

**The Department of Community Development**  
City Hall, Lynchburg, VA 24504

434-455-3900

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**To:** Planning Commission

**From:** Planning Division

**Date:** June 12, 2013

**Re:** *Future Land Use Map (FLUM)* Amendment – Traditional Residential to Downtown  
**Rezoning:** R-C, Resource Conservation District and B-5, General Business District  
to B-6, Riverfront Business District – 41, 57 and 59 Cabell Street

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**I. PETITIONER**

Cabell Street Land Trust, 4925 Boonsboro Road, Suite 232, Lynchburg, Virginia 24503

**Representative:** Ty Mosby, Berkley-Howell & Associates, 306 Enterprise Drive, Suite C,  
Forest, Virginia 24551

**II. LOCATION**

The subject property includes three (3) tracts totaling approximately one and five hundredths (1.5) acres located 41, 57 and 59 Cabell Street.

**Property Owner:** Hilton P. Nathan Trustee, 4925 Boonsboro Road, Suite 232, Lynchburg,  
Virginia 24503

**III. PURPOSE**

The purpose of the petition is to amend the *FLUM* from Traditional Residential to Downtown and to rezone the property from R-C, Conservation District (portion of) and B-5, General Business District to B-6, Riverfront Business District to allow the construction of a fifty (50)-space parking area and the use of the existing building for forty-seven (47) apartment units.

**IV. SUMMARY**

- Petition would amend the *FLUM* from Traditional Residential to Downtown.
- Petition would rezone the R-C, Resource Conservation portion of the property on which the building is located and the B-5, General Business District to B-6, Riverfront District to allow the construction of a parking area and the use of an existing building for forty-seven (47) apartments.

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

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends Traditional Residential, Resource Conservation, Institution and Public uses in the area. The subject property is recommended for Traditional Residential and Resource Conservation uses.

Resource Conservation areas encompass lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health. Mapped areas included steep slopes, stream valleys and their 100-year floodplains and connected wetlands. Resource Conservation areas are planned to remain in vegetated open space with development limited to trails and passive recreational facilities (with minimal

removal of vegetation and public facilities that must be located in stream valleys such as sewer mains. **(5.2-5.3)**

Traditional Residential areas are generally applied to the City's older neighborhoods, built prior to World War II and before the City was zoned. Many of the houses in these areas do not meet current lot size, setback or building height requirements of the current *Zoning Ordinance*. **(5.6)**

The property contains a three (3)-story, forty-one thousand and five (41,005) square feet warehouse, which was constructed in 1851. Given the existing building and other buildings in the area, the current *FLUM* designation of Traditional Residential is not appropriate for the property. The petition proposes to amend the *FLUM* to Downtown, which would allow the development of the property for apartment uses. 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 form of these uses is to remain urban in character. Demolition of historic buildings and erection of suburban style, low-density/intensity development is inappropriate. **(pg 5.3-5.4)**

As part of the ongoing update to the City's *Comprehensive Plan*, much discussion has centered on where density is appropriate in the City to meet anticipated population growth. Facilitating the adaptive reuse of existing buildings to meet portions of this demand where appropriate should be encouraged.

2. **Zoning.** The subject property was annexed into the City in 1870. The existing R-C, Resource Conservation District and B-5, General Business District were established in 1978.
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 May 9, 1978, Council established the Daniel's Hill Historic District.
  - On January 11, 1983, Council approved the Conditional Use Permit (CUP) petition of the Lynchburg Historical Foundation to allow a church at 215 Cabell Street.
  - 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 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 14, 2009, Council approved the CUP petition of Griffin Pipe Products to allow fill in the Flood Plain at 10 Adams Street.
6. **Site Description.** The subject property is three (3) tracts totaling approximately one and five hundredths (1.5) acres located 41, 57 and 59 Cabell Street. Approximately one and one

hundredth (1.1) acres of the property are proposed for rezoning. The property located at 41 Cabell Street contains a three (3)-story structure constructed in 1851. The properties located at 57 and 59 Cabell Street are vacant. The properties are bounded to the north (across Cabell Street) by vacant land, to the east by a commercial structure, to the south by the Blackwater Creek Trail and an Appalachian Power substation and to the west by a storage facility.

7. **Proposed Use of Property.** If the *FLUM* amendment and rezoning are approved, the property will be redeveloped as a forty-seven (47)-unit apartment building with a fifty (50)-space parking area.
8. **Traffic, Parking and Public Transit.** While the B-6, Riverfront Business District does not specifically require off-street parking, it is encouraged. For residential uses, the *Zoning Ordinance* requires one (1) parking space per unit. The submitted site plan indicates a total of fifty (50) parking spaces to serve the forty-seven (47) apartment units.

The City's Transportation Engineer had no comments of concern with the development as proposed.

The property is not directly served by Greater Lynchburg Transit Company (GLTC). A GLTC stop is located at the intersection of D Street and Cabell Street which is three blocks north of the proposed development and is connected by sidewalks. Access to the Blackwater Creek trail is also available at the end of Cabell Street.

9. **Stormwater Management.** The construction of the proposed fifty (50)-space parking area will require the submittal of a stormwater management plan addressing both quantity and quality of stormwater. The preliminary site plan indicates that stormwater will be addressed by the use of an underground detention and pre-manufactured Best Management Practice (BMP) device.
10. **Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern relating to the *FLUM* Amendment or rezoning petitions.
11. **Impact.** The submitted *FLUM* amendment and rezoning petitions would facilitate the construction of a fifty (50)-space parking area and the reuse of an existing building for forty-seven (47) apartments. The petitioner has requested an "Alternate Landscape Plan" be approved to meet requirements of the Landscaping Ordinance. Section 35.1-25.1.7, Parking Area Landscaping requires that no more than twenty (20) parking spaces exist between landscaped islands within the parking area. The submitted site plan indicates a total of twenty-one (21) spaces and twenty-seven (27) spaces between islands; however, the required landscaping is indicated adjacent to the parking spaces.

The proposed apartments should be viewed as an acceptable extension of the Downtown and would be an appropriate adaptive reuse of the existing building. If the property is rezoned to B-6, Riverfront Business District, it will be subject to Design Review Board (DRB) approval for any exterior renovations to the building.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 21, 2013. Comments were minor in nature and have or will be addressed prior to final site plan approval.
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**VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Cabell Street Land Trust to/for:**

**Amend the *Future Land Use Map (FLUM)* from Traditional Residential to Downtown for the properties located at 41, 57 and 59 Cabell Street.**

**Rezone approximately one and one hundredths (1.1) acres from R-C, Resource Conservation District and B-5, General Business District to B-6, Riverfront Business District.**

**Based on the preceding Findings of Fact, the Planning Commission is in concurs with the City Planner that an alternate layout to landscaping should be approved to allow more than twenty (20) parking spaces between landscaped islands as indicated on the site plan entitled “Site Plan for Rezoning 41, 57, 59 Cabell Street, Cabell Street Land Trust, dated May 1, 2013 and received May 6, 2013.**

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  
Ms. Tobi Jaeger, T&E Properties, Inc.  
Mr. Hilton P. Nathan, Cabell Street Land Trust  
Mr. Ty Mosby, Berkley-Howell & Associates

**VII. ATTACHMENTS**

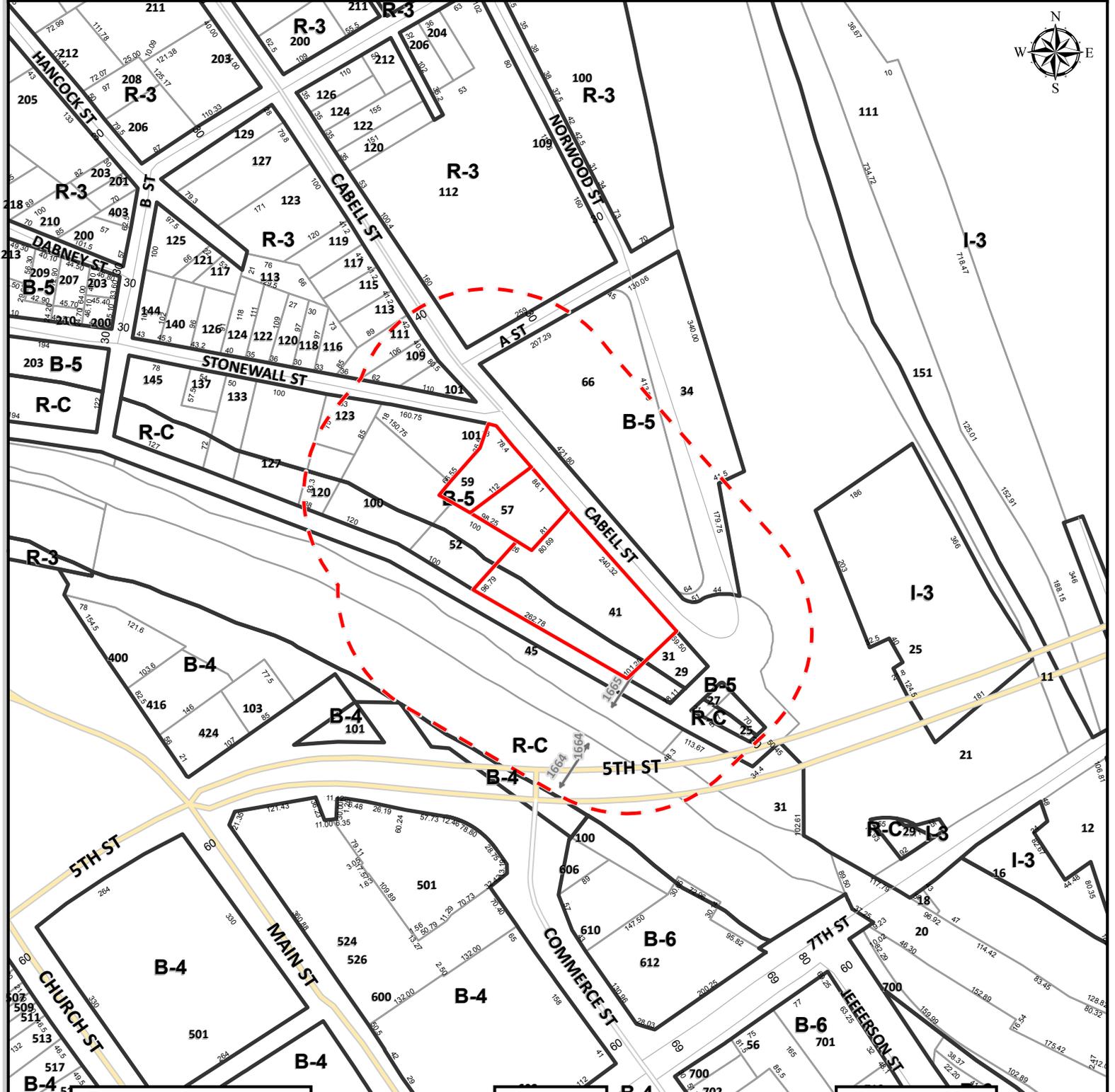
- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Plan**
- 6. Building Elevations**
- 7. Letters of Recommendation**
- 8. Property Photograph**

# Zoning Map

# CABELL STREET LAND TRUST

Rezoning

Cabell Street Land Trust



### PROPERTY INFORMATION

PARCEL ID	ADDRESS
04508009	41 CABELL ST
04508008	57 CABELL ST
04508007	59 CABELL ST

### LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

### OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 05/27/2013

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.

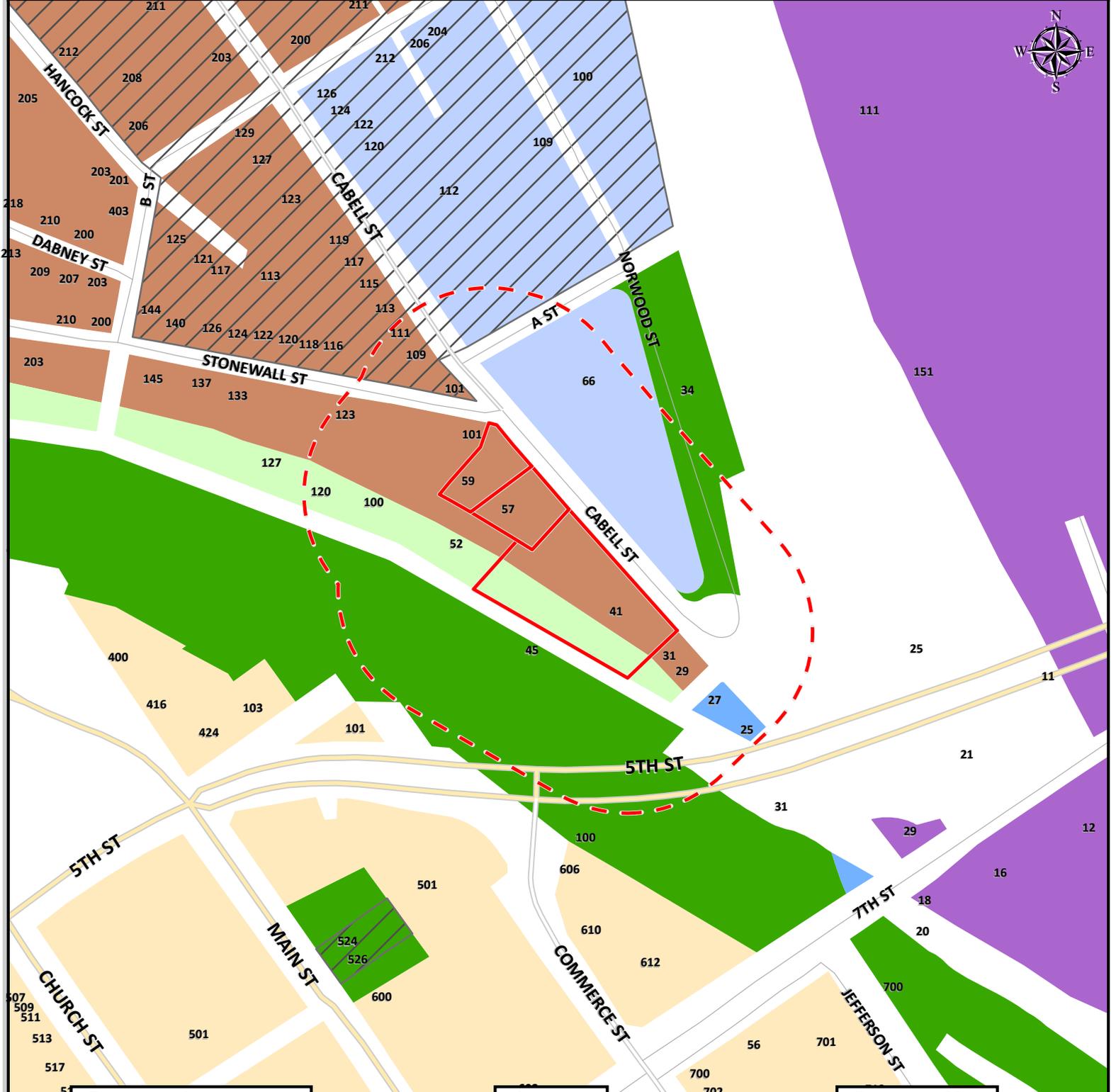
<b>Parcel ID</b>	<b>Local Address</b>	<b>Owner</b>
04508006	101 STONEWALL ST	SAUNDERS, FRANK W & EVELYN D
04508005	123 STONEWALL ST	APPALACHIAN ELECTRIC POWER
04508004	127 STONEWALL ST	APPALACHIAN ELECTRIC POWER
04511004	31 BLACKWATER ST	CITY OF LYNCHBURG
04511003	25 CABELL ST	CITY OF LYNCHBURG
04511008	27 CABELL ST	CARRINGTON, FREDERICK W III &
04508012	31 CABELL ST	BOWLES, ALINE C
04508009	41 CABELL ST	HILTON, P NATHAN TRS
04508014	52 BLACKWATER ST	APPALACHIAN ELECTRIC POWER
04508008	57 CABELL ST	HILTON, P NATHAN TRS
04508016	120 BLACKWATER ST	APPALACHIAN ELECTRIC POWER
04508007	59 CABELL ST	HILTON, P NATHAN TRS
04508015	100 BLACKWATER ST	APPALACHIAN ELECTRIC POWER
04506011	101 CABELL ST	HENSON, FREDDIE E & ELEANOR T LIFE
04506010	109 CABELL ST	SAUNDERS, FRANK W & EVELYN D
04506009	111 CABELL ST	SAUNDERS, FRANK W & EVELYN D
04509001	66 CABELL ST	POINT OF HONOR INC
04509002	34 CABELL ST	CITY OF LYNCHBURG
04505006	112 CABELL ST	POINT OF HONOR INC
04511009	45 BLACKWATER ST	CITY OF LYNCHBURG
04509004	21 7TH ST	SOUTHERN RAILWAY CO
04511002	100 5TH ST	CITY OF LYNCHBURG

# FLUM Map

# CABELL STREET LAND TRUST

Rezoning

Cabell Street Land Trust



## PROPERTY INFORMATION

PARCEL ID	ADDRESS
04508009	41 CABELL ST
04508008	57 CABELL ST
04508007	59 CABELL ST

## LEGEND

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

## OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 05/27/2013

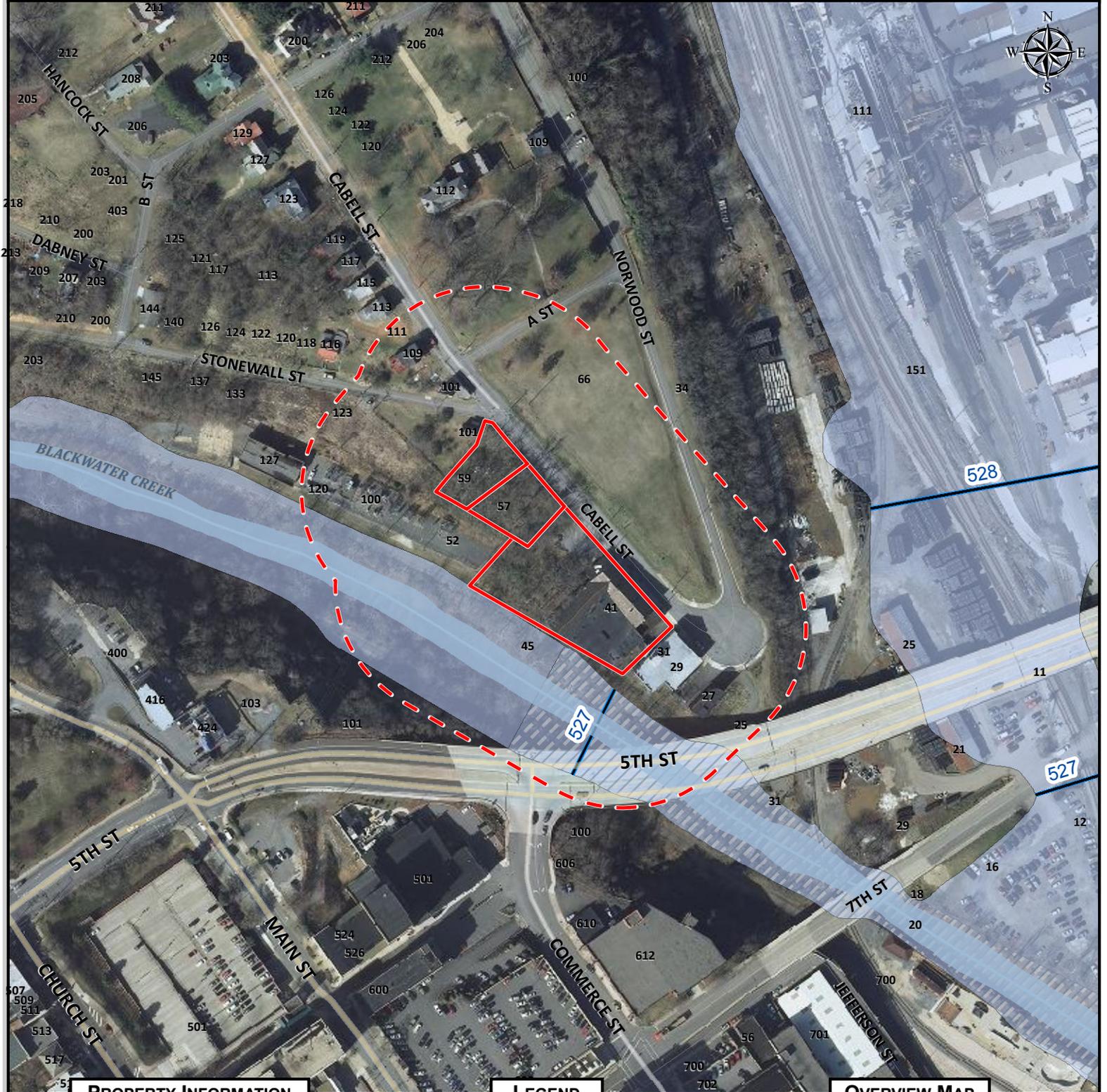
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# Watershed Map

# CABELL STREET LAND TRUST

Rezoning

Cabell Street Land Trust



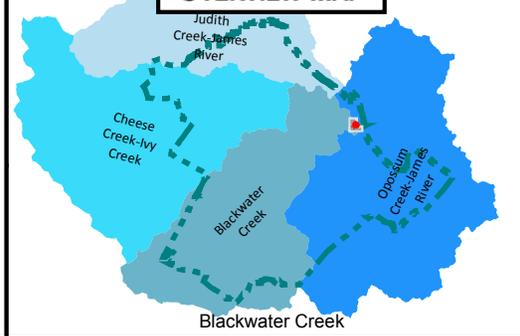
### PROPERTY INFORMATION

PARCEL ID	ADDRESS
04508009	41 CABELL ST
04508008	57 CABELL ST
04508007	59 CABELL ST

### LEGEND

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

### OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 05/27/2013

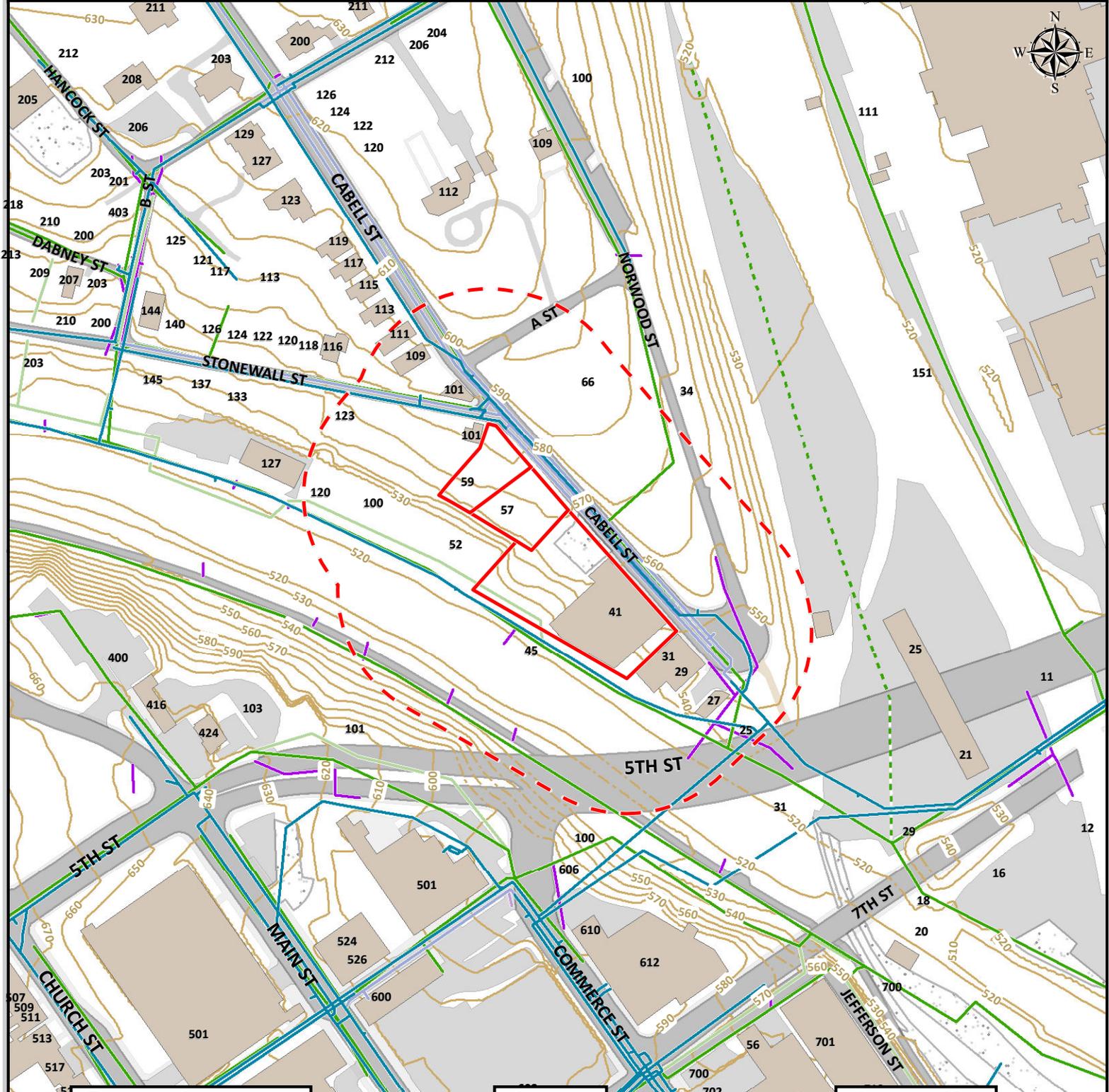
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Planimetric and Topographic Map

CABELL STREET LAND TRUST

Rezoning

Cabell Street Land Trust



**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
04508009	41 CABELL ST
04508008	57 CABELL ST
04508007	59 CABELL ST

**LEGEND**

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dotted blue)	Storm (dashed blue)
Structure	Roadway (solid grey)	Parking (dotted grey)	Sidewalk (dashed grey)
Planimetrics	Driveway (solid light grey)	10' (dotted light grey)	10' Obs (dashed light grey)
Topography	Contour (solid brown)	10' (dotted brown)	10' Obs (dashed brown)

**OVERVIEW MAP**



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REZONING NARRATIVE  
FOR

HILTON, P NATHAN, TRUSTEE  
FOR THE CABELL STREET LAND TRUST  
41, 57, 59 CABELL STREET  
LYNCHBURG, VIRGINIA

PREPARED FOR:

T & E PROPERTIES, INC  
4925 BOONSBORO ROAD, #232  
LYNCHBURG, VIRGINIA 24503

BY

BERKLEY-HOWELL & ASSOCIATES, P.C.  
ENGINEERS-SURVEYORS-PLANNERS

306 ENTERPRISE DRIVE, SUITE C.  
FOREST, VIRGINIA 24551  
(434) 385-7548

COMM. NO. 120162

APRIL 30, 2013  
REVISED May 23, 2013

## PROJECT SCOPE

Request Rezoning to B-6 to allow revitalization of an existing building for 47 residential apartments units in a current B-5 and R-C Zoning District. Additional parking is also proposed. Below are narratives specifically requested by the City of Lynchburg for the Rezoning application.

### WATER/SEWER CAPACITY NARRATIVE:

Public water is available via a 12" waterline along Cabell Street and is in adequate capacity to serve the proposed residential apartment project.

Public sewer is available via a 60" sanitary sewer line along the Blackwater Creek Trail and is in adequate capacity to serve the proposed residential apartment project.

### STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

The residential apartment project is a revitalization of an existing building and therefore has no significant change in storm water runoff.

The majority of the parking lot expansion drains southwest towards the Blackwater Creek Trail. Storm water runoff currently drains to Blackwater Creek by a combination of sheet flow and a small 12" culvert. The sheet flow and culvert pipe are stable and shows no signs of erosion. Blackwater Creek drainage basin is over 100 times the project site and is therefore an adequate channel.

Stormwater management for both water quantity and quality will be required for the site. Stormwater management for quantity will be handled by underground detention. Stormwater management for quality will be handled by a pre-manufactured BMP. Designs shall be in accordance with state and local requirements.

### FUTURE LAND USE MAP AMENDMENT

With the rezoning to B-6, the property requires an amendment to the Future Land Use Map. The property is currently listed as "Traditional Residential". With the mixed use B-6 zoning, the urban character, and the proximity to downtown, the property is best fits the "Downtown" land use category. Therefore the land use map should be amended from the "Traditional Residential" to "Downtown" category.

Daniels Hill Historic Society  
404 Cabell Street  
Lynchburg, VA 24504

August 28, 2012

To Whom It May Concern:

Residents in the Daniels Hill Historic District met the evening of 6 June 2012 to hear about the proposed apartments at 41 Cabell Street. Two flyers were hand delivered to residents in the historic district announcing the meeting which was held at 404 Cabell Street. During the meeting the owner of the building and the architect presented their plans, possible parking options and making the lower block of Cabell Street open to one way traffic. Discussions about parking, the number of apartments, possible mix use of the property and the impact on the community and Point of Honor took place. The reactions of those present were supportive of the plans, providing the apartments were NOT low income or subsidized housing AND that adequate parking could be constructed to handle the increased number of cars that would be parking at the end of the street. It was also discussed that this project needed to have the support of Point of Honor because of the proposed reconfiguration of traffic at the foot of Cabell Street and Norwood Street.

The possible mixed use of the building (apartments and a small restaurant/sandwich shop) also received community support.

Please note that this meeting was for those living in the Daniels Hill Historic District since they would be the ones most affected and did not include the community at large.

Based on the consensus of those in attendance of the meeting (a quorum was NOT present) that took place the evening of June 6, 2012, the Daniels Hill Historic Society supports the efforts of the owner in the restoration of the building and the change in zoning to allow for apartments/mixed use of the building provided the above considerations are satisfied.

Sincerely,



Michael H. Bedsworth  
President



# LYNCHBURG MUSEUM FOUNDATION

P.O. Box 218 ~ Lynchburg, Virginia 24505 ~ 434.455.6226

July 13, 2012

*John B. Arnold, M. D.*

*Mrs. Mary Morris Booth*

*Mrs. Jane F. Bowden*

*Mr. Robert B. Craighill*

*Mrs. Laura B. Crumbley*

*Ms. Lucille W. Deane*

*Mr. Michael R. Doucette*

*Mrs. Elizabeth D. Hutter*

*Mrs. Langhorne L. McCarthy*

*Ms. Laura B. Munson*

*Mrs. Florence A. Perrow*

*Mr. Raymond H. Stokes*

*Mr. M. E. "Ed" Tinsley*

*Ms. J. Marie Waller*

*Mrs. Sandra S. Whitehead*

*Douglas K. Harvey*

*Museum Director*

Mr. and Mrs. Eric Spain  
T & E Properties, Inc.  
4925 Boonsboro Rd, Suite 232  
Lynchburg, VA 24503

Dear Tobi and Eric:

Thank you for meeting with the Board on May 9, 2012 and providing an overview of your plans for 41 Cabell Street, the former Hancock Tobacco Factory building. The Board appreciates and supports your effort to rehabilitate this historic structure and make it useful again. We believe that this project could bring renewed interest and energy to this area of Daniels Hill and benefit the city economy.

Preserving and protecting Point of Honor is a key mission of the Board and the Lynchburg Museum System. So that your project does not have a negative impact on Point of Honor, its vistas, and surroundings, following are areas of concern we feel need to be positively addressed by you and the City before the project moves ahead:

**Parking:** We ask that any parking created for the project be outside the viewshed of the main house at Point of Honor, either by use of topography and/or vegetative screening. Parking on Point of Honor property is restricted to our guests and staff at all times.

**Traffic:** For the safety of the visitors, volunteers, and staff, we are opposed to any increase in tenant traffic from the project onto Norwood Street between A and B Streets, as this area is heavily used by visitors. Knowing that signage alone will not deter all drivers, the Board will request that speed bumps and/or other forms of deterrence be installed to keep traffic from using this block if the project is approved.

**Grounds:** The grounds at Point of Honor are private property but will attract tenant use if the building becomes rental property, with added trash, wear and tear on the grounds, and pet waste. What safeguards or processes can you put in place to mitigate this issue? If these concerns can be addressed in a positive fashion, the Lynchburg Museum System Advisory Board will be fully in support of the project.

Sincerely,

  
Robert B. Craighill, Chairman

Cc: Board Members

Mr. Kent White, Director of Community Development

Mr. Todd Dykshorn, Architect



NEW LAND INDUSTRIES