

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

To: Planning Commission
From: Planning Division
Date: January 14, 2015
Re: Rezoning: B-1, Limited Business District to B-2, Local Neighborhood Business District – 7708 Timberlake Road

I. PETITIONER

Adams Investment Properties, LLC, 2601 Memorial Avenue, Lynchburg, VA 24501
Representative: Ernest W. Adams IV, Adams Investment Properties, LLC, 2601 Memorial Avenue, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately ninety-two hundredths (0.92) of an acre located at 7708 Timberlake Road, Lynchburg, VA 24502

Property Owners:

Adams Investment Properties, LLC, 2601 Memorial Avenue, Lynchburg, VA 24501

III. PURPOSE

The purpose of the petition is to rezone approximately ninety-two hundredths (0.92) of an acre located at 7708 Timberlake Road from B-1, Limited Business District to B-2, Local Neighborhood Business District to allow the use of the existing building as a bakery.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Neighborhood Commercial use for this property.
- Petition agrees with the *Zoning Ordinance* which permits bakeries in a B-2, Local Neighborhood Business District.
- The first floor of the existing building is being used for an alterations business. The petitioner is proposing to lease the lower level to a bakery.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Neighborhood Commercial use for the area. Neighborhood Commercial areas “are intended to consist primarily of office, retail, personal service, and restaurant use that are scaled and designed to be compatible with and serve their immediate neighborhood. They are comprised of individual businesses, clusters of businesses, or small shopping centers.” (pg. 75).

Adjacent land uses along Timberlake Road are also designated for Neighborhood Commercial by the *FLUM*, while properties to the rear of the subject property are designated Low Density Residential by the *FLUM*. Within the *Comprehensive Plan 2013-2030* one area of concern that citizens highlighted was “the lack of buffering and poor transitions between commercial and residential areas.” (pg. 81). The subject property contains a significant vegetated buffer between the adjoining residential properties to the rear.

2. **Zoning.** The subject property was annexed into the City in 1976. The existing B-1, Limited Business District zoning was established in 1989 with the adoption of the Timberlake Road Corridor Land Use Study.
3. **Proffers.** N/A
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 10, 1979, Council approved the conditional use permit (CUP) petition of George Fralin, Jr. to allow a family billiard hall at 7705 Timberlake Road.
 - On May 13, 1986, Council approved the CUP petition of First Southern Methodist Church to construct a softball field, pavilion and new sign at 7808 Timberlake Road.
 - On April 9, 2002, Council approved the petition of Lynchburg Computer Systems to rezone approximately four hundred seventy-two thousandths (0.472) of an acre at 7605 Timberlake Road from B-1, Limited Business District, to B-3C, Community Business District (Conditional), for retail and repair of computers.
 - On July 13, 2010, Council approved the CUP petition of Brooke’s Brothers, LLC to allow for a consolidated sign plan at 7802 Timberlake Road.
 - On November 10, 2010, Council approved the petition of Dr. Jeffery Widmeyer to rezone approximately one and thirty-eight hundredths (1.38) acres at 7626 Timberlake Road from R-1, Low Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) for a medical office.
 - On August 9, 2012, Council denied the petition of Wyndhurst Counseling Center to rezone approximately one and a half (1.5) acres at 1001 Oakmont Circle from R-1, Low Density, Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow an office use.
6. **Site Description.** The subject property includes an existing building and parking lot which are non-conforming because they do not meet particular setback, buffering, and landscaping requirements of the zoning ordinance. The property is bound by single-family uses as well as a mechanic shop to the southwest.
7. **Proposed Use of Property.** If the rezoning petition is approved, the present alterations business would remain on the first level. The lower level would be used for a bakery. The owner of the proposed bakery business plans to renovate the interior of the lower level. There are no planned exterior modifications to the site. There are no proffers associated with this petition, therefore, all permitted uses within the B-2, Local Neighborhood Business District would be allowed.
8. **Traffic, Parking and Public Transit.** The City Traffic Engineer did not have any concerns with the proposed use given the site was previously used as a small scale tailor. The property is served by Greater Lynchburg Transit Company’s Route 6, which makes a stop at the Social Security office approximately five hundred (500) feet northeast from the subject property.
9. **Stormwater Management.** N/A.

- 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 general comments related to site safety and security.
- 11. **Impact.** Approval of the rezoning petition will allow for small scale business uses, such as a bakery to be conducted within the existing building. Since this property is already occupied by an existing business open Monday through Saturday from 10:00 a.m. to 4:00 p.m., the additional business will not create a significant change in traffic. The proposed bakery does not anticipate much traffic as its clients usually visit the business by a scheduled appointment. Although there are no proffers proposed with this petition, the applicant has indicated modest hours of operation, 9:00 a.m. to 3:00 p.m. Tuesday through Friday.

The current layout of the site is considered non-conforming because it does not meet various setback, buffering, and landscaping requirements. Any expansion of the existing footprint would require the site to meet those above site design standards. If there were to be a change of use, the site would prove to be constrained for many of the permitted uses in B-2 because any use that would include modifications to the site outside the existing footprint must be brought into compliance with site design standards of the *Zoning Ordinance*. Due to the size and shape of the lot, the above mentioned standards would most likely require lot reconfiguration.

The proposed petition is in conformance with the *FLUM*, which projects a Neighborhood Commercial use for the site. The change in use is negligible and will allow for the continued commercial use of this site.

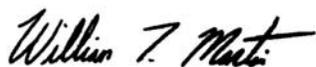
- 12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the rezoning petition on December 23, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to a certificate of occupancy being issued.

VI. PLANNING DIVISION RECOMMENDATION

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

Rezone approximately ninety-two hundredths (0.92) of an acre located at 7708 Timberlake Road from B-1, Limited Business District to B-2, Local Neighborhood 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 Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Ernest W. Adams IV, Adams Investment Properties, LLC

VII. ATTACHMENTS

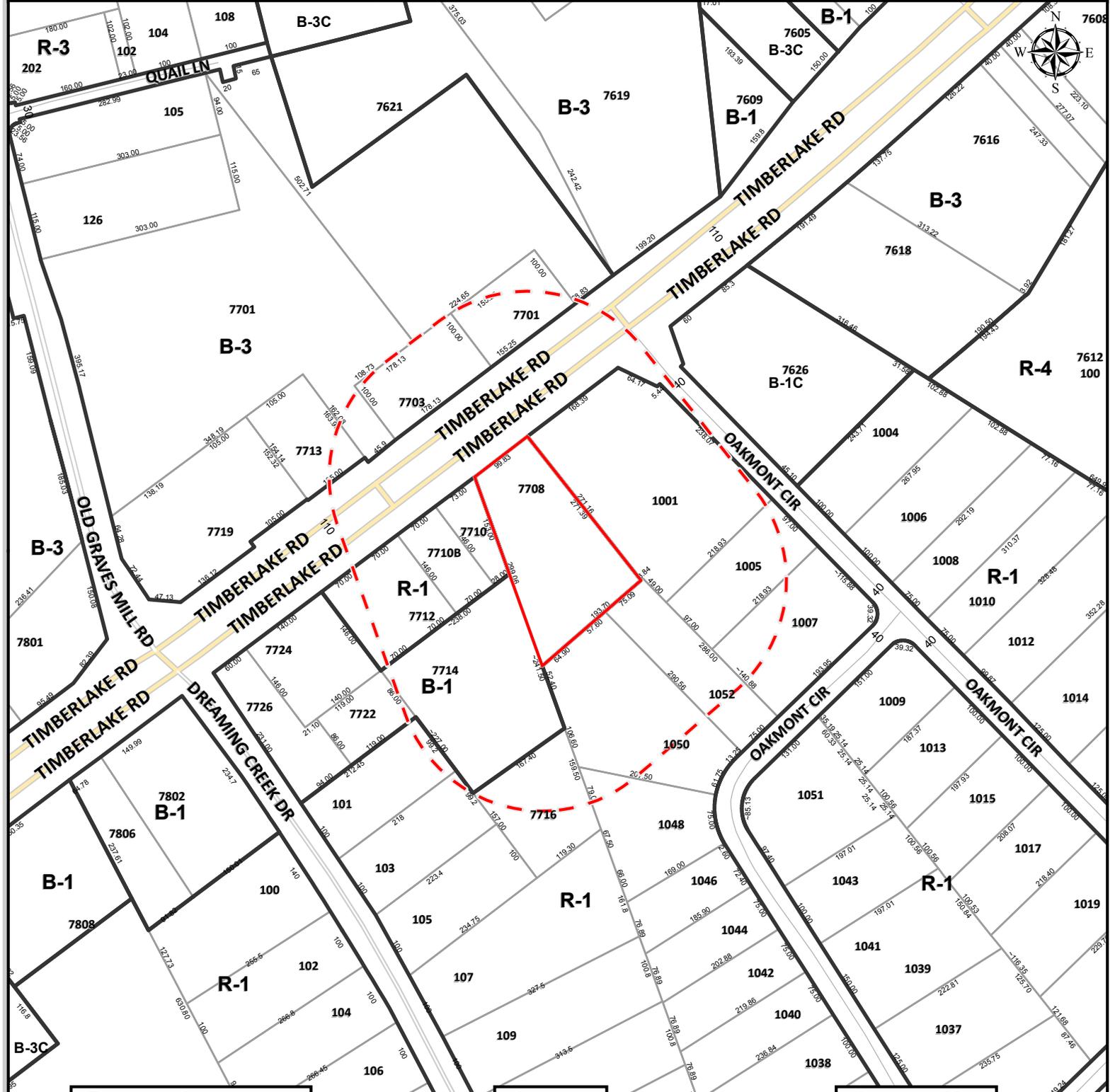
- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Letter sent by Petitioner to Neighbors**
- 7. Property Photograph**

Zoning Map

REZONING FROM B-1 TO B-2

Zoning Request

Adams Investment Properties, LLC



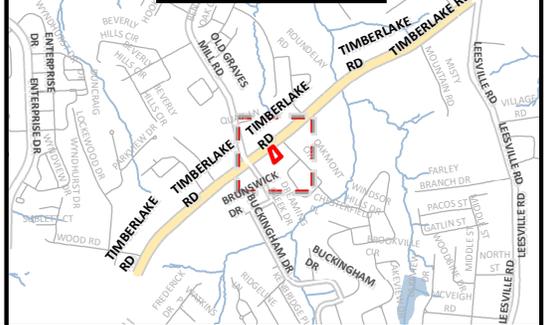
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405001	7708 TIMBERLAKE RD

LEGEND

- Subject Property
- 215' Buffer
- Zoning Boundary

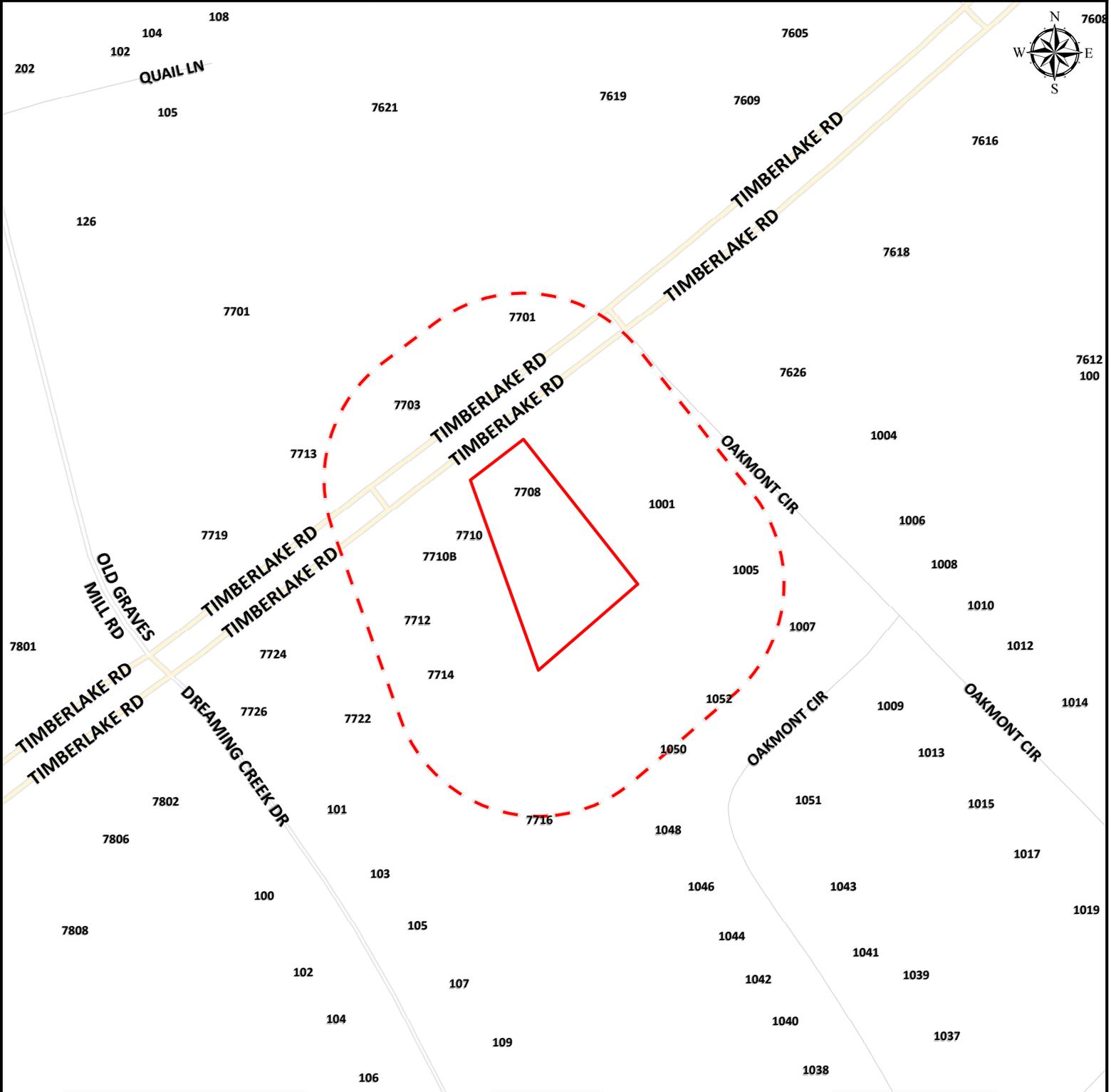
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/9/2015

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.

Parcel ID	Address	Owner
25411008	7621 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25409002	7710 B TIMBERLAKE RD	MOREY BROTHERS LLC
25409001	7710 TIMBERLAKE RD	MOREY BROTHERS LLC
25411005	7713 TIMBERLAKE RD	BOMAR PROPERTIES LLC
25411009	7703 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25411010	7701 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25411004	7701 TIMBERLAKE RD	TIMBERLAKE STATION LIMITED
25405007	1048 OAKMONT CIR	TAYLOR, THOMAS A JR & MAUPIN, NICOLE
25405006	1050 OAKMONT CIR	LEWIS, DEFRAUNCE & DONNA D
25405005	1052 OAKMONT CIR	MORRIS, MARK G & ROSE W
25405004	1007 OAKMONT CIR	ALVIS, ROBERT H III & MERLE T
25405003	1005 OAKMONT CIR	CHILDRESS, CLAUDE D & PATRICIA
25405001	7708 TIMBERLAKE RD	ADAMS INVESTMENT PROPERTIES LLC
25405002	1001 OAKMONT CIR	DAVIS, WILLIAM H SR & NANCY E
25409012	103 DREAMING CREEK DR	CLAYBROOK, MURRELL T & JOYCE F
25409010	7716 TIMBERLAKE RD	MOREY BROTHERS LLC
25409011	101 DREAMING CREEK DR	K & D OF LYNCHBURG LLC
25409008	7722 TIMBERLAKE RD	BAUCHOU, EDWARD A JR
25409009	7714 TIMBERLAKE RD	MOREY BROTHERS LLC
25409004	7712 TIMBERLAKE RD	MOREY BROTHERS LLC



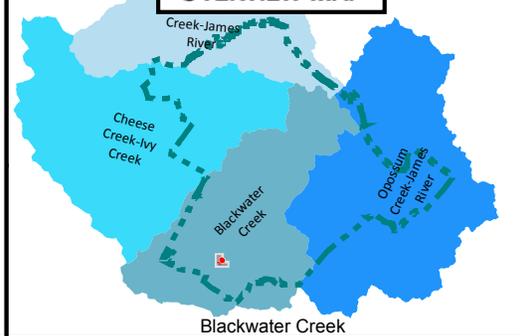
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405001	7708 TIMBERLAKE RD

LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/9/2015

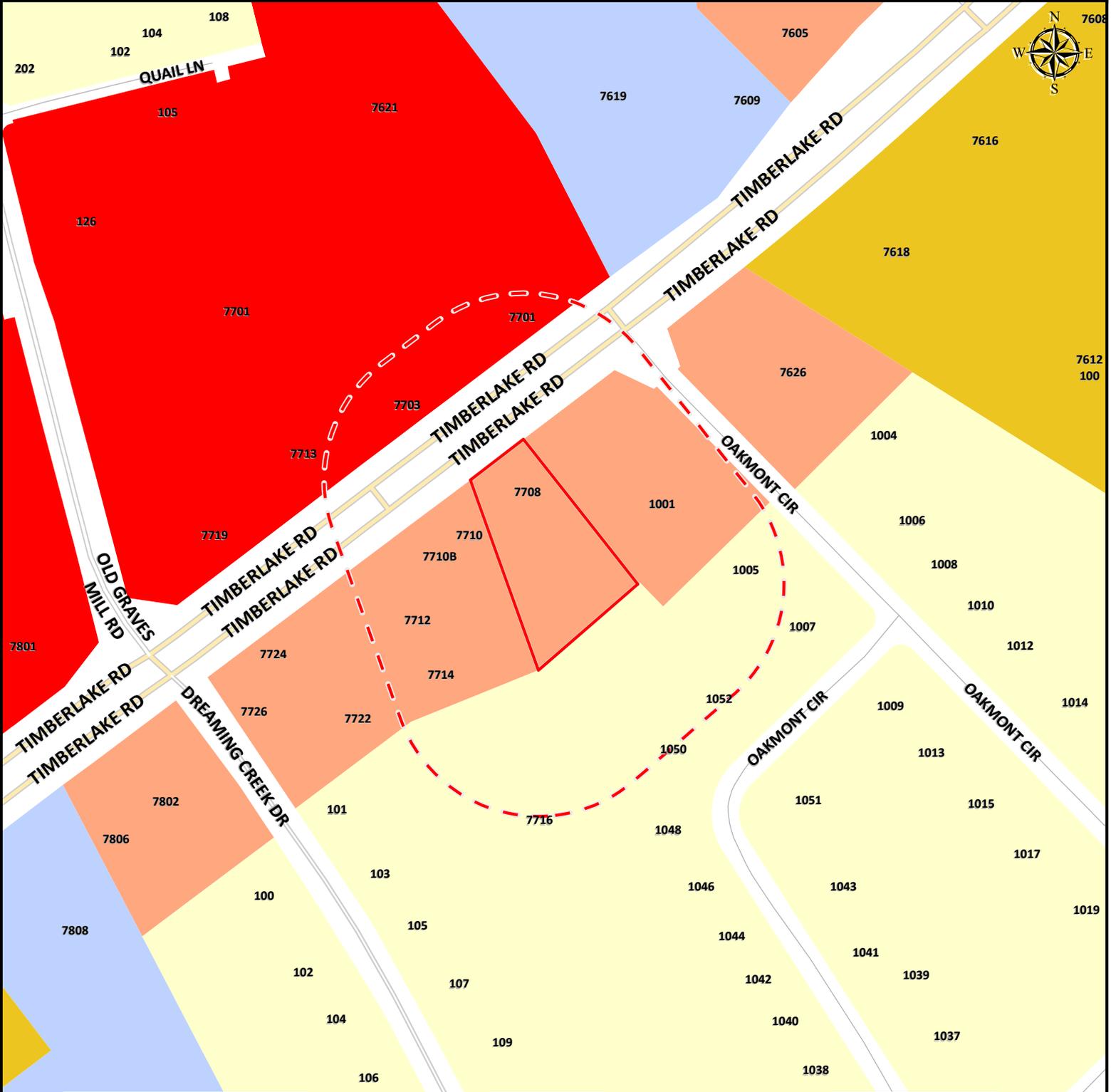
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

FLUM Map

REZONING FROM B-1 TO B-2

Zoning Request

Adams Investment Properties, LLC



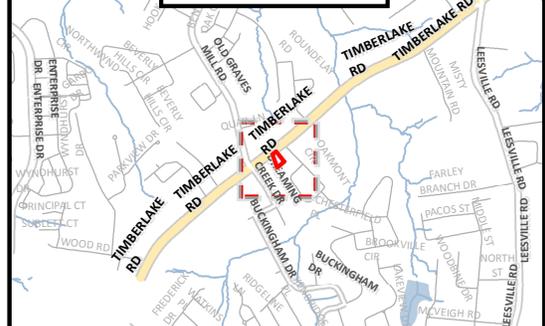
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405001	7708 TIMBERLAKE RD

LEGEND

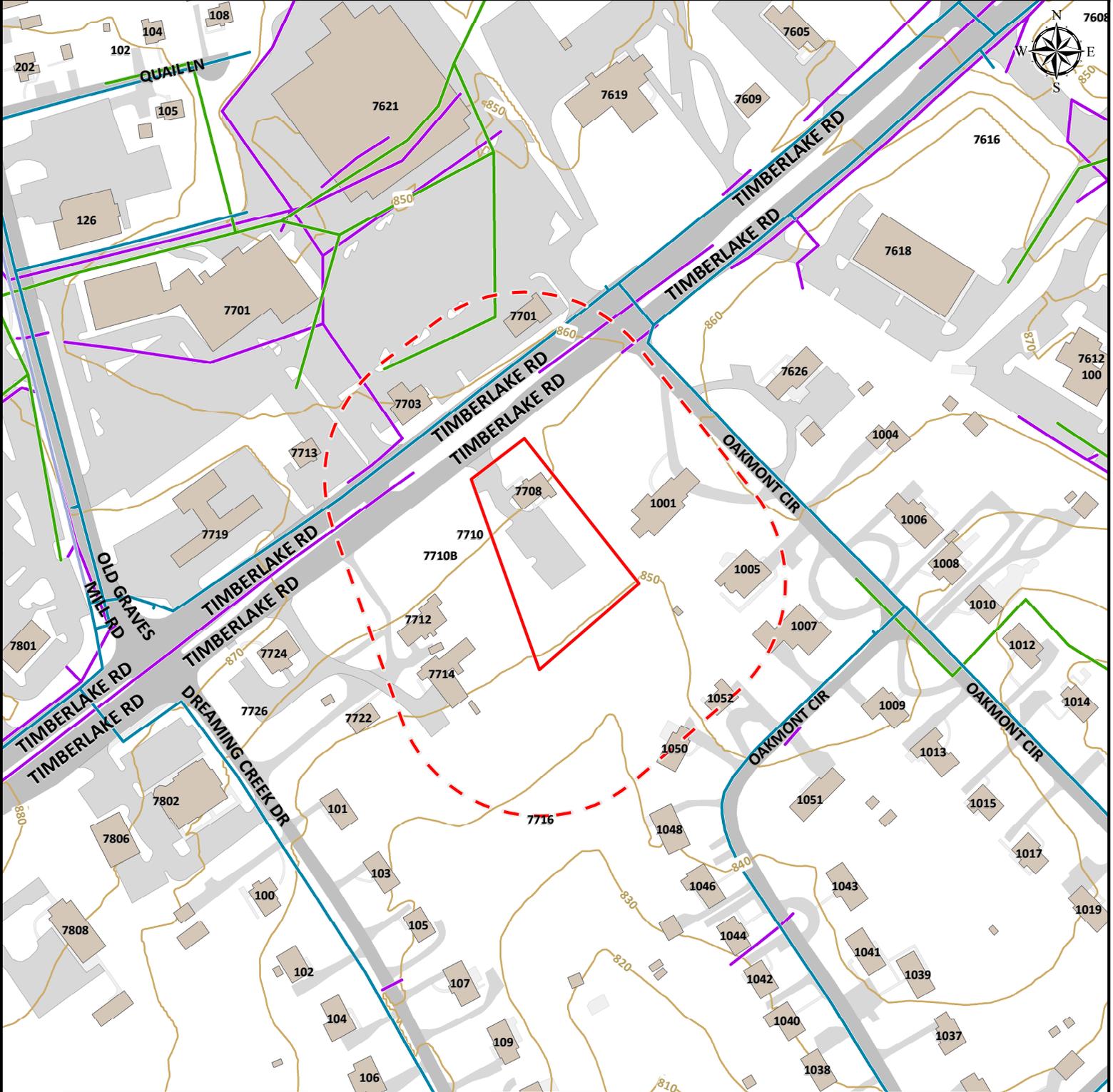
- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Employment 1
- Employment 2
- Downtown
- Institution
- Public Parks
- Resource Conservation
- Mixed Use

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 1/9/2015

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.



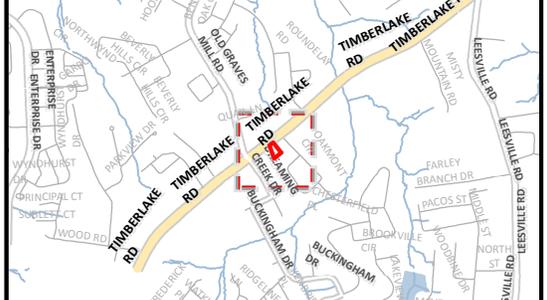
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25405001	7708 TIMBERLAKE RD

LEGEND

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

OVERVIEW MAP



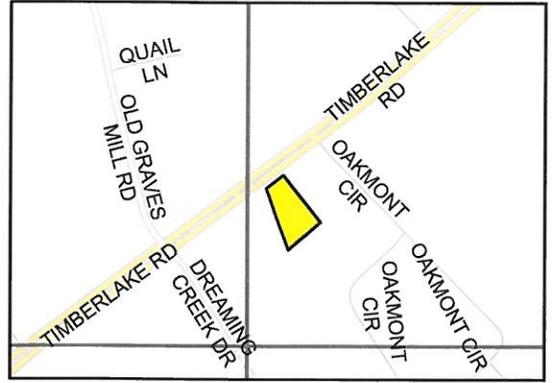
MAP SCALE: 1" to 200' DATE PRINTED: 1/9/2015

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.

7708 Timberlake Road

Rezoning B-1 to B-2

 Property



Adams Investment Properties, LLC.

2601 Memorial Ave. Lynchburg, VA 24501

Phone: (434) 455-4333

Fax: (434) 455-4303

E-mail: eadams305@gmail.com

--
--
--

December 9, 2014

Dear --,

As the owner of the property located at 7708 Timberlake Rd. Lynchburg, VA 24502, I am writing to you inform you of our proposal for conditional rezoning on this property. This area is currently zoned B1—Limited Business and the proposed conditional zoning is B2C—Local Neighborhood Business District. Since your property located at -- Lynchburg, VA 24502 neighbors our location, we wanted you to be aware of the petition to rezone.

As you may know, Alter Ego & Associates LLC., is currently occupying the first floor of the premises. Alter Ego performs alterations and tailoring services for Lynchburg and surrounding areas and is open Monday through Saturday from 10:00 am until 4:00 pm. Kissed Cupcakes, LLC. wishes to relocate into the lower level of our building. Kissed Cupcakes, LLC. is a locally owned bakery and will be providing baked goods for the Lynchburg and surrounding areas. They would like to be open Tuesday through Friday from 9:00 am until 3:00pm, but may open on Saturdays in the future. Please note, there will be no changes to the exterior of the building, landscaping, parking lot, or signage.

If you should have any questions or concerns regarding the rezoning, please feel free to contact me.

Sincerely,

Ernest W. Adams
Managing Member

