

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

434-455-3900

---

**To:** Planning Commission  
**From:** Planning Division  
**Date:** June 22, 2016  
**Re:** **FUTURE LAND USE MAP AMENDMENT: Low Density Residential to Community Commercial**  
**REZONING: R-2, Low-Medium Density Residential to B-3C, Community Business District (Conditional)**

---

**I. PETITIONER**

Peaks View Animal Hospital, 802 Wiggington Road, Lynchburg, VA 24502

**Representative:** Scott Beasley, Hurt & Proffitt, 2524 Langhorne Road, Lynchburg, VA 24501

**II. LOCATION**

The subject property is located at 806 & 808 Mercury Street, which is approximately one and two hundred six thousandths (1.206) of an acre.

**Property Owner:**

LYNVET LLC, 1351 Summerpark Drive, Forest, VA 24551

**III. PURPOSE**

The purpose of this petition is to bring the existing parking lot, which was constructed in violation of the Zoning Ordinance, into conformity and to update the Future Land Use Map to reflect the change in use.

**IV. SUMMARY**

- The *Comprehensive Plan 2013-2030* currently recommends Low-Medium Density Residential land use for the properties.
- The proposed B-3C, Community Business District (Conditional) would allow for the existing parking lot, which would be brought into compliance with the Zoning Ordinance.

**The Planning Division recommends approval of the rezoning and Future Land Use map amendment.**

---

**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Medium Density Residential land use for the property. Medium Density Residential areas are characterized by single-family homes, duplexes, and townhouses at densities of up to twelve (12) units per acre (p. 72) Other future land uses in the area are indicated as Low Density Residential, Medium Density Residential, and Employment 1.
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-2, Low-Medium Density Residential District were established in 1978 with the adoption of the Zoning Ordinance. The B-3 zoning across Mercury Street, where the animal hospital is located, was rezoned from R-2, Low-Medium Density Residential District, in 1989. The adjacent B-3C, Community Business District (Conditional) was rezoned in 2011.
3. **Proffers.** The petitioner has voluntarily submitted the following proffer:

- The site shall be developed in substantial compliance with the Concept Plan submitted on May 31, 2016.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator 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 8, 2008, City Council approved Tom Dewitt's petition to amend the FLUM from Employment 2 to Medium Density Residential, rezoning from I-3, Heavy Industrial District to R-3C, Medium Density Two-Family Residential District (Conditional) and a CUP at 903 and 903A Wiggington Road to allow for the construction of a one hundred and ninety (190) unit townhouse neighborhood.
    - On May 8, 2007, City Council approved Valencia Properties' petition to rezone the property at 118, 124, and 128 Burnham Lane to B-3C, Community Business District (Conditional) to allow for the construction of a business park.
    - On May 10, 2005, City Council approved Gant Properties, Inc.'s petition to amend the FLUM from Low Density Residential to Medium Density Residential, rezone from R-2, Low Density Residential to R-3C, Two Family Residential (Conditional) and a CUP at 921, 823 and 824 Mercury Street to allow the construction of townhouses.
    - On July 12, 2005, City Council approved Gantt Investment Corporation's petition to rezone the property at 160 Ivy Creek Lane from R-3C, Medium Density, Two-Family Residential District (Conditional) and a CUP to allow the construction of twenty-two (22) townhomes.
    - On December 14, 2004, City Council approved Joe Gantt's petition to rezone the property at 811 Mercury Street from R-2 and B-3 to B-3C to allow for the construction of a duplex on the lot.
    - On September 14, 2004, City Council approved Nextel Partner's CUP petition to collocate cellular equipment on an existing tower at 208 Schothum Street.
    - On June 12, 2001, City Council approved Kim Yuille's CUP petition to allow the operation of a twenty-four (24) hour child care facility in an existing structure for one-hundred and eighty (180) children (up to seventy-five (75) maximum at any one time) in an R-2, Low-Medium Density Single-Family Residential District.
    - On June 13, 2000, City Council denied Thomas W. Ackerman's CUP petition to allow the use of property in the 400 block of Wiggington Road to be used as a private park for a club in an R-2, Low-Medium Density Single-Family Residential District.
    - On March 9, 1999, City Council approved Lester Mulligan and Albert Henry's CUP petition for the construction of a veterinary hospital at 802-804 Wiggington Road.
    - On February 11, 1997, City Council approved Richard Gilmore's petition to rezone the property at 811 Wiggington Road from B-3 & I-3 to B-3C for the construction of a funeral home.
    - On June 11, 1996, City Council approved the Central Congregation of Jehovah's Witnesses' CUP petition to allow the addition of a driveway, canopy and parking area to an existing church facility at 319 Wiggington Road.

- On August 13, 1996, City Council approved Victory Christian Fellowship’s CUP petition to allow the construction of a new sanctuary, buildings and parking in the 400 block of Wiggington Road.
  - On November 12, 1991, City Council approved Dominion Land and Real Estate, Inc.’s petition to rezone the property at 1117 Wiggington Road from I-3, Heavy Industrial District, to R-C, Conservation District, to allow the construction of a new house and barns.
  - On August 14, 1990, City Council approved the City of Lynchburg Parks & Recreation Department’s CUP petition to amend the master plan for Peaks View Park with access points on Ardmore Drive, Tenbury Drive and Ivy Creek Lane for the property off of Ardmore Drive.
  - On September 12, 1989, City Council approved Juanita Milstead’s CUP petition to operate an adult care center at 1317 Ashbourne Drive.
  - On September 12, 1989, City Council amended the official zoning map to reflect the rezoning of the Northwest Expressway Area as shown on the map entitled “Northwest Expressway Area Land Use Study – 1989 – Proposed Official Zoning Map – 9-12-89”.
  - On July 12, 1988, City Council approved Juanita Milstead’s CUP petition to operate an adult care center at 1319 Ashbourne Drive.
  - On August 14, 1984, City Council approved Central Virginia Indoor Tennis, Inc.’s petition to rezone approximately twenty (20) acres on Davis Cup Road from R-2, Low-Medium Density Single-Family Residential District to B-5C, General Business District (Conditional) to allow the expansion of an existing facility to be used as an all-purpose sports facility.
  - On January 27, 1981, City Council approved the City of Lynchburg Parks & Recreation Department’s CUP petition to develop a master plan for a new city park (Peaks View Park) off of Ardmore Drive.
6. **Site Description.** The property at 806 Mercury Street previously included a small gravel parking lot and a derelict cinderblock building, which has been demolished. The property at 808 Mercury Street was previously vacant, with no improvements. The existing gravel parking lot spanning the two properties was constructed to accommodate peak-hour parking demands of the animal hospital, located across Mercury Street at 802 Wiggington Road.
- The properties are bound to the north by vacant land, to the east by vacant land and Burnham Lane, to the west by a single-family home, and to the south by Mercury Street and Peaks View Animal Hospital.
7. **Proposed Use of Property.** The purpose of the rezoning petition is to bring the existing parking lot into conformity with the Zoning Ordinance. The parking available at the animal hospital does not meet the current peak-hour demand. As a result, the lot was constructed to accommodate employee parking. The parking lot would be improved to meet Zoning Ordinance requirements. As part of the proffered site plan, a sidewalk connection from the corner of Burnham Lane/Mercury Street to the driveway entrance on Burnham Lane will be installed for pedestrian traffic to and from the parking lot.
8. **Traffic, Parking and Public Transit.** The City’s Transportation Engineer had no concerns regarding the CUP petition.

9. **Stormwater Management.** An Erosion & Sediment Control / Stormwater Management Plan is required, because the project exceeds the threshold of five thousand (5,000) square feet. The limits of disturbance measure approximately twelve thousand, seven hundred and seventy-five (12,775) square feet, a large portion of which includes a previously existing gravel parking lot. The net disturbance for the project measures six thousand and five (6,005) square feet. Water quality will be handled through a grass channel and nutrient credit purchase, if necessary. A level spreader will be used to meet sheet flow requirements.
  10. **Emergency Services.** The City's Fire Marshal and Police Department had no concerns regarding the petition.
  11. **Impact.** The petition proposed to rezone the property from R-2, Low-Medium Density Residential to B-3C, Community Business District (Conditional). While the Planning Division typically does not support rezoning residential property, there are instances where it is appropriate. The proposed rezoning would mirror the B-3 zoning across Mercury Street, where the animal hospital is located. The proposed rezoning and construction of a parking lot would also help bring the site into compliance with the City's Zoning Ordinance, including sidewalks and landscaping, as indicated on the submitted concept plan. The required sidewalk on Mercury Street and the proffered sidewalk connection on Burnham Lane would create a safer environment for employees and neighbors alike. The proposal should have little to no negative impact on the area.
  12. **Technical Review Committee.** The TRC reviewed the concept plan on May 3, 2016. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to final site plan approval.
- 

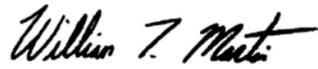
## VI. PLANNING DIVISION RECOMMENDATION

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of LYNVET LLC's petition to amend the Future Land Use Map from Low Density Residential to Community Commercial at 806 & 808 Mercury Street.**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of LYNVET LLC's petition to rezone one and two hundred six thousandths (1.206) acres located at 806 & 808 Mercury Street from R-2, Low-Medium Density Residential District, to B-3C, Community Business District (Conditional) and to allow the construction of a parking lot, subject to the following proffer:**

1. **The site shall be developed in general compliance with the Concept Plan submitted on May 31, 2016.**

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 Thomas Goode, Fire Marshal  
Ms. Maggie Cossman, Transportation Engineer  
Mr. Doug Saunders, Building Commissioner  
Mr. Kevin Henry, Zoning Administrator  
Mr. Scott Beasley (Hurt & Proffitt)

## **VII. ATTACHMENTS**

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Rezoning Narrative (Received May 31, 2016)**
- 6. Concept Plan (Received May 31, 2016)**
- 7. Property Photographs**