

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

To: Planning Commission
From: Planning Division
Date: September 11, 2013
Re: **Conditional Use Permit (CUP) – Duplex – 1116 Wise Street**

I. PETITIONER

Mr. Wanjema Muhoro, 13002 Wards Road, Rustburg, VA 24588

Representative: Mr. Wanjema Muhoro, 13002 Wards Road, Rustburg, VA 24588

II. LOCATION

The subject property is a tract of approximately one hundred and six thousandths (0.106) of an acre located at 1116 Wise Street.

Property Owner: Mr. Wanjema Muhoro, 13002 Wards Road, Rustburg, VA 24588.

III. PURPOSE

The purpose of the petition is to allow the use of an existing structure at 1116 Wise Street as a duplex in a B-5, General Business District.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends a Traditional Residential use for the area.
- Duplexes are permitted in a B-5, General Business District upon approval of a CUP by Council.
- There would be no exterior changes to the existing structure.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Traditional Residential use for the area. Traditional Residential uses are located in the City's older neighborhoods, generally constructed prior to World War II. Many of the houses, lot sizes, setbacks and building heights do not conform to the standards of the City's residential districts. Infill residential development in these neighborhoods should be designed to complement the style and type of housing there and to utilize comparable setbacks, yards and building heights. (*pg. 5.6*)
2. **Zoning.** The subject properties were annexed into the City in 1870. The existing B-5, General Business District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On July 10, 1979, Council approved the petition of Robert Thornton to rezone 921 Floyd Street from R-3, Medium Density, Two-Family Residential District to R-4,

Medium-High Density, Multi-Family Residential District to allow the construction of a four (4) unit apartment building.

- On August 11, 1987, Council approved the conditional use permit petition of the Free Clinic of Central Virginia to allow a free health clinic in an existing church at 1022 Floyd Street.
 - On February 9, 1988, Council approved the conditional use permit petition of James and Gayle Shaner to allow the construction of a parking lot at 1209 Taylor Street.
 - On July 11, 1989, Council approved the conditional use permit petition of Smyrna Seventh Day Adventist Church to allow a temporary tent revival at 1110 12th Street and 1220 Taylor Street.
 - On October 13, 2011, Council approved the rezoning petition of Come as You Are Ministries to rezone 1713 12th Street and 1110 Kemper Street from I-2, Light Industrial District to B-3, Community Business District to allow the use of an existing structure as a church and day care center.
5. **Site Description.** The subject property is a tract of approximately one hundred and six thousandths (0.106) of an acre located at 1116 Wise Street. The property contains a two (2)-story, two thousand, five hundred seventy (2,570) square foot structure constructed in 1906. The structure is currently vacant and undergoing renovations.
6. **Proposed Use of Property.** The purpose of the petition is to allow the use of an existing structure as a duplex in a B-5, General Business District.
7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed use. Section 35.1-25, Off-Street Parking and Loading of the *Zoning Ordinance* requires one (1) parking space per residential unit. The duplex would require two (2) parking spaces. Section 35.1-25 (c) provides that on-street parking located within one thousand (1,000) feet and connected by pedestrian facilities (to the proposed use) can be used to satisfy off-street parking requirements. On-street parking is available on both sides of Wise Street and sidewalks currently exist in the area.
- The property is served by Greater Lynchburg Transit Company (GLTC) Route Number 3C by a GLTC stop located at the intersection of 12th and Wise Street.
8. **Stormwater Management.** A stormwater management plan is not required for the proposed use of the existing structure as a duplex.
9. **Emergency Services:** The City Fire Marshal had no comments of concern regarding the proposed use. The City's Police Department provided general safety recommendations to the petitioner.
10. **Impact.** The proposed use of the commercial zoned structure as a duplex should have little to no impact on the area and would ease the transition of commercially zoned land located on 12th Street to the residential neighborhood to the north.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 20, 2013. Comments related to the proposed use have or will be addressed prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Wanjoma Muhoro to allow the use of an existing structure located at 1116 Wise Street as a duplex subject to the following condition.

- 1. The property shall be developed in substantial compliance with the conceptual site plan entitled “1116 Wise Street Request for Conditional Use Permit”.**
- 2. There will be no exterior modifications to the structure that would result in distinguishing it from a single-family home.**
- 3. All lighting shall be glare shielded and non-directional to prevent illumination beyond the property line.**

This matter is respectfully offered for your consideration.

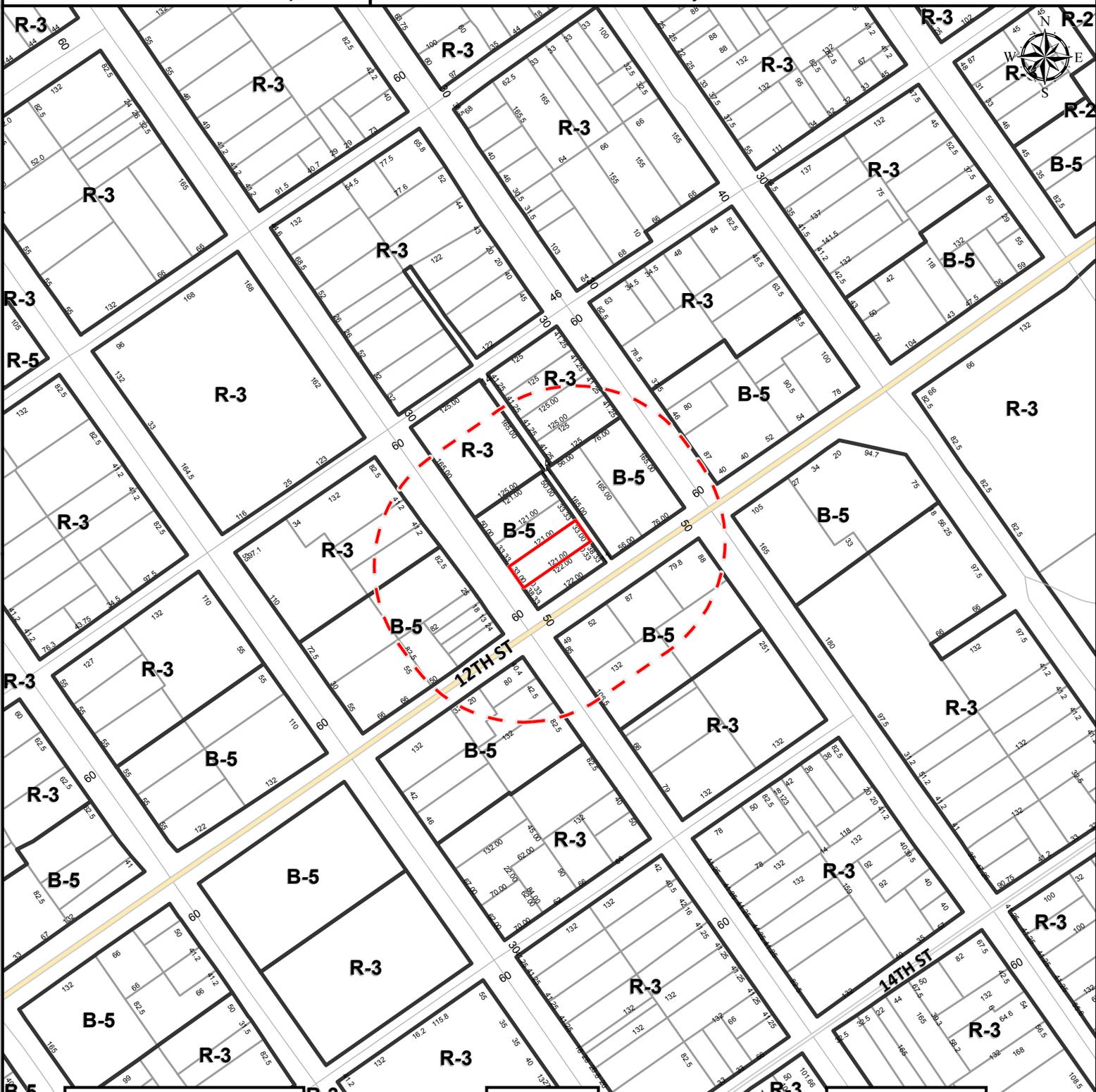


William T. Martin, AICP
City Planner

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

VII. ATTACHMENTS

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



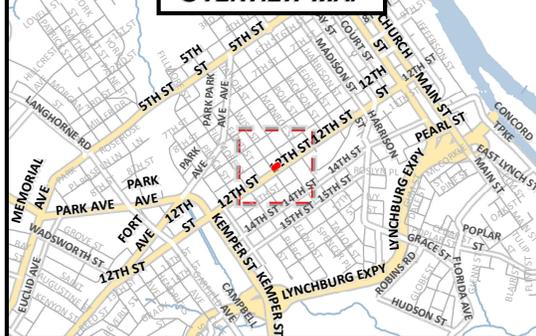
PROPERTY INFORMATION

LEGEND

OVERVIEW MAP

PARCEL ID	ADDRESS
01023011	1116 WISE ST

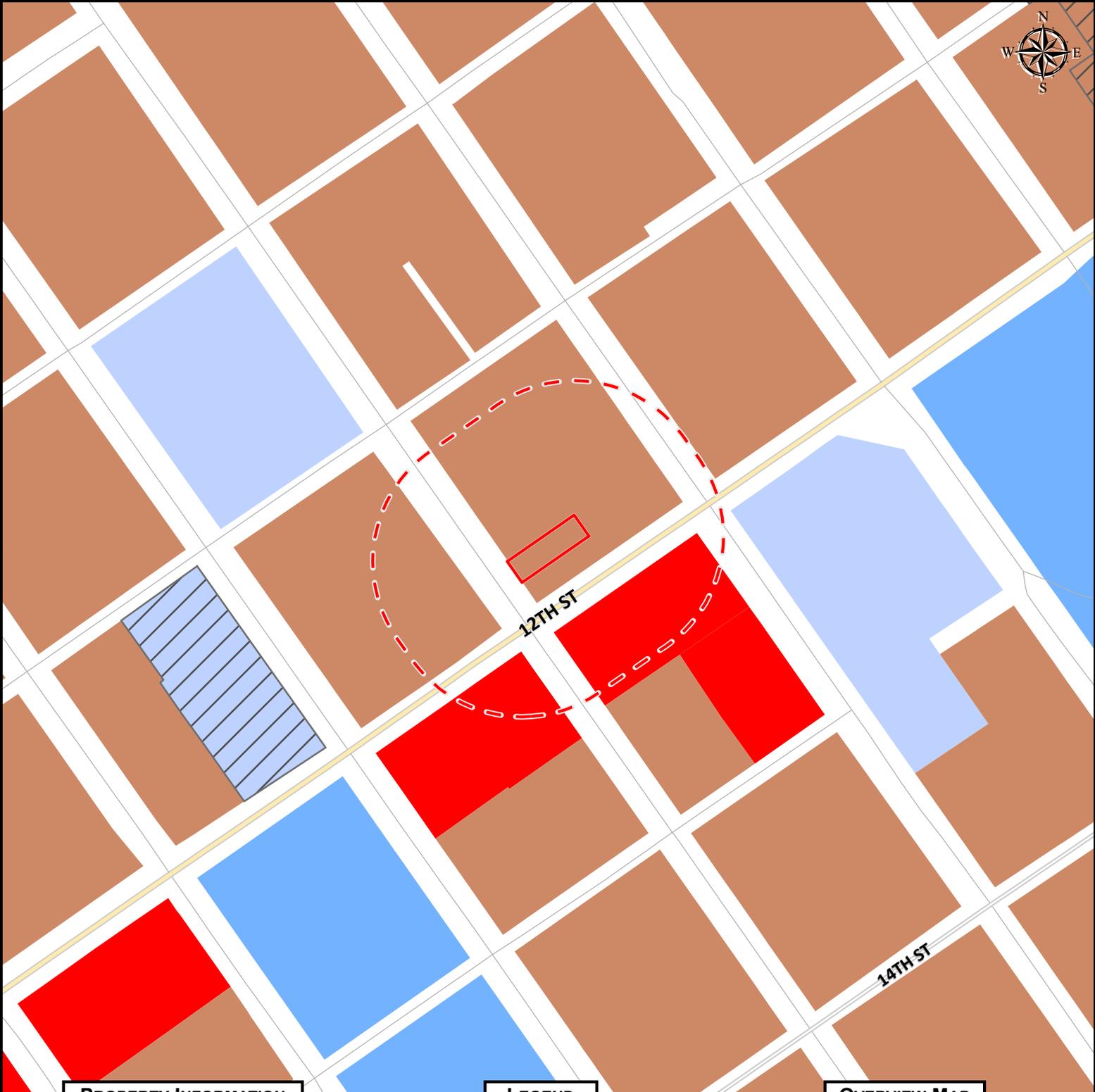
- Subject Property
- 200' Buffer
- Zoning Boundary



MAP SCALE: 1" to 200' DATE PRINTED: 9/6/2013

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.

02605005	1209 WISE ST	CARTER, CLARENCE H & FRANCES B
02605004	1205 WISE ST	CARTER, SHARON Y
02606008	1212 WISE ST	CARTER, SHARON Y
02606001	1212 12TH ST	CARTER, SHARON Y
01035016	1100 FLOYD ST	COLLEGE HILL BAPTIST CHURCH TRS
01035006	1121 WISE ST	CREWS, ROBERT L SR & VANESSA W
01035005	1119 WISE ST	CREWS, ROBERT L SR & VANESSA W
01035009	1307 12TH ST	DAVIS, PARTHENIA H LIFE ESTATE
01023014	1104 WISE ST	HAILEY, JOEL S & TORRES, DAVID
01035003	1107 WISE ST	HILLTOP HOMES LLC
01035004	1115 WISE ST	HOLTE, CALVIN
01023010	1118 WISE ST	JACKSON, WILLIAM J
01023005	1205 12TH ST	JUSTIS, HOMER I & CATHERINE T
01023009	1207 12TH ST	JUSTIS, JEFFREY W & JUSTIS, WILLIAM
01035008	1125 WISE ST	MANOR HOUSE PROPERTIES LLC
01035007	1123 WISE ST	MANOR HOUSE PROPERTIES LLC
01035002	1105 WISE ST	MOORE, ROGER B
01035001	1103 WISE ST	MOORE, ROGER B
01023011	1116 WISE ST	MUHORO, WANJEMA S
01023004	1111 TAYLOR ST	POINDEXTER, CAROLYN L
01023003	1107 TAYLOR ST	POINDEXTER, CAROLYN L LIFE ESTATE
01035010	1124 FLOYD ST	RAY, DONALD P & RAY, JAMES L
02606005	1209 TAYLOR ST	SHANER, JAMES E JR
02606003	1208 12TH ST	SHANER, JAMES E JR
02606004	1205 TAYLOR ST	SHANER, JAMES E JR
02605003	1201 WISE ST	TUNE, KATINA L
02605002	1310 12TH ST	TUNE, KATINA L
01023013	1112 WISE ST	VANDENBOS, PAUL D & MELISSA L
01023012	1114 WISE ST	WALTHALL, NANNIE M
01023002	1105 TAYLOR ST	WILSON, JUANITA C & WILSON, RACHEL D



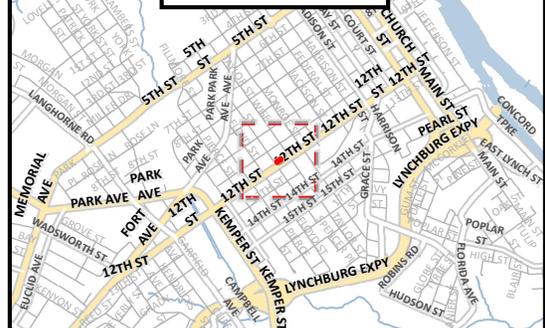
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01023011	1116 WISE ST

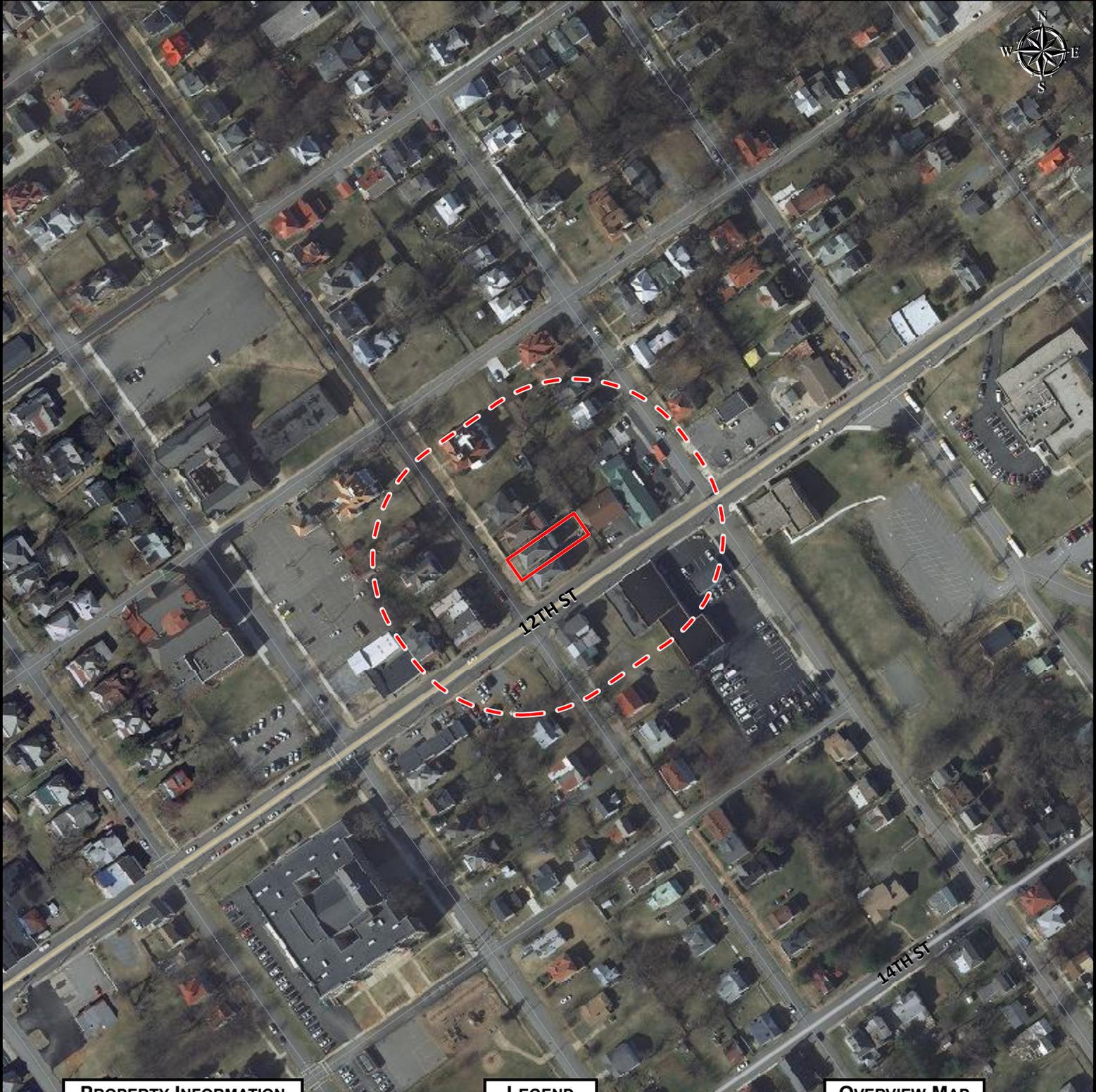
LEGEND

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

OVERVIEW MAP



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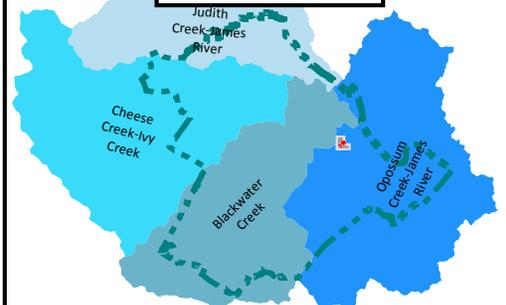
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LEGEND

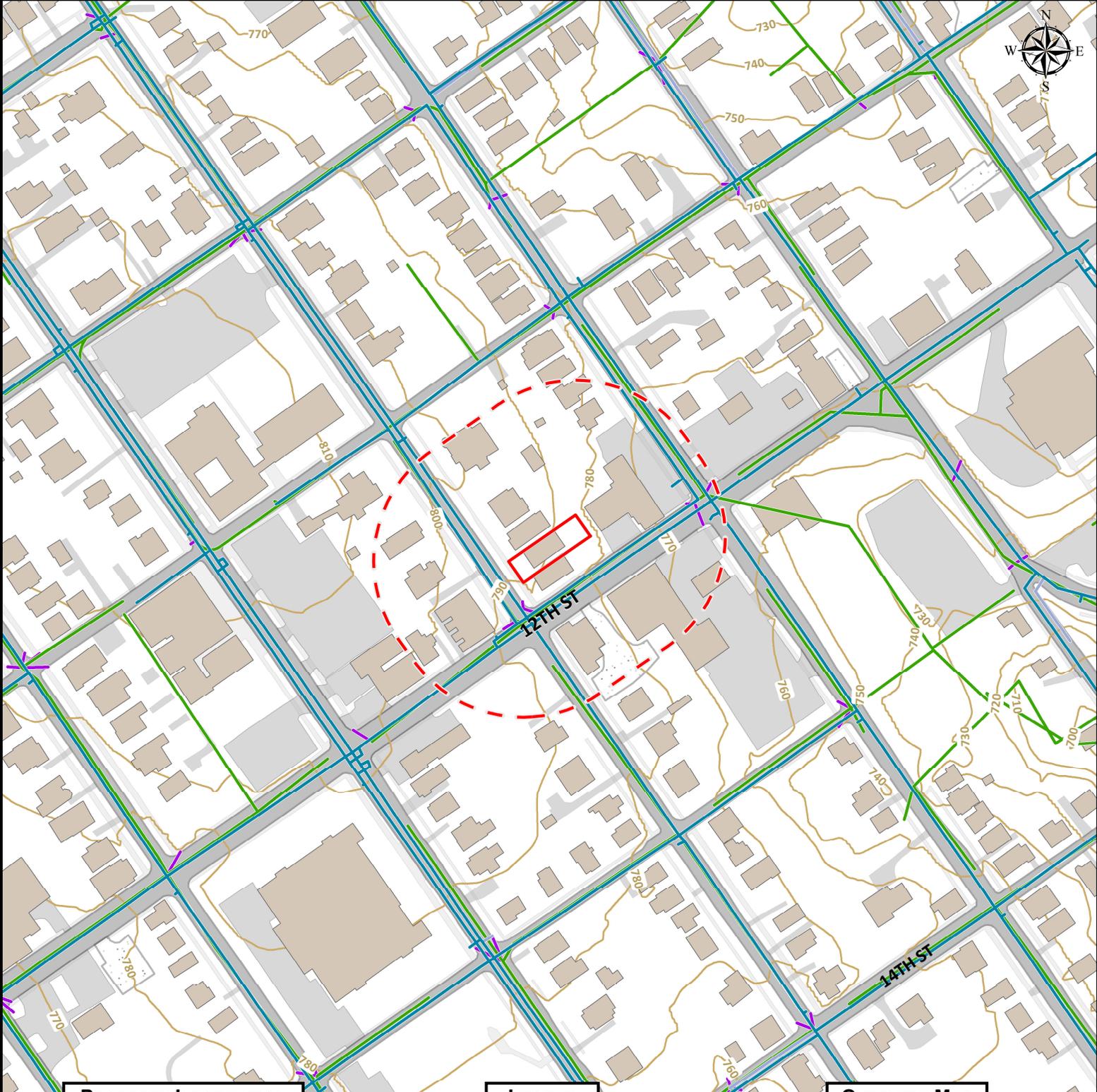
-  Subject Property
-  Base Flood Elevation
-  Floodway
-  Floodzone
-  River / Lake / Stream

OVERVIEW MAP



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Opossum Creek-James River



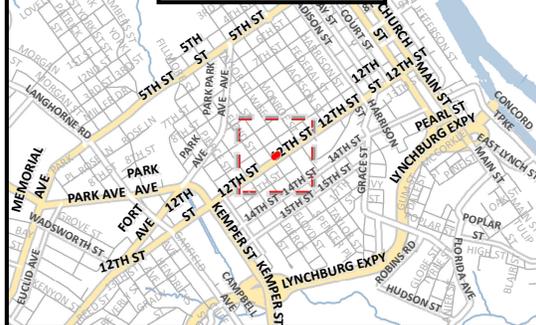
PROPERTY INFORMATION

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LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dotted green)	Storm (dotted purple)
Structure	Roadway (solid grey)	Parking (dotted grey)	Sidewalk (dotted light grey)
Planimetrics	Driveway (solid light grey)	10' (dotted light grey)	10' Obs (dotted light grey)
Topography	Contour (solid brown)	10' (dotted brown)	Obs (dotted brown)

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1116 Wise Street
Request for Conditional Use Permit
Petition of Wanjema Muhoro
Proposed Use: Duplex
Existing Zoning: B-5, General Business District



Scale 1 in = 25 ft





Wise St
1100

Twelfth St
1300

NOTICE
REQUEST FOR A CONDITIONAL USE PERMIT
NAME OF APPLICANT: NOLAN MURPHY
TELEPHONE NUMBER: 434-426-3813
ADDRESS OF PROPERTY: 1116 WISE ST.
PROPOSED ZONING: B-S, GEN. BUS
PROPOSED USE OF PROPERTY: DUPLEX
ADDITIONAL INFO: CALL PLANNING DIV.
DEPT. OF COMMUNITY DEV. 434-433-3900



