

June 28, 2022



CITY COUNCIL AGENDA

City Council Meeting - 7:30 p.m.

Council Chamber | City Hall, 900 Church Street, Lynchburg, VA 24504

IV. Invocation

Councilmember Faraldi

V. Public Hearing

- 4) Consideration of adopting Resolution #R-22-___ approving the FY 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program.
- 5) Consideration of adopting Resolution #R-22-___ approving the CUP to allow the construction of a lighted sports complex at Liberty Christian Academy.
- 6) Consideration of adopting Resolution #R-22-___ approving the CUP to allow the expansion of Spring Hill Cemetery located at 1550 James Street.
- 7) Consideration of adopting Resolution #R-22-___ approving the CUP to allow the construction of a gymnasium and classroom addition at New Vistas Schools located at 520 Eldon Street.

VI. Public Comment

**Public Comment Addendum will be posted separately after the citizen sign-up deadline of Friday at noon preceding the Council meeting.*

VII. General Business

- 8) Consideration of adopting Ordinance #O-22-___ approving City Code amendments for derelict buildings.
- 9) Discuss amending City Council's Rules of Procedure to align Mayor and Vice Mayor elections with general elections.
- 10) **SECOND READING:** Consideration of adopting Resolution #R-22-040 amending the FY 2023 General Fund budget and appropriating funds for the purpose of extending the living wage increase for all part-time and hourly employees and to enhance funds available to impact compression.
- 11) Consideration of a closed meeting to consider appointments to the following boards and commissions: Board of Zoning Appeals, Central Virginia Community College Board, City Employee Appeals Board, Economic Development Authority, Historic Preservation Commission, Martin Luther King, Jr./Lynchburg Community Council, Museum Advisory Board, Region 2000 Services Authority, Youth Services Citizens Board, Airport Commission, Planning Commission, Social Services Advisory Board, Transit Company Board of Directors, and Lynchburg Emergency Planning Committee pursuant to Section 2.2-3711(A)(1.) of the Code of Virginia; and to discuss the pending City's Region 2000 Services Authority Lawsuit and surrounding circumstances, pursuant to §§ 2.2-3711(7) and 2.2-3711(8) of the Code of Virginia, 1950, as amended.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 28, 2022**

AGENDA ITEM #: **4**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Public Hearing Regarding the Fiscal Year (FY) 2023 Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program

RECOMMENDATION: Conduct a public hearing to receive comments on the Community Development Block Grant (CDBG) and HOME Program Fiscal Year (FY) 2023 Annual Action Plan and adopt a resolution approving the FY 2023 Annual Action Plan.

SUMMARY: The Department of Housing and Urban Development (HUD) requires local governments, which receive federal Community Planning and Development (CPD) formula block grant funds, to prepare an Annual Action Plan as a component of the approved 2020-2024 Five-Year Consolidated Plan. The Plan outlines the City's needs, goals, and objectives for community development (both housing and non-housing areas). The Plan has been prepared and is comprised of the required components, including the CDBG and HOME projects that will be implemented during the program year to address the identified needs and objectives.

On May 21 a public notice was published in The News and Advance stating that a draft of the proposed Program Year 2022 (FY 2023) Annual Action Plan was available for public review for a 30-day comment period and that City Council would be conducting a public hearing on June 28 to receive public comments regarding the Program Year 2022 (FY 2023) Annual Action Plan. The advertisement for the Annual Action Plan included the projects recommended by City Council at the March 22 meeting.

City staff has not yet received any public comments regarding the draft Plan. City Council and citizen comments received at the public hearing regarding the contents of the Annual Action Plan will be incorporated into the final document and submitted to HUD for approval.

PRIOR ACTION(S):

February 23, 2022: Community Development Advisory Committee Meeting

March 22, 2022: Public Hearing to receive comments from the recommendations of the Community Development Advisory Committee (CDAC) and City Council's Project Allocations of the Community Development Block Grant and HOME Program Funds

FISCAL IMPACT: FY 2023 decrease in CDBG (\$14,338) and increase in HOME Program (\$7,178) funding based on final entitlement amounts from HUD.

CONTACT(S): Melva Walker, Grants Manager – 455-3916
Tom Martin, Acting Community Development Director – 455-3900

ATTACHMENT(S):

- Resolution
- Draft FY 2023 Annual Action Plan

REVIEWED BY: MMB WCB

RESOLUTION:

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Year 2022 (FY 2023) Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted:

Certified: _____

Clerk of Council

DRAFT



ANNUAL ACTION PLAN

Program Year 2022 • Fiscal Year 2023



Annual Action Plan • July 1, 2022 - June 30, 2023

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The City of Lynchburg receives an annual entitlement allocation of funding from the U. S. Department of Housing and Urban Development (HUD) to be used for the benefit of low-income persons or neighborhoods. The funding is based on a formula and a number of community development factors including population, the extent of poverty, housing overcrowding, and slower population growth in relationship to other metropolitan areas.

The City of Lynchburg receives two different entitlement grants from HUD, the Community Development Block Grant (CDBG) and the HOME Investment Partnerships Program Grant. The City uses these funds to leverage other public and private funding towards community development and housing projects.

The City of Lynchburg, as an entitlement jurisdiction in the CDBG and HOME Programs, is required by HUD to submit a consolidated plan every five years. The Consolidated Plan defines a specific course of action to meet the community development and housing needs for the citizens of Lynchburg. It integrates economic, physical, environmental, community and human development in a comprehensive and coordinated fashion so that the City, Lynchburg Redevelopment and Housing Authority (LRHA), and nonprofit organizations can work together to assist in meeting the needs of families and/or individuals. The strategic plan in this document also sets forth program goals, specific objectives, annual goals, and benchmarks for measuring progress. In so doing, it helps the City and citizens keep track of results and learn what works in the community.

This Consolidated Plan corresponds to the City's five fiscal years, which began July 1, 2020 and ends June 30, 2025. Once a year, City staff writes an Action Plan. The Action Plan outlines projects and the amount of funding that will go towards the goals outlined in the Consolidated Plan. At the conclusion of each fiscal year, City staff writes a final report, called the Consolidated Annual Performance and Evaluation Report (CAPER), to report the progress towards the Consolidated Plan goals and accomplishments by project.

The CDBG and HOME funding allocations have been trending downwards and that trend is expected to continue. However, this Plan takes into account the increasing importance of identifying and prioritizing the most critical needs to be addressed with CDBG and HOME Program funds.

Structure of the Plan

The Consolidated Plan consists of three major sections: a housing and community development needs assessment, a housing market analysis, and a strategic plan which identifies those priority housing and

community development needs and strategies that the City plans to address with the available HUD resources over the next five years. This plan was formulated using HUD's eConPlan tool, which dictates the plan's structure and provides a series of pre-populated tables.

Data in the three major sections was drawn primarily from HUD's Comprehensive Housing Affordability Strategy (CHAS) data set, which is a special tabulation of 2007-2011 American Community Survey (ACS) data from the Census Bureau. The CHAS data is a fixed set of data in pre-populated tables. The CHAS data describes housing problems, such as overcrowding or incomplete kitchen and/or plumbing facilities, as well as cost burden, which occurs when a household pays more than 30% of its gross income on housing costs. Extreme cost burden occurs when a household pays more than 50% of its gross income on housing costs.

2. Summarize the objectives and outcomes identified in the Plan

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The Strategic Plan within the 2020-2024 Consolidated Plan provides a framework to address the needs of the City for the five years using CDBG and HOME funds. The three overarching objectives guiding the proposed activities are:

- Providing Decent Affordable Housing
- Creating Suitable Living Environments
- Creating Economic Opportunities

Outcomes show how programs and activities benefit a community or the people served. The three outcomes that will illustrate the benefits of each activity funded by the CDBG and HOME programs are:

- Improve Availability/Accessibility
- Improve Affordability
- Improve Sustainability

Activities funded in the five-year plan and the Program Year 2022 Annual Action Plan will support at least one objective and one outcome. The City's framework for realizing the objectives and outcomes include the following goals:

- Provide Decent, Affordable Housing
- Provide a Suitable Living Environment
- Increase Homeownership
- End Chronic Homelessness

The goals listed below are intended to provide broad guidance in the allocation of CDBG and HOME Program funds granted to the City by HUD for the five years that began on July 1, 2020 and ends on June 30, 2025. The Community Development Advisory Committee (CDAC) supports the allocation of funds to achieve measurable results for both housing and non-housing goals. These goals were reviewed and reaffirmed by City Council on January 11, 2022 for the Fiscal Year (FY) 2023 (Program Year 2022) Annual Action Plan.

Housing Goals

- Support initiatives to increase permanent affordable housing in the rental markets. Increase the number of owner-occupied units. Emphasis to be placed on mixed income and inclusive communities.
- Support the preservation of affordable housing in both the rental and sales markets, including the rehabilitation of substandard housing.
- Support efforts for the removal and redevelopment of dilapidated and condemned structures to eliminate neighborhood deterioration, blight and blighting influences.

Non-Housing Goals

- Support the improvements to public facilities and infrastructure.
- Support efforts for the identification and remediation of rental housing in substandard conditions.
- Support neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place.
- Support efforts that align with the goals of the City's Blueprint for Opportunity: Building Tomorrow's City of Lynchburg 2019-2023 to improve the economic base, job skills, and health of the community.
- Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families.
- Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.
- Support efforts to remove barriers to escape poverty and strengthen low-income households and families.

3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

In Program Year 2020 (FY21), the City received \$714,680 in CDBG entitlement funds and \$424,183 in HOME Program entitlement funds. Along with these entitlement funds, are previously receipted

program income of \$2,100 and reprogrammed funds of \$30, respectively, in the CDBG Program was allocated to eligible projects and in reprogrammed and recaptured funds of \$433,416.22 and \$10,576 in HOM Program funds. The total amount of CDBG and HOME funds the City allocated for projects and activities during the Program Year 2020 was \$1,582,885.22. This represented a total of \$714,710 in CDBG and \$868,175.22 in HOME Program dollars. The City allocated the majority of its CDBG and HOME Program funds for projects and activities classified as housing, public facilities and infrastructure, and public services.

The following is a summary of the City's past performance as reported to HUD in the Consolidated Annual Performance Report (CAPER) for overall performance in Program Year 2020 (FY 2021). The CAPER noted that the City's performance in Program Year 2020 (FY 2021) met the regulatory expectations in regard to the following:

CDBG Program- In Program Year 2020 approximately 100% (\$745,160) of the CDBG funds were expended on activities that benefited low-to-moderate (LMI) persons within the City. With this amount the City was above the minimum threshold of 70% set in 24 CFR 570.901(a).

There was 4.39% (\$95,113.66) of Lynchburg's CDBG allocation and prior years' funding expended on planning and administration, which was under the maximum of 20% allowed according to 24 CFR 570.206(g).

There was 4.73% (\$102,359.48) of Lynchburg's CDBG allocation and prior years' funding expended for public service activities; therefore, the City was under the maximum of 15% mandated by 24 CFR 570.201(e).

HOME & CDBG Program- Housing

HOME funds were used to achieve the goals of increasing the number of affordable rental units, increase the number of owner occupied units and to rehabilitate substandard housing units.

The City increased the number of owner-occupied units by four (4) during PY 2020 Greater Lynchburg's Habitat for Humanity (GLHFH) provided Homebuyer Homeownership for two (2) units through its Down Payment Assistance Project to eligible clients and Lynchburg Community Action Group (Lyn-CAG) through its Down Payment Assistance project provided assistance to two (2) low-moderate income first-time homebuyers. There was \$79,420 of the City's HOME entitlement funds expended on these units.

4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

The planning process for the preparation of the Five-Year Consolidated Plan and FY 2023 Annual Action Plan included the following distinct elements:

- Focus group sessions with representatives from City government (staff), non-profit organizations, and other service providers to gain stakeholder input on the identification of City needs.
- Additional meetings and interviews with City departmental staff and other provider agencies and stakeholders throughout the planning process to understand the current scope of programs, issues, and concerns. The one-on-one conversations helped to develop strategies to address the community needs that were identified in the focus group sessions.
- Review of existing community development-related planning documents, including the City of Lynchburg's 2030 Comprehensive Plan.
- There was one public meeting conducted by the Community Development Advisory Committee (CDAC) and three public hearings conducted by City Council for the FY 2023 Annual Action Plan to review the housing and non-housing goals and the proposed project applications. Public notices were published in the local newspaper, *The News and Advance*, along with notifying community organizations through electronic mail and social media.

5. Summary of public comments

On January 11, 2022 City Council conducted a public hearing to receive citizens' comments concerning the Community Development Block Grant (CDBG) and HOME Program housing and non-housing goals for the FY 2023 Annual Action Plan. At the public hearing, City staff gave a summary of the proposed goals. There was no one present who wished to speak to this item, and the public hearing was closed. City Council approved the goals.

On February 23, 2022 the Community Development Advisory Committee (CDAC) held a public meeting to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the anticipated allocation of \$800,132.40 in CDBG entitlement, and reprogrammable funds and \$472,705.21 in HOME Program entitlement and reprogrammable funds. There were representatives from the various agencies that had submitted project applications present at this meeting. CDAC members reviewed each application and asked questions of the respective agency representatives for clarifications. At the conclusion of the meeting, the Committee unanimously agreed on the recommended projects for the CDBG and HOME Program that would be submitted to City Council for approval. At the time of the CDAC meeting the City had not received final entitlement allocations from HUD. Therefore, CDAC included in their recommendations increase/decrease adjustments to the recommended projects based on the final allocations from HUD.

On March 22, 2022 City Council conducted a public hearing to receive public input and adopt the proposed FY 2022 CDBG and HOME Program projects. There was no one present who wished to speak to the item. City Council unanimously approved the CDAC recommendations for projects to be funded.

On June 28, 2022, City Council will conduct a public meeting to accept comments regarding the draft FY 2023 Annual Action Plan. See AP-12 Participation for comments.

6. Summary of comments or views not accepted and the reasons for not accepting them

Any comments received during the public comment period will be reviewed and incorporated.

7. Summary

The public participation in FY 2023 Annual Action Plan carried general themes of the need for goals that would provide for programs and activities that serve the homeless and persons in poverty; provide education awareness activities to guide persons in securing homeownership through pre and post-counseling and maintaining/retaining their homes; and provide affordable rental housing for low-to-moderate income persons and persons with disabilities.

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
CDBG Administrator		Community Development/Grants Administration
HOME Administrator		Community Development/Grants Administration

Table 1 – Responsible Agencies

Narrative (optional)

The City of Lynchburg's Community Development Grants Administration Office is the lead agency for the preparation of the Consolidated Plan.

Consolidated Plan Public Contact Information

City of Lynchburg Department of Community Development
Grants Administration Office
900 Church Street
Lynchburg, VA 24504
Contact: Melva C. Walker, Grants Manager
Phone: 434.455.3916
Email: melva.walker@lynchburgva.gov
Website: www.lynchburgva.gov

AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City of Lynchburg utilized an outreach effort to maximize input from stakeholders. This outreach effort included the Community Development Advisory Committee (CDAC) meeting, public meetings, and published meeting notices and social media avenues (City's website and Grants Administration website).

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

To ensure the participation of and coordination between public and private agencies, the Grants Administration staff sent informational material and written communication to community organizations for preliminary discussions on the Plan and the needs of the citizens of Lynchburg. Some of the agencies contacted included: Lynchburg Redevelopment and Housing Authority (LRHA), Lynchburg Health Department, Johnson Health Center, Lynchburg Department of Human Services, Miriam's House, The Gateway, Inc., Rush Homes, Central Virginia Continuum of Care, City of Lynchburg Office of Economic Development, Lynchburg Community Action Group, United Way of Central Virginia, Region 2000, and Divisions of Neighborhood Services/Code Enforcement and Inspections within the Department of Community Development.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The City of Lynchburg is a member of the Central Virginia Continuum of Care (CVCoC), which is a regional group of agencies that focuses on issues pertaining to homelessness. Through the participation of the members of the CVCoC the agency can more effectively address the needs of homeless individuals and families, including the following: homelessness prevention; outreach/assessment (i.e. case management); emergency services; transitional housing; and permanent supportive housing. In addition, the City along with the CVCoC, and Miriam's House as the lead agency partners with Miriam's House to fund a Homeless Intake Coordinator position to provide a coordinated intake process for homeless persons. This position and the coordinated intake process at Miriam's House provides a higher level of coordination with the CVCoC to address the needs of homeless persons.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate

outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

The City of Lynchburg does not receive Emergency Solutions Grant (ESG) funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	LYNCHBURG REDEVELOPMENT AND HOUSING AUTHORITY (LRHA)
	Agency/Group/Organization Type	PHA
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Public Housing Needs Homelessness Strategy Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Redevelopment and Housing Authority (LRHA), the Public Housing Authority (PHA), was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
2	Agency/Group/Organization	Rush Homes
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Housing needs- persons with disabilities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Rush Homes was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.

3	Agency/Group/Organization	GREATER LYNCHBURG HABITAT FOR HUMANITY
	Agency/Group/Organization Type	Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy Low-to-moderate income families
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Greater Lynchburg Habitat for Humanity (GLHFH) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for low-to-moderate income persons.
4	Agency/Group/Organization	LYNCHBURG COMMUNITY ACTION GROUP, INC. (LYN-CAG)
	Agency/Group/Organization Type	Housing Services - Housing Services-Persons with HIV/AIDS Services-homeless Services-Education Services-Employment Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs HOPWA Strategy Anti-poverty Strategy Lead-based Paint Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lyn-CAG was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing, rehabilitation to owner-occupied housing, and the availability of community and housing services for low-to-moderate income persons.
5	Agency/Group/Organization	LYNCHBURG COVENANT FELLOWSHIP
	Agency/Group/Organization Type	Housing Services - Housing Services-Elderly Persons
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Covenant Fellowship (LCF) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing and the availability of housing for low-to-moderate income persons and the elderly.
6	Agency/Group/Organization	BOYS AND GIRLS CLUB OF GREATER LYNCHBURG
	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Boys and Girls Club of Greater Lynchburg was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the Lynchburg Police Department improves neighborhood organizations and the relationship with youth in the community.
7	Agency/Group/Organization	LYNCHBURG POLICE DEPARTMENT

	Agency/Group/Organization Type	Other government - Local Collaborate with Boys and Girls Club programs
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Police Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with the Lynchburg Police Department improves the neighborhood organizations and watches that the officers participate in for prevention of crime and provide safety to the neighborhoods and in its collaboration with the Boys and Girls Club working with youth.
8	Agency/Group/Organization	Lynchburg Parks and Recreation
	Agency/Group/Organization Type	Other government - Local
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Recreational Activities
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Parks and Recreation Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan include the consultation with this agency should include: access to recreational activities for youth and adults in the low-moderate income population. Public facility improvements for the Neighborhood Centers.
9	Agency/Group/Organization	FREE CLINIC OF CENTRAL VIRGINIA
	Agency/Group/Organization Type	Services-Health
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Free Clinic of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
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10	Agency/Group/Organization	Central Virginia Health Department
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Central Virginia Health Department was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
11	Agency/Group/Organization	Johnson Health Center
	Agency/Group/Organization Type	Services-Health Health Agency
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Johnson Health Center was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include health and wellness services to offer low-moderate income persons to increase healthy living.
12	Agency/Group/Organization	Centra Foundation

	Agency/Group/Organization Type	Services-Health Regional organization Foundation
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Community health needs of those in poverty
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Centra Foundation was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include funding opportunities to the community to increase health and wellness opportunities.
13	Agency/Group/Organization	VIRGINIA'S REGION 2000 LOCAL GOVERNMENT COUNCIL
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Economic Development Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Virginia's Region 2000 Local Government Council was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives of the Annual Action Plan.
14	Agency/Group/Organization	LYNCHBURG ASSOCIATION OF REALTORS
	Agency/Group/Organization Type	Service-Fair Housing Regional organization
	What section of the Plan was addressed by Consultation?	Housing Need Assessment
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg Association of Realtors was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing the opportunities for low-moderate income persons to purchase affordable housing.

15	Agency/Group/Organization	UNITED WAY OF CENTRAL VIRGINIA, INC.
	Agency/Group/Organization Type	Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Non-Homeless Special Needs Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The United Way of Central Virginia was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include improved regional partnerships to achieve the goals and objectives for the Annual Action Plan.
16	Agency/Group/Organization	LYNCHBURG CITY SCHOOLS
	Agency/Group/Organization Type	Services-Children Services-Education Other government - Local
	What section of the Plan was addressed by Consultation?	Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The Lynchburg City Schools was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will include improved educational opportunities and partnerships to explore programs to offer for low-moderate income persons to obtain housing and life skills stability.
17	Agency/Group/Organization	Miriam's House
	Agency/Group/Organization Type	Services-Victims of Domestic Violence Services - Victims
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy Shelter

	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Miriam's House was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency will expand affordable housing opportunities for homeless women and children and assist in providing improved public services.
18	Agency/Group/Organization	Lynchburg Area Center for Independent Living
	Agency/Group/Organization Type	Services-Persons with Disabilities
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Lynchburg Area Center for Independent Living (LACIL) was consulted through stakeholder interviews, telephone interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include: improved access to affordable housing for disabled, low-to-moderate income persons.
19	Agency/Group/Organization	City of Lynchburg Department of Social Services
	Agency/Group/Organization Type	Services - Housing Services-Children Child Welfare Agency Other government - Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	The City's Division of Social Services was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the consultation with this agency should include enhancing availability of services for low-moderate persons to enhance opportunities to bridge out of poverty.
20	Agency/Group/Organization	Blue Ridge Mountains Council- Boys Scouts of America

	Agency/Group/Organization Type	Services-Children
	What section of the Plan was addressed by Consultation?	Anti-poverty Strategy
	Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?	Blue Ridge Mountains Council- Boy Scouts of America was consulted through stakeholder interviews, social media, public meetings and public hearings. The outcomes for the Annual Action Plan including the partnership with the City of Lynchburg Parks and Recreation Department improves neighborhood organizations and the relationship with youth in the community.

Identify any Agency Types not consulted and provide rationale for not consulting

City staff is not aware of any agencies that were not contacted to participate in relation to the housing and community development needs for the City.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Central Virginia CoC	Information from the application provided a framework for the homeless needs section.
Analysis of Impediments to Fair Housing (AI)	City of Lynchburg	The Fair Housing Action Plan implementation recommendations from the AI were reviewed for the Annual Action Plan.
The City of Lynchburg Comprehensive Plan 2013	City of Lynchburg	The Comprehensive Plan was reviewed to match the Annual Action Plan goals.

Table 2 – Other local / regional / federal planning efforts

Narrative (optional)

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

On January 11, 2022 City Council conducted a public hearing to receive comments on the housing and non-housing community development goals adopted in the Consolidated Plan for 2020-2024 by City Council on February 11, 2020 regarding the needs common to low- and moderate-income persons and individuals with mental illness, intellectual and physical disabilities, substance abuse or addiction, persons with HIV-Aids, persons that are homeless, and elderly persons. No public comments were received about the goals. City Council adopted the goals for the FY 2023 Annual Action Plan at the public hearing.

CDAC conducted a public meeting on February 23, 2022 to review CDBG/HOME allocations and make recommendations for allocations. In accordance with the process outlined in the City's Citizen Participation Plan, a notice was published in The News and Advance on February 9, 2022 stating the purpose of this meeting was to review submitted CDBG and HOME Program applications and formulate recommendations for consideration by City Council regarding the allocation of entitlement and reprogrammable funds.

CDAC and the public were informed that City Council would hold a public hearing on March 22, 2022 on the project recommendations of the CDAC. In addition, a timetable was provided that noted the remaining public meetings that would be held to complete the allocation process and submittal of the Annual Action Plan. There was no one present who wished to speak to this item. City Council unanimously approved the CDAC recommendations for projects to be funded.

On June 28, 2022, City Council will conduct a public meeting to accept comments regarding the draft FY 2023 Annual Action Plan. Public comments will be included in the Annual Action Plan to be submitted to HUD.

Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
1	Public Hearing	Non-targeted/broad community	January 11, 2022 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council in the approval of the goals for the Annual Action Plan.	www.lynchburgva.gov/city-council-meetings
2	Public Hearing	Non-targeted/broad community	March 22, 2022 City Council public hearing. No comments were received.	No comments were received.	There were no public comments that were not considered by City Council.	www.lynchburgva.gov/city-council-meetings
3	Public Hearing	Non-targeted/broad community	June 28, 2022 City Council public hearing.	Comments will be incorporated	Comments will be incorporated	

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted and reasons	URL (If applicable)
4	Internet Outreach	Minorities Non-English Speaking - Specify other language: All Persons with disabilities Non-targeted/broad community Residents of Public and Assisted Housing	Public notices were posted on the Grants Administration webpage and the City's front webpage for the January 11, 2022 City Council public hearing; for the March 22, 2022 City Council public hearing; and will be published for the June 28, 2022 City Council public hearing.	No public comments were received.		www.lynchburgva.gov/grants-administration

Table 3 – Citizen Participation Outreach

Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

See the Priority Table below for the anticipated resources for Fiscal Year 2023 that will be used to address housing and non-housing goals within the 2020-2024 Consolidated Plan.

Anticipated Resources

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	714,845	0	70,949.40	785,794.40	1,386,756	CDBG funds will support housing and non-housing community development in the City of Lynchburg.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 3				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	421,034	0	58,849.21	479,883.21	876,618	HOME Program funds will continue to support housing rehabilitation and development in the City of Lynchburg.

Table 4 - Expected Resources – Priority Table

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City of Lynchburg will continue to partner with other public agencies and nonprofit organizations, when feasible, to leverage resources and maximize outcomes in housing and community development. The City plans to meet the HOME Program match requirements by utilizing the volunteer labor and construction material costs accrued from the construction of homes completed by Greater Lynchburg Habitat for Humanity.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

Non Applicable

Discussion

DRAFT

Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Increase permanent affordable housing in the rental market	2020	2024	Affordable Housing	Citywide	Increase access to and quality of Affordable Housing Affordable Housing for Special Needs Populations Housing Rehabilitation	HOME: \$200,000 CDBG: \$30,000	Rental Units Constructed: 31 units Rental Units Rehabilitated: 4 units

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
2	Increase the Number of Owner-Occupied Units	2020	2024	Affordable Housing	Citywide	Increase access to and quality of Affordable Housing Affordable Housing for Special Needs Populations Housing Rehabilitation	HOME: \$246,883.21 CDBG: \$100,000	Homeowner Housing Added: 10 units Homeowner Housing Rehabilitated: 1 unit
3	Improve the City's Public Facilities	2020	2024	Non-Housing Community Development	CENSUS TRACTS 4,5,6,7, 11, and 19	Public Facility Improvements	CDBG: \$423,264.40	Public Facility or Infrastructure for Low/Moderate Income Other than Housing Benefit: 3,215 Persons Assisted
4	Promote Public Service Activities	2020	2024	Public Services (non-homeless and homeless)	Citywide	Public Services	CDBG: \$80,440	Homelessness Prevention: 4,000 Persons Assisted Public Service activities other than Low/Moderate Income Housing Benefit: 50
5	Provide quality oversight and administration of federal programs	2020	2024	Other - Planning and Administration	Citywide	Planning and Administration	CDBG: \$152,090 HOME: \$33,000	Other: 0 Other

Table 5 – Goals Summary

Goal Descriptions

1	Goal Name	Increase permanent affordable housing (rental market)
	Goal Description	Fund activities that expand the supply and improve the condition of housing affordable to lower income households. Fund activities that leverage other public and private resources such as Low-Income Housing Tax Credit projects. Support incentives to increase permanent affordable multifamily rental housing as well as direct assistance to low-income households. Emphasis to be placed on mixed income and inclusive communities.
2	Goal Name	Increase the Number of Owner-Occupied Units
	Goal Description	Increasing the number of owner-occupied units through programs such as the Greater Lynchburg Habitat for Humanity program to provide down payment assistance, and housing development and the Community Housing Development Organization (CHDO) will stabilize the City's housing stock through new construction, acquisition, and rehabilitation. Emphasis to be placed on mixed income and inclusive communities.
3	Goal Name	Improve Public Facilities
	Goal Description	Fund non-housing community development proposals that eliminate a threat to public health and safety and/or expand affordable housing development to include water/sewer projects, drainage projects, sidewalks, street improvements, neighborhood improvements, and solid waste disposal projects.
4	Goal Name	Promote Public Service Activities and Provide Homeless Services
	Goal Description	Promote public service activities which support the healthy development of the City's at-risk youth, adults, and families. Promote efforts to remove barriers to escape poverty and strengthen low-income households and families. Promote neighborhood partnerships that facilitate self-sufficiency and enable families and individuals to maintain their housing, remain in their neighborhoods, and age in place. Support efforts to develop, sustain, and coordinate a comprehensive, seamless system of services for homeless citizens in order to move the homeless population toward obtaining permanent housing.

5	Goal Name	Provide quality oversight and administration of federal programs
	Goal Description	Provide staff for the administration and oversight of the Community Development Block Grant (CDBG) and HOME Program, Neighborhood Plan and the Analysis of Impediments to Fair Housing.

Estimate the number of extremely low-income, low-income, and moderate-income families to whom the jurisdiction will provide affordable housing as defined by HOME 91.215(b)

Using HOME Program funds, it is anticipated that Rush Homes with the Florida Terrace project will assist sixteen (16) low-income households and fifteen (15) moderate-income households through the construction of new rental units. Habitat for Humanity plans to assist two (2) low-income households and two (2) moderate-income households with the Knott Street Development. Lynchburg Redevelopment and Housing Authority anticipates assisting one low-income household.

In Program Year 2022, an estimated 36 low-to-moderate income households will be assisted with affordable housing options through the HOME Program.

Projects

AP-35 Projects – 91.220(d)

Introduction

The City's FY 2023 planned actions will address the City's priority housing and community development needs. The projects are outlined below.

Projects

#	Project Name
1	City Administration
2	Jefferson Park Revitalization Improvements
3	Tinbridge Hill Neighborhood Plan Improvements (Phase 2A)
4	Diamond Hill Neighborhood Plan and Improvement Project
5	City Planning and Administration: Diamond Hill Neighborhood Plan
6	Lynchburg Redevelopment and Housing Authority- Enhance and Preserve (LEAP) Rehab
7	Lynchburg Redevelopment and Housing Authority-Rental Rehabilitation Grant Program
8	Miriam's House- Coordinated Homeless Intake and Access (CHIA)
9	Blue Ridge Mountains Council Boy Scouts of America- Scoutreach
10	Rush Lifetime Homes-Florida Terrace Rental Housing (CHDO)
11	Greater Lynchburg Habitat for Humanity- Knott Street Development
12	Lynchburg Redevelopment and Housing Authority- HOME for Good

Table 6 - Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City will invest the majority of CDBG and HOME Program funds City-wide. Investing in affordable housing projects City-wide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low-income populations. The City will target its CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). Code enforcement efforts will also be targeted to the census tracts adjacent to the City's Central Business District, where there is a higher concentration of poverty.

Utilizing federal funds, the City of Lynchburg will address the needs of the community in LMI Areas and City-wide.

AP-38 Project Summary

Project Summary Information

1	Project Name	City Administration
	Target Area	Citywide
	Goals Supported	Provide quality oversight/admin fed. programs
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$137,090 HOME: \$33,000
	Description	Funding used for the general oversight, monitoring, administration, and personnel costs associated with the programs
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	N/A- Planning and Administration
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	Administration of the CDBG and HOME Program
2	Project Name	Jefferson Park Revitalization – Improvements
	Target Area	CENSUS TRACT 7

	Goals Supported	Improve the City's Public Facilities
	Needs Addressed	Public Facilities Improvements
	Funding	CDBG: \$240,000.00
	Description	Funding is to supplement the FY 2022 approved CDBG funding that has been used to implement an initial wave of improvements in Jefferson Park. This funding will continue to be leveraged with other City, in-house, efforts to transform the Jefferson Park at Kirby and Chambers Streets into an active and engaging neighborhood asset. Initial estimates from the design process indicate that the project is subject to cost increases that reflect those being seen nationwide and with other City projects. Significant labor shortages and supply chain issues with the requisite material goods are causing construction charges to surge.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	822 people (367 housing units)
	Location Description	405 N York Street, Lynchburg, VA
	Planned Activities	In addition to completing the project previously outlined from FY 2022 (with the exception of the Kirby Street ramp access for which City staff will seek alternative funding), the supplemented improvements would include the following: • Additional patio amenities; • Access improvements to the amphitheater; • The loop trail in the park; • Historical signage; and • A temporary marking of the pool site.
3	Project Name	Tinbridge Hill Neighborhood Improvements – Phase 2A

	Target Area	CENSUS TRACT 6
	Goals Supported	Improve the City's Public Facilities
	Needs Addressed	Public Facilities Improvements
	Funding	CDBG: \$125,000.00
	Description	The growing Tinbridge Hill Neighborhood Plan was created by residents and adopted by City Council in 2014. The plan identifies pedestrian safety and connectivity goals for the neighborhood. The Friends of Tinbridge Hill (FOTH) is the association that engages in and solicits input from neighborhood residents and prioritizes improvements outlined in the adopted neighborhood plan.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	492 people (316 housing units)
	Location Description	1119-1201 Hollins Street
4	Planned Activities	Phase 2A activities would include the construction of a relocated Tinbridge Hill Trail which serves as a trail head to the Kemper Station located at the Blackwater Creek Natural Area. This phase would also construct an overlook of the trail and natural area on City-owned property located at 1119-1201 Hollins Street.
	Project Name	Diamond Hill Neighborhood Plan and Improvement Project
	Target Area	CENSUS TRACT 11
	Goals Supported	Improve the City's Public Facilities

	Needs Addressed	Public Facilities Improvements
	Funding	CDBG: \$58,264.40
	Description	This project will begin the multi-step process of reinvesting in the Diamond Hill neighborhood. This application builds on the initial work of the Strong Neighborhood Alliance, a City effort to better engage with residents. The alliance conducted a series of door-to-door and community listening events to gather input about assets and needs within the neighborhood.
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	1,901 people (1,074 housing units)
	Location Description	Diamond Hill neighborhood
	Planned Activities	This phase will be a comprehensive neighborhood plan that will shape future CDBG applications and the use of limited City resources by: • Completing historic and environmental assessments for the neighborhood (as needed); • Designing/reimagining public spaces and underutilized assets in the community; • Enhancing programming desired by the neighborhood for neighborhood centers; • Prioritizing infrastructure needs to address safety, capacity, and livability; • Addressing other concerns discovered in the planning process; and • Establishing a neighborhood group to help carry the plan forward.
5	Project Name	City Planning and Administration: Diamond Hill Neighborhood Plan
	Target Area	Diamond Hill neighborhood

	Goals Supported	Provide quality oversight/admin fed. programs
	Needs Addressed	City Planning and Administration
	Funding	CDBG: \$15,000.00
	Description	City Planning and Administration – secure contractual services for plan development and/or historic resource application for neighborhood revitalization
	Target Date	6/30/2023
	Estimate the number and type of families that will benefit from the proposed activities	N/A- Planning and Administration
	Location Description	City Hall, 900 Church Street, Lynchburg, VA
	Planned Activities	Secure a consultant to research, gather data, and prepare an application to list the Hunton Randolph Community Center to the National Historic Register
6	Project Name	Lynchburg Redevelopment and Housing Authority (LRHA) – Enhance and Preserve (LEAP) Rehab: Diamond in the Rough
	Target Area	Census Tracts 4, 5, 6, 7, 11, and 19
	Goals Supported	Increase the number of owner-occupied units
	Needs Addressed	Housing Rehabilitation
	Funding	CDBG: \$100,000.00

	Description	For many years, LRHA has partnered with the City for the use of CDBG funds to renovate homes and revitalize neighborhoods to benefit low-income families. In furtherance of this partnership, LRHA has developed a new program—LRHA’s Enhance and Preserve (LEAP)—that will be the vehicle for addressing neighborhood properties in need of renovation going forward. This program year, in conjunction with the City’s targeted Diamond Hill neighborhood improvement projects, LRHA has selected “Diamond in the Rough” as the project name for this year’s renovation program.
	Target Date	6/30/23
	Estimate the number and type of families that will benefit from the proposed activities	4-10 people (1 housing unit)
	Location Description	Candidate properties: 1312 Taylor Street; 1507 Taylor Street; 1101 Pierce Street; 1105 Pierce Street; 1319 Fillmore Street; 1307 13 th Street
	Planned Activities	Diamond in the Rough will address the City’s identified vacant housing, dilapidated structures and affordable housing needs by providing newly renovated single-family homes for home-ownership and/or rental. Many properties have turned from a productive use to disuse and these types of properties can be saved and put back to productive use. The most desired outcome is for owner-occupied families and rental uses, which can help to stabilize and revitalize neighborhoods significantly.
7	Project Name	Lynchburg Redevelopment and Housing Authority – Rental Rehabilitation Grant Program
	Target Area	CENSUS TRACTS 4, 5, 6, 7, 11, and 19
	Goals Supported	Increase permanent affordable housing (rental market)
	Needs Addressed	Increase access to/quality of affordable housing

	Funding	CDBG: \$30,000.00
	Description	This project would provide continued funding for the Rental Rehabilitation Grant Program that issues grants to owners of rental properties that are located within the City's Rental Inspection Area. The grant would be available to owners who are providing accessibility improvements and/or energy upgrades which benefit low-income tenants. The grant is a fifty percent matching grant with a maximum per unit of \$10,000.
	Target Date	6/30/23
	Estimate the number and type of families that will benefit from the proposed activities	4-10 people (4-6 housing units)
	Location Description	918 Commerce Street
	Planned Activities	Special considerations would be given to proposals for accessibility improvements, such as the installation of ramps, grab bars, widening of doorways, retrofitting showers, kitchen accessibility, and similar improvements. This program encourages and assists owners to provide improved living conditions when they might otherwise be unable to do so. Additionally, it may be in the elimination of blighted properties and providing affordable housing for low-to-moderate income persons.
8	Project Name	Miriam's House/ Coordinated Homeless Intake and Access (CHIA)
	Target Area	Citywide
	Goals Supported	Promote Public Service Activities
	Needs Addressed	Public Services

	Funding	CDBG: \$65,000.00
	Description	Miriam's House is requesting continued funding for the position of Coordinated Entry Specialist for the Coordinated Homeless Intake and Access (CHIA) program through the Central Virginia Continuum of Care (CVCoc). With this grant funding, the position will continue to be maintained and Lynchburg will have the capacity to continue to meet the requirements set by the Department of Housing and Urban Development (HUD) to have a coordinated entry process to homeless assistance programs. HUD's vision of the coordinated entry process is coordination and management of a crisis response system's resources that allows users to make consistent decisions from available information to efficiently and effectively connect people to interventions that will rapidly end their homelessness. This vision emphasizes that the process is not just an assessment but is also about facilitating entry into the crisis response system and an exit into housing. Coordinated entry for households facing a housing crisis or already experiencing homelessness, provides a consistent, streamlined process for accessing the resources available in the homeless response system. This assures the highest need, most vulnerable households in our community are prioritized for services, and that the housing and supportive services in the system are used as effectively and efficiently as possible. The CVCoc oversees the CHIA program and ensures compliance with all HUD and local guidelines. The coordinated entry process for the CVCoc includes all households experiencing or at risk for homelessness, including subpopulations such as people experiencing chronic homelessness, veterans, families, youth, survivors of domestic violence, persons with mental illness, LGBTQ persons, and persons with a disability.
	Target Date	6/30/23
	Estimate the number and type of families that will benefit from the proposed activities	4,000 people
	Location Description	409 Magnolia Street, Lynchburg, VA 24503

	Planned Activities	The primary access point for homeless response services is a homeless hotline that is answered by the Coordinated Entry Specialist at CHIA. CHIA provides a phone-based assessment and referral to homeless diversion, homeless prevention, emergency shelter, domestic violence services and other appropriate housing interventions and services. CHIA operates during normal business hours and partners with Lynchburg Community Action Group who responds to hotline calls during non-business hours. This partnership ensures that the homeless hotline is available to households experiencing a housing crisis 24/7.
9	Project Name	Boy Scouts of America and Parks and Recreation Department – Scout-reach Program
	Target Area	CENSUS TRACTS 4, 5, 6, 7, 11, and 19
	Goals Supported	Promote public service activities
	Needs Addressed	Public Services
	Funding	CDBG: \$15,440.00
	Description	Boy Scouts of America plans to continue the Scout-reach program for youth in Lynchburg’s central city neighborhoods, by partnering with the Lynchburg Parks and Recreation Department throughout the school year and utilizing the Neighborhood Centers as meeting locations. This partnership started in 2020 and was abruptly halted by the COVID-19 pandemic. The program kicked off with Diamond Hill and Fairview Centers, and in November 2021, grew to the Yoder Center. The Scout-reach initiative was created to meet the needs of the community. Scout-reach is the Boy Scouts of America’s commitment to making sure that all young people have an opportunity to join scouting, regardless of their circumstances, neighborhood, or ethnic background. Scouting, by emphasizing ethics and moral values, addresses many of the social concerns of parents and youth in America. Scouting prepares urban and rural youth to be leaders, to accept responsibility, and to care about principles and causes beyond their own self-interest. Boy Scouts of America’s biggest asset in urban and rural neighborhoods is a well-defined program based on values, learning by doing, fun, and positive role models.
	Target Date	6/30/23

	Estimate the number and type of families that will benefit from the proposed activities	50-75 youth will be served by the program.
	Location Description	Jefferson Park Neighborhood Center; Fairview Heights Neighborhood Center; Yoder Neighborhood Center; and other Centers as requested by youth.
	Planned Activities	Boy Scouts of American plans to offer Scout-reach to youth in Lynchburg's central city neighborhoods by partnering with the Lynchburg Parks and Recreation Department throughout the school year and utilizing the Neighborhood Centers as meeting locations. With continued funding, the Scout-reach program can continue serving local youth. Scouts participating in the program will have a greater sense of community and will demonstrate a higher degree of moral character than their peers.
10	Project Name	Florida Terrace Rental Housing Development – Rush Lifetime Homes, Inc. (Rush Homes) Certified Community Housing Development Organization (CHDO)
	Target Area	Citywide
	Goals Supported	Increase permanent affordable housing (rental market)
	Needs Addressed	Affordable Housing for Special Needs
	Funding	HOME: \$200,000.00

	Description	Florida Terrace is a thirty-one (31) apartment multi-family development for people with disabilities and/or low incomes. The development will add necessary housing units to the affordable housing stock in the City. Eight (8) apartments will be set aside for permanent supportive housing (PSH) for individuals exiting homelessness and at least an additional four (4) units are prioritized for people with developmental disabilities. The thirty-one (31) units will consist of three buildings to include one 23-apartment two-story building with an elevator and two (2) additional quadruplexes with ground-level entry apartments. There will be a rental office and community room located in the main building with Wi-Fi connectivity and meeting space. All Florida Terrace apartments will feature EarthCraft energy efficiency, Universal Design, and Energy Star appliances. HOME Program funds were allocated for this project in Program Years 2018-2021. At each stage of the project's funding process, estimated construction costs continued to rise in a manner consistent with the construction market, thereby increasing the total project budget. As a result of the rise in the construction cost, the requested HOME funds will provide the final gap financing for the project.
	Target Date	6/30/23
	Estimate the number and type of families that will benefit from the proposed activities	42 people (31 housing units)
	Location Description	2117 Florida Terrace, Lynchburg, VA
	Planned Activities	The planned activity is for gap funding to complete the new construction of 31 rental housing units.
11	Project Name	Greater Lynchburg Habitat for Humanity (GLHFH) Knott Street Development
	Target Area	Citywide
	Goals Supported	Increase the number of owner-occupied units

	Needs Addressed	Increase access to/quality of affordable housing
	Funding	HOME: \$152,865.00
	Description	Knott Street Development is creating buildable lots upon which GLHFH can construct modestly appointed homes and sell to low-income families who qualify for its homeownership program. The land already owned by GLHFH requires a road and utilities. This application is for additional funding to complete the Knott Street Development project. HOME funds were awarded in the two previous fiscal year grant cycles. Those applications were funded with \$270,000 and \$208,425, respectively. It took GLHFH several months to obtain the federal and state approvals required to proceed with bidding out the project. The engineering design and survey work began in December 2020. Numerous issues caused delay in plan approvals; namely, the existing storm water drainage system for the neighborhood is undersized. This resulted in a requirement that GLHFH must build a water detention pond using two (2) of the eleven (9) parcels for the pond, leaving nine (9) buildable lots.
	Target Date	6/30/23
	Estimate the number and type of families that will benefit from the proposed activities	At least 9 homeowners and their children (some households may have two homeowners).
	Location Description	1500, 1507, 1517, 1521, 1525 Knott Street, Lynchburg, VA
	Planned Activities	The construction of a water detention pond and completion of the land development.
12	Project Name	Lynchburg Redevelopment and Housing Authority (LRHA) – HOME for Good
	Target Area	CENSUS TRACTS 4, 5, 6, 7, 11, and 19

Goals Supported	Increase the number of owner-occupied units
Needs Addressed	Increase access to/quality of affordable housing
Funding	HOME: \$94,018.21
Description	LRHA has partnered with the City in past years in the use of HOME funds to construct new homes and revitalize neighborhoods for the benefit of low-to-moderate income families. In furtherance of this partnership, LRHA has developed a new program called “Home for Good” that will be the vehicle for addressing the need for affordable homeownership and rental in the City. In this program, LRHA will directly hire the architects and contractors who will undertake the design and construction of a new home, and identify a family that will occupy the housing unit, thus streamlining the process to make the renovated and newly constructed property available.
Target Date	6/30/23
Estimate the number and type of families that will benefit from the proposed activities	4-10 people (1 housing unit)
Location Description	Candidate property: 233 North York Street, Lynchburg, VA
Planned Activities	For the 2022 Program year, LRHA proposes to construct one (1) new home on a vacant parcel, to be acquired by LRHA. The property is located in the Dearington Neighborhood and is adjacent to both Jefferson Park and the Dearington Hills Apartments.

2022 PROJECT LOCATIONS

Map #	Project	Program
C-1	Administration- City of Lynchburg	CDBG
C-2	Jefferson Park Revitalization Improvements	CDBG
C-3	Miriam's House/CVCoC Coordinated Homless Intake and Access Coordinator	CDBG
C-4	Tinbridge Hill Neighborhood Plan Improvements (Phase A)	CDBG
C-5	Diamond Hill Neighborhood Plan and Improvement Project	CDBG
C-6	LRHA - Enhance and Preserve (LEAP) Rehabilitation	CDBG
C-7	LRHA- Rental Rehabilitation Program	CDBG
C-8	Boy Scouts of America - Blue Ridge Mountain Council - Scoutreach	CDBG
H-1	Administration- City of Lynchburg	HOME
H-2	Rush Lifetime Homes - Florida Terrace Rental Housing (CHDO)	HOME
H-3	Greater Lynchburg Habitat for Humanity	HOME
H-4	LRHA - HOME for Good	HOME

LRHA: Lynchburg Redevelopment & Housing Authority

LEGEND

Project Locations

● CDBG ● HOME

Target Census Tracts

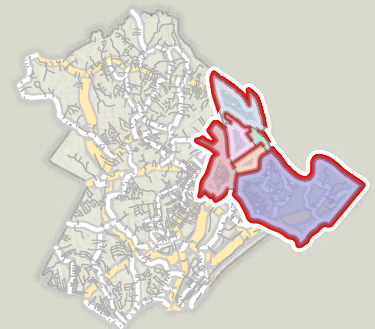
4 6 11
5 7 19

Target Tracts Combined Area

Reference

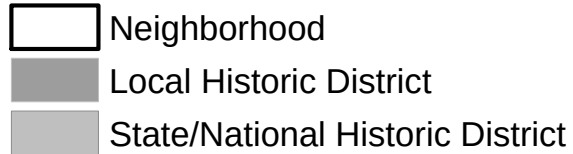
Neighborhood Labels

LOCATION MAP



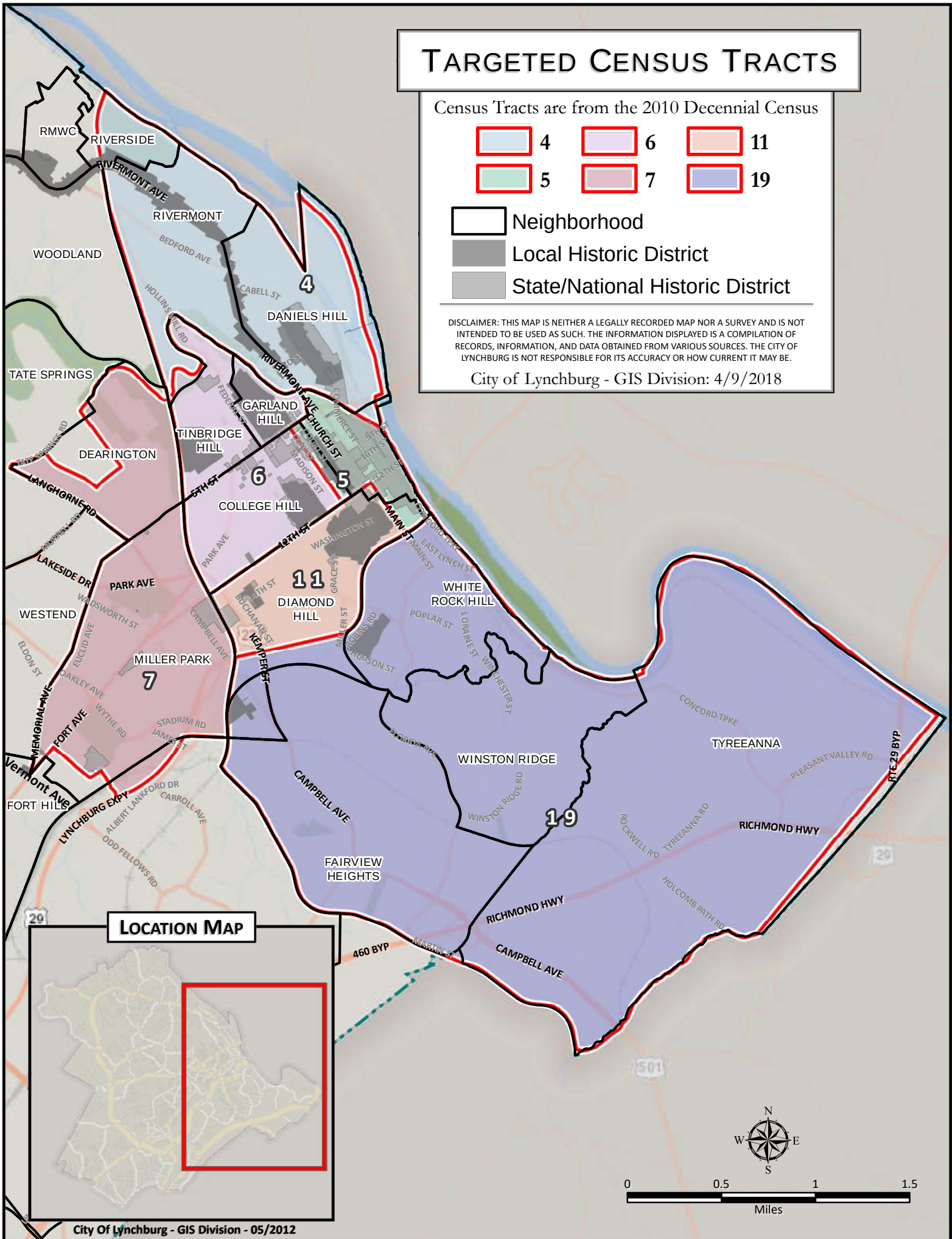
TARGETED CENSUS TRACTS

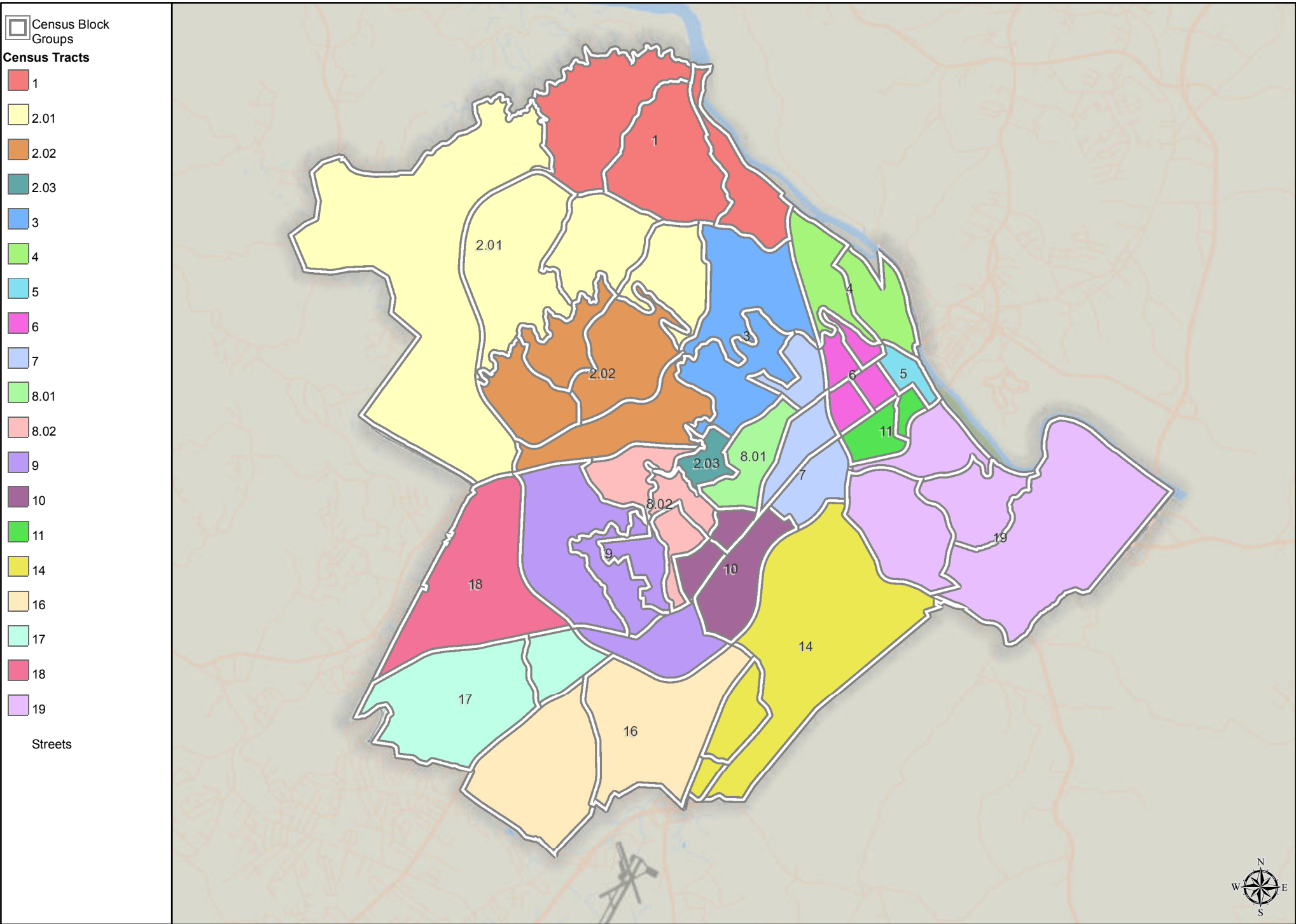
Census Tracts are from the 2010 Decennial Census



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City of Lynchburg - GIS Division: 4/9/2018





Census Tracts



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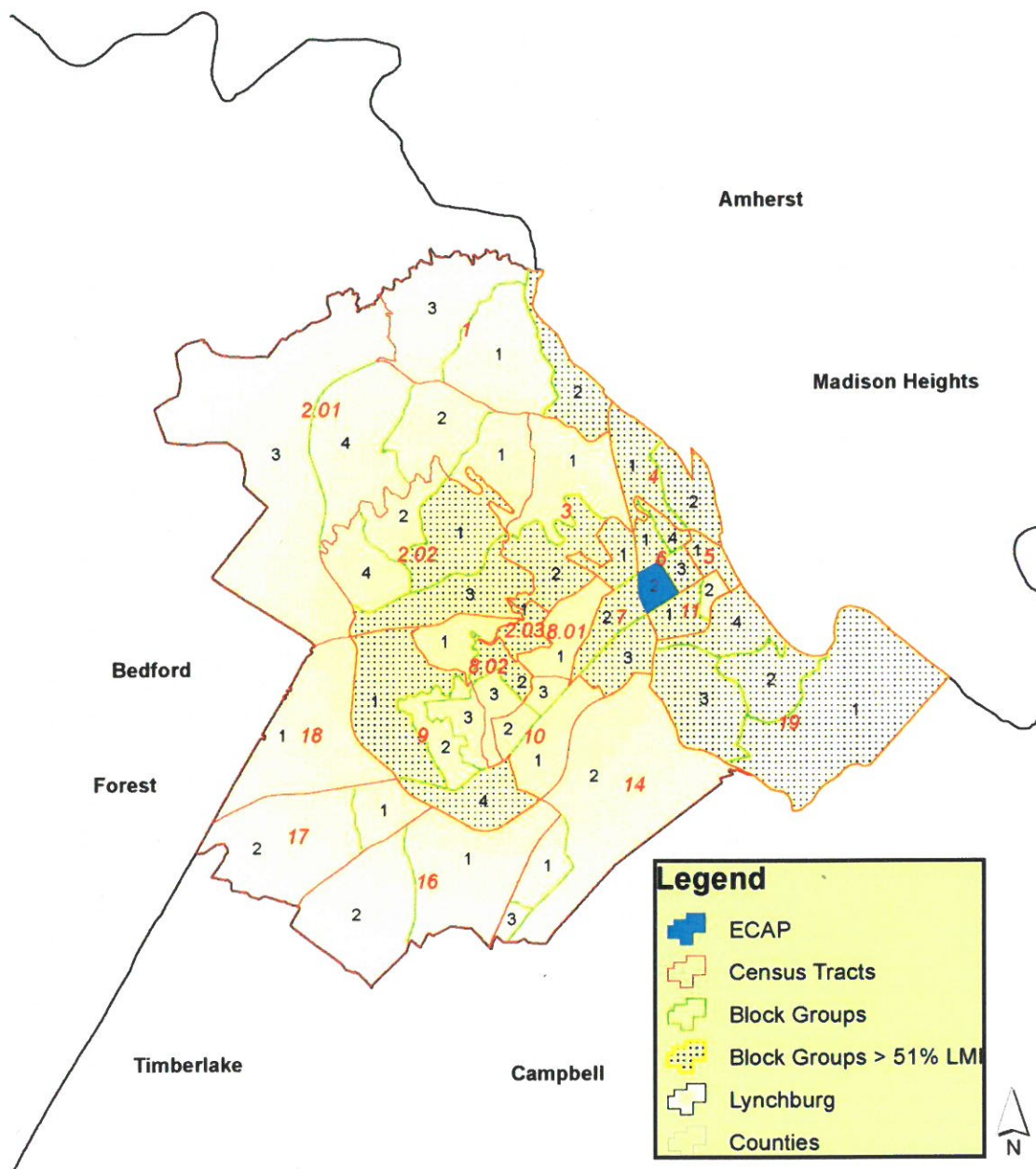
0 7,400 14,800
1 inch = 7,500 feet 1:90,000

PRINTED ON
May 23, 2019

Ethnically Concentrated Areas of Poverty (ECAP), 2013

Lynchburg, Virginia Consolidated Plan

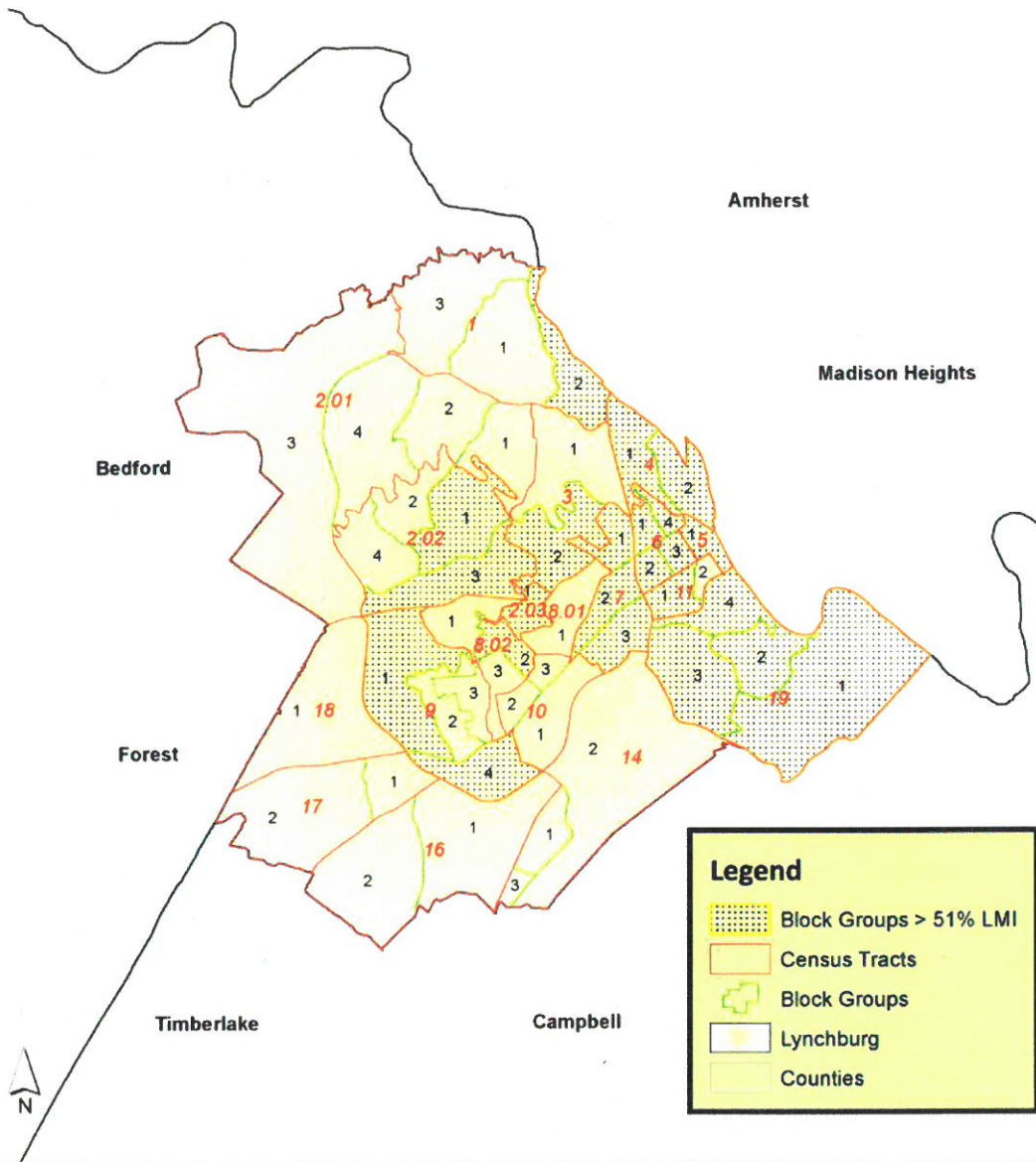
Source: 2013 ACS Data, B03002, 2014 HUD Low and Moderate Summary Data



Low and Moderate Income Areas

Lynchburg, Virginia Consolidated Plan

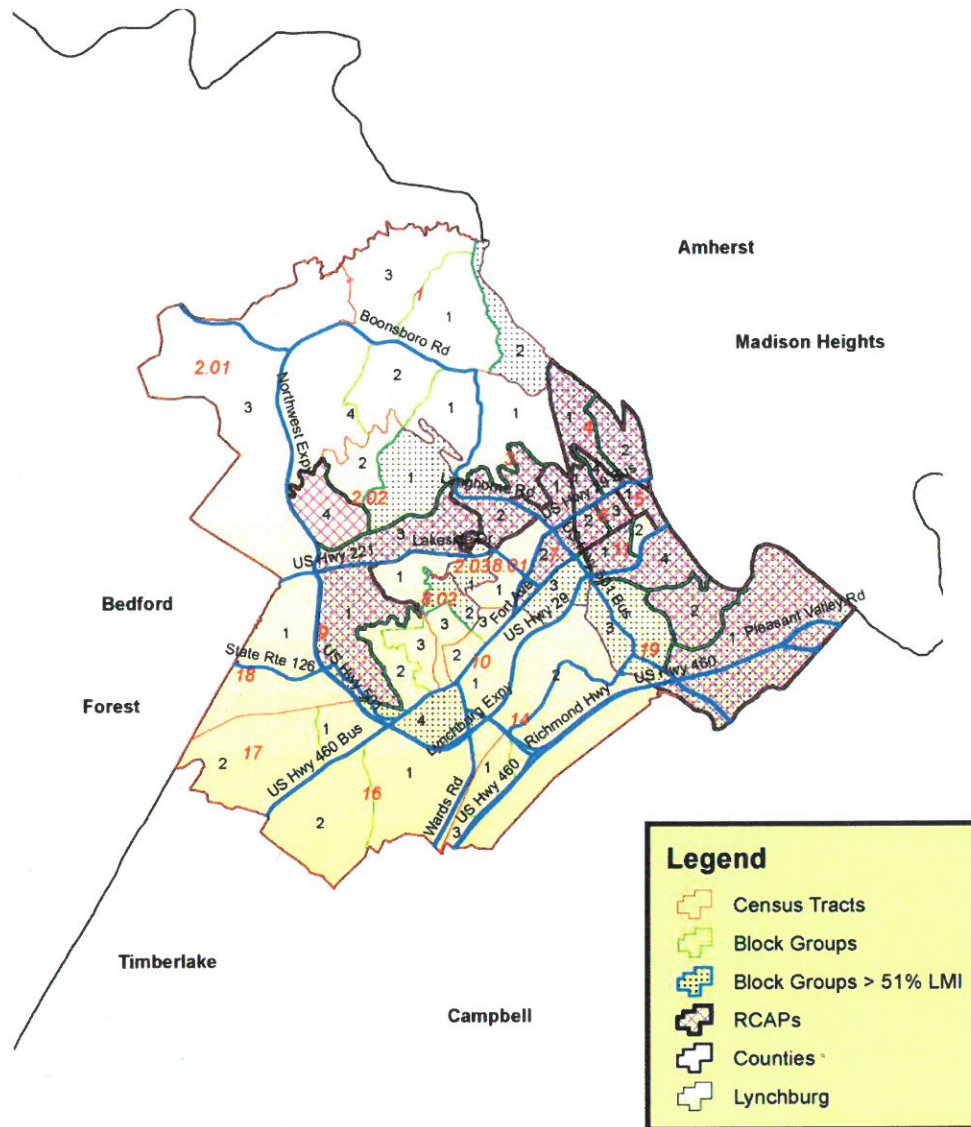
Source: 2014 HUD Low and Moderate Income Summary Data



Racially Concentrated Areas of Poverty (RCAP), 2013

Lynchburg, Virginia Consolidated Plan

Source: 2013 ACS, B02001 and B03002 and 2014 HUD Low and Moderate Summary Data



AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

Areas of racial/ ethnic concentration are defined as census block groups where the percentage of a minority group is 10 percentage points above the Citywide average. All references to census block groups hereafter will simply be referred to as “block groups” for brevity.

Across Lynchburg in 2013, Blacks comprised 28.2% of the population, Hispanics 3.1%, and Asians 2.7%. Therefore, an area of Black concentration would include any block group where the percentage of Black residents is 38.2% or higher, a Hispanic concentration would include a block group percentage of 13.1% or higher, and an Asian concentration would include a block group percentage of 12.7% or higher.

In order to locate racially/ethnically concentrated areas that are also areas of poverty, low and moderate income (LMI) data were layered on top of racially and ethnically concentrated areas. This created racially and ethnically concentrated areas of poverty (RCAPs and ECAPs). The identified RCAPs and ECAPs are displayed in block groups. These maps are in the Unique Appendices.

Geographic Distribution

Target Area	Percentage of Funds
CENSUS TRACTS 4,5,6,7, 11, and 19	94
Citywide	6

Table 7 - Geographic Distribution

Rationale for the priorities for allocating investments geographically

The City will invest CDBG and HOME Program funds Citywide. Investing in affordable housing projects Citywide will also assist the City in affirmatively furthering fair housing and avoiding the concentration of low income populations. The City will target its public housing, public services and CDBG infrastructure and public improvement activities to census tracts with 51% of its residents at 80% or below the Area Median Income (AMI). In addition to the CDBG and HOME Program planned activities, the City continues to target its Code enforcement efforts in the census tracts adjacent to the City’s Central Business District, where there is a higher concentration of poverty.

Discussion

In FY 2023 the project/activities allocations for the designated geographic locations are as follows:

Census Tracts 4, 5, 6, 7, 11, and 19 - 60% (CDBG Program)

Citywide - 40% (CDBG & HOME Program)

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

Introduction

The following are the affordable housing goals in the City of Lynchburg for this Annual Action Plan.

One Year Goals for the Number of Households to be Supported	
Homeless	4,000
Non-Homeless	0
Special-Needs	0
Total	4,000

Table 8 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	31
The Production of New Units	9
Rehab of Existing Units	4
Acquisition of Existing Units	2
Total	46

Table 9 - One Year Goals for Affordable Housing by Support Type

Discussion

The Coordinated Homeless Intake Access (CHIA) worker plans on serving approximately 4,000 persons through diversion or placement in transitional or permanent housing.

Rush Lifetime Homes will construct thirty-one (31) affordable and accessible apartments for rent for eligible, disabled individuals through its Community Housing Development Organization (CHDO) program. The Knott Street development will produce access to nine (9) new owner-occupied units. Lynchburg Redevelopment and Housing Authority (LRHA) will provide assistance to owners of residential rental properties through the Rental Rehabilitation Program to rehabilitate four (4) housing units in need of accessibility features and energy efficient upgrades. Through LRHA's Enhance and Preserve (LEAP) Rehabilitation program, LRHA will rehabilitate one unoccupied housing unit in need of rehabilitation to acquire and rehabilitate for homeownership. LRHA's HOME for Good Program will acquire a vacant lot and construct one unit through the program for an eligible homeowner.

AP-60 Public Housing – 91.220(h)

Introduction

Lynchburg Redevelopment and Housing Authority (LRHA) owns and manages 328 public housing units located throughout the City. The publicly-owned rental housing units are in four different locations: Dearington, Birchwood, Langview, and Brookside.

In addition, the Housing Choice Voucher Program provides housing assistance resources to 900+ families that live in privately-owned scattered site housing throughout the community.

LRHA operates the Affordable Housing Resource Center (AHRC) which brings all housing related resources under one roof to provide citizens of Lynchburg a “one stop shop” for accessing the myriad of resources to address and solve housing needs. The AHRC is led by a full-time Housing Navigator and provides a centralized access point to all affordable housing resources and supportive services available in the City of Lynchburg. This project is a collaboration of LRHA, City of Lynchburg, Lynchburg Regional Housing Collaborative and Central Virginia Continuum of Care (CVCoC).

Actions planned during the next year to address the needs to public housing

In an effort to keep the housing stock in good condition ongoing revitalization efforts will continue in both the interior and exterior of the public housing apartments. Past efforts have included replacement windows and doors, exterior improvements, and interior flooring.

According to the Annual Plan for Fiscal Year 2022 (FY22), Lynchburg Redevelopment and Housing Authority (LRHA) plans to undertake the following new activities within FY 2022:

- Choice Neighborhoods – LRHA will consider Choice Neighborhood Initiatives (CNI) Planning Grant opportunities in the next fiscal year for Dearington and Birchwood Public Housing complexes. Anticipated grant application submission summer of 2022.
- Mixed Finance Modernization or Development – LRHA intends to begin a strategic planning process with residents, staff, and stakeholders during which a mixed finance and modernization plan will come to fruition. LRHA anticipates entering into a Master Development Agreement with a selected Developer as part of a Request for Proposals process in the spring/summer of 2022.
- Demolition and/or Disposition – LRHA anticipates as part of a strategic planning process to incorporate plans to possibly demo or dispose of PHA properties for mixed finance development. SAC Application process anticipated start date of 4th quarter 2022.
- Conversion of Public Housing to Project Based Assistance under the Rental Assistance Demonstration (RAD). As part of a strategic planning process identification of PHA properties to this type of conversion will be considered in FY2022.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

LRHA encourages and supports programs and activities to improve the quality of life for public housing residents. These programs address needs in the following areas: drug prevention, resident participation in community organizations and activities, employment resources, housing counseling classes, homeownership opportunities, economic development, and self-sufficiency. All of these programs are made accessible to Public Housing (PH) residents via working with LRHA's ROSS (Resident Opportunities for Supportive Services) Coordinator.

The City will utilize CDBG funds so that LRHA can continue to operate the Affordable Housing Resource Center (AHRC) projecting to serve 1,000 people with resources, housing navigation, education, and training opportunities, as well as work in City selected neighborhoods on improving housing stock for rental or home-ownership.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

LRHA is not designated as troubled.

Discussion

N/A

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Central Virginia Continuum of Care (CVCoc) operates the homeless response system within Lynchburg and has a strategic plan to end homelessness. One of the identified goals is to develop access points for sheltered and unsheltered individuals to ensure transparency in service delivery and ease of access to those experiencing a housing crisis. The CVCoc's primary access point for homeless services is through a homeless hotline, Coordinated Homeless Intake and Access (CHIA). CHIA assesses households experiencing a housing crisis to divert, prevent homelessness, and refer to emergency assistance in an accessible manner through phone conversations. Households fleeing domestic violence are identified and connected with victim service providers. Initial screening occurs for diversion and prevention. Eligible households receive prevention services; including landlord mediation, eviction payment, relocation, housing stabilization. If no other housing options exist, the household is referred to an emergency shelter that fits their needs and honors client choice (geographic location, accessibility). A Housing Barrier Assessment, Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) and a priority subpopulation checklist are used by the CVCoc's Community Case Review Team (case conferencing) to determine severity of housing barriers and vulnerability and to connect to the appropriate level of intervention. Since 2018 the CVCoc has operated a street outreach program, Homeless Outreach and Mobile Engagement (HOME), to ensure outreach to persons experiencing unsheltered homelessness. HOME engages with unsheltered persons in the area's parks, soup kitchens, under bridges and when notified of an unsheltered person's location. An ongoing goal of the CVCoc is to be continually evaluating the system's success at engaging all persons experiencing homelessness and successfully moving them from homelessness and into housing. Over the last two years there has been an increase in rapid re-housing and permanent supportive housing availability through the CVCoc which has further ensured that households experiencing homelessness have the resources to quickly move into stable rental housing and retain their housing.

Addressing the emergency shelter and transitional housing needs of homeless persons

As soon as someone is experiencing a crisis impacting their housing stability, they are assessed through the CVCoc's homeless hotline, Coordinated Homeless Intake and Access (CHIA). A Coordinated Entry Specialist at CHIA first has a problem-solving conversation with the household in efforts to divert them from entering into homelessness. If diversion is unsuccessful, a household is referred to an emergency shelter, as available. Households needing special attention due to a domestic violence situation are referred to the domestic violence hotline through the YWCA of Central Virginia. Once in shelter, the household's housing barriers and needs are assessed for shelter case-management. Households belonging to a priority subpopulation (families, youth, veterans, and chronically homeless) are additionally assessed using the CVCoc By-Name List Reporting Form and the Vulnerability Index (VI)-Service Prioritization Decision Assistance Tool (SPDAT) to be used by the Community Case Review Team (case conferencing) in order to make appropriate referrals for services such as rapid re-housing and permanent supportive housing. Shelter staff provide targeted housing focused case management to

locate safe and affordable housing as quickly as possible. In 2018, the CVCoc's average length of time homeless persons were in emergency shelter was 37 days. In 2020 the average length of time homeless persons were in shelter was reduced to 30 days due to increased landlord recruitment, increased rapid re-housing and permanent supportive housing capacity, and ongoing case conferencing with homeless response providers in order to collaboratively serve households with high barriers. The two- year recidivism rate indicates 89% maintain housing after CVCoc discharge. This will continue and increase through expanded housing stabilization services and use of best practices (critical time intervention and landlord/tenant mediation). Prior to discharge, staff ensure households have wraparound services in substance recovery, mental health, employment, education, healthcare, legal services, and childcare to strengthen stability. Discharged households are connected with aftercare support groups and rental counseling. The Housing Barriers Assessment and VI-SPDAT assess previous homelessness to identify returns and strategically target resources. The CVCoc collaborates with the local federally qualified health center (Johnson Health Center), Community Service Board (Horizon Behavioral Health) and the City's Division of Social Services to assess eligibility for healthcare coverage. The local Division of Social Services assesses Medicaid eligibility and enrolls clients. Johnson Health Center employs enrollment specialists who are members of the CVCoc and facilitates site visits to meet with homeless households and screen for coverage under the Affordable Care Act (ACA). For persons ineligible for health insurance, the Free Clinic of Central Virginia partners with the CVCoc to provide low barrier, free medical care to homeless persons.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The CVCoc has identified four priority subpopulations which are chronically homeless individuals, families with children, veterans and their families and unaccompanied youth. In 2018, the CVCoc was invited to join Community Solutions' Built for Zero (BFZ) campaign. The campaign is a national change effort working to help communities end homelessness amongst specific populations through developing real time data on homelessness, optimizing local housing resources, tracking progress toward monthly goals, and accelerating proven strategies. Through these efforts, in October of 2018, the CVCoc launched a By-Name List, a real time list of all people within the CVCoc priority subpopulations experiencing homelessness in the Lynchburg area. It includes a robust set of data points that support coordinated access and prioritization at a household level and an understanding of homeless inflow and outflow at a system level. Since the launch of the By-Name List there have been hundreds of homeless households identified and offered housing assistance.

Veteran-specific homeless response providers, HUD-VA Supportive Housing (HUD-VASH) and Supportive Services for Veteran Families (SSVF) target homeless veterans and provide housing and supportive services. Each week they meet with other members of the CVCoc to review the By-Name list of every veteran experiencing homelessness to problem solve and identify rapid solutions to end their homeless episode. They, like all homeless services providers, enter client-level data into the CVCoc Homeless

Management Information System (HMIS) allowing more visibility into the flow of next step interventions for veterans. The Homeless and Housing Services (HHS) Committee continues to work on strategies to prevent and end homelessness in the Central Virginia region. Currently, the three top goals of focus are to prevent people from losing their housing and divert people from entering the homeless services system, to quickly connect people experiencing homelessness to housing assistance and services tailored to their unique needs and strengths to help them achieve and maintain stable housing, and to increase employment and income growth for homeless persons.

Case conferencing has allowed CVCoC partners to present households experiencing homelessness to the CVCoC to develop effective and efficient interventions which decrease the length of time households experience homelessness. CVCoC projects follow a “Housing First” approach to minimize the time households experience homelessness by lowering barriers to project entry, decreasing involuntary discharge and not predicating services on housing readiness. A priority subpopulation within the CVCoC is households with children which ensures quick admittance to rapid re-housing projects to begin housing search and placement. The CVCoC’s current largest rapid re-housing project is dedicated to households with children. From 2017 to 2021, family homelessness in the CVCoC decreased by 64% according to Point in Time data.

In the 2018 PIT Count, unaccompanied youth experiencing homelessness increased from years past. The CVCoC expanding rapid re-housing resources to include unaccompanied youth ages 18-24. As a result, the 2021 PIT Count reported an 83% decrease in homeless youth since 2018.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

The CVCoC operates a homeless prevention program that targets households imminently at risk of homelessness. The program uses a targeting tool that identifies households who will become homeless but for intervention. This program offers rental assistance, landlord mediation, housing relocation and housing stabilization services.

In relation to youth aging out of foster care, patients released from medical facilities, patients released from mental health institutions, and prisoners released from correctional institutions, the CVCoC continues to work in cooperation with individuals from local law enforcement agencies, supportive service agencies, and other interested parties to coordinate discharge.

Discussion

Foster Care (Youth Aging Out): The City’s Division of Social Services meets with youth in foster care at least 90 days prior to discharge in order to plan for the impending discharge. Family partnership

meetings are held to develop a transitional plan with each youth that focuses on housing. The vast majority of youth leaving the foster care system return to their families of origin and many of them remain with their foster families despite being discharged from the system. Representatives from Lynchburg Department of Human Services sit on the CVCoC Board and on committees to ensure increased coordination.

Health Care: The CVCoC policies require coordination with healthcare institutions for discharge planning and prevent, when possible, discharges to homelessness. The CVCoC coordinates with the local healthcare system, CENTRA, for discharge planning. The staff at CENTRA manages discharge planning with area housing agencies, providers, and organizations in the CVCoC to ensure safe and adequate placement of those being released from the hospital system. Representatives from Centra sit on the CVCoC Board and on committees to ensure increased collaboration.

Mental Health: Horizon Behavioral Health is an active member and board member of the CVCoC. The CVCoC has provided ongoing training to its members with regards to accessing services from Horizon Behavioral Health. Horizon Behavioral Health has received from the CVCoC information about current and new referral options in the area through organization presentations and announcements.

Corrections: The CVCoC participates on the Blue Ridge Re-entry Council to ensure that persons exiting correctional facilities are not discharged to homelessness.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

The City of Lynchburg completed an Analysis of Impediments to Fair Housing Choice (AI) in 2020. The AI, in addition to identifying fair housing issues, also identified potential barriers to affordable housing. Those barriers include: access to community assets and opportunities; location and type of affordable housing; and discriminatory lending behavior towards members of the protected class.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

Overall, the zoning ordinance of the City of Lynchburg is at a low risk relative to discriminatory provisions for housing members of protective classes and building design and construction standards in Lynchburg more than adequately implements accessible measures for people with disabilities by utilizing state building codes. However, the following are some opportunities that city administration continues to encourage in the public and private sector to provide further access to affordable housing:

- The City of Lynchburg will allocate FY 2023 HOME funds to create nine (9) homeowner-occupied units, encourage 15 more potential homeowners to purchase homes, and create 31 units of rental housing for persons with disabilities;
- Encourage potential homeowners to purchase homes;
- Coordinate with the Greater Lynchburg Transit Company (GLTC) to increase routes that will provide access to community assets and opportunities through public transit;
- Investing resources in higher opportunity areas and encouraging landlords to accept Housing Choice Vouchers (HCV) through the public housing authority; and
- Continue to provide education and outreach to private lenders and borrowers regarding fair housing and lending discrimination, in addition to organizations that currently advocate for fair housing.

Discussion:

The City of Lynchburg continues to support efforts to improve the lives of low- and moderate-income households in the Community. Through the development of affordable housing and funding for public services, the City partners with public and private housing agencies and local social service agencies to meet the needs of the community.

AP-85 Other Actions – 91.220(k)

Introduction:

In FY 2023, the City of Lynchburg plans the following actions to help address the housing and community development needs of City residents, especially low/moderate income residents.

Actions planned to address obstacles to meeting underserved needs

Inadequate resources are the chief obstacle to meeting underserved needs ---both financial and human (staffing). The Central Virginia Continuum of Care (CVCoC) received \$408,519 in Fiscal Year 2021 funding to continue its efforts in providing Permanent Supportive Housing and Rapid Re-housing for homeless persons. The City allocated a total of \$130,000 of Community Development Block Grant (CDBG) funds in Program Years 2021 and 2022 to support the Coordinated Homeless Intake Access (CHIA) system for persons who are homeless or about to be homeless. CHIA provides the support for these persons to access the necessary resources needed to find shelter, services, and/or permanent housing. The City of Lynchburg will continue to collaborate with human and social service agencies and the CVCoC to identify potential resources for meeting the service needs of City residents. The City will continue to support the efforts of service agencies to maximize the use of available resources and to obtain additional resources whenever possible.

Actions planned to foster and maintain affordable housing

The City of Lynchburg allocated FY 2023 HOME Program funds to construct thirty-one (31) rental units for disabled individuals, rehabilitate four (4) rental units, rehabilitate one unit for and eligible homeowner and construct one unit for an eligible homeowner.

Actions planned to reduce lead-based paint hazards

All City written agreements with CDBG and/or HOME Subrecipients contain provisions requiring compliance with lead-based paint rules, and are subject to procedures developed by the Grants Administration Office to ensure appropriate stages of due diligence are complete and of record prior to CDBG and/or HOME funds being disbursed. The Subrecipients and contract providers of housing rehabilitation program services will conduct risk assessments and clearance inspections for applicable rehabilitation projects, as required. All properties purchased with financial assistance provided by the CDBG and HOME Program must be inspected for lead-based paint hazards, if constructed prior to 1978, prior to final approval of application for assistance. Payment of subsidies is only issued after receipt of the inspection report revealing no lead-based paint hazard present at time of purchase.

Actions planned to reduce the number of poverty-level families

The City of Lynchburg has a taskforce in the community to identify the causes and possible local solutions to addressing poverty. The Bridges to Progress taskforce and steering committee will continue

to address issues of poverty in the City of Lynchburg. The City has invested in this group with general funds due to the success seen by the initiative. Reducing poverty enables families to move towards self-sufficiency and increases their ability to afford housing. The City's anti-poverty strategy and the Consolidated Plan both work towards a shared goal of enabling every family to afford decent housing in suitable living environments. To the extent possible given its limited resources, the City will continue to support organizations that provide supportive services to encourage local economic development, and to preserve and improve affordable housing options as part of its strategy to prevent and alleviate poverty.

Actions planned to develop institutional structure

The City's Grants Administration Office is responsible for carrying out the provisions of this Consolidated Plan. Working in conjunction with its public and private partners, City staff distributes, monitors, and executes the functions of the plan and reports on its progress. Coordination with other departments within City administration is essential to smooth delivery of services, and the achievement of desired outcomes.

Primarily, the City's strategies will be conducted in the various partnerships the City enjoys with the public and private housing developers and service providers operating in the City and in the region. These include public partners, such as the LRHA, and several private non-profits such as Lyn-CAG and Rush Homes; and the various Central Virginia Continuum of Care organizations/non-profits. These and others work separately and collectively, along with City staff, on projects that achieve the goals stated by City Council.

Actions planned to enhance coordination between public and private housing and social service agencies

As discussed in the Consolidated Plan, the City of Lynchburg actively works to coordinate community development efforts between public and private housing and social service agencies. The strategies to address the gaps include the following:

- Strengthen the intake process and procedures for CHIA to provide a clearer understanding to the partnering agencies and homeless persons;
- Affordable Housing Resource Center to provides a centralized access point to all affordable housing resources and programs available in the City of Lynchburg; and
- CHIA Homeless Intake Coordinator was Miriam's House.

Discussion:

N/A

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Community Development Block Grant Program (CDBG)

Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

- | | |
|--|----------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed | 0 |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0 |
| 3. The amount of surplus funds from urban renewal settlements | 0 |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan | 0 |
| 5. The amount of income from float-funded activities | 0 |
| Total Program Income: | 0 |

Other CDBG Requirements

- | | |
|--|-----|
| 1. The amount of urgent need activities | 0 |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. (Program Years 2020, 2021, and 2022) | 70% |

HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)

- 1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:**

The City of Lynchburg does not intend to use other forms of investment.

- 2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:**

In accordance with HOME Program regulations at 24 CFR Part 92, properties assisted must remain affordable during the affordability period. Under recapture provisions, this period is based on the direct HOME subsidy to the homebuyer and includes down payment assistance, “gap” financing, and interest rate buy downs, as available.

The HOME affordability periods are as follows:

HOME-assisted units are subject to affordability for the entirety of the affordability period. These HOME-assisted units are subject to a recapture provision in order to assure that the units either remain affordable (i.e. housing eligible clients) or that the City recovers its investment based on the terms of the agreement. Funds are recaptured only from the net proceeds of the sale or foreclosure.

In accordance with HOME CPD 12-003 Notice “Guidance on Resale and Recapture Provision Requirements under the HOME Program” the City has submitted to the HUD Richmond Field Office the “Recapture Restriction Agreement” used by the City for homebuyer projects. This document includes the basic requirements for recapture provisions in HOME Investment Partnerships (HOME) program homebuyer projects. The document was reviewed by the HUD Richmond Field Office staff and was found to be acceptable for compliance with §92.254(a) (5) of the HOME Program regulations.

- 3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:**

The City of Lynchburg currently uses the recapture provision option outlined in Section 24 CFR Part 92.254 (a)(5)(ii)(A)(2) to ensure the affordability requirements for the HOME Investment Partnership (HOME) Program. The recapture provision will be used to recover the direct subsidy to the homebuyer which includes down payment, closing cost assistance, interest subsidies and any difference between fair market value and purchase price. The recapture provision will be limited to net proceeds available from the sale of the HOME assistance unit. The amount of direct subsidy subject to recapture is based on the pro-rata share of the remaining affordability period. The affordability period is determined by the amount of direct subsidy included in the deed or land

covenant, which will be defined in the terms of the loan. The affordability period will apply as follows:

- Project under \$15,000 are five-year term
- Projects from \$15,001 - \$40,000 are ten-year term
- Projects over \$40,000 are fifteen-year term

The City will enforce the recapture provision requirement in its contractual agreement with its sub-recipients and CHDOs. This recapture provision must be used by all subrecipients, and CHDOs when transactions are sale of property using HOME Investment Partnership Program. Therefore, all the sub-recipients or CHDOs will be responsible for passing the recapture provision requirement to the purchaser of the HOME assisted unit in the form of a “Recapture Restriction Agreement”, deed or land covenant that runs concurrently with the affordability period.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Not applicable. During Program Year 2022 (FY 2023), the City of Lynchburg does not anticipate using HOME Program funds to finance or refinance debt secured by multi-family housing that is being rehabilitated with HOME funds.

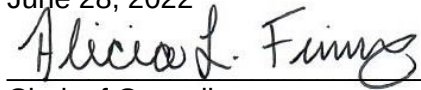
RESOLUTION:

#R-22-041

BE IT RESOLVED that the Community Development Block Grant (CDBG) and HOME Program Year 2022 (FY 2023) Annual Action Plan is hereby approved for submittal to the Department of Housing and Urban Development (HUD).

Adopted: June 28, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 28, 2022**

AGENDA ITEM #: **5**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Conditional Use Permit (CUP) – Liberty Christian Academy (LCA) – 1120 Hershey-Esbenshade Drive and 701 Mountain View Road*

RECOMMENDATION: Approval of the CUP petition to allow the construction of a lighted sports complex in an IN-2, Institutional 2 District.

SUMMARY: Liberty University, Inc. has submitted a CUP petition to allow the construction of a four thousand, one hundred twenty-one (4,121) lighted multi-sport athletic complex at 1120 Hershey-Esbenshade Drive. Ingress / Egress improvements to support the facility are proposed at 701 Mountain View Road. On March 14, 2017, Council approved a CUP petition to allow a larger, six thousand (6,000) seat facility; however, the CUP has since expired.

PRIOR ACTION(S):

June 7, 2022: City Council Business Item Briefing.

May 11, 2022 The Planning Commission recommended approval (5-0, with 1 vacancy and 1 member absent, Johnson) of the CUP petition.

The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT: N/A

CONTACT(S): Rachel Frischeisen, Acting City Planner – 455-3900
Tom Martin, Acting Director Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – May 11, 2022
- Planning Commission Packet – May 11, 2022
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
- Planning Commission Sign in Sheet – May 11, 2022

REVIEWED BY: MMB WCB

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LIBERTY UNIVERSITY TO ALLOW THE CONSTRUCTION OF A MULTI-SPORT COMPLEX IN AN IN-2, INSTITUTIONAL 2 DISTRICT LOCATED AT 1120 HERSHEY-ESBENSHADE DRIVE AND 701 MOUNTAIN VIEW ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition Liberty University for a Conditional Use Permit at 1120 Hershey-Esbensshade Drive and 701 Mountain Road to allow the construction of a lighted multi-sport complex in an IN-2, Institutional 2 District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled LCA Sports Complex as prepared by Perkins & Orrison, dated March 29, 2022.
2. Temporary traffic control shall be provided during events by Liberty University Police Officers as recommended by the traffic analysis.
3. The intersection of Candler's Mountain Road and Mountain View Road shall be reconfigured as shown on the concept plan. Removable bollards shall remain in place, unless temporary traffic control is being provided.
4. The petitioner shall notify the City's Transportation Engineer & City Police Department of events that would require temporary traffic control.

Adopted:

Certified: _____

Clerk of Council

May 11, 2022

Minutes of the Lynchburg Planning Commission, May 11, 2022, 4:00 p.m., City Hall, 900 Church Street, Council Chamber.

MEMBERS PRESENT:

Mr. Bob Bowden
Mr. Cham Light
Ms. Nancy Marion
Dr. David Perault
Mr. Tom Rogers, Chair

MEMBERS ABSENT:

Ms. Kensie Johnson, Vice-Chair

OTHERS PRESENT:

Mr. Tom Martin, City Planner; Ms. Anna Davidson, Planning Technician; and the public.

1. Roll Call:

After a quorum was established, Chair Rogers called the meeting to order at 4:00 p.m.

2. Approval of Minutes. Minutes of the April 27, 2022 meeting were approved as written.

Commissioner Marion made a motion to approve the minutes as written. The motion was seconded by Commissioner Light and passed by the following vote:

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson, Bowden	2

3. Public Hearings:

a. Petition of Spring Hill Cemetery Association for a conditional use permit at 1550 James Street to allow the construction of a columbarium, access road to Stadium Road and establish new cemetery plots in an R-3, Medium Density Residential District.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The Spring Hill Cemetery has been in existence since the 1850s. This petition will allow for the expansion of the existing columbarium and the addition of burial plots as well as an egress road to Stadium Road to be used during funeral services. The property is zoned R-3, Medium Density Residential district but recommended for Institutional uses on the Future Land Use Map (FLUM).

Commissioner Marion stated she has done business with Spring Hill Cemetery and they advertise in her magazine but can remain objective in this petition.

Mr. Justin Fournier was present to speak on behalf of the petition. He stated they will be expanding the existing columbarium and constructing additional columbarium walls adjacent to it as well as additional burial plots and a cremation garden. There will also be a connection to James street. These roads will be gated and only used for exiting funeral services in that area. The style of architecture will match the existing structure.

Mr. Steven Collins was present to speak on this petition. He stated his property is located behind James Street on Blackburn Street. He asked where the new cemetery lots will be located, if James Street will be closed off, and if the additional columbarium will be mirroring the existing. He also noted when the existing columbarium was built there was discussion on creating a small chapel. He asked if this is still being considered.

Chair Rogers asked for clarification if Mr. Collins is concerned that James Street will be closed off as Wythe Road is.

Mr. Collins replied this is correct. He asked if James Street will be made into a two-way street or closed off.

Mr. Fournier stated that James Street will not be closed. He noted that an exit road will tie into James Street and will be gated. The additional burial plots will be on the right side of the existing columbarium.

Chair Rogers clarified that the additional plots will be on the other side of James Street, towards Gordon Street as opposed to Blackburn Street.

Mr. Fournier replied this is correct. He noted that there is approval for additional plots between James Street and the inside road that connects to the columbarium.

Chair Rogers noted that Mr. Collins concern is that there are not as many houses on the 1500 block of James Street.

Mr. Fournier replied that nothing will be done on that side of James Street.

Mr. Collins asked for clarification that they will not close James Street.

Mr. Fournier replied this is correct. He showed on the concept plan where the proposed addition and additional plots will be located in relation to the area.

Mr. Collins asked if the new access road is simply opening up an existing road that has been gated or constructing a new road off of James Street.

Mr. Fournier stated it will be in the same location as where the gate currently is.

Mr. Powers, Secretary Treasurer of Spring Hill Cemetery, replied that the gate that exists right now is located behind the columbarium and will be kept closed until there is a funeral service and will then only be used as an exit. The proposed gate on the eastern side will be the same way.

Chair Rogers asked Mr. Collins if his questions have been answered.

Mr. Collins replied that they have.

Chair Rogers stated that the area highlighted on the map is where the work will be done with the exit onto James Street and the entrance on the other side of the project.

Mr. Powers clarified that they will both be exits.

Chair Rogers asked if the original entrance on Stadium Road will be used.

Mr. Powers replied the gates to this entrance stay closed until there is a service on that side of the property. A cul-de-sac will be used for normal visitation and there will be an interior gate for larger groups.

Commissioner Marion asked if there is a gate at the new road that will go to James Street.

Mr. Powers replied that there is. He noted that there are gates at all perimeters as well as an interior gate.

Commissioner Light made the following motion, seconded by Commissioner Marion, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Spring Hill Cemetery Association for a conditional use permit at 1550 James Street to allow the construction of columbarium space, burial plots, cremation garden, parking area and vehicular egress to Stadium Road subject to the following condition:

- 1. The property shall be developed in substantial compliance with the concept plan entitled Spring Hill Cemetery – Columbarium Expansion dated February 18, 2022.**

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson, Bowden	2

Commissioner Perault asked if the parking lot at City Stadium was done with a CUP as it is zoned R-3, Medium Density Residential district. He asked if this was an allowed use for a property zoned R-3.

Mr. Martin replied that the parking lot is non-conforming because of how long it has existed and that the City is exempt from the ordinance.

- b. Petition of Liberty University Inc. for a conditional use permit at 1120 Hershey-Ebeshade Drive and 701 Mountain View Road to allow the construction of an outdoor stadium with approximately four thousand one hundred twenty-one (4121) seats in an IN-2, Institutional District.**

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This property is zoned IN-2, Institutional District 2 with the FLUM recommending institutional and community commercial uses. In 2017 Council approved a six-thousand (6,000) seat stadium but that CUP was allowed to expire. This petition proposes four thousand one hundred twenty-one (4121) seats and will be lighted. He noted the concern with this petition is the intersection between Mountain View Road and Candler Mountain Road. He noted that modifying the intersection to only allow right in and right out movement during operating hours was conditioned as part of the last approval, is recommended as a condition to this approval, and was agreed to by the petitioner as well as shown on concept plan. There will be bollards that can be removed to allow full traffic movements provided traffic control measures are in place. There is also an additional parking area proposed for buses that is not shown on the concept plan.

Mr. Dan Deter was present to speak on behalf of the petition. He stated that they are working to give Liberty Christian Academy (LCA) its own facilities as this will decrease scheduling conflicts between Liberty University and LCA. He also noted that the stadium will only be used for LCA affiliated sporting events.

Commissioner Bowden asked if the parking shown on the concept plan is existing parking or an expansion to the parking.

Mr. Deter stated the parking on the east side is existing now and will be reconfigured to add ADA parking. The new parking being proposed is on the west side for coaches, officials, and buses.

Commissioner Bowden asked if the stadium is solely for LCA or if it will be used as an overflow field for Liberty University.

Mr. Deter replied that it will only be used for LCA events.

Commissioner Perault stated many of the concerns were addressed at the previous CUP petition. He noted that Liberty University handles the traffic at their large events well. He noted that Candler's Mountain Road is scheduled for several overhauls by VDOT.

Mr. Martin stated he is unsure of the timing of the overhauls but they are separate from this petition. The entrance modifications that are proposed satisfy the traffic concerns.

Commissioner Bowden stated that the Planning staff seemed to have addressed the concerns of traffic coming from Candler's Mountain Road.

Mr. Martin stated it will essentially be taking the event from the Liberty University stadium and moving it to the new stadium. He noted that a concern brought up previously was that they could hold two large events at once. He noted that Liberty University, LCA, and Thomas Road Baptist Church have proven to be very diligent at traffic control.

Commissioner Light stated it may be easier to get out of this facility than the Liberty University stadium. He noted that this petition will improve the traffic flow.

Mr. Martin stated that there have been many improvements done and effort put into the traffic flow in this area.

Commissioner Bowden noted he is very impressed with the improvements that have been made on Liberty University property.

Chair Rogers stated that the petition is a good improvement. He noted there is substantial ingress and egress where people can exit in several ways.

Commissioner Bowden made the following motion, seconded by Commissioner Marion, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Liberty University, Inc., to allow the construction of a lighted, multi-use athletic complex with a seating capacity of four thousand one hundred twenty-one (4,121) at 1120 Hershey-Esbenshade Drive subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan entitled LCA Sports Complex as prepared by Perkins & Orrison, dated March 29, 2022.**
- 2. Temporary traffic control shall be provided during events by Liberty University Police Officers as recommended by the traffic analysis.**
- 3. The intersection of Candler's Mountain Road and Mountain View Road shall be reconfigured as shown on the concept plan. Removable bollards shall remain in place, unless temporary traffic control is being provided.**
- 4. The petitioner shall notify the City's Transportation Engineer & City Police Department of events that would require temporary traffic control.**

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden, Johnson	2

Chair Rogers stated that Mr. Norm Walton of Perkins & Orrison, Inc., had spoken with him and asked if it is appropriate to have an engineer come in for a meeting to discuss how they develop plans. He noted that there can be confusion in regards to traffic.

Mr. Martin stated that the Planning staff is going to implement development forums in which developers will explain the development process. He noted it is reasonable for the Commission to speak with any engineering firm to better understand what work goes into their traffic study's and plans. He also noted that the budget that was passed did include funding to update the Comprehensive Plan.

Commissioner Bowden stated his support and asked for Mr. Martin to clarify if developers will come in to explain the Planning process separate from normally scheduled Planning Commission meetings.

Mr. Martin replied that this is correct.

Mr. Bowden stated he would like to understand what goes into the planning process because he does not understand all that goes into resolving issues before an item comes before the Commission.

Mr. Martin stated if the Commission would like to schedule a meeting with Mr. Walton, during the meeting he can give an overview as to the planning process prior to an item coming before the Commission as well as a discussion with Mr. Walton about traffic studies.

Chair Rogers stated his approval of this.

Mr. Martin stated that typically the developers and Planning division work well together and there are very few instances in which staff will recommend denial of an item because it has typically been resolved prior to coming before the Commission.

Commissioner Perault stated that today's petition was very specific and useful in speaking of loss of service and what is being done to address it.

Mr. Martin asked for clarification that a traffic summary within the Planning Commission report will be helpful.

Commissioner Perault replied that this would be helpful.

Mr. Russ Orrison stated there are many traffic reports that do not recommend projects because of the lack of infrastructure.

Mr. Martin replied that this is correct.

4. Upcoming Meetings:

The next regular meeting will be Wednesday, May 25, 2022.

5. Adjournment:

There being no further business, the meeting was adjourned at 4:43 p.m.

ATTEST: _____ ATTEST: _____
City Planner Chair Rogers

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: May 11, 2022
Re: **Conditional Use Permit (CUP) – Liberty Christian Academy Sports Complex – 1120 Hershey-Esbenshade Drive and 701 Mountain View Road**

I. PETITIONER

Liberty University, Inc., 1971 University Boulevard, Lynchburg, Virginia 24515

Representative: Mr. Russ Orrison, P.E., Perkins-Orrison, Inc., 17 W Nelson Street, Lexington, Virginia 24450

Property Owner(s): Liberty University, Inc., 1971 University Boulevard, Lynchburg, Virginia 24515, Thomas Road Baptist Church, 1 Mountain View Road, Lynchburg, Virginia 24502

II. LOCATION

The subject property is a tract of approximately twenty-two (22) acres located at 1120 Hershey-Esbenshade Drive.

III. PURPOSE

The purpose of the petition is to allow the construction of a lighted sports complex in an IN-2, Institutional 2 District.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends Community Commercial and Institutional uses for the area.
- The petition agrees with the *Zoning Ordinance* in that outdoor arenas, stadiums and theaters are permitted in IN-2, Institutional 2 Districts upon approval of a Conditional Use Permit (CUP) by City Council.
- On March 14, 2017, City Council approved a CUP petition to construct a six thousand (6000) seat lighted, multi-sport athletic complex on the property. The facility was not constructed and the CUP expired. The proposed petition is similar to the 2017 petition, yet the number of seats has been reduced to four thousand one hundred twenty-one (4,121).

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Community Commercial and Institutional uses 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. 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. (p.75)

Institutional areas include religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (p.76)

2. **Zoning.** The subject property was annexed into the City in 1976. The existing IN-2, Institutional 2 District zoning was established on January 12, 2016. IN-2 Districts are intended to provide for institutional uses such as schools, colleges and universities, senior living facilities, medical facilities and churches with multiple buildings contained in a campus setting. While IN-2 Districts allow a wide range of uses permitted “by right”, outdoor arenas, stadiums and theaters specifically require a CUP to be approved by Council. These types of uses could generate a significant traffic impact, warranting a more in-depth review by the Planning Commission and City Council.

On March 14, 2017, City Council approved a CUP petition to construct a six thousand (6000) seat lighted, multi-sport athletic complex on the property. The facility was not constructed and the CUP expired. The proposed petition is similar to the 2017 petition, yet the number of seats has been reduced to four thousand one hundred twenty-one (4,121).

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:
 - On January 11, 1983, Council approved the petition of Old Time Gospel Hour to rezone property located on the eastside of U.S. Route 460 (103, 104 East Campus Drive, 100 Towns Court, 2200 Liberty Mountain Drive & 5001 Candler's Mountain Road) from R-C, Conservation District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional).
 - On October 14, 1986, Council approved the petition of Thomas L. Phillips to rezone the 3700 Block of Candler's Mountain Road from I-3, Heavy Industrial District & I-2, Light Industrial District to B-5C, General Business District (Conditional), B-3C, Community Business District (Conditional) & R-4C, Medium-High Density, Multi-Family Residential District (Conditional).
 - On February 24, 1988, Council approved the petition of Old Time Gospel Hour to rezone 3765 Candler's Mountain Road (now 135, 143 & 301 South Campus Drive) from I-2, Light Industrial District to B-5C, General Business District (Conditional).
 - On April 14, 1988, Council approved the petition of Liberty University for a conditional use permit at 1971 University Boulevard to allow the construction of dormitories, visitors center, additions to the Demoss Building and parking.

- On October 10, 1988, Council approved the petition of Old Time Gospel Hour to rezone property located on the eastside of U.S. Route 460 (103, 104 East Campus Drive, 100 Towns Court, 2200 Liberty Mountain Drive & 5001 Candler's Mountain Road) from R-4C, Medium-High Density, Multi-Family Residential District (Conditional) & B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).
- On March 14, 1989, Council approved the petition of Old Time Gospel Hour & Liberty University for a conditional use permit at 3765 Candler's Mountain Road to allow the construction of a football stadium and basketball arena.
- On July 11, 1989, Council approved the petition of NW Development Inc., to rezone the 3600 & 3700 Blocks of Candler's Mountain Road from I-2, Light Industrial District, B-3C, Community Business District (Conditional), B-5C, General Business District (Conditional) & R-4, Medium-High Density, Multi-Family Residential District to B-3C, Community Business District (Conditional).
- On October 9, 1990, Council approved the petition of Candler's Station Limited Partnership to rezone 3764 Candler's Mountain Road from I-3, Heavy Industrial District to B-3C, Community Business District (Conditional) & B-5C, General Business District (Conditional).
- On September 13, 1994, Council approved the petition of Candler's Mountain Development Company, L.C., to rezone property on the eastside of Candler's Mountain Road (3786, 3788, 3794, 3802, 4000, 4300, 4520, 4530 Candler's Mountain Road & 218, 230 Top Ridge Road) from R-C, Conservation District to R-2C, Low-Medium Density, Single-Family Residential District & B-3C, Community Business District and a conditional use permit to allow a planned unit development (PUD) and cluster commercial development (CCD).
- On April 9, 1996, Council approved the petition of T&I Properties, Inc., to rezone 3765 Candler's Mountain Road from R-C, Conservation District to R-1, Low-Density, Single-Family Residential District.
- On September 9, 1997, Council approved the petition of the Inn Group to rezone 1910 University Boulevard from R-C, Conservation District & I-2, Light Industrial District to B-3C, Community Business District.
- On November 13, 2001, Council approved the petition of Liberty University for a conditional use permit at 1971 University Boulevard to allow the construction of two student centers and parking.
- On October 14, 2003, Council approved the petition of Thomas Road Baptist Church, Liberty University Inc., and GDT, CGI, LLC for a conditional use permit at 100 Mountain View Road to allow a community recreational facility.
- On December 16, 2003, Council approved the petition of Thomas Road Baptist Church, Liberty University Inc., Lynchburg Christian Academy, Freedom Liberty Partners, Jerry Falwell Ministries, GDT, CGI, LLC and Bostic Development at Lynchburg, LLC to rezone 100 Mountain View Road, 1971 University Boulevard and Liberty Mountain Drive

from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional), from I-2, Light Industrial District to B-5C, General Business District (Conditional) and a conditional use permit to allow university and K-12 uses.

- On November 9, 2004, Council approved the recommendation of city staff to amend conditions of the December 16, 2003 conditional use permit for Jerry Falwell Ministries to allow an additional access point at 100 Mountain View Road.
- On April 10, 2007, Council approved the petition of Cole Bros Circus for a conditional use permit at 100 Mountain View Road to operate a temporary circus.
- On June 12, 2007, Council approved the petition of Central Virginia Indoor Soccer to rezone 3572 & 3576 Young Place from I-3, Heavy Industrial District to I-2C, Light Industrial District (Conditional) and a conditional use permit to allow an indoor soccer facility.
- On November 13, 2007, Council approved the petition of Liberty University at 500 Liberty Mountain Drive for a Future Land Use Map Amendment from Institution to Community Commercial, to rezone from R-C, Conservation District to B-3C, Community Business District (Conditional) and a conditional use permit to allow the construction of a building across the City/County corporate limit.
- On June 10, 2008, Council approved the petition of Liberty University at 3794, 3778, 3786, 3802 & 4000, 4250, 4300, 5000 & 5001 Candler's Mountain Road, 100 Mountain View Road, 100, 112, 200, 212, 300 Liberty Mountain Drive, 1971 1973, 1975, 1977 University Boulevard & 4013 Wards Road to amend the future land use from Low Density Residential to Institutional, to rezone from B-3C, Community Business District (Conditional) to B-3C Community Business District (Conditional) and for a conditional use permit to allow an increase of up to fifteen thousand (15,000) students and a consolidated sign plan.
- On January 12, 2016, Council approved the petition of Liberty University, Thomas Road Baptist Church & Liberty Christian Academy to establish an IN-2, Institutional 2 District for the campus of Liberty University, Thomas Road Baptist Church & Liberty Christian Academy.
- On May 14, 2017, Council approved the petition of Liberty Christian Academy for a CUP at 601 Mountain View Road (now 1120 Hershey-Esbenshade Drive) to allow the construction of a six thousand (6000) seat, lighted multi-sport athletic complex.

5. **Site Description.** The subject property is approximately twenty-two (22) acres and is located at 1120 Hershey-Esbenshade Drive. The property currently contains intramural fields and is located adjacent to the City's E-911 Center and the Southern Railway.

6. **Proposed Use of Property.** If the petition is approved the property would be developed as a four thousand one hundred twenty-one (4,121) seat sports facility. On May 14, 2017, Council approved a CUP petition for a six thousand (6000) seat facility; however, the CUP was allowed to expire.
7. **Transportation & Parking.** The City’s Transportation Engineer did not require a new traffic study for the petition, as the current proposal is less seats than previously approved in 2017.

The previously conducted traffic analysis examined two intersections along Candler Mountain Road:

- a. Candler Mountain Road/Mountain View Road
- b. Candler Mountain Road/Hershey-Esbenshade Drive (former Regents Parkway)

The submitted analysis assumes that there will be no additional traffic in the area during normal school operations and the AM/PM peak hours since LCA is currently using the sports fields in the area. The analysis examined weekday events with maximum attendance during the time periods of 6-7 PM and 9-10 PM.

Intersections are analyzed using Level of Service Standards with ratings of A – F. LOS “A” being free flowing and LOS “F” is significant delay. The analysis indicates the area has an existing LOS of D or better. The year 2025 “no build” condition also indicates a LOS D or better for the intersections. Under the “build” condition the intersection of Candler Mountain Road/Hershey-Esbenshade Drive (former Regents Parkway) the intersections would operate a LOS of E or F.

The analysis indicates that all movements will improve to pre-build conditions by applying temporary police traffic control at both intersections.

Of particular concern to City staff is improving safety at the intersection of Candler Mountain Road and Mountain View Road. Currently this intersection is to function as a “right in/ right out”. The intersections current configuration allows straight and left movements resulting in unsafe conditions. The submitted concept plan indicates that this intersection will be reconfigured and have removable bollards installed to correct this unsafe condition.

8. **Stormwater Management.** An Erosion & Sediment Control Plan/Stormwater Management Plan will be required for the development of the property as proposed. The concept plan indicates that a stormwater detention facility will be constructed on the northwestern portion of the property.
9. **Emergency Services:** The City Fire Marshal and the City’s Police Department had no comments of concern with the proposed petition.
10. **Impact.** The use of the property as a multi-sport athletic complex should have little negative impact on the area. The property was specifically rezoned for Institutional uses and is part of the overall, Liberty University, Thomas Road Baptist Church & Liberty Christian Academy (LCA) Campus. Level of Service Standards will be maintained at pre-development conditions and intersection improvements will correct an existing unsafe condition.

While existing LCA events would be moved from Williams Stadium to the new sports complex, there should not be an increase in traffic over what currently exists. When events are moved to the new complex, other events could be held in Williams Stadium which

“could” result in adverse traffic conditions. Liberty University, Thomas Road Baptist Church and LCA continue to manage traffic conditions resulting from the Institutions by investing high levels of funding in road improvement projects and providing temporary traffic control when needed.

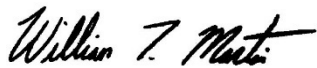
- 11. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on April 19, 2022. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Liberty University, Inc., to allow the construction of a lighted, multi-use athletic complex with a seating capacity of four thousand one hundred twenty-one (4,121) at 1120 Hershey-Esbenshade Drive subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan entitled LCA Sports Complex as prepared by Perkins & Orrison, dated March 29, 2022.**
- 2. Temporary traffic control shall be provided during events by Liberty University Police Officers as recommended by the traffic analysis.**
- 3. The intersection of Candler's Mountain Road and Mountain View Road shall be reconfigured as shown on the concept plan. Removable bollards shall remain in place, unless temporary traffic control is being provided.**
- 4. The petitioner shall notify the City's Transportation Engineer & City Police Department of events that would require temporary traffic control.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozarow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official

Mr. Kevin Henry, Zoning Administrator
Mr. Daniel C. Deter, Property Owner / Petitioner
Mr. Russ Orrison, 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 Photograph**

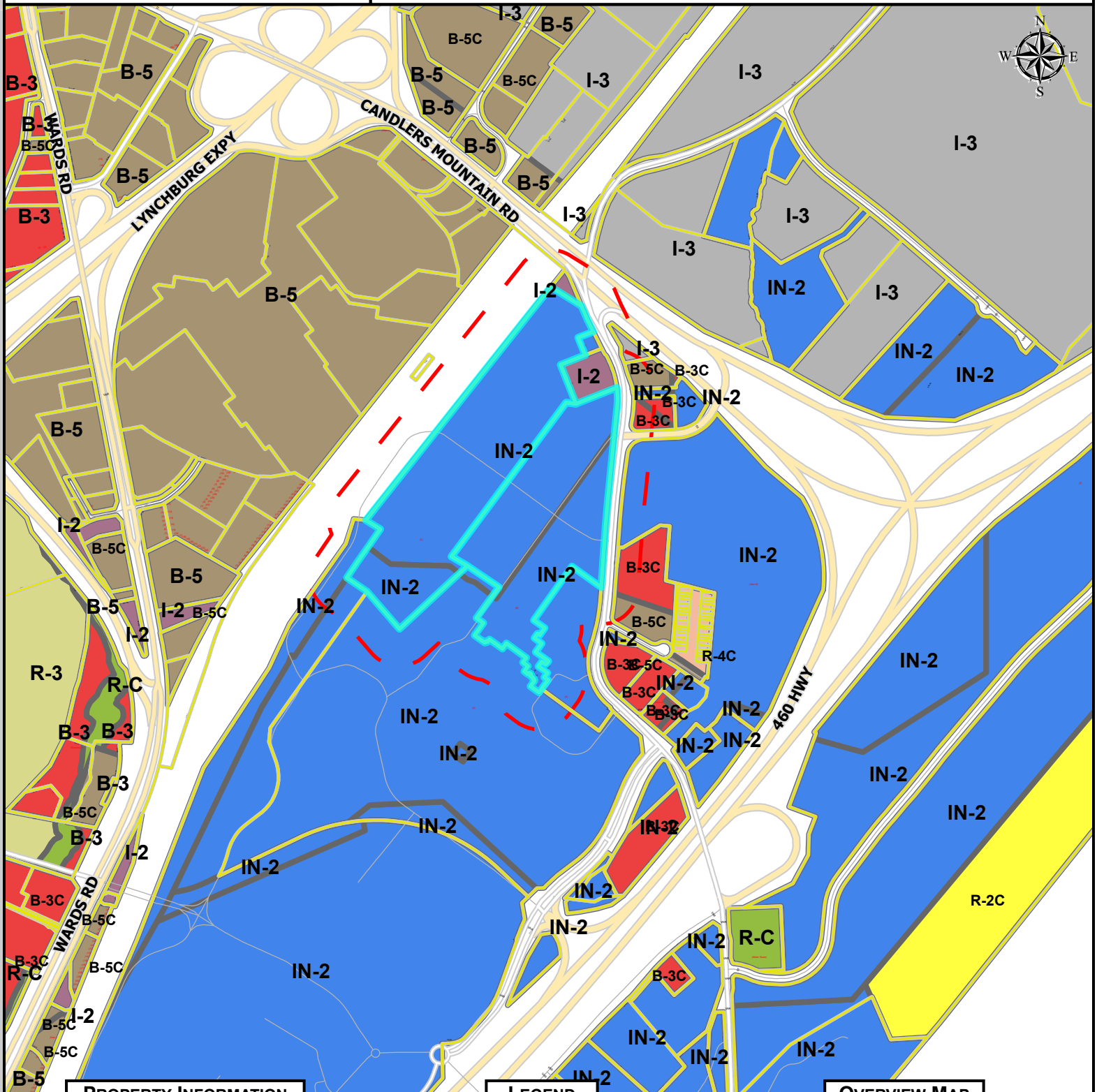
Zoning

701 MOUNTAIN VIEW RD

1120 HERSHEY-ESBENSHADE DR

TRC

Perkins & Orrison, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

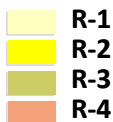
13001004

13001006

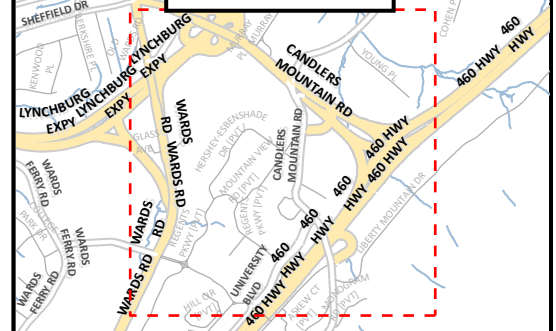
LEGEND

Subject Property

215 Foot Buffer



OVERVIEW MAP



MAP SCALE: 1:48,000

DATE PRINTED: 3/7/2022

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.

1120 Hershey-Esbenshade Drive

Parcel ID	Address	Owner
25701001	1971 UNIVERSITY BLVD	LIBERTY UNIVERSITY INC
13002005	3720 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13002004	3700 CANDLERS MOUNTAIN RD	LU CANDLERS STATION HOLDINGS LLC
13004002	3624 CANDLERS MOUNTAIN RD	NEHA COURT INVESTMENTS LLC
13004001	3622 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
13004003	3620 CANDLERS MOUNTAIN RD	HILL CITY LODGING LLC
13004004	3616 CANDLERS MOUNTAIN RD	HILL CITY LODGING LLC
13001002	751 MOUNTAIN VIEW RD	LIBERTY UNIVERSITY INC
13001001	3621 CANDLERS MOUNTAIN RD	CITY OF LYNCHBURG
13001004	701 MOUNTAIN VIEW RD	THOMAS ROAD BAPTIST CHURCH
16231002	3601 CANDLERS MOUNTAIN RD	LYNCHBURG GAS
16231003	3429 CANDLERS MOUNTAIN RD	SOUTHERN RAILWAY
13001006	1120 HERSHEY-ESBENSHADE DR	LIBERTY UNIVERSITY INC
13001007	3619 CANDLERS MOUNTAIN RD	THOMAS ROAD BAPTIST CHURCH
13001008	3701 CANDLERS MOUNTAIN RD	LIBERTY UNIVERSITY INC
	4219 CAMPBELL AVENUE	VDOT LYNCHBURG DISTRICT OFFICE
	P.O. BOX 100, RUSTBURG VA	COUNTY ADMINISTRATOR CAMPBELL COUNTY
		MR. FRANK ROGERS

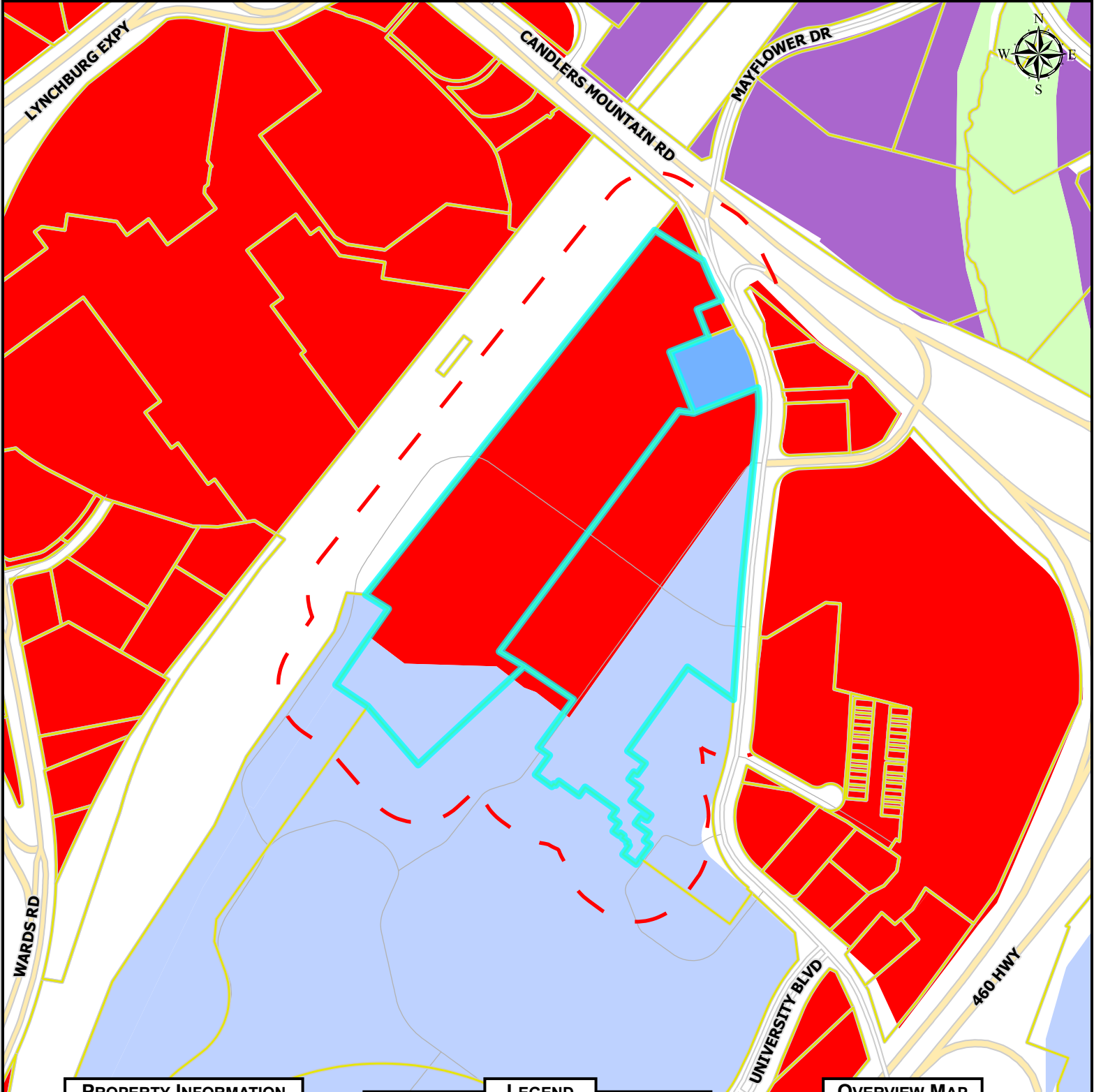
FLUM

701 MOUNTAIN VIEW RD

1120 HERSHEY-ESBENSHADE DR

TRC

Perkins & Orrison, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

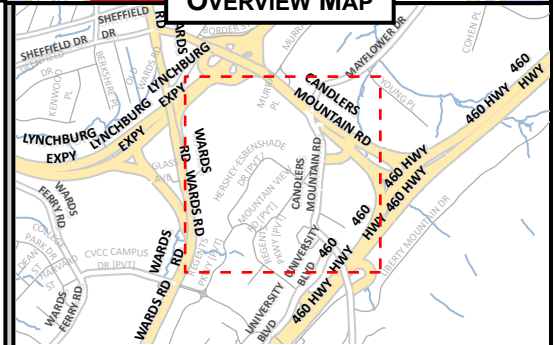
13001004	701 MOUNTAIN VIEW RD
13001006	1120 HERSHEY-ESBENSHADE DR

LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 3/7/2022

OVERVIEW MAP



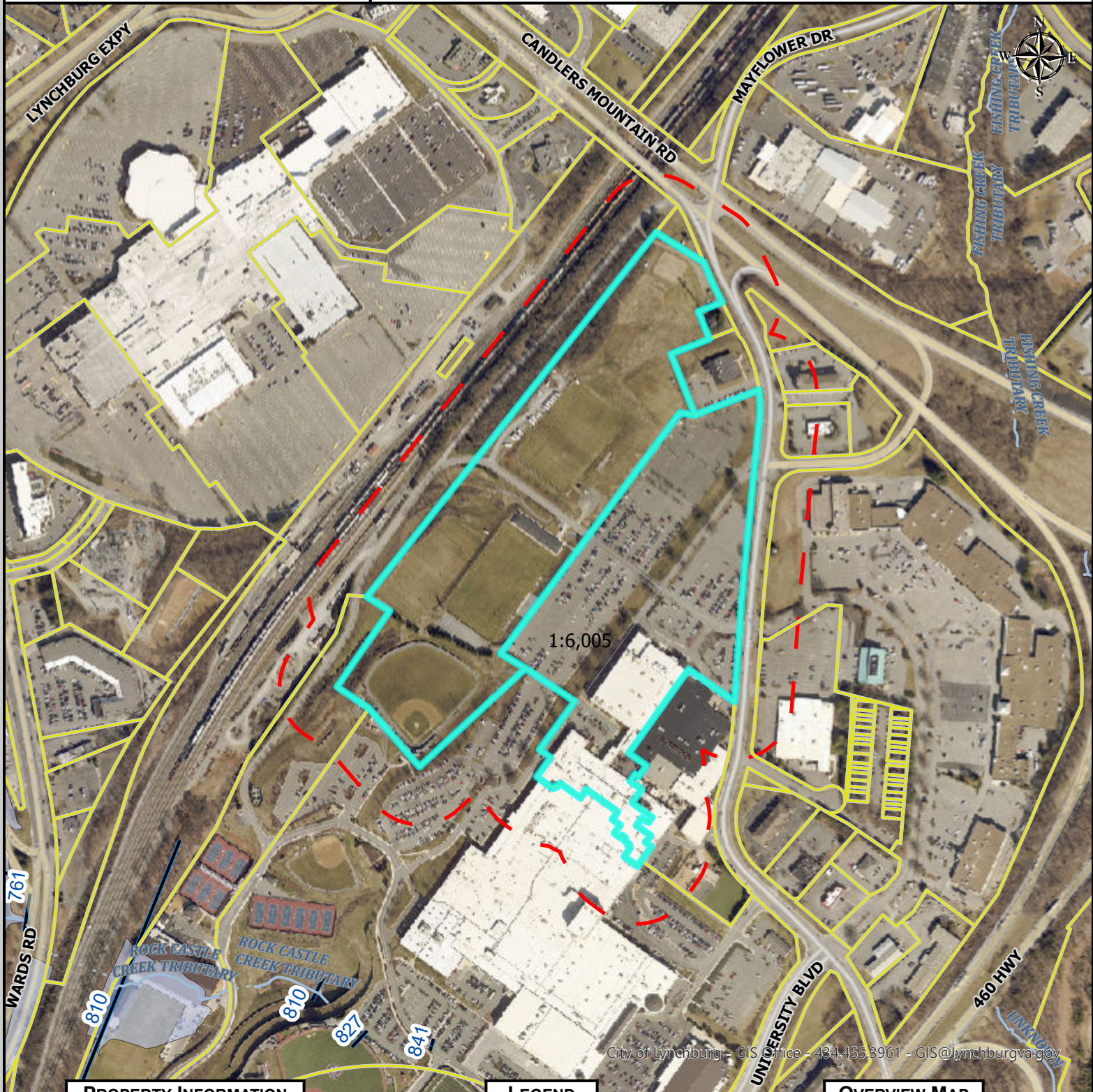
Watershed

701 MOUNTAIN VIEW RD

1120 HERSHEY-ESBENSHADE DR

TRC

Perkins & Orrison, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

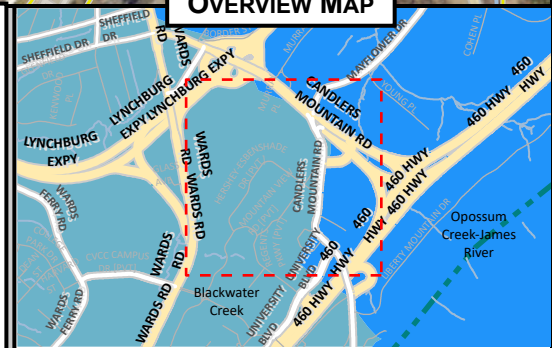
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13001006	1120 HERSHEY-ESBENSHADE DR

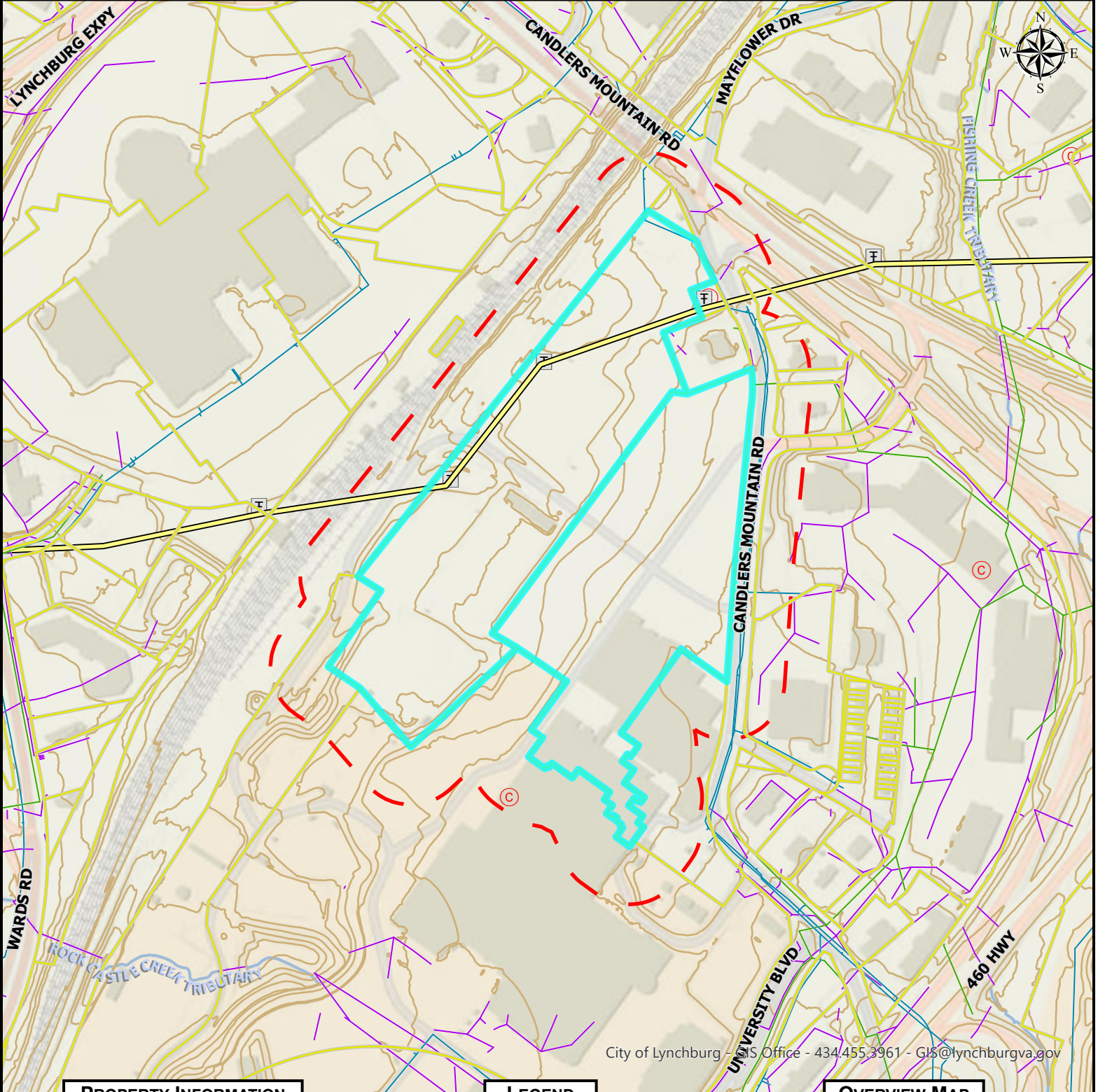
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 3/7/2022

OVERVIEW MAP





City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

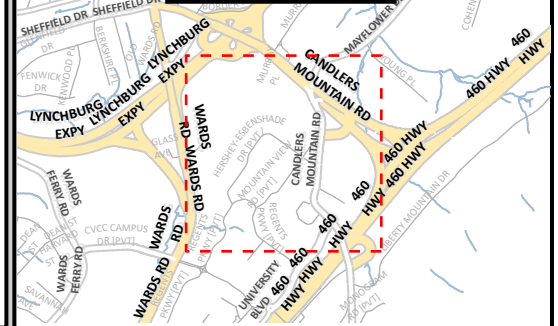
PARCEL ID	ADDRESS
13001004	701 MOUNTAIN VIEW RD
13001006	1120 HERSHEY-ESBENSHADE DR

LEGEND

	Active	Proposed	Abandoned
Utilities	Water	Sanitary	Storm
Planimetrics	Structure	Roadway	Parking
	Sidewalk	Driveway	
Topography	Contour		

MAP SCALE: 1:48,000 DATE PRINTED: 3/7/2022

OVERVIEW MAP



ID - P:\Liberty University\Projects\21434 - LCA Sports Complex\Drawing\Civil\Sheets\CUP\21434 - CUP Cover Sheet.dwg - Fri, 29 Apr 2022 - 12:18

SITE INFORMATION:

TAX MAP#: 13001006
INST#: 170000620
OWNER:

LIBERTY UNIVERSITY INC. & THOMAS ROAD BAPTIST CHURCH
1971 UNIVERSITY BLVD 1 MOUNTAIN VIEW RD
LYNCHBURG, VA 24515 LYNCHBURG, VA 24502

DEVELOPER:
LIBERTY UNIVERSITY INC.
1971 UNIVERSITY BLVD
LYNCHBURG, VA 24515

ZONING: IN-2*
AREA: 22.899 ACRES
USE: INSTITUTIONAL
SETBACKS:
FRONT: 0'
REAR: 0'
SIDE: 0'

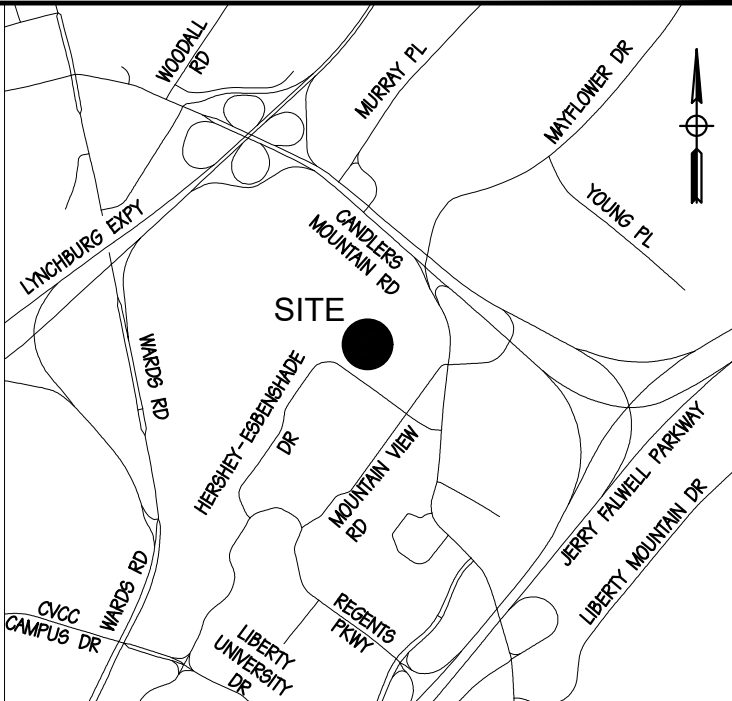
DESIGNER: RUSSELL H. ORRISON
PERKINS & ORRISON
17 W. NELSON STREET
LEXINGTON, VA 24450
540-464-9001
rorrison@perkins-orrison.com,
gworley@perkins-orrison.com
& bhostetter@perkins-orrison.com

LCA SPORTS COMPLEX
CONDITIONAL USE PERMIT

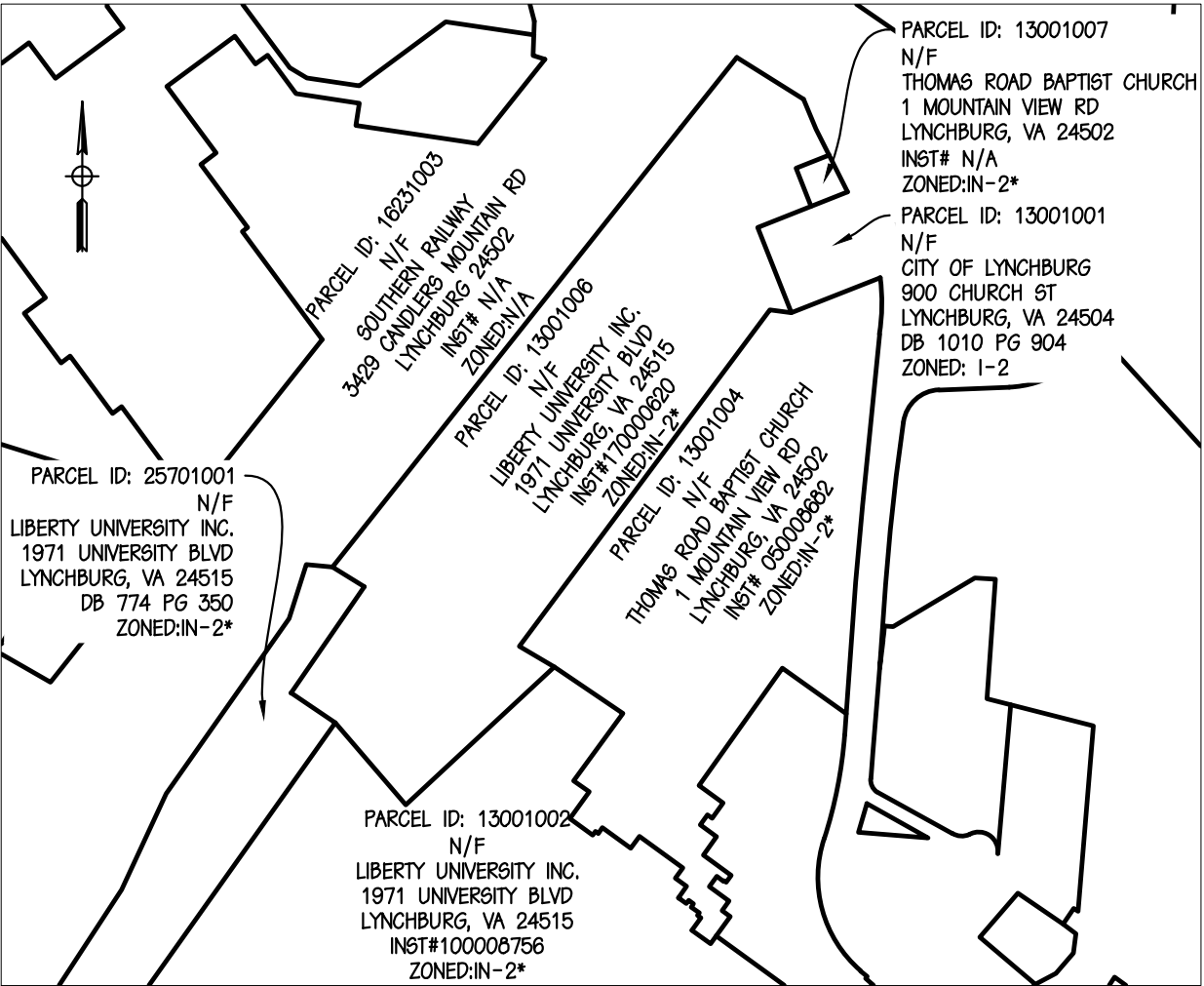
CITY OF LYNCHBURG, VIRGINIA

NARRATIVE:

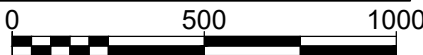
IN ORDER TO FREE UP THE LIBERTY UNIVERSITY STADIUM FIELD, LCA IS PROPOSING A SPORTS COMPLEX ON LIBERTY UNIVERSITY PROPERTY AT LCA. THE TRACK AND ATHLETIC FIELD IS PROPOSED TO BE SYNTHETIC TURF, AND THE FACILITY WILL INCLUDE AN ASPHALT TRACK. THE PROJECT RECEIVED A CONDITIONAL USE PERMIT IN 2018, WHICH HAS NOW GONE STALE. THIS PROPOSAL IS SIMILAR IN MOST RESPECTS, BUT NOW PROPOSES APPROXIMATELY 4121 SEATS AS OPPOSED TO THE PREVIOUSLY APPROVED 6000 SEATS. THE CONDITIONS OF THE PREVIOUS APPROVAL INCLUDING THE ENTRANCE IMPROVEMENTS SHOWN ARE BEING ADDRESSED WITH THIS REQUEST. LIKEWISE, IT HAS BEEN PRELIMINARILY AGREED THAT THE TRAFFIC IMPACT ANALYSIS SUBMITTED WITH THE SUBSEQUENTLY APPROVED CUP FOR 6000 SEATS IS ACCEPTABLE FOR THIS 4121 SEAT PROPOSAL.



VICINITY MAP
NO SCALE



1"=500'



Boundary Insert



17 W. NELSON STREET
LEXINGTON, VIRGINIA 24450
PHONE: 540-464-9001 FAX: 540-464-5009
EMAIL: PNO@PERKINS-ORRISON.COM

317 BROOK PARK PL.
FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986



JOB:
LCA SPORTS COMPLEX
CONDITIONAL USE PERMIT
CITY OF LYNCHBURG, VIRGINIA

CLIENT:
LIBERTY UNIVERSITY

1	04/29/2022	TRC COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		03/29/2022
CONTOUR INTERVAL:		2'
DRAWN BY:		PWS
CHECKED BY:		RHO

COVER SHEET

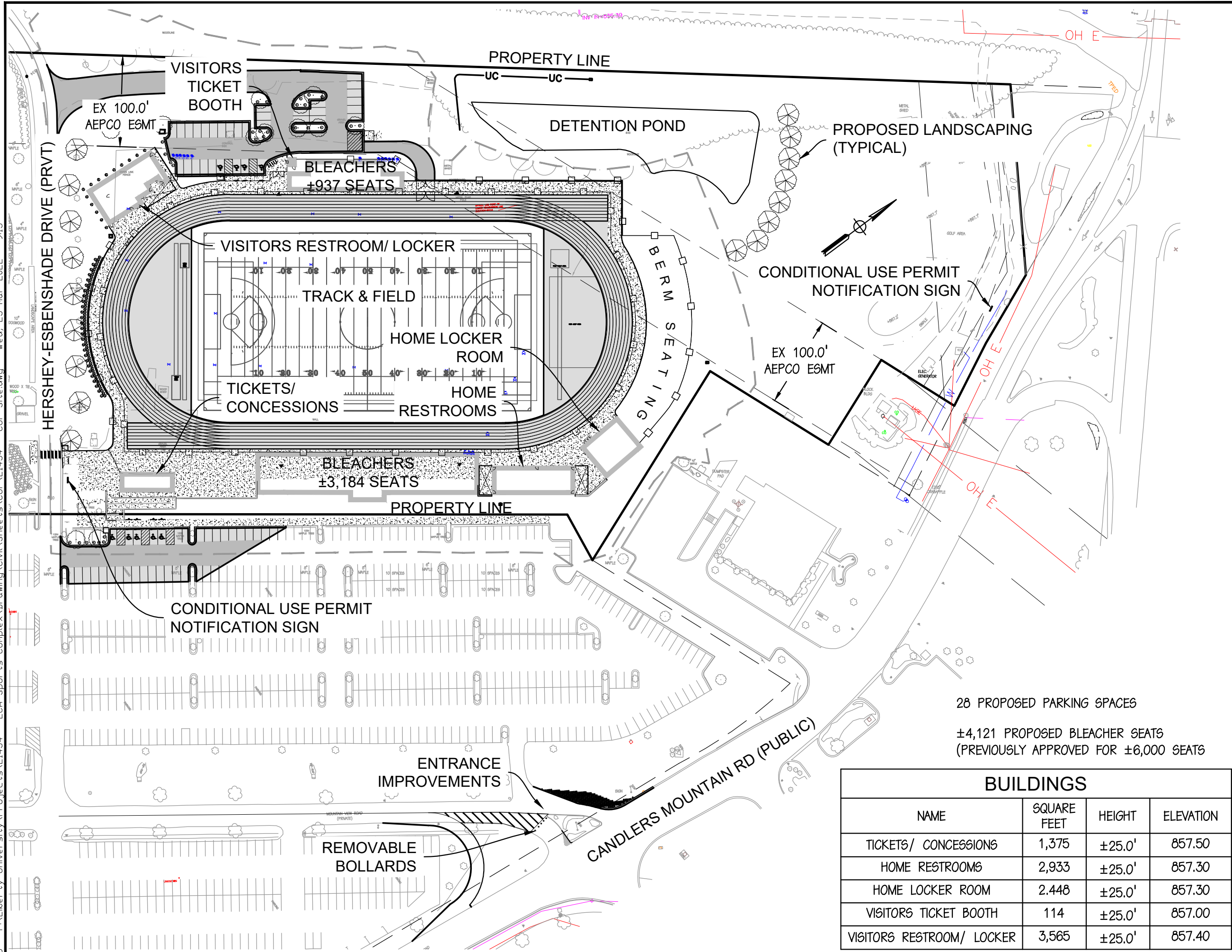
SHEET	C100	JURISDICTION PROJECT #	CUP2203-0003
JOB NO	21434	SHEET NO	1 OF 3

- NOTES:
- THE PURPOSE OF THIS PLAN IS TO SHOW A PRELIMINARY LAYOUT FOR A CONDITIONAL USE PERMIT. THIS CONDITIONAL USE PERMIT IS TO PERMIT A MULTI-PURPOSE SPORTS COMPLEX AND TRACK AND FIELD FACILITY. NO FLUM AMENDMENT IS REQUESTED. ANY INCREASE IN IMPERVIOUS AREA WILL BE ATTENUATED VIA THE STORMWATER MANAGEMENT POND PROPOSED ON THIS SITE. QUALITY REQUIREMENTS WILL BE MET BY THE PURCHASE OF CREDITS OR ONSITE MEASURES.
 - THE PROPERTY SHOWN HEREON IS NOT WITHIN A FEMA 100 YEAR FLOOD PLAIN. SEE PANEL# 5100930106D, UNSHADED ZONE "X", DATED JUNE 3, 2008.
 - LANDSCAPING WILL BE PROPOSED PER THE CITY OF LYNCHBURG'S LANDSCAPE ORDINANCE.
 - EROSION AND SEDIMENT CONTROL MEASURES WILL BE USED IN ACCORDANCE WITH THE VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK. E&S MEASURES ARE NOT SHOWN ON THIS PLAN, BUT WILL BE INCLUDED WITH THE ACTUAL SITE PLAN WHEN SUBMITTED.
 - THE DEVELOPER IS RESPONSIBLE FOR OBTAINING ALL NECESSARY STATE, FEDERAL, AND LOCAL PERMITS REQUIRED FOR THE DEVELOPMENT OF THIS SITE.
 - THIS SITE WILL BE SERVED BY PUBLIC WATER & SANITARY SEWER.
 - APPROXIMATELY 9.0 AC WILL BE DISTURBED. A VSMP IS REQUIRED.

SHEET INDEX

C100	1 OF 3	COVER SHEET
C200	2 OF 3	CONDITIONAL USE SCHEMATIC SITE PLAN
C201	3 OF 3	EXISTING CONDITIONS & SITE SCHEMATIC PLAN

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28 PROPOSED PARKING SPACES

±4,121 PROPOSED BLEACHER SEATS
(PREVIOUSLY APPROVED FOR ±6,000 SEATS)

BUILDINGS

NAME	SQUARE FEET	HEIGHT	ELEVATION
TICKETS/ CONCESSIONS	1,375	±25.0'	857.50
HOME RESTROOMS	2,933	±25.0'	857.30
HOME LOCKER ROOM	2,448	±25.0'	857.30
VISITORS TICKET BOOTH	114	±25.0'	857.00
VISITORS RESTROOM/ LOCKER	3,565	±25.0'	857.40



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EMAIL: PNO@PERKINS-ORRISON.COM

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FOREST, VIRGINIA 24551
PHONE: 434-525-5985 FAX: 434-525-5986

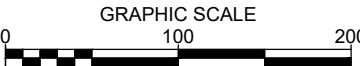


JOB:
LCA SPORTS COMPLEX
CONDITIONAL USE PERMIT
CITY OF LYNCHBURG, VIRGINIA

CLIENT:
LIBERTY UNIVERSITY

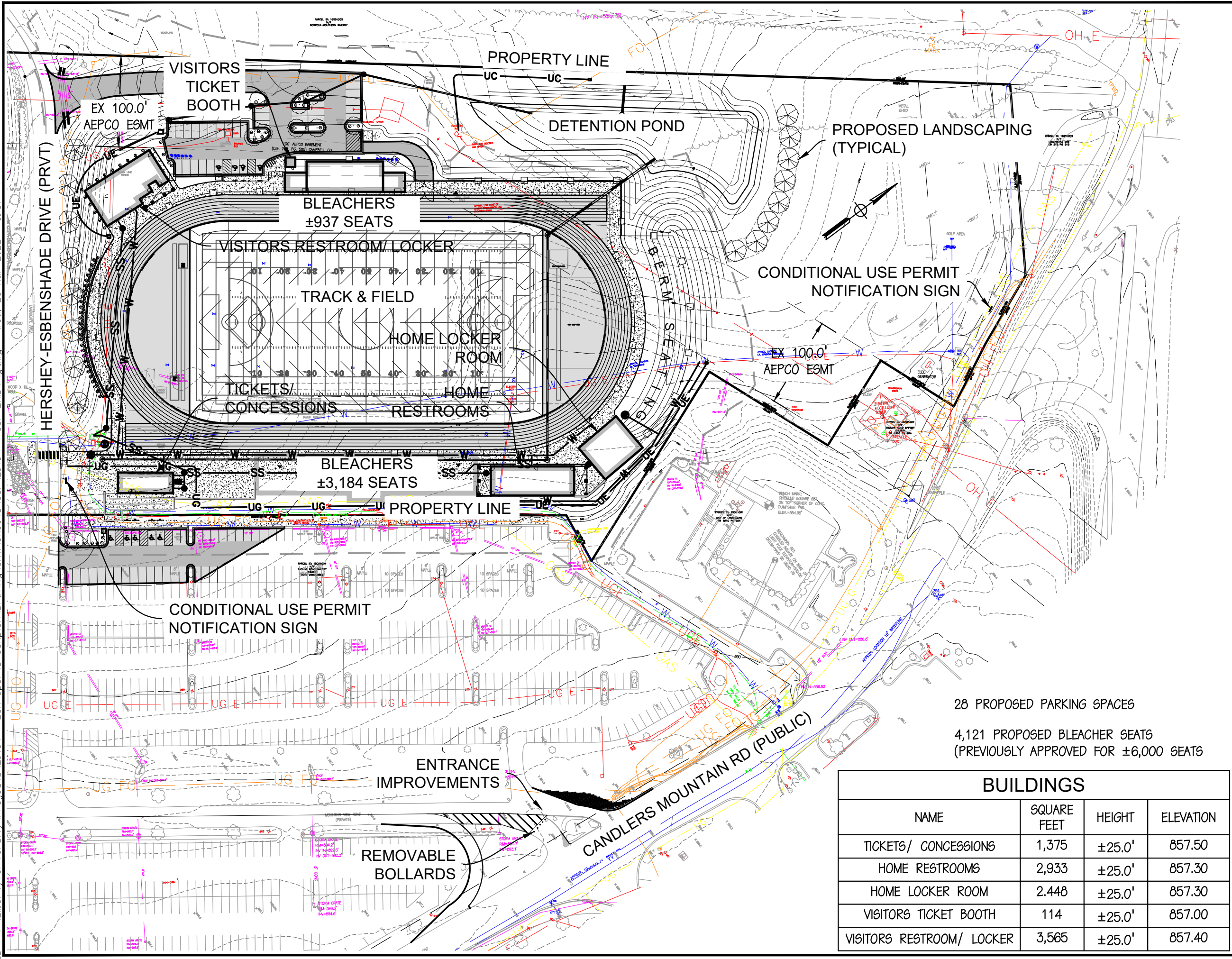
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MARK	DATE	DESCRIPTION
ISSUE:		03/29/2022
CONTOUR INTERVAL:		2'
DRAWN BY:		PWS
CHECKED BY:		RHO

CONDITIONAL USE
SCHEMATIC SITE PLAN



SHEET	C200	JURISDICTION PROJECT #	CUP2203-0003
JOB NO	21434	SHEET NO	2 OF 3

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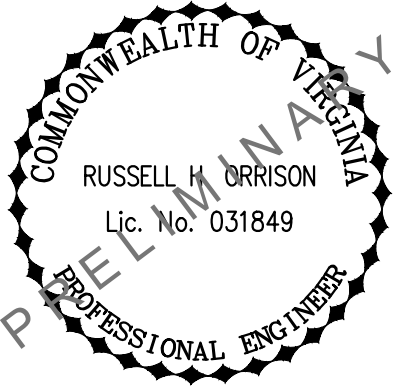
28 PROPOSED PARKING SPACES
4,121 PROPOSED BLEACHER SEATS
(PREVIOUSLY APPROVED FOR ±6,000 SEATS)

BUILDINGS			
NAME	SQUARE FEET	HEIGHT	ELEVATION
TICKETS/ CONCESSIONS	1,375	±25.0'	857.50
HOME RESTROOMS	2,933	±25.0'	857.30
HOME LOCKER ROOM	2,448	±25.0'	857.30
VISITORS TICKET BOOTH	114	±25.0'	857.00
VISITORS RESTROOM/ LOCKER	3,565	±25.0'	857.40



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PHONE: 434-525-5985 FAX: 434-525-5986



JOB:
LCA SPORTS COMPLEX
CONDITIONAL USE PERMIT
CITY OF LYNCHBURG, VIRGINIA

CLIENT:
LIBERTY UNIVERSITY

1	04/29/2022	TRC COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:		03/29/2022
CONTOUR INTERVAL:		2'
DRAWN BY:		PWS
CHECKED BY:		RHO

EXISTING CONDITIONS & SITE SCHEMATIC PLAN

GRAPHIC SCALE
0 100 200
1"=100'

SHEET	C201	JURISDICTION PROJECT #	CUP2203-0003
JOB NO	21434	SHEET NO	3 OF 3



LCA SPORTS COMPLEX CONDITIONAL USE PERMIT

CITY OF LYNCHBURG, VIRGINIA

MARCH 29, 2022

JOB # 21434

17 W. Nelson Street
Lexington, Virginia 24450

317 Brook Park Pl.
Forest, Virginia 24551

540-464-9001 Fax: 540-464-5009

Email: pno@perkins-orrison.com

434-525-5985 Fax: 434-525-5986

Conditional Use Permit Narrative

LCA Sports Complex Conditional Use Permit Plan

City of Lynchburg, Virginia

March 29, 2022

Job # 21434

Page 2 of 2

In order to free up the Liberty University stadium field, LCA is proposing a sports complex on Liberty University property at LCA. The track and athletic field is proposed to be synthetic turf, and the facility will include an asphalt track.

The project received a Conditional Use Permit in 2018, which has now gone stale. This proposal is similar in most respects, but now proposes approximately 4121 seats as opposed to the previously approved 6000 seats. The conditions of the previous approval including the entrance improvements shown are being addressed with this request.

P:\Liberty University\Projects\21434 - LCA Sports Complex\Documents\21434 CUP Narrative 2022-03-29.docx

17 W. Nelson Street
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317 Brook Park Pl.
Forest, Virginia 24551

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Email: pno@perkins-orrison.com

434-525-5985 Fax: 434-525-5986



HERSHEY-ESBENSHADE DR

03/05/2021

HERSHEY-ESBENSHADE DR

MAINVIEW RD

© All Pictometry



RESOLUTION:

#R-22-042

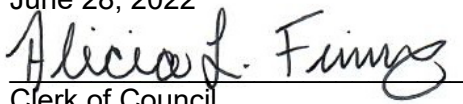
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO LIBERTY UNIVERSITY TO ALLOW THE CONSTRUCTION OF A MULTI-SPORT COMPLEX IN AN IN-2, INSTITUTIONAL 2 DISTRICT LOCATED AT 1120 HERSHEY-ESBENSHADE DRIVE AND 701 MOUNTAIN VIEW ROAD.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition Liberty University for a Conditional Use Permit at 1120 Hershey-Esbensshade Drive and 701 Mountain Road to allow the construction of a lighted multi-sport complex in an IN-2, Institutional 2 District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled LCA Sports Complex as prepared by Perkins & Orrison, dated March 29, 2022.
2. Temporary traffic control shall be provided during events by Liberty University Police Officers as recommended by the traffic analysis.
3. The intersection of Candler's Mountain Road and Mountain View Road shall be reconfigured as shown on the concept plan. Removable bollards shall remain in place, unless temporary traffic control is being provided.
4. The petitioner shall notify the City's Transportation Engineer & City Police Department of events that would require temporary traffic control.

Adopted: June 28, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 28, 2022**

AGENDA ITEM #: **6**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Conditional Use Permit (CUP) – Spring Hill Cemetery Association – 1550 James Street*

RECOMMENDATION: Approval of the CUP petition to allow the expansion of the existing cemetery.

SUMMARY: Spring Hill Cemetery Association has submitted a CUP petition proposing the expansion of the existing cemetery. The expansion would include enlargement of the existing columbarium, new columbarium walls, a cremation garden, new burial plots and a new vehicular egress to Stadium Road. The property is zoned R-3, Medium-Density Residential District which allows cemeteries upon approval of a CUP by City Council.

PRIOR ACTION(S):

June 7, 2022: City Council Business Item Briefing.

May 11, 2022 The Planning Commission recommended approval (4-0, with 1 vacancy and 2 members absent, Bowden, Johnson) of the CUP petition.

The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT: N/A

CONTACT(S): Rachel Frischeisen, Acting City Planner – 455-3900
Tom Martin, Acting Director Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – May 11, 2022
- Planning Commission Packet – May 11, 2022
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan
 - Narrative
 - Property Photograph
- Planning Commission Sign in Sheet – May 11, 2022

REVIEWED BY: MMB WCB

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO SPRING HILL CEMETERY TO ALLOW FOR THE EXPANSION OF THE EXISTING CEMETERY IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT LOCATED AT 1550 JAMES STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Spring Hill Cemetery for a Conditional Use Permit at 1550 James Street to allow for the expansion of the existing cemetery in an R-3, Medium Density Residential District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled Spring Hill Cemetery – Columbarium Expansion dated February 18, 2022.

Adopted:

Certified: _____

Clerk of Council

May 11, 2022

Minutes of the Lynchburg Planning Commission, May 11, 2022, 4:00 p.m., City Hall, 900 Church Street, Council Chamber.

MEMBERS PRESENT:

Mr. Bob Bowden
Mr. Cham Light
Ms. Nancy Marion
Dr. David Perault
Mr. Tom Rogers, Chair

MEMBERS ABSENT:

Ms. Kensie Johnson, Vice-Chair

OTHERS PRESENT:

Mr. Tom Martin, City Planner; Ms. Anna Davidson, Planning Technician; and the public.

1. Roll Call:

After a quorum was established, Chair Rogers called the meeting to order at 4:00 p.m.

2. Approval of Minutes. Minutes of the April 27, 2022 meeting were approved as written.

Commissioner Marion made a motion to approve the minutes as written. The motion was seconded by Commissioner Light and passed by the following vote:

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson, Bowden	2

3. Public Hearings:

a. Petition of Spring Hill Cemetery Association for a conditional use permit at 1550 James Street to allow the construction of a columbarium, access road to Stadium Road and establish new cemetery plots in an R-3, Medium Density Residential District.

Mr. Tom Martin, City Planner, provided the following summary to the Commission. The Spring Hill Cemetery has been in existence since the 1850s. This petition will allow for the expansion of the existing columbarium and the addition of burial plots as well as an egress road to Stadium Road to be used during funeral services. The property is zoned R-3, Medium Density Residential district but recommended for Institutional uses on the Future Land Use Map (FLUM).

Commissioner Marion stated she has done business with Spring Hill Cemetery and they advertise in her magazine but can remain objective in this petition.

Mr. Justin Fournier was present to speak on behalf of the petition. He stated they will be expanding the existing columbarium and constructing additional columbarium walls adjacent to it as well as additional burial plots and a cremation garden. There will also be a connection to James street. These roads will be gated and only used for exiting funeral services in that area. The style of architecture will match the existing structure.

Mr. Steven Collins was present to speak on this petition. He stated his property is located behind James Street on Blackburn Street. He asked where the new cemetery lots will be located, if James Street will be closed off, and if the additional columbarium will be mirroring the existing. He also noted when the existing columbarium was built there was discussion on creating a small chapel. He asked if this is still being considered.

Chair Rogers asked for clarification if Mr. Collins is concerned that James Street will be closed off as Wythe Road is.

Mr. Collins replied this is correct. He asked if James Street will be made into a two-way street or closed off.

Mr. Fournier stated that James Street will not be closed. He noted that an exit road will tie into James Street and will be gated. The additional burial plots will be on the right side of the existing columbarium.

Chair Rogers clarified that the additional plots will be on the other side of James Street, towards Gordon Street as opposed to Blackburn Street.

Mr. Fournier replied this is correct. He noted that there is approval for additional plots between James Street and the inside road that connects to the columbarium.

Chair Rogers noted that Mr. Collins concern is that there are not as many houses on the 1500 block of James Street.

Mr. Fournier replied that nothing will be done on that side of James Street.

Mr. Collins asked for clarification that they will not close James Street.

Mr. Fournier replied this is correct. He showed on the concept plan where the proposed addition and additional plots will be located in relation to the area.

Mr. Collins asked if the new access road is simply opening up an existing road that has been gated or constructing a new road off of James Street.

Mr. Fournier stated it will be in the same location as where the gate currently is.

Mr. Powers, Secretary Treasurer of Spring Hill Cemetery, replied that the gate that exists right now is located behind the columbarium and will be kept closed until there is a funeral service and will then only be used as an exit. The proposed gate on the eastern side will be the same way.

Chair Rogers asked Mr. Collins if his questions have been answered.

Mr. Collins replied that they have.

Chair Rogers stated that the area highlighted on the map is where the work will be done with the exit onto James Street and the entrance on the other side of the project.

Mr. Powers clarified that they will both be exits.

Chair Rogers asked if the original entrance on Stadium Road will be used.

Mr. Powers replied the gates to this entrance stay closed until there is a service on that side of the property. A cul-de-sac will be used for normal visitation and there will be an interior gate for larger groups.

Commissioner Marion asked if there is a gate at the new road that will go to James Street.

Mr. Powers replied that there is. He noted that there are gates at all perimeters as well as an interior gate.

Commissioner Light made the following motion, seconded by Commissioner Marion, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Spring Hill Cemetery Association for a conditional use permit at 1550 James Street to allow the construction of columbarium space, burial plots, cremation garden, parking area and vehicular egress to Stadium Road subject to the following condition:

- 1. The property shall be developed in substantial compliance with the concept plan entitled Spring Hill Cemetery – Columbarium Expansion dated February 18, 2022.**

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Johnson, Bowden	2

Commissioner Perault asked if the parking lot at City Stadium was done with a CUP as it is zoned R-3, Medium Density Residential district. He asked if this was an allowed use for a property zoned R-3.

Mr. Martin replied that the parking lot is non-conforming because of how long it has existed and that the City is exempt from the ordinance.

- b. Petition of Liberty University Inc. for a conditional use permit at 1120 Hershey-Ebeshade Drive and 701 Mountain View Road to allow the construction of an outdoor stadium with approximately four thousand one hundred twenty-one (4121) seats in an IN-2, Institutional District.**

Mr. Tom Martin, City Planner, provided the following summary to the Commission. This property is zoned IN-2, Institutional District 2 with the FLUM recommending institutional and community commercial uses. In 2017 Council approved a six-thousand (6,000) seat stadium but that CUP was allowed to expire. This petition proposes four thousand one hundred twenty-one (4121) seats and will be lighted. He noted the concern with this petition is the intersection between Mountain View Road and Candler's Mountain Road. He noted that modifying the intersection to only allow right in and right out movement during operating hours was conditioned as part of the last approval, is recommended as a condition to this approval, and was agreed to by the petitioner as well as shown on concept plan. There will be bollards that can be removed to allow full traffic movements provided traffic control measures are in place. There is also an additional parking area proposed for buses that is not shown on the concept plan.

Mr. Dan Deter was present to speak on behalf of the petition. He stated that they are working to give Liberty Christian Academy (LCA) its own facilities as this will decrease scheduling conflicts between Liberty University and LCA. He also noted that the stadium will only be used for LCA affiliated sporting events.

Commissioner Bowden asked if the parking shown on the concept plan is existing parking or an expansion to the parking.

Mr. Deter stated the parking on the east side is existing now and will be reconfigured to add ADA parking. The new parking being proposed is on the west side for coaches, officials, and buses.

Commissioner Bowden asked if the stadium is solely for LCA or if it will be used as an overflow field for Liberty University.

Mr. Deter replied that it will only be used for LCA events.

Commissioner Perault stated many of the concerns were addressed at the previous CUP petition. He noted that Liberty University handles the traffic at their large events well. He noted that Candler's Mountain Road is scheduled for several overhauls by VDOT.

Mr. Martin stated he is unsure of the timing of the overhauls but they are separate from this petition. The entrance modifications that are proposed satisfy the traffic concerns.

Commissioner Bowden stated that the Planning staff seemed to have addressed the concerns of traffic coming from Candler's Mountain Road.

Mr. Martin stated it will essentially be taking the event from the Liberty University stadium and moving it to the new stadium. He noted that a concern brought up previously was that they could hold two large events at once. He noted that Liberty University, LCA, and Thomas Road Baptist Church have proven to be very diligent at traffic control.

Commissioner Light stated it may be easier to get out of this facility than the Liberty University stadium. He noted that this petition will improve the traffic flow.

Mr. Martin stated that there have been many improvements done and effort put into the traffic flow in this area.

Commissioner Bowden noted he is very impressed with the improvements that have been made on Liberty University property.

Chair Rogers stated that the petition is a good improvement. He noted there is substantial ingress and egress where people can exit in several ways.

Commissioner Bowden made the following motion, seconded by Commissioner Marion, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Liberty University, Inc., to allow the construction of a lighted, multi-use athletic complex with a seating capacity of four thousand one hundred twenty-one (4,121) at 1120 Hershey-Esbenshade Drive subject to the following conditions:

- 1. The property shall be developed in substantial compliance with the concept plan entitled LCA Sports Complex as prepared by Perkins & Orrison, dated March 29, 2022.**
- 2. Temporary traffic control shall be provided during events by Liberty University Police Officers as recommended by the traffic analysis.**
- 3. The intersection of Candler's Mountain Road and Mountain View Road shall be reconfigured as shown on the concept plan. Removable bollards shall remain in place, unless temporary traffic control is being provided.**
- 4. The petitioner shall notify the City's Transportation Engineer & City Police Department of events that would require temporary traffic control.**

AYES:	Light, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden, Johnson	2

Chair Rogers stated that Mr. Norm Walton of Perkins & Orrison, Inc., had spoken with him and asked if it is appropriate to have an engineer come in for a meeting to discuss how they develop plans. He noted that there can be confusion in regards to traffic.

Mr. Martin stated that the Planning staff is going to implement development forums in which developers will explain the development process. He noted it is reasonable for the Commission to speak with any engineering firm to better understand what work goes into their traffic study's and plans. He also noted that the budget that was passed did include funding to update the Comprehensive Plan.

Commissioner Bowden stated his support and asked for Mr. Martin to clarify if developers will come in to explain the Planning process separate from normally scheduled Planning Commission meetings.

Mr. Martin replied that this is correct.

Mr. Bowden stated he would like to understand what goes into the planning process because he does not understand all that goes into resolving issues before an item comes before the Commission.

Mr. Martin stated if the Commission would like to schedule a meeting with Mr. Walton, during the meeting he can give an overview as to the planning process prior to an item coming before the Commission as well as a discussion with Mr. Walton about traffic studies.

Chair Rogers stated his approval of this.

Mr. Martin stated that typically the developers and Planning division work well together and there are very few instances in which staff will recommend denial of an item because it has typically been resolved prior to coming before the Commission.

Commissioner Perault stated that today's petition was very specific and useful in speaking of loss of service and what is being done to address it.

Mr. Martin asked for clarification that a traffic summary within the Planning Commission report will be helpful.

Commissioner Perault replied that this would be helpful.

Mr. Russ Orrison stated there are many traffic reports that do not recommend projects because of the lack of infrastructure.

Mr. Martin replied that this is correct.

4. Upcoming Meetings:

The next regular meeting will be Wednesday, May 25, 2022.

5. Adjournment:

There being no further business, the meeting was adjourned at 4:43 p.m.

ATTEST: _____ ATTEST: _____
City Planner Chair Rogers

The Department of Community Development

City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission
From: Planning Division
Date: May 11, 2022
Re: **Conditional Use Permit (CUP) – Spring Hill Cemetery Association – 1550 James Street**

I. PETITIONER

Spring Hill Cemetery Association, 3000 Fort Avenue, Lynchburg, Virginia 24501

Representative: Mr. Justin Fournier, Blazer, Balzer and Associates, Inc., 15871 City View Drive, Midlothian, Virginia 23113

Property Owner: Same as Petitioner

II. LOCATION

The subject property is a tract of approximately six and five tenths (6.5) acres located at 1550 James Street.

III. PURPOSE

The purpose of the petition is to allow the expansion of the existing cemetery by expanding the existing columbarium, adding new columbarium walls, a cremation garden, new burial plots and a new vehicular egress to Stadium Road.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends Community Institutional use for the property.
- The petition agrees with the *Zoning Ordinance* in that cemeteries and their associated uses are permitted in an R-3, Medium Density Residential District upon approval of a CUP.
- The expansion of the cemetery should have little to no negative impact on the area.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends Community Commercial and Institutional uses for the area.

Institutional areas include religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (p.76)

2. **Zoning.** The subject property was annexed into the City in 1908. The existing R-3, Medium Density Residential District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:

- On November 14, 1989, Council approved the conditional use permit (CUP) petition of Shekijah Preparation Assembly Church to allow for a child care center at 725 Mansfield Avenue.
 - On September 11, 1990, Council approved the rezoning petition of Tarkington Realty Company, Inc. to amend the zoning from B-1 (Limited Business) & R-3 (Medium Density Two-Family Residential) to B-3C (Community Business – Conditional) for a vocational school at 2600 Memorial Avenue.
 - On June 11, 1991, Council approved the CUP petition of First Assembly of God Church for the installation of additional parking at 3125 Fort Avenue.
 - On March 10, 1992 Council approved the rezoning petition of Tarkington Realty Company, Inc. to amend the existing proffers B-3C (Community Business – Conditional) to allow for a parking lot expansion at 2600 Memorial Avenue.
 - On March 10, 1992 Council approved the CUP petition of Tarkington Realty Company, Inc. for the expansion of an existing vocational school at 2600 Memorial Avenue.
 - On July 9, 2002, Council approved the rezoning petition of Urban Alternative, Inc. to amend the zoning from I-3 (Heavy Industrial) to B-3C (Community Business – Conditional) for a training school (vocational school) at 1601 Wythe Road.
 - On April 13, 2010, Council approved the rezoning petition of Midtown Lofts, LLC to amend the zoning from I-2 (Light Industrial) to B-3C (Community Business – Conditional) to allow for a mixed-use development at 2734 Fort Avenue.
 - On April 13, 2010 Council approved the CUP petition of Midtown Lofts, LLC to allow the use of existing buildings and parking areas as a Cluster Commercial Development at 2734 Fort Avenue.
 - On June 14, 2011, Council approved the CUP petition of Spring Hill Cemetery Association to allow the construction of a twelve hundred (1200) square foot office addition, columbarium garden and additional parking spaces at 3000 Fort Avenue and 1550 James Street.
5. **Site Description.** The subject property is approximately six and five tenths (6.5) acres and located at 1550 James Street. It is part of the larger Spring Hill Cemetery property. The property is bordered to the north by cemetery property to the south across Stadium Road by Calvary Cross Baptist Church, to the east and west by property owned by the petitioner.
6. **Proposed Use of Property.** If the petition is approved the property would be developed with additional columbarium space, burial plots and a means of egress to Stadium Road.
7. **Transportation & Parking.** The City's Transportation Engineer did not require a new traffic study for the petition. The petition proposes four (4) additional parking spaces and a means of egress to Stadium Road.
8. **Stormwater Management.** An Erosion & Sediment Control Plan/Stormwater Management Plan will be required for the development of the property as proposed. The concept plan indicates that a stormwater detention facility will be constructed on the northwestern portion of the property.

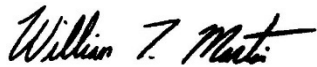
9. **Emergency Services:** The City Fire Marshal and the City's Police Department had no comments of concern with the proposed petition.
10. **Impact.** The Spring Hill Cemetery was established in 1852 and land acquired in 1853. The first burial occurred on October 18, 1855 and the cemetery is the final resting place of many notable Lynchburg residents. The proposed additions of columbarium space and burial plots should have no impact on the surrounding area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on April 19, 2022. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Spring Hill Cemetery Association for a conditional use permit at 1550 James Street to allow the construction of columbarium space, burial plots, cremation garden, parking area and vehicular egress to Stadium Road subject to the following condition:

1. **The property shall be developed in substantial compliance with the concept plan entitled Spring Hill Cemetery – Columbarium Expansion dated February 18, 2022.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, 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. Eames Powers, Petitioner
Mr. Justin Fournier, Representative

VII. ATTACHMENTS

1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**

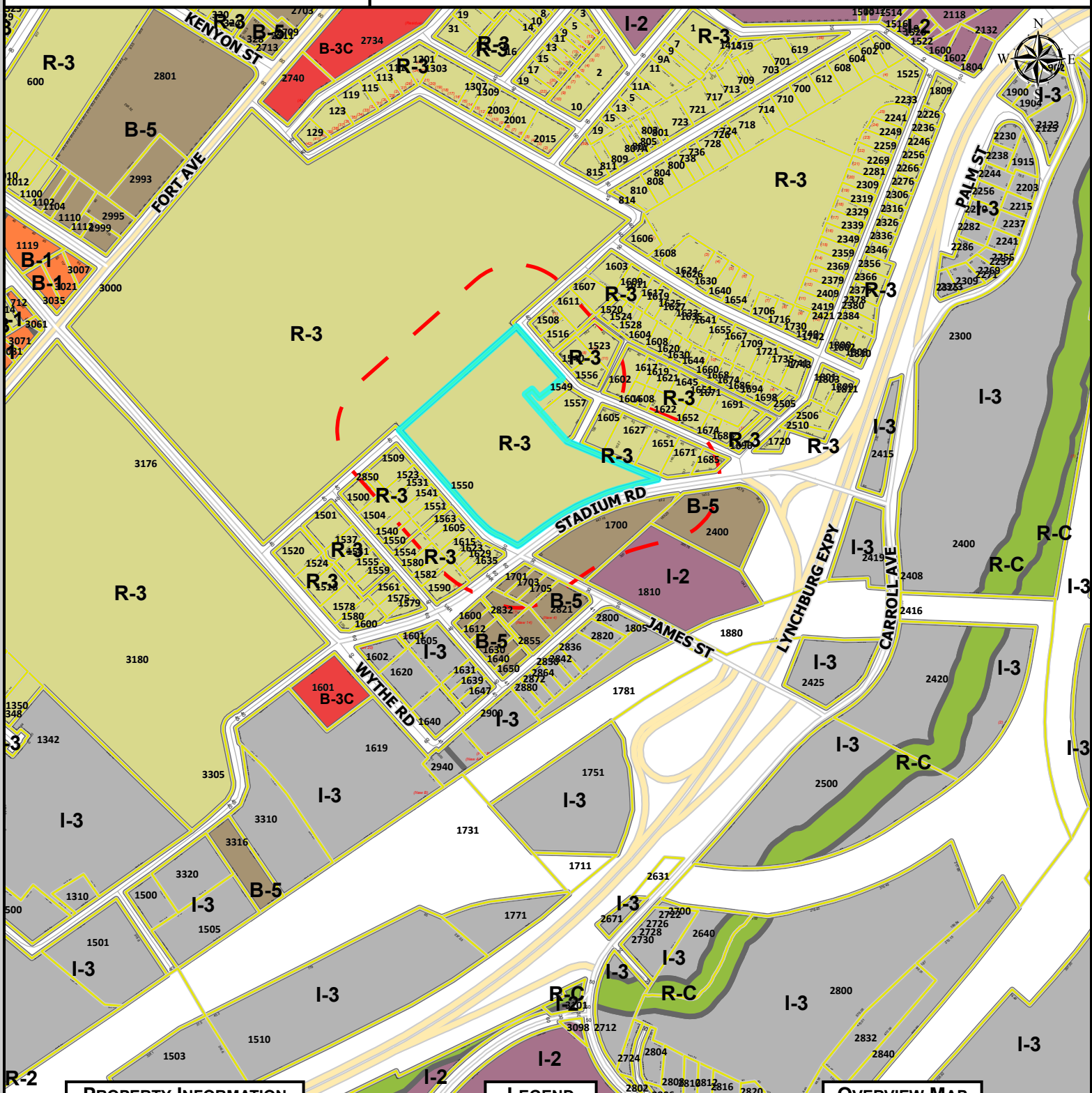
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Property Photograph**

Zoning

1550 JAMES ST

TRC

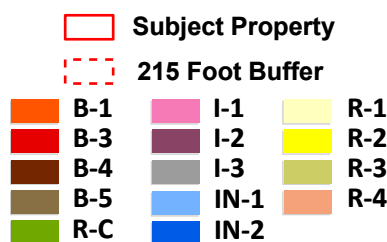
Balzer & Associates, Inc.



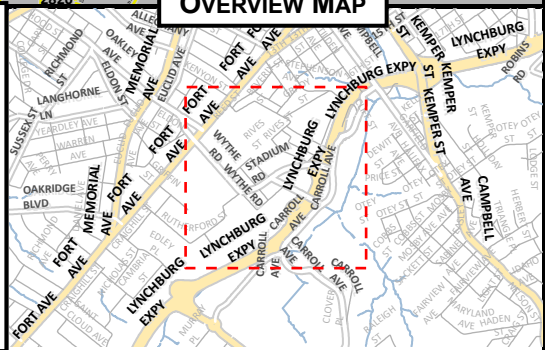
PROPERTY INFORMATION

PARCEL ID	ADDRESS
02801001	1550 JAMES ST

LEGEND



OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 4/4/2022

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.

1550 James Street

Parcel ID	Address	Owner
05018011	1810 JAMES ST	MIKKELSON, STEVE J &
02801011	1700 JAMES ST	CALVARY CROSS BAPTIST CHURCH TRS
05018010	2400 STADIUM RD	SAGAR INCORPORATED
02801010	1685 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801009	1671 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801007	1651 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736069	1674 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801006	1627 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801005	1605 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736046	1652 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736048	1622 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801004	1557 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736051	1608 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736052	1604 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02801002	1549 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736055	1556 GORDON ST	AULTICE, RICKY A
02736033	1602 GORDON ST	RUDDER, GLADYS R & RUDDER, BERNICE V
02736057	1540 GORDON ST	STEWART, JAMES A
02801001	1550 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02736030	1523 CALLAHAM ST	STEWART, JAMES A
02736059	1516 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736060	1508 GORDON ST	SPRING HILL CEMETERY ASSOCIATION
02736061	1611 RIVES ST	SPRING HILL CEMETERY ASSOCIATION
01201001	3000 FORT AVE	SPRING HILL CEMETERY
02804001	1701 JAMES ST	AYERS, PATRICIA J
02805012	1590 BLACKBURN ST	BROOKS, ALAN D
02805013	1582 BLACKBURN ST	SPRING HILL CEMETERY ASSOCIATION
02805011	1635 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805021	1580 BLACKBURN ST	SPRING HILL CEMETERY ASSOCIATION
02805010	1629 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805009	1623 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805014	1554 BLACKBURN ST	SPRING HILL CEMETERY ASSOCIATION
02805008	1615 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805015	1550 BLACKBURN ST	SPRING HILL CEMETERY ASSOCIATION
02805016	1540 BLACKBURN ST	COLLINS, STEVEN E
02805007	1605 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805005	1551 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805017	1504 BLACKBURN ST	SPRING HILL CEMETERY ASSOCIATION
02805004	1541 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805019	1500 BLACKBURN ST	CAMPBELL, VICKY & SHOEMAKER, TAMMY &
02805003	1531 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805020	2850 RIVES ST	SPRING HILL CEMETERY ASSOCIATION
02805002	1523 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805001	1509 JAMES ST	SPRING HILL CEMETERY ASSOCIATION
02805006	1563 JAMES ST	SPRING HILL CEMETERY

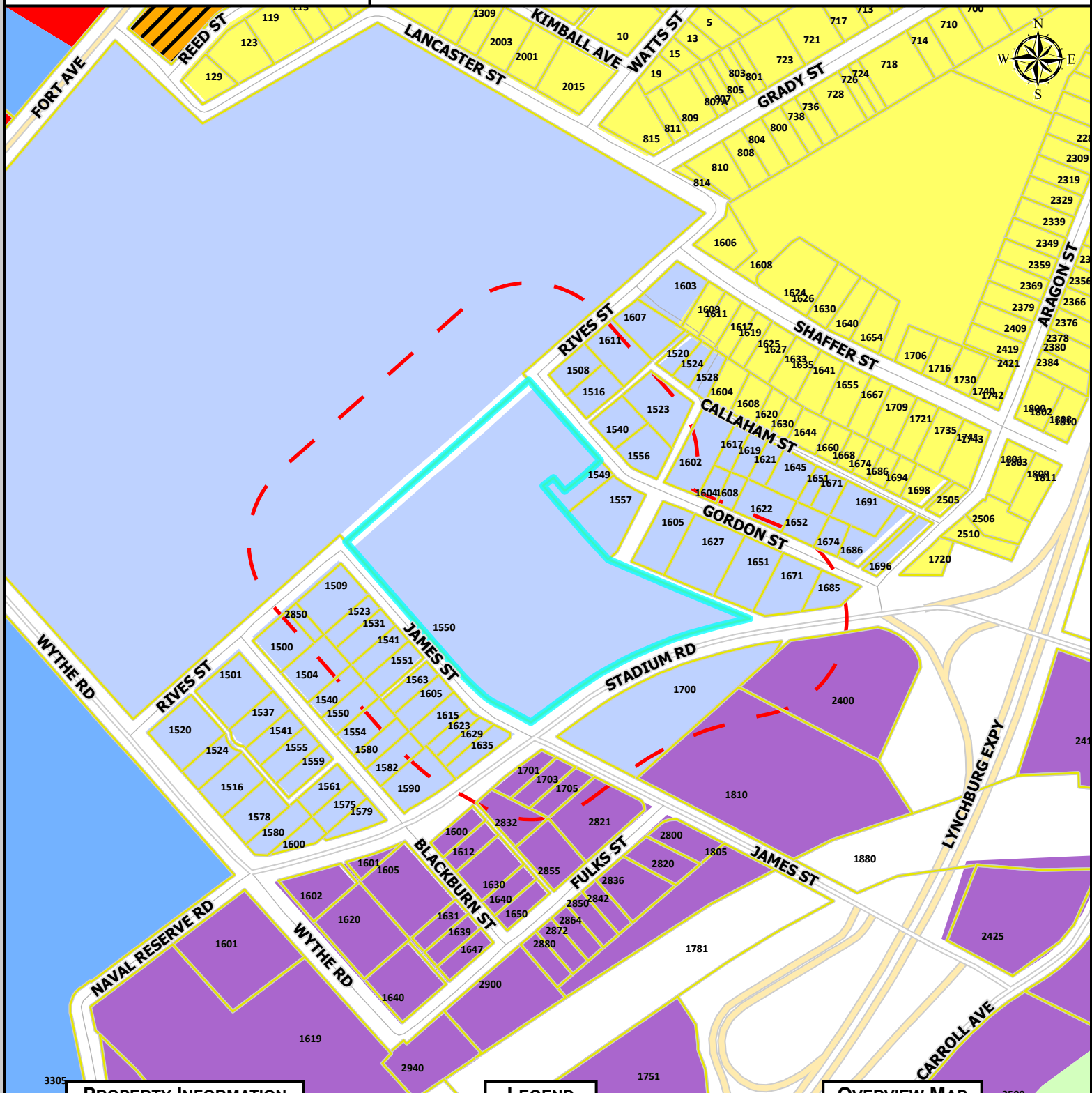
02804003	2821 FULKS ST	ROTHGEB, MARIAN C
02804002	1705 JAMES ST	CAMPBELL, JERRY W
02804011	1703 JAMES ST	CAMPBELL, JERRY W
02804010	2832 STADIUM RD	HANKINS, KENNETH W

FLUM

1550 JAMES ST

TRC

Balzer & Associates, Inc.



PROPERTY INFORMATION

PARCEL ID

ADDRESS

02801001

1550 JAMES ST

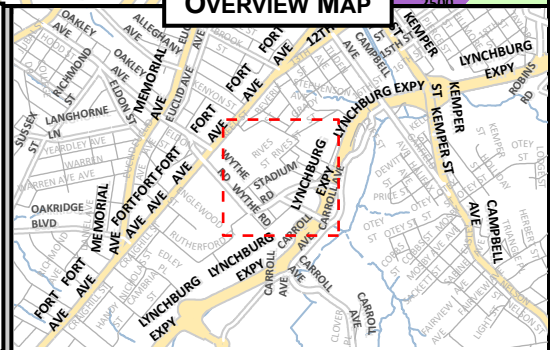
LEGEND

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

MAP SCALE: 1:48,000

DATE PRINTED: 4/4/2022

OVERVIEW MAP

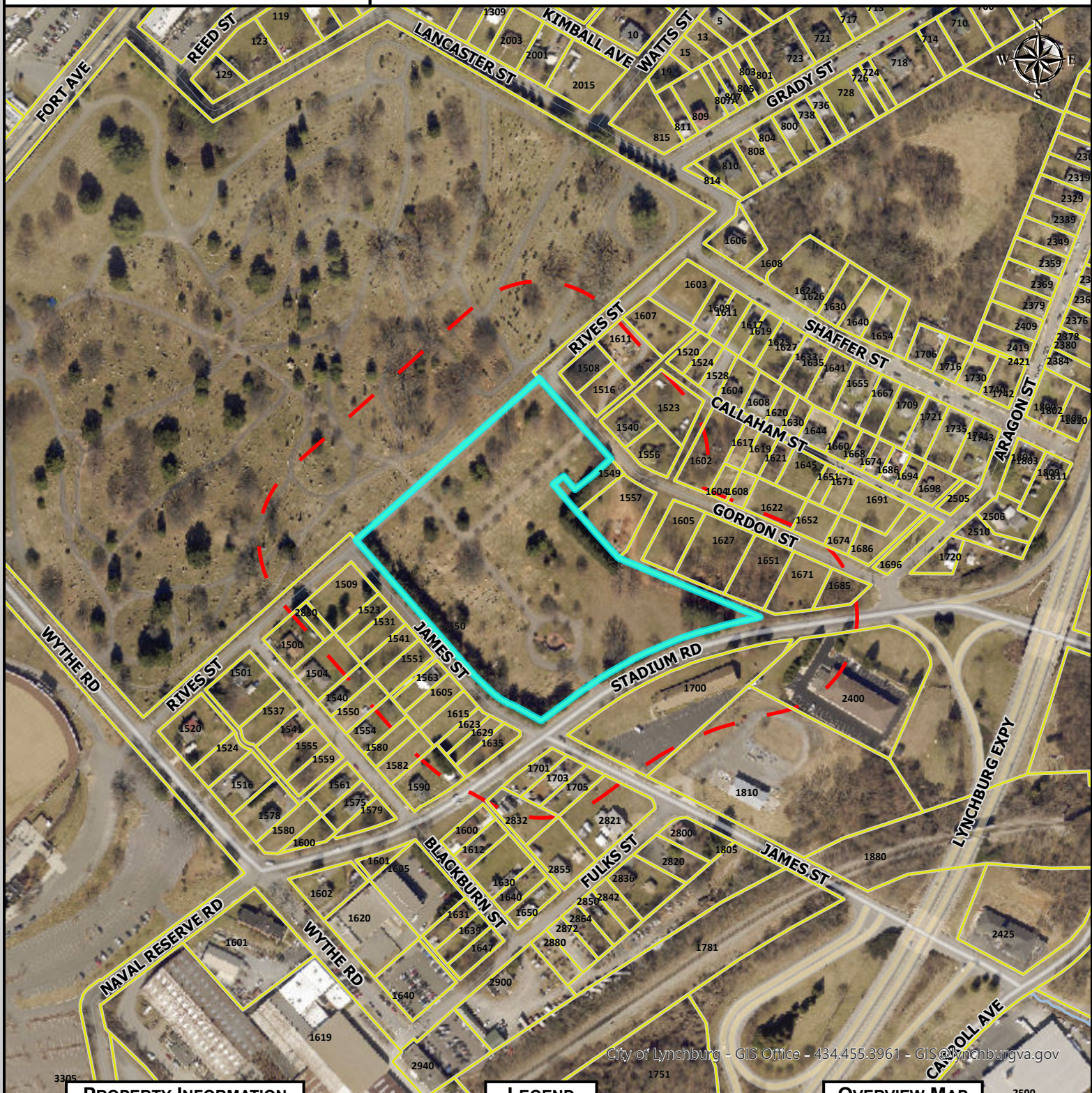


Watershed

1550 JAMES ST

TRC

Balzer & Associates, Inc.



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

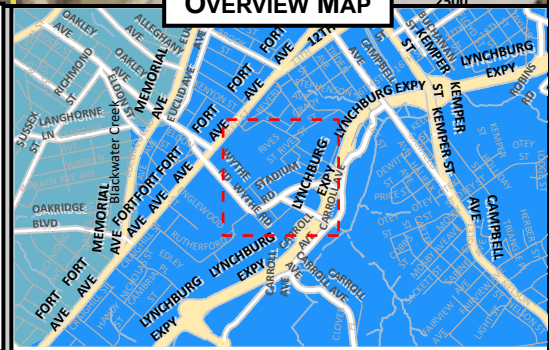
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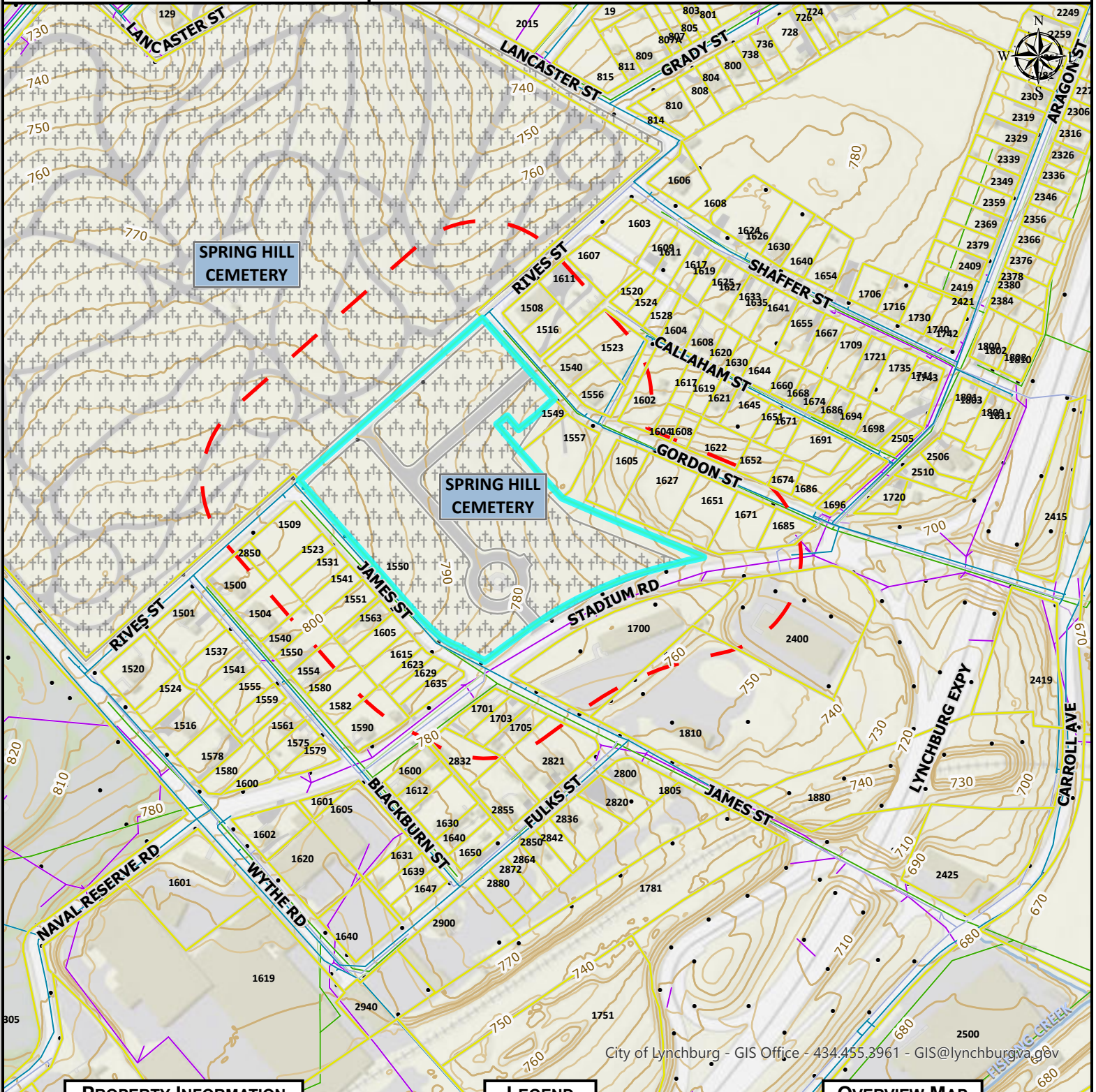
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 4/4/2022

OVERVIEW MAP





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PROPERTY INFORMATION

PARCEL ID	ADDRESS
02801001	1550 JAMES ST

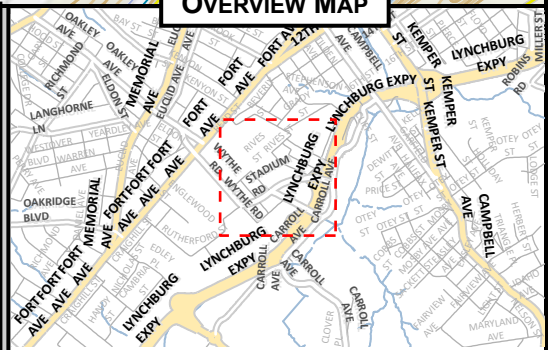
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water			
Sanitary			
Storm			
Planimetrics			
Structure			
Roadway			
Parking			
Sidewalk			
Driveway			
Topography			
Contour			
	100'	20'	5'
	50'	10'	1'

MAP SCALE: 1"=48.000'

DATE PRINTED: 4/4/2022

OVERVIEW MAP



- 1

SPRING HILL CEMETERY ASSOCIATION
1635 JAMES ST
PARCEL ID:02805011
ZONED R-3
- 2

SPRING HILL CEMETERY ASSOCIATION
1629 JAMES ST
PARCEL ID:02805010
ZONED R-3
- 3

SPRING HILL CEMETERY ASSOCIATION
1623 JAMES ST
PARCEL ID:02805009
ZONED R-3
- 4

SPRING HILL CEMETERY ASSOCIATION
1615 JAMES ST
PARCEL ID:02805008
ZONED R-3
- 5

SPRING HILL CEMETERY ASSOCIATION
1605 JAMES ST
PARCEL ID:02805007
ZONED R-3
- 6

SPRING HILL CEMETERY ASSOCIATION
1563 JAMES ST
PARCEL ID:02805007
ZONED R-3
- 7

SPRING HILL CEMETERY ASSOCIATION
1551 JAMES ST
PARCEL ID:02805005
ZONED R-3
- 8

SPRING HILL CEMETERY ASSOCIATION
1541 JAMES ST
PARCEL ID:02805004
ZONED R-3
- 9

SPRING HILL CEMETERY ASSOCIATION
1531 JAMES ST
PARCEL ID:02805003
ZONED R-3
- 10

SPRING HILL CEMETERY ASSOCIATION
1523 JAMES ST
PARCEL ID:02805002
ZONED R-3
- 11

SPRING HILL CEMETERY ASSOCIATION
1509 JAMES ST
PARCEL ID:02805001
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
3000 FORT AVE
PARCEL ID:01201001
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
1550 JAMES ST
PARCEL ID:02801001
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
1549 GORDON ST
PARCEL ID:02801002
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
1557 GORDON ST
PARCEL ID:02801004
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
1605 GORDON ST
PARCEL ID:02801005
ZONED R-3

SPRING HILL CEMETERY ASSOCIATION
1627 GORDON ST
PARCEL ID:02801006
ZONED R-3

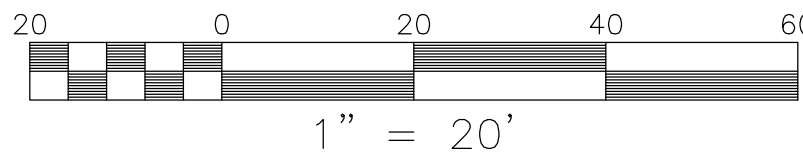
SPRING HILL CEMETERY ASSOCIATION
1651 GORDON ST
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SPRING HILL CEMETERY ASSOCIATION
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PARCEL ID:02801009
ZONED R-3

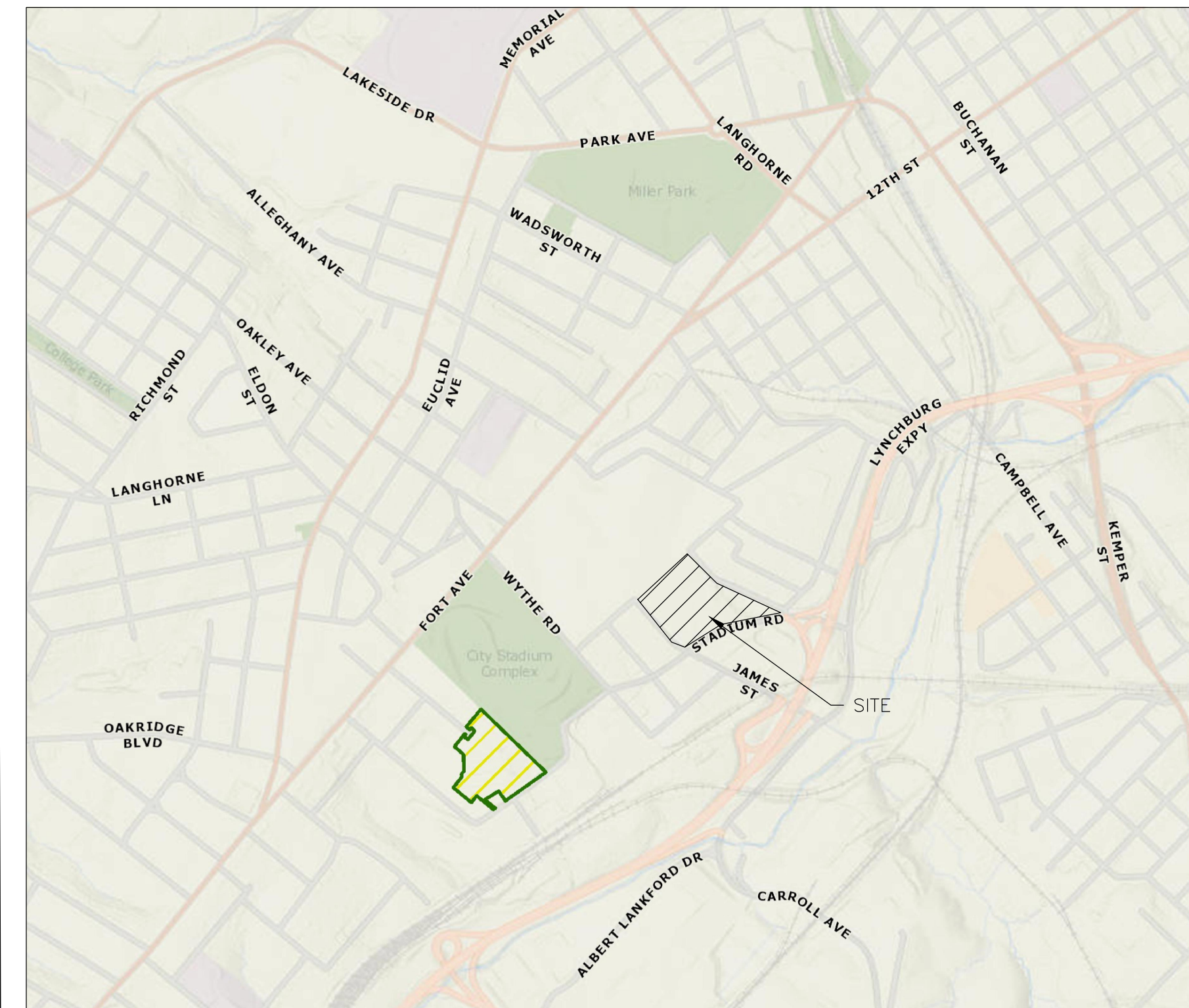
SPRING HILL CEMETERY ASSOCIATION
1685 GORDON ST
PARCEL ID:02801010
ZONED R-3

CAVALRY CROSS BAPTIST CHURCH TRS
1700 JAMES ST
PARCEL ID:02801011
ZONED B-5

THE BOUNDARIES AS SHOWN ON THIS MAP WAS TAKEN FROM A PLAT OF RECORD PREPARED BY DEMOTT & MAGRUDER, C.E. FOUND RECORDED IN DEED BOOK 126 PAGE 298 IN THE CLERK'S OFFICE AND FROM TAX RECORDS FROM THE CITY OF LYNCHBURG. NO BOUNDARY SURVEY OF THIS PROPERTY WAS MADE BY ACRES OF VIRGINIA, INC. THIS IS A COMPILED MAP.



CITY ENGINEER: _____ DATE: _____
WATER RESOURCES ENG: _____ DATE: _____
CITY PROJECT NUMBER: 18052-RWS

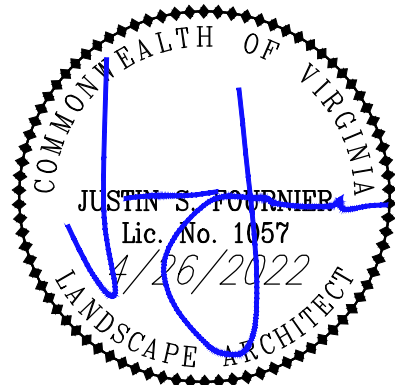


VICINITY MAP - 1"=2000'



BALZER & ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

Roanoke / Richmond
Shenandoah Valley
New River Valley / Lynchburg
www.balzer.cc
15871 City View Drive
Suite 200
Midlothian, VA 23113
804.794.0571



SPRING HILL CEMETERY - COLUMBARIUM EXPANSION

EXISTING CONDITIONS MAP

CITY OF LYNCHBURG, VIRGINIA

DRAWN BY JSF
DESIGNED BY JSF
CHECKED BY JSF
DATE 2/18/2022
SCALE 1" = 20'
REVISIONS
4.21.2022
4.26.2022

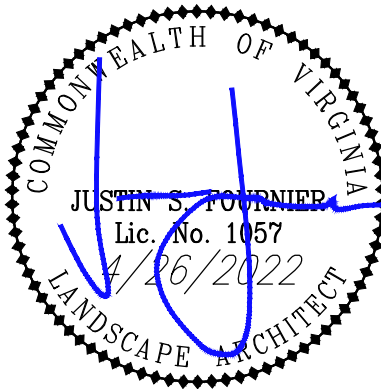
C01

PROJECT NO. 821800029.00



**BALZER
& ASSOCIATES**
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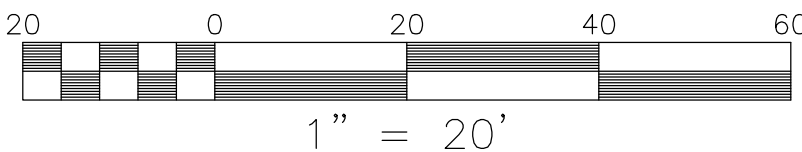
SPRING HILL CEMETERY - COLUMBARIUM EXPANSION

LAYOUT AND UTILITY PLAN

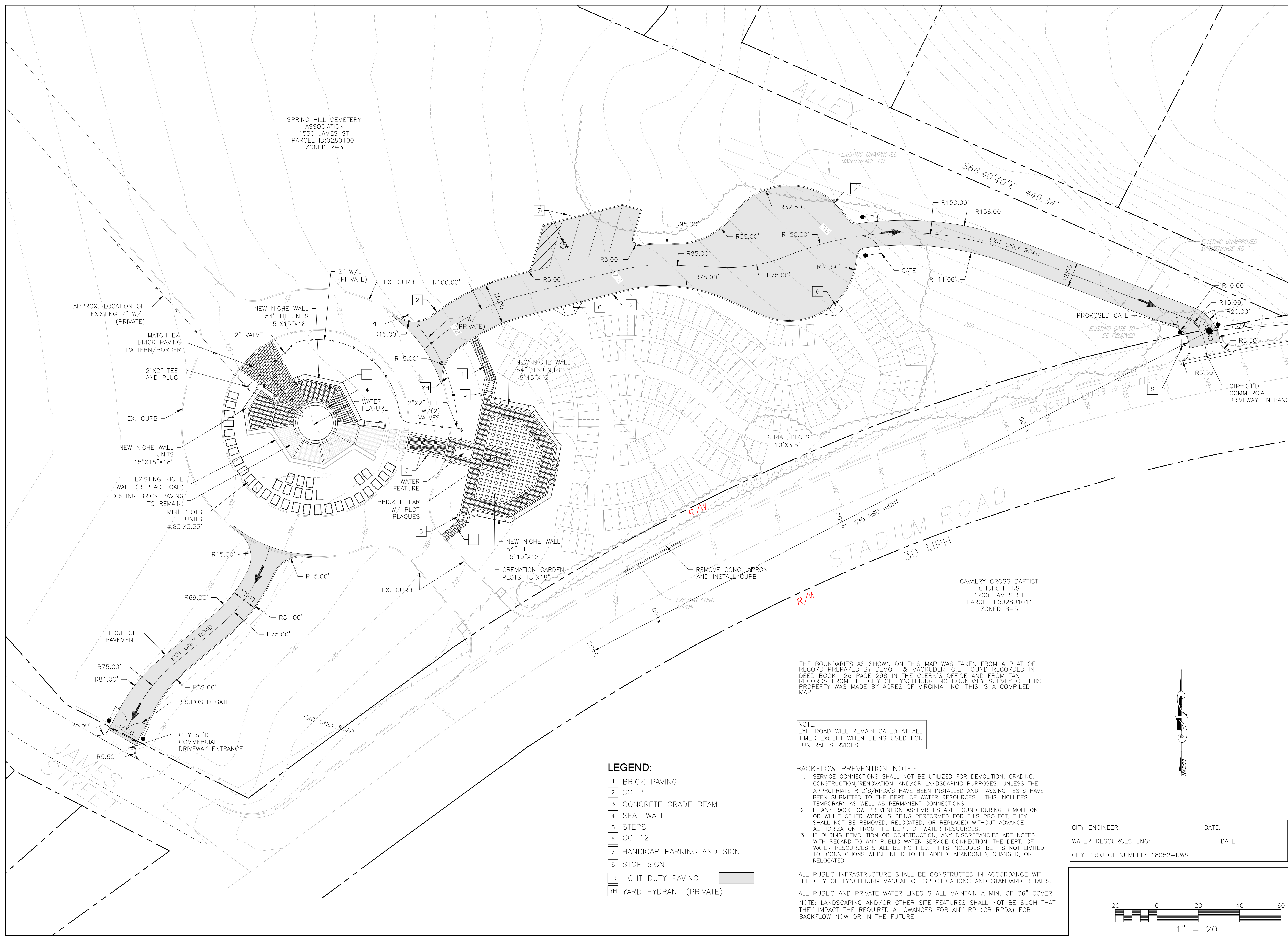
CITY OF LYNCHBURG, VIRGINIA

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DESIGNED BY JSF
CHECKED BY JSF
DATE 2/18/2022
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REVISIONS
4.21.2022

CITY ENGINEER: _____ DATE: _____
WATER RESOURCES ENG: _____ DATE: _____
CITY PROJECT NUMBER: 18052-RWS



C02
PROJECT NO. 821800029.00

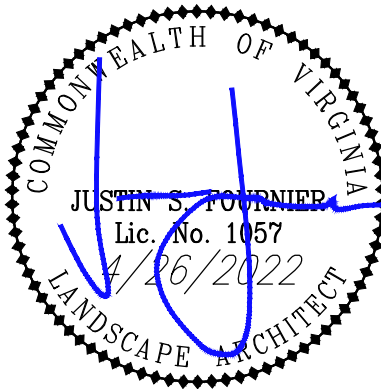


J:\1800029\180029.00 SPRING HILL CEMETERY COLUMBARIUM\DWG\180029.00 LAYOUT.dwg PLOTTED: 4/20/2022 3:31 PM



**BALZER
& ASSOCIATES**
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

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Suite 200
Midlothian, VA 23113
804.794.0571



SPRING HILL CEMETERY - COLUMBARIUM EXPANSION

SIGHT DISTANCE PLAN AND PROFILE

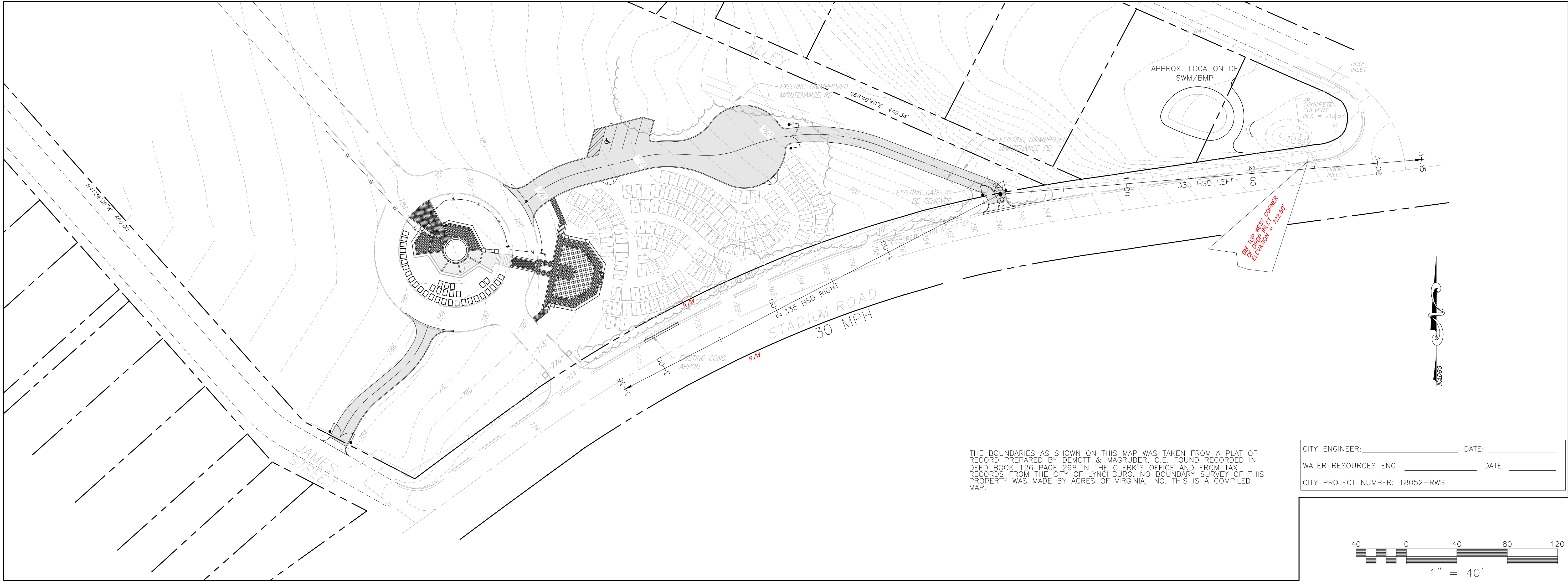
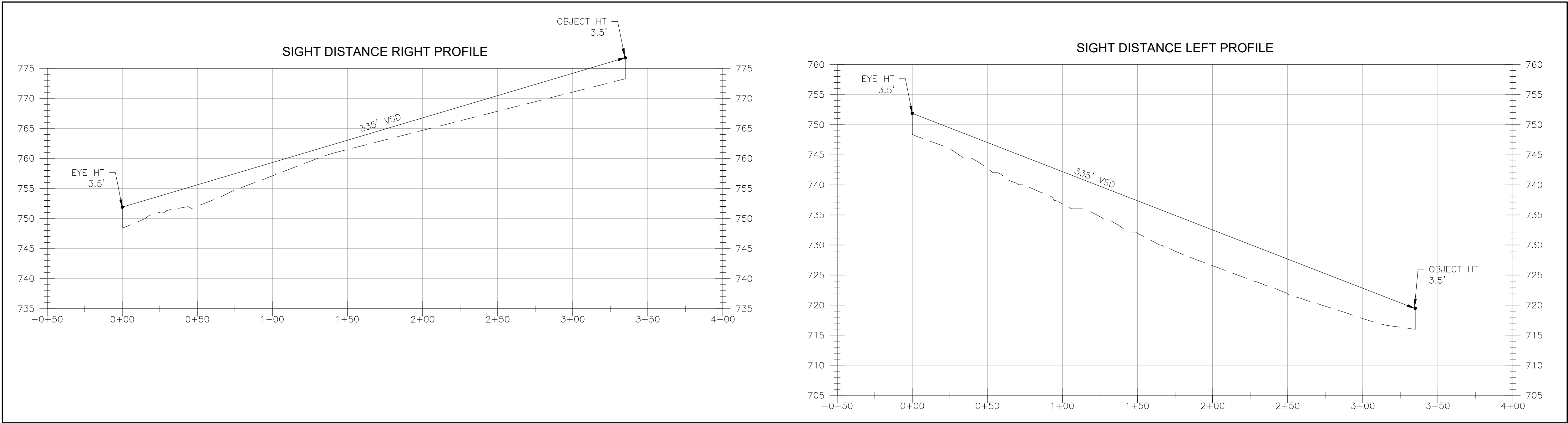
CITY OF LYNCHBURG, VIRGINIA

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DESIGNED BY JSF
CHECKED BY JSF
DATE 2/18/2022
SCALE 1" = 40'
REVISIONS
4.21.2022

CITY ENGINEER: _____ DATE: _____
WATER RESOURCES ENG: _____ DATE: _____
CITY PROJECT NUMBER: 18052-RWS

C03

PROJECT NO. 821800029.00





BALZER
& ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

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434.528.5184
www.balzer.cc

Roanoke
Richmond
New River Valley
Staunton
Harrisonburg
Lynchburg

Envisioning Tomorrow, Designing Today

April 21, 2022
City of Lynchburg
Department of Community Development
900 Church Street
Lynchburg, VA 24504
RE: Spring Hill Cemetery – Columbarium Expansion

Spring Hill Cemetery Columbarium Expansion – CUP Narrative

Project Description

On behalf of the petitioner, Spring Hill Cemetery Association, we request that the existing CUP #1104-0009 for 1550 James Street PID #02801001, be amended to allow for the expansion of the existing columbarium, addition of new columbarium walls, a cremation garden and new burial plots.

In addition, the project would include minimal parking, landscaping, private water utilities, and stormwater management facilities.

Design

The proposed improvements will consist of new columbarium walls approximately 54" tall, water features, decorative pillars and two new interior private roads. The layout and architectural character of the improvements will complement the existing character and materials found throughout the cemetery. Materials will consist of brick, pre-cast stone and asphalt.

Stormwater Management

Runoff will be conveyed to the northeast corner of the site where proposed SWM measures will be installed. The proposed SWM facility will be used to control runoff from the site and meet Virginia Runoff Reduction Method channel and flood protection requirements. The engineer will evaluate the use of offsite nutrient credits and onsite mitigation as required to meet the stormwater quality requirements.

Utilities

An existing 2" private water line will be used to provide water to the proposed water features and yard hydrants. The existing water line is connected to a back flow preventer and all improvements are downstream of the back flow preventer.

Parking/Vehicular Access

There are no requirements to add parking however (4) new spaces are provided. One of these parking spaces will be designated and designed to meet ADA handicap requirements.

The new private road that extends from the circle to the east will be a one way exit that connects to Stadium Road. This exit will be gated and only used during funeral services.

The new private road that extends from the circle to the west will be a one way exit that connects to James Street. This exit will be gated and only used during funeral services.

Landscaping and Security

Landscaping will be provided as required per the City of Lynchburg ordinance. Additional landscaping will also be proposed to mimic the park like setting of the cemetery.

The property has existing gates and perimeter security fencing. Gates will continue be closed from dusk to dawn.



Thank you for considering this request,

A handwritten signature in black ink, appearing to be 'J. Fournier', written over a horizontal line.

Justin S. Fournier, LA
Vice President



03/08/2021

© All Pictometry

RESOLUTION:

#R-22-043

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO SPRING HILL CEMETERY TO ALLOW FOR THE EXPANSION OF THE EXISTING CEMETERY IN AN R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT LOCATED AT 1550 JAMES STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of Spring Hill Cemetery for a Conditional Use Permit at 1550 James Street to allow for the expansion of the existing cemetery in an R-3, Medium Density Residential District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled Spring Hill Cemetery – Columbarium Expansion dated February 18, 2022.

Adopted: June 28, 2022

Certified:


Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 28, 2022**

AGENDA ITEM #: **7**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: *Conditional Use Permit (CUP) – New Vistas School – 520 Eldon Street*

RECOMMENDATION: Approval of the CUP petition of New Vistas School to allow the construction of a gymnasium and classroom addition.

SUMMARY: New Vistas School is petitioning for a CUP at 520 Eldon Street to allow the construction of a six thousand two hundred sixty-two (6,262) square foot building to be used as a gymnasium and classroom space in an R-3, Medium-Density Residential District.

PRIOR ACTION(S):

June 7, 2022: City Council Business Item Briefing.

April 27, 2022 The Planning Commission recommended approval (6-0, with 1 vacancy of the CUP petition.

The Planning Division recommended approval of the CUP petition.

FISCAL IMPACT:

N/A

CONTACT(S):

Rachel Frischeisen, Acting City Planner – 455-3900
Tom Martin, Acting Director Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Minutes – April 27, 2022
- Planning Commission Packet – April 27, 2022
 - Zoning Map with Adjoining Property Owners
 - Future Land Use Map
 - Watershed Map
 - Planimetric and Topographic Map
 - Concept Plan and Elevations
 - Narrative
 - Property Photograph
- Planning Commission Sign in Sheet – April 27, 2022

REVIEWED BY: MMB WCB

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO NEW VISTAS SCHOOL TO ALLOW THE CONSTRUCTION OF A GYMNASIUM AND ADDITIONAL CLASSROOM SPACE IN A R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT LOCATED AT 520 ELDON STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of New Vistas School for a Conditional Use Permit at 520 Eldon Street to allow the construction of a gymnasium and additional classroom space in an R-3, Medium Density Residential District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled Site Concept Plan for Pine Ridge Associates, DBA New Vistas Schools and dated November 15, 2021, including the elevations dated April 19, 2022.

Adopted:

Certified:

Clerk of Council

April 27, 2022
(Minutes have not been approved)

Minutes of the Lynchburg Planning Commission, April 27, 2022, 4:00 p.m., City Hall, 900 Church Street, Council Chamber.

MEMBERS PRESENT:

Mr. Bob Bowden
Ms. Kensie Johnson, Vice-Chair
Mr. Cham Light
Ms. Nancy Marion
Dr. David Perault
Mr. Tom Rogers, Chair

MEMBERS ABSENT:

OTHERS PRESENT:

Ms. Rachel Frischeisen, Planner II; Ms. Anna Davidson, Planning Technician; and the public.

1. Roll Call:

After a quorum was established, Chair Rogers called the meeting to order at 4:00 p.m.

2. Approval of Minutes. Minutes of the April 13, 2022 meeting were approved as written.

Commissioner Marion made a motion to approve the minutes as written. The motion was seconded by Commissioner Johnson and passed by the following vote:

AYES:	Bowden, Johnson, Light, Marion, Perault, and Rogers	6
NOES:		0
ABSTENTIONS:		0
ABSENT:		0

3. Public Hearings:

a. Petition of New Vistas School for a conditional use permit at 520 Eldon Street to allow the construction of a gymnasium addition in an R-3, Medium Density Residential District.

Ms. Rachel Frischeisen, Planner II, provided the following summary to the Commission. The proposed building will be approximately sixty-two hundred (6200) square feet and will be used as a gymnasium and classrooms. The property is one and six tenths (1.06) acres located at 520 Eldon Street with frontage on Oakley Avenue and Eldon Street with vehicular access coming from Eldon Street and pedestrian access from Oakley Avenue. The property contains an existing school and a paved parking area with twenty-four (24) parking spaces accessed from Eldon Street. The Future Land Use Map (FLUM) recommends a Medium Density Residential and Community Commercial use for this property. This includes small lot single family detached housing, duplexes, townhomes, and densities of up to twelve (12) units per acre. It can also include public and institutional uses such as schools in scale with single family residential homes. Community Commercial uses are characterized by retail, personal service, entertainment, and restaurants. This property is located in a B-3, Community Business district and R-3, Medium Density Residential district. A variance is needed per the Zoning Administrator. This item came before the Board of Zoning Appeals (BZA) on April 26, 2022 and a variance was granted. The proposed addition will include a half scale gymnasium. The adjacent properties are used commercially or are owned by the petitioner. The BZA

questioned the materials and the style of the building.

Ms. Lori Eaglin was present to represent this petition. She stated that New Vistas School is a private school specializing in special education from grades three (3) to twelve (12). The mission of the school is to foster academic and personal growth to become productive citizens. The school has thirty (30) students and has never had gymnasium. This addition will enhance the Physical Education program as well as enhance the quality of education.

Mr. Jimmy Robertson was present to represent this petition. He stated he is working as a consultant on this project to help the school in relation to construction. The architect has designed the building based on the requirements of the teachers as it must be practical and functional to fit the use of the building and needs of the students. The current playground area and basketball court is where this gymnasium will be constructed. The new playground will go on the other side of the building. The building is a pre-engineered metal building which is typical for a gymnasium building. In addition to the gymnasium the building will have two (2) classrooms, a science room, and a teacher lounge. A covered sidewalk will connect to the existing school building. There is a five (5) foot space offset between the existing and new building. The two buildings will match in design. They will also highlight the sidewalks with colored concrete and landscape the space between the two buildings.

Ms. Barbara Johnson was present to represent this petition. She stated she has worked at New Vistas School for sixteen (16) years. She thanked the Commission and noted that the schools' goal is to educate students to be productive citizens.

Commissioner Light noted that the applicant has done well at presenting the plan. He stated he has only heard good things about their program.

Commissioner Johnson stated she has also only heard good things about this school and noted that the two structures look complimentary.

Commission Marion asked if the shrubbery between Eldon Street and the school will remain.

Ms. Eglin replied it will remain.

Chair Rogers stated he has a business in this area and is in favor of this project and its design.

Ms. Frischeisen stated that the submitted elevations look promising. She noted that the BZA was concerned about the potential of the building not matching the submitted elevations. She stated that the Commission could adopt this condition in their motion.

Commissioner Johnson asked if compliance with the elevations is not included in the recommendation.

Ms. Frischeisen noted the concept plan is specifically the layout.

Commissioner Johnson asked for clarification if the elevations are included in the concept plan.

Ms. Frischeisen stated the elevations can be added to the concept plan. She noted that the initial elevations were preliminary and the revised elevations are formalized and include the materials that the petitions wish to use.

Commission Marion noted that the recommendation states it will be developed in substantial compliance to the concept plan. She noted that there were not any major differences in the preliminary elevation's submittal and the finalized submittal.

Commissioner Bowden noted that this gymnasium is being built with the students needs in mind and it is advantageous for the petitioner to develop it in compliance to the submitted elevations and concept plan. He stated that the Commission can accept the elevations as part of the concept plan. He stated there was much work and attention to detail that went into developing these plans.

Commissioner Perault asked if they can make compliance more explicit in their approval.

Ms. Frischeisen replied yes. They can add a comment to the recommendation.

Commissioner Perault noted that this will make discussion easier for City Council.

Chair Rogers explained to the applicant that they are looking to adopt the elevations as part of the concept plan.

Mr. Robertson showed that there are three designer panels on the elevations. He stated that these will not be added to the other building to create a more substantial visual for the teachers. He also stated they have made it a lower profile building.

Commissioner Bowden asked the outdoor area that is removed in the front near Oakley Avenue will be moved to the back of the property.

Mr. Robertson replied it will be sixteen (16) feet from back of existing building and is fifty (50) foot wide. It will be on the Oakley Avenue side of the property and will be fenced in and lighted.

Commissioner Bowden commended their work.

Commissioner Johnson stated she hesitates to adopt the final plan because there have already been minor changes made.

Commissioner Bowden asked if these plans will go through the Planning division before final approval.

Ms. Frischeisen replied that they will. She noted they will be looking for roof lines, mixture of materials, or if the facade is broken up as shown.

Commissioner Johnson clarified that it can be added to the approval and still provide leeway for the petitioner.

Ms. Frischeisen replied that this is correct.

Commissioner Bowden made the following motion, seconded by Commissioner Light, and approved by the following vote:

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of New Vistas School for a conditional use permit at 520 Eldon Street to allow the construction of a gymnasium and classroom addition subject to the following condition:

- 1. The property shall be developed in substantial compliance with the concept plan entitled Site Concept Plan for Pine Ridge Associates, DBA New Vistas Schools and dated November 15, 2021, including the elevations dated April 19, 2022.**

AYES: Bowden, Johnson, Light, Marion, Perault, and Rogers

6

NOES:	0
ABSTENTIONS:	0
ABSENT:	0

4. Upcoming Meetings:

The next regular meeting will be Wednesday, May 11, 2022.

5. Adjournment:

There being no further business, the meeting was adjourned at 4:29 p.m.

ATTEST: _____	ATTEST: _____
City Planner	Chair Rogers

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

To: Planning Commission
From: Planning Division
Date: April 27, 2022
Re: Conditional Use Permit (CUP) – New Vistas School – 520 Eldon Street

I. PETITIONER

New Vistas School, 520 Eldon Street, Lynchburg, Virginia 24501

Representative: Jimmy Robertson, 2052 Wheelers Ridge Road, Bedford, Virginia 24523

Property Owner: Pine Ridge Associates Inc., DBA New Vistas School, 520 Eldon Street, Lynchburg, Virginia 24501

II. LOCATION

The subject property consists of approximately one and six tenths (1.6) acres located at 520 Eldon Street.

III. PURPOSE

The purpose of the petition is to allow the construction of a six thousand two hundred sixty-two (6262) square foot building to be used as a gymnasium and classrooms.

IV. SUMMARY

- The *Comprehensive Plan 2013-2030's Future Land Use Map (FLUM)* recommends a Medium Density Residential and Community Commercial use for the property.
- The subject property is zoned B-3, Community Business District fronting Oakley Avenue with the remainder zoned R-3, Medium Density Residential fronting Eldon Street.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2013-2030* recommends a Medium Density Residential and Community Commercial use for the area.

These areas are characterized by small-lot single family detached housing, duplexes, and townhouses at densities up to 12 units per acre. Where neighborhoods already exist, infill development should be at a compatible density and housing type. 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, swim and racquet clubs, and private open space are also appropriate. (p. 72)

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. (p.75)

2. **Zoning.** The subject properties were annexed into the City in 1926. The existing B-3, Community Business District and R-3, Medium Density Residential District were established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that a variance from *Zoning Ordinance* Section 35.2-72.21 (6) that requires a two hundred (200) foot setback for gymnasiums from the residential lot line.

Zoning Ordinance Section 35.2-10.12 (e) requires that variances must be obtained prior to being heard by the Planning Commission or City Council. The variance request is scheduled to be considered by the Board of Zoning Appeals on Tuesday, April 26, 2022.

4. **Surrounding Area.** There have been several items requiring Council approval in the immediate area:
 - On July 12, 1983, City Council approved the conditional use permit petition of West Lynchburg Baptist Church at 700, 702, 724 Shenandoah Street to allow the construction of a parking area.
 - On August 13, 1985, City Council approved the rezoning petition of Howard Sodikoff at 401-451 Oakley Avenue from R-3, Medium Density Residential, B-3, Community Business District and B-5, General Business District to B-5C, General Business District (Conditional) to allow the operation of an automobile dealership.
 - On December 12, 1989, City Council approved the rezoning petition of Howard Sodikoff at 477 Oakley Avenue from R-3, Medium Density Residential District to B-5C, General Business District (Conditional) to allow an automobile dealership.
 - On January 28, 1992, City Council approved the conditional use permit petition of Lynchburg College at 520 Eldon Street to allow a child care center.
 - On July 11, 2000, City Council approved the conditional use permit petition of New Vistas School at 610 Eldon Street to allow the expansion of an existing school.
 - On October 14, 2008, City Council approved the conditional use permit petition of West Lynchburg Baptist Church at 101, 103, 105, 107 Langhorne Lane to allow the construction of a playground and pavilion.
5. **Site Description.** The subject property is approximately one and six tenths (1.6) acres located at 520 Eldon Street. The property has frontage on Oakley Avenue and Eldon Street. Vehicular access to the property is from Eldon Street and pedestrian access from Oakley Avenue.

The property contains a two (2) story, nine thousand two hundred twenty-three (9223) square foot building constructed in 1902. A more modern addition to the building is not dated in City Assessor records.



The property is relatively flat with a gentle slope in a northeasterly direction towards Oakley Avenue. A paved parking area with twenty-four parking spaces exists on the southern portion of the property and is accessed from Eldon Street.

6. **Proposed Use of Property.** If the CUP petition is approved, a six thousand two hundred sixty-two (6262) square foot building would be constructed. The building would be used as a gymnasium and three (3) classrooms.

7. **Transportation & Parking.** The City's Transportation Engineer did not require a traffic analysis for the proposed addition.

A total of twenty-four (24) parking spaces exist on site and there will be no increase in student enrollment.

The property is served by Greater Lynchburg Transit Company (GLTC) Route 12 along Oakley Avenue. Bus stops are located to the east and west.

8. **Stormwater Management.** An Erosion & Sediment Control Plan/Stormwater Management Plan will be required for the development of the property as proposed. The concept plan indicates the discharge of stormwater to a level spreader in the grass lawn on the northern portion of the property.

9. **Emergency Services:** The City Fire Marshal and the City's Police Department had no comments of concern with the proposed petition.

10. **Impact.** Schools and their associated uses are permitted in residential areas upon approval of a conditional use permit by the Planning Commission and City Council. New Vistas School was founded to serve the needs of children and adolescents experiencing learning and attention difficulties. The mission of New Vistas School is to foster academic and personal growth by providing children with learning, attention and emotional challenges an opportunity to reach their full potential. The current enrollment is thirty (30) students with an approximate student teacher ratio of 4:1.

The proposed addition would include a half scale gymnasium which would provide indoor recreational space and three new classrooms. A variance from the required two-hundred (200) foot setback is being requested from the Board of Zoning Appeals (BZA). While the proposed building would be adjacent to a residentially zoned property at 517 Oakley Avenue, it is used commercially. The property located at 610 Eldon Street is owned by the petitioner. Since there is no proposed increase in student enrollment with the proposed addition, with adequate landscaping and buffering the proposal should have little to no impact on the area.

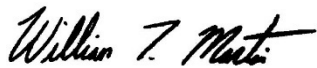
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on April 5, 2022. Comments have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDED MOTION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of New Vistas School for a conditional use permit at 520 Eldon Street to allow the construction of a gymnasium and classroom addition subject to the following condition.

- 1. The property shall be developed in substantial compliance with the concept plan entitled Site Concept Plan for Pine Ridge Associates, DBA New Vistas Schools and dated November 15, 2021, including the elevations dated April 19, 2022.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Dr. Reid Wodicka, Deputy City Manager
Mr. Matthew Freedman, 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
Pine Ridge Associates, Property Owner
Mr. Jimmy Robertson, 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 and Elevations**
- 6. Narrative**
- 7. Property Photograph**

Zoning

TRC

520 ELDON ST

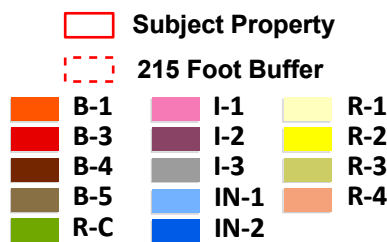
New Vistas School



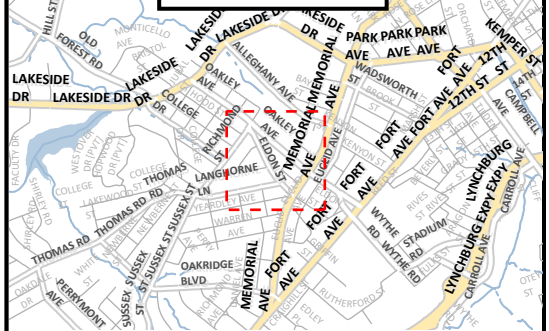
PROPERTY INFORMATION

PARCEL ID ADDRESS
01216006 520 ELDON ST

LEGEND



OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 3/16/2022

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.

520 Eldon Street

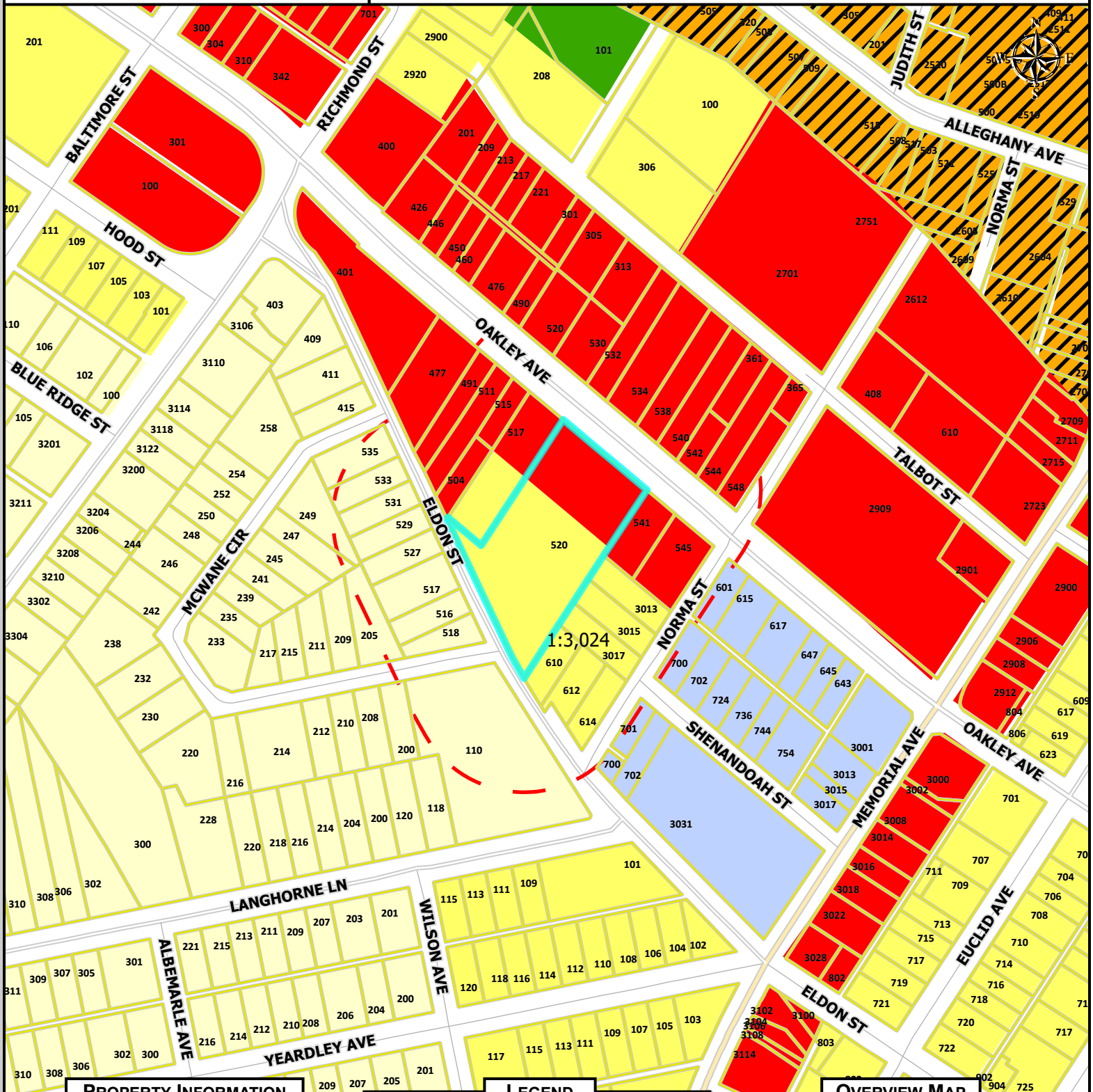
Parcel ID	Address	Owner
03001049	200 MCWANE CIR	OBRIEN, DAVID J & DEBORAH G
01216036	541 OAKLEY AVE	JORDAN, CRAIG S & CINDY W
03003005	614 ELDON ST	GRIFFITH, JEREMIAH & GRIFFITH, DANIEL
03001051	110 LANGHORNE LN	LYNCHBURG COLLEGE
03003004	612 ELDON ST	MCGRATH, TARYN P
03003003	610 ELDON ST	PINE RIDGE ASSOCIATES INC
01216004	3017 NORMA ST	WEST LYNCHBURG BAPTIST CHURCH TRS
01216003	3015 NORMA ST	PETERS, JAMES K & JUDITH T
01216002	3013 NORMA ST	GILLISPIE, FRED D JR & FAY &
01216001	545 OAKLEY AVE	JORDAN, CRAIG S & CINDY W
01216013	504 ELDON ST	TT REHAB LLC
01216011	517 OAKLEY AVE	HOLY TRINITY ORTHODOX CHURCH INC
01216028	515 OAKLEY AVE	CRYPTO FINANCIAL GROUP LLC
01216014	511 OAKLEY AVE	STARKS, CHARLES D
01216015	491 OAKLEY AVE	KANHA REAL ESTATE LLC
01216016	477 OAKLEY AVE	JAY BRAHMANIMATA LLC
01214003	2909 MEMORIAL AVE	LYNCHBURG INVESTORS LLC
03002017	518 ELDON ST	ROSS, EVANS C & ROSS, LUCY G
03002012	517 ELDON ST	KING, MACKENZIE L
03002010	527 ELDON ST	HOPPER, B WAYNE I & SHIRLEY A
03002008	529 ELDON ST	CALLOWAY, PAULA A & BANKS, EDWARD G
03002006	531 ELDON ST	HAMAJAD, JULAINA
03002004	533 ELDON ST	WILLIAMS, ANGEL S
03002001	535 ELDON ST	HIBBARD, TODD A & KIMBERLY M
03002019	205 MCWANE CIR	RAYNOR, REBECCA E
03002047	247 MCWANE CIR	WILSON, RIANNA M & BURCH, RONALD W &
03002049	249 MCWANE CIR	STEELE, OLIVIA G
01217013	490 OAKLEY AVE	LAYNE, ASHLEY DAWN
01217031	313 TALBOT ST	HORSLEY, WARREN M & YOUNG S
01217011	520 OAKLEY AVE	KING, SAMUEL R & LINDSAY J
01217009	530 OAKLEY AVE	HORSLEY, WARREN M & YOUNG S
01217007	532 OAKLEY AVE	KEITH ALLEN LONG REVOCABLE LIVING TR
01217006	534 OAKLEY AVE	PHILLIPS, JON B
01217005	538 OAKLEY AVE	ALLEN, WILLIAM & SAMANTHA
01217004	540 OAKLEY AVE	COFFLIN, MELVIN H & DORIS P
01217033	361 TALBOT ST	BOXER LLC
01217003	542 OAKLEY AVE	COFFLIN, MICHAEL W
01217001	548 OAKLEY AVE	DAVIS, JAMES C & AUDREY S

FLUM

520 ELDON ST

TRC

New Vistas School



PROPERTY INFORMATION

PARCEL ID

ADDRESS

01216006

520 ELDON ST

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

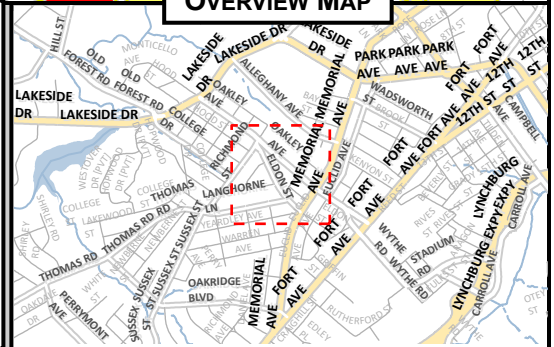
Resource Conservation

Mixed Use

MAP SCALE: 1:48,000

DATE PRINTED: 3/16/2022

OVERVIEW MAP

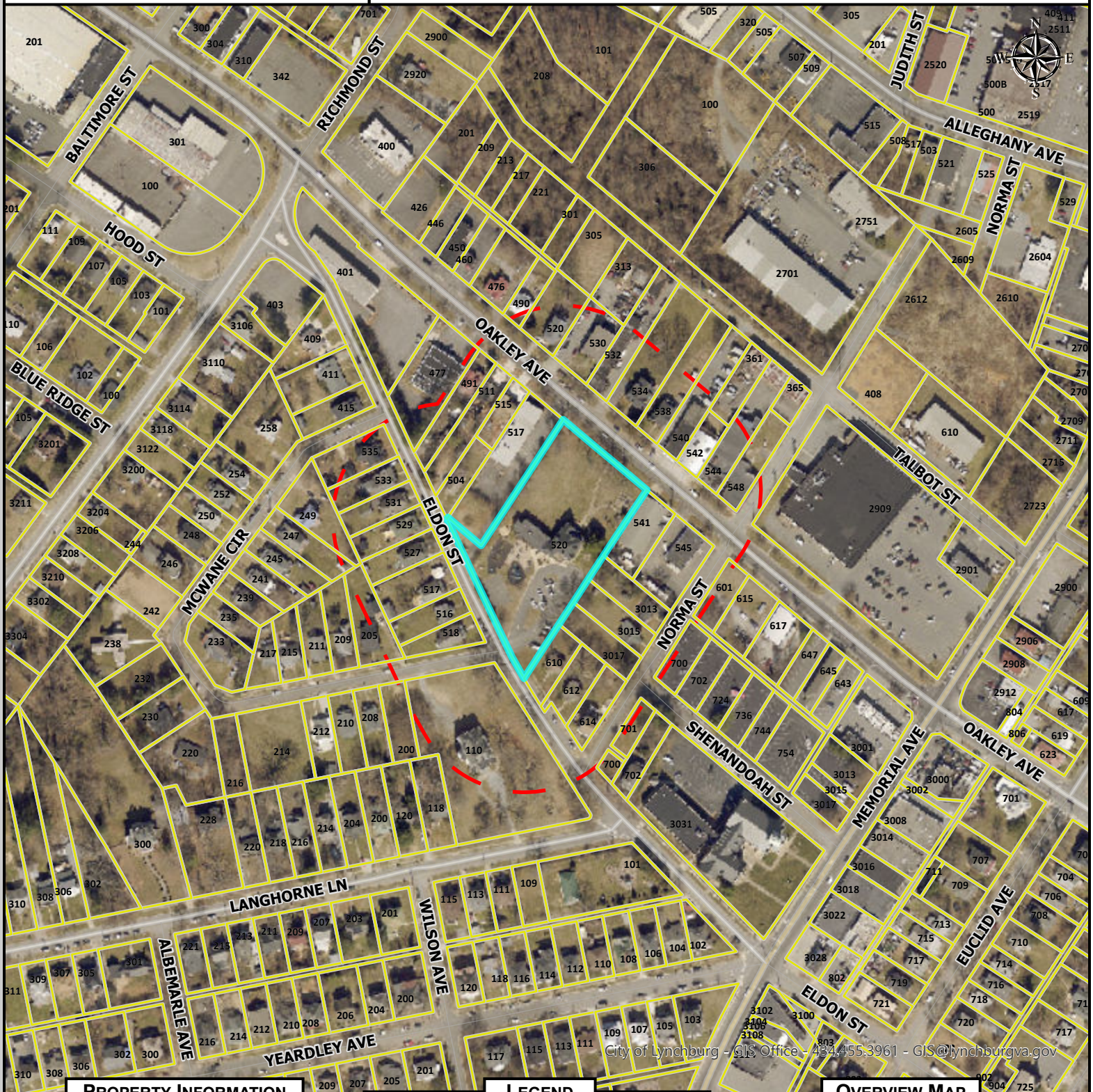


Watershed

520 ELDON ST

TRC

New Vistas School



City of Lynchburg - GIS Office - 434.455.3961 - GIS@lynchburgva.gov

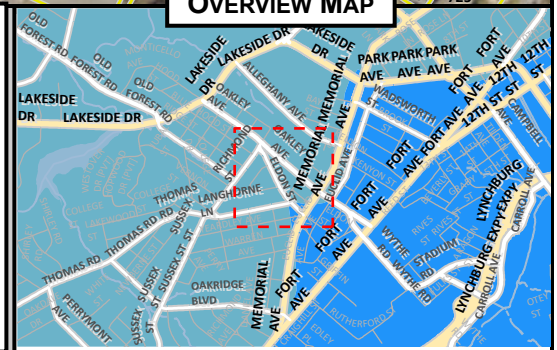
PROPERTY INFORMATION

PARCEL ID	ADDRESS
01216006	520 ELDON ST

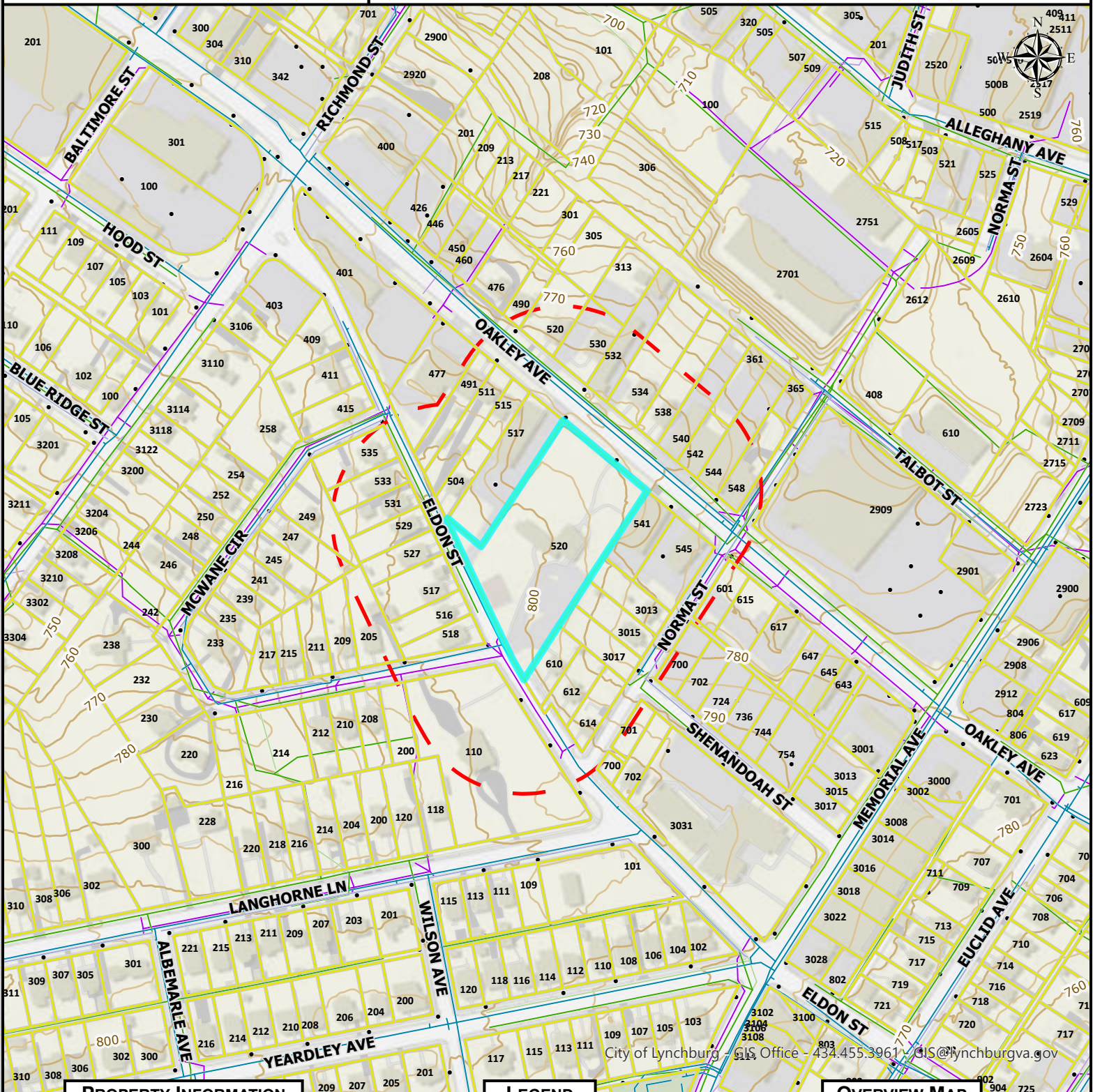
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 3/16/2022



City of Lynchburg GIS Office - 434.455.3961 - GIS@lynchburgva.gov

PROPERTY INFORMATION

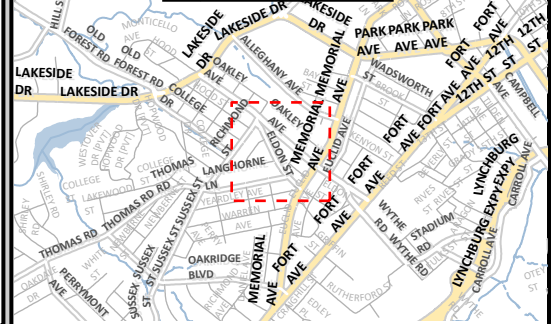
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01216006	520 ELDON ST

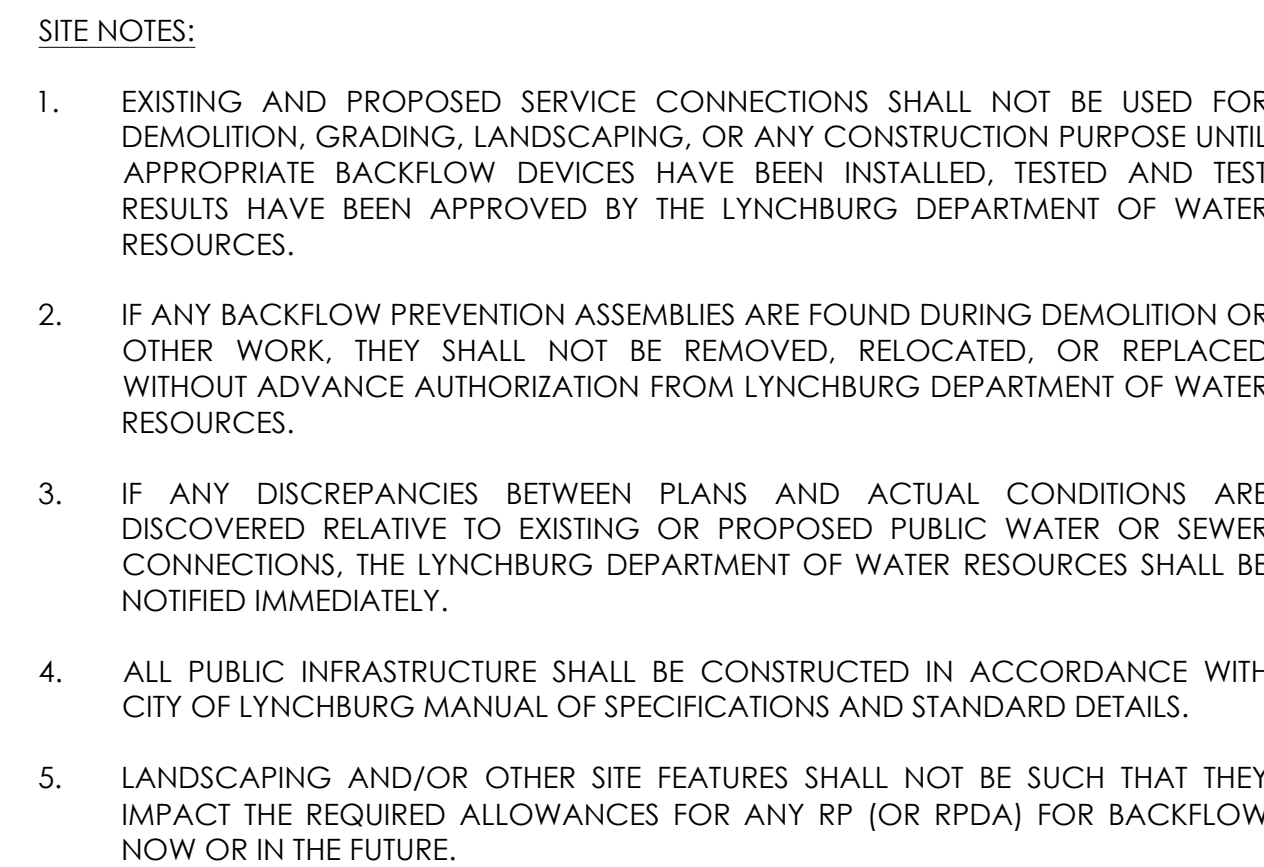
LEGEND

	Active	Proposed	Abandoned
Utilities			
Water	—	---	---
Sanitary	—	---	---
Storm	—	---	---
Planimetrics			
Structure			
Roadway	 	 	
Parking	 	 	
Sidewalk	 	 	
Driveway	 	 	
Topography			
Contour	—	---	---

MAP SCALE: 1"=48' 000' DATE PRINTED: 3/16/2022

OVERVIEW MAP



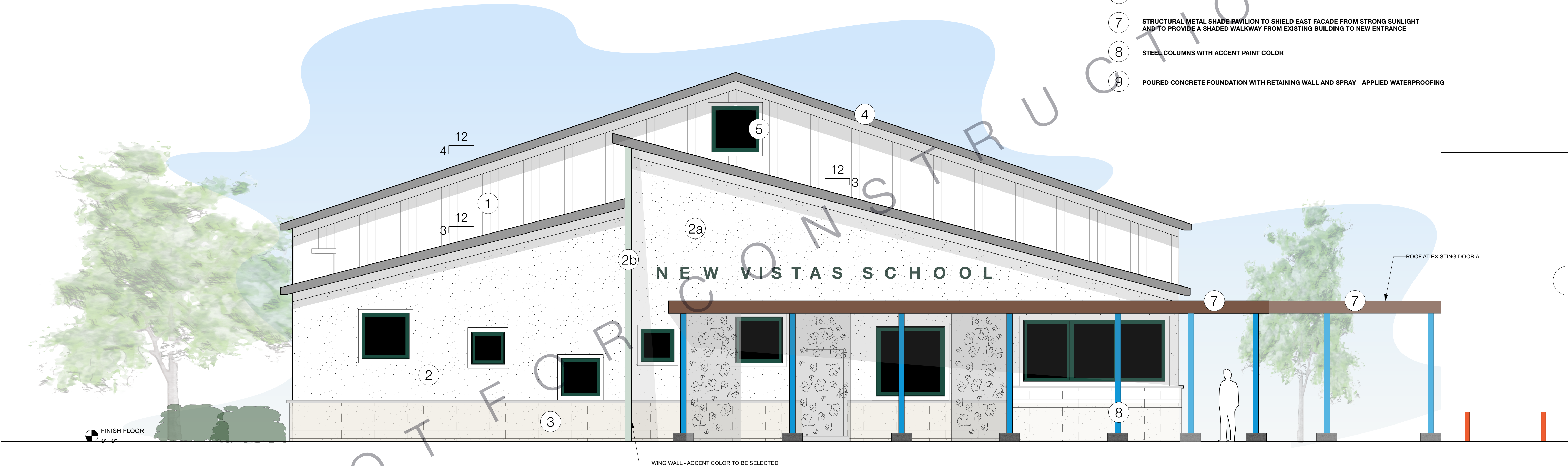


REVISION/DATE							
	SCALE:		1" = 20'				
	ASD JOB #:		2021-562				
	FILE #:		2021-562 CONCEPT				
	PARCEL ID:		01216006				
	DATE:		NOVEMBER 15, 2021				
REVISED:							

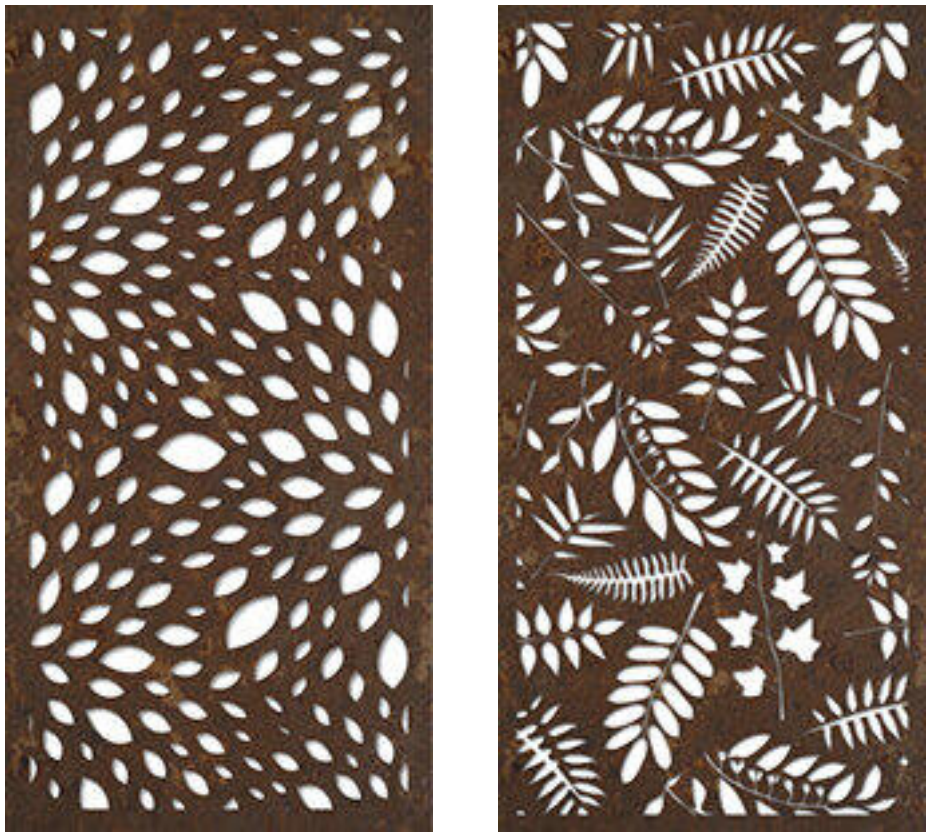
SITE CONCEPT PLAN

EXTERIOR MATERIALS:

- 1 BR2 PANEL BY BUTLER - STANDARD METAL VERTICAL SIDING
- 2 EFIS FIELD COLOR - SIMILAR TO DRYVIT OR EQUAL WITH A STUCCO LIKE FINISH
- 2a EFIS COLOR 2
- 2b EFIS ACCENT COLOR
- 3 CORONADO 6" SPLIT FACE LIMESTONE OR EQUAL
- 4 BUTLER MR - 24 ROOF IN COOL HARVEST - THIS IS STANDARD FINISH THAT REFLECTS HEAT
- 5 METAL CLAD WINDOWS BY EAGLE WITH WOOD INTERIOR FRAMES
- 6 GLASS BLOCK WINDOWS
- 7 STRUCTURAL METAL SHADE PAVILION TO SHIELD EAST FACADE FROM STRONG SUNLIGHT AND TO PROVIDE A SHADED WALKWAY FROM EXISTING BUILDING TO NEW ENTRANCE
- 8 STEEL COLUMNS WITH ACCENT PAINT COLOR
- 9 POURED CONCRETE FOUNDATION WITH RETAINING WALL AND SPRAY - APPLIED WATERPROOFING



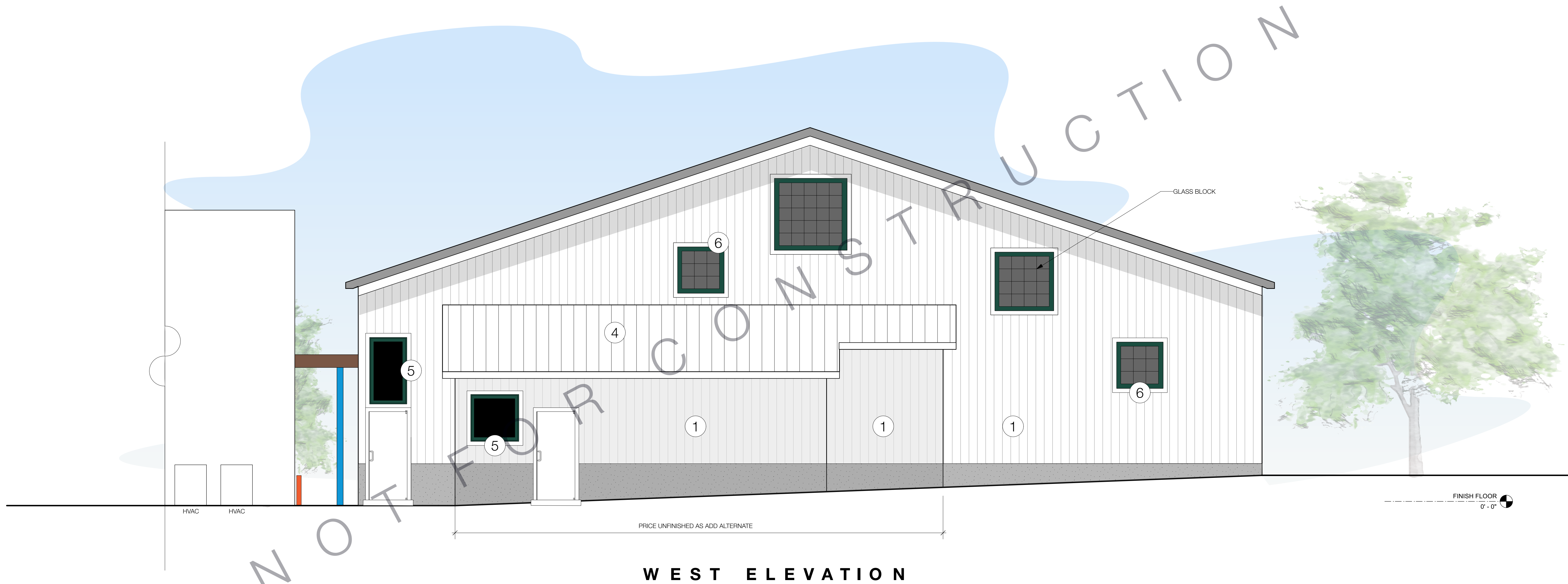
EAST ELEVATION

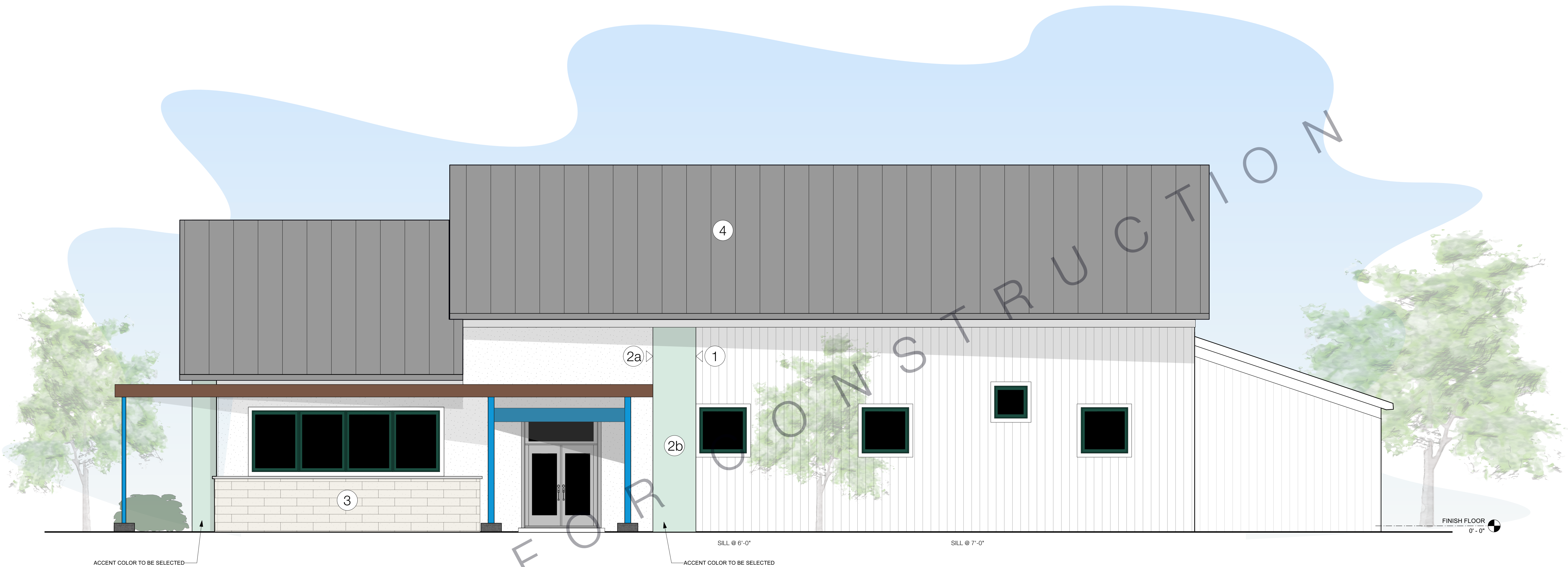


EXAMPLES OF METAL CUT PANELS
PROVIDE (6) TOTAL @ APPROX \$150 EACH









N O R T H E L E V A T I O N



Project Narrative

New Vistas School is located at 520 Eldon Street. We are a private day school that serves students in grades 3-12. Our current enrollment is 30 students. Our student to teacher ratio is approximately 4:1. Our mission is to foster academic and personal growth by providing children with learning, attention, and emotional challenges an opportunity to reach their full potential.

We would like to add an educational stand-alone building that will consist of a half scale gymnasium and three classrooms, two for science and one for art. It would be approximately 6,262 square feet in size. Gym classes are held outside now, weather permitting. This building will provide students with an inside space for gym and modern science and art classrooms. The location of the building will also allow us to have a safer more secure campus.

This educational building would be located at our present entrance off of Eldon street, in the location of our current playground area. There will be no changes to the current traffic flow or parking lot. The playground will be updated and moved to another part of the campus.



MCWANE CIR

03/08/2021

© All Pictometry

New Vistas School Conditional Use Permit
520 Eldon Street
April 27, 2022

PLEASE PRINT CLEARLY

[illegible]

RESOLUTION:

#R-22-044

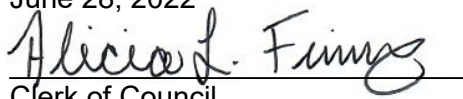
A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO NEW VISTAS SCHOOL TO ALLOW THE CONSTRUCTION OF A GYMNASIUM AND ADDITIONAL CLASSROOM SPACE IN A R-3, MEDIUM DENSITY RESIDENTIAL DISTRICT LOCATED AT 520 ELDON STREET.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG, that the petition of New Vistas School for a Conditional Use Permit at 520 Eldon Street to allow the construction of a gymnasium and additional classroom space in an R-3, Medium Density Residential District is hereby approved subject to the following condition:

1. The property shall be developed in substantial compliance with the concept plan entitled Site Concept Plan for Pine Ridge Associates, DBA New Vistas Schools and dated November 15, 2021, including the elevations dated April 19, 2022.

Adopted: June 28, 2022

Certified:


Clerk of Council

June 28, 2022



CITY COUNCIL AGENDA ADDENDUM | PUBLIC COMMENT

City Council Meeting - 7:30 P.M.
Council Chamber, City Hall, 900 Church Street

A) Hear from a citizen regarding a matter. (Timothy Santiago)

RULES OF PROCEDURE

- // An individual may speak for up to 3 minutes; please state clearly your name and locality of residence.
- // A group spokesperson may speak for up to 5 minutes; please state clearly your name and the group you will be representing.

Citizens often express conflicting and diverse positions regarding specific issues under consideration. To encourage citizen participation and to avoid intimidation to persons who may express sometimes unpopular opinions, **applause, cheers, or jeers from the audience are not permitted**. When appearing before City Council, citizens may not engage in behavior that intimidates or insults others, engage in disruptive behavior, use profanity or vulgar language, promote private business ventures or campaign for public office.

Finney, Alicia

From: Timothy Santiago <timothysantiago1@gmail.com>
Sent: Tuesday, May 31, 2022 12:10 PM
To: Finney, Alicia
Subject: Re: Speaking before Council

Follow Up Flag: Follow up
Flag Status: Completed

CAUTION: External Sender

I will be speaking about the failed leadership and gross negligence in the cases involving children

On Tue, May 31, 2022, 12:08 PM Finney, Alicia <Alicia.Finney@lynchburgva.gov> wrote:

Hello Mr. Santiago,

I am in receipt of your request to address City Council during their next meeting under Public Comment regarding the Lynchburg Police Department. Our next meeting with Public Comment will be held on Tuesday, June 28, 2022, at 7:30 p.m.

Could you please provide a brief summary of what you'd like to address? A sentence or two should suffice.

Thank you!

ALICIA L. FINNEY – Clerk of Council

City of Lynchburg

900 Church Street

Lynchburg, VA 24504

P: (434) 455-3990 **F:** (434) 847-1536

From: Timothy Santiago <timothysantiago1@gmail.com>
Sent: Monday, May 30, 2022 11:02 AM

To: Finney, Alicia <Alicia.Finney@lynchburgva.gov>

Subject: Speaking before Council

CAUTION: External Sender

Hello I'm writing you to speak to you about speaking before an addressing council about concerns I have and would like a time to address these matters. The cercens are about the local Police department. Please call me at 4343192595.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **June 28, 2022**

AGENDA ITEM #: **8**

CONSENT:
ACTION: **X**

REGULAR: **X**
INFORMATION:

WORK SESSION:

CLOSED SESSION:
(Confidential)

ITEM TITLE: Safe Housing and Blight Abatement Toolkit: Derelict building code amendments

RECOMMENDATION: Adopt City Code amendments for derelict buildings.

SUMMARY: Earlier this year, City staff presented a safe housing and blight abatement “toolkit” – a combination of strategies including tax delinquent property sales, increased demolition funding and code amendments. The “toolkit” was developed with multiple stakeholders and has been widely discussed through media outlets, neighborhood discussions and conversations with real estate professionals and housing developers. The feedback staff received as a result of the outreach has been supportive and, on May 22, 2022, City Council adopted code changes to address demolition of buildings and clutter.

At that same meeting, Council requested staff bring back the proposed derelict building ordinance with updates to the appeal process. Ordinance A provides an owner of a derelict building the option to appeal the decision of the City Manager to the Circuit Court. Ordinance B provides an owner of a derelict building the option to appeal the decision of the City Manager to City Council.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Civil penalties from the derelict building ordinance would be designated for demolition funding or, if Council determines, to support program staffing in the future.

CONTACT(S): Kent White, Acting Deputy City Manager – 455-3900

ATTACHMENT(S): Ordinance A – Circuit Court Appeal
Ordinance B – City Council Appeal

REVIEWED BY: MMB

Ordinance A

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION 11-160.1 OF A NEW ARTICLE II(A) OF CHAPTER 11, THE NEW ARTICLE AND SECTION RELATING TO DERELICT BUILDINGS

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto a new Section 11-160.1 of a new Article II(A) of Chapter 11 as follows:

ARTICLE II(A). DERELICT BUILDINGS

Sec. 11-160.1. Buildings declared to be derelict.

(a) The owners of property in the City shall, at such time or times as the City Council may prescribe, submit a plan to demolish or renovate any building that has been declared a derelict building. For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of twelve (12) months, it has been (i) vacant, (ii) boarded up or otherwise secured in accordance with the building code, and (iii) not lawfully connected to electric, water, or sewer service from a utility service provider.

(b) If a building qualifies as a derelict building, the City shall notify the owner of the derelict building that the owner is required to submit to the City a plan, within ninety (90) days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in the written notification provided by the City. Such plan shall be on a form provided by the City and shall include a proposed time within which the plan will be commenced and completed. The plan shall be subject to approval by the City. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The City shall deliver the written notice to the address listed on the real estate tax assessment records of the City. Written notice sent by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this subsection.

(c) If the City delivers written notice and the owner of the derelict building has not submitted a plan to the City within ninety (90) days as provided in subsection b of this section, the City may exercise such remedies as provided in this section or as otherwise provided by law; for residential property, such remedy may include imposition of a civil penalty of \$500 per month until such time as the owner has submitted a plan in accordance with this section, however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid to the City and deposited into the General Fund.

(d) The owner of a building may apply to the City and request that such building be declared a derelict building for purposes of this section.

(e) The City, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

(f) If the owner's plan is to demolish the derelict building, and such plan is approved by the city, the building permit application of such owner shall be expedited. If the owner has completed the demolition within ninety (90) days of the date of the building permit issuance, the City shall refund any building and demolition permit fees paid by the owner in relation thereto. This section shall not supersede any ordinance adopted relative to historic districts in the City.

(g) If the owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, and such plan is approved by the City, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded by the City, all or in part, but in no event shall the site plan or subdivision fees exceed the lesser of fifty (50) percent of the standard fees established for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of fifty (50) percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

(h) Prior to the commencement of a plan to demolish or renovate the derelict building, at the request of the owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated in accordance with the provisions of Article IV of Chapter 36 of the Lynchburg City Code or fifteen (15) years, whichever is greater, and is transferrable with the property. However, the abatement provisions described herein shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Virginia Department of Historic Resources to contribute to the significance of a registered historic district.

(i) Notwithstanding the provisions of this section, the City may proceed to make repairs and secure the building pursuant to Article II of Chapter 11 of the Lynchburg City Code, or the City may proceed to abate or remove a nuisance pursuant to Article I of Chapter 26 of the Lynchburg City Code. In addition, the City may exercise such remedies as may exist under the building code and such other remedies available under general and special law.

(j) Appeal Process

City Manager Appeal

- (1) In the event the owner disagrees with the decision made by the City pursuant to subsection (b) of this section, then the owner may appeal the decision to the City Manager.
- (2) The appeal must be requested by way of the owner delivering a written Notice of Appeal to the City Manager within seven (7) days of the delivery of the notice described in subsection (b) of this section; otherwise such right of appeal shall be deemed waived. Unless otherwise agreed by the City Manager (or his designee) and the owner, the appeal shall be heard by the City Manager (or his designee) within thirty (30) days of the delivery of the said written Notice of Appeal.
- (3) The appeal shall be an informal administrative proceeding. The owner and the City shall both have the opportunity to present pertinent information and to question witnesses, but no rules of evidence shall apply.
- (4) If, after hearing the pertinent information presented, the City Manager (or his designee) finds that the decision made by the City was in accordance with the applicable requirements of this section, then within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner affirming the City's initial decision; otherwise, within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner vacating and dismissing the City's initial decision. The decision shall be sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing.

Circuit Court Appeal

- (1) In the event the owner disagrees with the decision made by the City Manager (or his designee) on appeal, then the owner may further appeal the decision of the City Manager (or his designee) to the Circuit Court for the City of Lynchburg, Virginia.
- (2) An appeal made pursuant to this subsection must be perfected by the owner filing a written Notice of Appeal with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia. The Notice of Appeal shall be filed within thirty (30) days of the decision of the City Manager or his designee being sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing. The Notice of Appeal shall contain facts and documentation which support the basis for the owner's appeal. A copy of the Notice of Appeal, including any attachments, shall be provided by the owner to the City Manager on or before the date of the filing with the said Clerk's Office. Failure to perfect the appeal as provided herein shall constitute a waiver of the appeal right described hereunder. Unless otherwise agreed by the owner and the City Manager (or his designee), a hearing on the Notice of Appeal shall be held by the Circuit Court within one hundred and twenty (120) days of the date the Notice of Appeal was filed.
- (3) The owner and the City shall both have the opportunity to present evidence and question witnesses at such hearing, however, the owner shall bear the burden of proving by a preponderance of the evidence that the City Manager (or his designee) arbitrarily and capriciously affirmed the City's initial decision.
- (4) If, after hearing the evidence presented, the Circuit Court finds the City Manager (or his designee) made their decision by relying on the facts presented and the applicable requirements of this section, then the Circuit Court will affirm the decision of the City Manager (or his designee).
- (5) If, after hearing the evidence presented, the Circuit Court finds the City Manager (or his designee) arbitrarily and capriciously affirmed the initial decision of the City, then the City's and the City Manager's (or his designee's) decision will be vacated and dismissed by the Circuit Court.

Secs. 11-160.2 – 11-160.10. Reserved.

2. That this Ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION 11-160.1 OF A NEW ARTICLE II(A) OF CHAPTER 11, THE NEW ARTICLE AND SECTION RELATING TO DERELICT BUILDINGS

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Sec. 11-160.1. Buildings declared to be derelict.

(a) The owners of property in the City shall, at such time or times as the City Council may prescribe, submit a plan to demolish or renovate any building that has been declared a derelict building. For purposes of this section, "derelict building" shall mean a residential or nonresidential building or structure, whether or not construction has been completed, that might endanger the public's health, safety, or welfare and for a continuous period in excess of twelve (12) months, it has been (i) vacant, (ii) boarded up or otherwise secured in accordance with the building code, and (iii) not lawfully connected to electric, water, or sewer service from a utility service provider.

(b) If a building qualifies as a derelict building, the City shall notify the owner of the derelict building that the owner is required to submit to the City a plan, within ninety (90) days, to demolish or renovate the building to address the items that endanger the public's health, safety, or welfare as listed in the written notification provided by the City. Such plan shall be on a form provided by the City and shall include a proposed time within which the plan will be commenced and completed. The plan shall be subject to approval by the City. The plan may include one or more adjacent properties of the owner, whether or not all of such properties may have been declared derelict buildings. The City shall deliver the written notice to the address listed on the real estate tax assessment records of the City. Written notice sent by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing shall constitute delivery pursuant to this subsection.

(c) If the City delivers written notice and the owner of the derelict building has not submitted a plan to the City within ninety (90) days as provided in subsection b of this section, the City may exercise such remedies as provided in this section or as otherwise provided by law; for residential property, such remedy may include imposition of a civil penalty of \$500 per month until such time as the owner has submitted a plan in accordance with this section, however, the total civil penalty imposed shall not exceed the cost to demolish the derelict building. Any such civil penalty shall be paid to the City and deposited into the General Fund.

(d) The owner of a building may apply to the City and request that such building be declared a derelict building for purposes of this section.

(e) The City, upon receipt of the plan to demolish or renovate the building, at the owner's request, shall meet with the owner submitting the plan and provide information to the owner on the land use and permitting requirements for demolition or renovation.

(f) If the owner's plan is to demolish the derelict building, and such plan is approved by the city, the building permit application of such owner shall be expedited. If the owner has completed the demolition within ninety (90) days of the date of the building permit issuance, the City shall refund any building and demolition permit fees paid by the owner in relation thereto. This section shall not supersede any ordinance adopted relative to historic districts in the City.

(g) If the owner's plan is to renovate the derelict building, and no rezoning is required for the owner's intended use of the property, and such plan is approved by the City, the site plan or subdivision application and the building permit, as applicable, shall be expedited. The site plan or subdivision fees may be refunded by the City, all or in

part, but in no event shall the site plan or subdivision fees exceed the lesser of fifty (50) percent of the standard fees established for site plan or subdivision applications for the proposed use of the property, or \$5,000 per property. The building permit fees may be refunded, all or in part, but in no event shall the building permit fees exceed the lesser of fifty (50) percent of the standard fees established by the ordinance for building permit applications for the proposed use of the property, or \$5,000 per property.

(h) Prior to the commencement of a plan to demolish or renovate the derelict building, at the request of the owner, the real estate assessor shall make an assessment of the property in its current derelict condition. On the building permit application, the owner shall declare the costs of demolition, or the costs of materials and labor to complete the renovation. At the request of the owner, after demolition or renovation of the derelict building, the real estate assessor shall reflect the fair market value of the demolition costs or the fair market value of the renovation improvements, and reflect such value in the real estate tax assessment records. The real estate tax on an amount equal to the costs of demolition or an amount equal to the increase in the fair market value of the renovations shall be abated in accordance with the provisions of Article IV of Chapter 36 of the Lynchburg City Code or fifteen (15) years, whichever is greater, and is transferrable with the property. However, the abatement provisions described herein shall not apply if the structure demolished is a registered Virginia landmark or is determined by the Virginia Department of Historic Resources to contribute to the significance of a registered historic district.

(i) Notwithstanding the provisions of this section, the City may proceed to make repairs and secure the building pursuant to Article II of Chapter 11 of the Lynchburg City Code, or the City may proceed to abate or remove a nuisance pursuant to Article I of Chapter 26 of the Lynchburg City Code. In addition, the City may exercise such remedies as may exist under the building code and such other remedies available under general and special law.

(j) Appeal Process

City Manager Appeal

- (1) In the event the owner disagrees with the decision made by the City pursuant to subsection (b) of this section, then the owner may appeal the decision to the City Manager.
- (2) The appeal must be requested by way of the owner delivering a written Notice of Appeal to the City Manager within seven (7) days of the delivery of the notice described in subsection (b) of this section; otherwise such right of appeal shall be deemed waived. Unless otherwise agreed by the City Manager (or his designee) and the owner, the appeal shall be heard by the City Manager (or his designee) within thirty (30) days of the delivery of the said written Notice of Appeal.
- (3) The appeal shall be an informal administrative proceeding. The owner and the City shall both have the opportunity to present pertinent information and to question witnesses, but no rules of evidence shall apply.
- (4) If, after hearing the pertinent information presented, the City Manager (or his designee) finds that the decision made by the City was in accordance with the applicable requirements of this section, then within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner affirming the City's initial decision; otherwise, within thirty (30) days of the date of such hearing, the City Manager (or his designee) shall provide a written decision to the owner vacating and dismissing the City's initial decision. The decision shall be sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing.

City Council Appeal

- (1) In the event the owner disagrees with the decision made by the City Manager (or his designee) on appeal, then the owner may further appeal the decision of the City Manager (or his designee) to the Lynchburg City Council.

- (2) An appeal made pursuant to this subsection must be perfected by the owner delivering a written Notice of Appeal to the Clerk of Council for the City within thirty (30) days of the decision of the City Manager (or his designee) being sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing. The Notice of Appeal shall contain facts and documentation which support the basis for the owner's appeal. Failure to perfect the appeal as provided herein shall constitute a waiver of the appeal right described hereunder.
- (3) Upon receipt of the Notice of Appeal, the Clerk of Council for the City shall schedule the appeal to be heard by the Lynchburg City Council as soon as reasonably practical. On appeal, both the City Manager (or his designee) and the owner shall have the opportunity to be heard and present pertinent information during an open meeting, but such presentations shall not exceed twenty (20) minutes each.
- (4) If, after hearing the presentations made and after having an opportunity to ask questions pertinent to the substance presented, the Lynchburg City Council finds the City Manager (or his designee) arbitrarily and capriciously affirmed the initial decision of the City, then the City's and City Manager's (or his designee's) decision will be vacated and dismissed.
- (5) If, after hearing the presentations made and after having an opportunity to ask questions pertinent to the substance presented, the Lynchburg City Council finds the City Manager (or his designee) made their decision by relying on the facts presented and the applicable requirements of this section, then the decision of the City Manager (or his designee) will be affirmed by the Lynchburg City Council.
- (6) The owner shall bear the burden of proving the City Manager (or his designee) arbitrarily and capriciously affirmed the initial decision of the City.

Secs. 11-160.2 – 11-160.10. Reserved.

2. That this Ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

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(i) Notwithstanding the provisions of this section, the City may proceed to make repairs and secure the building pursuant to Article II of Chapter 11 of the Lynchburg City Code, or the City may proceed to abate or remove a nuisance pursuant to Article I of Chapter 26 of the Lynchburg City Code. In addition, the City may exercise such remedies as may exist under the building code and such other remedies available under general and special law.

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City Manager Appeal

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- (2) The appeal must be requested by way of the owner delivering a written Notice of Appeal to the City Manager within seven (7) days of the delivery of the notice described in subsection (b) of this section; otherwise such right of appeal shall be deemed waived. Unless otherwise agreed by the City Manager (or his designee) and the owner, the appeal shall be heard by the City Manager (or his designee) within thirty (30) days of the delivery of the said written Notice of Appeal.
- (3) The appeal shall be an informal administrative proceeding. The owner and the City shall both have the opportunity to present pertinent information and to question witnesses, but no rules of evidence shall apply.
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Circuit Court Appeal

- (1) In the event the owner disagrees with the decision made by the City Manager (or his designee) on appeal, then the owner may further appeal the decision of the City Manager (or his designee) to the Circuit Court for the City of Lynchburg, Virginia.
- (2) An appeal made pursuant to this subsection must be perfected by the owner filing a written Notice of Appeal with the Clerk's Office of the Circuit Court for the City of Lynchburg, Virginia. The Notice of Appeal shall be filed within thirty (30) days of the decision of the City Manager or his designee being sent to the owner by first-class mail, with the City obtaining a U.S. Postal Service Certificate of Mailing. The Notice of Appeal shall contain facts and documentation which support the basis for the owner's appeal. A copy of the Notice of Appeal, including any attachments, shall be provided by the owner to the City Manager on or before the date of the filing with the said Clerk's Office. Failure to perfect the appeal as provided herein shall constitute a waiver of the appeal right described hereunder. Unless otherwise agreed by the owner and the City Manager (or his designee), a hearing on the Notice of Appeal shall be held by the Circuit Court within one hundred and twenty (120) days of the date the Notice of Appeal was filed.
- (3) The owner and the City shall both have the opportunity to present evidence and question witnesses at such hearing, however, the owner shall bear the burden of proving by a preponderance of the evidence that the City Manager (or his designee) arbitrarily and capriciously affirmed the City's initial decision.
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Secs. 11-160.2 – 11-160.10. Reserved.

2. That this Ordinance shall become effective upon its adoption.

Adopted: June 28, 2022

Certified: 
Clerk of Council

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: June 28, 2022

AGENDA ITEM #: 9

REGULAR: **X**
ACTION:

WORK SESSION:
INFORMATION: **X**

CLOSED SESSION(Confidential):

ITEM TITLE: **DISCUSSION REGARDING AMENDING CITY COUNCIL'S RULES OF PROCEDURE TO MOVE CITY COUNCIL'S MAYOR AND VICE-MAYOR ELECTIONS FROM JULY TO JANUARY**

RECOMMENDATION: Discuss amending City Council's Rules of Procedure to move the Mayor and Vice-Mayor elections from July to January. This discussion arises at the request of Councilmember Faraldi. No vote is necessary on June 28, 2022.

SUMMARY: At the request of Councilmember Faraldi under Section 4-1(B) of City Council's Rules of Procedure and pursuant to Section 15.2-1400 of the Code of Virginia, 1950, as amended, City Council should consider amending its Rules of Procedure to move its Mayor and Vice-Mayor elections from July to January. Should City Council wish to pursue this amendment, City staff will include it as an amendment when City Council's Rules of Procedure are presented for re-adoption in July 2022.

Note: Pursuant to the requirements of Section 15.2-1416 of the Code of Virginia, 1950, as amended, City Council will continue to establish its regular meetings and readopt its Rules of Procedure in July.

PRIOR ACTION(S): N/A

FISCAL IMPACT: N/A

CONTACT(S): Councilmember Faraldi, (434) 455-3990
Matthew C. Freedman, City Attorney, (434) 455-3980
Alicia L. Finney, Clerk of Council, (434) 455-3990

ATTACHMENT(S):

- City Council's Rules of Procedure
- 2021 Va. Op. Atty. Gen. No. 37

REVIEWED BY: alf

LYNCHBURG CITY COUNCIL RULES OF PROCEDURE

(Adopted September 23, 2008; Amended August 11, 2009, July 9, 2010, July 3, 2012, May 14, 2013, July 12, 2016, July 1, 2020, and July 13, 2021)

Introduction

These rules of procedure were designed and adopted for the benefit and convenience of the Lynchburg City Council. Their purpose is to help City Council conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The rules of procedure do not create substantive rights for third parties or participants in proceedings before City Council. Further, City Council reserves the right to suspend or amend the rules of procedure whenever a majority of Council decides to do so. When City Council's rules of procedure do not address a procedural issue, Council may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of City Council to strictly comply with the rules of procedure shall not invalidate any action of City Council.

SECTION 1 - PURPOSE AND BASIC PRINCIPLES

Section 1-1. Purpose of Rules of Procedure

- A. To enable the Lynchburg City Council to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Council member;
- C. To preserve a spirit of cooperation among Council members; and
- D. To determine the will of City Council on any matter.

Section 1-2. Basic Principles Underlying Rules of Procedure

- A. The business of the City Council should proceed in the most efficient manner possible;
- B. City Council's rules of procedure must be followed consistently;
- C. City Council's actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of City Council at one time;

- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and
- I. The Council must act as a body.

SECTION 2 -- MEETINGS

Section 2-1. When and Where Regular Meetings are Held

The time and place of regular meetings of the Lynchburg City Council (hereinafter referred to as the Council) shall be established at each organizational meeting. Meetings shall be held in the City Council Chamber, on the first floor in City Hall, as follows:

Second and fourth Tuesday of the month, at 4:00 p.m.; except, there will be no regular meeting on the fourth Tuesdays during the months of July, August, and December.

The Council may hold additional meetings at other locations and times, or may change the locations and times of regularly scheduled meetings as it deems appropriate to do so. Notice of such additional meetings or changes to the location or time of regularly scheduled meetings shall be provided to the public and the press as required by State Code. Additional meetings shall be referred to as "additional scheduled meetings" and shall be approved by Council during a regularly scheduled meeting.

Section 2-1.1. Continued Meetings

A regular meeting shall be continued to the immediately following Thursday of that week, or to the next regularly scheduled meeting, at the same time and place as the regular meeting if the Mayor, or Vice Mayor if the Mayor is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the regular meeting. Such finding shall be communicated to the Council members and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required.

Section 2-2. Special Meetings

- A. The Council may hold such special meetings, as it deems necessary, at such times

and places as it may find convenient; and it may adjourn from time to time. A special meeting of the Council shall be called pursuant to Section 15.2-1417 of the Code of Virginia and Section 2.2-3707(D.) of the Virginia Freedom of Information Act.

B. Special meetings may be called by the Mayor, the City Manager, or any two (2) members of the Council in writing to the Clerk of Council for the purpose stated in the notice of the special meeting. The Clerk of Council shall forthwith notify the members of the Council of the time and place designated and the purpose of the meeting. Notice of the special meeting shall be provided to each member of the Council by written notice, telephone, or electronic means. The clerk will attempt to give each member of council at least twelve hours notice before the time scheduled for the special meeting; as provided by the Virginia Freedom of Information Act, and that notice shall be "reasonable under the circumstances." In order to hold a special meeting, a majority of the members of City Council who are physically present at the special meeting must agree that uncommon or unexpected conditions justify holding a special meeting without at least twelve hours advance notice, and the minutes of the special meeting must identify the uncommon or unexpected conditions that justify the holding of the special meeting.

C. Notice to the public of any special meeting shall be given contemporaneously with the notice provided the members of the Council, the City Attorney, and the City Manager.

Section 2-3. Legal Holiday

When a regularly scheduled meeting falls on a legal holiday, the meeting shall be held on the following business day unless the meeting is canceled by a majority vote of the Council.

Section 2-4. Adjourned or Recessed Meetings

A. A meeting of the Council is adjourned when the Council has finished its business and is bringing the meeting to a close, with the intention of holding another meeting at a later date. Generally, when a meeting of the Council is adjourned, the next meeting of the Council is preceded by opening ceremonies. A meeting of the Council is recessed when the Council takes a break between sittings and after the recess business is resumed where it left off.

B. A properly called regular, additional scheduled, or special meeting may be recessed or adjourned to a time and place certain by a motion made and adopted by a majority of the Council in open session during the regular, additional scheduled, or special meeting. The motion shall state the time and place when the meeting will reconvene. No further notice need be given of such a recessed or adjourned session of a properly called regular, additional scheduled or special meeting.

Section 2-5. Cancellation or Rescheduling of Meetings

A regularly scheduled meeting may be cancelled or rescheduled, in special circumstances and for the convenience of Council, if the change would not impact an advertised public hearing or a scheduled public presentation. The Mayor and Vice Mayor shall agree to any such change

and the remaining members of the Council shall be immediately notified of the change and the reason therefore. If any member of the Council objects, the regularly scheduled meeting shall proceed as originally planned. In the event that no member of the Council objects, the public and the media shall be notified promptly of the change.

Section 2-6. Organizational Meeting

A. The first meeting in July of each year in which a Council election is held shall be known as the organizational meeting. The Clerk of Council shall preside during the organizational meeting pending the election of the Mayor.

B. The Mayor shall be elected at the organizational meeting for a term of two years.

C. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

D. Following the election of the Vice Mayor, the Council shall:

1. Establish the dates, times and places for regular meetings; and
2. Adopt its Rules of Procedure.

Section 2-7. Procedure for Election of Mayor and Vice Mayor

A. The Clerk of Council shall preside during the meeting at which the Mayor is elected, pending the election of the Mayor. Following the election of the Mayor, he or she shall preside during the election of the Vice Mayor.

1. The presiding officer shall call for nominations from the membership.
2. Any Council member, after being recognized by the presiding officer, may place one or more names in nomination and discuss his or her opinions on the qualifications of the nominees.
3. After all nominations have been made the presiding officer shall close the nominating process and open the floor for discussion.
4. After discussion the presiding officer shall call for the vote.
5. The membership shall vote by written ballot and the completed ballots shall immediately be passed to the Deputy Clerk who shall collect the ballots, read them aloud, publicly announce how each member of the Council voted and tally the respective votes.
6. Each member shall cast one vote for any one nominee.

7. In the case of three-way race, the candidate receiving the least number of votes will be dropped from the slate of nominees, and another vote will be taken.

8. A majority of those voting shall be required to elect the Mayor or Vice Mayor.

B. The Mayor and Vice Mayor shall serve until replaced.

Section 2-8. Seating Arrangement

The Mayor shall occupy the center seat on the dais with the Vice Mayor occupying the seat at his or her immediate right. The remaining members of the Council shall determine their seating arrangement by seniority with the most senior member selecting his or her seat first and the remaining members selecting their respective seats in seniority order based on years served on the Council. In the event that two or more Council members have equal seniority, the selection of seating for those members shall be determined by chance.

SECTION 3 -- OFFICERS

Section 3-1. Mayor and Vice Mayor

The Mayor shall preside over all meetings of the Council. The Vice Mayor serves in the absence of the Mayor. In the absence from any meeting of both the Mayor and Vice Mayor, the Council members present shall choose one of their members as temporary presiding officer.

Section 3-2. Clerk

The Clerk of Council shall be appointed by the Council. He or she shall prepare the agenda for Council meetings, shall attend all Council meetings, and shall keep an accurate record of the proceedings.

Section 3-3. Parliamentarian

The City Attorney shall serve as the Parliamentarian for the purpose of interpreting these Rules of Procedure and the Code of Virginia (1950), as amended, as may be directed by the presiding officer, or as required as a result of a point of order raised by one or more Council members. If the City Attorney is unavailable, the City Manager shall serve as the Parliamentarian.

Section 3-4. Preservation of Order

A. At meetings of the Council, the presiding officer shall preserve order and decorum. The presiding officer shall have the following powers:

1. To rule motions in or out of order, including any motion not germane to the subject under discussion or patently offered for obstructive or dilatory purposes;

2. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other members on this ground;
3. To entertain and answer questions of parliamentary law or procedure;
4. To call a brief recess at any time;
5. To adjourn in an emergency.

B. A decision by the presiding officer under any of the first three powers listed above may be appealed to the Council upon motion of any member. Such a motion is in order immediately after a decision under those powers is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order. There are two exceptions to this right of appeal. The presiding officer may adjourn without the Council's vote or appeal in an emergency, and he or she may also call a brief recess without a vote at any time, when necessary to "clear the air" and thus reduce friction among the members.

SECTION 4 - AGENDA

Section 4-1. Preparation

A. The Clerk of Council shall prepare an agenda for the regularly scheduled meetings conforming to the order of business specified in Section 5-1 entitled "Order of Business".

B. Any Council member may request that items be placed on a meeting agenda by contacting the Clerk at least seven (7) days prior to the Council meeting for which they wish the item scheduled. The Clerk shall place requested items on the agenda for the next regular meeting following the request.

C. All items which are requested to be placed on the agenda and which have not been submitted within the prescribed deadline shall be placed on the following regular agenda for consideration.

D. Nothing herein prohibits the Council from adding items to the agenda, provided that such a request is in the form of a motion, voted upon by a majority of the Council. Members must use discretion in requesting the addition of items on the agenda. It is considered desirable to have items listed on the published agenda.

E. Unless required by law, no item will be scheduled for a public hearing unless by unanimous consent or the vote of a majority of the Council to hold a public hearing on the item.

F. Any individual or group who wishes to address the Council during a regular meeting on any item of City business shall submit a written request to be on the agenda to the Clerk of Council by noon on the Friday preceding the Council meeting.

Section 4-3. Delivery of Agenda

The Council meeting package, including the agenda and related materials, shall be delivered to each member of the Council and the City Attorney the Thursday prior to the Tuesday Council meeting. Delivery by electronic means is the preferable method.

Section 4-4. Public Access to Agenda Materials

The Clerk of Council shall post the agenda documents for all Council meetings on the Internet for public information as promptly as possible. Copies of the agenda will also be available in the Main and Downtown branches of the Public Library and at the Front Information Desk in City Hall for public inspection. Furthermore, paper copies of agenda documents will be provided upon request in the Council/Manager Office.

SECTION 5 -- ORDER OF BUSINESS FOR COUNCIL MEETINGS

Section 5-1. Order of Business

A. At regular meetings of the Council on the 2nd and 4th Tuesdays of the month, the order of business shall generally be as follows:

1. 4:00 p.m. Call to Order
2. Council Work Session
3. Roll Call
4. Recess
5. 7:30 p.m. Call to Order
6. Invocation & Pledge of Allegiance
7. Special Recognitions by the Mayor or Council (if any)
8. Consent Agenda
9. Public Hearings
10. Public Presentations (if requested)
11. General Business
12. Closed Meeting (if necessary)
13. Adjournment

B. The above order of business may be modified by the Clerk of Council to facilitate the business of the Council.

Section 5-2. Consent Agenda

A. The consent agenda shall include, by way of illustration but not limitation, the following:

1. Approval of minutes.

2. Ordinances or resolutions that are routine.
3. Final/second readings of appropriations, ordinances or resolutions which received unanimous approval upon introduction at a previous meeting.
4. Any item believed by the Clerk of Council to be routine and not controversial in nature.

B. The consent agenda shall be introduced by a motion "to approve", and shall be considered by the Council as a single item.

C. There may be a short discussion of consent agenda items to answer questions or clarify a matter. There shall be no lengthy debate or discussion of a consent agenda item.

D. Upon request of any Council member, an item shall be removed from the Consent Agenda. The item shall be considered separately after adoption of the Consent Agenda.

Section 5-3. Citizen Participation

A. Every petition, communication or address to the Council shall be in respectful language and is encouraged to be in writing.

B. **Public Presentations**

1. Individuals or groups wishing to speak at a regular Council meeting shall submit a written request to the Clerk of Council by noon on the Friday prior to the regular meeting date.
2. Public presentations shall be for the purpose of allowing members of the public to present any matter, which, in their opinion, deserves the attention of the Council. They shall not serve as a forum for debate with the Council.
3. Remarks shall be addressed directly to the Council and not to staff, the audience, or the media.
4. The presiding officer shall open the Public Presentations.
5. Each speaker shall clearly state his or her name and locality of residence.
6. There shall be a time limit for each individual speaker of 3 minutes.
7. A representative of a group may have up to five (5) minutes to make a presentation. The representative shall identify the group at the beginning of his or her presentation. A group may have no more than one spokesperson.

8. Speakers are not permitted to donate time to other speakers.

9. There shall be no comment during Public Presentations on a matter for which a public hearing is scheduled during the same meeting.

10. There shall be no comment during Public Presentations on a matter that has already been the subject of a previous public hearing where no final vote has been taken.

11. Any issue raised by the public which the Council wishes to consider may be put on the agenda for a future Council meeting by a majority vote.

12. Council members shall not discuss issues raised by the public except by consent of a majority of the Council members present.

13. Once the Council has heard a presentation from an individual or organization on a particular subject, the individual or organization may not make another presentation on the same subject within three (3) months of the first presentation, except by a majority vote of the members of the Council present and voting.

14. The above rules notwithstanding, members of the public may present written comments to the Council or to individual Council members at any time during the meeting. Such written comments shall be submitted through the Clerk of Council.

C. Other than as stipulated above or during public hearings, no person shall be permitted to address the council orally, except by permission of the Council, and such permission shall not be granted unless with the consent of a majority of the members of the Council present at such meeting.

D. No speaker's time shall be extended except by unanimous consent or a two-thirds (2/3) vote of the Council members present.

E. Any person who desires to submit written statements for forwarding to the Council prior to a Council meeting must submit nine (9) copies to the Clerk of Council by 4:00 p.m. on the Thursday preceding the Council meeting.

Section 5-4. Prohibited Conduct

A. Persons appearing before the Council will not be allowed to:

1. Campaign for public office;
2. Promote private business ventures;
3. Use profanity or vulgar language or gestures;

4. Use language which insults or demeans any person or which, when directed at a public official or employee is not related to his or her official duties, however, citizens have the right to comment on the performance, conduct, and qualifications of public figures;
5. Make non-germane or frivolous statements;
6. Interrupt other speakers or engage in behavior that disrupts the meeting including but not limited to applause, cheers, jeers, etc.;
7. Engage in behavior that intimidates others;
8. Address the Council on issues that do not concern the services, policies or affairs of the city.

B. The presiding officer shall preserve order and decorum at Council meetings. He or she may order the expulsion of any person for violation of these rules, disruptive behavior, or any words or action which incites violence or disorder, subject to appeal to the Council. Any person so expelled shall not be readmitted for the remainder of the meeting from which expelled. Any person who has been so expelled and who at a later meeting again engages in behavior justifying expulsion may also be barred from attendance at future Council meetings for a specified and reasonable period of time not to exceed six months, or upon a still subsequent expulsion a period not to exceed one year either by the presiding officer, subject to appeal to the Council, or by motion passed by the Council.

Section 5-5. Public Hearings

A. This section of the agenda shall be for public hearings as required by City, State, or Federal law, or as the Council may direct.

B. The presiding officer shall conduct all public hearings.

C. The order of public hearings shall be as follows:

1. The presiding officer shall open the public hearing.

2. Hearings shall begin with a brief presentation from a staff member and/or representative from the cognizant board, authority, commission or committee by recognizing the City Manager. The presentation shall summarize the facts about the issue and the staff recommendation. Council members may seek clarification during the presentation.

3. In land use cases (rezoning or conditional use permit) the applicant or his or her representative shall be the first speaker(s). There shall be a time limit of ten (10) minutes for the applicant's or his or her representative's presentation.

4. The presiding officer shall then solicit comments from the public, asking those in favor of the proposal to speak first, and then those opposed to the proposal. Each speaker must clearly state his or her name and locality of residence. There shall be a time limit of three (3) minutes for each individual speaker. If the speaker represents a group, there shall be a time limit of five (5) minutes. A speaker representing a group shall identify the group at the beginning of his or her remarks. A group may have no more than one spokesperson. The Council, by unanimous consent or by a two-thirds (2/3) vote of the members present, may allow any speaker to proceed past the time limit.

5. After public comments have been received, in a land use case, the applicant or the representative of the applicant, at his or her discretion, may respond with a rebuttal. There shall be a five (5) minute time limit for rebuttal.

6. Upon the conclusion of public comments, or the applicant's rebuttal in a land use case, the presiding officer shall close the public hearing.

D. When a public hearing has been closed by the presiding officer, no further public comment shall be permitted. Council members, however, may direct questions to the applicant, the representative of the cognizant board, authority, commission, committee, to a speaker, or to a staff member for clarification prior to taking any vote, if a vote is in order.

E. Following the close of the public hearing, the presiding officer may entertain a motion to dispose of the issue and the Council may debate the merits of the issue.

Section 5-6. General Business

This section of the agenda shall include items of a general nature to be considered by the Council. The last items on the agenda shall be adoption of appropriation resolutions introduced at a previous meeting which did not receive unanimous vote upon introduction. After the presiding officer has stated the item for consideration, staff may be asked to provide a brief summary.

Section 5-7. Items Not on the Agenda

With the Council's consent, items may be added to the agenda to respond to situations and/or questions of a critical nature which have arisen after the deadline has passed for items to be placed on the agenda.

Section 5-8. Closed Meetings

A. Closed Meetings should only be used when the matter to be discussed is too sensitive for discussion in public and only as allowed by law.

B. No meeting shall become a Closed Meeting until the Council takes an affirmative record vote during the open meeting.

1. The motion shall state specifically the purpose or purposes which are the subject of the closed meeting and reasonably identify the substance of the matters to be discussed. The motion shall make specific reference to the applicable exemption(s) under the Freedom of Information Act, which authorizes the Closed Meeting.

2. Members shall request the assistance of the City Attorney when making additions to the published Closed Meeting agenda.

C. No resolution, ordinance, rule, contract, regulation or motion considered in a Closed Meeting shall become effective until the Council reconvenes in an open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation or motion which shall have its substance reasonably identified in the open meeting.

D. At the conclusion of a Closed Meeting, the Council shall reconvene in open meeting immediately thereafter and shall cast a vote certifying that to the best of each member's knowledge:

1. Only public business matters lawfully exempted from open meeting requirements were discussed; and;

2. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

3. Any member who believes that there was a departure from the above requirements shall so state prior to the presiding officer's call for the vote, indicating the substance of the departure that, in his or her judgment, has taken place.

E. The failure of the certification to receive the affirmative vote of the majority of the members present during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

F. The Council may permit non-members to attend a Closed Meeting if their presence would reasonably aid the Council in its consideration of an issue.

G. Individuals attending a Closed Meeting should respect the Council's decision that the subject matter is too sensitive for public discussion and should treat the Closed Meeting discussion as confidential.

SECTION 6 - RULES OF PROCEDURE FOR COUNCIL MEETINGS

Section 6-1. Quorum

A. As provided by Section 15.2-1415 of the Code of Virginia, a majority of the members of the Council must be present to conduct business. A quorum is a majority of the entire membership of the Council, including any vacant seats.

B. Quorum refers to the number of members present at a meeting, not the number of members voting on an issue. If no quorum is present or if a quorum is lost, the Council can only (i) adjourn, (ii) recess, or (iii) take steps to obtain a quorum.

C. If a quorum fails to attend any meeting, those attending may adjourn to such other time prior to the next regular meeting as they may determine and the Clerk of Council shall enter such adjournment in the minute book of the Council and shall notify absent members thereof in the same manner as required for special meetings.

D. If the Virginia Conflict of Interests Act prevents some of the members of the Council from participating in an item of business, Sections 2.2-3112 and 15.2-1415 of the Code of Virginia provide that a majority of the remaining members of the Council shall constitute a quorum.

Section 6-2. Priority in Speaking on the Council

When two or more members of the Council wish to speak at the same time, the presiding officer shall name the one to speak.

Section 6-3. Comments, Queries of Council Members

Council members are to observe the following rules during the discussion of agenda items:

A. The presiding officer shall keep discussion germane to the subject. Points of clarification shall be limited to questions only. The presiding officer shall rule other comments out of order.

B. Council members may address questions to the City Manager or staff present at the meeting. Staff members should be at a microphone when answering Council members' questions. All legal questions should be addressed to the City Attorney.

Section 6-4. Action by the Council

A. Items of business will be considered and dealt with one at a time, and a new proposal may not be put forth until action on the preceding one has been concluded.

B. When a proposal is perfectly clear to all present, and the proposal will not obligate the Council in any manner nor finally decide an issue before the Council, action can be taken upon the unanimous consent of the Council members present, without a motion having been introduced. However, unless agreed to by unanimous consent, all proposed actions of the Council must be approved by vote under these rules. Silence, or the lack of spoken dissent, is taken as consent.

Section 6-5. Motions

- A. Informal discussion of a subject is permitted while no motion is pending.
- B. Any member, including the presiding officer, may make a motion.
- C. Members are required to obtain the floor before making motions or speaking, which they can do while seated.
- D. A member may make only one motion at a time.
- E. Except for matters recommended by a Council committee, or as otherwise stipulated in these rules of procedure, all motions require a second and a motion dies for lack of a second.

Section 6-6. Substantive Motions

- A. A substantive motion is any motion that deals with the merits of an item of business and is within the Council's legal powers, duties and responsibilities.
- B. A substantive motion is out of order while another substantive motion is pending.

Section 6-7. Procedural Motions

- A. Procedural motions are those motions that the Council may use to "act upon" a substantive motion by amending it, delaying consideration of it, and so forth. Procedural motions are in order while a substantive motion is pending and at other times, except as otherwise noted.
- B. In addition to substantive proposals, only the following procedural motions, and no others, are in order. Unless otherwise noted, each motion requires the floor and a second, is debatable, may be amended, and requires a majority of the votes cast, a quorum being present, for adoption. Procedural motions are listed below in their order of priority. If a procedural option is not listed below, then it is not available.

1. To Appeal a Procedural Ruling of the Presiding Officer. A decision of the presiding officer ruling a motion in or out of order, determining whether a speaker has gone beyond reasonable standards of courtesy in his remarks, or

entertaining and answering a question of parliamentary law or procedure may be appealed to the Council which shall decide the matter by majority decision. Such an appeal is in order immediately after such a decision is announced and at no other time. The member making the motion need not be recognized by the presiding officer, the motion does not require a second, and the motion, if timely made, may not be ruled out of order.

2. Motion To Adjourn. At a meeting of the Council, a motion to adjourn shall always be in order. The motion may be made only at the conclusion of action on a pending substantive matter; it may not interrupt deliberation of a pending matter. The motion is not debatable and cannot be amended.

3. To Take a Brief Recess. This motion allows the Council to pause briefly in its proceedings. A motion to take a brief recess is in order at any time except when a motion to appeal a procedural ruling of the presiding officer or a motion to adjourn is pending

4. To Suspend the Rules. The Council may suspend provisions of its rules of procedure. The Council may not, however, suspend any provisions of the rules that state requirements imposed by law on the Council. For adoption, a motion to suspend the rules requires unanimous consent or an affirmative vote of two-thirds (2/3) of members present.

5. To Defer Consideration. The Council may defer action on a substantive motion to a more convenient time. The Council may use the following motions to defer consideration of a substantive motion:

(a) The motion to "lay on the table" is used to temporarily set aside an item of business to deal with a more urgent item. Once an item of business has been laid on the table, a motion to "take from the table" is needed to bring the item back before the public body for discussion.

(b) The motion to "postpone" delays debate on an item of business so that it may be considered at a later date. An item of business may be "postponed definitely," when it is continued to a definite time or date or "postponed indefinitely" if no future time or date is specified in the motion. A matter that has been postponed to a certain time or day shall be brought up again automatically when that time arrives. When a matter has been postponed indefinitely it takes an affirmative vote of a majority of the Council to bring the matter back for further discussion.

(c) Section 15.2-2286 of the State Code requires that a zoning petition must be "acted upon" within a "reasonable time," not exceeding one year. The Council may defer action on a zoning petition for consideration at a more convenient time. However, the Council may not dispose of a zoning petition with a motion to postpone indefinitely.

6. Call the Question. The motion to call the question is not in order until every member of the Council has had an opportunity to speak once and the deliberation by the Council on an item of business has exceeded thirty (30) minutes. The motion is not amendable or debatable.

7. To Amend. Any substantive motion properly on the floor may be amended. An amendment to a motion must be pertinent to the subject matter of the motion. An amendment is improper if adoption of the motion with that amendment added would have the same effect as rejection of the original motion. A proposal to substitute completely different wording for a motion or an amendment shall be treated as a substitute motion. A motion may be amended no more than twice. Once a motion has been offered to the Council, it is up to the Council to decide whether or not it should be changed by amendment. It is not necessary for the person making the original motion to approve of any proposed amendment to the motion.

8. Substitute Motion. A substitute motion shall be allowed to replace any motion properly on the floor. It shall have precedence over an existing motion and may be discussed prior to being voted on. If the substitute motion fails, the former motion can then be voted on. If the substitute motion passes, the substitute motion replaces the main motion and the new main motion will be considered and acted upon by Council. No more than one (1) substitute motion may be made. If a substitute motion passes and replaces the main motion, no further substitute motions may be made. (Amended July 9, 2010)

9. Withdrawal of Motion. A motion may be withdrawn by the introducer at any time before it is amended or before the presiding officer puts the motion to a vote, whichever occurs first.

10. Motion to Reconsider. The Council may vote to reconsider its action on a matter. The motion to reconsider must be made no later than the next succeeding regular meeting of the Council and can only be made by a member who voted with the prevailing side. In the event of a tie vote on the original motion any Council member may introduce a motion to reconsider. The motion cannot interrupt deliberation on a pending matter but is in order when action on a pending matter concludes. A motion to reconsider may not be used in a land use decision involving a rezoning or a conditional use permit.

11. Motion to Prevent Reintroduction for Six Months. The motion shall be in order immediately following the defeat of a substantive motion and at no other time. The motion requires for adoption a vote of the majority of the entire membership (4) of the Council. If adopted, the restriction imposed by the motion remains in effect for six months. As with every other procedural motion, the motion to prevent reintroduction may be dissolved by a motion to suspend the rules

Section 6-8. Debate

A. The presiding officer shall state the motion and then open the floor to debate. The presiding officer shall preside over the debate according to the following general principles:

1. The maker of the motion is entitled to speak first;
2. A member who has not spoken on the issue shall be recognized before someone who has already spoken;
3. To the extent possible, the debate shall alternate between proponents and opponents of the measure.
4. A member of the Council may vote against his or her motion, but may not speak against his or her motion.
5. The presiding officer may participate in the debate prior to declaring the matter ready for a vote.
6. Council members shall not engage in electronic communications amongst themselves regarding a motion that is on the floor for debate.

Section 6-9. Duty to Vote

A. Each member of the Council who is present at a meeting shall be required to vote upon all issues presented for decision unless prohibited from doing so by the Virginia Conflict of Interests act or unless excused from voting by the other members of the Council. A member who wishes to be excused from voting shall state his or her reasons for abstaining and the presiding officer shall ask if any of the remaining members object. If there are any objections, the Council shall take a vote of the remaining members on the question of whether or not to allow the member to abstain from voting.

B. If there is an abstention, it shall be the responsibility of the Clerk of Council to note the abstention and the reason for abstaining for the record.

Section 6-10. Method of Voting

A. After debate, the presiding officer shall ensure that the motion is clear and call for the vote.

B. All questions submitted to the Council shall be determined by a majority vote of the members voting on any such question, unless otherwise required by special or general law. A majority is more than half.

C. An "affirmative vote" by a majority of the Council present being necessary to adopt a motion, a tie vote means that the motion, resolution or issue has been rejected. When a motion fails on a tie vote, the "noes" prevail.

D. In order for a motion in a zoning matter to be adopted, it must be approved by a majority of those voting.

E. All questions submitted to the Council for decision shall be decided by a vote of the Council utilizing the electronic voting board in Council chambers. In the event of a malfunction of the electronic voting board, or if the meeting is held in a space without such a device, the question shall be decided by an oral vote of "aye" or "nay". Any member may request a roll call vote. In any case, the presiding officer shall announce the results of the vote

Section 6-11. Decisions on Points of Order

Any Council member may raise a point of order without being recognized by the presiding officer. The presiding officer shall refer any point of order to the Parliamentarian. The Parliamentarian shall advise the presiding officer who shall then make a ruling on the point of order. A Council member may appeal the ruling of the presiding officer to the full Council which shall decide the matter by majority decision.

SECTION 7 -- BOARDS, AUTHORITIES, COMMISSIONS AND COMMITTEES

Section 7-1. Appointmentsto Boards, Authorities, Commissions, andCommittees

A. Members of boards, authorities, commissions and committees shall be appointed by an affirmative vote of a majority of the members of the Council to serve specified terms as may be deemed to be appropriate by theCouncil.

B. The Mayor shall make all appointments to, and select the chairs of, the Council's two standing committees (Finance and Physical Development). Substitutes or alternates may participate on Council committees only if so authorized by the Mayor. Committee members will serve two-year terms.

C. Ad hoc committees, such as special task forces, may be created from time to time, for specific purposes, as determined by the Council.

Section 7-2. Standing Committees Roles and Guidelines

A. The roles of and the operating guidelines for the Finance and Physical Development committees shall be as adopted by a majority of the Council.

SECTION 8 -- GENERAL OPERATING POLICY

Section 8-1. Broadcasting Council Meetings

Regular meetings of the Council shall be broadcast live on the City Government Channel 15 and the Internet. Copies of the broadcast may be obtained by the public from the Department of Communications and Marketing at cost.

Section 8-2. Numbering and Indexing of Resolutions and Ordinances

It shall be the responsibility of the Clerk to number and index all resolutions and ordinances adopted by the Council. The resolutions shall be numbered consecutively, and use the last two digits of the calendar year. Example: for the first resolution in January, 2008, the resolution number would be shown as: #R-08-01. Ordinances shall also be numbered consecutively.

Section 8-3. Minutes of the Council Meetings

The minutes of the Council meetings shall reflect the official acts of the Council. They shall provide a summary of discussion and record Council votes. Minutes shall be considered for approval within a reasonable time after the meeting they record.

Section 8-4. Amending the Rules of Procedure

These rules may be amended at any regular meeting, or at any properly called special meeting that includes amendment of the rules as one of the stated purposes of the meeting. Adoption of an amendment shall require an affirmative vote of four (4) members of the Council.

Section 8-5. Special Rules of Procedure

The Council may adopt its own special rules of procedure to cover any situations that are not adequately addressed in these Rules of Procedure. Adoption of a special rule of procedure shall require an affirmative vote of a majority of a quorum of the Council.

AMENDMENTS:

August 11, 2009: the time of Council meetings was changed to the present schedule.

July 9, 2010: amended Section 6-7, B (8) to stipulate that if a substitute motion passes it becomes the main motion for consideration and action and there may be no additional substitute motions.

July 3, 2012, amended as follows:

- Introduction; added a process to consider when the Rules of Procedure do not address a procedural issue.
- Section 2-1; adjustments reflecting the practice of no longer distinguishing separate "work session" meetings. The work session will be recognized as a part of Council's regular meeting and that section will be separated from the rest of the meeting by a recess.
- Section 4-3 to 4-4; clarifying language reflecting that agendas are now prepared, delivered, and are available to the public electronically. Section 4-5 was deleted.
- Section 5-1; amended the order of business to reflect current practice.
- Section 5-3, B; added a restriction on speakers donating their time to other speakers.
- Section 6-8, A; added a restriction on electronic communication between Council members regarding an item under debate.
- Section 6-10. D; clarification that action on a zoning matter requires a majority vote of those present for resolution.
- Section 7-1, C; acknowledgement of the Mayor's responsibility to appoint Council members to the Audit Committee.

May 14, 2013: amended Sections 5-3 and 5-5 to eliminate the requirement that a speaker provide his or her physical address and replace it with the requirement that the speaker identify his or her locality of residence when speaking in a public meeting.

July 12, 2016: amended Section 7-1(C) to eliminate provision providing for the appointment of Council members to serve on the Audit Committee.

July 1, 2020: amended Section 2.2 to eliminate the provision requiring that twelve hours advance notice must be given in order to hold a special meeting.



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

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Virginia Relay Services
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7-1-1

November 19, 2021

John C. Blair, Esquire
Staunton City Attorney
116 W. Beverley Street
Post Office Box 58
Staunton, Virginia 24402-0058

Dear Mr. Blair:

I am responding to your request for an official advisory opinion in accordance with § 2.2-505 of the Code of Virginia.

Facts and Applicable Law

You relate that prior to the passage of Senate Bill 1157, the City of Staunton held elections for City Council positions in May of even-numbered years.¹ Newly-elected members of the City Council would assume office on July 1 following the election in May. On the new members' first day in office (July 1), the Council would hold an organizational meeting and elect a mayor from amongst the Council's membership, in accordance with § 5 of the City Charter and the directive in § 15.2-1422 that the Council select a mayor from among its membership "at its first meeting after taking office."²

Pursuant to this framework, the current mayor of Staunton was elected by the Council on July 1, 2020, to serve a two-year term that is scheduled to expire on or about June 30, 2022.

¹ The City of Staunton is governed by a seven-member Council, in which each member is elected to a term of four years. However, because the terms of the Council are staggered, the City holds municipal elections biennially. In any given election, either three or four Council seats are filled by popular election.

² VA. CODE ANN. § 15.2-1422 (providing that, in cities and towns without a popularly-elected mayor, the governing body shall "shall elect one of its number" as mayor "at its first meeting after taking office"). Under the Staunton City Charter, the mayor serves a two-year term as president of the Council, and he or she is the official head of the City. See CHARTER FOR THE CITY OF STAUNTON, VA., § 5.

With the recent passage of Senate Bill 1157, municipal elections in Virginia have been moved from May to November, beginning with elections held after January 1, 2022.³ The terms of municipal officers elected in November will commence on January 1, 2023, under the provisions of the legislation.⁴ As applied to Staunton, Senate Bill 1157 requires that the date of the next municipal election be moved from May 2022 to the general election in November 2022, and that officers elected to the City Council in November 2022 will assume office on January 1, 2023, provided they duly qualify.

Senate Bill 1157 recognizes that inevitably, when election dates are shifted, existing terms in office are affected. The legislation therefore contains a clause stating that current councilmembers whose terms are scheduled to expire on June 30, 2022, shall continue in office “until their successors have been elected at the November general election and have been qualified to serve.”⁵ The legislation also directs that a popularly-elected mayor whose term is scheduled to expire on June 30, 2022, shall continue in office in the same manner.⁶

The legislation, however, does not specify whether mayors who are elected by a City Council rather than being popularly elected should continue in office when (1) their terms expire on or about June 30, 2022, and (2) their successors would otherwise be elected by Council on July 1, 2022. As you note, the mayor of Staunton is elected by the City Council rather than popularly elected. Your questions below relate to how the tenure of the mayor of Staunton is affected by the language of Senate Bill 1157 and the transition to November elections.

Issues Presented

Your questions are as follows:

1. Does the language in Senate Bill 1157 authorize the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to its first meeting in January 2023?
2. May the mayor continue in office beyond the expiration date of their term until the election of a new mayor?

Discussion

1. The language of Senate Bill 1157 requires the City of Staunton to transition its mayoral election by City Councilors from July 1, 2022, to the Council’s first meeting in January 2023.

As mentioned above, the term of the current mayor is scheduled to expire on or about June 30, 2022. Prior to the passage of Senate Bill 1157, the Council was scheduled to elect a successor on July 1,

³ See Senate Bill 1157 (2021 Va. Acts Spec Sess. I ch. 103), available at <https://lis.virginia.gov/cgi-bin/legp604.exe?212+ful+CHAP0103+pdf> (amending VA. CODE § 15.2-1400 and providing, in relevant part, that “[n]otwithstanding the provisions of §§ 24.2-222 and 24.2-222.1, any city or town charter, or any other provision of law, general or special, beginning with any election held after January 1, 2022, elections for mayor, members of a local governing body, or members of an elected school board shall be held at the time of the November general election . . .”).

⁴ *Id.*

⁵ *Id.* at enactment clause 2.

⁶ *Id.* at enactment clause 2.

2022—the date of its “first meeting after taking office” following the May election. However, given the change in municipal elections from May to November, the Council cannot have its “first meeting upon taking office” until January 1, 2023, at the earliest. Therefore, by operation of law, the Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council’s first meeting in January 2023. In my opinion, the City of Staunton may include this transition in its ordinance enacted pursuant to Senate Bill 1157, as a necessary incident of its transition of municipal elections from May to November.⁷

2. The current mayor of Staunton continues in office until the next election by city councilors in January 2023.

The conclusion that the City is required to shift the election of the mayor by the City Council to January 2023 leads naturally to your next question, which is whether the current mayor continues in office until a new mayor is selected. As discussed, Senate Bill 1157 does not specify whether a mayor who is elected by a City Council shall hold over in office. “As a general rule, however, in the absence of a constitutional or statutory prohibition, a public officer holds over after the conclusion of his term until the qualification of his successor.”⁸ “The purpose of the hold-over rule is to prevent a hiatus in government pending the election or qualification of a successor officer.”⁹ “A necessary implication of this rule is that such member may continue to exercise the powers and duties of his office . . . until such successor has qualified.”¹⁰

I am aware of no constitutional or statutory provision that would prohibit the current mayor of Staunton from continuing in office until their successor is chosen in January 2023. In my opinion, therefore, the mayor continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.¹¹

Conclusion

In my opinion, the Staunton City Council is required to transition its mayoral election by City Council from July 1, 2022, to the Council’s first meeting in January 2023. Moreover, the current mayor of

⁷ *Id.* at enactment clause 2 (providing that “any city . . . currently providing for the election of its mayor, governing body, or school board at a May election shall, by ordinance, provide for the transition of such elections to the November general election date.”).

⁸ 1985-1986 Op. Va. Att’y Gen. 64, 64 (concluding that the chairman of a board of supervisors continued in office after the board failed to choose his successor); *see also* 2013 Op. Va. Att’y Gen. 220, 221; 1985-1986 Op. Va. Att’y Gen. 250, 250; 1980-1981 Op. Va. Att’y Gen. 4, 5; 1972-1973 Op. Va. Att’y Gen. 234, 234; *State ex rel. Landis v. Byrd*, 120 Fla. 780, 795-96 (1935) (“An office which the law contemplates shall continue in existence as created until abolished remains in existence unless otherwise provided by law, even though the beginning of the cycle terms of office be changed and the incumbent continues in office after the expiration of his term until the new cycle terms begin under an amendment to the law.”).

⁹ 1985-1986 Op. Va. Att’y Gen. 64, 64; *see also, e.g., Chadduck v. Burke*, 103 Va. 694, 699 (1905) (observing that the holdover rule is intended to provide for the continuation of the functions of government, as “the law abhors vacancies in public office,” and further, that “wherever the law provides for an incumbent holding over until his successor has been appointed and qualified, there is no vacancy in office at the expiration of the fixed term”).

¹⁰ 2013 Op. Va. Att’y Gen. 220, 221.

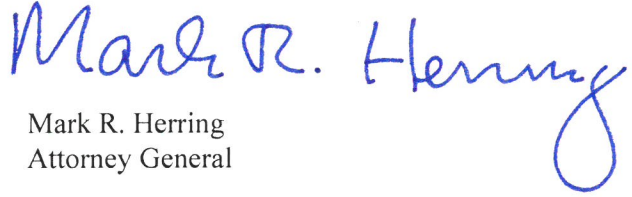
¹¹ An “incumbent officer immediately becomes a holdover officer upon expiration of his term. It does not require any affirmative act of the appointing body, acquiescence by it, or appointment by implication; it is automatic; by operation of law.” *Westphal v. City of Council Bluffs*, 275 N.W.2d 439, 443 (Iowa 1979). However, in my opinion, the City may memorialize the hold-over of the mayor in its ordinance effectuating the transition of elections from May to November.

John C. Blair, Esquire
November 19, 2021
Page 4

Staunton continues in office and may exercise the powers and duties of the office until their successor is chosen by the Council at its first meeting in January 2023.

With kindest regards, I am,

Very truly yours,

A handwritten signature in blue ink that reads "Mark R. Herring". The signature is fluid and cursive, with a large loop at the end of the word "Herring".

Mark R. Herring
Attorney General

RESOLUTION:

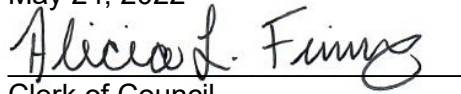
#R-22-040

BE IT RESOLVED That the FY 2023 Adopted Budget is amended and \$620,492 is appropriated with resources from the FY 2022 General Fund Non-Departmental budget with funds remaining from implementing the FY 2022 five percent (5%) general wage increase to extend the adopted FY 2023 living wage increase for all full-time employees to include part-time and hourly employees and enhance funds available to impact compression.

Introduced: May 24, 2022

Adopted: June 28, 2022

Certified:


Clerk of Council