

# The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** August 27, 2014  
**Re: Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road**

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## 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 fifty (50) seats, capping the banquet facility operation at no more than one hundred one (101) seats 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 requested parking area was constructed without permits or compliance with the previously proffered site plan. A stop-work order was issued in February 2014.
- A similar petition was denied by Council in June 2014. City Council resolved that the petitioner could reapply to Council for this particular rezoning prior to the normally required twelve (12) months period.

**The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (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 08/19/14.
  - 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 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.
  - 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 of 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.
  - On June 10, 2014, City Council denied the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the restaurant, banquet hall, and parking lot 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 fifty (50) seats, cap the number of banquet facility seating at one hundred and one (101) 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. This modified petition proposes less vehicle trips to the site as it reduces the total number of restaurant seating from one hundred twenty-two (122) to fifty (50) seats.
- The petitioner has also submitted a right-of-way vacation in order to allow for more space in the parking area. The right-of-way vacation proposes to vacate a portion of Range Street as shown on the plan.
- 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.

Just as recent as June 10, 2014 City Council denied a similar rezoning petition for this property. Council cited that the scale of growth proposed was inappropriate. Therefore, the petitioner has reduced the proposed restaurant seating from one hundred twenty-two (122) seats in the previous application to fifty (50) seats. Although, the petitioner is proffering one hundred one (101) seats for the event center, this area currently is not capped and the frequency of events should not be the same as that of the restaurant.

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 August 5, 2014. Comments related to the proposed use have or will be addressed by the petitioner 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 Robert D. Crocker to:**

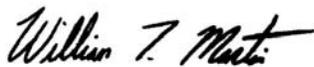
**Waive the twenty-one (21)-day submittal requirement for proffers.**

**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 08/19/14.**

- 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 50 in the dining room and 101 in the event center, with no more than 101 total combined patrons using the restaurant and the event center at any one time.**
- 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, 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 FROM B-3C TO B-3 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

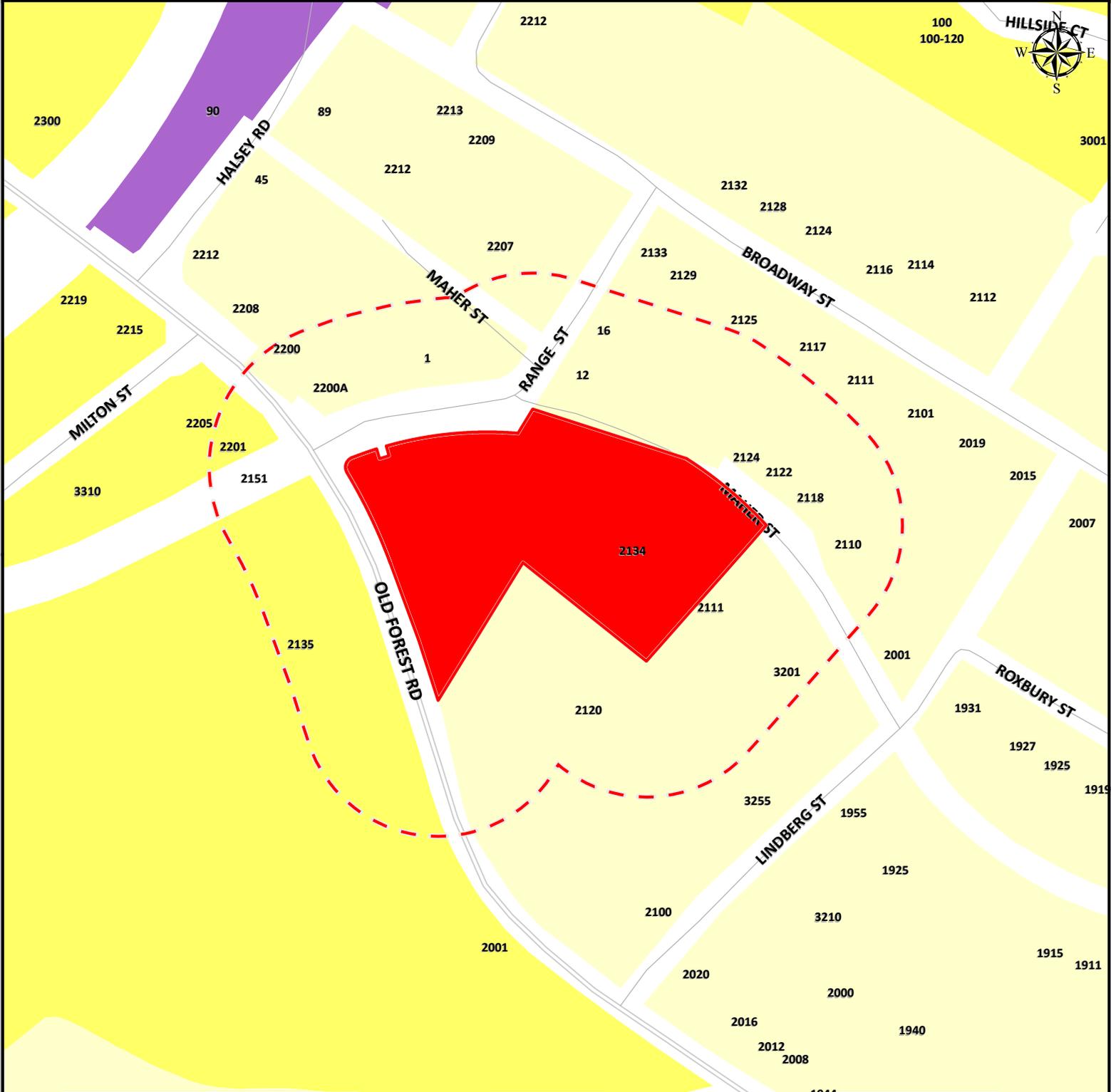
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 8/21/2014

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.

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



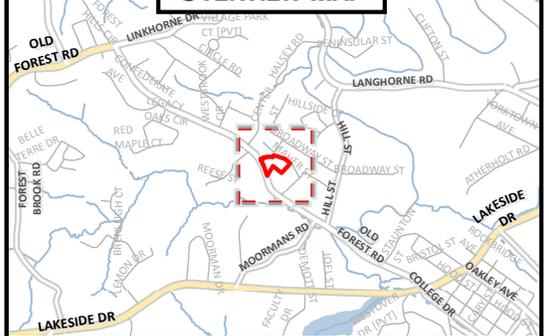
**PROPERTY INFORMATION**

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

**OVERVIEW MAP**

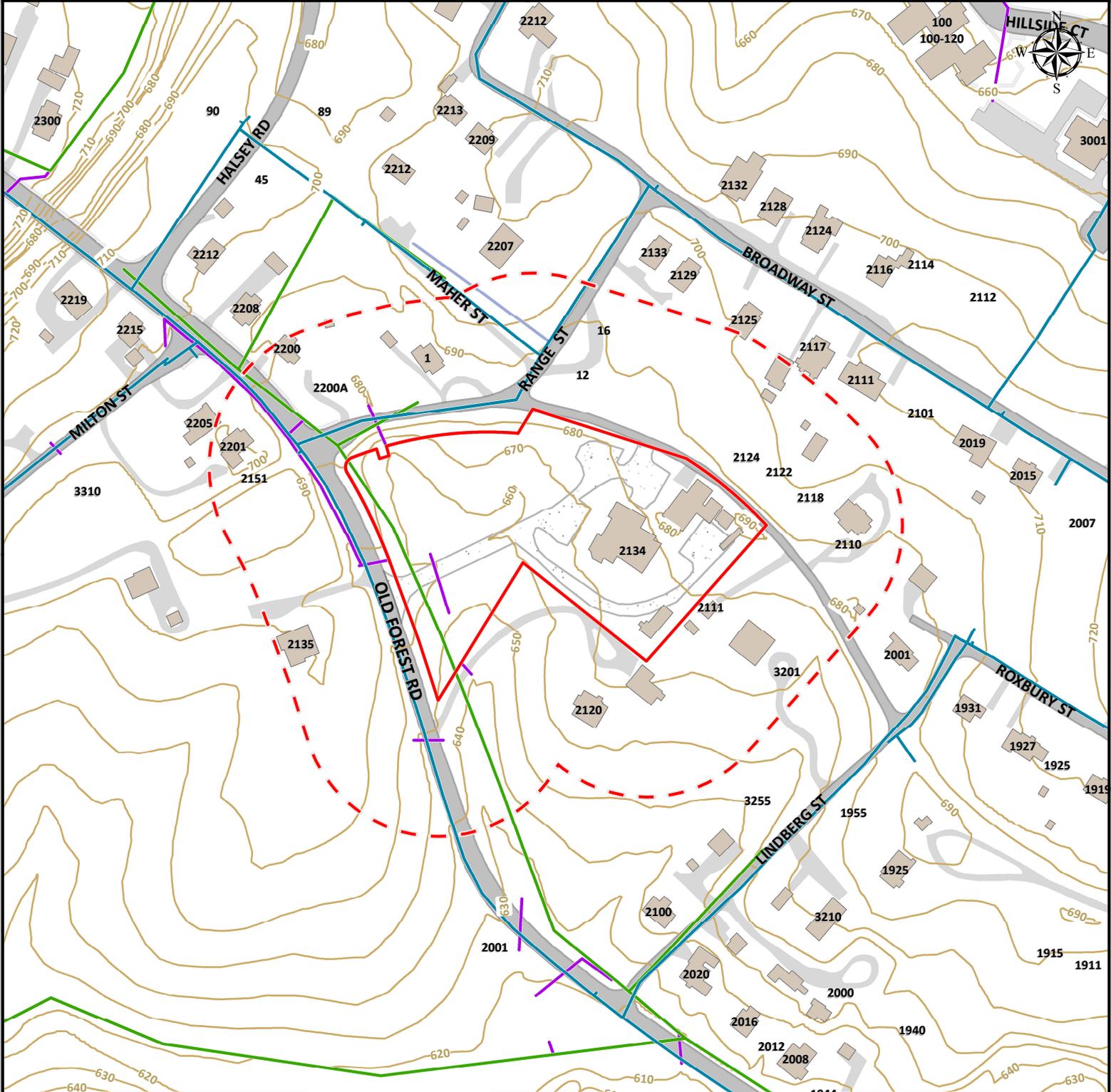


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Zoning Request

Acorn Hill Lodge



**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

**LEGEND**

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

**OVERVIEW MAP**



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PROPERTY INFORMATION

PARCEL ID	ADDRESS
01513001	2134 OLD FOREST RD

LEGEND

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

OVERVIEW MAP

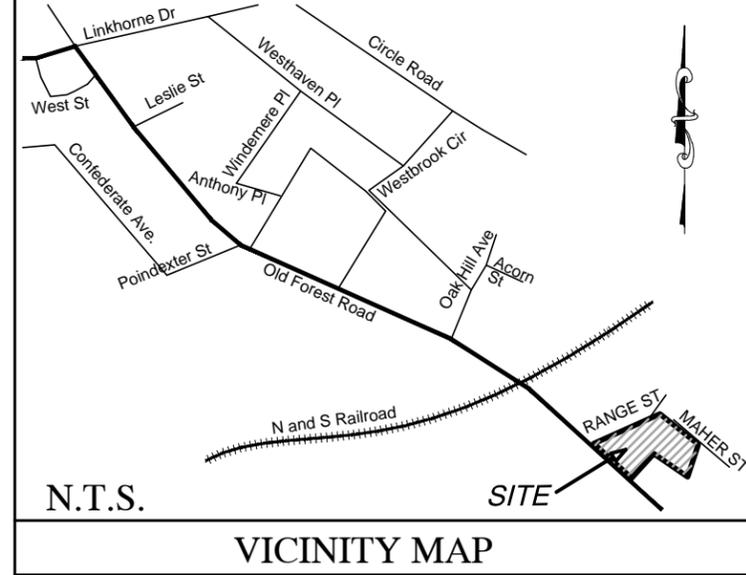


MAP SCALE: 1" to 200' DATE PRINTED: 8/21/2014

Blackwater Creek

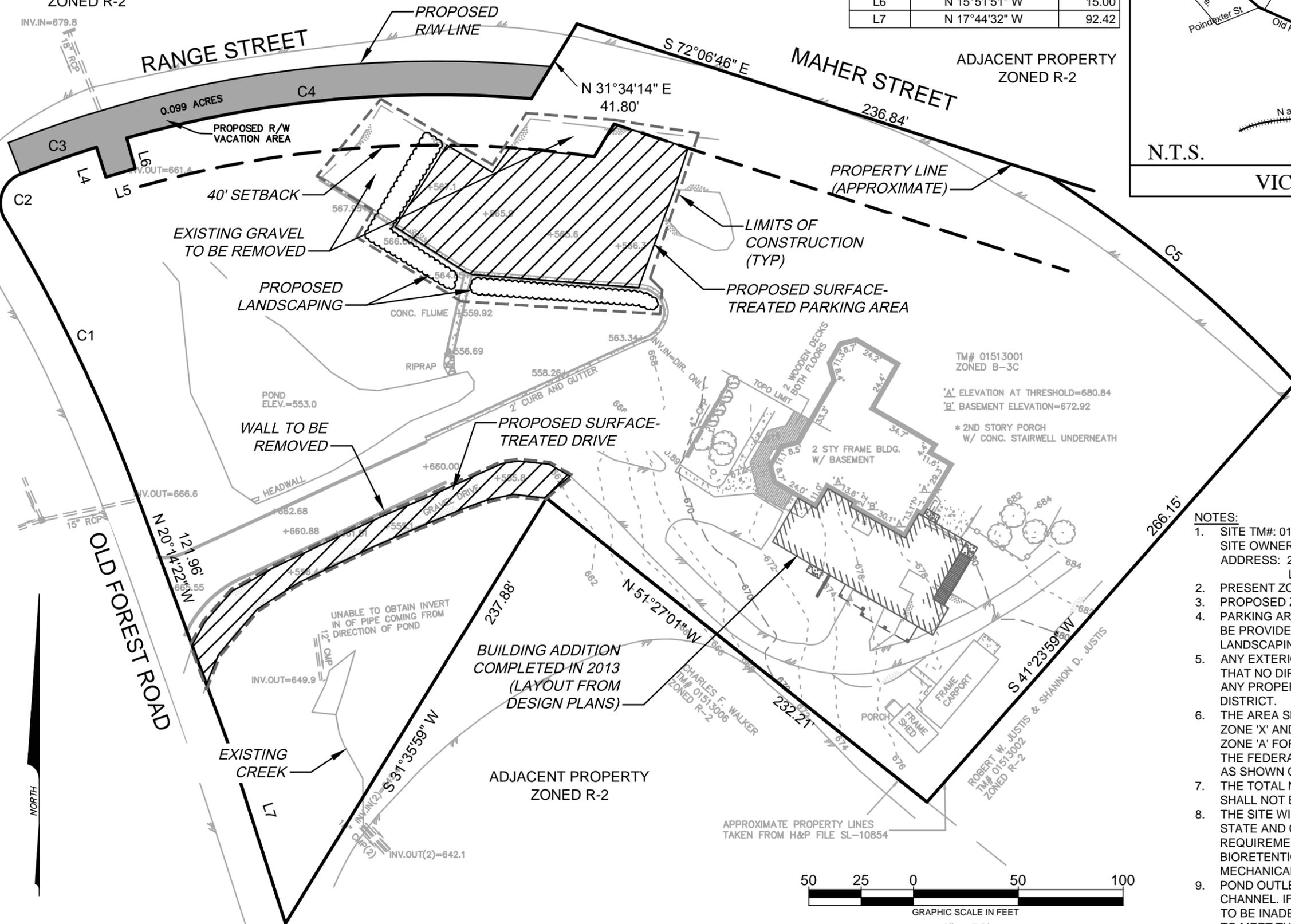
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	10°38'29"	147.46	793.94	147.25	N 25°33'37" W
C2	99°21'49"	26.01	15.00	22.87	N 18°48'03" E
C3	4°03'35"	38.43	542.36	38.42	N 70°30'46" E
C4	20°37'03"	195.17	542.36	194.11	N 84°26'41" E
C5	14°39'33"	153.65	600.55	153.23	S 50°08'32" E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 84°24'53" E	30.98
L2	S 05°35'07" E	25.00
L3	S 84°24'53" W	24.28
L4	S 17°27'27" E	15.00
L5	N 73°20'21" E	14.66
L6	N 15°51'51" W	15.00
L7	N 17°44'32" W	92.42



ADJACENT PROPERTY  
ZONED R-2

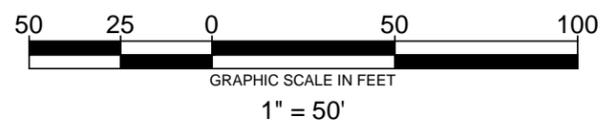
ADJACENT PROPERTY  
ZONED R-2



**EXISTING LEGEND**

- ⊙ GROUND LIGHT
- PLASTIC FENCE
- SS UG SAN. SEWER LINE
- CONCRETE
- EDGE OF SURFACE-TREATED PAVEMENT
- EDGE OF GRAVEL

- NOTES:**
- SITE TM#: 015-13-001  
SITE OWNER: CROCKER, ROBERT D & WANDA E B  
ADDRESS: 2134 OLD FOREST ROAD  
LYNCHBURG, VA 24501
  - PRESENT ZONING: B-3C
  - PROPOSED ZONING: B-3C
  - PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
  - ANY EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
  - 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.
  - THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).
  - THE SITE WILL BE DESIGNED TO MEET THE CURRENT STATE AND CITY STORMWATER MANAGEMENT REQUIREMENTS. POTENTIAL BMP'S INCLUDE BIORETENTION, UNDERGROUND STORAGE, AND MECHANICAL DEVICES.
  - POND OUTLET SHALL DISCHARGE TO AN ADEQUATE CHANNEL. IF THE CHANNEL IS ANALYZED AND FOUND TO BE INADEQUATE, MEASURES SHALL BE PROPOSED TO MEET THE REQUIREMENTS OF MS-19.



**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

**CONCEPTUAL SITE PLAN**  
 FOR  
**ACORN HILL LODGE**  
 CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120087
G.L. NO.	229-13-D3.6
FILE NO.	
DATE:	8/19/2014
DRAWN BY:	ASK
CHECKED BY:	ASK

Aug 19, 2014 - 1:21pm C:\Users\ask\AppData\Local\Temp\AcPublish\_4244\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



**NOTICE  
REQUEST FOR REZONING**

**APPLICANT:** ROBERT D. & WANDA E.B. CROCKER  
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