

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

To: Planning Commission
From: Planning Division
Date: September 14, 2016
Re: Rezoning: R-4C, High Density Residential (Conditional) to R-4C, High Density Residential (Conditional) – 240 Beverly Hills Circle

I. PETITIONER

Carriage Square Ltd., P.O. Box 4991, Martinsville, Virginia 24115

Representative: Mr. Doyle Allen, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately sixteen (16) acres located at 240 Beverly Hills Circle.

Property Owner: Carriage Square Ltd., P.O. Box 4991, Martinsville, Virginia 24115

III. PURPOSE

The purpose of the petition is to rezone the property to amend previously approved proffers that limited the development to one hundred ninety-two (192) apartment units. The amended proffers would allow the development of two hundred sixteen (216) apartment units and the addition of lights to the existing walking trails.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Medium Density Residential use for the area. These areas are characterized by single-family homes, duplexes or townhomes with densities of up to twelve units per acre.
- Construction of the development is complete with the exception of two (2) apartment buildings.
- The proposed amendments would allow twenty-four (24) additional one (1)- and two (2)-bedroom units. According to the petitioner, the total number of bedrooms in the development would be reduced by twenty-four (24).

The Planning Division recommends approval of the rezoning petitions.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Medium Density Residential use for the area: Medium Density Residential designation is characterized by small-lot single-family detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type (*pg. 70*).
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-4C, High Density Residential District (Conditional) zoning was established on March 11, 2014.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
 - The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.

- The site shall be developed in substantial compliance with the submitted rezoning plan.
 - The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.
 - The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.
 - The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.
 - The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.
 - The developer shall not develop the area noted on the rezoning plan as “6.6 acres of woods to remain” other than for passive recreational purposes for the residents of the apartment community only.
 - The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.
 - The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley’s discretion.
 - The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley’s will own the fence.
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, 1998, Council approved the petition of Emmett and Hazel Simpson to rezone three (3) acres from R-1, Low Density, Single-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential (Conditional) to allow the construction of a thirty-two (32) unit townhome complex at 203 Timbrook Place.
 - On February 14, 1989, Council adopted the Commercial Corridor Overlay District and amended the zoning for properties along and adjacent to the Timberlake Road Corridor.
 - On November 11, 1991, Council approved the petition of National Business College for a conditional use permit to allow the use of an existing building as a college at 104 Candlewood Court.
 - On March 11, 2014, Council approved the petition of American Property Management Corporation to rezone 200 & 218 Timbrook Place from R-1, Low Density Residential to R-4C, High Density Residential (Conditional) to allow the construction of an apartment complex.
 - On July 8, 2014, Council approved the petition of Belleau Wood Development, LLC to rezone Village at Dreaming Creek from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend previously approved proffers and to rezone 7824 Timberlake Road from R-1, Low Density

Residential and R-4, Medium High Density Residential to R-4C, Medium-High Density Residential to allow the construction of an apartment complex.

6. **Site Description.** The subject property is one (1) tract totaling approximately sixteen (16) acres. The property has been developed as apartments and contains six (6) apartment buildings, clubhouse, pool, recreation field and walking trails. The property is bordered to the north by single-family homes, to the east by a planned unit development, a City of Lynchburg fire station and apartments, to the south by commercial uses and to the west by a single-family home and townhomes.
7. **Proposed Use of Property.** If the rezoning petition is approved, the existing proffers would be amended to allow twenty-four (24) additional one (1) and two (2) bedroom apartment units. The total number of units would increase from one hundred ninety-two (192) to two hundred sixteen (216). The submitted narrative also indicates the addition of lighting to the existing walking trails.
8. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the addition of twenty-four (24) units. Information submitted by the petitioner indicates that the additional units would generate approximately nine (9) AM peak hour trips and additional twelve PM peak hour trips.

The submitted site plan indicates a total of four hundred five (405) parking spaces which exceeds the requirements of the *Zoning Ordinance*.

The subject property is served by GLTC Route 7. The closest bus stop is located at 7819 Timberlake Road which is approximately eight hundred ten (810) feet and connected by sidewalk to the development.
9. **Stormwater Management.** A stormwater management plan has been reviewed and approved by the City's Environmental Planner.
10. **Emergency Services.** Neither the City Fire Marshal's office nor the City Police Department had comments of concern related to the rezoning.
11. **Impact.** The submitted rezoning petition would amend the previously approved proffers to allow two hundred sixteen units. According to the petition, the additional units will be one (1) and two (2) bedrooms. While the total number of units would increase by twenty-four (24) the total number of bedrooms would decrease by twenty-four. The narrative submitted by the petitioner states that the change is being requested due to market conditions.

While the total number of bedrooms may be decreasing, the total number of residents could increase due to increased units. The *Zoning Ordinance* limits the number of unrelated individuals to three (3) per household. The increase in units could potentially yield an additional seventy-two (72) residents. Even though the total number of residents could increase beyond what was previously approved, the proposal is still below maximum unit densities otherwise allowed by the *Zoning Ordinance*.

Of particular concern to the Planning Division is that the submitted narrative indicates that lighting will be added to the existing walking trails. While the Planning Division supports the lighting of the trails for security purposes, the type of lighting has not been indicated. The Planning Division suggests that only pedestrian scaled bollard type lights be considered.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on August 23, 2016. Comments related to the proposal are minor in nature and have or will be addressed by the petitioner.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Carriage Square Ltd. to:

Rezone approximately sixteen and sixteen and one hundred ninety-five thousandths (16.195) acres at 240 Beverly Hills Circle from R-4C, High Density Residential District (Conditional) to R-4C, High Density Residential (Conditional) subject to the following voluntarily submitted proffers:

1. The maximum units per acre density for the 16.213 acres shall be 13.32 units per acre, which is 216 units.
2. The site shall be developed in substantial compliance with the submitted rezoning plan.
3. The only R-4 use allowed shall be apartments. All other R-4 uses shall be prohibited.
4. The developer shall provide access to the GLTC bus stop on Timberlake Road by installing a sidewalk within Timbrook Place right-of-way to connect to existing and proposed sidewalk along said road.
5. The developer shall dedicate a fifty foot (50') wide right-of-way for future street connection from Timbrook Place to Beverly Hills Circle.
6. The architecture of the buildings shall be in substantial compliance with the rendering presented in the rezoning application.
7. The developer shall not develop the area noted on the rezoning plan as "6.6 acres of woods to remain" other than for passive recreational purposes for the residents of the apartment community only.
8. The developer agrees to construct a public street connecting Timbrook Place to Candlewood Court as shown on the rezoning plan.
9. The developer agrees to plant a vegetative buffer to screen the Hensley property either on the Hensley property or on the project property at Hensley's discretion.
10. The developer agrees to construct a chain link fence, which will be five (5) feet high and approximately two hundred fifty (250) feet long, along the Gordan and Sandra Hensley property and the Hensley's will own the fence.

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, 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
Captain Thomas Goode, Fire Marshal
Ms. Maggie Cossman, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Doyle Allen, Hurt & Proffitt, Inc.

VII. ATTACHMENTS

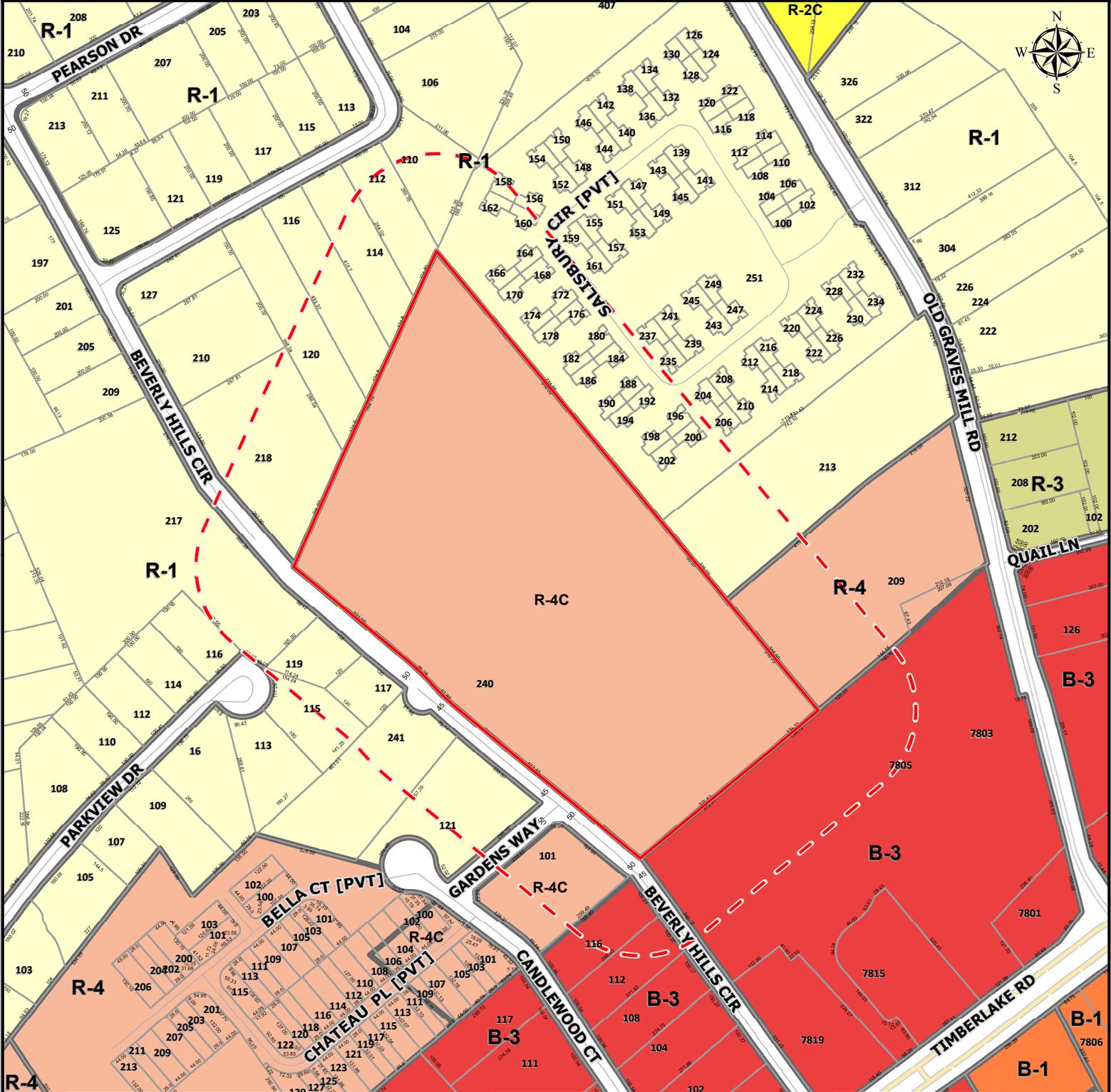
- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning Map

REZONE FROM R-4C TO R-4C (AMEND PROFFERS)

Zoning Request

Carriage Square Limited



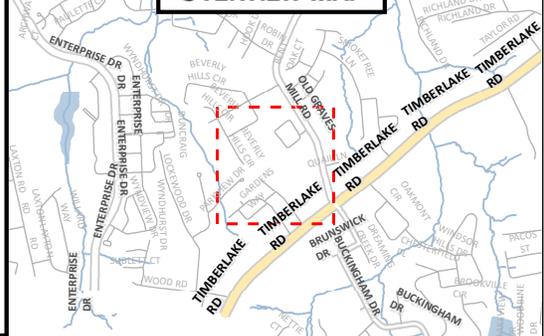
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

LEGEND

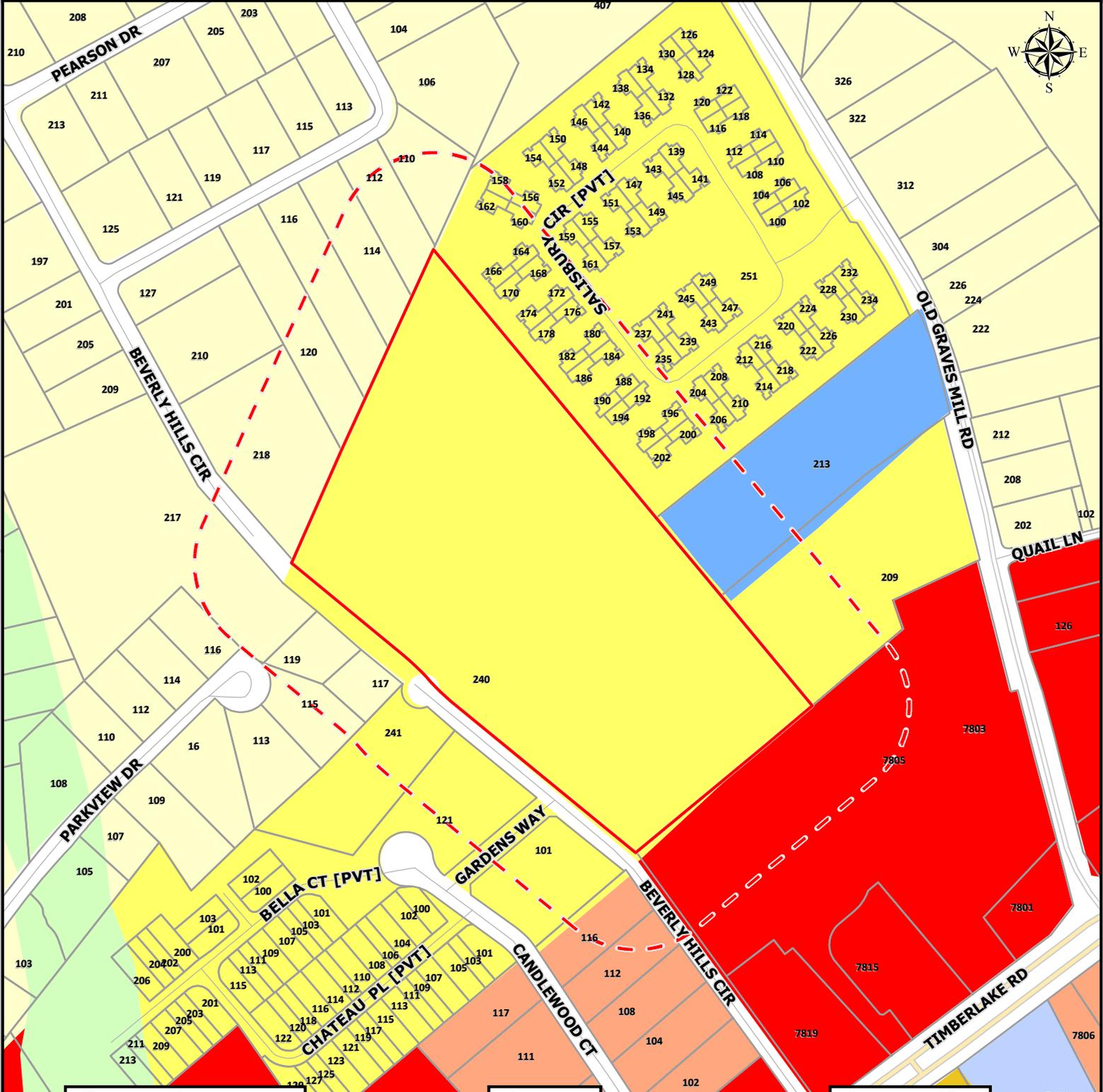
- Subject Property
- 215' Buffer
- B-1
- B-3
- B-4
- B-5
- R-1
- R-2
- R-3
- R-4
- I-1
- I-2
- I-3
- IN-1
- IN-2
- R-C

OVERVIEW MAP



MAP SCALE: 1" to 300' DATE PRINTED: 9/6/2016

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.



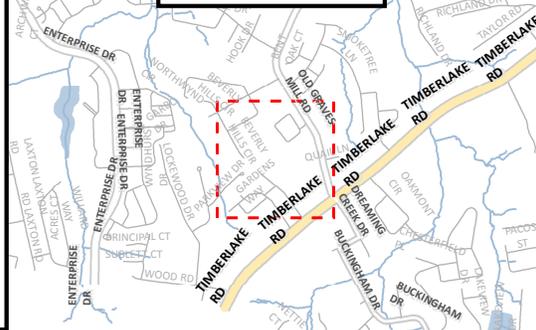
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

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" = 300' DATE PRINTED: 9/6/2016

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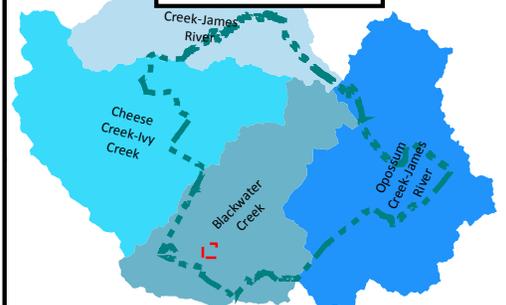
PROPERTY INFORMATION

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25412010	240 BEVERLY HILLS CIR

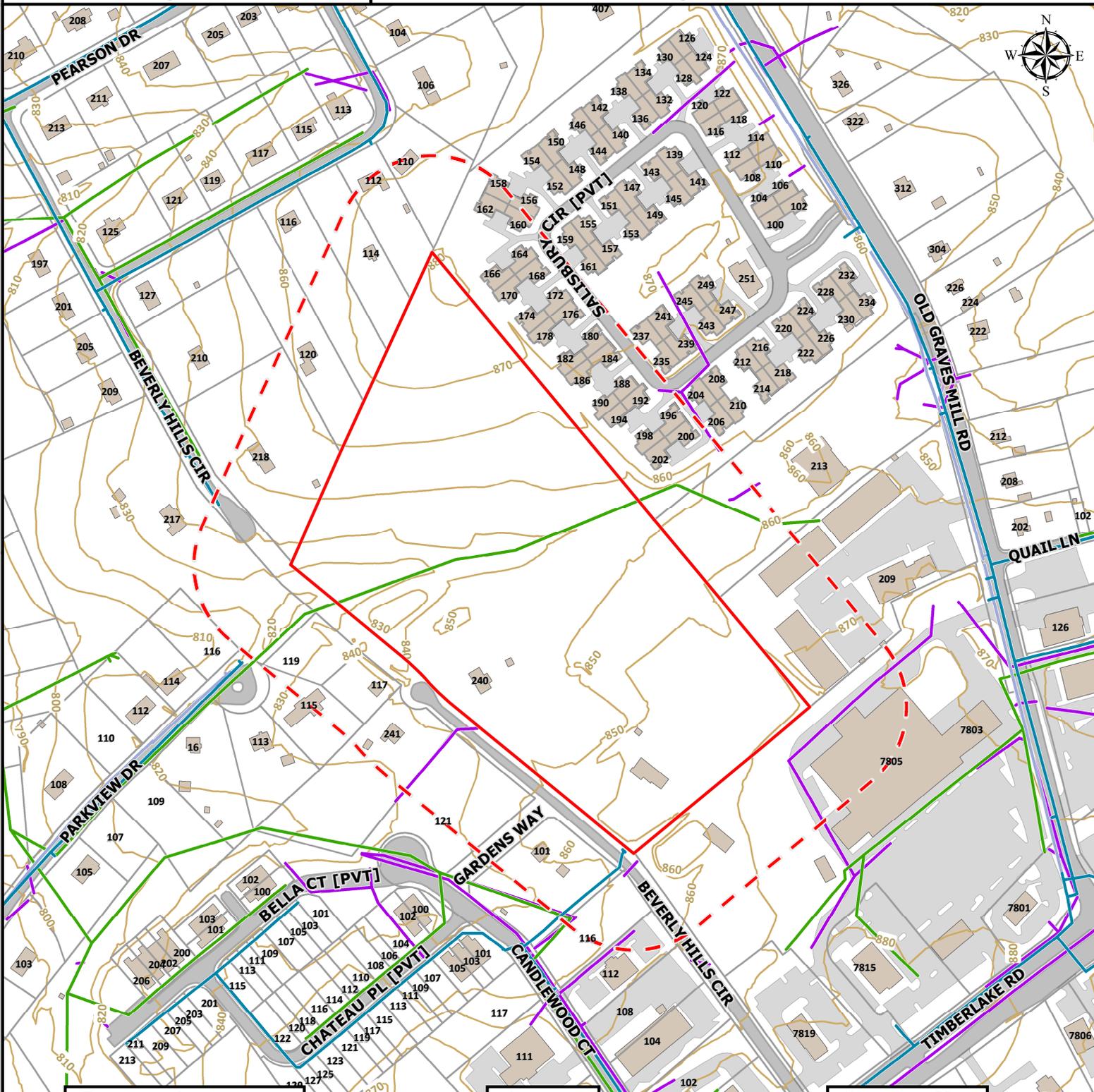
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 300' DATE PRINTED: 9/6/2016



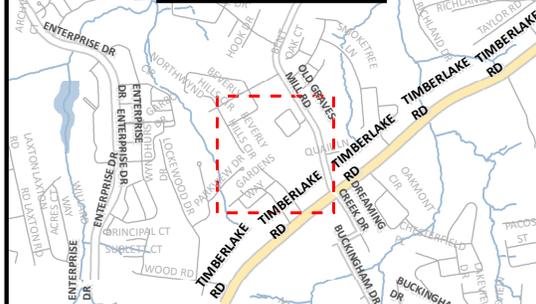
PROPERTY INFORMATION

PARCEL ID	ADDRESS
25412010	240 BEVERLY HILLS CIR

LEGEND

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

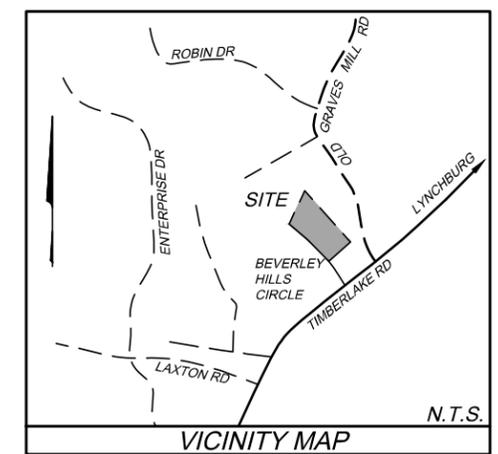
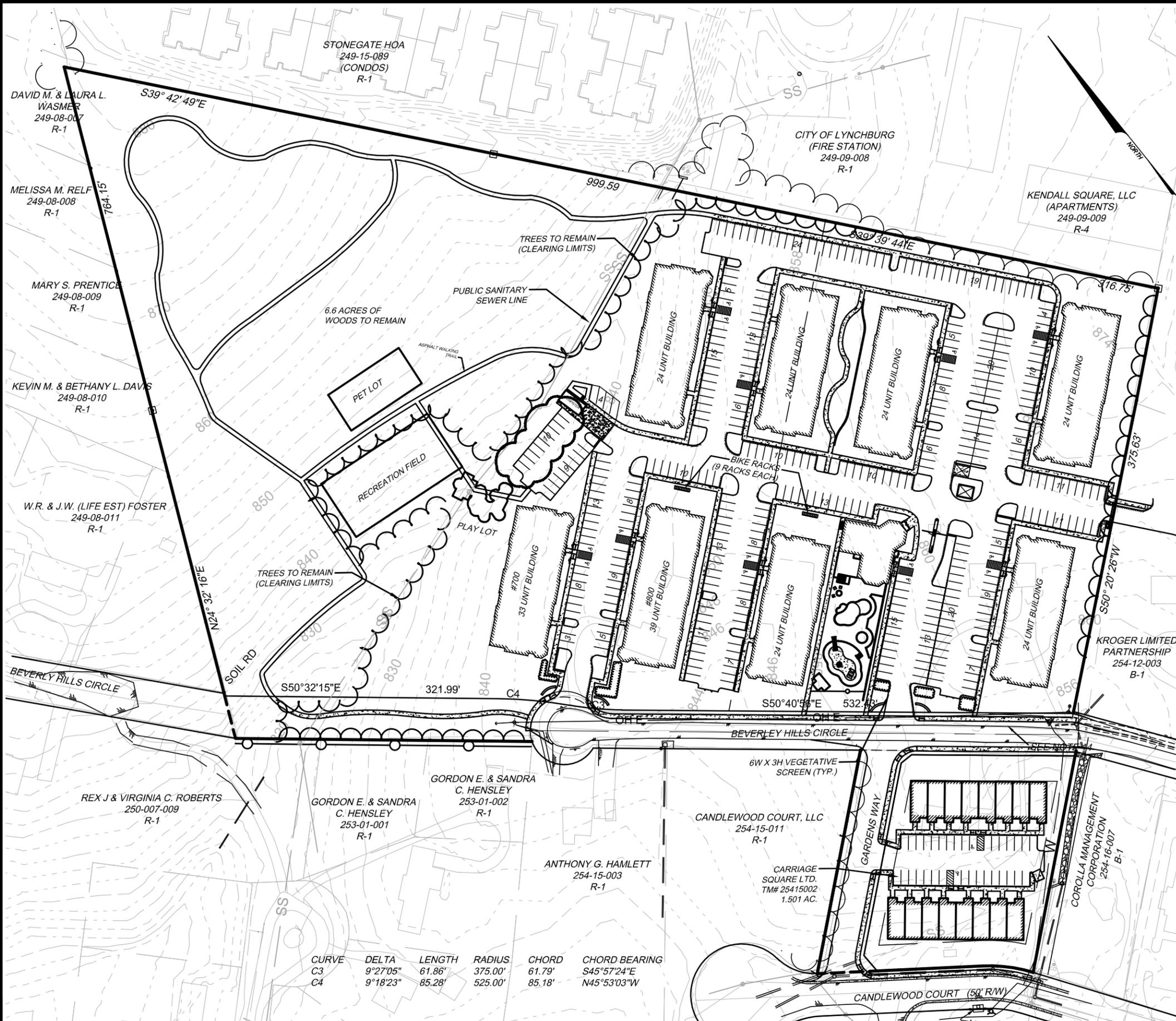
OVERVIEW MAP



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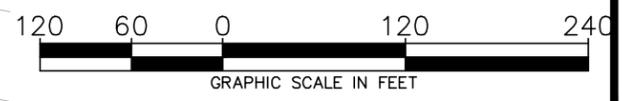
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Sep 02, 2016 - 4:16pm \\DATA01\Projects\2013\20130711\CAD\Rezoning Plan.dwg



NOTES:

1. SITE & OWNERS:
254-12-010: (16.213 AC.) CARRIAGE SQUARE LTD.
240 BEVERLEY HILLS CIRCLE
2. DEVELOPER: CARRIAGE SQUARE LTD.
P.O. BOX 4991
MARTINSVILLE, VA 24115
TEL. 804-340-0205
GLESTERII@LESTERGROUP.COM
3. SITE PROPOSED USE: MULTI-FAMILY
APARTMENT COMMUNITY
4. SITE ZONED: R-4C
5. SITE PROPOSED ZONE: R-4C AMENDED PROFFERS
6. FUTURE LAND USE PLAN - MEDIUM DENSITY,
RESIDENTIAL (R-3).
7. DENSITY: 216 UNITS OR 13.32 UNITS / ACRE.
8. REQUIRED PARKING 216 SPACES
PROPOSED PARKING 405 SPACES
9. STREET TREES REQUIRED: 16 (ONE SIDE)
PROPOSED TREES: 16
10. PARKING LOT LANDSCAPING
REQUIRED: 49 TREES AND 391 SHRUBS
PROPOSED: 49 TREES AND 391 SHRUBS
FOUNDATION PLANTINGS
REQUIRED: ORNAMENTAL TREES $1360/50 = 27$
PROPOSED: 28
REQUIRED: LARGE SHRUBS $1360/10 = 136$
PROPOSED: 150
11. EXTERIOR LIGHTING SHALL BE CONTROLLED SO
THAT NO DIRECT ILLUMINATION WILL OCCUR
BEYOND ANY PROPERTY LINE SHARED WITH A
RESIDENTIAL DISTRICT.
12. 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
COMMUNITY-PANEL MAP #5100930101D
DATED JUNE 3, 2008.
13. TIMBROOK PLACE TO BE WIDENED ON PROJECT
SIDE WITH CURB AND GUTTER AND SIDEWALK
ADDED.
14. TREE CANOPY:
PROPOSED: 40% EXISTING TO REMAIN
12% NEW TREES
52% TOTAL CANOPY.



CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C3	9°27'05"	61.86'	375.00'	61.79'	S45°57'24"E
C4	9°18'23"	85.28'	525.00'	85.18'	N45°53'03"W

HURT & PROFFITT
 2524 LANGHORNE ROAD
 LYNCHBURG VA 24501
 800.242.4906 TOLL FREE
 434.847.7796 MAIN
 434.847.0047 FAX

ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
 GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CONCEPT PLAN FOR APARTMENT COMPLEX
AT
240 BEVERLEY HILLS CIRCLE
LYNCHBURG, VIRGINIA

PROJECT NO.	20130711
G.L. NO.	
FILE NO.	
DATE:	8/8/16
DRAWN BY:	WCH
CHECKED BY:	DBA

1973 - 2013

40
 YEARS OF
 EXCELLENCE

Project Narrative Rezoning Request

September 2, 2016

The Gardens Apartment complex was previously rezoned to R4C in 2013. Since then 6 of the 8 proposed buildings have been constructed per the conceptual plan submitted with the 2013 application. The club house, pool, recreation field, pet lot, and walking trail have been completed. A pedestrian access has been constructed to the adjoining Kroger property and shopping center. There were proffers included as part of the conditional rezoning.

The two buildings that are not yet constructed are the 33 unit building # 700 and the 39 unit building #800. This zoning request is to change the proffers only. Market demand indicates that 1bedroom and 2 bedroom units are much more in demand than 3 bedroom units. Market demand also indicated that an elevator is in demand. The current building design did not have 1 bedroom units nor elevators. This rezoning request is to modify the existing proffers to accommodate the change of buildings #700 from 24 units to 33 units (1 and 2 bedroom units) and #800 from 24 units to 39 units (1 and 2 bedroom units). The other 6 buildings will be unchanged. An elevator will be added to both of the buildings. The current proffer limited the total number of units to 192 units and the proposed proffer will allow 216 units total. The total number of bedrooms in current buildings 700 &800 is 128. In the propose change these buildings will have 104 bedrooms. So , the number of units is increasing by 24 but the total bedrooms is decreasing by 24. Thus the numbers of anticipated occupants will be less overall. The new 1 and 2 bedroom units will be smaller thus the overbuilding size will not change. The only changes to the site layout are:

1. The 8 parking spaces were added to the area next to the dumpster where the storage units were to be located.
2. Lighting will be added along the walking trails.





