

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

To: Planning Commission
From: Planning Division
Date: January 8, 2020
Re: **Conditional Use Permit (CUP) – 2117 Florida Avenue - Apartments**

I. PETITIONER

Rush Homes, Inc., 1721 Monsview Place, Lynchburg, Virginia 24504

Representative: Mr. William Berkley, P.E., Cardinal Survey and Design, PLC, 306 Enterprise Drive, Suite C, Forest, Virginia 24551

Property Owner:

Mr. Randall Ferguson, 1010 Elmhurst Street, Lynchburg, Virginia 24501

II. LOCATION

The subject Property is a tract of approximately three (3) acres located at 2117 Florida Avenue.

III. PURPOSE

The purpose of the petition is to allow the construction of a forty-eight (48) unit apartment complex, community building and associated parking in a B-3, Community Business District.

IV. SUMMARY

- The City’s *Comprehensive Plan 2013-2030* recommends a “Mixed Use” for the area.
- Apartments are a permitted use within the B-3, Community Business District upon approval of a CUP by the Planning Commission and Council.
- If approved the existing dwelling would be demolished.
- The development would be served by City Water and Sewer Service.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The property is located within the boundaries of the *Campbell Avenue | Odd Fellows Road Land Use and Corridor Master Plan* as incorporated into the *Comprehensive Plan 2013-2030* and approved by Council on October 8, 2013. The plan identified the existing Fairview Shopping Center and surrounding property as a “Major Center”. This area was recommended for a mix of uses with infill development of commercial, office, residential and institutional uses to complement the existing development. (*p. 30*)
2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3, Community Business District Zoning was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On June 11, 1991, Council approved the CUP petition of Brookville Baptist Church to allow the expansion of the existing sanctuary at 1916 Florida Avenue.
 - On May 8, 2007, Council approved the CUP petition of Robert Parsons to allow the construction of a single-household dwelling at 109 North Durham Street.
 - On October 8, 2013, Council adopted the *Campbell Avenue | Odd Fellows Road Land Use and Corridor Master Plan* as part of the *Comprehensive Plan 2013-2030*.
 - On May 10, 2016, Council approved the CUP petition of City Spaces, LLC, to allow the conversion of a single-household dwelling to a duplex at 3504 Powhatan Street.
 - On October 9, 2018, Council approved the CUP petition of Michael Dillard to allow the conversion of an existing single-household dwelling to a duplex at 3600 Campbell Avenue.
5. **Site Description.** The subject property consists of approximately three (3) acres located at 2117 Florida Avenue. The property slopes to the northwest away from Florida Avenue. The property is bordered to the north by vacant land, to the east by a single-household dwelling, to the south (across Florida Avenue) by single-household dwellings and to the west by a commercial shopping center.
 6. **Proposed Use of Property.** If the CUP petition is approved the existing dwelling would be demolished to facilitate the construction of a forty-eight unit apartment development with community building and associated parking.
 7. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study for the proposed use.

The property is served by Grater Lynchburg Transit Company (GLTC) Route 2 with a bus stop located approximately forty (40) feet from the northernmost property boundary.

A total of forty-three (43) parking spaces are indicated on the submitted concept plan. As allowed by the Zoning Ordinance a reduction of five (5) parking spaces will be permitted due to the proximity of mass transit.
 8. **Stormwater Management.** A stormwater management / water quality plan would be required prior to final site plan approval. The submitted concept plan indicates a stormwater management area in the northwestern portion of the property which will discharge to a tributary of Fishing Creek. The narrative submitted with the petition indicates that water quality will be addressed by a variety of best management practices.
 9. **Emergency Services:** The City Fire Marshal provided comments related to the 2015 Virginia Statewide Building Code and Design Requirements of the City of Lynchburg. The City's Police Department had no comments of concern related to the proposed development.
 10. **Impact.** The submitted concept plan proposes the construction of forty-eight (48) affordable apartments with a community building and associated parking. The proposal is in keeping with the *Campbell Avenue | Off Fellows Road Land Use and Corridor Master Plan* which recommends a mixed use for the area. The close proximity to the existing bus line, and existing shopping center should result in a development with little to no negative impact on the area.
 11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on December 17, 2019. Comments have or will be addressed 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 Rush Homes, Inc. for a conditional use permit at 2117 Florida Avenue to allow the construction of a forty-eight (48) unit apartment development subject to the following conditions.

- 1. The site will be developed in substantial compliance with the conceptual site plan.**
- 2. The maximum number of units shall be forty-eight (48).**

This matter is respectfully offered for your consideration.

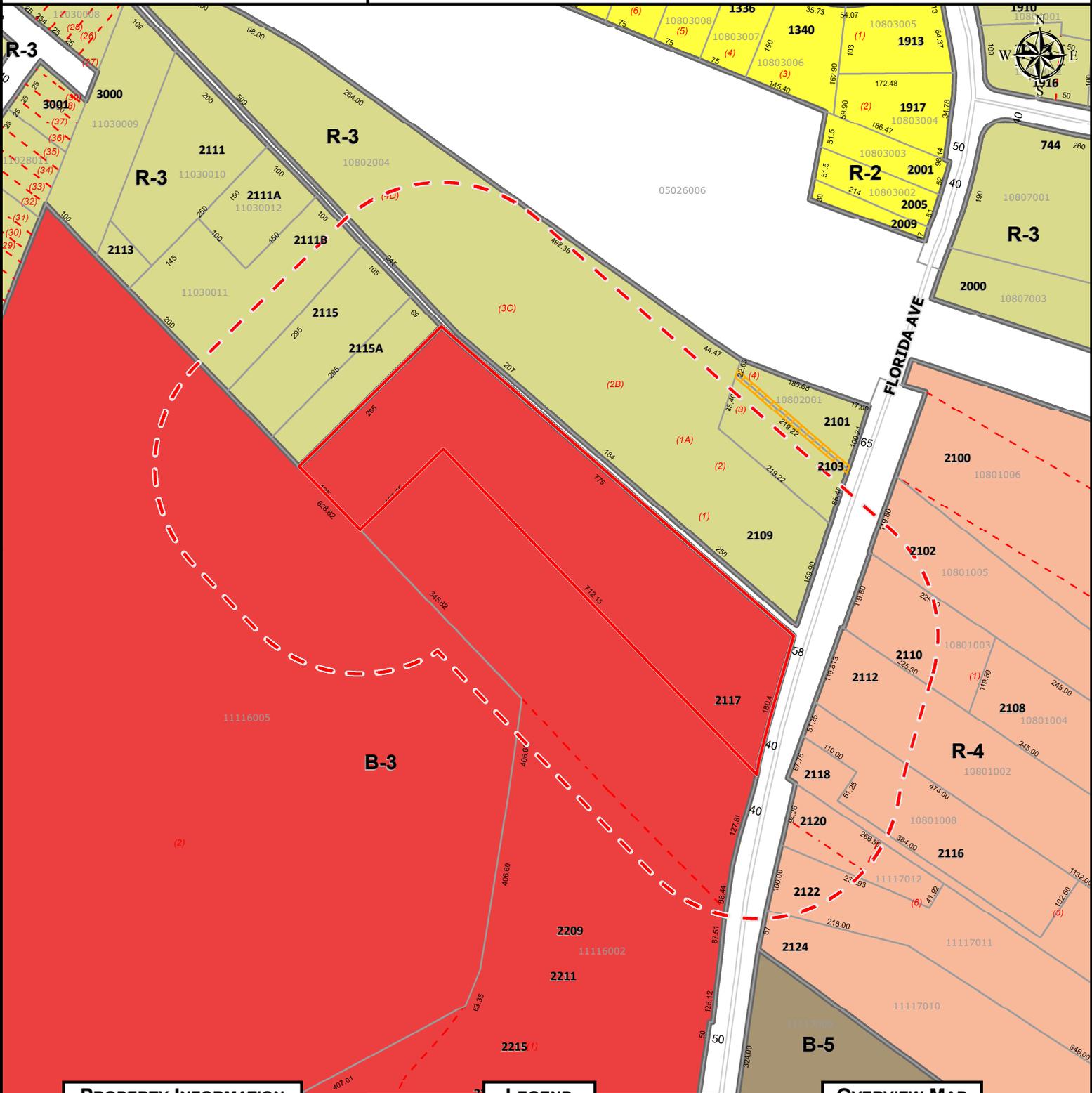


William T. Martin, AICP
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager
Mr. Reid Wodicka, 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
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Mr. Jeff Smith, Petitioner
Mr. Bill Berkley, Representative

VII. ATTACHMENTS

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



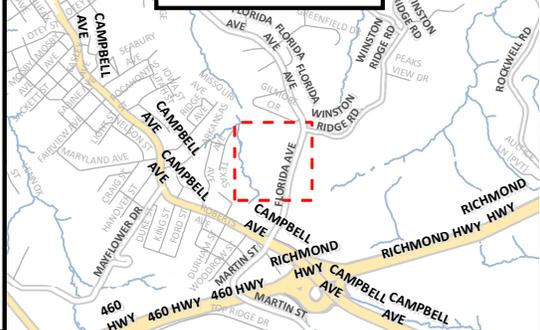
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

LEGEND

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

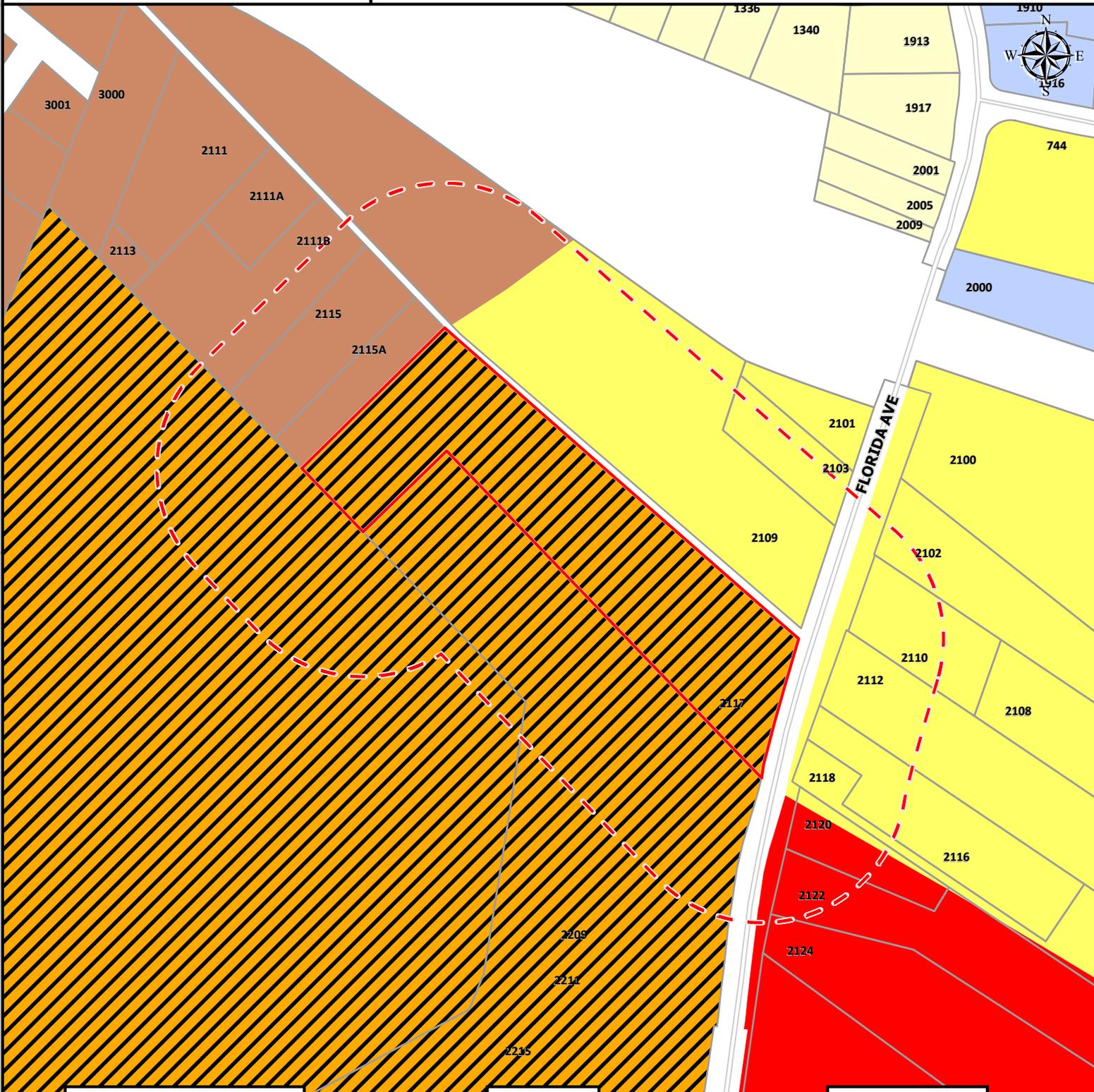
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019

2117 Florida Avenue

Parcel ID	Address	Owner
10801001	2118 FLORIDA AVE	NOWLIN, TROY E
10801002	2112 FLORIDA AVE	MUHOHO, MURIITHI DANIEL
11117010	2124 FLORIDA AVE	PHELPS, ELAINE F
11116005	3616 OAK TREE ST	DODSON BROTHERS EXTERMINATING CO INC
10802004	2109 FLORIDA AVE	HAMLETT, CHARLES L
10802002	2103 FLORIDA AVE	LINTHICUM, JANICE J
11117011	2122 FLORIDA AVE	FERGUSON, WAYNE B SR &
11030011	2111 B FLORIDA AVE	FOSTER, MYRTIS B
11117012	2120 FLORIDA AVE	BOOKER, VERONICA N
10801003	2110 FLORIDA AVE	MITCHELL, ROBERT
11030015	2115 A FLORIDA AVE	WILSON, DONALD R & BRENDA A
10801008	2116 FLORIDA AVE	NOWLIN, TROY E
11116002	2121 FLORIDA AVE	NATIONWIDE PROPERTIES LLC ET AL
11116001	2117 FLORIDA AVE	FERGUSON, RANDAL
10801005	2102 FLORIDA AVE	BARNETT, HARRY D & JOYCE B
11030013	2115 FLORIDA AVE	MAYS, NORA W ESTATE



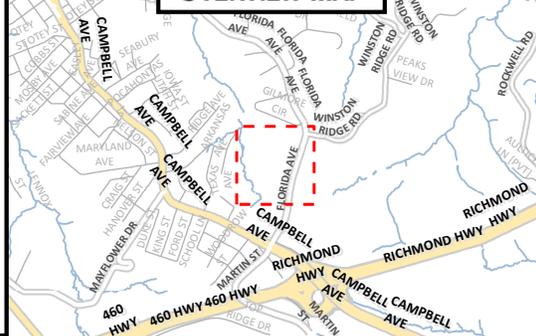
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

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" to 200' DATE PRINTED: 12/3/2019

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.



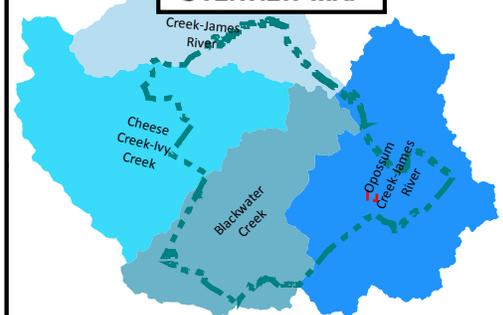
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

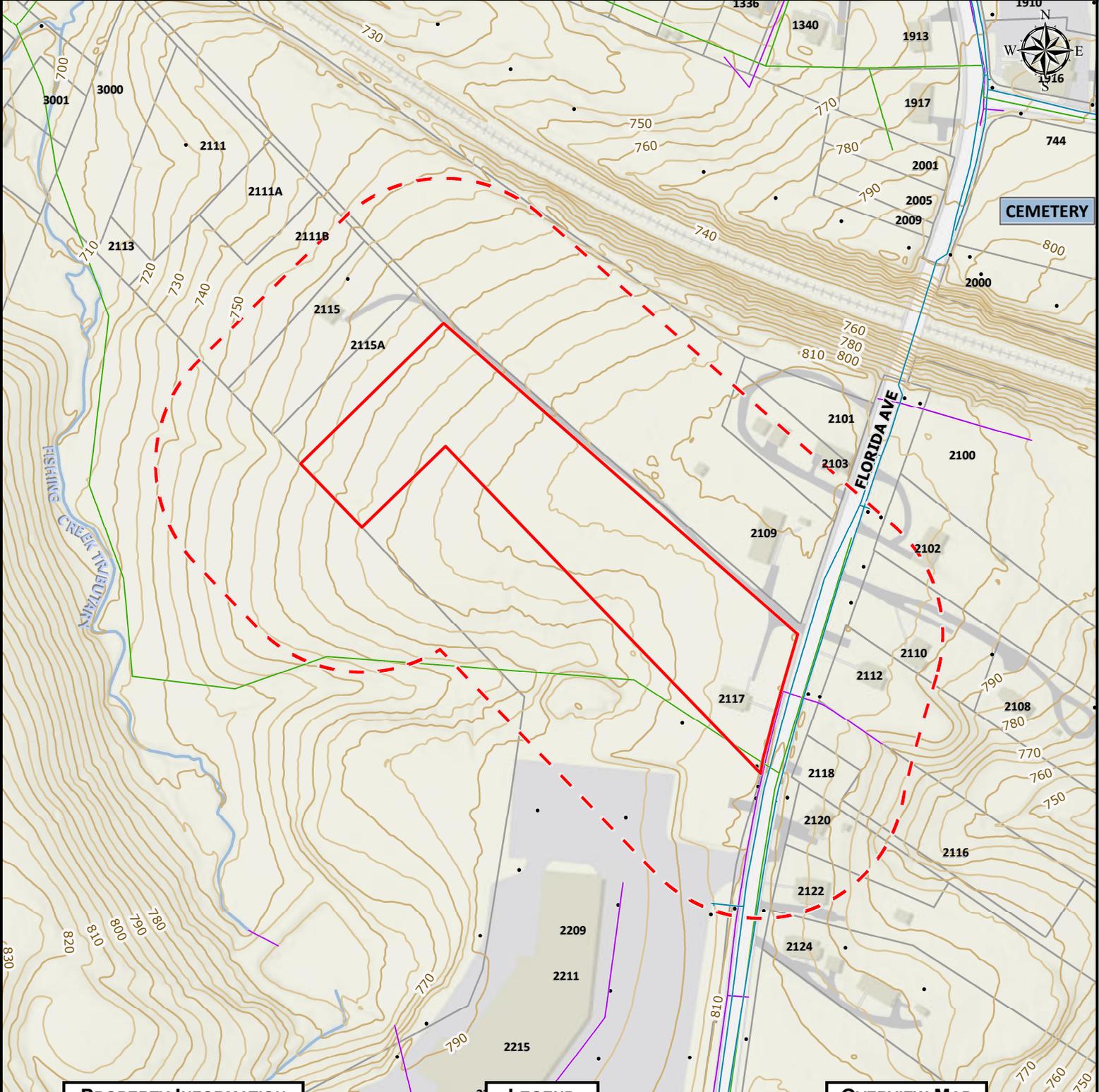
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019



CEMETERY



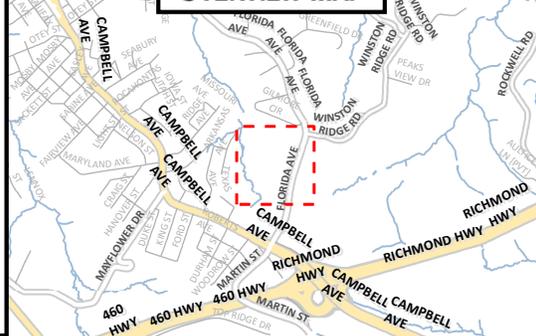
PROPERTY INFORMATION

PARCEL ID	ADDRESS
11116001	2117 FLORIDA AVE

LEGEND

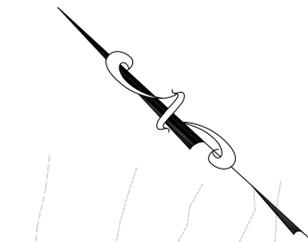
	Active	Proposed	Abandoned
Utilities	Water (Blue solid)	Sanitary (Green dashed)	Storm (Purple dashed)
Structure	Structure (Grey solid)	Parking (Dark Grey solid)	Sidewalk (Light Grey solid)
Planimetrics	Driveway (Light Grey solid)	Contours (Brown lines)	100' (Thick brown line)
Towers & Trans. Lines	Elec. Trans (Yellow solid)	Trans. Tower (Square symbol)	Comm. Tower (Circle symbol)
		Other (Square symbol)	Pole (Vertical line)
			Cemetery (Star symbol)

OVERVIEW MAP

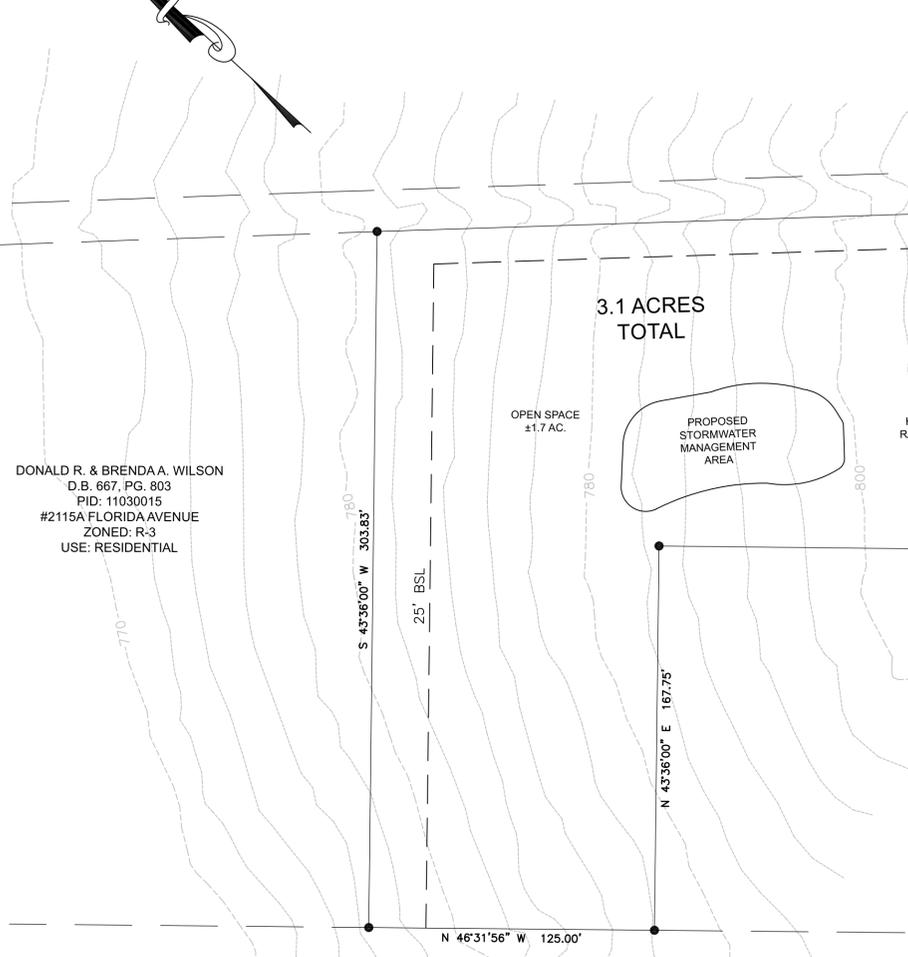


MAP SCALE: 1" to 200' DATE PRINTED: 12/3/2019

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.



DONALD R. & BRENDA A. WILSON
D.B. 667, PG. 803
PID: 11030015
#2115A FLORIDA AVENUE
ZONED: R-3
USE: RESIDENTIAL



CHARLES L. HAMLETT
D.B. 1060, PG. 402
PID: 10802004
#2109 FLORIDA AVENUE
ZONED: R-3
USE: RESIDENTIAL

NATIONWIDE PROPERTIES, LLC, et al
INSTR #150000612
PID: 11116002
#2121 FLORIDA AVENUE
ZONED: B-3
USE: COMMERCIAL

DODSON BROTHERS EXTERMINATING CO., INC.
INSTR #120005681
PID: 11116005
#3616 OAK TREE STREET
ZONED: B-3
USE: COMMERCIAL

OWNER: RANDALL FERGUSON
2117 FLORIDA AVENUE
LYNCHBURG, VA 24504

DEVELOPER: RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VA 24504
PHONE: 434-455-2120

PROPOSED CONDITIONAL USE DEVELOPMENT STANDARDS
FRONT SETBACK: 30'
SIDE YARD: 0' (ADJACENT TO B-3)
SIDE YARD: 15' (ADJACENT TO R-3)
REAR YARD: 25' (ADJACENT TO R-3)
MAX DENSITY: 21.78 UNITS PER ACRE
ACTUAL DENSITY: 15.48 UNITS PER ACRE

MASS TRANSIT: EXISTING BUS STOP WITHIN 100' OF SITE
PARKING PROVIDED: 43 SPACES OF WHICH 5 ARE HANDICAP SPACES;
A REDUCTION IN THE REQUIRED THE NUMBER OF
PARKING SPACES IS REQUESTED AS THE USE OF
THE FACILITY AND THE CLOSE PROXIMITY OF MASS
TRANSIT WILL RESULT IN THE NEED FOR FEWER
PARKING SPACES.

THIS SITE PLAN HAS BEEN PREPARED FOR A CONDITIONAL USE PERMIT FOR PIN: 11116001
TO ALLOW FOR THE CONSTRUCTION OF 48 MULTI-FAMILY DWELLING UNITS WITHIN THE
CURRENT B-3 ZONING.

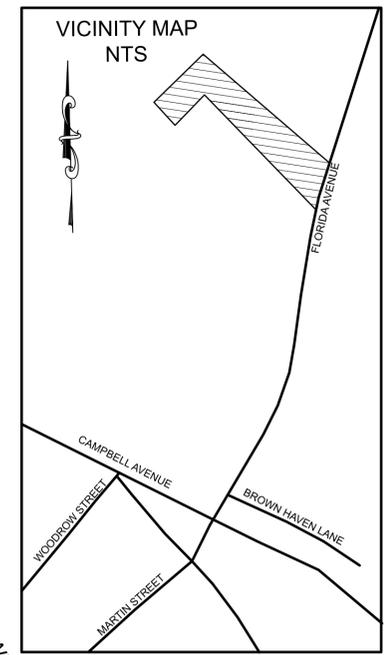
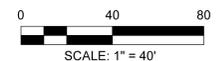
SUBJECT PROPERTY
PIN: 11116001

SOURCE OF TITLE:
TOTAL ACREAGE: ±3.1 ACRES

CURRENT ZONING: B-3
CURRENT USE: SINGLE FAMILY RESIDENCE
PROPOSED USE (CONDITIONAL): MULTI-FAMILY DWELLING UNIS (APARTMENTS)

NOTES:

- ALL PROPOSED BUILDINGS WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
- BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (#5100930104D), DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
- ELECTRIC, TELEPHONE & CABLE SERVICE WILL BE UNDERGROUND ON THE SITE.
- PRIOR TO THE DEMOLITION OF ANY BUILDING, UTILITY DISCONNECT FOR ALL SERVICES MUST BE FURNISHED TO THE CITY OF LYNCHBURG INSPECTION DIVISION. BEFORE ISSUING A DEMOLITION PERMIT, AN ASBESTOS SURVEY IN ACCORDANCE WITH SECTION 36-99.7 OF THE CODE OF VA IS REQUIRED.
- ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
- A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
- HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
- LANDSCAPING AS SHOWN IS FOR SCHEMATIC PURPOSES ONLY. A DETAILED LANDSCAPING PLAN SHALL BE PREPARED IN ACCORDANCE WITH LANDSCAPING SECTION OF THE CURRENT LYNCHBURG ZONING ORDINANCE.
- ALL LOADING AREAS, REFUSE AREAS, STORAGE YARDS, STORMWATER MANAGEMENT PONDS, HVAC EQUIPMENT, WATER VAULTS, RPZ DEVICES OR OTHER OBJECTIONABLE ITEMS MUST BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENT. SCREENING MAY BE ACCOMPLISHED BY A COMBINATION OF EXISTING VEGETATION, WALLS, FENCES, EARTHEN BERMS AND NEW EVERGREEN VEGETATION APPROPRIATE AND OF SUFFICIENT HEIGHT TO SCREEN THE EQUIPMENT OR ACTIVITY.
- ANY WALLS VISIBLE FROM ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL DISTRICT SHALL BE CONSTRUCTED OF SEGMENTAL BLOCK, BRICK, TREATED WOOD, STONE OR STAMPED OR COLORED CONCRETE THAT GIVES THE APPEARANCE OF BRICK OR STONE. RETAINING WALLS OF ANY OTHER MATERIAL MUST BE SUPPLEMENTED WITH LANDSCAPING AT A RATE AS FOLLOWS: WALLS LESS THAN 8 FEET IN HEIGHT REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL; WALLS 8 FEET IN HEIGHT OR GREATER REQUIRE 1 EVERGREEN SHRUB PER LINEAR FEET OF WALL AND 1 ORNAMENTAL TREE PER 20 LINEAR FEET OF WALL.
- TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP.
- GREENSPACE CALCULATION: 1.7 AC / 3.1 AC = 55%. THEREFORE, THE SITE CAN BE LANDSCAPED TO MEET THE 10% MINIMUM CANOPY REQUIREMENTS.
- STORMWATER MANAGEMENT TO MEET STATE AND LOCAL REGULATIONS.



cardinal
survey & design
PLC
Land Surveying • Planning • 3D Imaging

306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 23188
(434) 385-7548 -- (434) 385-6178 (FAX)



REVISIONS	
REV. 1	12-30-19

CONCEPT PLAN FOR
CONDITIONAL USE PERMIT
#2117 FLORIDA AVENUE
FOR: RUSH HOMES
CITY OF LYNCHBURG, VIRGINIA

SHEET #1 OF
PROJECT #19-459
REF:
SCALE: 1" = 40'

CUP NARRATIVE
2117 FLORIDA AVENUE

CUP NARRATIVE

FOR

2117 FLORIDA AVENUE
RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VIRGINIA

PREPARED FOR:
RUSH FAMILY HOMES
1721 MONSVIEW PLACE
LYNCHBURG, VIRGINIA

BY

CARDINAL SURVEY & DESIGN, PLC
ENGINEERS-SURVEYORS-PLANNERS

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

JOB #19-459

DECEMBER 2, 2019

PROJECT DESCRIPTION

Request Conditional Use Zoning in a B-3 Zone to permit the construction of 48 multi-family affordable housing units in two buildings with a third community building for gathering/office, etc. The project includes 3.1± acres. The subject area is currently developed with one single family residence. Below are narratives specifically requested by the City of Lynchburg for CUP application.

WATER/SEWER CAPACITY NARRATIVE:

The property is served by an existing City of Lynchburg Public water via 20" line along Florida Avenue. The 20" water line will adequately serve the development.

The property is served by an existing 8" sanitary sewer line along the south side of the property. The 8" sanitary sewer line will adequately serve the development.

STORMWATER NARRATIVE FOR ADEQUATE CHANNEL AND STORMWATER MEASURES

Currently the 3.1-acre property is partially developed with one residential dwelling. The remainder of the property is wooded. The majority of existing onsite storm water runoff converges in a large broad watercourse along the south edge of the property. Just offsite multiple natural watercourses converge to form a stream which drains to an unnamed tributary to Fishing Creek and eventually to the James River.

The proposed development will require storm water management for both water quality and quantity. Due to the size of the project, a variety of storm water management measures will be utilized throughout the project in a combination of both local and regional treatment. The project will be designed to meet state and local codes (Part IIB of the stormwater regulations). Specific designs will be submitted during the site plan phase for City review and approval. After construction, the storm management measures will be inspected by the City of Lynchburg and the design engineer for compliance with the approved plans. A maintenance agreement will be recorded for the project to insure the storm water measures are maintained long term.

Water quality and quantity will be handled by a combination of possible measures such as Rooftop Disconnection, Rainwater Harvesting, Soil Amendments, Permeable Pavement, Grass Channel, Bio-retention, Infiltration, Dry Swale, Sheet Flow to Filter/Open Space, Extended Detention Pond, and Filtering Practice. A combination of these measures will be used to treat and reduce the storm water runoff. To provide channel protection, the project will satisfy the equation $Q_{dev} \leq I.F. * (Q_{predev} * RV_{predev}) / RV_{dev}$ since discharging to an existing natural storm water conveyance. Since the disturbed acreage is greater than 1 acre, the required I.F. or improvement factor will be 0.8 (Q = flow, RV = volume of runoff). Compliance with this method of storm water management shall be deemed to satisfy minimum standard 19 of the Va. E & S Manual. While not required by the regulations, the attached calculations show that the existing natural channel is adequate for the 2-year storm.

EROSION AND SEDIMENT CONTROL

Preliminary calculations show that the project will have a disturbed area of approximately 1.4 acres. A Stormwater Pollution Prevention Plan (SWPPP) will be prepared by the design engineer and reviewed by the City of Lynchburg for approval. The SWPPP will propose a combination of measures such as silt fence, inlet/outlet protection, diversions, sediment traps and basins etc., to insure a stabilized site during construction. The SWPPP requires inspections once every 5 days or within 48 hours of a measurable rain event. The SWPPP manager will be

required to make any necessary repairs and/or adjustments. The City of Lynchburg will also provide vigorous inspections.

COMPLIANCE WITH PLANNING DOCUMENTS

The Lynchburg Comprehensive Plan recommends Medium Density Residential Development in this area which includes small-lot single family detached housing, duplexes and Townhouses. The proposed development has a density of 15.48 units per acre. No changes to the Future Land Use Map (FLUM) are proposed.

TRAFFIC PLANNING

Traffic generated by the projected residents of this development will be significantly less than projected by a normal apartment complex. However, when using an Average Daily Trip rate of 5.5 per dwelling unit, the 48 units proposed will only generate 264 Vehicle Trips per day which is well below the threshold for a detailed Traffic Study.

