

# The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** April 8, 2015  
**Re: Rezoning: B-5, General Business District to B-6, Riverfront Business District – 314 & 320 12<sup>th</sup> Street**

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## I. PETITIONER

320 12<sup>th</sup> Street, LLC, 1208 Arlington Road, Roanoke, VA 24015

**Representative:** Russ Nixon, Nixon Land Surveying, LLC, 1063C Airport Road, Lynchburg, VA 24502

## II. LOCATION

The subject property includes two (2) tracts totaling approximately three hundred and nine thousandths (0.309) of an acre located 314 and 320 12<sup>th</sup> Street. If the right-of-way vacations are approved, the property will total approximately three hundred and fifty-seven thousandths (0.357) of an acre.

**Property Owners:**

320 12<sup>th</sup> Street, LLC, 1208 Arlington Road, Roanoke, VA 24015

## III. PURPOSE

The purpose of the petition is to rezone the property from B-5, General Business District to B-6, Riverfront Business District to allow the conversion of an existing building to twenty-three (23) apartments and the construction of an associated parking lot.

## IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Downtown use for the subject property.
- The petition would rezone the property from B-5, General Business District to B-6, Riverfront Business District, which would allow the proposed use on the property.
- Parking is not required in the B-6 district; however, the developer is proposing twenty (20) spaces on 314 12<sup>th</sup> Street.
- The developer has applied for the property to be included in the Lynchburg Courthouse Hill/Downtown Historic District to use rehabilitation tax credits to aid the redevelopment. This will ensure preservation of historic features on the building.
- The petition would provide for the restoration and adaptive reuse of a historic building.

**The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Downtown Use for the property.

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. (pg. 76)

2. **Zoning.** The subject property was annexed into the City in 1852. The existing B-5, General Business District zoning was established in 1978 with the adoption of the current *Zoning*

*Ordinance.* The current B-5 District does not allow for residential use, but the proposed B-6, would allow for a variety of uses, including the proposed multi-family residential development and potential future business uses.

3. **Proffers.** No proffers were submitted with this application.
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 September 10, 1991, Council approved the petition of Craddock-Terry, Inc. for a conditional use permit at 1118-1120 Harrison Street and 1001-1017 Madison Street to allow the construction of parking areas.
  - On June 23, 1992, Council approved the petition of Thomas Hughes for a conditional use permit at 1102 Harrison Street to allow the use of an existing residence as a bed and breakfast.
  - On April 12, 1994, Council approved the rezoning of portions of downtown from B-5, General Business District to B-6, Riverfront Business District.
  - On November 8, 1994, Council approved the petition of Philip and Ann Reipley for a conditional use permit at 1101 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On August 12, 1997, Council approved the petition of Order of Sons of Italy for a conditional use permit at 1201 Jefferson Street to allow a temporary circus.
  - On November 11, 1997, Council approved the petition of Jenny West for a conditional use permit at 1020 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On February 13, 2001, Council approved the petition of Trudi & Dennis Malik at 1115 Federal Street to allow the use of an existing residence as a bed and breakfast.
  - On July 11, 2006, Council approved the rezoning of the Federal Hill Historic District from R-3, Medium-Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District and B-5, General Business District to R-2, Low-Medium Density, Single-Family Residential.
  - On May 8, 2012, Council approved the petition of Invest Lynchburg, LLC for a conditional use permit at 1215 and 1221 Jefferson Street to allow fill within the 100-year Flood Plain.
6. **Site Description.** The subject property includes two (2) tracts totaling approximately three hundred and nine thousandths (0.309) of an acre located at 314 and 320 12<sup>th</sup> Street. 314 12<sup>th</sup> Street is largely vacant and will serve as parking for the building at 320 12<sup>th</sup> Street. The site is across the 12<sup>th</sup> Street from the Lynchburg Historical Foundation and directly in front of Babcock's Auto Service.
7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be restored and adapted for a multi-family residential use and associated parking.
8. **Traffic, Parking and Public Transit.** The City's Traffic Engineer had no comments of concern regarding this development.

The Zoning Ordinance states that in B-6 districts “the minimum off-street parking requirements shall not apply because of the impracticability of providing such parking on the basis of individual uses in highly congested areas. However, developers will be strongly encouraged to provide parking up to the minimum requirements.” The developer is providing a total of thirty (20) off-street parking spaces, which will be supplemented by on-street spaces available in the surrounding area.

The development would be served by Greater Lynchburg Transit Company (GLTC) Route 3.

9. **Stormwater Management.** The site falls within the City’s CSO area and is therefore exempt from stormwater quality and quantity requirements. The site will discharge to an adequate channel and an E & S plan will be required at the time of final site plan review.
10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. These comments have or will be addressed by the petitioner prior to final site plan approval.
11. **Impact.** The petition would allow the rehabilitation and adaptive reuse of a historic commercial structure as an apartment building with twenty-three (23) units. Adaptive reuse is often a difficult feat but saves historic structures that give urban areas their character. The current zoning impedes the reuse of this structure because it does not allow residential use, while the proposed B-6 zoning will allow for both the proposed residential use and a variety of appropriate commercial uses for downtown should demand for commercial space rise. The property sits directly adjacent to the current B-6 district and is designated as Downtown on the *Future Land Use Map*.

The applicant has applied for the building to be included in the area’s state and national historic district in order to take advantage of rehabilitation tax credits, without which, the rehabilitation is not financially viable. The use of tax credits will ensure that significant features of the building will be preserved and that the building will continue to have a commercial storefront with its historic entrance. In addition, improvements to the building will go before the Design Review Board (DRB) for comment prior to any construction occurring.

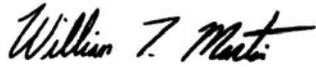
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 3, 2015. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

**VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of 320 12<sup>th</sup> Street LLC to:**

**Rezone approximately three hundred and fifty-seven thousandths (0.357) of an acre (or 0.309 of an acre if the right-of-way vacations are not approved) located at 314 and 320 12<sup>th</sup> Street from B-5, General Business District to B-6, Riverfront 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  
Mr. Don DeBerry, Transportation Engineer  
Mr. Doug Saunders, Building Commissioner  
Mr. Kevin Henry, Zoning Administrator

## **VII. ATTACHMENTS**

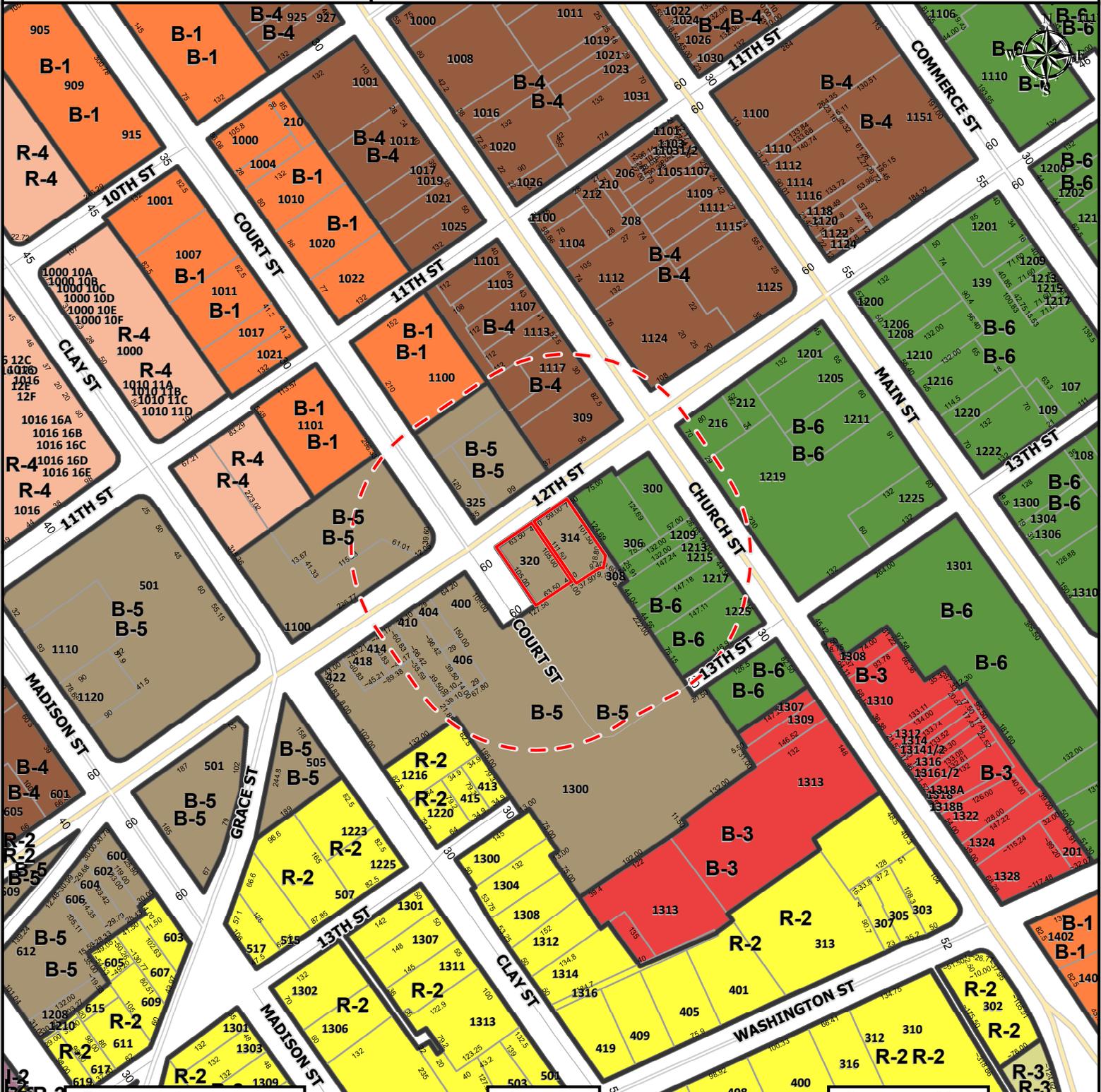
- 1. Zoning Map**
- 2. FLUM Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan and Narrative**
- 6. Property Photograph**

# Zoning Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



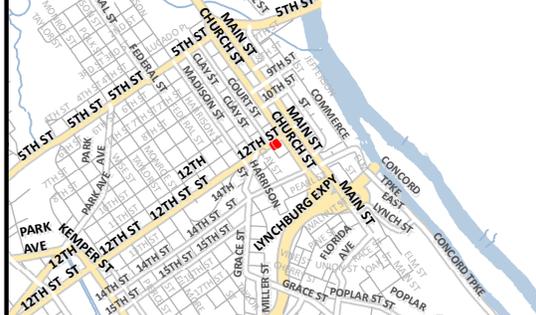
### PROPERTY INFORMATION

PARCEL ID	ADDRESS
02508001	320 12TH ST
02508002	314 12TH ST

### LEGEND

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

### OVERVIEW MAP



MAP SCALE: 1" to 4,000' DATE PRINTED: 4/1/2015

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.

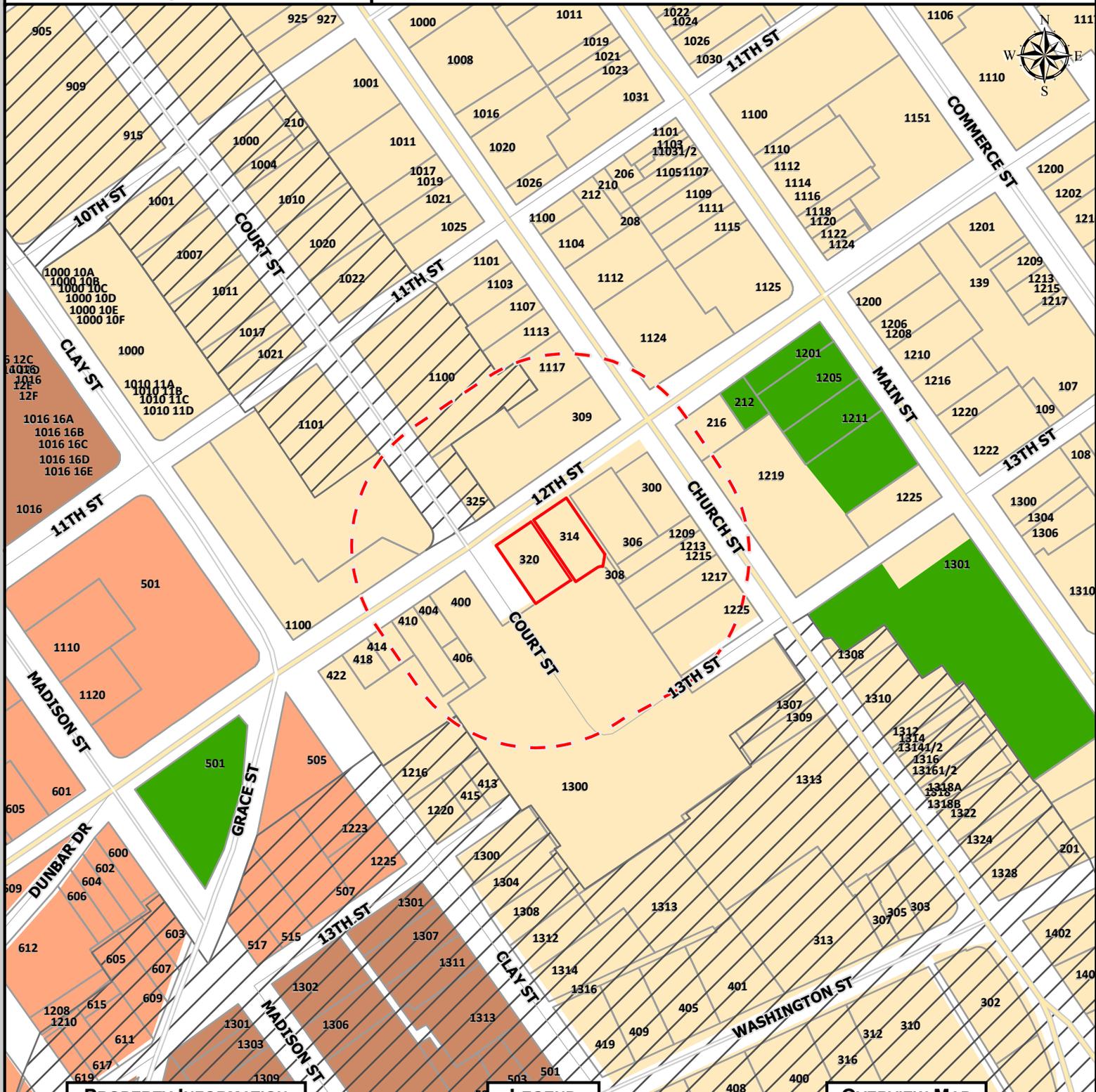
<b>Parcel ID</b>	<b>Address</b>	<b>Owner</b>
04601009	216 12TH ST	CITY OF LYNCHBURG
02508002	314 12TH ST	320 12TH STREET LLC
02468002	1101 COURT ST	UNITED STATES POSTAL SERVICE
02508001	320 12TH ST	320 12TH STREET LLC
02508004	300 12TH ST	NEW LAND SAMARITAN INNS INC
02467008	309 12TH ST	COMMONWEALTH OF VIRGINIA
02507006	1300 COURT ST	BABCOCK, ROBERT D
02507011	414 12TH ST	WADE, DANIEL D
02467011	325 12TH ST	LYNCHBURG HISTORICAL FOUNDATION INC
04601001	1219 MAIN ST	CITY OF LYNCHBURG
02507004	404 12TH ST	BABCOCK, ROBERT D
02508008	1217 CHURCH ST	RISE UP PROPERTIES LLC
02467001	1100 COURT ST	FIRST BAPTIST CHURCH OF VA TRS
02507005	406 12TH ST	BABCOCK, ROBERT D
02508006	1213 CHURCH ST	RISE UP PROPERTIES LLC
02507003	410 12TH ST	WADE, DANIEL D
02466015	1124 CHURCH ST	GREEN, ROGERS H SR & WINSTON C
02507009	1216 CLAY ST	YOUNG, WILLIAM C & REBECCA B
02467005	1113 CHURCH ST	1107-1113 CHURCH ST LLC
02508005	1209 CHURCH ST	RISE UP PROPERTIES LLC
02468001	1100 CLAY ST	UNITED STATES POSTAL SERVICE
02508007	1225 CHURCH ST	RISE UP PROPERTIES LLC
02508003	306 12TH ST	RISE UP PROPERTIES LLC
02467006	1117 CHURCH ST	THORNHILL, J T III
02508009	308 12TH ST	RISE UP PROPERTIES LLC
02507001	422 12TH ST	OLD STEAM BAKERY COMPANY

# FLUM Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



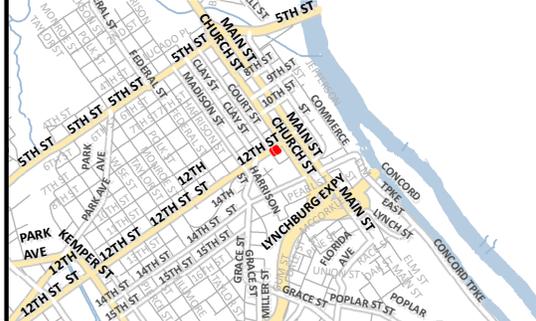
### PROPERTY INFORMATION

PARCEL ID	ADDRESS
02508001	320 12TH ST
02508002	314 12TH 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: 4/1/2015

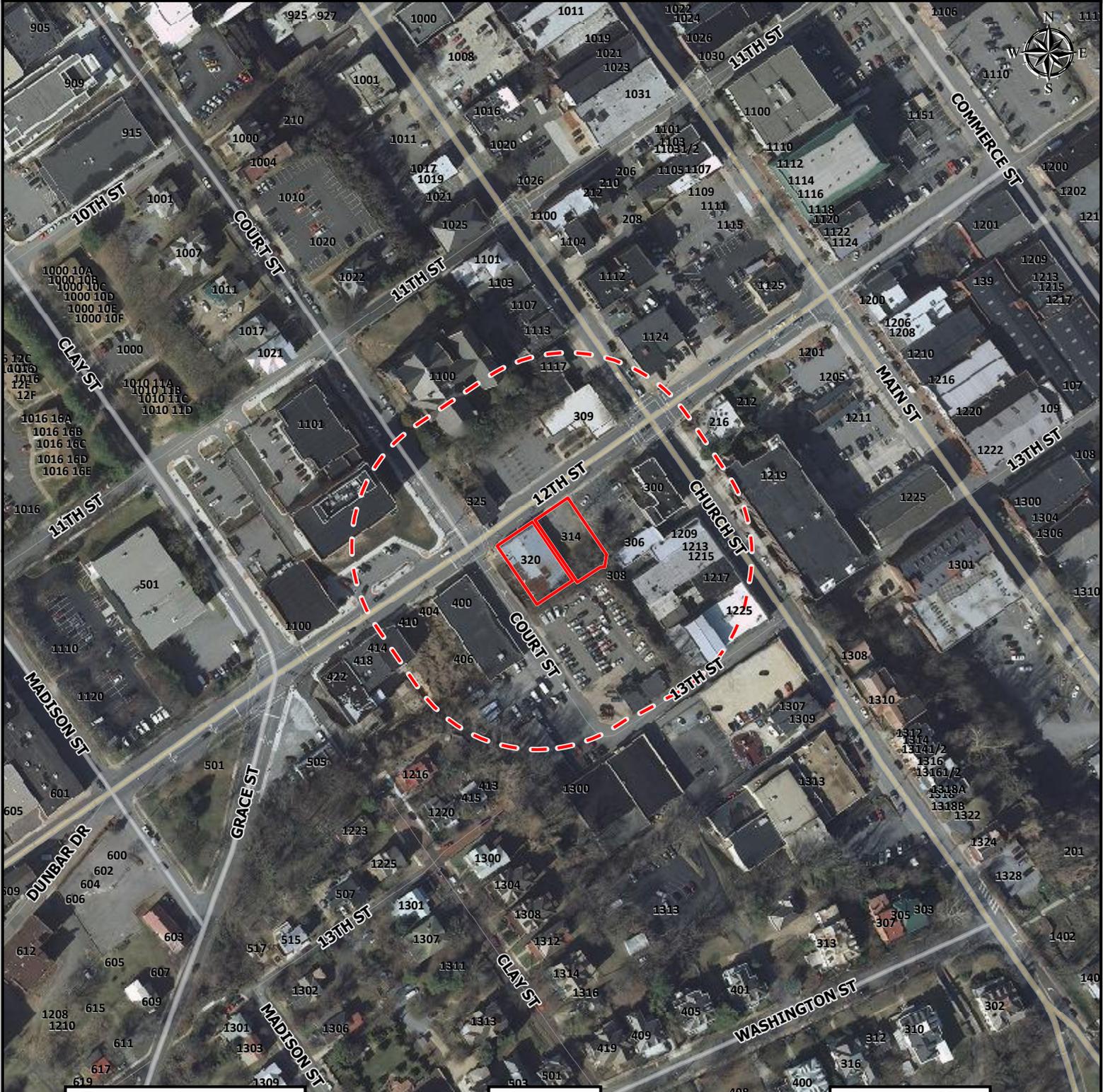
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# Watershed Map

# REZONING FOR APARTMENTS

Zoning Request

320 12th Street, LLC



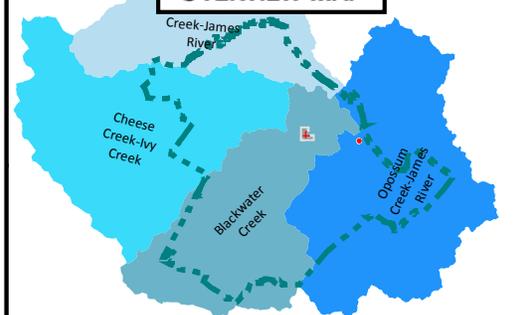
### PROPERTY INFORMATION

PARCEL ID	ADDRESS
02508001	320 12TH ST
02508002	314 12TH ST

### LEGEND

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

### OVERVIEW MAP

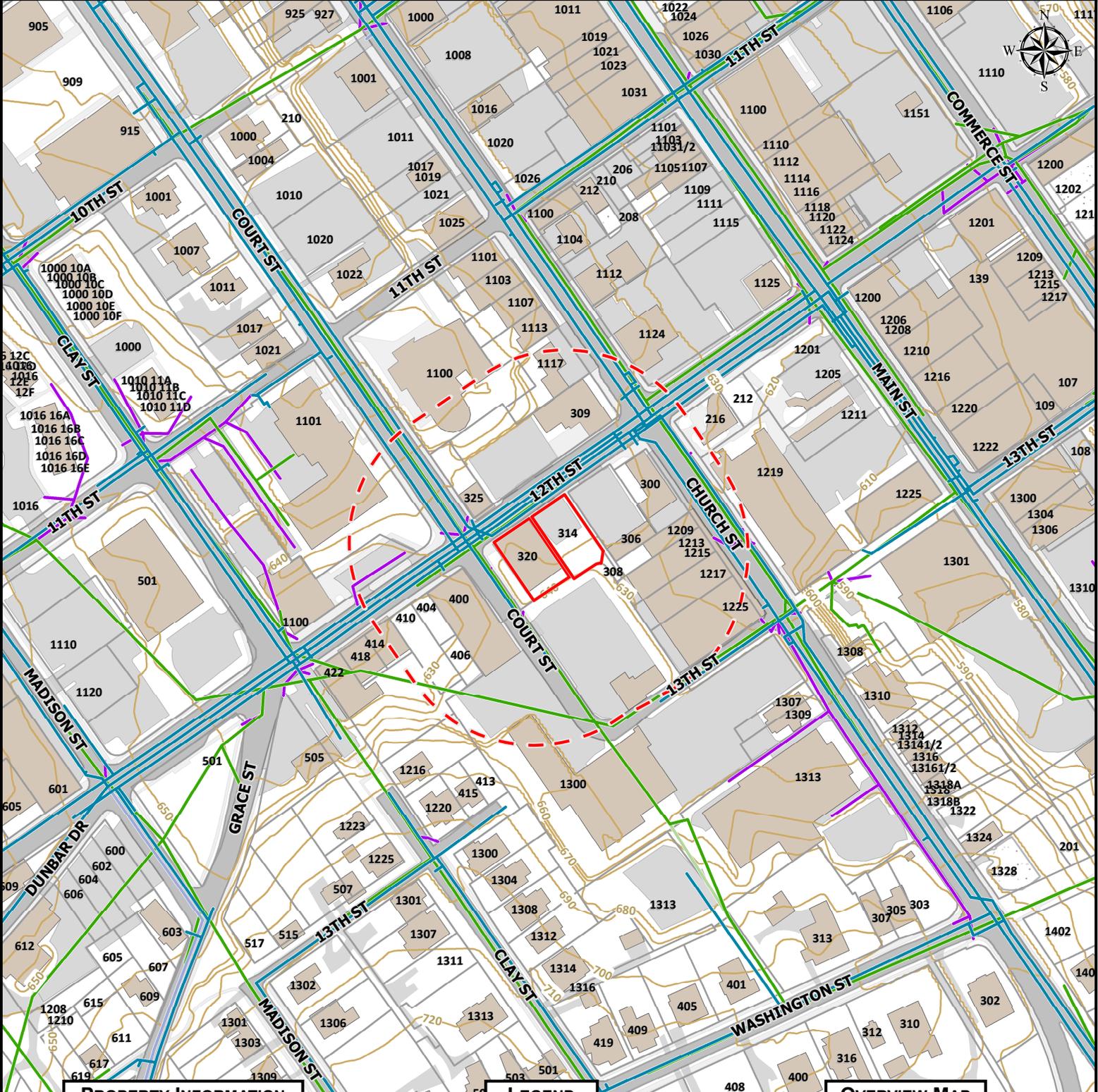


MAP SCALE: 1" to 33,333' DATE PRINTED: 4/1/2015

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Zoning Request

320 12th Street, LLC



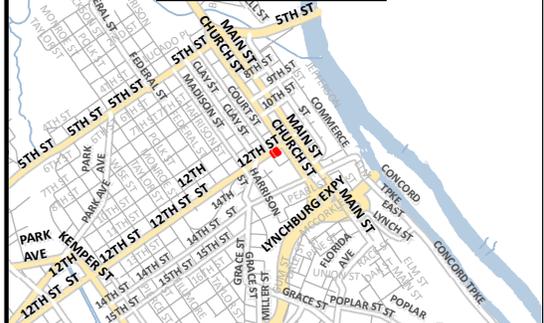
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
02508001	320 12TH ST
02508002	314 12TH ST

**LEGEND**

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

**OVERVIEW MAP**



MAP SCALE: 1" to 4,000' DATE PRINTED: 4/1/2015

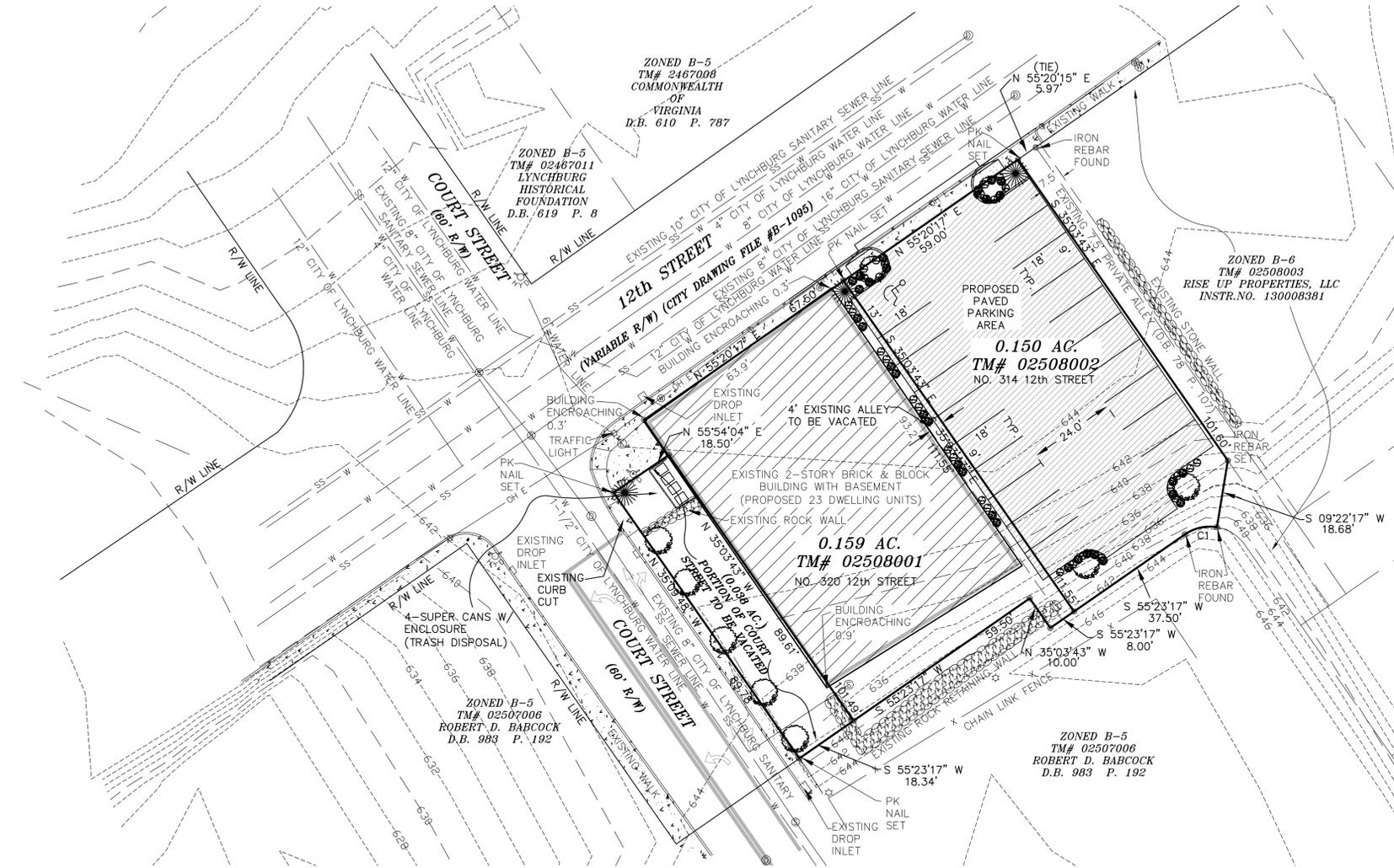
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**Legal Description: Tm# 02508001 No. 320 12th Street**  
 Beginning at the northwest corner at the intersection of Court Street and 12th Street; Thence along the right of way of 12th Street N55°20'17"E 67.50' to a p.k. nail set; Thence leaving the right of way S35°03'43"E 115.55'; Thence N55°23'17"E 8.00' to a corner; Thence N35°03'43"E 10.00' to a corner; Thence N55°23'17"E 59.50' to a corner; Thence N35°03'43"E 89.61' to the point of beginning; Being No. 320 12th Street and containing 0.159 acres.

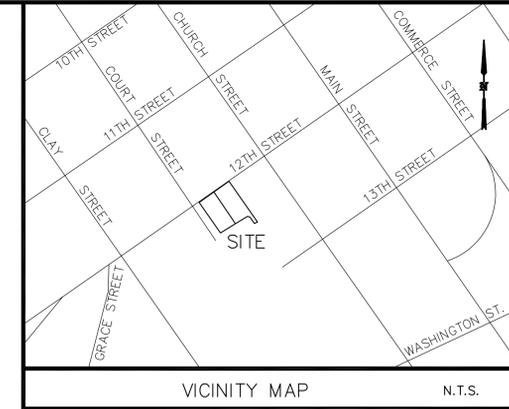
**Legal Description: Tm# 02508002 No. 314 12th Street**  
 Beginning at a p.k. nail set at the northwest corner 67.50' northeast of the intersection of 12th Street and Court Street; Thence along the right of way N55°20'17"E 59.00' to a p.k. nail set; Thence S35°03'43"E 101.60' to an iron rebar set; Thence S09°22'17"W 18.68' to an iron rebar found; Thence along a curve CB = S77°32'57"E, Length = 9.12', Radius = 12.10' to an iron rebar found; Thence S55°23'17"W 37.50' to a corner; Thence N35°03'43"E 115.55' to the point of beginning. Being no. 314 12th Street and containing 0.150 acres.

**Legal Description: Proposed vacation of a portion of Court Street**  
 Beginning at a p.k. nail set at the northwest corner of the intersection of 12th Street and Court Street; Thence along the right of way of 12th Street N55°20'17"E 18.50' to a corner; Thence leaving the right of way S35°03'43"E 89.61' to a corner; Thence S55°23'17"W 18.34' to a p.k. nail set; Thence along the right of way of Court Street N35°09'48"E 89.78' to the point of beginning. Being a proposed vacation of a portion of Court Street and containing 0.038 acres.

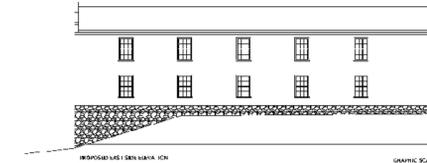
**Legal Description: Proposed vacation of 4' Alley**  
 Beginning at a p.k. nail set at the northeast property corner between No. 314 and No. 320 12th Street 63.9' northeast of the intersection of Court Street and 12th Street; Thence S35°03'43"E 111.55' to a property corner at end of 4' alley; Thence S55°23'17"W 4.00' along end 4' alley; Thence N35°03'43"W 111.55' to the right of way of 12th Street; Thence along the right of way of 12th Street N55°20'17"E 111.55' to the point of beginning. Being existing 4' Alley and containing 0.010 acres.



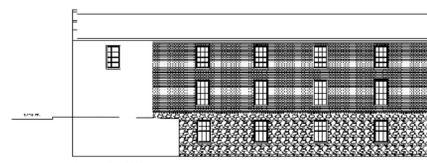
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	44°17'40"	9.35	12.10	9.12	S 77°32'57" W



320 12th Street  
 March 11th, 2015



320 12th Street  
 March 11th, 2015



320 12th Street  
 March 11th, 2015

**NARRATIVE:**  
 THE PURPOSE OF THIS SITE PLAN FOR REZONING IS TO REQUEST A ZONE CHANGE FROM THE CURRENT BUSINESS ZONE OF B-5 TO B-6 (RIVERFRONT BUSINESS DISTRICT). THE ZONE CHANGE WILL ALLOW THE PROPOSED RESIDENTIAL USE (23 UNITS) AND PROPOSED PARKING AREA AS SHOWN ON THE PROPOSED PLAN. THIS PROPERTY IS CURRENTLY SERVED BY CITY OF LYNCHBURG WATER AND SEWER. THIS PROPERTY IS IN THE COMBINED SEWER OVERFLOW DISTRICT AND THEREFORE EXEMPT FROM STORMWATER QUALITY AND QUANTITY. HOWEVER, THE DESIGN FOR THE EROSION CONTROL MINIMUM STANDARD 19 WILL BE ADDRESSED UPON APPROVAL OF REZONING ON THE COMPLETED CONSTRUCTION PLAN SET.

- GENERAL NOTES:**
- 1.) THIS PLAN HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY AND THERE ARE NO VISIBLE EASEMENTS OR ENCROACHMENTS EXCEPT AS SHOWN HEREON.
  - 2.) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
  - 3.) THE AREA SHOWN IS LOCATED IN ZONE 'X' AND DOES NOT FALL WITHIN FLOOD HAZARD ZONE FOR A 100 YEAR FLOOD AS SHOWN ON A MAP PANEL NO. 5100930042D DATED JUNE 3, 2008 BY F.E.M.A.
  - 4.) THIS PROPERTY IS ZONED B-5 BUSINESS. PROPOSED ZONE CHANGE TO B-6 RIVERFRONT BUSINESS DISTRICT.
  - 5.) ALL LIGHTING WILL BE GLARE SHIELDED AND NON-DIRECTIONAL TO PREVENT ILLUMINATION ACROSS THE PROPERTY LINES.
  - 6.) LANDSCAPING SHALL BE IN COMPLIANCE WITH CITY OF LYNCHBURG LANDSCAPE ORDINANCE. ALL ABOVE GROUND UTILITIES SUCH AS HVAC UNITS AND RPZ'S SHALL HAVE LANDSCAPE SCREENING.
  - 7.) THIS PROPERTY WILL UTILIZE CITY OF LYNCHBURG WATER AND SEWER.
  - 8.) CONTRACTOR SHALL CONTACT "MISS UTILITY" A MINIMUM OF 48 HOURS PRIOR TO EXCAVATION.
  - 9.) OWNER/CONTRACTOR WILL PRIOR TO FINAL SITE STABILIZATION, TO DETERMINE FERTILIZER APPLICATION RATES FOR THE ESTABLISHMENT OF GRASS ON SITE. THE VIRGINIA COOPERATIVE EXTENSION OR A GEOTECHNICAL FIRM (WITH SOIL TESTING FACILITIES) WILL BE CONTACTED TO OBTAIN A SOILS REPORT FOR NUTRIENT APPLICATION.
  - 10.) THE PROPOSED USE OF THE BUILDING WILL BE FOR 23 RESIDENTIAL UNITS.
  - 11.) PARKING REQUIRED:  
 THIS PROPERTY WILL HAVE 23 RESIDENTIAL UNITS. HOWEVER, THE PROPOSED ZONE CHANGE TO B-6 DOES NOT REQUIRE THIS PROPERTY TO MEET THE MINIMUM PARKING REQUIREMENTS.  
 PARKING PROVIDED:  
 19 TYPICAL 9'x18' SPACES  
 +1 ADA HANDICAP SPACES  
 20 TOTAL SPACES PROVIDED

SEC. 35.1-25.1.7 PARKING SCREENING 59' FRONTAGE / 3 SHRUBS = 20 REQ'D 20 LARGE SHRUBS REQUIRED 20 LARGE SHRUBS PROVIDED	SEC. 35.1-25.1.8 STREET STREET 228' FRONTAGE / 40' = 7 REQ'D 7 SHADE TREES REQUIRED 7 SHADE TREES PROVIDED	SEC. 35.1-25.1.10 UTILITY SCREENING AROUND ANY EXISTING AND PROPOSED LOCATION OF HVAC UNITS & ABOVE GROUND UTILITIES
SEC. 35.1-25.1.8 FOUNDATION PLANTINGS 157' FOUNDATION / 3 TREES REQ'D 157' FOUNDATION / 10 SHRUBS = 16 REQ'D 3 ORNAMENTAL TREE REQUIRED 3 ORNAMENTAL TREE PROVIDED 16 LARGE SHRUBS REQUIRED 20 LARGE SHRUBS PROVIDED	SEC. 35.1-25.1.7 PARKING AREA LANDSCAPING 20 SPACES / 8 TREES = 3 REQ'D 20 SPACES / 1 SHRUB = 20 REQ'D 3 SHADE TREES REQUIRED 3 SHADE TREES PROVIDED 20 MEDIUM SHRUBS REQUIRED 20 MEDIUM SHRUBS PROVIDED	

PLANT LIST

KEY	QTY.	COMMON NAME	BOTANICAL NAME	SIZE	HEIGHT AT PLANTING	REMARKS
	16	RED MAPLE	ACER RUBRUM	1-1/2" CAL	4'	WELL BRANCHED
	16	FLOWERING CHERRY	PRUNUS SERRULATA 'SHIRFUJEN'	1-1/2" CAL	4'	WELL BRANCHED
	76	DWARF JAPANESE HOLLY	ILEX CRENATA	N/A	3'	FULL PLANT
	30	WINTER RED HOLLY	ILEX VERTICILLATA	N/A	3'	FULL PLANT

OWNER INFORMATION:  
 320 12th STREET, LLC  
 1708 ARLINGTON ROAD, SW  
 ROANOKE, VA. 24015

SOURCE OF TITLE:  
 TAX MAP: 02508001  
 320 12th STREET, LLC  
 INSTR.NO. 150000715



**SURVEYED FOR:** 320 12th STREET, LLC

**Nixon Land Surveying, L.L.C.**  
 1083C Airport Road  
 Lynchburg, VA 24502  
 Phone: (434) 237-3600  
 Fax: (434) 237-0699  
 Email: ren@nixonlsc.com  
 www.nixonlsc.com

**PROPOSED CONDOMINIUM PROPERTY OF 320 12th STREET, LLC**  
 NO. 314 & 320 12th STREET  
 CITY OF LYNCHBURG, VIRGINIA

COMM. NO.: 2015040 | REVISED: 03/23/15  
 SCALE: 1"=20' | DR. BY: VPB | DATE: 03/09/15  
 SHEET: 1 OF 1 | CHK. BY: REN | DRW. NME. | SITE



