

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: January 8, 2014
Re: **Westward Investment Properties, LLC- Storage Building– 2517 Memorial Avenue**
Rezoning: B-3, Community Business District to B-5C, General Business District
(Conditional)

I. PETITIONER

Mr. Tony West, Westward Investment Properties, LLC, 2600 Memorial Avenue, Lynchburg, VA 24501

Representative: Mr. Russell Nixon, Nixon Land Surveying, LLC, 1063 Airport Road, Lynchburg, VA 24502

II. LOCATION

The subject property includes one (1) tract totaling approximately two hundred twenty-seven thousandths (0.227) of an acre located at 2517 Memorial Avenue.

Property Owner: Westward Investment Properties, LLC, 2600 Memorial Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of the petition is to rezone the property to allow for the construction of a storage unit building.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends a Community Commercial land use for the area.
- The petition would rezone the property from B-3, Community Business District to B-5C, General Business District (Conditional).
 - Storage facilities are permitted by right in B-5, General Business District zones.
 - Other B-5, General Business Districts, currently exist to the south and west of the subject property.
 - A proffer voluntarily submitted by the petitioner indicates substantial compliance with the submitted site plan.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Community Commercial use for the area: Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from several neighborhoods up to the entire City (*pg. 5.5*). In addition to those uses, they may include office, research and development, and technology development uses. (*pg. 5.5*). This area also falls within the Plaza/Midtown Revitalization Area. The proposed use, although not specifically recommended as a preferred commercial use in this area, does qualify as redevelopment of a pre-existing commercial site.

2. **Zoning.** The subject property was annexed into the City in 1908. The existing B-3, Community Business District, zoning was established by City Council in 1978 with the adoption of the *Zoning Ordinance*. The petitioner has obtained a signed subdivision plat for this portion of the property but has yet to record the plat at the Circuit Court Clerk's Office. Once recorded, this portion of 2517 Memorial Avenue will become a separate property and tax map parcel.
3. **Proffers.** The petitioner has voluntarily submitted the following proffer:
 - The property will be developed in substantial compliance with the site plan. (Within the plan, there are several conditions listed within the notes which supplement the development of this property as a conditional zoning district.)
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 July 12, 1983, Council approved the petition of West Lynchburg Baptist Church for a conditional use permit (CUP) at 700, 702, and 724 Shenandoah Street for a parking lot in an R-3, Medium Density Two-Family Residential District.
 - On January 24, 1984, Council approved the petition of Lynchburg Cablevision for a CUP at 402 Oakley Avenue for a television antenna in a B-5, General Business District.
 - On May 8, 1984, Council approved the petition of Parkview United Methodist Church for a CUP at 109, 111 and 115 Euclid Avenue for a parking lot in an R-3, Medium Density Two-Family Residential District.
 - On August 13, 1985, Council approved the rezoning petition of Howard D. Sodikoff of approximately seven tenths (0.7) of an acre from R-3, Medium Density Two-Family Residential District, B-3, Community Business District, and B-5, General Business District to B-5C, General Business District (Conditional) at 401-451 Oakley Avenue to allow for the expansion of an automobile sales facility.
 - On September 13, 1988, Council approved the rezoning petition of Howard D. Sodikoff of approximately one tenth (0.1) of an acre from R-3, Medium Density Two-Family Residential District, B-3, Community Business District, B-5, General Business District to B-5C, General Business District (Conditional) at 463 Oakley Avenue to allow for the expansion of an automobile sales facility.
 - On December 12, 1989, Council approved the rezoning petition of Howard D. Sodikoff of approximately two tenths (0.2) of an acre from R-2, Low-Medium Density Single-Family Residential District, B-3, Community Business District to B-5C, General Business District (Conditional) at 477 Oakley Avenue to allow for use of an existing building for automobile sales.
 - On August 22, 1990, Council approved the rezoning petition of Tarkington Realty Company Inc., of approximately one and four tenths (1.4) acres from B-1, Limited Business District and R-3, Medium Density Two-Family Residential District to B-3C, Community Business District (Conditional) at 2600 Memorial Avenue and 407 Euclid Avenue to operate a vocational school.

- On March 10, 1992, Council approved the rezoning and CUP petition of Tarkington Realty Company Inc., of approximately one and four tenths (1.4) acres at 2600 Memorial Avenue and 407 Euclid Avenue from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional), in order to modify a parking setback proffer and allow expansion of a vocational school.
 - On August 13, 1996, Council approved the rezoning petition of C & C Development, LLC of approximately two and three tenths (2.3) acres from R-3, Medium Density Two-Family Residential District, B-1, Limited Business District to B-3C, Community Business District (Conditional) at the intersection of Memorial Avenue and Park Avenue to allow for the construction of a pharmacy.
6. **Site Description.** The subject property is one (1) tract encompassing approximately two hundred twenty-seven thousandths 0(.227) of an acre, which has an existing parking garage on most of the site. The property is surrounded by a variety of uses. To the north and south are single-family residential uses. To the east and west are commercial retail and restaurant uses.
 7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be used for the construction of a building approximately eight thousand (8,000) square feet used for storage units. The applicant has a petition before the City to vacate the unnamed alley to the north of the site, since a portion of the parking garage currently lies within the alley.
 8. **Traffic, Parking and Public Transit.** The vehicle trip threshold for the proposed use does not warrant a traffic study. Curb and gutter will be required along the street edges prior to site plan approval. An access easement will be required prior to site plan approval since access from the east would be across a different property (when subdivided). The property is served by GLTC Route 4E with a bus stop located on Memorial Avenue adjacent to the site. The required landscaping is shown on the rezoning plan and conforms to the City's Landscaping Ordinance.
 9. **Stormwater Management.** The proposed project will be required to address adequate channel prior to site plan approval. The applicant has identified that the existing drop inlets will be used to address water runoff.
 10. **Emergency Services.** Neither the City Fire Marshal's office nor the City Police Department had comments of concern related to the proposed petition.
 11. **Impact.** The submitted rezoning petition would allow the construction of approximately an eight thousand (8,000) square foot building for individual storage units. The change in use of the property will be similar to the existing use. Instead of vehicle storage, there will be storage units for one's individual goods and belongings. One of the Economic Development & Redevelopment policies from the *Comprehensive Plan 2002-2020* states the City should ensure that redevelopment activities are compatible with adjacent areas and buildings, environmentally appropriate, and supported by adequate infrastructure (*pg. 7.8*). Although there are residential uses nearby, this corridor is clearly one that is exposed to a variety of Community Commercial uses as well as being designated on the *FLUM* as Community Commercial.
 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on December 3, 2013. Comments related to the proposed use have been addressed by the petitioner.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Westward Investment Properties, LLC to:

Waive the twenty-one (21)-day submittal requirement for proffers.

Rezone approximately two hundred twenty-seven thousandths (0.227) of an acre at 2517 Memorial Avenue from B-3, Community Business District to B-5C, General Business District (Conditional) subject to the following voluntarily submitted proffer:

- 1. The property will be developed in substantial compliance with the site plan.**

This matter is respectfully offered for your consideration.

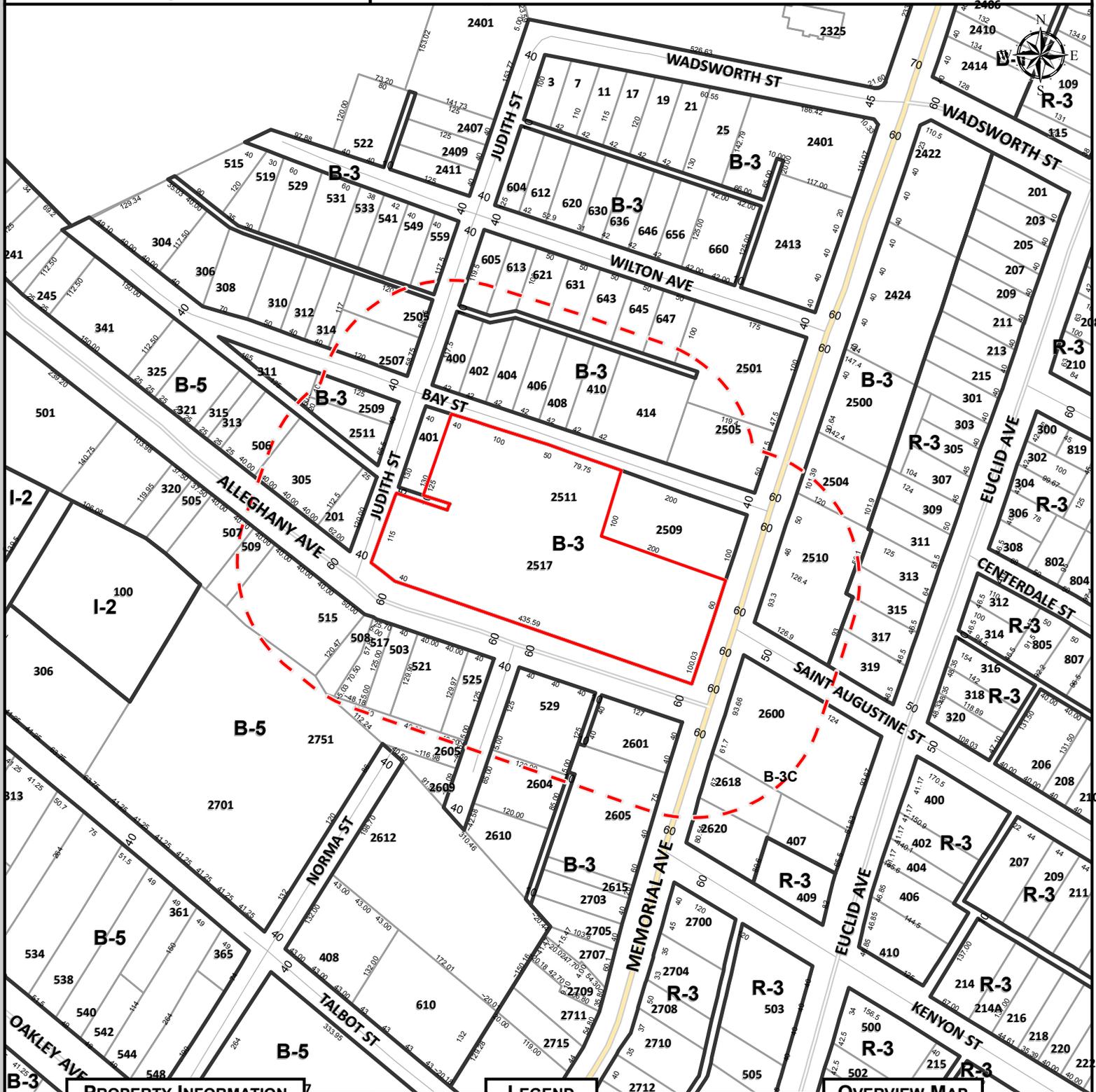


William T. Martin, AICP
City Planner

- 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 Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Tony West, Petitioner
Mr. Russell Nixon, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Photo**



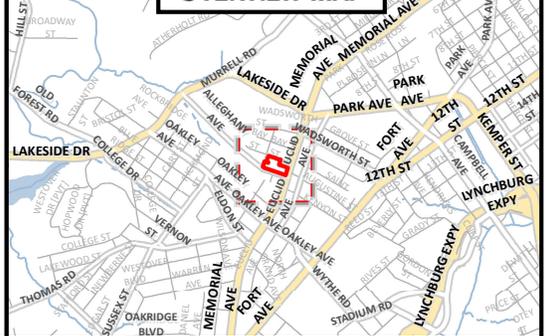
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01118002	2517 MEMORIAL AVE

LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/27/2013

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.

Parcel ID	Address	Owner
01213001	2601 MEMORIAL AVE	ADAMS INVESTMENT PROPERTIES LLC
01213004	529 ALLEGHANY AVE	ADAMS INVESTMENT PROPERTIES LLC
01213082	525 ALLEGHANY AVE	BANG, SENG JUN & CHOI, YOUNGRAN
01112035	319 EUCLID AVE	BELL, WINSTON A & THELMA P
00405047	506 ALLEGHANY AVE	BROWN, ADOLPH & JANET
01213080	521 ALLEGHANY AVE	CHOPPER'S INCORPORATED
01213072	509 ALLEGHANY AVE	CLARKE, JOHN P JR & MARTHA M
01213070	507 ALLEGHANY AVE	CLARKE, JOHN P JR & MARTHA M
01213078	517 ALLEGHANY AVE	CLARKE, JOHN P JR & MARTHA M
01213077	508 ALLEGHANY AVE	COMMONWEALTH ELECTRIC SUPPLY
01213027	2701 NORMA ST	CONSUMERS/DORNIN-ADAMS INC
01114008	2501 MEMORIAL AVE	COOK MANAGEMENT CO LLC
01114007	647 WILTON AVE	COOK, T SHERWIN & LORA L
01114003	621 WILTON AVE	CRANK, PATRICIA C TRS
01114019	402 BAY ST	CRANK, PATRICIA C TRS
01114018	404 BAY ST	CRANK, PATRICIA C TRS
01114020	400 BAY ST	CRANK, PATRICIA C TRS
01114002	613 WILTON AVE	CRANK, PATRICIA C TRS
01114001	605 WILTON AVE	CRANK, WILLIAM H TRS
01118001	401 BAY ST	FOUTTY, TAMMY K
00405055	2511 JUDITH ST	FRANCIS, CLYDE T & PATRICIA A
01114012	414 BAY ST	FREEDOM FINANCIAL GROUP LLC
01114015	410 BAY ST	FREEDOM FINANCIAL GROUP LLC
01114016	408 BAY ST	FREEDOM FINANCIAL GROUP LLC
01112017	315 EUCLID AVE	GARDNER, MARY FRANCES
00405052	201 ALLEGHANY AVE	GAY, DON W & SUE A
00405049	305 ALLEGHANY AVE	H & B PROPERTIES LLC
01213079	503 ALLEGHANY AVE	HUBBARD, LUCILLE
00404009	559 WILTON AVE	JAMERSON, BILL L & ALLORIA M TRS
00404011	2507 JUDITH ST	JOHNSON, EARL G JR
00404010	2505 JUDITH ST	JOHNSON, EARL G JR
00405053	311 BAY ST	LINWOOD L ALLEN INVESTMENTS INC
01114017	406 BAY ST	MARTIN, TAMMY C
01114006	645 WILTON AVE	MAYBROOK INVESTMENTS INC
01112022	2504 MEMORIAL AVE	MITCHELL, RANDALL L TRS
01213073	515 ALLEGHANY AVE	MOORE, J BENTON III & MOORE, GENE H&
01213087	2604 NORMA ST	PHILLIPS, RANDALL K & LAVAUGHN
01114005	643 WILTON AVE	PSA PROPERTIES LLC
01114004	631 WILTON AVE	PSA PROPERTIES LLC
01112018	317 EUCLID AVE	SELZLER, RONALD A & CATHERINE S
01112019	2510 MEMORIAL AVE	TWO BOYS REALTY LLC
01213003	2605 MEMORIAL AVE	VICTORIA'S INVENTORY LLC
01119006	2620 MEMORIAL AVE	WESTWARD INVESTMENT PROPERTIES LLC
01119007	2618 MEMORIAL AVE	WESTWARD INVESTMENT PROPERTIES LLC
01119001	2600 MEMORIAL AVE	WESTWARD INVESTMENT PROPERTIES LLC

01118002	2517 MEMORIAL AVE	WESTWARD INVESTMENT PROPERTIES LLC
01114010	2505 MEMORIAL AVE	WESTWARD INVESTMENT PROPERTIES LLC
01118010	2509 MEMORIAL AVE	WESTWOOD CORPORATION
00405054	2509 JUDITH ST	WILLIAMS, NORRIS W & DIANNE K
01213083	2605 NORMA ST	WILSON, RALPH L JR



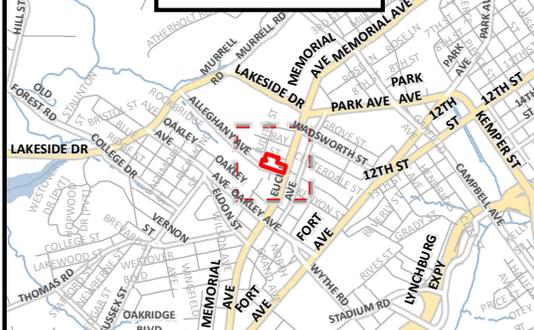
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01118002	2517 MEMORIAL AVE

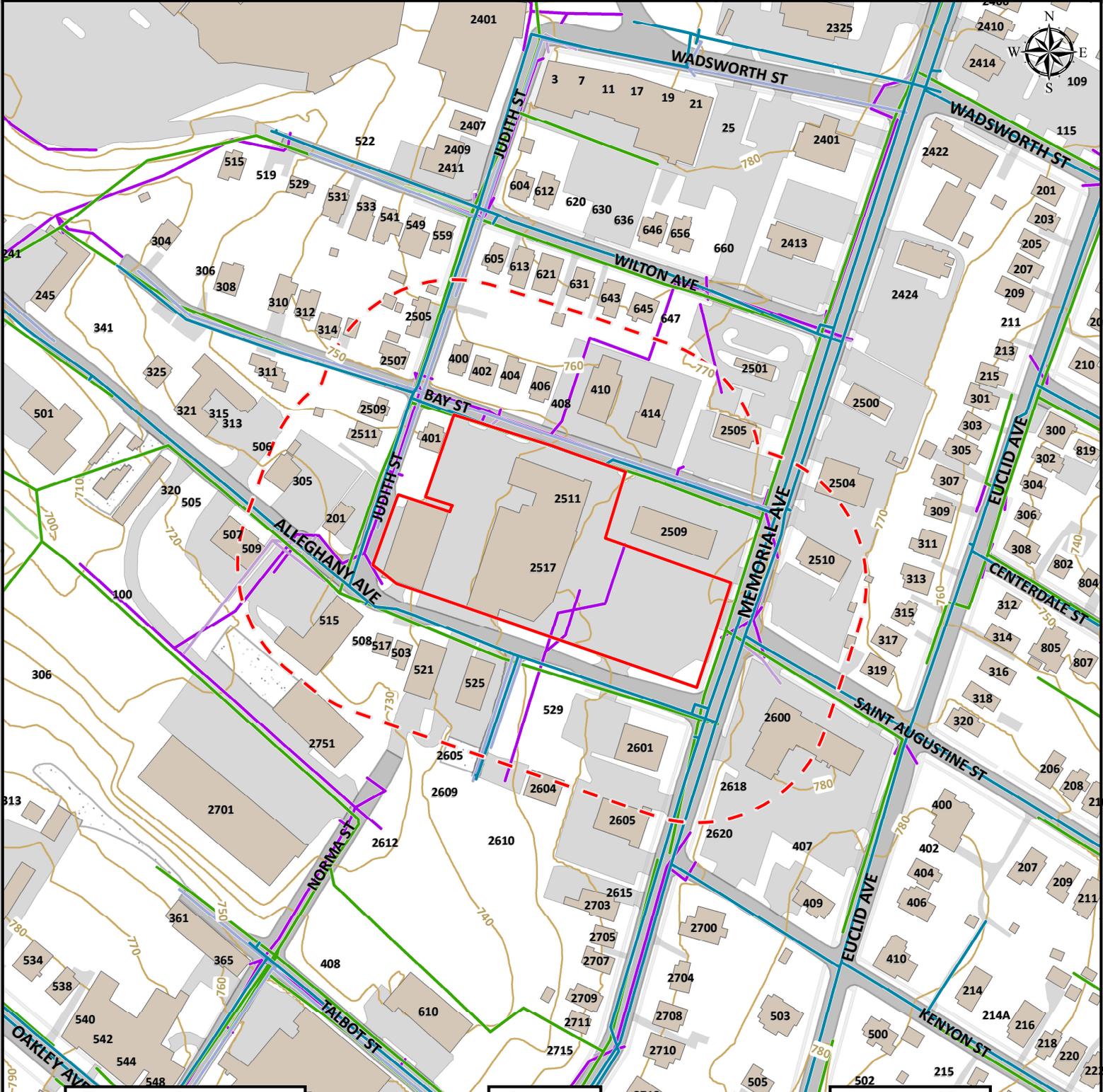
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/27/2013



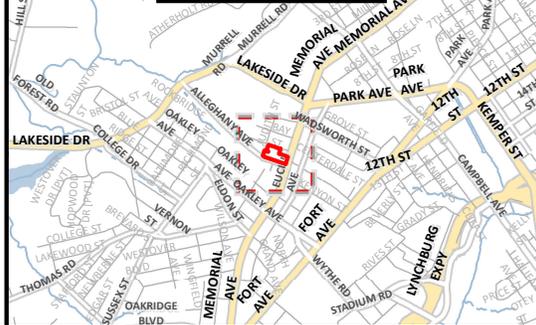
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01118002	2517 MEMORIAL AVE

LEGEND

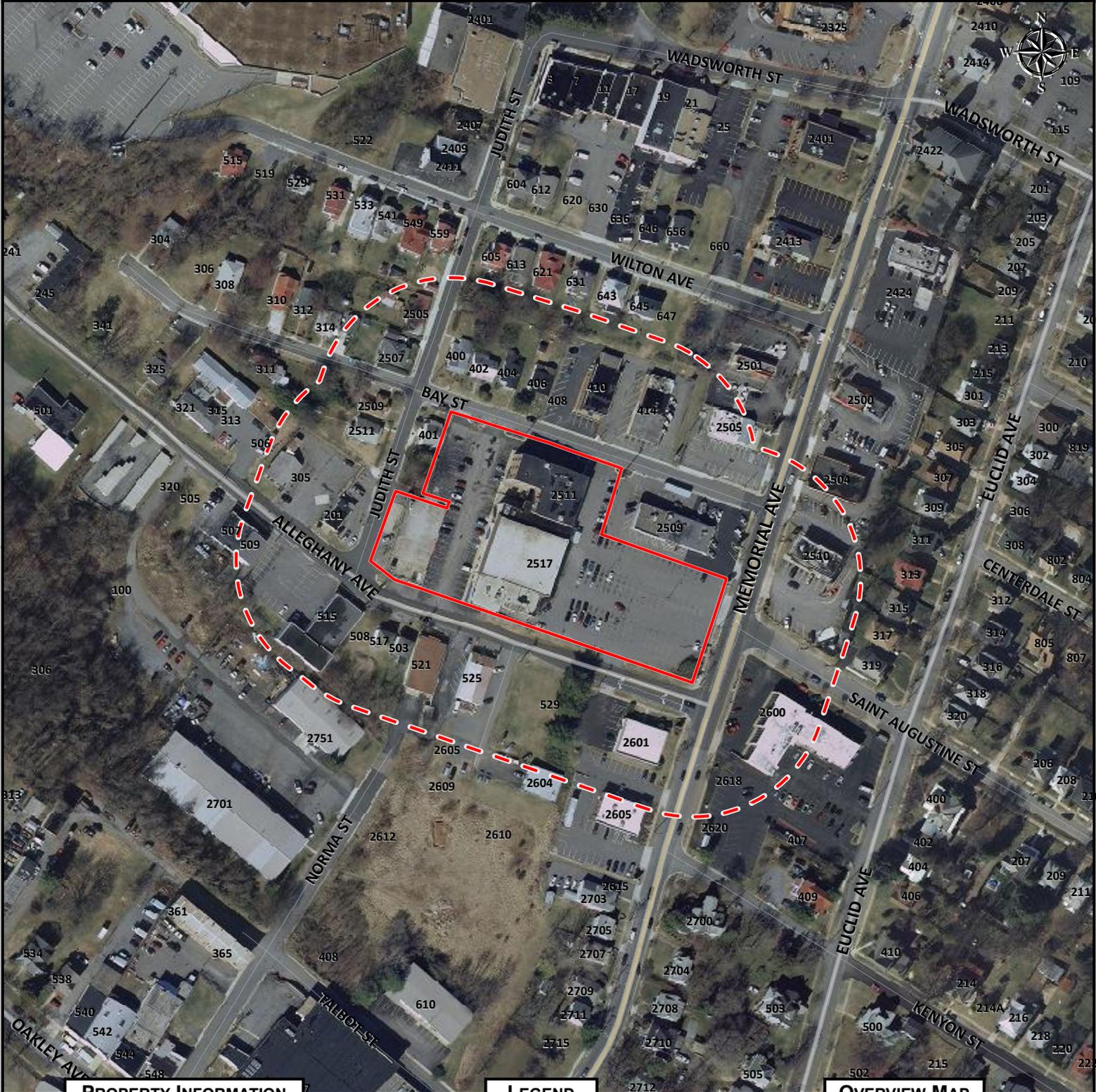
	Active	Proposed	Abandoned	
Utilities	Water (solid blue)	Sanitary (dotted green)	Storm (dotted purple)	
Planimetrics	Structure (solid grey)	Roadway (solid tan)	Parking (solid white)	
	Sidewalk (dashed grey)	Driveway (dashed tan)		
	Topography	Contour (solid brown)	10' Obs (dotted brown)	
		Paved (solid grey)	Unpaved (dotted tan)	Other (solid tan)

OVERVIEW MAP



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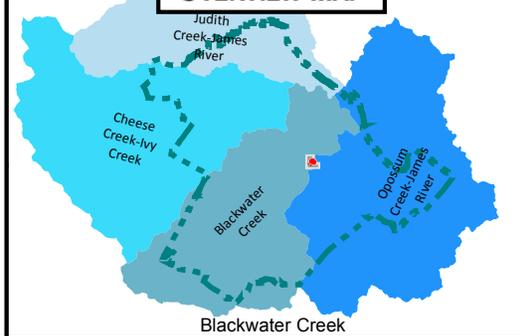
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01118002	2517 MEMORIAL AVE

LEGEND

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

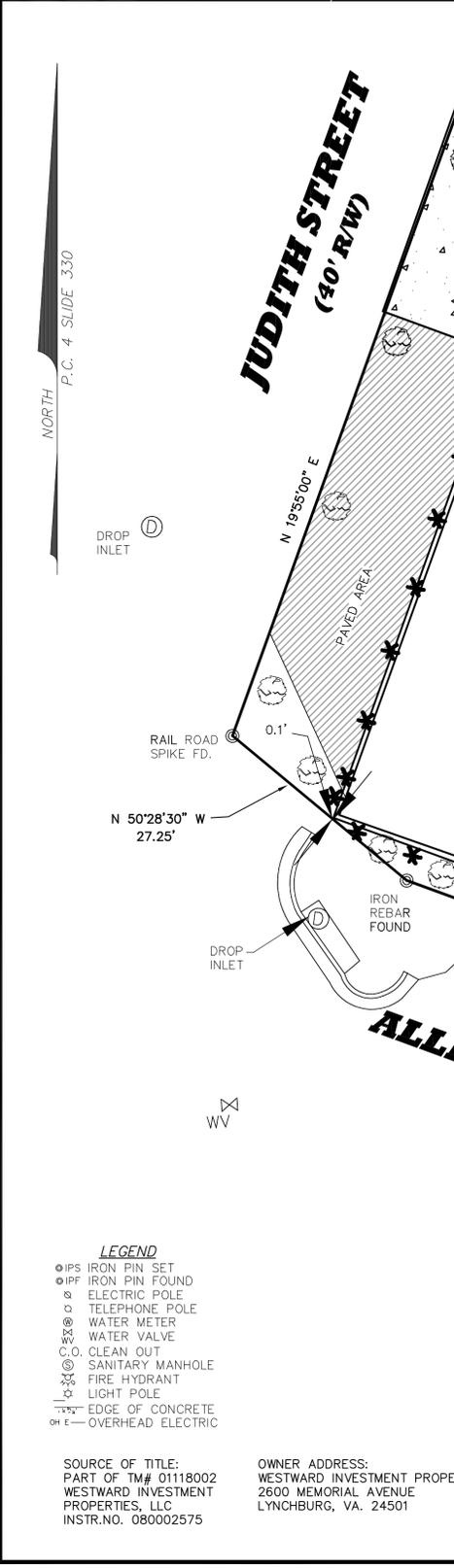
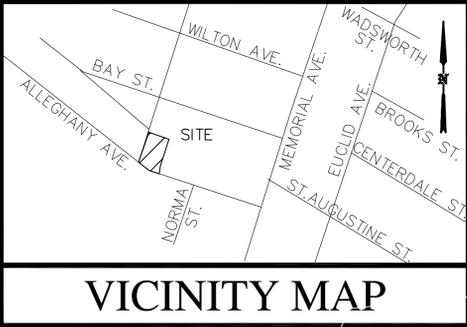
OVERVIEW MAP



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Blackwater Creek

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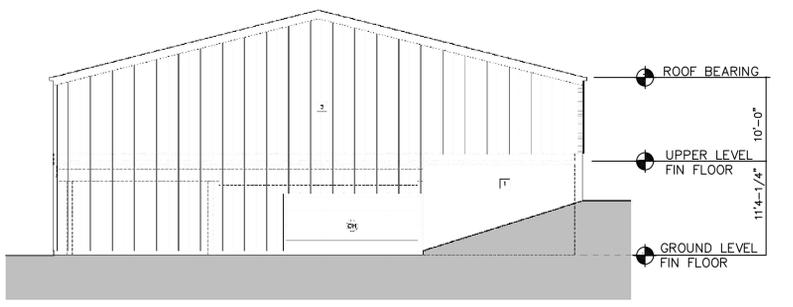
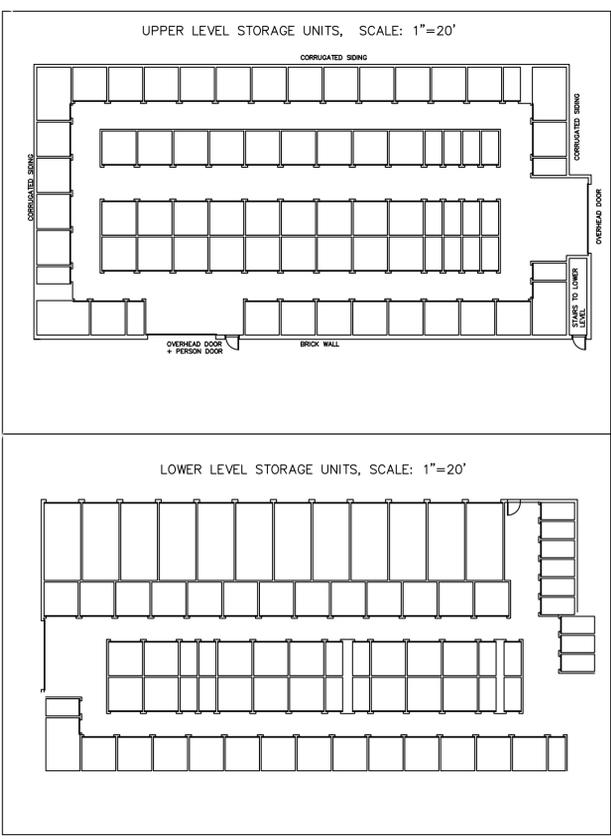
**PART OF TM# 01118002
PARCEL "A"
0.227AC.**
NO. 2517 MEMORIAL AVENUE

TM# 01118001
TAMMY K. FOUTTY
INSTR. NO. 080004682

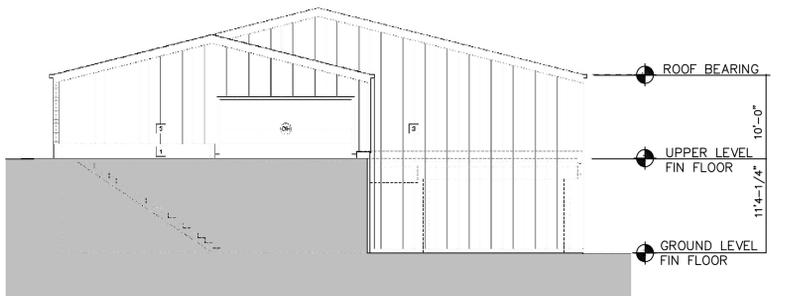
TM# 01118002
WESTWARD INVESTMENT
PROPERTIES, LLC
INSTR. NO. 080002575

NOTES:

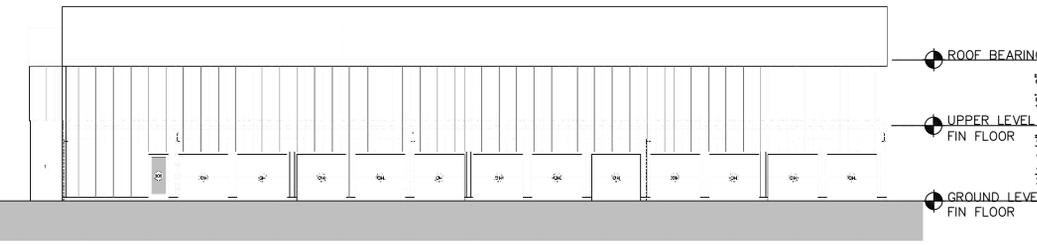
1. THIS SITE PLAN HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
2. THIS PROPERTY FALLS WITH IN ZONE "X" AS SCALED FROM FROM THE F.E.M.A. MAP PANEL NUMBER 5100930043D, DATED 06/03/08, WHICH DOES NOT INDICATE THAT THIS PROPERTY IS SUBJECT TO FLOODING. THIS SURVEYOR DOES NOT CERTIFY TO THE ACCURACY OF THE F.E.M.A. MAP.
3. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE PER DATE OF THIS PLAT AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
4. NO DETERMINATION OF WETLANDS HAVE BEEN MADE BY NIXON LAND SURVEYING, LLC OR THIS SURVEYOR.
5. PUBLIC SEWER AND PUBLIC WATER ARE AVAILABLE TO THIS PROPERTY.
6. THIS PROPERTY IS CURRENTLY ZONED B-3 THE PROPOSED ZONE CHANGE IS TO ZONE B-5.
7. EXISTING USE: PARKING DECK
PROPOSED USE: STORAGE BUILDINGS
8. PARKING REQUIRED = 1 SPACE/3 EMPLOYEES @ 6 EMPLOYEES = 2 SPACES REQUIRED
PARKING PROVIDED = 6 SPACES PROPOSED
9. ALL APPLICABLE FEDERAL/STATE PERMITS (INCLUDING THOSE ISSUED BY THE U.S. ARMY CORPS OF ENGINEERS, VIRGINIA DEPARTMENT OF ENVIRONMENTAL AND VIRGINIA MARINE RESOURCES COMMISSION) FOR WORK IN STREAMS AND WETLANDS MUST BE SECURED PRIOR TO SITE PLAN APPROVAL FOR THE PROJECT. CONTRACTOR RESPONSIBLE FOR OBTAINING ALL PERMITS AND BONDS AS DEEMED NECESSARY BY THE LOCAL AUTHORITY.
10. NO DEMOLITION, SITE WORK, OR GRADING IS PERMITTED PRIOR TO ISSUANCE OF A LAND DISTURBANCE PERMIT ISSUED BY THE CITY INSPECTIONS OFFICE. BURNING OF DEBRIS WILL NOT BE PERMITTED WITHOUT PRIOR APPROVAL FROM THE FIRE MARSHAL'S OFFICE.
11. ALL CONSTRUCTION STAGING, LOADING, TEMPORARY PARKING, AND LAYDOWN AREAS SHALL BE COORDINATED WITH THE OWNER PRIOR TO ANY CONSTRUCTION OR DEMOLITION ACTIVITIES.
12. CONTRACTOR IS RESPONSIBLE FOR PROVIDING ADEQUATE DUST CONTROL TO PREVENT DAMAGING AND/OR NUISANCE AIRBORNE DUST FROM LEAVING THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR TAKING WHATEVER MEASURES NECESSARY TO CORRECT AND/OR COMPENSATE BORDERING PROPERTY OWNERS AND THE OWNER FOR ALL DAMAGES DUE TO DUST.
13. ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL AND GLARE SHIELDED TO PREVENT ILLUMINATION OF ADJACENT PROPERTIES.
14. ALL EROSION AND SEDIMENT CONTROL MEASURES AND STORMWATER MANAGEMENT PRACTICES MUST BE DEWATERED PRIOR TO AN ISSUANCE OF A CERTIFICATE OF OCCUPANCY. ALL TEMPORARY EROSION CONTROL MEASURES MUST BE REMOVED WITHIN 30 DAYS OF PERMANENT STABILIZATION OF THE SITE.
15. NO EARTH WORK IS REQUIRED.
16. NO DUMPSTER IS PROPOSED OR REQUIRED.
17. THE DEVELOPER PROFFERS THAT THE SITE WILL BE BUILT TO SUBSTANTIAL COMPLIANCE WITH THIS SITE PLAN.
18. ADEQUATE CHANNEL WILL HAVE TO BE VERIFIED AT TIME OF SITE PLAN REVIEW FOR CONSTRUCTION.
19. WE HAVE REQUESTED THE ALLEY BE VACATED AS PART OF THIS SITE PLAN REVIEW, THE NEIGHBOR HAS BEEN CONTACTED BY CERTIFIED MAIL.
20. ALL LANDSCAPING REQUIREMENTS PER THE CITY ORDINANCE WILL BE FOLLOWED ON THE FINAL SITE PLAN SUBMISSION.
21. THIS BUILDING WILL NOT BE SPRINKLED. THIS BUILDING WILL BE CONSTRUCTED WITH FIRE RATED WALLS PER THE INTERNATIONAL BUILDING CODE REQUIREMENTS.
22. AN ACCESS EASEMENT WILL BE SUPPLIED TO ALLOW FOR ACCESS TO THE UPPER LEVEL OF THIS PROPOSED STORAGE FACILITY. THIS WILL BE DONE BY DEED OF EASEMENT BY THE DEVELOPER'S ATTORNEY.
23. ALL DOWN SPOUTS WILL BE DISCHARGED TO AN ADEQUATE CHANNEL THUS THROUGH THE EXISTING DROP INLETS.



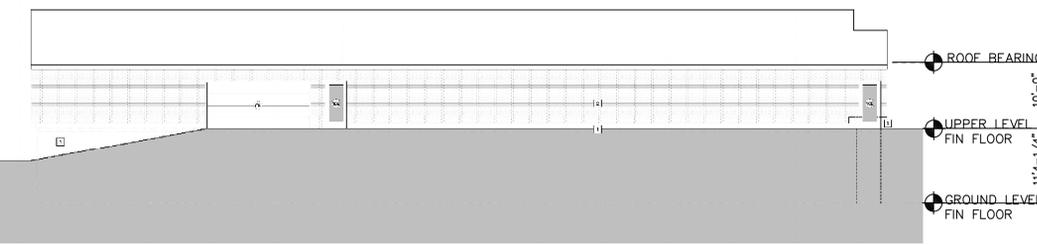
02 SOUTH ELEVATION



02 WEST ELEVATION



02 WEST ELEVATION



01 EAST ELEVATION



- LEGEND**
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - ⊕ ELECTRIC POLE
 - ⊙ TELEPHONE POLE
 - ⊗ WATER METER
 - ⊘ WATER VALVE
 - C.O. CLEAN OUT
 - ⊙ SANITARY MANHOLE
 - ⊕ FIRE HYDRANT
 - ⊙ LIGHT POLE
 - EDGE OF CONCRETE
 - OVERHEAD ELECTRIC

SOURCE OF TITLE:
PART OF TM# 01118002
WESTWARD INVESTMENT
PROPERTIES, LLC
INSTR. NO. 080002575

OWNER ADDRESS:
WESTWARD INVESTMENT PROPERTIES, LLC
2500 MEMORIAL AVENUE
LYNCHBURG, VA. 24501

 Nixon Land Surveying, L.L.C. 1063C Airport Road Lynchburg, VA 24502 Phone: (434) 237-3600 Fax: (434) 237-0699 Email: ren@nixonlsec.com www.nixonlsec.com	SURVEYED FOR:		WESTWARD INVESTMENT PROPERTIES, LLC
	SITE PLAN FOR REZONING FOR PROPOSED STORAGE BUILDINGS		
	PARCEL "A", BLOCK 3, WILTON PROPERTY OF WESTWARD INVESTMENT PROPERTIES, LLC		
	CITY OF LYNCHBURG, VIRGINIA		
COMM. NO.: 2013181		REVISED: 12/30/13	
SCALE: 1"=50'		DR. BY: REN	DATE: 11/11/13
SHEET: 1 OF 3		CHK. BY: REN/DRW. NME. SITE	



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