

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

To: Planning Commission
From: Planning Division
Date: May 11, 2016
Re: **Rezoning: R-4, High Density Residential District, B-3 Community Business District & B-5, General Business District to B-3, Community Business District & B-5, General Business District – Between Lakeside Drive & Route 501, Between Whitehall Road and Norfolk & Southern Railway, Right-of-Way adjacent to 3804 Old Forest Road & 2346 Lakeside Drive**

I. PETITIONER

City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504
Representative: Ms. Marjette Upshur, City of Lynchburg, Economic Development, 900 Church Street, Lynchburg, Virginia 24504

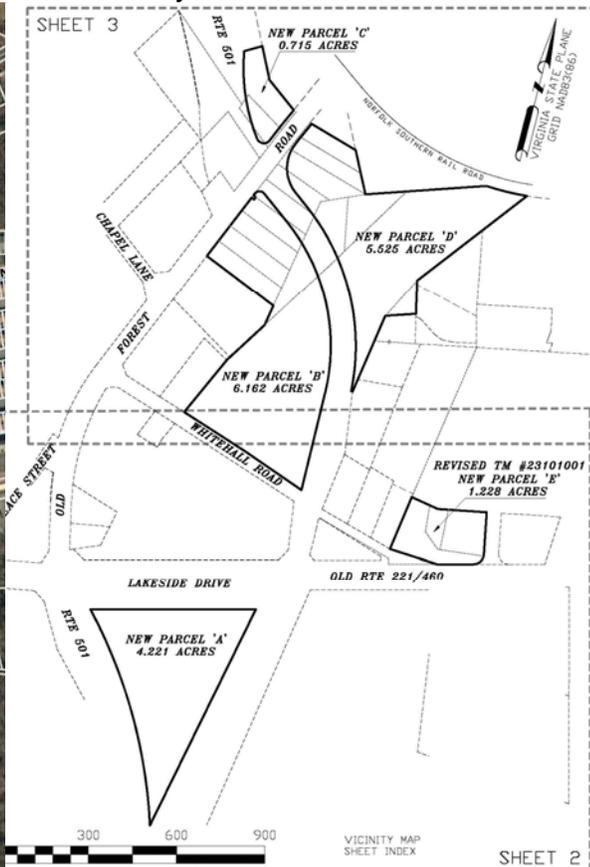
II. LOCATION

The subject property comprises approximately seventeen and eight hundred fifty-one thousandths (17.851) acres in the vicinity of the Fresh Market Shopping Center. The property is comprised of existing parcels and unopened right-of-way owned by the City of Lynchburg. The properties are shown as “New Parcels A, B, C, D & E on the Survey below.

Aerial Photography of Area



Survey of Area



Property Owner: City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

III. PURPOSE

The purpose of this petition is to rezone (effectively zone) approximately seventeen and eight hundred fifty-one thousandths (17.851) acres to B-3, Community Business District or B-5, General Business District. There are no planned uses for the property at this time. The property would be marketed for sale after or in conjunction with the construction of 221/501 one-way pairs as approved by City Council on July 11, 2006.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends a Community Commercial use for the area.
- The property is excess right-of-way that is not needed for the construction of the 221/501 one-way pairs.
- The property would be marketed for sale for use after or in conjunction with the construction of the one-way pairs.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

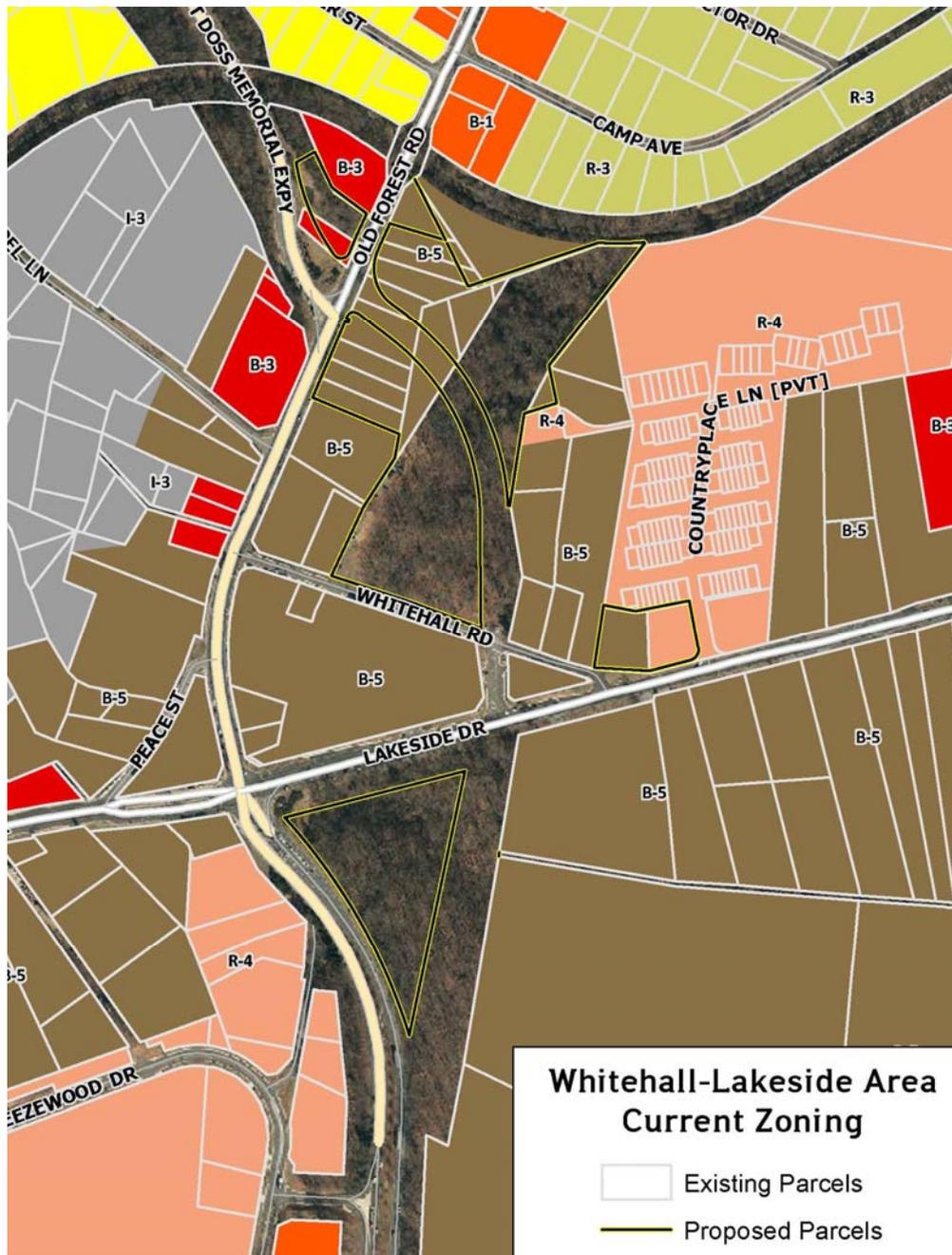
1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones or larger if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office research and development and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*pp. 75-76*)

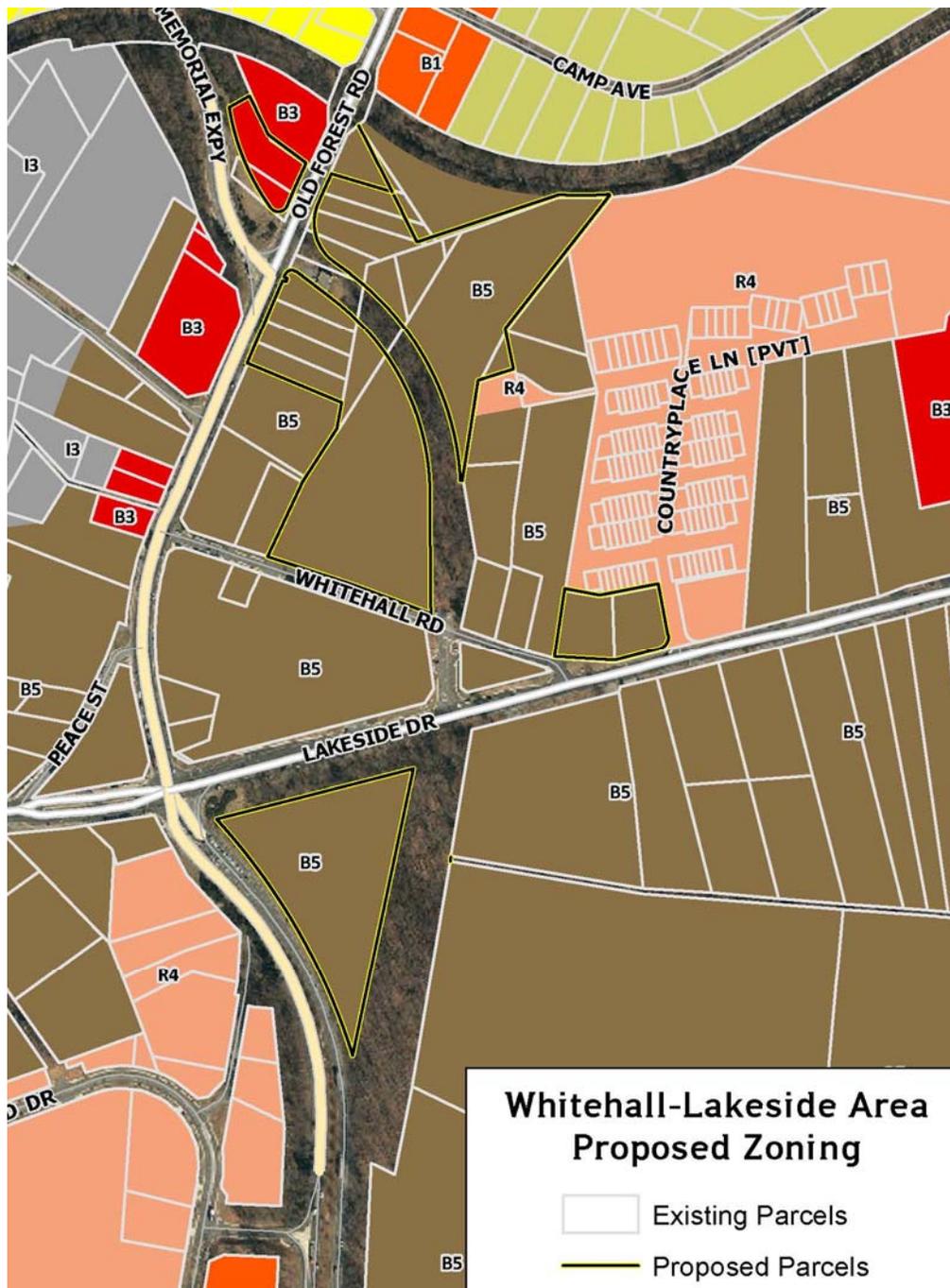
Route 221 Corridor Plan Bedford County/City of Lynchburg, VA. The property is located within the study area of the Route 221 Corridor Plan Bedford County/City of Lynchburg, VA. This plan examined existing conditions and recommended improvements along Route 221 from Cloverhill Boulevard in Bedford County to Forest Brook Road in the City of Lynchburg. The plan included short, mid and long term improvement recommendations. Short-term improvements recommended for the City of Lynchburg included increased speed enforcement in the corridor and intersection/traffic signal improvements at Forest Brook Road. Mid-term improvements recommended the installation of a multi-use path along Lakeside Drive from Whitehall Road to Forest Brook Road. Long term improvements recommend the widening of Lakeside Drive from two lanes to four from Whitehall Road to Forest Brook Road. (*Table 17, Implementation Analysis*)

2. **Zoning.** The subject property was annexed into the City in 1976. The right-of-way existed prior to annexation and has never been zoned by the City of Lynchburg. Zoning Ordinance Section 35.2-2 (c) states that new territory that comes within the City limits by annexation, boundary adjustment or otherwise shall be classified in the zoning district most like its previous zoning district until a more appropriate zoning classification is determined. Zoning

Ordinance Section 35.2-33.1 (b) states that boundaries indicated as approximately following centerlines of streets, alleys or other public rights-of-way shall be construed to follow such centerlines. Where the street, alley or right-of-way has been vacated through official action of the governing body, the boundary shall be construed to follow the centerline of the vacated right-of-way.

In this instance, the property has never been zoned by the City of Lynchburg, and the area proposed for vacation lies interior to the larger right-of-way area. It is appropriate for the Planning Commission and City Council to determine an official zoning designation for the property.





3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On May 22, 1979, City Council adopted the Old Forest Road Study. This study rezoned the property north of Lakeside Drive and east of Old Forest Road to B-5, General Business District.
 - On September 8, 1992, City Council approved the Conditional Use Permit petition of A.T. Williams Oil Company to allow a service station at 2501 Lakeside Drive.

- On September 12, 1989, City Council adopted the Northwest Expressway Land Use Study. This study established zoning patterns in the area.
 - On October 13, 1992, City Council approved the Graves Mill Road/US 221 Area Land Use Study. This study further refined and established zoning patterns in the area.
 - On September 26, 2006, City Council approved the petition of EE, LLC to rezone one hundred six (106) acres located at 129, 305, 317, 415, 509 and 608 McConville Road from R-C, Conservation District, R-3, Medium Density, Two Family Residential District and R-4, Medium-High Density Residential to B-5C, General Business District (Conditional).
 - On May 8, 2012, City Council approved the vacation of right-of-way and the rezoning of 3901 Old Forest Road (Fresh Market) from R-1, Low Density Residential District to B-5, General Business District.
 - On October 9, 2012, City Council approved the petition of Mark Hartless to rezone the property located at 428 and 512 Breezewood Drive from R-3, Medium Density Residential to R-4C, High Density Residential to allow the construction of a six (6) building, fifty (50) unit townhome style apartment complex. The construction of these apartments would impede any future construction of an interchange to serve the Graves Mill and McConville Road area.
 - On February 12, 2013, City Council approved the vacation of right-of-way and the rezoning of 2400 Lakeside Drive (Smoothie King) from R-1, Low Density Residential to B-5, General Business District.
 - On November 14, 2014, City Council adopted the Route 221 Corridor Plan Bedford County/City of Lynchburg Study as part of the City's *Comprehensive Plan*.
5. **Site Description.** The subject property is a combination of existing parcels and unopened right-of-way currently owned by the City of Lynchburg. The property contains an approximate total of seventeen and eight hundred fifty-one thousandths (17.851) acres.

New Parcel A is located south of Lakeside Drive, east of Route 501 and west of the proposed new northbound leg of the one-way pairs. This area contains four and two hundred twenty-one thousandths (4.221) acres and is proposed to be zoned B-5, General Business District.

New Parcel B is located north of Whitehall Road, east of property that is currently zoned B-5, General Business District and west of the proposed northbound leg of the one-way pairs. This property contains six and one hundred sixty-two thousandths (6.162) acres and is proposed to be zoned B-5, General Business District.

New Parcel C is located north of Old Forest Road. It contains the city owned property of 3804 Old Forest Road which is currently zoned B-3, Community Business District. This property contains seven hundred fifteen thousandths (.715) acres and is proposed to be zoned B-3, Community Business District.

New Parcel D is located northeast of the proposed northbound lane of the one-way pairs, south of the Norfolk & Southern Railway, west of property currently zoned B-5, General Business District and east of property zoned R-4, High Density Residential and B-5, General Business District. This property contains five and five hundred twenty-five thousandths (5.525) acres and is proposed to be zoned B-5, General Business District.

New Parcel E is located north of Lakeside Drive, east of the northbound lane of the one-way pairs and to the south and west of property that is currently zoned B-5, General Business District. A portion of this property 2346 Lakeside Drive is currently zoned R-4, High Density Residential. The property contains one and two hundred twenty-eight thousandths (1.228) acres and is proposed to be zoned B-5, General Business District.

All of the properties contain varying states of topography ranging from flat to steep slopes. If the right-of-way vacation and zoning is approved, the properties would be marketed for sale in conjunction with or after the construction of the one-way pairs. The property is remnants of land which was obtained by the Virginia Department of Transportation (VDOT) for highway projects and is either designated as right-of-way or individual parcels. The property was transferred from VDOT to the City by “quitclaim” deeds.

6. **Proposed Use of Property.** There are no definitive uses proposed for the property at this time. The property would be marketed for sale most likely for retail or mixed use development as is permitted in the B-3, Community Business and B-5, General Business Districts. Restrictions on items such as use and access would be placed in the form of deed restrictions and sale agreements prior to the properties being sold.
7. **Traffic, Parking and Public Transit.** The property is adjacent to improvements proposed as part of the 221 / 501 Interchange Project as approved by City Council on July 11, 2006. Sufficient land has been reserved to facilitate the construction of the one-way pairs. A portion of the northbound lanes, between Lakeside Drive and Whitehall Road were constructed as part of the Fresh Market Shopping Center.

Detailed traffic studies and construction drawings will need to be done prior to construction of the one-way pairs. Means of ingress/egress to the properties would be via right-in / right-out or left-in/left out scenarios.

The area is served by Greater Lynchburg Transit Company (GLTC) Route 8.



Alternative 4 – One-Way Pairs

8. **Stormwater Management.** An Erosion & Sediment Control/Stormwater Management plan would be required for the construction of the one-way pairs and any future development of the property.
9. **Emergency Services.** The City’s Fire Marshal and Police Department had no comments of concern regarding the proposed zoning.
10. **Impact.** The property proposed for zoning is remnants of land which was obtained at various points in time by the Virginia Department of Transportation (VDOT) for highway projects, or parcels obtained by the City of Lynchburg. The bulk of the property was transferred by VDOT to the city by “quitclaim” deeds.

The vacation of right-of-way and the zoning of property not needed for the construction of the one-way pairs is identical to the process that occurred in 2012 when Council approved the sale of the property (now known as 3901 Old Forest Road) for the development of the Fresh Market Shopping Center. The exception is that there are no development proposals at this time. The property would be marketed for sale at a later date in conjunction with or after the construction of the one-way pairs.

The property is designated for Community Commercial use on the City’s Future Land Use Map (FLUM) indicating that it is appropriate for retail development. The largest impact of any future development will be related to traffic.

The property would be served by public water and sewer.

11. **Technical Review Committee.** The TRC reviewed the concept plan on April 19, 2016. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner 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 the City of Lynchburg to zone approximately seventeen and eight hundred fifty-one thousandths (17.851) acres as shown on the Whitehall-Lakeside Area Proposed Zoning Map and dated May 11, 2016 as follows:

New Parcel “A” – B-5, General Business District

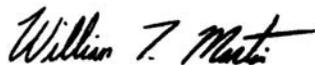
New Parcel “B” – B-5, General Business District

New Parcel “C” – B-3, Community Business District

New Parcel “D” – B-5, General Business District

New Parcel “E” – B-5, General Business District

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
 Battalion Chief Thomas Goode, Fire Marshal
 Mrs. Maggie Cossman, Transportation Engineer
 Mr. Doug Saunders, Building Official
 Mr. Kevin Henry, Zoning Administrator
 Ms. Marjette Upshur, Director Economic Development

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Plat**
- 6. Whitehall-Lakeside Area Proposed Zoning**
- 7. Property Photograph**