The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: May 14, 2014
Re: **Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road**

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501
Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.
Property Owners:
Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map* (*FLUM*) recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.

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 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 (***pg. 75***).

   Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (***pg. 72***). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (***pg. 16, Policy LU-3.7***).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility, and hotel.

3. **Proffers.** The petitioner has voluntarily submitted the following proffers:

   a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.

   b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.

   c. Restaurant shall close by 9:00 p.m. daily.

   d. The event center shall close by 10:00 p.m. daily.

   e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.

   f. The total number of guest rooms is 10.

   g. The event center will be used separately from the restaurant.

   h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

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 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.

   - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.

   - On March 8, 1998, City Council approved the petition Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.

   - On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.

   - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.

   - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.

- On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.

6. **Site Description.** The subject property includes an existing ten (10) room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.

7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.

8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a "quality restaurant" and not a "high turn-over, sit-down restaurant" resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas.

   The property is served by Greater Lynchburg Transit Company's Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.

9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.

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. These comments have or will be addressed by the petitioner prior to final site plan approval.

11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area. In order to alleviate neighborhood concerns, the petitioner has submitted proffers which restrict items such as hours of operation, seating within the restaurant and lodging rooms.

    Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation.

There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 18, 2014. 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 Robert D. Crocker to:

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

a. **Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.**
b. **All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.**
c. **Restaurant shall close by 9:00 p.m. daily.**
d. **The event center shall close by 10:00 p.m. daily.**
e. **The total number of seats shall not exceed 122 in the dining room and 101 in the event center.**
f. **The total number of guest rooms is 10.**
g. **The event center will be used separately from the restaurant.**
h. **The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.**

This matter is respectfully offered for your consideration.

William T. Martin

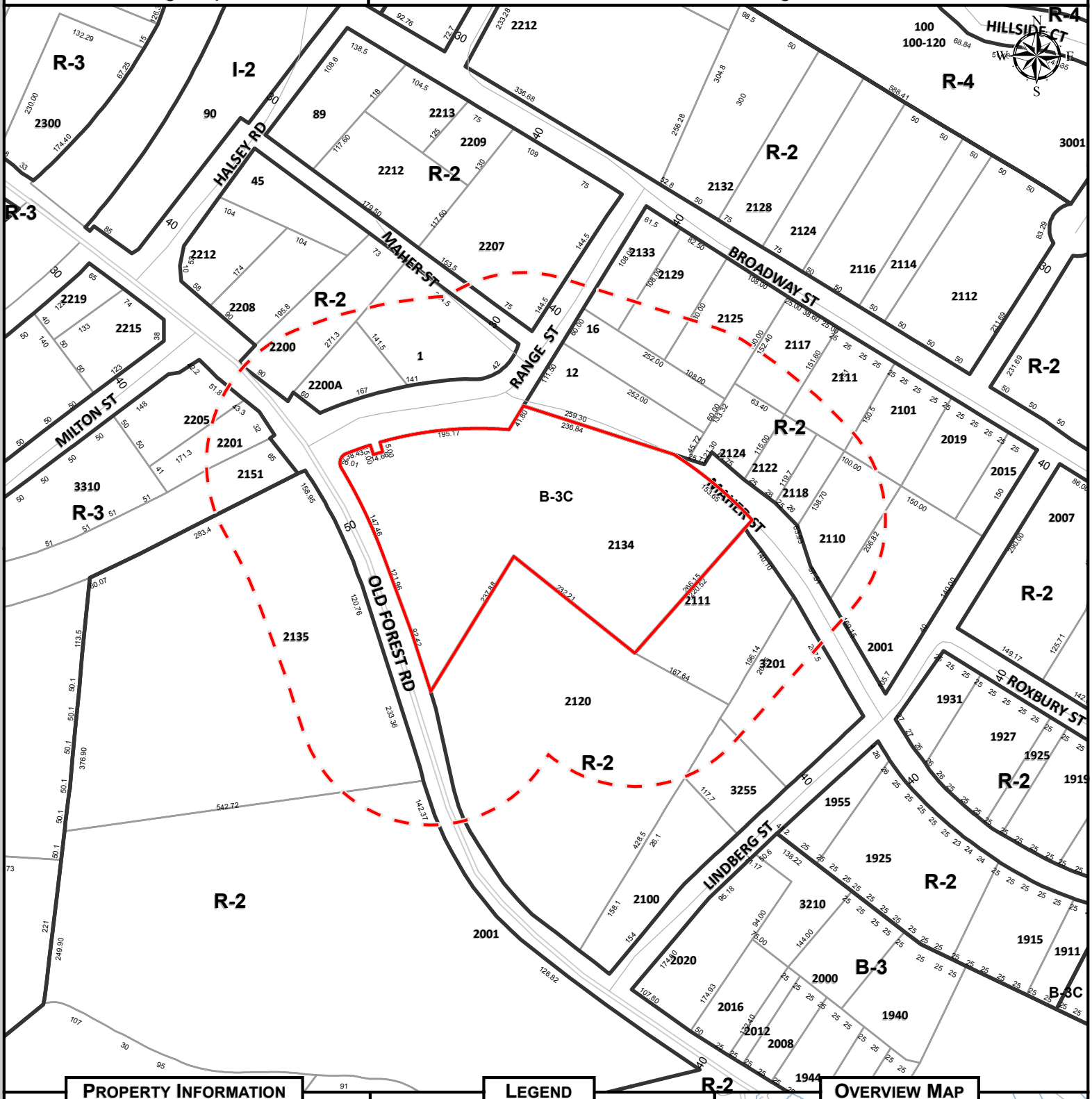
William T. Martin, AICP
City Planner

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. Robert Crocker, Acorn Hill

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. **Property Photographs**

Zoning Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



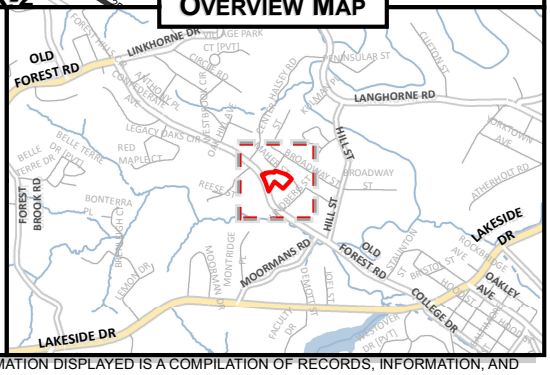
Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

- Subject Property
- 200' Buffer
- Zoning Boundary

Overview Map

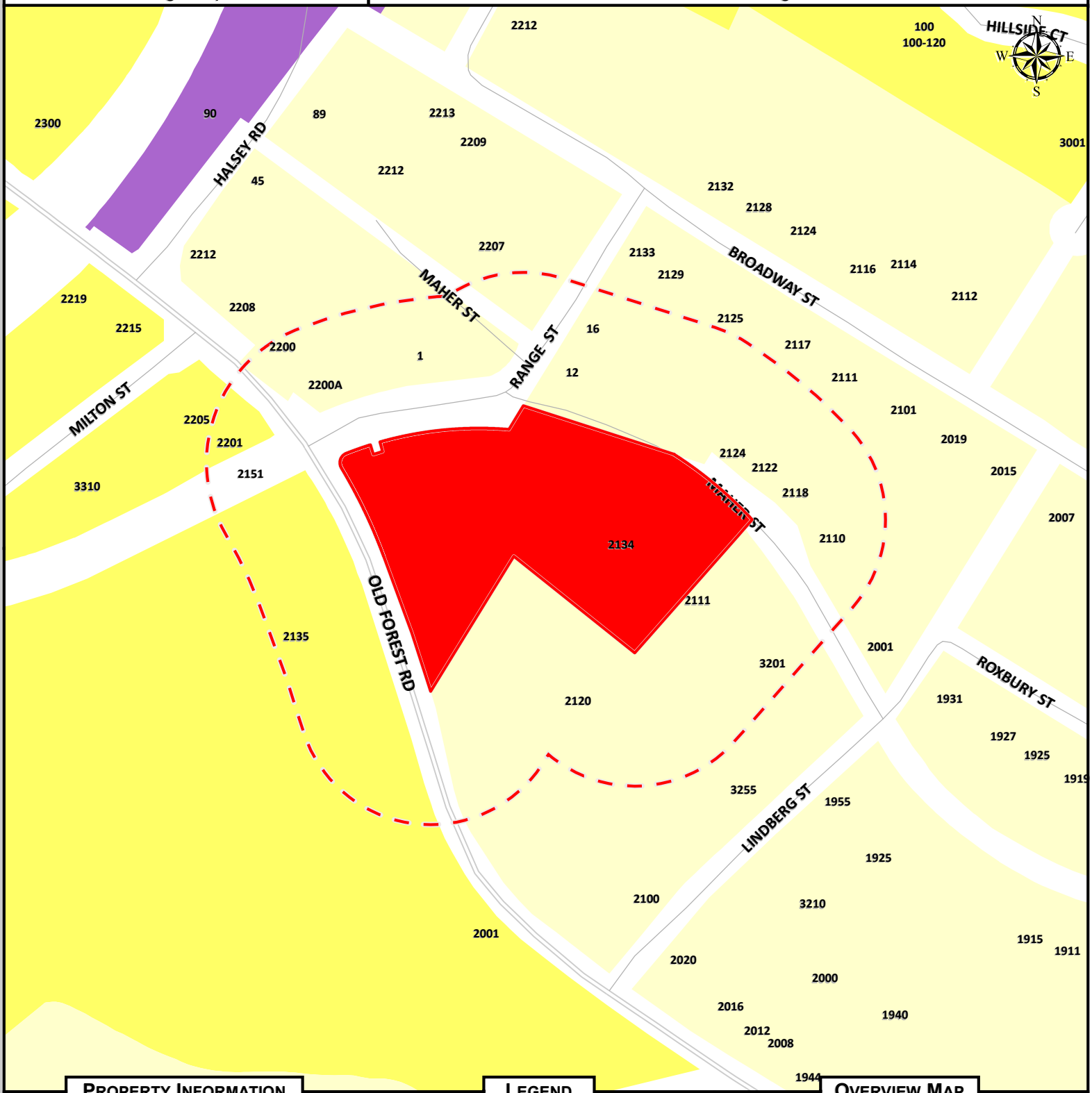


Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

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
01514006	2001 ROXBURY ST	BARLEY, EDITH H
01514002	2111 BROADWAY ST	BUGG, HUGH H
01514013	2129 BROADWAY ST	CLAGAR PARTNERS
01514014	2133 BROADWAY ST	CLAGAR PARTNERS
01514015	16 RANGE ST	CROCKER, ROBERT D
01514016	12 RANGE ST	CROCKER, ROBERT D
01513001	2134 OLD FOREST RD	CROCKER, ROBERT D & WANDA E B
16624001	2135 OLD FOREST RD	DRISKILL, STEPHEN M & NANCY C
16705005	2207 BROADWAY ST	GIBSON, JOHN R & GIBSON, DAVID A
16618002	2205 OLD FOREST RD	GRANT, CAROLYN & RICK & ROGERS,
16618001	2201 OLD FOREST RD	GRANT, RICKY L
01512001	2001 OLD FOREST RD	HUGHES, HOLCOMBE A J SR
01514008	2110 MAHER ST	JACKSON, NICHOLAS A
01514003	2101 BROADWAY ST	JENKINS, AL JR & RAMONA L
01513003	3201 LINDBERG ST	JUSTIS, ROBERT W & SHANNON D
01513002	2111 MAHER ST	JUSTIS, ROBERT W & SHANNON D
01514012	2125 BROADWAY ST	LIN, RENEE N
16617004	2200 A OLD FOREST RD	MAYBERRY, CATHY T
16617005	2200 OLD FOREST RD	MAYBERRY, CATHY T
16618009	2151 OLD FOREST RD	NORFOLK & WESTERN RAILWAY
01514009	2118 MAHER ST	POE, RUDOLPH N & REBECCA C
01514007	2122 MAHER ST	POE, RUDOLPH N & REBECCA C
01514010	2124 MAHER ST	POE, RUDOLPH N & REBECCA C
01514001	2117 BROADWAY ST	POE, RUDOLPH N & REBECCA C
01513004	3255 LINDBERG ST	WALKER, CHARLES F
01513006	2120 OLD FOREST RD	WALKER, CHARLES F
16617003	1 RANGE ST	WHITE, FRANKLIN L & DOROTHY R

FLUM Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



Property Information

Parcel ID	Address
01513001	2134 OLD FOREST 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 Use
- Public Parks
- Resource Conservation
- Mixed Use

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

Overview Map

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Watershed Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge

Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

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

Overview Map

Blackwater Creek

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

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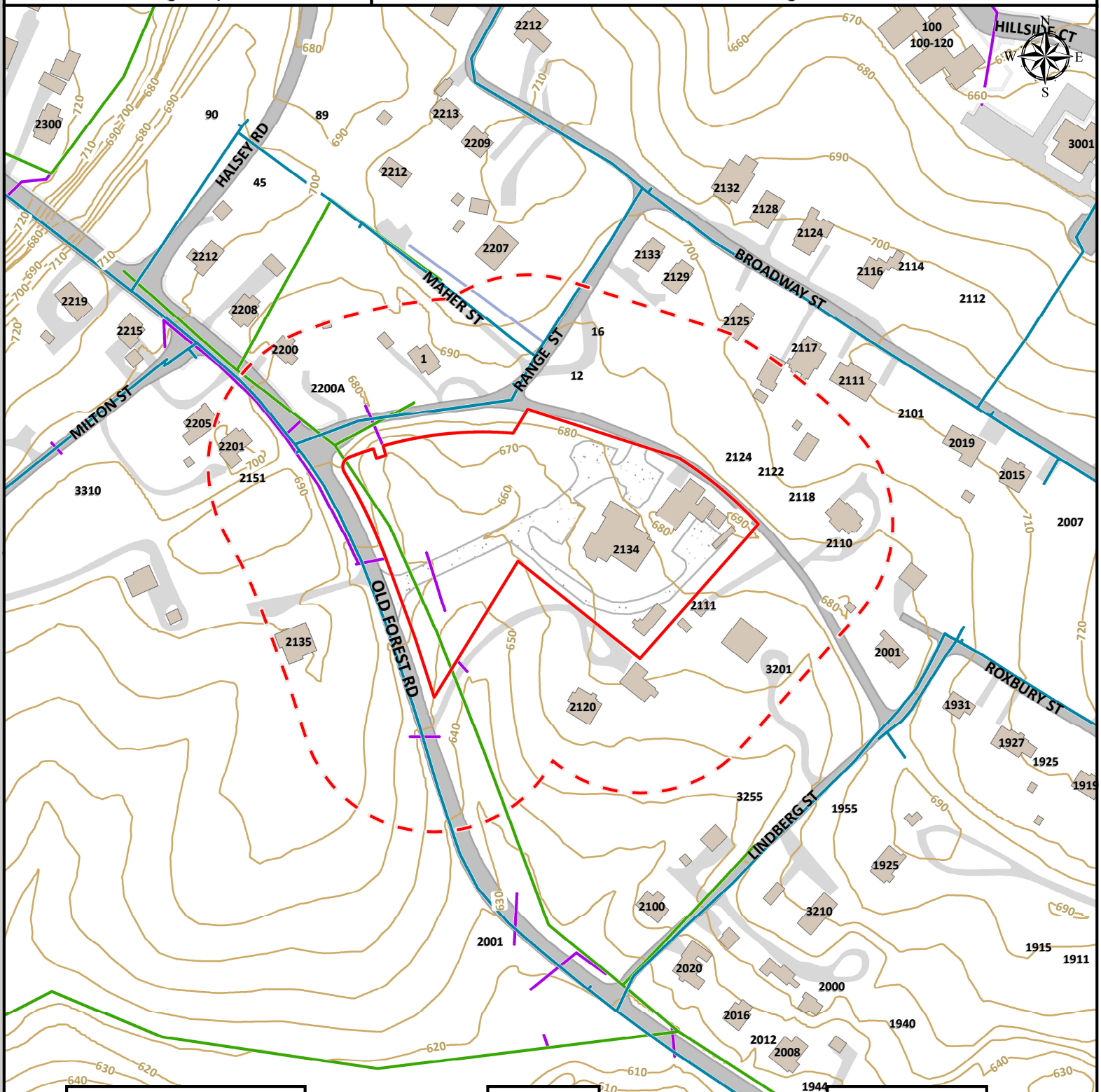
Planimetric and Topographic Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

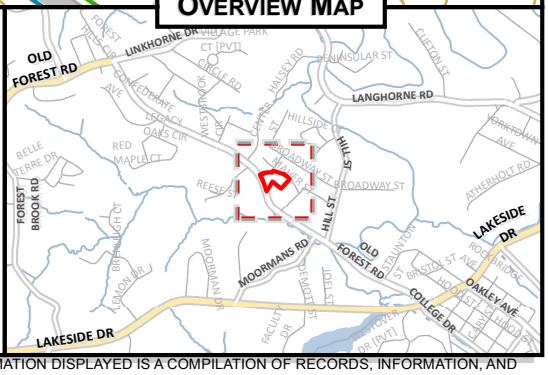
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

Overview Map



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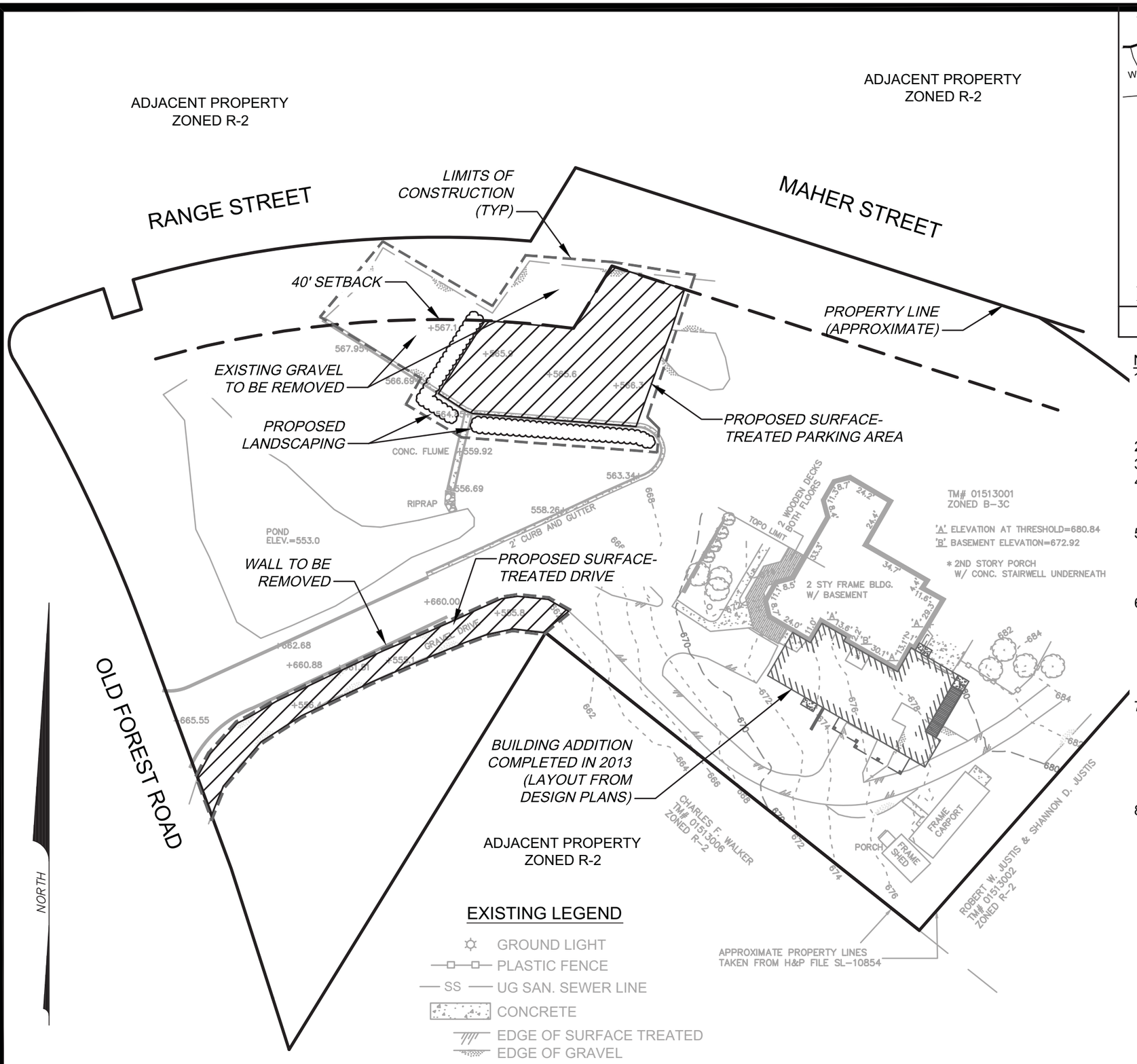

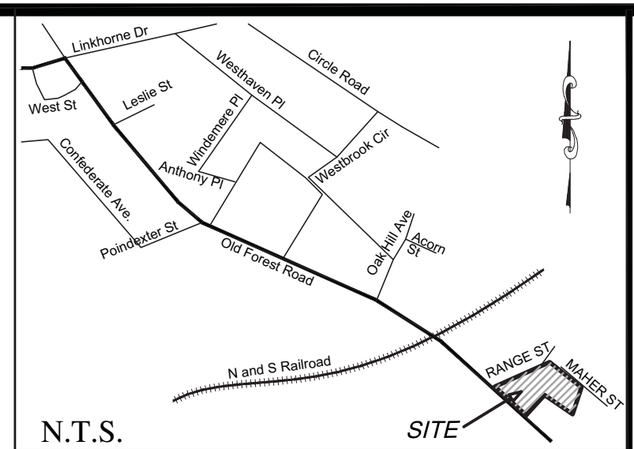

VICINITY MAP

NOTES:

1. SITE TM#: 015-13-001
   SITE OWNER: CROCKER, ROBERT D & WANDA E B
   ADDRESS: 2134 OLD FOREST ROAD
   LYNCHBURG, VA 24501
2. PRESENT ZONING: B-3C
3. PROPOSED ZONING: B-3C
4. PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
5. ANY EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
6. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SHOWN ON PANEL ID 5100930037D.
7. STORMWATER MANAGEMENT MAY BE ACCOMPLISHED THROUGH NEW LANDSCAPING PER CITY ORDINANCE. PARKING LOT RUNOFF WILL DISCHARGE TO AN EXISTING POND, WHICH WILL PROVIDE ADEQUATE CONVEYANCE FOR THE PROPOSED DEVELOPMENT.
8. THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).

50 25 0 50 100
GRAPHIC SCALE IN FEET
1" = 50'

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
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CONCEPTUAL SITE PLAN
FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120087
G.L. NO.	229-13-D3.6
FILE NO.	
DATE:	4/9/2014
DRAWN BY:	NRO
CHECKED BY:	PCP

SHEET NO.
1 OF 1

Apr 24, 2014 - 11:27am C:\Users\ask\appdata\local\temp\AcPublish_2372\REZONING CONCEPT PLAN.dwg

NOTICE
REQUEST FOR REZONING
APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF COMMUNITY DEVELOPMENT, 434-455-3909

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