

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

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** April 11, 2018  
**Re:** **Future Land Use Map (FLUM) Amendment: Neighborhood Commercial to Community Commercial**  
**Rezoning: R-2, Low-Medium Density Residential to B-3, Community Business District – 5001, 5005, 5013 and 5051 Fort Avenue**

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**I. PETITIONER**

Shelton & Hailey Holding Company, 426 7<sup>th</sup> Street, Altavista, Virginia 24517

**Representative:** Ms. Amy Seipp, PE, Accupoint Surveying & Design, LLC, 950 Airport Road, Lynchburg, Virginia 24502

**Property Owner(s):**

Ed Hawkins, Inc., 5005 Fort Avenue, Lynchburg, Virginia 24502.

**II. LOCATION**

The subject property is four (4) tracts of approximately one and thirty-five hundredths (1.35) acres located at 5001, 5005, 5013 and 5051 Fort Avenue.

**III. PURPOSE**

The purpose of the petitions is to amend the *Future Land Use Map (FLUM)* and rezone the property to bring the existing business into compliance with the Zoning Ordinance and allow the construction of a parking lot.

**IV. SUMMARY**

- The *Comprehensive Plan 2013-2030* recommends Low Density Residential uses for the area.
- The property is located at a signalized intersection along a commercial corridor.
- The property is one of the last remaining low-medium density residential zonings existing in the area.

**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 2013-2030* recommends Low Density Residential uses for the property.

Low Density Residential areas are dominated by single family detached housing at densities of up to four dwelling units per acre. These areas are colored light yellow on the *FLUM*. In addition to residential uses, they may include public and institutional uses compatible in scale with single family residential homes. Private recreation uses, including country clubs and swim and racquet clubs, and private open space are also appropriate for Low Density Residential areas. (*p. 72*)

The petition proposes to amend the *FLUM* to Community Commercial for all four (4) properties to bring the existing appliance store into compliance. 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. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office, research and development, and technology development uses may be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*pp. 75-76*)

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density Residential District was established in 1978.
3. **Proffers.** The petitioner has not submitted proffers.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been a several items requiring City Council approval in the immediate area:
  - On May 8, 1984, Council approved the conditional use permit (CUP) petition of Chestnut Hill United Methodist Church to allow the construction of a parking lot at 1209 and 1211 Radcliff Avenue.
  - On January 13, 1987, Council approved the CUP petition of Chestnut Hill Baptist Church for a parking lot at 1157-1165 Lindsay Street.
  - On July 14, 1987, Council approved the CUP petition of Autolease, Inc. for an automobile leasing agency at 5308 Fort Avenue.
  - On January 1, 1991, Council approved the CUP petition of Chestnut Hill United Methodist Church to allow a childcare center at 4660 Fort Avenue.
  - On July 14, 1992, Council approved the CUP petition of Chestnut Hill Baptist Church for the construction of a church office at 5225 Fort Avenue.
  - On August 10, 1993, Council approved the rezoning request of John Harvey, Claiborne Harvey and Robert Conner to rezone six (6) acres located at Fort Avenue, Wards Road, and Edinboro Avenue from B-3, Community Business District, and R-2, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the development of a shopping center.
  - On August 8, 1995, Council approved the CUP petition of Chestnut Hill United Methodist Church to construct a building addition and expansion of a play lot at 4660 Fort Avenue.
  - On December 9, 1997, Council approved the CUP petition of Fort Hill Memorial Park for the construction of a columbarium at 5050 Oxford Street.

- On December 9, 1997, Council approved the rezoning request of ZP No. 20, LLC, to rezone 2009 Wards Road from B-3C, Community Business District (Conditional) to B-3C to amend a previously proffered site plan to allow the construction of commercial buildings.
- On May 12, 1998, Council approved the rezoning request of ZP No. 20, LLC, to rezone 5605 Edinboro Avenue from B-3C, Community Business District (Conditional) to B-3C to amend a previously proffered site plan to allow the construction of a parking area.
- On January 12, 1999, Council approved the rezoning request of Mortgage Atlantic, Inc. to rezone 5604 Fort Avenue from R-2, Single Family Residential District, to B-1C, Limited Business District (Conditional) to allow the construction of a building addition and parking lot.
- On December 11, 2001, Council approved the rezoning request of Laird Developers, LLC to rezone 2004 Wards Road from R-2, Single Family Residential District, and B-3, Community Business District, to B-3C, Community Business District (Conditional) to allow the construction of a pharmacy.
- On December 9, 2008, Council approved the rezoning request of Peter Jung to rezone 5210 Fort Avenue from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the building as an automotive shop.
- On December 13, 2016, Council approved the CUP petition of Hi-Tech Automotive to bring a nonconforming auto repair shop into compliance and construct a building addition at 4897 Fort Avenue.

**6. Site Description.** The subject property consists of four (4) tracts of approximately one and thirty-five hundredths (1.35) acres. 5005 Fort Avenue contains a single-story wood frame commercial building, which operates as an appliance sales business. A parking lot extends across 5001 and 5005 Fort Avenue. 5013 Fort Avenue contains a pole frame structure and 5051 Fort Avenue contains a gravel lot, both of which are shown for removal on the concept plan.

The property is bordered to the north and south by commercial uses. The property is bordered to the west and east by single-household residential uses.



*Surrounding Area*

7. **Proposed Use of Property.** If the petitions are approved, the property will continue to operate as an appliance store and expand the existing parking lot. Five existing curb cuts will be closed as required by the *Zoning Ordinance*.
8. **Traffic, Parking and Public Transit.** The City Engineer did not require a traffic study as part of the rezoning petition. The property is located at a signalized intersection with Toledo Avenue.  
  
The area is served by the Greater Lynchburg Transit Company (GLTC) Route 4A and 4B with the closest stop being located at 4915 Fort Avenue.  
  
The required amount of parking has been indicated on the submitted concept plan and meets or exceeds *Zoning Ordinance* requirements.
9. **Stormwater Management.** An Erosion and Sediment Control/Stormwater Management Plan will be required prior to final site plan approval. A Stormwater Management Plan will be submitted if the project exceeds the City's threshold of five thousand (5,000) square feet of land disturbance, which is not anticipated at this time.
10. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposed rezoning.
11. **Impact.** The property is currently used as an appliance sales business and is a nonconforming use in the R-2, Low-Medium Density Residential District. Appliance sale is permitted by right in the B-3, Community Business District. The property is one of the last remaining low-medium density zoned areas fronting Fort Avenue. The proposed use of the property will remain the same as it has been for a number of years. Several curb cuts will be removed, thus improving this block of the corridor by reducing the number of potential conflict points between vehicular traffic and pedestrians. The proposed commercial zoning is reasonable for the property located at a signalized intersection on Fort Avenue and should have little to no impact on the area.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on March 20, 2018. Comments related to the proposed use have or will be addressed at the final site plan stage.

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## VI. PLANNING DIVISION RECOMMENDED MOTION:

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Shelton & Hailey Holding Company, LLC, to:**

**Amend the Future Land Use Map from Low Density Residential to Community Commercial at 5001, 5005, 5013 and 5051 Fort Avenue.**

**Rezone the property located at 5001, 5005, 5013 and 5051 Fort Avenue from R-2, Low Density Residential to B-3, Community Business District.**

This matter is respectfully offered for your consideration.

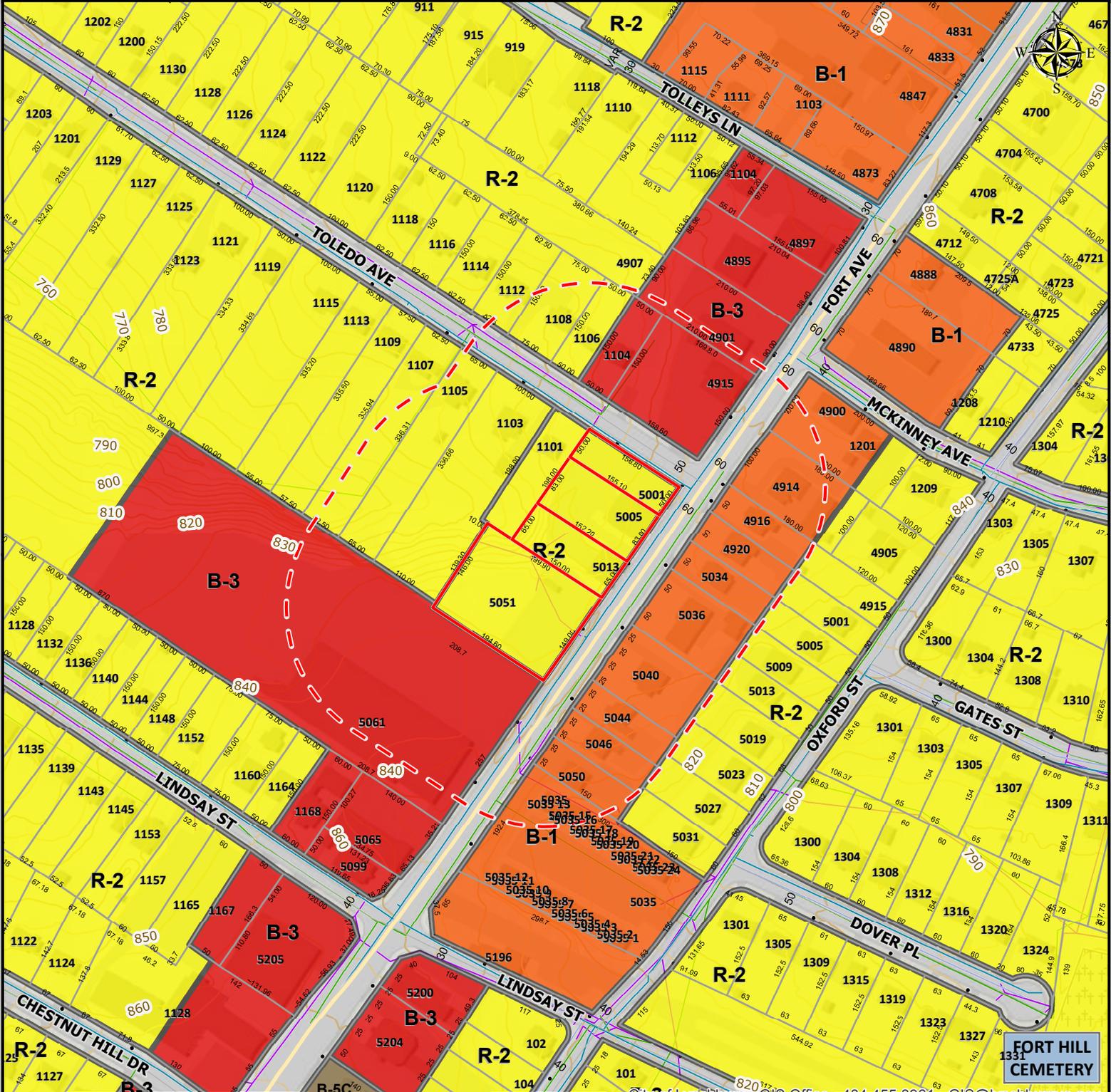


William T. Martin, AICP  
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager  
Mr. Charles Hartgrove, 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. Don Deberry, Transportation Engineer  
Mr. Doug Saunders, Building Official  
Mr. Kevin Henry, Zoning Administrator  
Ms. Amy Seipp, PE, Representative  
Mr. Larry Arrington, President, Ed Hawkins, Inc.  
Mr. Mitch Hailey, Shelton & Hailey Holding Company, LLC

## **VII. ATTACHMENTS**

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



PROPERTY INFORMATION

PARCEL ID	ADDRESS
05507034	5001 FORT AVE
05507036	5005 FORT AVE
05507037	5013 FORT AVE
05507038	5051 FORT AVE

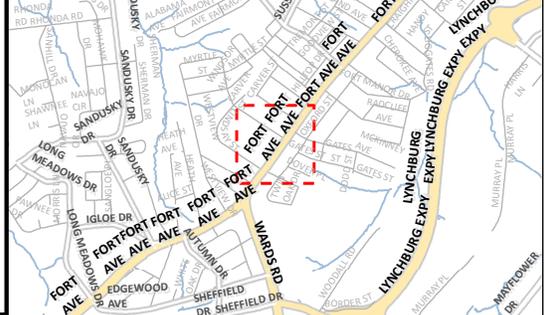
LEGEND

**Subject Property** (Solid Red Outline)

**215' Buffer** (Dashed Red Outline)

B-1	I-1	R-4
B-2	I-2	R-5
B-3	I-3	R-C
B-4	R-1	IN-1
B-5	R-2	IN-2
B-6	R-3	

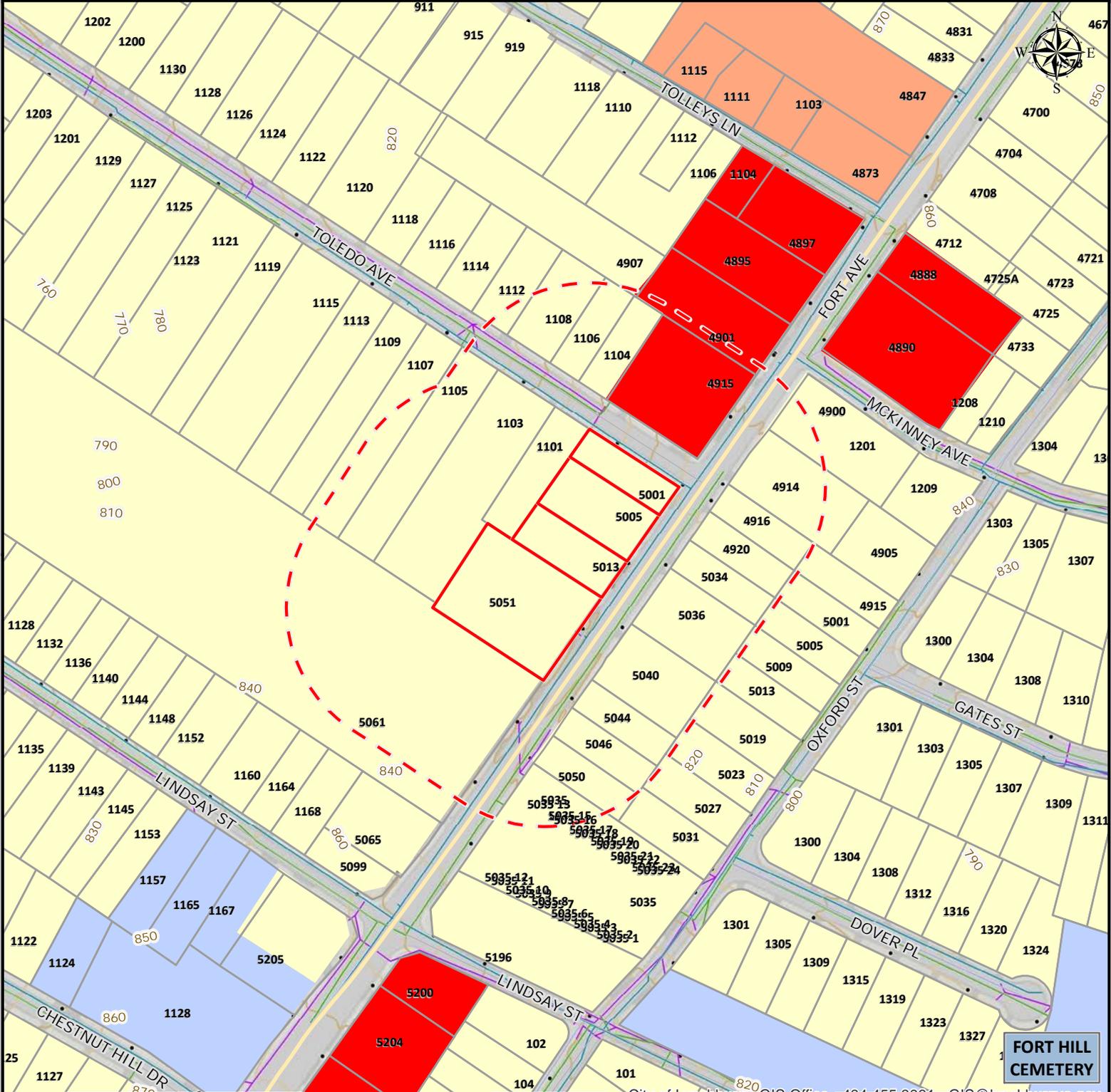
OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 3/14/2018

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>Address</b>	<b>Owner</b>
05310016	5001 OXFORD ST	BARKER, JEFFREY H & CAROL A
05506005	4915 FORT AVE	BONZ PROPERTIES LLC
05506011	1104 TOLEDO AVE	BONZ PROPERTIES LLC
05310020	5019 OXFORD ST	BROWN, DEBORAH L
05310019	5013 OXFORD ST	CCI PROPERTIES LLC
05310018	5009 OXFORD ST	CCI PROPERTIES LLC
05506004	4901 FORT AVE	CHEUNG, CHOI W & CHEN, WU MING
05507023	1107 TOLEDO AVE	CHRISLER, MEG E
05310043	5046 FORT AVE	DERBYSHIRE PROH ENTERPRISES INC
05310055	4916 FORT AVE	DUNAWAY, ADORACION T
05310015	4915 OXFORD ST	DUNAWAY, ADORACION T
05507036	5005 FORT AVE	ED HAWKINS INC
05507038	5051 FORT AVE	ED HAWKINS INC
05507034	5001 FORT AVE	ED HAWKINS INC
05507037	5013 FORT AVE	ED HAWKINS INC
05310047	5040 FORT AVE	FAITH ASSEMBLY TRS
05310051	5036 FORT AVE	FORTUNE FAMILY LLC
05507032	1101 TOLEDO AVE	GONZALEZ, JONATHAN J & JESSICA A
05310054	4920 FORT AVE	GOODE, WILLIAM S & FANNIE S
05506015	1108 TOLEDO AVE	GOULD, JEFFREY B & LINDA B
05310056	4914 FORT AVE	HAYDENS HOMES LLC
05310001	4900 FORT AVE	HECKMAN, JOHN F & LAURA E
05310069	5035 OXFORD ST	IVY-LYNCHBURG PROPERTIES LLC
05310017	5005 OXFORD ST	JENNINGS, CURTIS C & MAYME C
05310045	5044 FORT AVE	JOHNSON, H JESSE III
05506056	4907 FORT AVE	JUNG, BOOHONG & CHOI, YOUNJUNG
05310025	5027 OXFORD ST	KENNEDY, ALICE H ESTATE
05310027	5031 OXFORD ST	MCFADEN, PATRICIA A
05507025	1105 TOLEDO AVE	POWELL, CLIFTON B JR & BETTY S LIFE
05507039	5061 FORT AVE	REBKEE PARTNERS MARTINSVILLE LLC
05506018	1112 TOLEDO AVE	ROBINSON, JANICE K
05310053	5034 FORT AVE	SMITH, ROBERT G & BARBARA
05310023	5023 OXFORD ST	SNYDER, JASON P
05507028	1103 TOLEDO AVE	THOMPSON, TONI N & THOMPSON, TANYA N
05506013	1106 TOLEDO AVE	UPCHURCH, JASMINE MALIA
05310041	5050 FORT AVE	WESTWOOD CORPORATION



FORT HILL CEMETERY

City of Lynchburg - GIS Office 434-455-2824 3100 Lynchburgva.gov

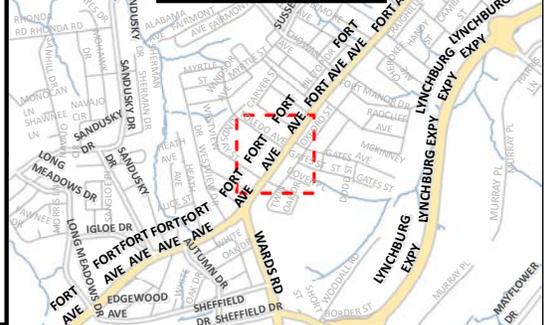
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05507037	5013 FORT AVE
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LEGEND

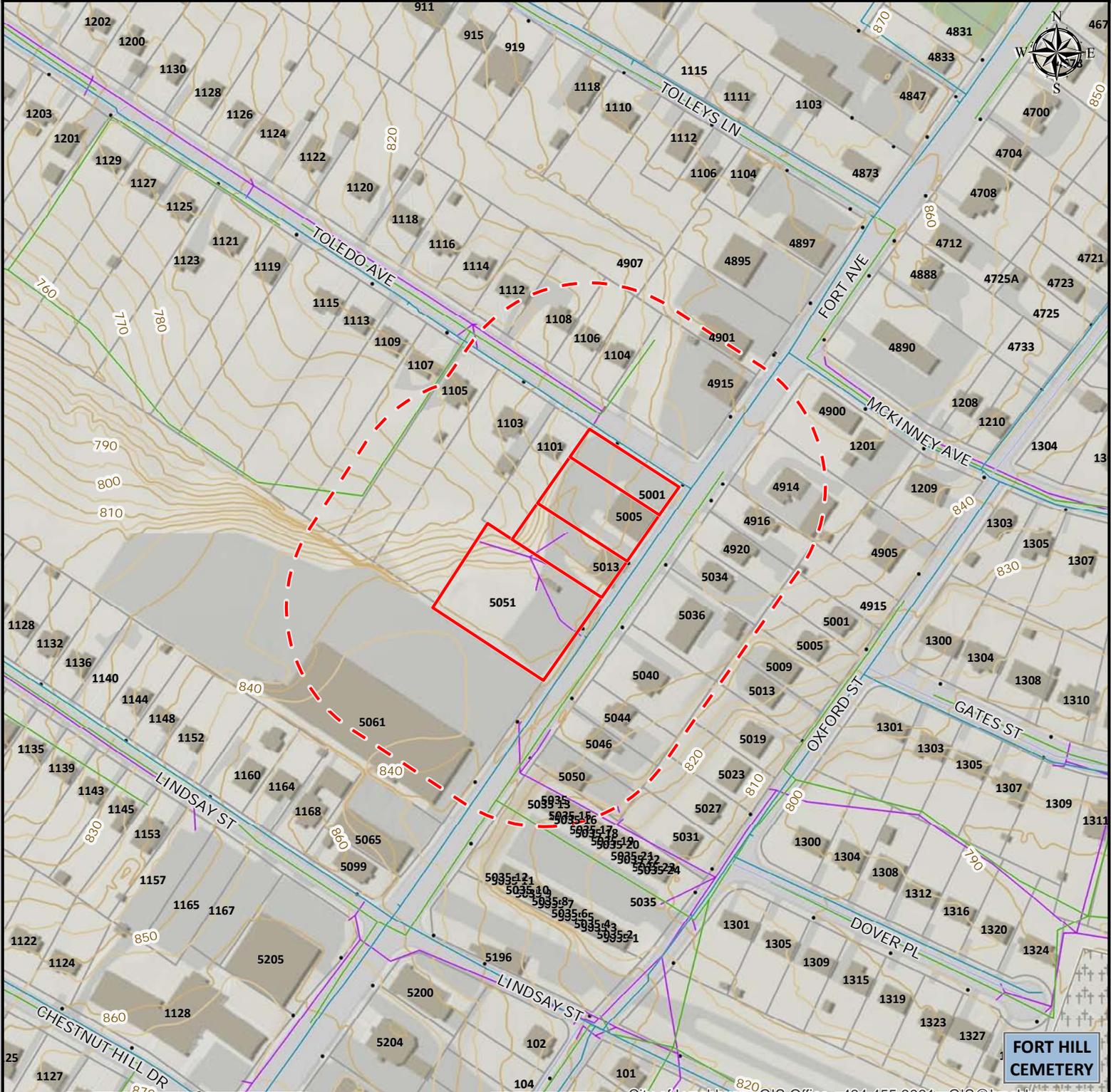
- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Employment 1
- Employment 2
- Downtown
- Public Use
- Public Parks
- Resource Conservation
- Mixed Use

OVERVIEW MAP



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**LEGEND**

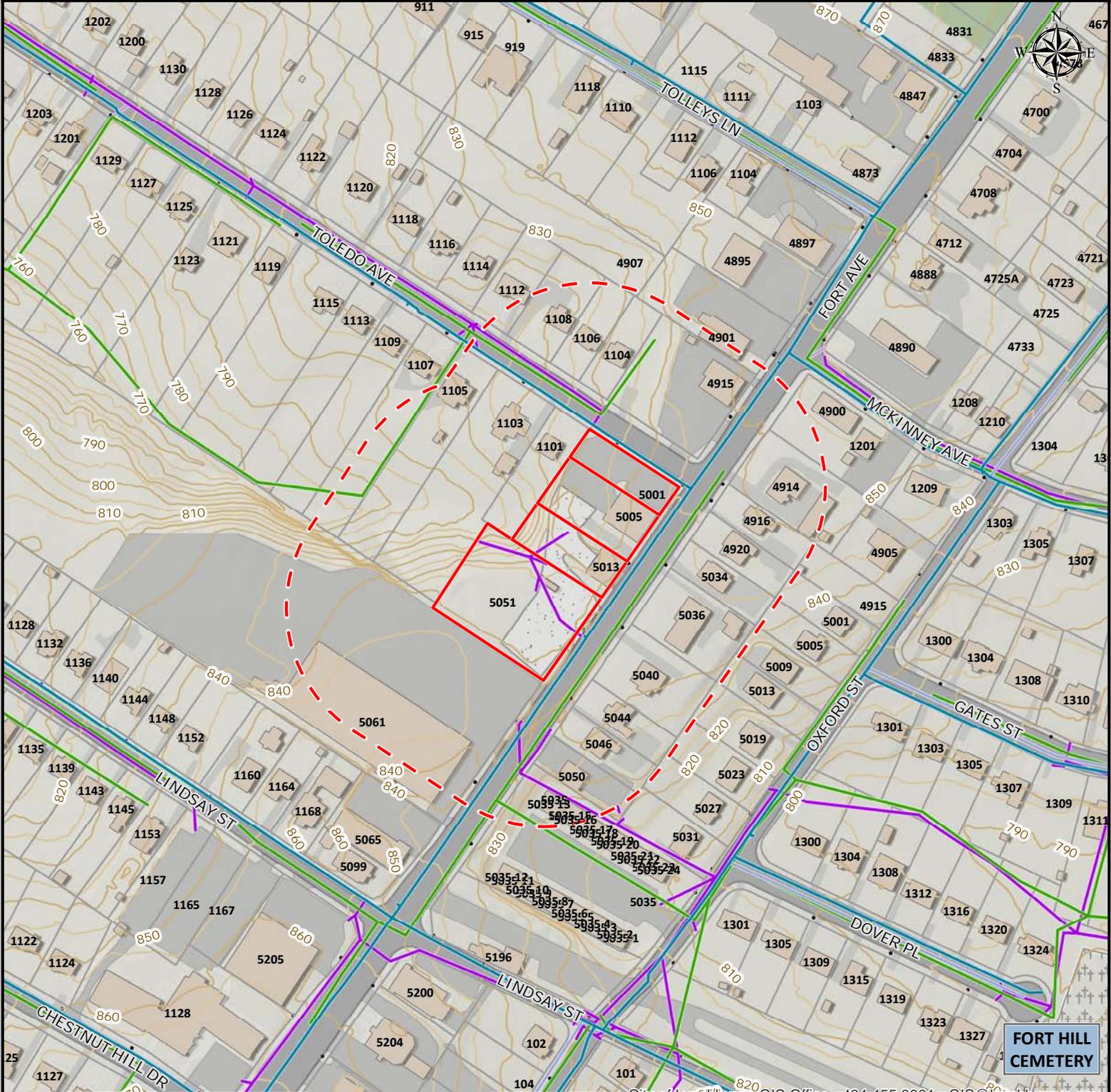
- Subject Property**
- Base Flood Elevation**
- Floodway**
- Floodzone**
- River / Lake / Stream**

**OVERVIEW MAP**



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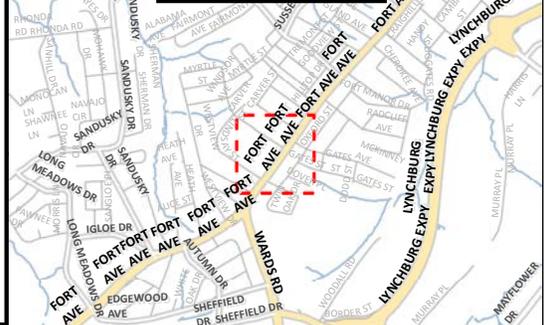
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**LEGEND**

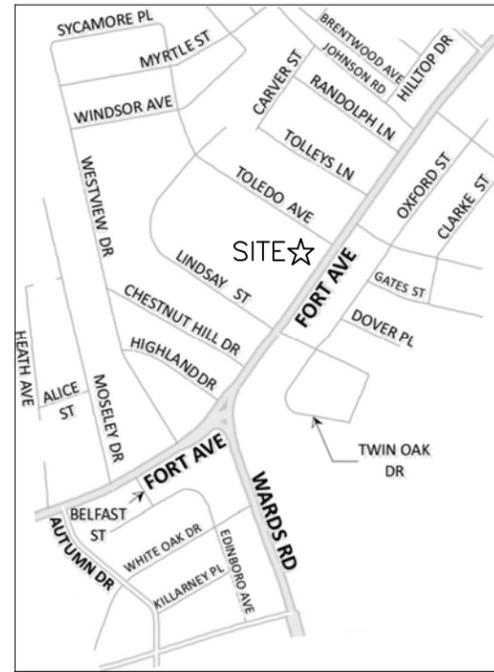
	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Paved		
	Unpaved		
	Other		
	Structure		
Topography	Contour		
	100'		
	50'		
	20'		

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VICINITY MAP

VEGETATIVE BUFFER: 20' WITH DOUBLE STAGGERED ROW OF EVERGREEN TREES.

STREET TREE REQUIREMENTS: (ORNAMENTAL)

TOTAL FRONTAGE: 346.59 LF  
 BUILDING REDUCTION: 50 LF  
 DRIVEWAY REDUCTION: 30 LF

TOTAL STREET TREES REQUIRED: 14

$$346.59' - 50' - 30' = 266.59' / 20' OC = 13.32 \text{ TREES}$$

PARKING REQUIREMENTS:

BUILDING GROSS SQUARE FOOTAGE: 6000 SF  
 RETAIL SALES & SERVICE: 2/1000 GSF PLUS 1 SPACE/3 EMP

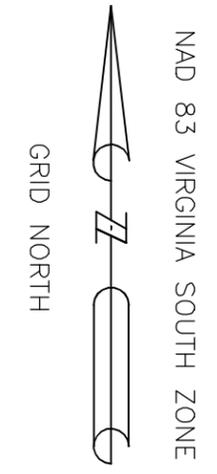
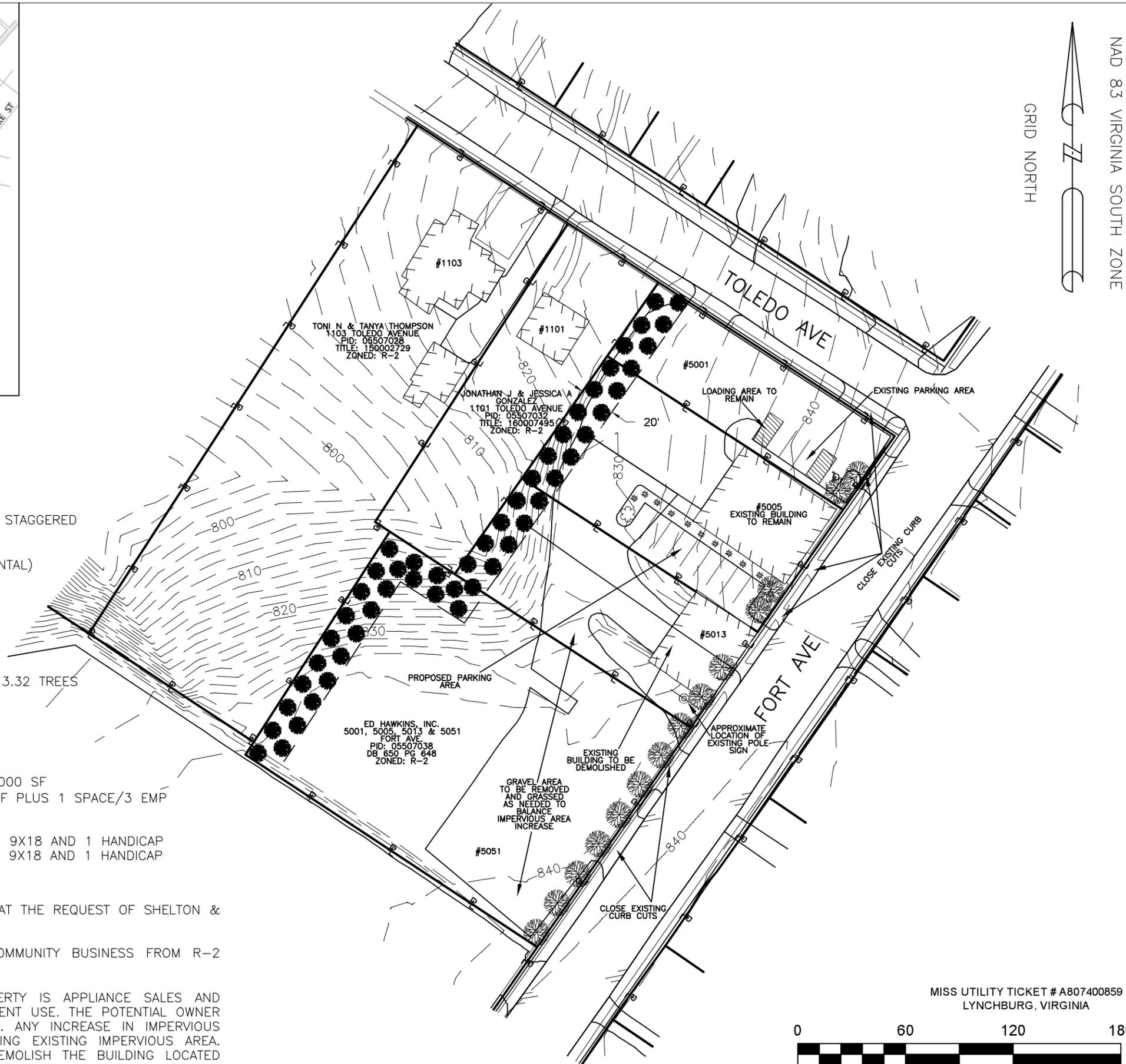
PARKING REQUIRED: 13 SPACES - 12 9X18 AND 1 HANDICAP  
 PARKING PROVIDED: 13 SPACES - 12 9X18 AND 1 HANDICAP

NARRATIVE:

THIS CONCEPT PLAN WAS PREPARED AT THE REQUEST OF SHELTON & HAILEY HOLDING COMPANY, LLC.

THE REQUESTED ZONING IS B-3 COMMUNITY BUSINESS FROM R-2 LOW/MEDIUM DENSITY RESIDENTIAL.

THE INTENDED USE OF THIS PROPERTY IS APPLIANCE SALES AND SERVICE, VERY SIMILAR TO THE CURRENT USE. THE POTENTIAL OWNER WOULD LIKE TO ADD MORE PARKING. ANY INCREASE IN IMPERVIOUS AREA WOULD BE OFFSET BY REDUCING EXISTING IMPERVIOUS AREA. THE POTENTIAL OWNER PLANS TO DEMOLISH THE BUILDING LOCATED ON THE 5013 PARCEL.



MISS UTILITY TICKET # A807400859  
 LYNCHBURG, VIRGINIA

**CONCEPT PLAN**  
**5001, 5005, 5013, AND 5051 FORT AVENUE**  
**SHELTON & HAILEY HOLDING COMPANY, LLC**  
**LYNCHBURG, VIRGINIA**

**ACCUPOINT**  
 SURVEYING & DESIGN  
 SURVEYORS ♦ ENGINEERS ♦ SOIL EVALUATORS  
 950 AIRPORT ROAD, LYNCHBURG, VA 24502  
 PH: 434-610-4334 WWW.ACCUPOINTSURVEYING.COM

SCALE:	1" = 60'
ASD JOB #:	2018-130
FILE #:	2018-130layout.dwg
PARCEL ID:	05507034, 05507036 05507037, 05507038
DATE:	MARCH 29, 2018
SHEET:	3 OF 3



March 29, 2018

Mr. Tom Martin, City Planner  
City of Lynchburg  
City Hall – 2<sup>nd</sup> Floor  
900 Church Street  
Lynchburg, VA 24504

Dear Mr. Martin –

Please find the enclosed information and application for Re-Zoning and Future Land Use Map Amendment. These are submitted to bring a nonconforming use into compliance with the City of Lynchburg Zoning Ordinance. The current use of the property, appliance sales and service, conflicts with the existing zoning (R-2). The contract purchaser of the property plans on maintaining the current use. Therefore, amending the FLUM and Re-Zoning the property to B-3 to conform with the use and the other zonings appropriate for this area along Fort Ave is requested.

Sincerely,

A handwritten signature in black ink that reads "Amy K. Seipp". The signature is written in a cursive, flowing style.

Amy K. Seipp, PE  
Principal Engineer – Accupoint Surveying & Design, LLC

