

# The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** October 8, 2014

**Re:** *Future Land Use Map (FLUM)* Amendment – Institutional to Traditional Residential

**Rezoning:** R-4, Medium-High Density, Multi-Family Residential District to B-6C, Riverfront Business District (Conditional) – 434 Rivermont Avenue, Jones Memorial Library

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## I. PETITIONER

Buffalo Creek Land Company, LLC, 378 Pannills Rd, Gladys, VA 24554

**Representative:** Kristin Osborne, Buffalo Creek Land Company, LLC, 1000 Court Street, Lynchburg, VA 24504

## II. LOCATION

The subject property includes one (1) tract totaling approximately one and thirty-nine hundredths (1.39) acres located at 434 Rivermont Avenue.

**Property Owners:**

Buffalo Creek Land Company, LLC, 378 Pannills Rd, Gladys, VA 24554

## III. PURPOSE

The purpose of the petition is to amend the *FLUM* from Institutional to Traditional Residential and to rezone the property from R-4, Medium-High Density Multi-Family Residential District to B-6C, Riverfront Business District (Conditional) to allow the use of an existing building for event, office and educational uses.

## IV. SUMMARY

- The petition would amend the *Future Land Use Map (FLUM)* from Institutional to Traditional Residential. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not recommended, unless supported by a recommendation in a Neighborhood Conservation Area Plan.
- The petition would rezone the property from R-4, Medium-High Density Residential to B-6 Riverfront Business District (Conditional), which would allow the proposed uses for the property.
- Adequate parking can be provided through a combination of spots on the property, leased spots from the Piedmont Building and on-street spaces in the surrounding area.
- The petition would provide for the restoration and adaptive reuse of a historic Lynchburg landmark.
- The Jones Memorial Library was listed on the National Register of Historic Places in 1980.

**The Planning Division recommends approval of the *FLUM* amendment and rezoning petitions.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends an Institutional Use for the property, though the surrounding area is entirely Traditional Residential. The subject property is recommended for uses allowed within Traditional Residential areas.

Institutional areas include “the religious, educational, and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations, and other nonprofit institutions. (pg. 76)

Traditional Residential areas are generally applied to the City’s older neighborhoods, generally built before World War II and before the City was zoned. The City’s historic districts are located in the traditional residential area. Consequently, for many of the houses here, lot sizes, setbacks, and/or building heights do not conform to the standards of the City’s residential zoning districts. Most of these neighborhoods are identified as Neighborhood Conservation Areas on the Plan Framework Map and are planned for further study for appropriate zoning changes, public investment, and community building efforts. 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. Large new or expanded public and institutional uses are not appropriate for these areas unless they can be designed to blend into the existing urban fabric through landscaping or architectural treatments. Within Traditional Residential neighborhoods, small retail, personal service, office, and restaurant uses are often found. These uses may continue, although expansion is not recommended unless supported by a recommendation in a Neighborhood Conservation Area Plan. (pg. 75)

The Jones Memorial Library, the second oldest public library in Virginia, has been a prominent feature on Rivermont Avenue since it first opened its doors in 1908. Since the library collection’s relocation in 1987, the building has been used as a college and a daycare. With the departure of Christ College, the building has been vacant since 2008 and is falling into disrepair. It is often difficult to find viable uses for large historic structures that require significant investment to be adapted for modern uses. Changing the FLUM for the property will provide the greatest flexibility possible and hopefully ensure the building’s survival.

2. **Zoning.** The subject property was annexed into the City in 1870. The existing R-4, Medium-High Density Residential zoning was established in 1978 with the adoption of the current *Zoning Ordinance*. The developers have found that retrofitting the building for loft apartments is not feasible and are proposing uses not currently permitted in R-4. Rezoning to B-6, Riverfront Business District, will allow permit all of their proposed uses, which provide more public accessibility to the landmark building.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
  - a. Our hours of operation will be from 8am to 11pm with no after hours operation.
  - b. We will maintain parking agreement with Nancy Marion. 10 spaces during day hours and 27 spaces during evening hours.
  - c. Limited uses will be wedding receptions, birthday parties, bridal showers, antique shows, art fairs, plays, fashion shows and community events.
  - d. There are no plans to install a restaurant at this time.
  - e. The second floor of the building will be limited to professional office space.
  - f. We are pleased to open a successful well maintained event center that will enhance the community

- g. We intend to restore the old George Jones Memorial Library to a successful prestigious historical event center that will be an asset to Downtown Lynchburg.
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 April 12, 1994, portions of the downtown between the John Lynch and Carter Glass Bridges were rezoned to B-6, Riverfront Business District as part of the Riverfront/Downtown Revitalization Program.
    - On May 14, 1996, Council approved the CUP petition of Christ College, Inc for an undergraduate/graduate college at 404-434 Rivermont Avenue, and dormitories at 501-503 Library Street, and 511-513 Victoria Avenue.
    - On April 8, 1997, Council approved the CUP petition of Stepping Stones Academy for use of the property at 434 Rivermont Avenue as a child care center for up to forty-nine (29) children.
    - On September 13, 1994, Council approved the CUP petition of the City of Lynchburg to allow the construction of a Visitor Center, Plantation Kitchen and parking area at 112 Cabell Street (Point of Honor).
    - On May 12, 2002, Council established the Rivermont Historic District.
    - On December 11, 2007, the Fifth Street Corridor was rezoned to B-6, Riverfront Business District and the Fifth Street Revitalization Corridor established.
    - On July 9, 2013, Council approved the petition of Cabell Street Land Trust to amend the FLUM from Traditional Residential to Downtown and to rezone approximately one and five tenths (1.5) acres located at 41, 57 & 59 Cabell Street from R-C, Resource Conservation District & B-5, General Business District to B-6 Riverfront Business District to allow the use of an existing building for forty-seven (47) apartments and the construction of a fifty (50) space parking area.
  6. **Site Description.** The subject property includes one (1) tract totaling approximately one and thirty-nine hundredths (1.39) acres located at 434 Rivermont Avenue. The historic Jones Memorial Library sits at the highest point on the property with a lawn sloping towards downtown and a stairway that mimics Monument Terrace's fronting Rivermont Avenue. This Lynchburg landmark provides great views of and from downtown. The Jones
  7. **Proposed Use of Property.** If the rezoning petition is approved, the property would be restored and adapted for event, office and educational uses.
  8. **Traffic, Parking and Public Transit.** The proposed development may warrant a Traffic Impact Study (TIS) which will be determined at the time of site plan review. It is not likely that the use of the building will affect the capacity of Rivermont Avenue, though any recommendations provided by the study will be addressed at the site plan review stage.

A total of thirty (30) off-street parking spaces would be required for the proposed development. The submitted narrative states that thirty (30) off-street spaces will be available through the three on-site and ones leased from the Piedmont Building across the street. The petitioners have counted a total of one hundred and eighty-one (181) available on and off-street spaces currently within walking distance to the site, exceeding the

requirements of the *Zoning Ordinance*. Additionally, parking requirements are reduced when bus service is available to a property. With the combination of bus service, on-street and off-street spaces, parking quantity should not be an issue for the proposed development. However, one issue will be pedestrian activity from people accessing the library from the on and off-street parking across Rivermont Avenue. It is a busy, four-lane road section without pedestrian crossing facilities.

The development would be served by Greater Lynchburg Transit Company (GLTC) Routes 1 and 3.

9. **Stormwater Management.** The proposed project does not include any land disturbance at this time. If land disturbance is proposed at the time of site plan review, quantity and quality requirements will have to be met. The site currently drains to the storm sewer systems on the adjacent streets.
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. The City's Police Department provided comments related to site safety and security and concerns about parking and pedestrian safety. The petitioner is working with the Police Department to implement a crime prevention plan, which will include removing graffiti, making yard improvements, repairing broken windows and maintaining adequate lighting on the property. These comments have or will be addressed by the petitioner prior to final site plan approval.
11. **Impact.** It is often difficult to rehabilitate large historic structures and adapt them to modern standards. The proposed FLUM amendment and rezoning petitions would provide the flexibility necessary for finding a viable mix of uses for the property and facilitate the adaptive reuse of this historic landmark. The building is within the Rivermont Avenue Historic District and all exterior improvements will be subject to review by the City's Historic Preservation Commission (HPC).  
  
Use of the building is not without issues. Parking is a major concern; although the petitioner has met the amount required by the *Zoning Ordinance*, access from those spaces to the building is still questionable. Rivermont Avenue is a busy thoroughfare and crossing can be difficult. The submitted proffers do address other potential issues by limiting the hours of operation and the uses of the property.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on July 1, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

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## VI. PLANNING DIVISION RECOMMENDATION

**As provided in Section 35.1-43.1, Conditional Zone or Zone Approval, waive the twenty-one (21) day submittal requirement for voluntarily submitted proffers.**

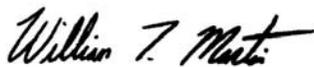
**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Buffalo Creek Land Company LLC to:**

**Amend the *Future Land Use Map (FLUM)* from Institutional to Traditional Residential for the property located at 434 Rivermont Avenue.**

**Rezone approximately one and thirty-nine hundredths (1.39) acres located at 434 Rivermont Avenue from R-4, Medium-High Density, Multi-Family Residential District to B-6C, Riverfront Business District (Conditional) subject to the following voluntarily submitted proffers:**

- a. Our hours of operation will be from 8 a.m. to 11 p.m. with no after-hours operation.**
- b. We will maintain parking agreement with Nancy Marion to lease 10 spaces during day hours and 27 spaces during evening hours.**
- c. Limited uses will be wedding receptions, birthday parties, bridal showers, antique shows, art fairs, plays, fashion shows and community events.**
- d. There are no plans to install a restaurant at this time.**
- e. The second floor of the building will be limited to professional office space.**
- f. We are pleased to open a successful well maintained event center that will enhance the community**
- g. We intend to restore the old George Jones Memorial Library to a successful prestigious historical event center that will be an asset to Downtown Lynchburg.**

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  
Ms. Kristin Osborne, Petitioner

**VII. ATTACHMENTS**

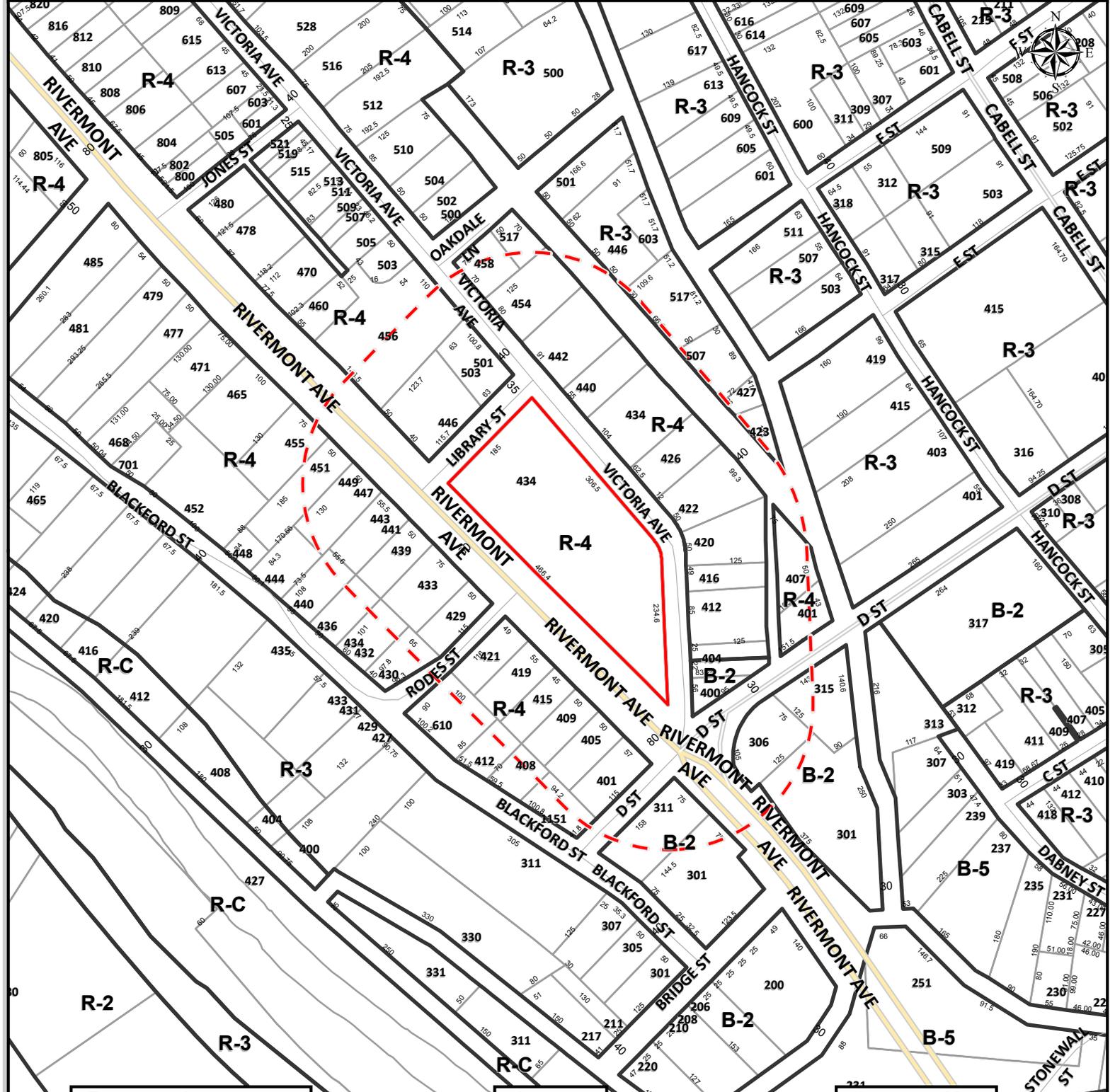
- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

JONES MEMORIAL LIBRARY EVENT CENTER

Zoning Request

Buffalo Land Creek Company, LLC



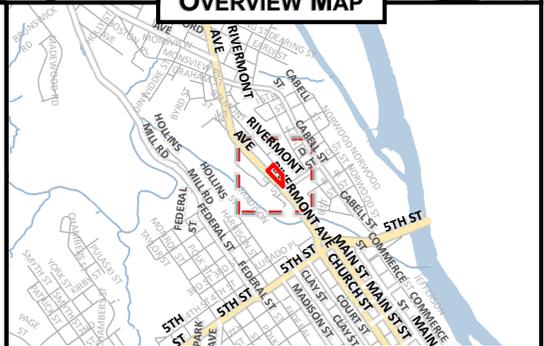
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02316011	434 RIVERMONT AVE

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

OVERVIEW MAP

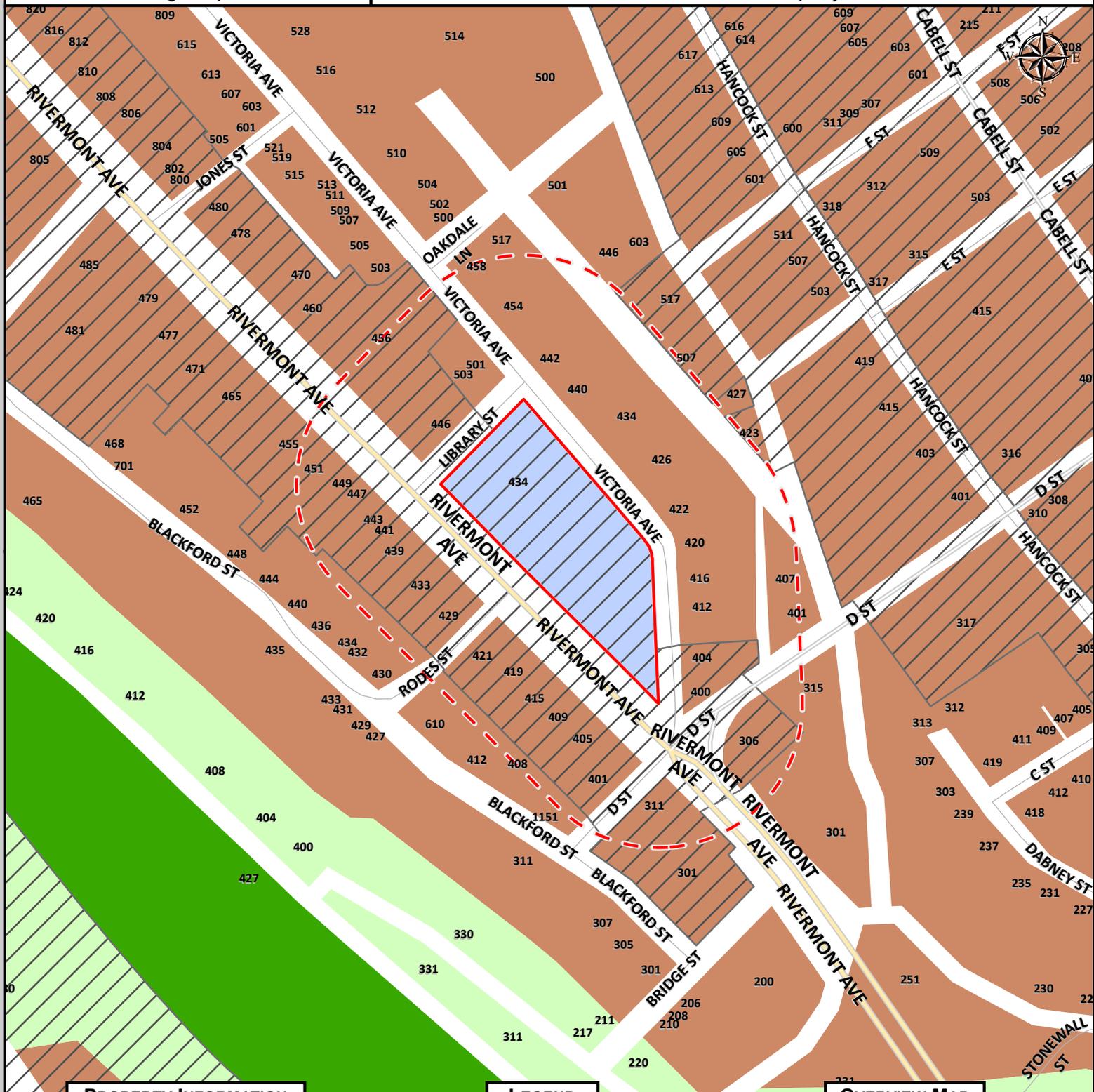


MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

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<b>Parcel ID</b>	<b>Address</b>	<b>Owner</b>
02326001	306 RIVERMONT AVE	306 RIVERMONT LLC
02316012	446 RIVERMONT AVE	AKIN, AMBERLYN M
02318009	427 SPRING ST	BARBOUR, FREDDIE L
02317007	422 VICTORIA AVE	BRIGMAN, CRAIG C & TIFFANY L
02317006	426 VICTORIA AVE	BRIGMAN, CRAIG C & TIFFANY L
02317005	434 VICTORIA AVE	BRIGMAN, CRAIG C & TIFFANY L
02316011	434 RIVERMONT AVE	BUFFALO CREEK LAND CO LLC
02315003	415 RIVERMONT AVE	CENTRAL CITY HOMES LP
02315002	419 RIVERMONT AVE	CENTRAL CITY HOMES LP
02314008	451 RIVERMONT AVE	CENTRAL CITY HOMES LP
02326002	315 SPRING ST	CITY OF LYNCHBURG
02326003	301 SPRING ST	CITY OF LYNCHBURG
02317015	401 SPRING ST	CITY OF LYNCHBURG
02317016	407 SPRING ST	CITY OF LYNCHBURG
02318013	423 SPRING ST	CITY OF LYNCHBURG
02318007	507 SPRING ST	CITY OF LYNCHBURG
02318005	517 SPRING ST	CITY OF LYNCHBURG
02318002	446 BEECH ST	COHEN, ABE ESTATE
02314012	433 RIVERMONT AVE	CRANK, PATRICIA C TRS
02315008	408 BLACKFORD ST	CRANK, WILLIAM H TRS
02315009	412 BLACKFORD ST	CRANK, WILLIAM H TRS
02315005	405 RIVERMONT AVE	CRANK, WILLIAM H TRS
02315004	409 RIVERMONT AVE	CRANK, WILLIAM H TRS
02314014	430 BLACKFORD ST	CRANK, WILLIAM H TRS
02314015	432 BLACKFORD ST	CRANK, WILLIAM H TRS
02314013	429 RIVERMONT AVE	CRANK, WILLIAM H TRS
02314016	436 BLACKFORD ST	CRANK, WILLIAM H TRS
02314017	440 BLACKFORD ST	CRANK, WILLIAM H TRS
02314018	444 BLACKFORD ST	CRANK, WILLIAM H TRS
02314011	439 RIVERMONT AVE	CRANK, WILLIAM H TRS
02314010	441 RIVERMONT AVE	CRANK, WILLIAM H TRS
02314009	447 RIVERMONT AVE	CRANK, WILLIAM H TRS
02314007	455 RIVERMONT AVE	CRANK, WILLIAM H TRS
02316009	456 RIVERMONT AVE	CRANK, WILLIAM H TRS
02317001	458 VICTORIA AVE	HERNDON, MATHEW T
02317018	517 OAKDALE LN	HERNDON, MATTHEW T
02317009	420 VICTORIA AVE	HOLY TRINITY EVANGELICAL LUTHERAN
02316010	501 LIBRARY ST	HOPKINS, EDWARD Y & DEBORAH S
02315007	1151 D ST	JOHNSON, BOBBY L & GURLEY A
02315006	401 RIVERMONT AVE	JOHNSON, BOBBY L & GURLEY A
02327001	311 RIVERMONT AVE	MARION, NANCY B
02317003	442 VICTORIA AVE	SAUCIER, COLTON B & SAUCIER, DEBRA J
02317010	416 VICTORIA AVE	SCRUGGS, CHARLENE & JACKSON, KATHY
02317011	412 VICTORIA AVE	SCRUGGS, JOHN D & CHARLENE P
02317012	404 VICTORIA AVE	SUMNER, JEFFREY W & ROSEMARY G

02317014	400 VICTORIA AVE	SUMNER, JEFFREY W & ROSEMARY G
02317004	440 VICTORIA AVE	VICTORIA AVENUE LLC
02327002	301 RIVERMONT AVE	VICTORIA'S INVENTORY LLC
02315010	610 RODES ST	W A L E
02315001	421 RIVERMONT AVE	W A L E
02317002	454 VICTORIA AVE	WELLS FARGO BANK NA



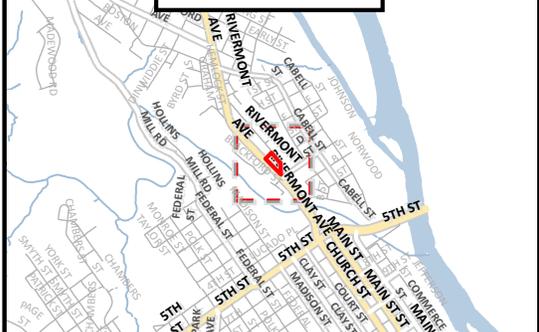
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
02316011	434 RIVERMONT AVE

**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 200' DATE PRINTED: 9/26/2014



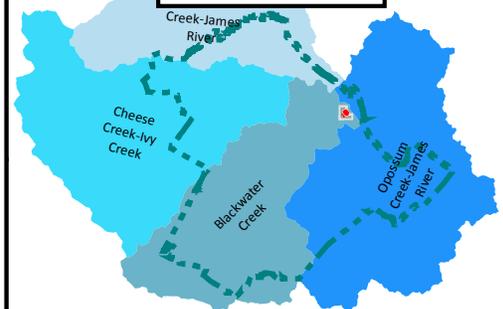
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02316011	434 RIVERMONT AVE

LEGEND

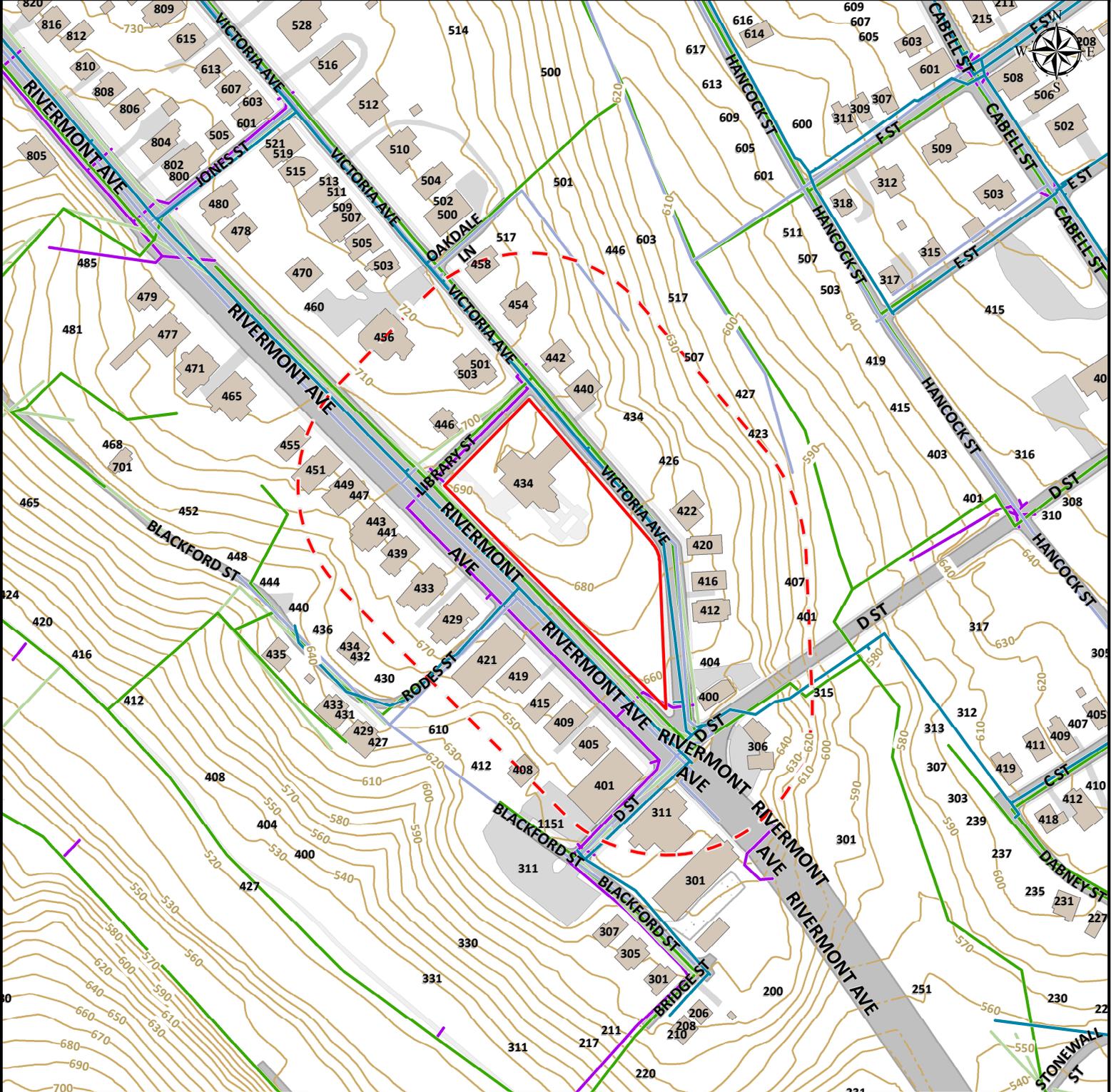
- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 9/26/2014

Blackwater Creek



**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
02316011	434 RIVERMONT AVE

**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 (solid grey)	Parking (dotted grey)	Sidewalk (dashed grey)	
	Driveway (solid grey)	10' (dotted grey)	10' Obs (dashed grey)	
	Topography	Contour (solid tan)	10' (dotted tan)	10' Obs (dashed tan)

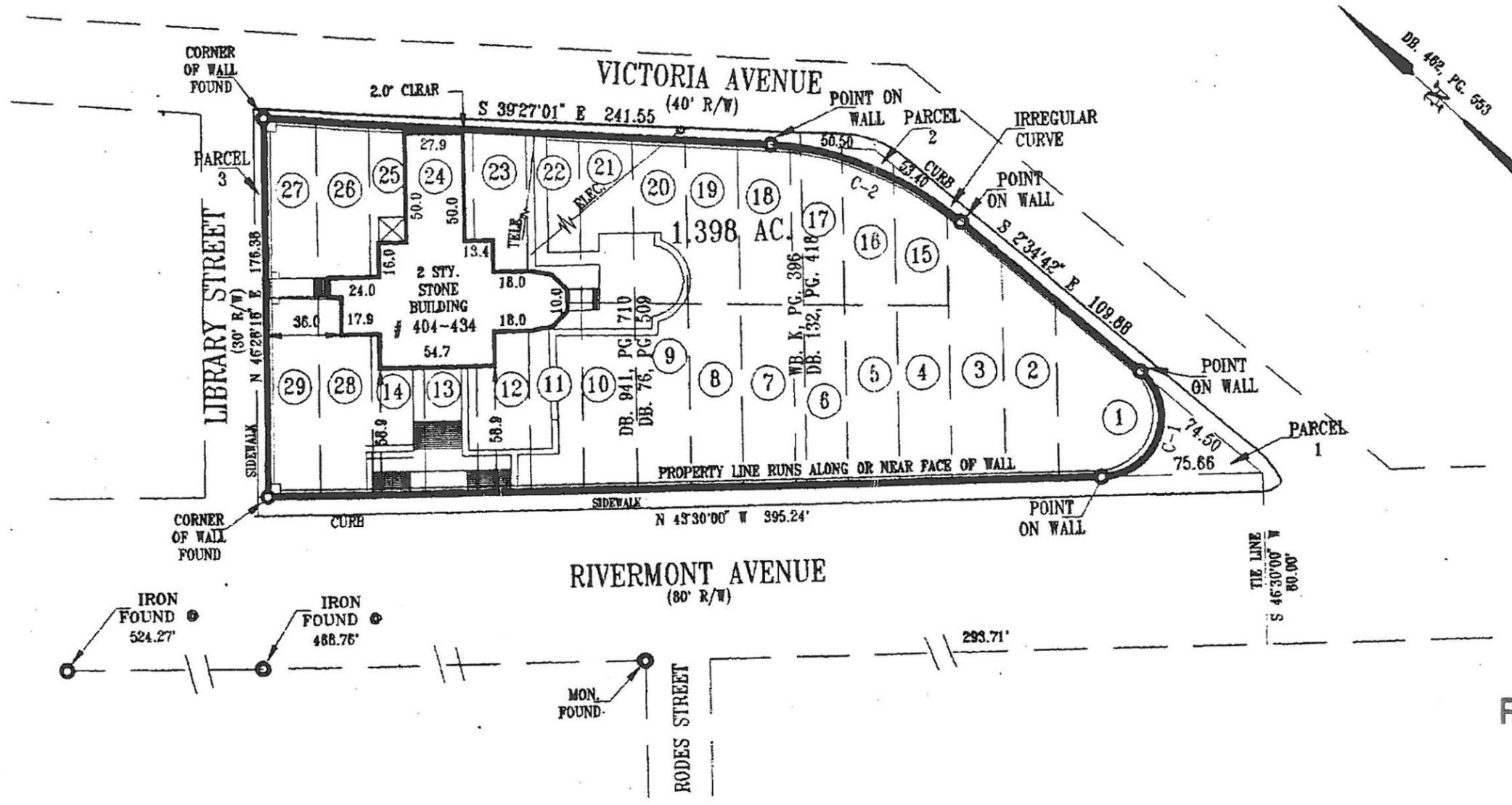
**OVERVIEW MAP**



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CURVE	DELTA ANGLE	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C-1	139°17'05"	28.00	68.07	75.46	52.50	S 68°08'49" W
C-2	35°52'55"	160.00	100.20	51.80	98.57	S 20°28'53" E



RECEIVED  
 JUN 17 2014  
 COMMUNITY DEVELOPMENT



- NOTES:
- THIS SURVEY HAS BEEN PREPARED WITHOUT BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE PROPERTY.
  - THIS PROPERTY IS NOT IN FLOOD ZONE A OR B.  
 THIS PROPERTY IS IN FLOOD ZONE C AS SCALED FROM P.E.M.A. FLOOD INSURANCE RATE MAP(S).
  - 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.

JAMES C. MAY AND ASSOCIATES, P.C. ENGINEERS-SURVEYORS-PLANNERS LYNCHBURG, VIRGINIA 804-528-1005	RESURVEY OF PARTS OF LOTS 1,3,15,16,17,18,27 & 29 AND ALL OF LOTS 2,4,5,6,7,8,9,10,11,12,13,14,19,20, 21,22,23,24,25,26 AND 28, BLOCK C, PLAN A, RIVERMONT COMPANY CITY OF LYNCHBURG, VIRGINIA	
	SOURCE OF TITLE: PATRICK HENRY INSTITUTE, INC. (DB. 941, PG. 710)	DATE: JUNE 14, 1996
SCALE: 1"=60'	COMM. NO.: 96413N	TAX ID.: 23-16-11
FOR: PATRICK HENRY INSTITUTE, INC.		

## Narrative

At this time Buffalo Creek Land Company LLC intends to occupy and implement a small sized historical elegant event center at the old George Jones Memorial Library managed by Kristin Osborne. Our business plan is to implement a private event center to complement our community and make the history and culture of the Library open to the public. In addition to having a professional licensed business during normal business operating hours, our event center will be open to the public to reserve facilities to include weddings, wedding receptions, bridal showers, birthday parties for children and adults, fashion shows, antique and art sales, mother daughter tea parties, modeling and photography shoots, teen fashion shows, religious services, business meetings, art shows, open houses. Family and business oriented events will be held during day hours Monday through Friday from 8 a.m. to 6 p.m. and weekend hours to 9 p.m. in a safe and secure environment that will be an asset to our community.

Marketing for events will be implemented via a website and through local business contacts and advertising in a professional manner.

We will also hold teen fashion shows partnering with groups including Prom Princesses, a non-profit company providing prom dresses to under privileged teens and specialized youth activities.

The classroom areas in the three-story addition built in 1976 will be available for sublease to appropriate art and educational instructors to provide instructional and recreational classes for youth and adults after school hours. We are interested in partnering with a non-profit 501C3 or religious group to provide after school care and educational classes in the three-story classroom areas. The use of the classroom spaces will be donated. We are very motivated to have each one of the three-story classroom areas centered around youth and teen educational programs after school and Saturday day hours. This is a much needed service for City of Lynchburg teens as there are very limited structured recreational, art or educational programs in our community for after school programs for middle and high school students.

Our hours of operation will be primarily from 8 a.m. to 6 p.m. Monday through Friday. Other functions will be held during day hours and throughout the weekend with a closing time of no later than 9 p.m. No functions will be during night hours and any function contracted will have a closing time of 9 p.m. This should resolve the situation of parking conflict with the Ellington.

We are limiting capacity to fewer than 100 persons for wedding receptions and birthday parties due to limited parking and functional space in the main structure.

Buffalo Creek Land Company LLC has negotiated With Nancy Marion of the Piedmont Building who has agreed to lease us 10 parking spaces from 8 a.m. to 6 p.m. Monday through Friday and 27 spaces from 6 p.m. to 9 p.m. Monday through Friday and 27 spaces Saturday from 8 a.m. to 9 p.m. We count 32 parking spaces on Library Street and Rivermont Avenue to Library Street, 40 parking spaces on Rivermont Avenue in the 900 block up to D Street, 8 parking spaces on the 500 block of Victoria Avenue and 71 parking spaces on the west side of Rivermont Avenue from Belmont Street. The building has three parking spaces in the covered parking area. This gives a total of 181 non-permitted parking spaces, which will well exceed our needs for our capacity goals.

We have contracted with ADT Security to provide alarm services. All of our events will be supervised and provide professional security guards at all entrances.

We are interested in establishing a relationship with the Lynchburg Garden Society to revitalize and improve the grounds. In addition, we will welcome City groups such as the Humane Society to hold fundraising and publicity events on the grounds to create a safe public community area complementing the community and increasing public awareness.

We are seeking an appropriate professional licensed tenant to occupy the main building during normal business hours to operate a suitable professional business in a safe and secure environment which will enhance our community. This includes leasing the second floor office suites to an attorney, architect, business management firm or other appropriate professional business. There are two large office suites and two small corner offices on the second floor. The first floor consists of an open 3,500 square foot main floor and two small office suites. The basement level needs a considerable amount of renovation and consists of a large classroom, separate men's and women bathrooms and a large gathering room with a podium that leads to the back veranda which would be suitable for weddings and religious services.

The overall focus of our business plan is to provide a safe and secure community center which reflects the historical influence of downtown Lynchburg with an emphasis on historical architecture and culture, in a safe and secure environment with a positive influence improving our community.

At this time we are making improvements to the main building to make additional repairs to the roof, repair outdoor electrical lighting, repair original plaster work and replace and improve balusters and benches in the courtyard.

All future work intended for the main structure will be done cohesively via permits through Kevin Henry. Buffalo Creek Land Company, LLC has contracted with Kelvin Moore, Architect to provide design plans.

We are working with Cynthia Kozerow to implement a crime prevention plan including removing graffiti, making appropriate yard improvements and repairing broken windows and maintaining lights on the property during the evening and attempting to keep the property free of litter from pedestrians and vagrants.

Mr. DeBerry has been contacted to implement a traffic study on the property to address street traffic.

Our overall goal is to complete rezoning to a commercial property and work together with the City of Lynchburg and surrounding businesses to revive the Old George Jones Memorial Library into a successful, professional, well managed business that will be an asset and complement to our community and residents.

