanita Milstead's CUP petition to operate an adult care center at 1317 Ashbourne Drive.
 - On August 14, 1990, City Council approved the City of Lynchburg Parks & Recreation Department's CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.
 - On November 12, 1991, City Council approved Dominion Land and Real Estate, Inc.'s petition to rezone the property at 1117 Wiggington Road from I-3, Heavy Industrial District, to R-C, Conservation District, to allow the construction of a new house and barns.
 - On June 11, 1996, City Council approved the Central Congregation of Jehovah's Witnesses' CUP petition to allow the addition of a driveway, canopy and parking area to an existing church facility at 319 Wiggington Road.
 - On August 13, 1996, City Council approved Victory Christian Fellowship's CUP petition to allow the construction of a new sanctuary, buildings and parking in the 400 block of Wiggington Road.
 - On February 11, 1997, City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home. On August 9, 2016, Council approved the petition of LYNVET, LLC to rezone 806 and 808 Mercury Street from R-2, Low-Medium Density Residential to B-3C, Community Business District (Conditional) to allow the construction of a parking area.
 - On March 9, 1999, City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
 - On June 13, 2000, City Council denied Thomas W. Ackerman's CUP petition to allow the use of property in the 400 block of Wiggington Road to be used as a private park for a club in an R-2, Low-Medium Density Single-Family Residential District.

- On June 12, 2001, City Council approved Kim Yuille's CUP petition to allow the operation of a twenty-four (24)-hour child care facility in an existing structure for one-hundred and eighty (180) children (up to seventy-five (75) maximum at any one time) in an R-2, Low-Medium Density Single-Family Residential District.
 - On September 14, 2004, City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
 - On December 14, 2004, City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
 - On July 12, 2005, City Council approved Gantt Investment Corporation's petition to rezone the property at 160 Ivy Creek Lane from R-3C, Medium Density, Two-Family Residential District (Conditional) and a CUP to allow the construction of twenty-two (22) townhomes.
 - On May 10, 2005, City Council approved Gant Properties, Inc.'s petition to amend the *FLUM* from Low Density Residential to Medium Density Residential, rezone from R-2, Low Density Residential to R-3C, Two Family Residential (Conditional) and a CUP at 921, 823 and 824 Mercury Street to allow the construction of townhouses.
 - On May 8, 2007, City Council approved Valencia Properties' petition to rezone the property at 118, 124, and 128 Burnham Lane to B-3C, Community Business District (Conditional) to allow for the construction of a business park.
 - On April 8, 2008, City Council approved Tom Dewitt's petition to amend the *FLUM* from Employment 2 to Medium Density Residential, rezoning from I-3, Heavy Industrial District to R-3C, Medium Density Two-Family Residential District(Conditional) and a CUP at 903 and 903A Wiggington Road to allow for the construction of a one hundred and ninety (190)-unit townhouse neighborhood.
 - On August 9, 2016, Council approved the petition of LYNVET, LLC to rezone 806 and 808 Mercury Street from R-2, Low-Medium Density Residential to B-3C, Community Business District (Conditional) to allow the construction of a parking area.
5. **Site Description.** The subject property is approximately eight tenths (0.8) of an acre and contains a five thousand, five hundred sixty-five (5,565) square foot building constructed in 2000 and used as a veterinary hospital.

The property is bound to the north by a parking area associated with the veterinary hospital, to the south (across Wiggington Road) by a funeral home, to the east by the Northwest Expressway and to the west by office uses.



6. **Proposed Use of Property.** If the petition is approved, an addition to the existing veterinary hospital would be constructed in conjunction with a parking area reconfiguration.
7. **Traffic, Parking and Public Transit.** A traffic study was not required by the City's Transportation Engineer.

Parking requirements are two (2) spaces per one thousand (1,000) square feet of floor area. A total of sixteen (16) parking spaces would be required for the existing and proposed building which is available on site and within the parking area across Mercury Street.

The Greater Lynchburg Transit Company does not serve the area.
8. **Stormwater Management.** An Erosion and Sediment Control Plan would be required prior to final site plan approval. A stormwater management plan would not be required as disturbed area is anticipated to be below the five thousand (5,000) square foot threshold.
9. **Emergency Services:** The City's Fire Marshal has requested updated fire flow calculations for the property. The City's Police Department provided general comments regarding safety.
10. **Impact.** The existing veterinary hospital is well established in the area. The addition should have little to no negative impact on the surrounding neighborhood.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed a site plan on February 5, 2019. Comments related to the proposed addition will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of LYNVET, LLC

for a conditional use permit to allow the construction of a building addition and parking reconfiguration at 802 Wiggington Road.

- 1. The property shall be developed in substantial compliance with the concept plan, as prepared by White Engineering, Inc. dated January 22, 2019.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, 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
Dr. L. Mulligan, LYNVET, LLC, Property Owner
Mr. Jamey White, Representative

VII. ATTACHMENTS

- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Property Photograph**

Zoning Map

CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION

Conditional Use Permit Request

Peaks View Animal Hospital

R-1

R-1

B-3C

R-2

B-3C

R-2

R-2

B-3

I-3

B-3C

I-3

B-3C

R-3C

R-2

R-C

PROPERTY INFORMATION

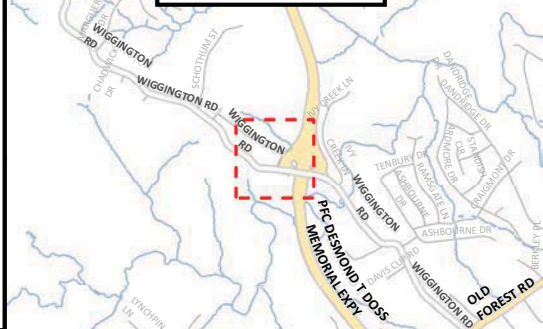
PARCEL ID	ADDRESS
22202013	802 WIGGINGTON RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 3/8/2019

OVERVIEW MAP



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

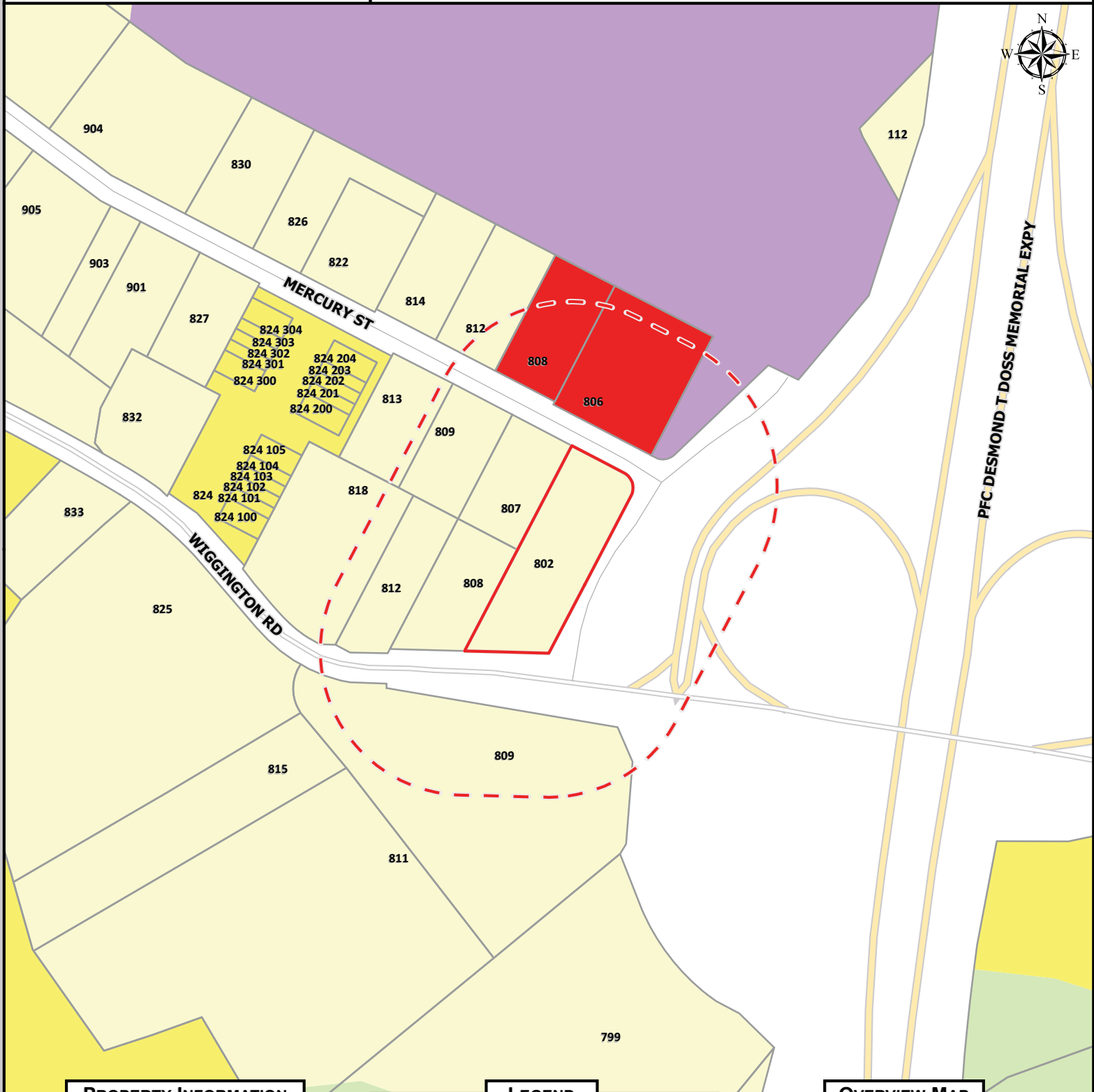
Parcel ID	Address	Owner
22202010	818 WIGGINGTON RD	CRAIG, DAVID M & ELIZABETH W
22203001	809 WIGGINGTON RD	FPG VIRGINIA LLC
22202014	812 WIGGINGTON RD	GANTT INVESTMENT CORPORATION
22202015	809 MERCURY ST	GANTT INVESTMENT CORPORATION
22202003	807 MERCURY ST	GANTT INVESTMENT CORPORATION
22202004	813 MERCURY ST	GANTT, JOSEPH I & KAY P
22202013	802 WIGGINGTON RD	LYNVET LLC
22201002	806 MERCURY ST	LYNVET LLC
22201005	808 MERCURY ST	LYNVET LLC
22201003	812 MERCURY ST	SNELL, CALLEE L
21702001	208 SCHOTHUM ST	VALENCIA PROPERTIES LLC
22202011	808 WIGGINGTON RD	WALKER, EDWARD R FLP &

FLUM Map

CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION

Conditional Use Permit Request

Peaks View Animal Hospital



PROPERTY INFORMATION

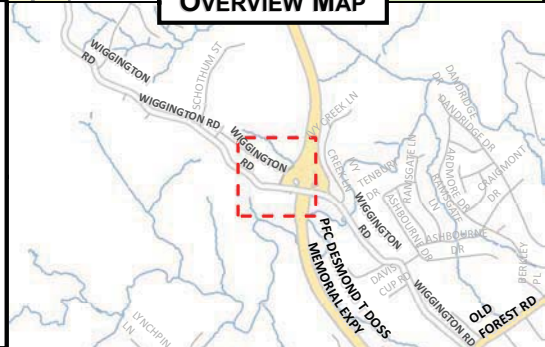
PARCEL ID	ADDRESS
22202013	802 WIGGINGTON RD

LEGEND

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

MAP SCALE: 1" to 200' DATE PRINTED: 3/8/2019

OVERVIEW MAP



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Watershed Map

CONDITIONAL USE PERMIT TO ALLOW AN EXPANSION

Conditional Use Permit Request

Peaks View Animal Hospital



PROPERTY INFORMATION

PARCEL ID	ADDRESS
22202013	802 WIGGINGTON RD

LEGEND

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

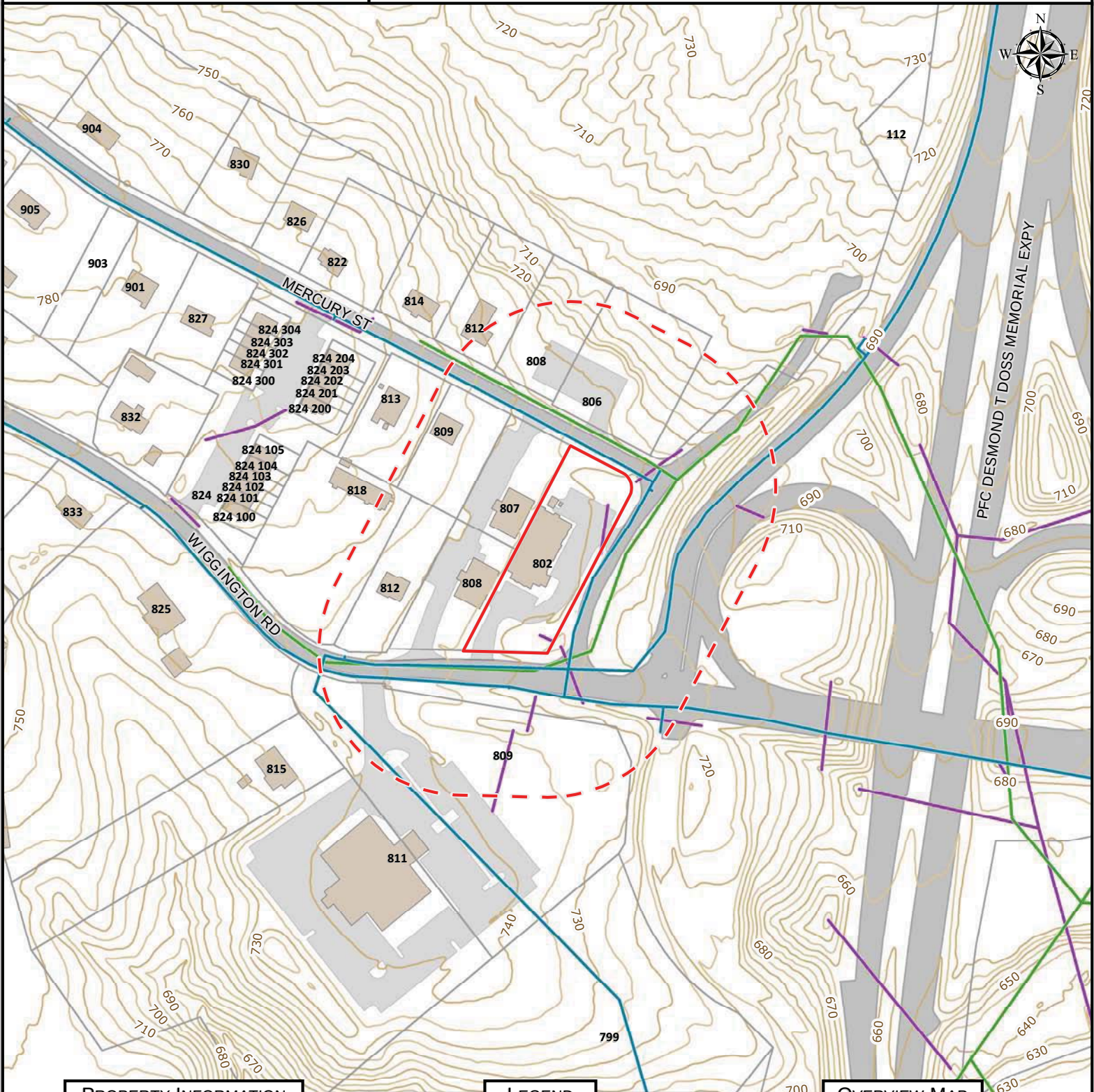
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/11/2019

Cheese Creek-Ivy Creek

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PROPERTY INFORMATION

PARCEL ID ADDRESS

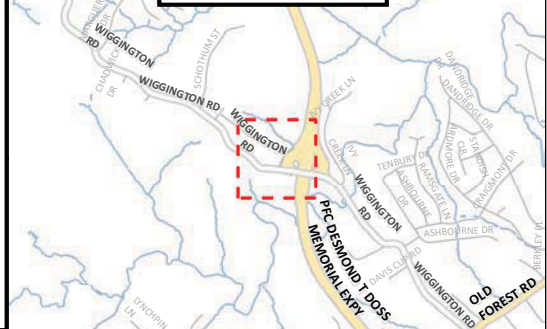
22202013 802 WIGGINGTON RD

LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
	Paved	Unpaved	Other
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography	Contour		
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1" to 200' DATE PRINTED: 3/8/2019

OVERVIEW MAP



PEAKS VIEW ANIMAL HOSPITAL

LYNVET, LLC

LYNCHBURG, VIRGINIA

ORIGINAL SUBMITTAL: JANUARY 22, 2019

LEGEND

	ABANDONED OR DEMOLISH		BENCHMARK
	CONTOUR INTERVAL AS INDICATED ON SITE PLAN		DROP INLET
	EC-2 LINER		FIRE HYDRANT
	EDGE OF EXISTING PAVEMENT		FIRE DEPARTMENT CONNECTION
	FENCE		IRON PIN FOUND
	GAS LINE		IRON PIN SET
	GRASS LINED DITCH		LIGHT POLE
	OVERHEAD ELECTRIC LINE		LAMP STACK
	OVERHEAD TELEPHONE LINE		POWER POLE
	PROPERTY LINE		SAN. SEWER MANHOLE
	RIGHT-OF-WAY		SANITARY CLEAN OUT
	SANITARY SEWER		TELEPHONE POLE WITH OUT WIRE & ANCHOR
	SPOT ELEVATION		TREE
	STORM SEWER		WATER METER
	UNDERGROUND ELECTRICAL LINE		WATER VALVE
	UNDERGROUND TELEPHONE LINE		CUT / FILL LINES
	WOOD LINE		STRUCTURE NUMBER 1 DRAINAGE
	UTILITY EASEMENT		STRUCTURE NUMBER 3 SANITARY
	DRAINAGE EASEMENT		
	CONCRETE		
	NEW PAVEMENT		
	STONE		

NOTE: 1. THE SIZE OF SYMBOLS MAY VARY FROM THOSE SHOWN.
2. ALL ABBREVIATIONS AND SYMBOLS SHOWN MAY NOT BE USED.

ABBREVIATIONS

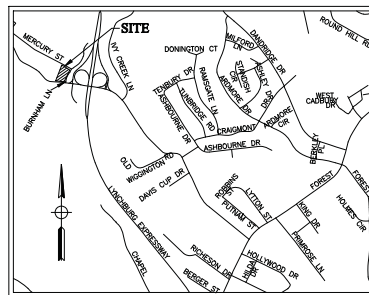
ADT	AVERAGE DAILY TRAFFIC	R	PROPERTY LINE
ARV	AIR RELEASE VALVE	PC	POINT OF CURVATURE
BC	BACK OF CURB	PI	POINT OF INTERSECTION
BM	BENCH MARK	PT	POINT OF TANGENT
CD	COMBINATION UNDERDRAIN	POB	POINT OF BEGINNING
CS	CURB & GUTTER	PDE	POINT OF ENDING
CMP	COMBUSTIBLE METAL PIPE	PVI	POINT OF VERTICAL CURVATURE
CO	CLEAN OUT	PVI	POINT OF VERTICAL INTERSECTION
CP	CONTROL POINT	PVE	POINT OF VERTICAL TANGENT
CV	CURB YARDS	PUE	PUBLIC UTILITY EASEMENT
DA	DAMETER	PVC	POLYVINYL CHLORIDE PIPE
DP	DUCTILE IRON PIPE	RCP	REINFORCED CONCRETE PIPE
EL	ELEVATION	RT	RIGHT
ELC	ELECTRIC	R/W	RIGHT OF WAY
EV	EVENT POINT	SA	SANITARY
EX	EXISTING	SD	SHORT DISTANCE
FF	FINISHED FLOOR	STA	STATION
FI	FIRE HYDRANT ASSEMBLY	ST	STANDARD
FDC	FIRE DEPARTMENT CONNECTION	STP	STORM YARDS
FW	FEET	TYP	TYPICAL
IR	IRON	UG	UNDERGROUND
IPF	IRON PIN FOUND	UN	UNLESS OTHERWISE NOTED
IPS	IRON PIN SET	VER	VERTICAL CURVE LENGTH
LT	LEFT	VPS	VEHICLES PER DAY
MA	MANHOLE	VSD	VERTICAL SIGHT DISTANCE
NC	NOT IN CONTRACT	WM	WATER METER
NTS	NOT TO SCALE	WV	WATER VALVE

OWNER: LYNVET, LLC
102 W. ROBINSON ROAD
LYNCHBURG, VA 24502

ENGINEER: WHITE ENGINEERING & DESIGN, INC.
21 THURSDAY CT, STE B-3
LYNCHBURG, VA 24502

CONTACT: SCOTT ZECHIN (OWNER REPRESENTATIVE)
(434) 546-0300

CONTACT: JAMIE L. WHITE, PE
(434) 523-0022



VICINITY MAP
NTS

INDEX OF SHEETS

SHEET NO.	DRAWING NO.	TITLE
1 OF 5	CS-1	COVER SHEET
2 OF 5	G-1	EXISTING CONDITIONS, DEMOLITION & GENERAL NOTES
3 OF 5	C-1	SITE PLAN
4 OF 5	EC-1	EROSION & SEDIMENT CONTROL PLAN
5 OF 5	EC-2	EROSION & SEDIMENT CONTROL NARRATIVE & DETAILS

CITY NOTES

- ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH THE CITY OF LYNCHBURG SPECIFICATIONS AND STANDARD DETAILS, LATEST EDITION.
- CONTACT THE CITY CONSTRUCTION COORDINATOR FOR MATR AT 454-4618 A MINIMUM OF FORTY-SIX HOURS PRIOR TO BEGINNING CONSTRUCTION.

PROJECT NARRATIVE:
THIS PLAN IS TO BUILD WITHIN A PORTION OF THE 0.83 ACRES OF PARCEL 222-02-013. THE PROJECT PROVIDES FOR THE CONSTRUCTION OF A BUILDING ADDITION AND PARKING LOT ADJUSTMENTS. THIS PROJECT WILL REQUIRE 3,610 SQ. FT. OF DISTURBANCE.

STORMWATER MANAGEMENT NARRATIVE:
THE PROJECT DISTURBED AREA IS UNDER THE LIMITS TO REQUIRE STORMWATER MANAGEMENT.

EROSION CONTROL:
A PLAN ADDENDUM IS REQUIRED, PRIOR TO THE ISSUANCE OF ANY LAND DISTURBANCE PERMIT, IDENTIFYING THE LOCATION, ADEQUATE STABILIZATION MEASURES AND AN APPROVED PERMIT FOR ANY OFF-SITE BROWNFIELDS WASTE EXISTING THAT WILL BE USED IN CONSTRUCTION WITH THIS PROJECT. THE ULTIMATE DESTINATION OF ALL DEBRIS FROM DEMOLITION MUST BE IDENTIFIED AT THE PRE-CONSTRUCTION CONFERENCE.

ALL EROSION CONTROL/STORMWATER MANAGEMENT MEASURES MUST BE IN PLACE PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY AND ALL TEMPORARY EROSION CONTROL MEASURES MUST BE REMOVED WITHIN THIRTY (30) DAYS OF PERMANENT STABILIZATION OF THE SITE.

UTILITY CONTACTS

WATER & SEWER:	CITY OF LYNCHBURG DEPARTMENT OF WATER RESOURCES ATTN: HARRY DODS 225 TAYLOR STREET LYNCHBURG, VA 24501 (434) 455-4271	ELECTRICITY:	AMERICAN ELECTRIC POWER 4001 MAYFLOWER DRIVE LYNCHBURG, VA 24501 (434) 522-4281
TELEPHONE:	VERIZON VIRGINIA INC. ENGINEERING DEPARTMENT 553 LEESVILLE ROAD LYNCHBURG, VA 24502 (434) 237-9822 REPAIR: 1-888-683-0363	GAS:	COLUMBIA GAS OF VIRGINIA INC. CUSTOMER SERVICE 23236 1-888-460-4332
		CABLE:	COMCAST DIGITAL CABLE 2620 LYNCHBURG DRIVE LYNCHBURG, VA 24508 (888) 266-2278

NOTE: CONTRACTOR SHALL VERIFY CONTACT INFORMATION FOR EMERGENCY REPAIR SERVICE AND INSTALLATION, PRIOR TO ANY CONSTRUCTION ACTIVITIES.

PROJECT:	PEAKS VIEW ANIMAL HOSPITAL
CLIENT:	LYNVET, LLC
LOCATION:	LYNCHBURG, VIRGINIA
TITLE:	COVER SHEET
DRAWN BY:	A.W.
DESIGNED BY:	A.W.
REVIEWED BY:	A.W.
PROJECT NO.:	10028.00
SCALE:	GRAPHIC
DATE:	1-22-19
REV. SUBMITTAL DATE:	1-22-19
DRAWING NUMBER:	CS-1
SHEET NUMBER:	1 OF 5

LANDSCAPING SCHEDULE

SYMBOL	TREE	QUANTITY	BOTANICAL NAME	COMMON NAME	PLANTING SIZE	ULTIMATE SIZE	CANOPY PER PLANTING	REMARKS
○	AR	7	ACER RUBRUM 'OCTOBER GLORY'	RED MAPLE	1 1/2" CALIPER	50' H X 40' W	1,256 SF	TREE
○	SB	12	SPIREA X BUNALDA 'ANTHONY WATERER'	BUNALDA SPIREA	2" H	3' H X 5' W	-	BUSH
TOTAL CANOPY							1,256 SF	

SOIL PREPARATION

FOR INDIVIDUAL PLANTINGS OR SMALL GROUPINGS THIS PREPARATION CAN BE DONE WITHIN THE PLANTING HOLE FOR LARGER GROUPING THE PLANTING AREA THROUGHOUT THE ENTIRE AREA SHALL BE PREPARED.

1. REMOVE ANY SOIL, ROOTS, ROCKS AND DEBRIS FROM THE AREA.
2. LOOSEN THE SOIL TO A MINIMUM DEPTH OF 12" AND BREAK ANY CLODS.
3. APPLY MEASURED AMOUNTS OF FERTILIZER AND MINERAL AMENDMENTS. (SEE SCHEDULE BELOW)
4. MIX SOIL THOROUGHLY.
5. INSURE THAT ALL PLANTING HOLES ARE TWICE THE SIZE OF THE ROOT BALL.

FERTILIZER AND SOIL AMENDMENTS

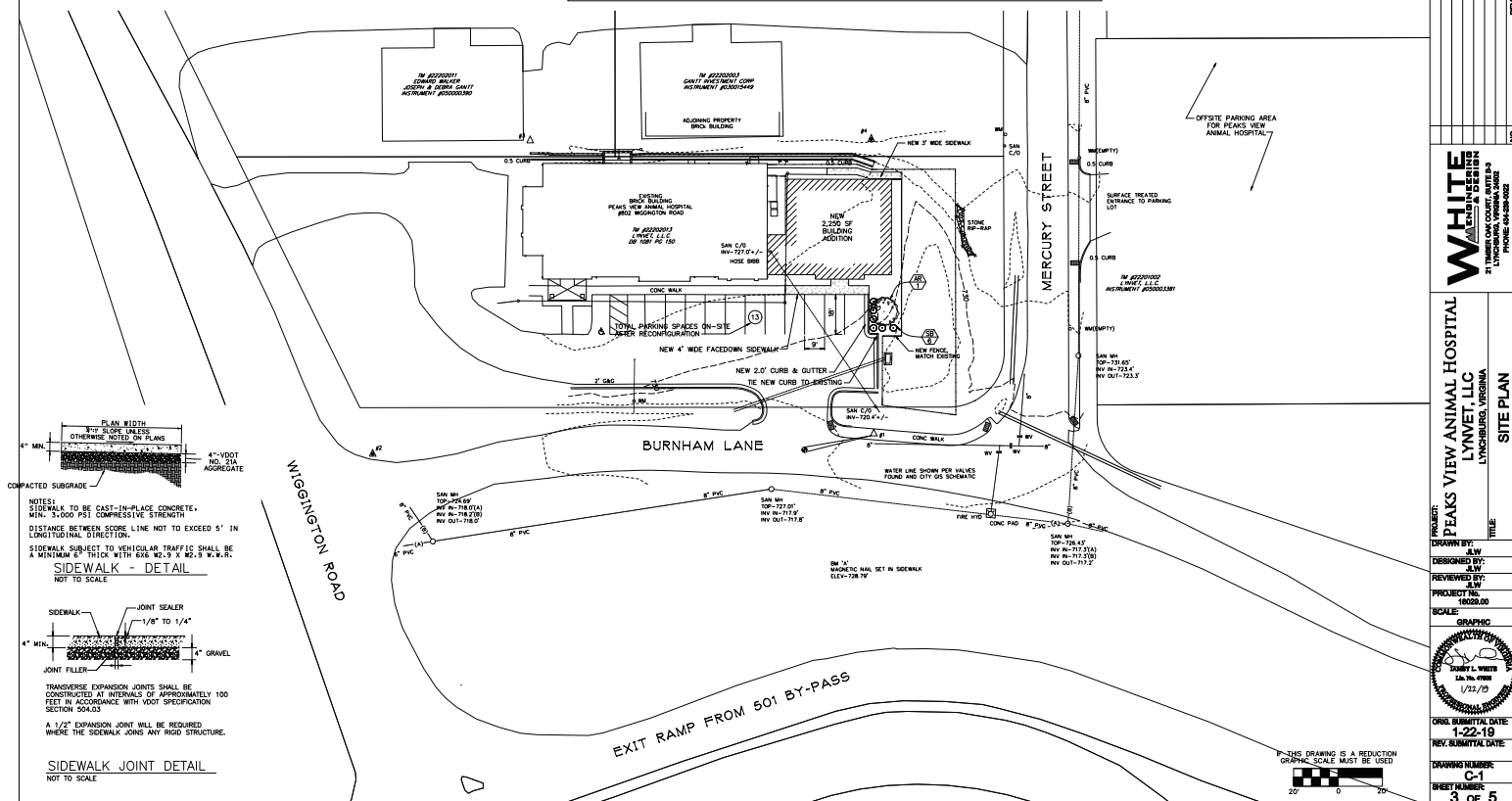
MATERIAL	AMOUNT PER 100 SF
2-3-5 ALL PURPOSE FERTILIZER	6-8 LSB.
REGULAR OR DOLOMITIC LIMESTONE	5 LSB.
GYPHOLIUM	2 LSB.

12 MONTH WATERING SCHEDULE

1. NEW PLANTINGS SHALL BE WATERED AT TIME OF PLANTING AT A RATE OF APPROXIMATELY 1" OVER THE PLANTED AREA.
2. DURING THE FIRST MONTH PLANTS SHALL BE WATERED EVERY OTHER DAY AT A RATE OF 1" OVER THE PLANTED AREA.
3. DURING THE MONTHS OF MARCH THROUGH OCTOBER PLANTS SHALL RECEIVE WATER AT A RATE OF 3" TO 4" A MONTH. WATERING SHOULD TAKE PLACE WEEKLY TO SUPPLEMENT RAINFALL TO ACHIEVE THIS RATE.

NOTE:

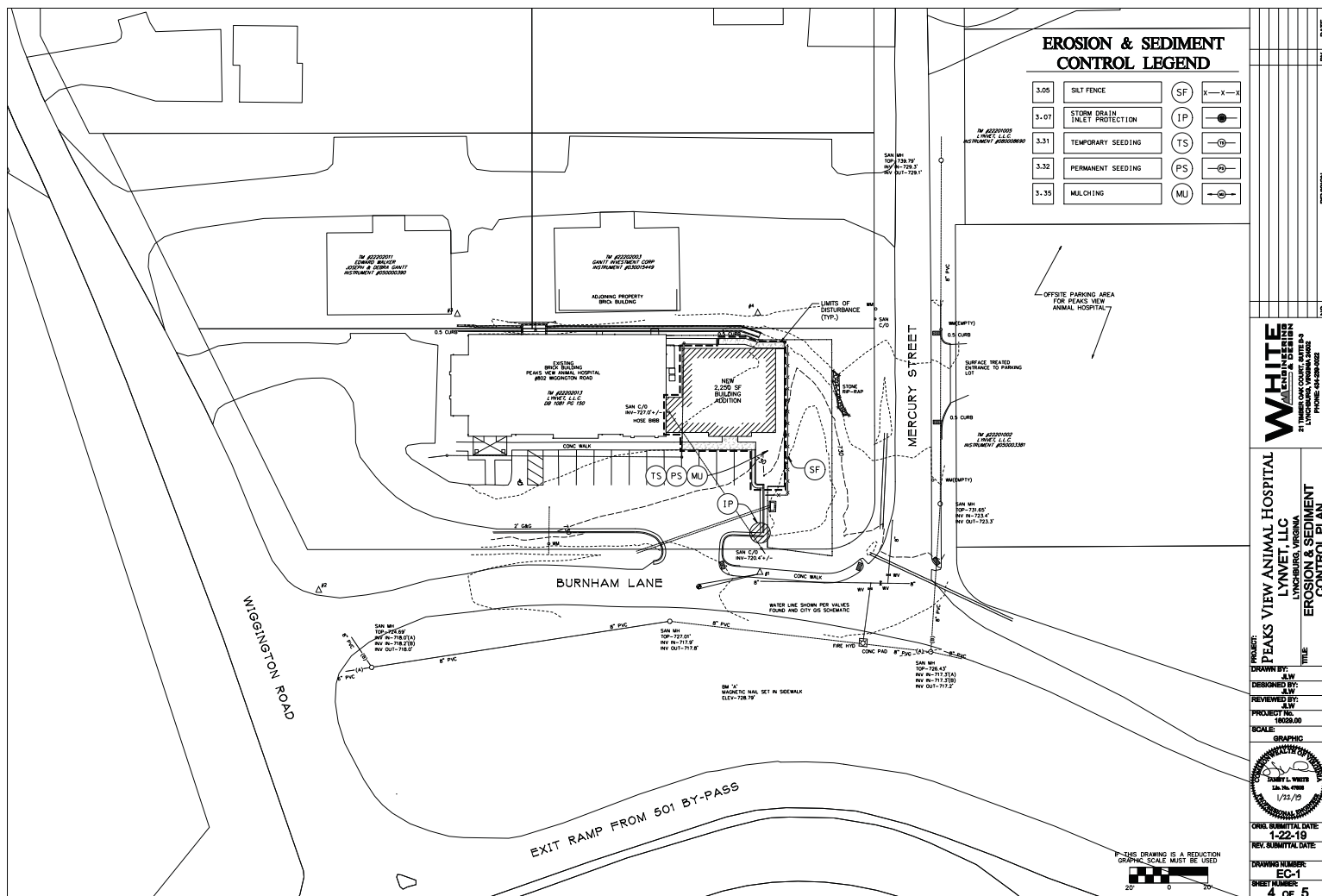
AFTER PLANTING, MULCH ALL AREAS TO A DEPTH OF 6". INDIVIDUAL TREES SHALL BE MULCHED IN A RING 4" IN DIAMETER. CARE SHOULD BE TAKEN NOT TO PULL THE MULCH UP TIGHT TO THE PLANT STEM AS THIS CAN CAUSE DISEASE OR INSECT PROBLEMS. LANDSCAPE FABRIC CAN BE PLACED ON THE GROUND PRIOR TO MULCHING AS A WEED BARRIER.



PROJECT:	PEAKS VIEW ANIMAL HOSPITAL
DRAWN BY:	ALW
DESIGNED BY:	ALW
REVIEWED BY:	ALW
PROJECT NO.:	16028.00
SCALE:	GRAPHIC
DATE:	1-22-19
REV. RUMATYAL DATE:	1-22-19
DRAWING NUMBER:	C-1
SHEET NUMBER:	3 OF 5

WHITE
LANDSCAPE ARCHITECTS
31 LINDSEY COURT, SUITE 200
LYNDSEY, VIRGINIA
PHONE: 404-288-0022

WHITE
LANDSCAPE ARCHITECTS
31 LINDSEY COURT, SUITE 200
LYNDSEY, VIRGINIA
PHONE: 404-288-0022





802 Wigginton Road
Conditional Use Permit
March 13, 2019

PLEASE PRINT

[illegible]

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **11**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: FY 2019 Third Quarter Adjustment

KEY ELEMENTS:

___Economic Development **X**Excellent Government ___Natural and Built Environment ___Safe Community ___Vibrant Community

RECOMMENDATION: Following a public hearing, adopt a resolution amending the FY 2019 Operating and Capital Budgets and appropriating or rescinding funds to reflect the FY 2019 Third Quarter Detail by Fund in Attachment A.

SUMMARY: In March, staff began a review of FY 2019 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, Forfeited Assets, Regional Juvenile Detention Center, Water, Sewer, Stormwater, Airport, Fleet Services, City Capital Projects, School Capital Projects, Water Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund are amended to reflect the FY 2019 Third Quarter Adjustments.

PRIOR ACTION(S): Adoption of the FY 2019 Operating and Capital Budgets: May 22, 2018
First Quarter Adjustments: September 11, 2018
Public Hearing and First Reading of Third Quarter Adjustments: April 9, 2019

FISCAL IMPACT: As noted on Attachment A.

CONTACT(S): Donna Witt, Chief Financial Officer, 455-3968

ATTACHMENT(S): Resolution; Attachment A: FY 2019 Third Quarter Adjustments – Summary and Detail

REVIEWED BY: bms

RESOLUTION:

BE IT RESOLVED That the FY 2019 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, Forfeited Assets, Regional Juvenile Detention Center, Water, Sewer, Stormwater, Airport, Fleet Services, City Capital Projects, School Capital Projects, Water Capital Projects, Sewer Capital Projects, and Airport Capital/Grant Projects Fund.

Introduced:

Adopted:

Certified:

Acting Clerk of Council

042A

ATTACHMENT A**FY 2019 Third Quarter Adjustment
SUMMARY BY FUND**

	Expenditures	Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/ Assigned Fund Balance
GENERAL FUND	\$2,654,660	\$594,179	\$873,850	\$1,186,631
CITY/FEDERAL/STATE AID FUND	1,701,078	595,810	0	1,105,268
FORFEITED ASSETS FUND	46,364	46,364	0	0
REGIONAL JUVENILE DETENTION CENTER FUND	221,211	221,211	0	0
CITY CAPITAL PROJECTS FUND	274,075	17,396	0	256,679
SCHOOLS CAPITAL PROJECTS FUND	325,000	325,000	0	0
WATER FUND	23,153	23,153	0	0
WATER CAPITAL PROJECTS FUND	269,655	269,655	0	0
SEWER FUND	2,500,000	0	0	2,500,000
SEWER CAPITAL PROJECTS FUND	2,500,000	2,500,000	0	0
STORMWATER FUND	337,500	0	0	337,500
AIRPORT FUND	223,550	223,550	0	0
AIRPORT CAPITAL/GRANT PROJECTS FUND	480,000	0	0	480,000
FLEET SERVICES FUND	32,000	32,000	0	0
TOTALS	\$11,588,246	\$4,848,318	\$873,850	\$5,866,078

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
GENERAL FUND					
Council/Manager Office	50,000			50,000	To appropriate funds from the Drug Court Reserve.
Fire	39,955			39,955	To appropriate funds from the Fire Training Reserve for maintenance and repairs at the Fire Training Center and funds from the PIER Reserve for equipment and training.
Human Resources	15,000			15,000	To appropriate funds from the Citywide Salary Study and Implementation Plan Reserve for additional presentations regarding the salary study by Korn Ferry.
Parking Management	7,500			7,500	To appropriate funds from the Parking Reserve for the installation of parking lot lights in the Depot lot.
Parking Management	3,000			3,000	To appropriate funds from the Parking Reserve for the installation of outdoor parking lot cameras as part of the Community Market security upgrade.
Parking Management	9,500			9,500	To appropriate funds from the Parking Reserve for parking lot improvement upgrades to Canal, Jefferson Street, and Riverfront lots.
Public Works	80,445		80,445		To appropriate funds for expenses to remove debris associated with the April 2018 tornado. Debris from the tornado was collected at a central location and a vendor was contracted to haul it away once the clean-up from the event had concluded. While all other expenses occurred in FY 2018, debris removal could not take place until FY 2019. This expense was not included as part of the FY 2019 budget.
Public Works	9,253		9,253		To appropriate funds for overtime personnel costs from the August flood event. While overall Public Works personnel expenses are tracking at about 65% of the budget with approximately 35% of the year left; due to the workload associated with spring activities, a disproportionate amount of overtime expenses will occur in the coming months. Funds that would have been available to cover these upcoming costs were spent on overtime personnel costs for the flood event.
Public Works	87,413		87,413		To appropriate funds for the cost to contract vendors that assisted with curbside bulk hauling from city residences as a result of the August 2018 flood. While the City anticipates reimbursement for a portion of these expenses from VDEM, it will not occur within this fiscal year; therefore, funds currently available for other Public Works needs are reduced.

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
Registrar	18,385		18,385		To appropriate funds requested for projected expenses associated with the June 2019 Primary Election.
Registrar	4,417		4,417		To appropriate funds requested for relocation of Ward I Precinct 1 polling location expenses.
Registrar	4,505		4,505		To appropriate funds requested for relocation of Ward IV Precinct 1 polling location expenses.
Schools	736,573			736,573	To appropriate funds from the Textbook Reserve to purchase math textbooks for K-12.
Sheriff	24,850		24,850		To appropriate funds expensed for the Sheriff's Office share of the electrical update to and existing outdated system to allow the Sheriff's file server and recorder to remain online during power loss.
Sheriff	22,509		22,509		To appropriate funds requested for actual expenses associated with Temporary Detention Order (TDO) transports that are not budgeted or reimbursed.
Sheriff	9,929		9,929		To appropriate funds requested for projected expenses associated with courtroom security for the remainder of FY 2019.
Sheriff	11,255		11,255		To appropriate funds requested for projected expenses associated with Temporary Detention Order (TDO) that are not budgeted or reimbursed for the remainder of FY 2019.
Non-Departmental	938,389	337,500	600,889		To appropriate funds expensed for the August 2018 flood including a transfer to General Fund Operating from the Stormwater Fund Operating to offset costs.

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
TRANSFERS					
Transfer from Fire - General Fund Operating Budget to Fire Grants - City/Federal/State Aid Fund	103			103	Transfer from Fire - General Fund Operating Budget to Fire Grants - City/Federal/State Aid Fund to appropriate funds for grant over expenditures that will not be reimbursed by the State.
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 cover the cost of labor in excess of the adopted budget; to replace a piece of equipment (a crash attenuator), which is needed as part of mandatory safe work practices in Streets and Traffic operations; and to restock materials (primarily salt) used during the current snow season.
Transfer from City Capital Projects Fund to General Fund Operating Budget	6,679	6,679			Transfer to General Fund from City Capital Projects Fund to appropriate funds received from Liberty University to cover VDOT Oversight Charges for the Liberty University Intramural Road, Phase I and Phase II project.
Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating	325,000			325,000	Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating \$175,000 for three boilers and \$150,000 to rebuild 2 chillers at Linkhorne Middle School.
GENERAL FUND Total	2,654,660	594,179	873,850	1,186,631	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
CITY/FEDERAL/STATE AID FUND					
Transfer to Fire Grants - City/Federal/State Aid Fund from Fire - General Fund Operating Budget	103	103			Transfer to Fire Grants - City/Federal/State Aid Fund from Fire - General Fund Operating Budget to appropriate funds for grant over expenditures that will not be reimbursed by the State.
Bluffwalk	1,105,268			1,105,268	To appropriate the payment received to pay the U.S. Department of Housing and Urban Development (HUD) loan. Note: The Developer paid off the U.S. Department of Housing and Urban Development (HUD) loan and paid the City back for all the Community Development Block Grant (CDBG) funds used for the Bluffwalk payments missed by the developer. Those funds will be appropriated at a later date.
Central Virginia Criminal Justice Academy (CVCJA)	595,193	595,193			To appropriate and budget the CVCJA's revenue and expenditures that flow through the City's financial system and are reported in the City's financial statements.
Human Services Grants	331	331			To appropriate additional funds needed to cover salary and social security and medicare costs; fully reimbursable.
Office of the Commonwealth's Attorney	(14,224)	(14,224)			To rescind the FY 2019 Adopted budget appropriation for the Violence Against Women Act (VAWA) Prosecution Grant Award; the award came in lower than the budget appropriated by Council.
Public Works	14,407	14,407			To appropriate the annual award from the Virginia Department of Environmental Quality for litter prevention and recycling.
CITY/FEDERAL/STATE AID FUND Total	1,701,078	595,810	-	1,105,268	

FORFEITED ASSETS FUND

Police Department	46,364	46,364			To appropriate Asset Forfeiture revenues received.
FORFEITED ASSETS FUND Total	46,364	46,364	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
REGIONAL JUVENILE DETENTION CENTER FUND					
Detention Home	178,029	178,029			To appropriate funds for the increases related to the approved market adjustments for the Detention Center employees.
Detention Home	43,182	43,182			To appropriate funds for unanticipated expenses related to the fire alarm system and the hot water heater.
REGIONAL JUVENILE DETENTION CENTER FUND Total	221,211	221,211	-	-	

CITY CAPITAL PROJECTS FUND

Public Works - Engineering	17,396	17,396			To appropriate Urban Construction Initiative (UCI) interest.
Transfer from City Capital Projects Fund to General Fund Operating Budget	6,679			6,679	<i>Transfer from City Capital Projects Fund to General Fund</i> to appropriate funds received from Liberty University to cover VDOT Oversight Charges for the Liberty University Intramural Road, Phase I and Phase II project.
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 cover the cost of labor in excess of the adopted budget; to replace a piece of equipment (a crash attenuator), which is needed as part of mandatory safe work practices in Streets and Traffic operations; and to restock materials (primarily salt) used during the current snow season.
CITY CAPITAL PROJECTS FUND Total	274,075	17,396	-	256,679	

SCHOOLS CAPITAL PROJECTS FUND

Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating	325,000	325,000			<i>Transfer funds to Schools Capital Projects Fund from General Fund - Schools Operating</i> \$175,000 for three boilers and \$150,000 to rebuild 2 chillers at Linkhorne Middle School.
SCHOOLS CAPITAL PROJECTS FUND Total	325,000	325,000	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
WATER FUND					
Water Fund	23,153	23,153			To appropriate funds received due to a class action lawsuit involving price fixing and bid rigging by chemical companies over the sale of aluminum sulfate chemicals used to treat water between the period 1997 - 2011.
WATER FUND Total	23,153	23,153	-	-	

WATER CAPITAL PROJECTS FUND

Water Capital Projects Fund	269,655	269,655			Liberty University wants to extend an existing waterline along Liberty Mountain Drive to Top Ridge/Odd Fellows Intersection. The waterline will serve Liberty's construction plans for new facilities along that road. Liberty is reimbursing Water Resources for 100% of the cost and will lead to a City asset.
WATER CAPITAL PROJECTS FUND Total	269,655	269,655	-	-	

SEWER FUND

Transfer from Sewer Fund to Sewer Capital Projects Fund Budget	2,500,000			2,500,000	<i>Transfer from Sewer Operating Fund to Sewer Capital Projects Fund</i> to remain in compliance with CSO Special Order of Consent that requires the City "to annually adjust sewer system reserve funds to equal no more than 25% of the subsequent year's budgeted operating expenditures." The entire amount will go to fund balance. Request for new appropriations to the capital improvement program are not being made at this time.
SEWER FUND Total	2,500,000	-	-	2,500,000	

SEWER CAPITAL PROJECTS FUND

Transfer to Sewer Capital Fund from Sewer Fund Budget	2,500,000	2,500,000			<i>Transfer from Sewer Operating Fund to Sewer Capital Projects Fund</i> to remain in compliance with CSO Special Order of Consent that requires the City "to annually adjust sewer system reserve funds to equal no more than 25% of the subsequent year's budgeted operating expenditures." The entire amount will go to fund balance. Request for new appropriations to the capital improvement program are not being made at this time.
SEWER CAPITAL PROJECTS FUND Total	2,500,000	2,500,000	-	-	

Department/Division	Amount	Source of Funding			Purpose
		Additional Revenues	Use of Reserve for Contingencies	Transfer or Use of Committed/Assigned Fund Balance	
STORMWATER FUND					
Transfer to General Fund Fund from Stormwater Fund Budget	337,500			337,500	To appropriate funds to offset General Fund costs associated with the August 2018 flood.
STORMWATER FUND Total	337,500	-	-	337,500	

AIRPORT FUND

Airport	143,550	143,550			To appropriate additional funds for rental car service facility maintenance/refurbishment (\$13,550); consulting study of converting Airport from a City department to an Airport Authority (\$40,000); worker's compensation settlement (\$70,000); and additional 80% state funded non-recurring maintenance/ repair/ equipment projects. Also to increase budgeted revenues.
Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget	80,000	80,000			<i>Transfer to Airport Operating Fund from Airport Capital/Grant Projects Fund Budget</i> to appropriate funds for 80% State funding for non-recurring maintenance/ repair/equipment purchases.
AIRPORT FUND Total	223,550	223,550	-	-	

AIRPORT CAPITAL/GRANT PROJECTS FUND

Airport	400,000			400,000	To appropriate and increase budget for Passenger Boarding Bridge project for bids higher than originally budgeted.
Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget	80,000			80,000	<i>Transfer from Airport Capital/Grant Projects Fund to Airport Operating Fund Budget</i> to appropriate funds for 80% State funding for non-recurring maintenance/ repair/equipment purchases.
AIRPORT CAPITAL/GRANT PROJECTS FUND Total	480,000	-	-	480,000	

FLEET SERVICES FUND

Fleet	32,000	32,000			To appropriate funds for expenses and revenues for the parts contractor's fixed fee. This fee was previously shared with Public Works.
FLEET SERVICES FUND Total	32,000	32,000	-	-	

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **12**

CONSENT:
ACTION:

REGULAR: **X**
INFORMATION: **X**

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Downtown Lynchburg Association 2018 Annual Report Presentation

KEY ELEMENTS:

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

RECOMMENDATION: Hear a report on the 2018 activities of the Downtown Lynchburg Association (DLA). No action is requested at this time.

SUMMARY: City Council has requested annual updates from the Downtown Lynchburg Association. Ashley Kershner, Executive Director of DLA, will present DLA's 2018 Annual Report.

PRIOR ACTION: N/A

FISCAL IMPACT: None

CONTACT(S): Ashley Kershner, Downtown Lynchburg Association Executive Director, 485-7251

ATTACHMENT(S): Downtown Lynchburg Association 2018 Annual Report

REVIEWED BY: raw

040A

2018 ANNUAL REPORT

DOWNTOWN LYNCHBURG ASSOCIATION



Downtown
LYNCHBURG
— association —

STATE OF DOWNTOWN

67	Blocks
187	Acres
495	Parcels
332	Parcel Owners
4.7k	Public Parking Spaces
288	First-Floor Storefronts
939	Residential Units
430	Businesses
3.7k	Workers Employed in the District
40	Restaurants
35	Retail Stores



ONWARD AND UPWARD

11.8%

increase in
property values



52.1%

increase in
amusement tax



6.50%

increase in lodging tax

44.8%

increase in local sales tax

68.4%

increase in meals tax

2016 - 2018

2015 - 2018

Director's Letter

from Ashley Kershner

2018 was a transformative year for Downtown Lynchburg.

In small steps and bounding leaps, we have seen the district change from a quaint city center to a thriving regional hub. The official reopening of the historic theater at the Academy Center of the Arts was not just a remarkable achievement, but a symbol of greater things to come.

One has only to walk a city block down, to the corner of 8th and Main, to catch a glimpse of another dream brought back to life: the Virginian Hotel.

Add to these achievements the addition of seven new restaurants and continued economic and real estate development, and it's not hard to see why Downtown Lynchburg is the local destination for arts, culture, dining, and entertainment.

Such growth doesn't come without adjustments. Despite two large-scale construction projects affecting major gateways into the district, visitation has increased. More people than ever are making their way downtown!

To accelerate this growth, DLA's focus in 2018 centered on creating a more welcoming and appealing environment with the launch and successful implementation of several initiatives. Our Adopt-a-Block program engaged community members in beautification efforts, while the installation of new parking signage provided ease of use for downtown visitors. The addition of vibrant and colorful seating along the Bluffwalk invited visitors to pull up a chair and stay a while. And the introduction of our new holiday event brought families and individuals alike downtown to celebrate the Tree Lighting Ceremony at the Craddock Terry Hotel.

Behind the scenes, we worked to enhance our offerings to the community. We leveraged our social media audience to bring new businesses to the forefront of public attention through an online video series; we brought on a Program Director to increase our bandwidth, and we completed the first ever downtown storefront occupancy study. Coupled with the passing of the Downtown 2040 plan, we are poised to grow our impact sustainably for years to come.

As an economic driver, Downtown Lynchburg not only generates millions in tax revenue, it's also the hub of our local culture, woven into the very identity of our city. Join us in celebrating our accomplishments thus far. And I invite you to partner with us going forward.

Because together, we can do more.



Ashley Kershner
Executive Director





DOWNTOWN LYNCHBURG ASSOCIATION

A Catalyst for Change

Downtown Lynchburg Association, a 501-c3 non-profit organization, works to create a strong, vibrant, and welcoming downtown with a unique and historic character. We are an accredited program of the Virginia Main Street and the National Main Street Center™, a subsidiary of the National Trust for Historic Preservation. For more than two decades, the organization and the City of Lynchburg have worked together to sustain and develop downtown as a vital economic, cultural, recreational, residential, and historic center for our community.

Through marketing initiatives, public space improvements, business engagement programs, cultural events, and more, we have and will continue to contribute to the establishment of a strong and vibrant downtown district.



2018 PRIORITIES

- Create a more welcoming environment for downtown visitors, residents, and workers.
- Increase awareness of and visitation to Downtown.
- Establish Downtown Lynchburg as the preferred place to do business.
- Increase the health, effectiveness, and sustainability of the organization.

BOARD OF DIRECTORS

PRESIDENT

Brandon Farmer
Bank of the James

VICE PRESIDENT

Dorie Smiley
Academy Center of the Arts

TREASURER

Sandy Lawrence
Innovative Wireless Technologies

SECRETARY

Victoria Bartholomew
Flint Property Group

PAST PRESIDENT

Larry Jackson
Appalachian Power Company

CITY LIAISON

Reid Wodicka
City of Lynchburg

Stephanie Atkinson

Live Trendy or Die, Et Martem
The Windblown Apothecary

Anna Bentson

City of Lynchburg

David Cook

Virginia Department
of Transportation

Dan Hague

Red Point Lofts

Dave Henderson

The Water Dog

Brandon Jones

Pacific Life

Todd Leap

Bailey Grey

Court Shipman

Gentry Locke Attorneys

Jennifer Slightham

434 Marketing

Todd Swindell

Craddock Terry Hotel



PURPOSEFUL PROMOTION AND MARKETING

STRATEGIC AND TARGETED

When it comes to promoting the district, DLA doesn't mess around. We create carefully crafted marketing campaigns that work to highlight the fabulous people, places, and events that make downtown so unique, helping to introduce (and in some cases, re-introduce) Downtown Lynchburg as the exciting urban hub it has become. Although we always work to highlight the longstanding history of our city center, this year we focused on all things new. With the creation of videos and visual content featuring new businesses, attractions, and events, we worked to generate foot traffic, encourage community pride, and increase awareness of all that downtown has to offer. At the same time, we worked to strengthen our marketing channels, providing an even larger megaphone with which to share our message.



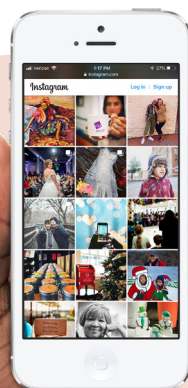
DowntownLynchburg.com

104k 

DowntownLynchburg.com
WEBSITE VIEWS

119k 

Video Campaign
VIEWS



SOCIAL MEDIA
[@DowntownLynchburg](https://www.instagram.com/DowntownLynchburg)



5.6k
instagram followers



11.8k
Facebook followers



74%
Increase in Instagram
followers in 2018

Merchandise



Our Downtown
Lynchburg
merchandise helps
people show their
community pride

CREATING VIBRANCY THROUGH COMMUNITY EVENTS

Increasing community presence and involvement in Downtown Lynchburg demands creative and engaging opportunities; these in turn enhance the vitality of downtown and motivate visitors to return time and again. To that end, DLA celebrated annual events, like Get Downtown, while also adding new ones that invite the community to have fun and make lasting memories.

GET DOWNTOWN



This milestone represented a decade's worth of purposeful growth and investment in the annual street festival. Now a community tradition, Get Downtown synthesizes the best that Downtown Lynchburg has to offer, introducing the community to the businesses, attractions, and public spaces that make Downtown what it is. The 2018 festival was bigger than ever – with expanded hours, an extended footprint, and more than 150 vendor participants.

150+
PARTICIPATING
VENDORS

10k
ESTIMATED
ATTENDEES



FIRST FRIDAYS

Downtown Lynchburg Association continues to promote and manage First Fridays, a monthly arts and culture event, with its own dedicated website and email newsletter. DLA's social media channels are leveraged to share information and encourage participation in this unique community event that inspires interest in the arts and celebration of local makers.

TREE LIGHTING AT CRADDOCK TERRY



In partnership with the Craddock Terry Hotel, Waterstone Pizza, and Shoemakers American Grille, DLA created a brand new holiday celebration. On November 25, 2018, community members came to enjoy holiday-inspired treats, vendors, live music, and the festive holiday atmosphere. We foresee this event becoming a new holiday tradition for Lynchburg area citizens.



1k
ESTIMATED
ATTENDANCE



3.4k
LIGHTS ON
THE TREE



27ft CHRISTMAS
TREE

HOLIDAY LIGHTING

ON THE BLUFFWALK

This year beautiful holiday lights on the Lower Bluffwalk enticed visitors to enjoy this beautiful public space throughout the holiday season.



DESIGNING FOR A WELCOMING ENVIRONMENT

Beauty and function work hand-in-hand to create an attractive, interesting, and friendly atmosphere in Downtown Lynchburg.

TAKE A SEAT ON THE BLUFF

The addition of bright and cheery tables and chairs on the Lower Bluffwalk helps to activate this vital space. By creating an invitation for sightseers, walkers, and downtown residents to sit and linger, the Bluffwalk is no longer a throughway but a destination in its own right. Inspired by Manhattan's iconic Bryant Park, this investment conveys the value of place, saying to visitors, *"Time is well spent here; stay awhile and enjoy the view."*

ADOPT-A-BLOCK PROGRAM

This volunteer-led beautification initiative has resulted in more community engagement and the improved appearance of our streets. More than half of the downtown blocks have been adopted by individuals, organizations, and businesses, enhancing the downtown environment and assisting the City of Lynchburg in keeping our public spaces clean.

52 

BLOCKS ADOPTED

1.1K 

VOLUNTEER HOURS

6.7K 

CIGARETTE BUTTS
REMOVED

IMPROVING THE PARKING EXPERIENCE

By creating parking signage and identification system that is consistent and easy to understand, DLA helped to establish a more visitor-friendly downtown experience. With newly named lots, a color-coded parking map, and clear signage, we hope to reduce parking anxiety for locals and tourists alike. Parking spaces are more accessible and thus more heavily utilized, providing increased opportunities for more community members to enjoy all that downtown has to offer.



135 

SIGNS INSTALLED

1K+ 

ONLINE PARKING
MAP VIEWS



SUPPORTING LOCALLY-OWNED BUSINESS



Strong local businesses are crucial to a thriving commercial district, and their retention is an important part of our work. By keeping them informed, amplifying their marketing, and providing connections to resources, DLA helps to establish Downtown Lynchburg as a great place to do business.

BUSINESS MEET-UPS

Fostering genuine connections and sharing timely information are critical to the health of the business network in Downtown Lynchburg. To cultivate and strengthen these relationships, DLA hosts bi-monthly meet-ups, with an average attendance of 60 members, and sends regular emails. Additionally, DLA increased the number of personal visits this year after the hiring of a full-time Program Director.

SMALL BUSINESS SATURDAY

This year, DLA partnered with downtown businesses to pave the way for local holiday shopping. This national retail event, held the Saturday after Thanksgiving, puts a spotlight on the significance of “shop small, shop local.” DLA promotes this message through strategic marketing, in-store promotions, and activities that engage downtown shoppers.



35

BUSINESS PARTICIPANTS

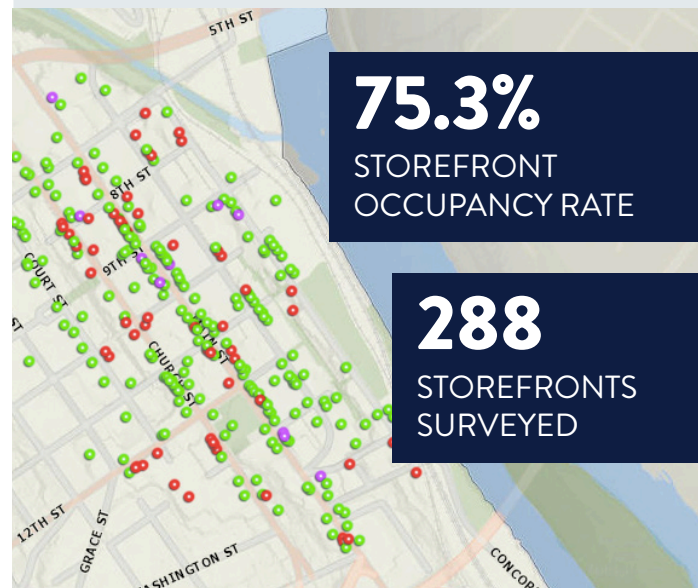


50%

INCREASE FROM 2017

MEASURING STOREFRONT OCCUPANCY

DLA recognizes that despite positive momentum and change in recent years, vacant storefronts remain an issue. They impact local visitation, tourism, property values, and perceptions of safety. To address this and to encourage future business development, DLA partnered with the City of Lynchburg GIS department on a door-to-door study of storefront vacancy to establish baseline data for future growth measurement. This study will be repeated annually.



75.3%

STOREFRONT
OCCUPANCY RATE

288

STOREFRONTS
SURVEYED

THE BUSINESS OF DLA: FUNDING THE FUTURE

Implementing diversified and creative funding streams is critical to long-term success and strengthens the organization as a whole. DLA executed two innovative fundraisers this year that involved the community in new ways and invited them to invest in Downtown Lynchburg. These programs promote and enhance public and private participation in the continued revitalization of our vibrant city center.

BLUFFWALK BRICKS

This program enhances the beauty of downtown while also allowing an opportunity for individuals and organizations to be permanently recognized as shareholders in one of our most celebrated public spaces. In collaboration with the City of Lynchburg, community members can purchase commemorative bricks, and the proceeds support DLA's projects.

181 
BRICKS SOLD IN
FIRST SIX WEEKS

19k 
REVENUE
GENERATED



THE GREAT BIG GIFT CARD GIVEAWAY

In another program launched this year, community members were encouraged to enter an online raffle for a chance to win downtown prize packs including gift certificates and items, totaling a combined value of \$3,000. This effort promoted downtown businesses and local spending, while also raising money for DLA to reinvest in downtown.

49 
PARTICIPATING
BUSINESSES

329 
TICKETS
SOLD

5k 
REVENUE
GENERATED

NEW POSITION CREATED

In an effort to multiply the DLA's efforts in the downtown district, a full time position was created for a Program Director. Susan Brown brings event management, marketing and relationship management skills plus years of experience to this position, which has increased the direct impact DLA has with our business partners and downtown stakeholders.

**PROGRAM
DIRECTOR**

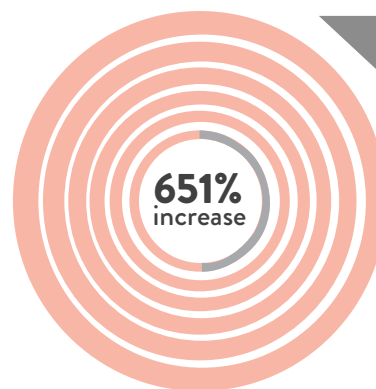
A YEAR OF GROWTH



- 22% Event/Program Sponsorship
- 15% Event/Program Revenue
- 10% Individual Giving
- 13% Business Giving
- 16% Fundraising Programs
- 19% Grants/Program Revenue
- 3% Merchandise
- 2% Miscellaneous

2018

\$290,960
in Total Income



in business
giving

2017 Business
Giving: \$2,530

2018 Business
Giving: \$19,000



2017 Total Giving:
\$15,808

2018 Total Giving:
\$34,770

in total
annual giving

OUR DONORS

Thank you to the many individuals, companies, and organizations who support Downtown Lynchburg Association

2018 CORPORATE PARTNERS

GIFTS OF \$1,000+

1200 Commerce Street
Balzar and Associates
Bank of the James
BWX Technologies
City of Lynchburg
Double Tap Media
Hello Studios
iHeartMedia
Innovative Wireless Technologies
Lynchburg Radio Group
Moore & Giles
The Water Dog Restaurant
Valtim Family Foundation
YMCA of Central Virginia

2018 EVENT SPONSORS

Appalachian Power
Beacon Credit Union
Blue Ridge Beverage
Centra Health
Craddock Terry Hotel & Conference Center
Central Virginia Community College
Central Virginia Federal Credit Union
Essex Bank
Genworth Financial
Liberty University
NB Handy
Pacific Life
Randolph College
Rise Up Climbing
Sweet Briar College
University of Lynchburg
Waterstone Pizza and Shoemakers Restaurant

OUR DONORS

2018 ANNUAL FUND SUPPORTERS

DOWNTOWN VISIONARIES

GIFTS OF \$600+

Richard and Robin Loving
The Virginian Hotel
Tresca on 8th
James Walker

DOWNTOWN AMBASSADORS

GIFTS OF \$300+

Thomas & Anna Bentson
Blue Ridge Mortgage
Bootleggers Restaurant
Chiropractic Care Center / Dr. Will
Likins
Coleman-Adams Construction, Inc.
Mary & Jud Dalton
El Jefe Taqueria Garage
Brandon Farmer
Ann & Rodger Fauber
Jill & John Fees
Wesley Fugate
Becky Hawkins
Dave Henderson
Megan Huffman
Don & Rosellyn Kidd
Todd Leap
Live Trendy or Die
Amanda MacLeod
NB Handy
Kimball & Leslie Payne
{RA} Bistro
Robert E. Evans, Attorney, PC
Chris Shackelford
Tahini's Mediterranean Grill
The Virginian Hotel Restaurants
Virginia School Equipment
Leah & Scott Wiebe

DOWNTOWN DREAMERS

GIFTS OF \$150+

Accents Flags & Gifts
Victoria Bartholomew
Robert Bass
Larry Bassett
Stuart Brust
Children's Dentistry and Orthodontics of
Lynchburg
CJMW Architecture
Consensus Real Estate
Cyd & Benjamin Cowgill
Brian & Emily Crowder
David Bice, PC
Margaret Dillard
Tremayne Edwards
Estates Revisited, Inc.
Libby & Paul Fitzgerald
Rachel Gagen
Gentry Locke Attorneys
Genworth Foundation
Bill Hobbs
George Hurt
James T. Davis Paint and Design Center
Brandon Jones
Sandy Lawrence
April Likins
Kris & Matt Lloyd
Nancy Marion
Kathleen Olinger
Don Pendleton
Cary & Robert Roberts
Marc Schewel
Service Printing of Lynchburg, Inc.
Joseph Shipman
Jennifer & Dustin Slightham
Dorie Smiley
Schuyler & Ryan Somers
Elizabeth & Aaron Stroud
Todd Swindell
Brittany Sydnor
The Holiday Inn Lynchburg
Trax, LLC
Tresca on 8th
Urbavore
Kay & Kent Van Allen
Jane & Ken White
Andrew Wilds
Reid Wodicka
Yoga Goodness Studio

FRIENDS OF DOWNTOWN

GIFTS OF \$75+

Bob Bailey
Bowen Jewelry Company
F. Hampton Brown
Deidre Buhler
Bruce Carrington
William Carroll
Shane Claiborne, DDS
David Cook
Craddock Terry Hotel and Conference
Center
George and Rosemary Dawson
Luke Dykeman
Enchanted Antiques
Jean Fielding
Genworth Foundation
Dan Hague
Judi Handel
Hermina Hendricks
Hot & Cold Cafe
Phoebe & Scott Hyman
Larry Jackson
Ula Kauppi
Lisa Liston
McCraw's Furniture
Carol Mello
Sarah Proctor
Janice Puckett
Anne & David Royer
Jannett Spearman
Bonnie Svrcek
Patty & Ken West
Charlie White
Kent White
Betsy Worthington

Downtown Lynchburg Association
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Lynchburg, VA 24504
www.DowntownLynchburg.com
(434) 485-7250

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **April 9, 2019**

AGENDA ITEM #: **13**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: New Procedures and a Flat Fee for Landlord Set Outs

KEY ELEMENTS:

X Economic Development Excellent Government Natural and Built Environment X Safe Community X Vibrant Community

RECOMMENDATION: Consider and approve fees for landlord eviction set outs.

SUMMARY: At the February 26, 2019 City Council meeting staff presented a fee structure for consideration and feedback. City Council requested that staff reexamine the fees and align with or exceed the price estimate established by private sector haulers. Staff has provided two additional options for City Council to consider: one based upon private sector hauler rates, and a second based on the City's actual cost for service, including both direct costs and indirect costs, plus a rental fee for containers.

Fee structure presented at February 26, 2019 City Council meeting (City-provided service)

Service Option	Fee
Knuckle Boom Truck Collection	\$150
30 cubic yard Roll-off Container	\$190
40 cubic yard Roll-off Container	\$230

Alternative 1: Fee Structure Consistent with Private Sector Hauler

Service Option	Fee
Knuckle Boom Truck Collection	\$370
30 cubic yard Roll-off Container	\$411
40 cubic yard Roll-off Container	\$451

These amounts are based upon the prevailing rates for private sector haulers. It should be noted that the private sector's rates can change. This has the potential to leave the City frequently changing rates for this service, attempting to be just higher than the private sector. An alternative to address this concern would be that the City calculates all of its costs, both direct and indirect, and sets the fee at this amount. This provides a quantitatively defensible fee structure that would be updated on a periodic basis based on actual costs.

Alternative 2: Labor with an Indirect Cost Allocation (145%) Plus Equipment Plus \$75 Container Rental Fee (staff recommendation)

Service Option	Fee
Knuckle Boom Truck Collection	\$382
30 cubic yard Roll-off Container	\$425
40 cubic yard Roll-off Container	\$463

In addition to the direct cost of providing services, governments also incur indirect costs. The City contracts with a consultant to develop the City's Public Works Cost Allocation Plan that is used to distribute costs among Central Services and to departments that receive benefits. Indirect costs include shared administrative expenses where a department or agency incurs costs for support that it provides to other departments/agencies (e.g., legal, finance, human resources, facilities, maintenance, technology). Staff recommends a fee structure that includes an indirect cost allocation on the employee labor costs for administration, a container fee and collection of landlord set outs.

In addition, under the proposed structure, when the City is required to collect an unscheduled landlord set out, the City will add \$50 to the collection fees listed above.

No ordinance revisions are required to set the fees or to change the method of collection for landlord set outs.

PRIOR ACTION(S): February 26, 2019, Presentation on Landlord Setout Program Recommendations

December 14, 2010, City Council adopted an ordinance requiring landlords to remove their tenants' property that is placed in the public right of way as a part of an eviction proceeding.

FISCAL IMPACT: Purchase four roll off containers - \$20,000
Estimated revenue - \$4,200 per year

CONTACT(S): Gaynelle Hart, Director of Public Works, 455-4406
Walter Erwin, City Attorney, 455-3973

ATTACHMENT(S): none

REVIEWED BY: raw

043A