



CITY COUNCIL WORK SESSION

Tuesday, April 23, 2024 | 4:00 PM

Council Chamber- City Hall

900 Church Street

Lynchburg, VA 24504

AGENDA

- I. Welcome** *Stephanie T. Reed, Mayor*
- II. Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. Business Item Briefing(s)**
 - III.1.** Revenue Sharing - Solar and Energy Storage Facilities
 - III.2.** Rezoning: B-5, General Business District; B-5C, General Business District (Conditional); and I-2, Light Industrial District to B-5C, General Business District (Conditional) - 2731, 2735 & 2739 Wards Road
 - III.3.** 2024 School Board Appointment Process
- IV. Work Session Agenda Items**
 - IV.4.** FY 2025 Proposed Budget Reconciliation
- V. Roll Call**
 - V.5.** Vice Mayor Faraldi: VA250 Committee
- VI. Closed Session**
 - VI.6.** Consideration of a closed meeting to discuss the potential resolution of a pending law-enforcement lawsuit pursuant to Section(s) 2.2-3711(A)(7) and - (A)(8) of the Code of Virginia, 1950, as amended.
 - VI.7.** Consideration of a closed meeting to discuss litigation (and alternatives thereto) being brought by the City against a private party pursuant to Section(s) 2.2-3711(A)(7) and -(A)(8) of the Code of Virginia, 1950, as amended.

AGENDA ITEM SUMMARY**MEETING DATE**

April 23, 2024

PRESENTED BYWilliam Martin, Community Development
Director**AGENDA ITEM # III.1**

Revenue Sharing - Solar and Energy Storage Facilities

RECOMMENDATION

This item will appear for City Council vote on the May 14, 2024, General Business agenda. Approval of adopting Section 36-154.2. Revenue Sharing of Solar and Energy Storage Facilities.

SUMMARY

The City currently has two (2) battery energy storage facilities in the review process for development - one at 3920 Harbor Street / 109 Old Trents Ferry Road and the other at 3920 Carroll Avenue. The Code of Virginia § 58.1-3660 provides that energy storage facilities shall be assessed at eighty (80) percent of the assessed value in the first five (5) years of service, seventy (70) percent of the assessed value in the second five (5) years in service and sixty (60) percent of the assessed value for all remaining years of service. The reduction in assessed value would apply to the City's Machinery & Tools Tax or, if applicable, the State Corporation Commission (SCC) Assessment.

In lieu of the reduced Machinery & Tools Tax, Code of Virginia § 58.1-2636 provides that a locality may, by ordinance, assess a revenue share of up to fourteen hundred dollars (\$1400) per megawatt of the energy storage facility. This assessment would increase on July 1, 2026 and every five years thereafter by ten (10) percent. This revenue share agreement would remain in place for the life of the facility regardless of ownership.

If the City adopts the proposed Revenue Sharing Ordinance, the City's Machinery & Tools Tax would no longer be applicable to Solar or Energy Storage Facilities.

PRIOR ACTION(S)

April 11, 2023: City Council approved the Conditional Use Permit (CUP) request of James Energy, LLC to allow a battery storage facility at 3920 Harbor Street & 109 Old Trents Ferry Road.

January 23, 2024: City Council adopted Zoning Ordinance Section 35.2-74, Decommissioning Surety for Energy Storage Facilities.

FISCAL IMPACT

Assessment of \$1400 per megawatt in lieu of Machinery & Tools Tax.

CONTACT(S)

William Martin, Community Development Director
Matthew Freedman, City Attorney

ATTACHMENT(S)

1. Proposed Ordinance - Revenue Sharing of Solar and Energy Storage Facilities

REVIEWED BY



William Martin, Community Development Director

Date: March 27, 2024



Kent White, Assistant City Manager

Date: April 15, 2024



Alicia Finney, Clerk of Council

Date: April 18, 2024

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION 36-154.2 OF ARTICLE III OF CHAPTER 36; SUCH NEW SECTION BEING SPECIFIC TO AUTHORIZING REVENUE SHARING OF SOLAR AND ENERGY STORAGE FACILITIES

ORDINANCE:

#O-24-_____

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 creating a new Section 36-154.2 of Article III of Chapter 36 as follows:

Sec. 36-154.2. Revenue sharing of solar and energy storage facilities.

- (a) In accordance with the authority granted under Code of Virginia § 58.1-2636, as amended, the City shall assess: (i) a revenue share of \$1,400.00 per megawatt, as measured in alternating current (AC) generation capacity of the nameplate capacity of the facility based on submissions by the facility owner to the interconnecting utility, on any solar photovoltaic (electric energy) project, and (ii) a revenue share of \$1,400.00 per megawatt, as measured in alternating current (AC) storage capacity, on any energy storage system.
- (b) Pursuant to Code of Virginia § 58.1-3660, as amended, such facilities shall be exempt from taxation, and the payments provided in this section shall be made in lieu thereof. The revenue share assessed by the City as provided in this section shall constitute a lien on any property on which it is assessed, and is collectible as a tax or charge due to the City.
- (c) The revenue share of \$1,400.00 per megawatt imposed pursuant to subsection (a) of this section shall be increased on July 1, 2026, and every five years thereafter, by ten percent.
 - (1) The provisions of this subsection (c) shall not apply to solar photovoltaic projects or energy storage systems for which an application was filed with the City, as defined by Code of Virginia § 58.1-3660(D), as amended, and such application was approved by the City prior to January 1, 2021.
 - (2) The provisions of this subsection (c) shall apply to all solar photovoltaic projects and energy storage systems for which an application is approved by the City on or after January 1, 2021.
- (d) For purposes of this section, "solar photovoltaic (electric energy) project" shall not include any project that is (i) described in Code of Virginia §§ 56-594, 56-594.01, or 56-594.2, as amended, or Chapters 358 and 382 of the Acts of Assembly of 2013, as amended; (ii) 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; or (iii) five megawatts or less.

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

Adopted:

Certified: _____
Clerk of Council

AGENDA ITEM SUMMARY**MEETING DATE**

April 23, 2024

PRESENTED BY

Rachel Frischeisen, City Planner

AGENDA ITEM # III.2

Rezoning: B-5, General Business District; B-5C, General Business District (Conditional); and I-2, Light Industrial District to B-5C, General Business District (Conditional) - 2731, 2735 & 2739 Wards Road

RECOMMENDATION

This item will appear for City Council vote on the May 14, 2024, Public Hearing agenda. Approval of the petition to rezone 2731, 2735 & 2739 Wards Road from B-5, General Business District; B-5C, General Business District (Conditional); and I-2, Light Industrial District to B-5C, General Business District (Conditional).

SUMMARY

Wards Road Development, LLC, is petitioning to rezone approximately two and three tenths (2.3) acres 2731, 2735, & 2739 Wards Road from I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional). The purpose of the petition is to allow for a gas station with a convenience store and a light auto repair facility.

A left turn taper, right turn taper, and medians are proposed to be installed in Wards Road. These improvements have been proffered by the petitioner and are consistent with the initiatives outlined in the traffic study currently being prepared by the Virginia Department of Transportation (VDOT). The four existing entrances on Wards Road will be consolidated into one entrance.

The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those that have been previously located on the site. The proffered improvements to Wards Road should mitigate traffic impacts and improve safety in the corridor.

PRIOR ACTION(S)

April 10, 2024: The Planning Commission recommended approval (7-0) of the rezoning petition.

April 10, 2024: The Planning Division recommended approval of the rezoning petition.

FISCAL IMPACT

N/A

CONTACT(S)

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



William Martin, Community Development Director

Date: April 15, 2024



Kent White, Assistant City Manager

Date: April 15, 2024



Alicia Finney, Clerk of Council

Date: April 18, 2024

MINUTES OF THE APRIL 10, 2024 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Wards Road Development, LLC, to rezone approximately two and three tenths (2.3) acres at 2735, 2731, and 2739 Wards Road from I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to allow the construction of a gas station with a convenience store and a light auto repair facility.

Ms. Rachel Frischeisen, City Planner, provided the following summary to the Commission. The subject property is comprised of three (3) parcels located at 2731, 2735, & 2739 Wards Road, totaling approximately two and three tenths (2.3) acres. The purpose of the rezoning petition is to allow for a gas station with a convenience store and a light auto repair facility. The City's Future Land Use Map (FLUM) recommends Community Commercial and Resource Conservation uses for the properties. 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. Resource Conservation areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes as well as the City's stream valleys. This includes streams and rivers, their 100-year floodplains, connected wetlands and adjacent steep slopes. If the petition is approved, the site will be redeveloped into a convenience store, approximately six thousand (6,000) square feet in size, and fuel center with twelve (12) fueling pumps. In addition, a light auto repair facility of approximately one thousand two hundred (1,200) square feet in size is proposed on the southern portion of the property. The proposed traffic improvements shown on the concept plan will also be constructed by the petitioner, per the voluntarily submitted proffer. The four (4) existing entrances on Wards Road will be consolidated into one entrance to provide access to the proposed development. That entrance will be restricted to right-turns only leaving the site. One full access entrance on Glass Avenue will be provided. A left turn taper, right turn taper, and medians are proposed to be installed in Wards Road. These improvements are consistent with the initiatives outlined in the STARS report currently being prepared by the Virginia Department of Transportation (VDOT). The City's Traffic Engineer concurred with these findings in the submitted traffic study. An Erosion & Sediment Control Plan and Stormwater Management Plan will be required prior to site plan approval. The submitted narrative indicates the use of underground detention to address stormwater quantity and quality standards. The proposed work is very close to the limits of the floodplain along the Rock Castle Creek tributary along the eastern side of the site. No fill or work in the floodplain is proposed at this time. A flood study would be conducted as part of design phase through the site plan review process, if the rezoning is approved. If the study found that fill within the floodplain was required, that would require a Conditional Use Permit from council. The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those nearby and those that have been previously located on the site. The proffered improvements to Wards Road should mitigate any traffic impacts and improve safety in the corridor and are in line with draft recommendations of the ongoing VDOT study in the area. The planning division recommends approval of the rezoning with the proffer outlined in the report.

Chair Johnson asked if anyone was present to speak on behalf of the petition.

Mr. Daniel Cyrus, of Wards Road Development, LLC, was present to represent the application. He explained that the project is proposing the use of a convenience store as well as a secondary use. Currently this property is zoned B-5C, B-5, and I-2. The proposal would reduce the zoning for the entire property to the B-5C designation. He believes this proposal to be congruent with the Future Land Use Map, which denotes this area as Community Commercial and Resource Conservation. All of the surrounding area is zoned B-5 and B-5C. They are offering a voluntary proffer of substantial

conformance with the submitted site plan and have worked closely with City staff on improvements along the Wards Road Corridor. The STARS (Strategically Targeted Affordable Roadway Solutions) Study with VDOT, referenced earlier, proposes medians throughout Wards Road and reductions in entrances along Wards Road. There are three major traffic components that are part of this study. Currently there are four (4) entrances on the property along Wards Road; they are proposing to close three (3) of those entrances and consolidate down to one (1) entrance. There is currently no dedicated turn lane into these properties. They are proposing to channelize turn lanes along Wards Road and provide dedicated turn lanes into the property, as well as a dedicated turn lane into the property that is across the street. These improvements are all recommended by the STARS Study and would be completed using private funding, rather than taxpayer dollars. They are also proposing to widen Glass Avenue, the narrow road between the Cookout restaurant and the former Lynchburg Carwash. The road widening would happen within the right-of-way and is part of the proposal, which would help circulation throughout the property and the adjacent properties. They have conducted a traffic study. The City Engineer has reviewed and concurred with the findings. The convenience store would be a nationally-branded convenience store. There is no work proposed in the floodplain as part of this project. A flood study would be done as part of the site plan to confirm that the work is outside of the floodplain.

Chair Johnson asked if there was anyone to speak in favor or opposition of this petition. With there being none, Chair Johnson closed the public hearing.

Commissioner Perault asked about the vacated portion of right-of-way on the parcel.

Ms. Frischeisen responded that it was formerly dedicated as a City street. Former rights-of-way that have been vacated by the City remain on the map.

Commissioner Rogers asked why the rezoning request was for B-5C, rather than B-5.

Ms. Frischeisen noted that it was a voluntarily submitted proffer related to the traffic improvements.

Mr. Cyrus added that the logic behind the request was to hold the proffer for the traffic improvements proposed along Wards Road. The proposed improvements are above-and-beyond the requirements of the traffic study. They want to include it as a condition to show that they are willing to install the improvements.

Commissioner Rogers asked if it would be reasonable to expect the secondary parcel would be an oil change service.

Mr. Cyrus explained that the site plan for the convenience store will not change, but that they do not yet have a tenant selected for the secondary parcel; but it would be a use allowed in B-5.

Commissioner Gammon asked, given the location, whether the fuel canopy is geared for large trucks.

Mr. Cyrus responded that the convenience store would be geared toward personal automobiles, not large trucks and would be similar to other convenience stores in the area.

Commissioner Perault asked for confirmation that Glass Avenue currently has a traffic signal.

Mr. Cyrus confirmed that it is an existing signalized intersection. The main issue in this area is the narrow width of Glass Avenue. Part of the reason for the conditional zoning, is to include the traffic improvements as a proffer.

Commissioner Gammon asked about access to the property from Glass Avenue.

Mr. Cyrus responded that 'Access B,' in the rear, is a full access entrance to the property on Glass Avenue. The presumption is that a majority of the traffic will utilize the signal at Glass and Wards Roads.

Commissioner Gammon asked if widening Glass Avenue would encroach on the Cookout property.

Mr. Cyrus replied that the right-of-way is sufficient to allow for the widening of Glass Avenue. The widening of Glass Avenue is expected to relieve congestion.

Commissioner Marion asked about the number of lanes on Glass Avenue.

Mr. Cyrus responded that the project would improve Glass Avenue to a two-lane road. Currently, Glass Avenue does not meet the City standard for a two-lane road. Anyone making a right-in or right-out would use 'Access A' on Wards Road; there would also be a lane for a left turn in on Wards Road for 'Access A.' Anyone making a left turn out would want to use 'Access B' and the signal at Glass Avenue.

Commissioner Rogers asked why there is not currently a right turn lane on Glass Avenue, since the traffic volume seems to warrant a right turning lane, a straight, and a left.

Ms. Frischeisen responded that traffic engineering makes those determinations. Perhaps the problem has not exceeded the point of making those improvements.

Commissioner Rogers continued that widening Glass Avenue does not resolve all of the existing traffic issues there.

Mr. Cyrus responded that the widening would primarily address the existing trips out of Cookout, which cause much of the congestion, due to the narrowness of Glass Avenue. When people can't get into the travel lane, they block the entrance, which causes congestion on Wards Road. Widening the road does not solve all of the issues on Glass Avenue, but it will help alleviate some of those issues.

Commissioner Marion asked whether or not Glass Avenue has its own traffic light.

Mr. Cyrus confirmed that Glass Avenue does have its own traffic light.

Commissioner Perault commented that, given the amount of traffic on Wards Road, reducing the number of entrances has a big impact. Eliminating four (4) entrances, bringing it down to one (1), and using Glass Avenue as a second entrance, is a good step.

Mr. Cyrus commented on the STARS Program Study that the City and VDOT are collaborating on in this area of Wards Road. Creating the channelized turning lanes is helpful because, otherwise, the center lane is used for anything. The left turn lane into Glass Avenue will be channelized, with a raised concrete median, which will help address traffic safety. The crash data indicates that the current lack of demarcation of the turning lanes is a contributing crash factor.

Commissioner Perault commented that it would be nice to see the impact of a median separating lanes on Wards Road and also to see the implementation of a median further on Wards Road.

Mr. Cyrus referenced the STARS Study, and its recommendation to extend a median along Wards Road, to the existing the divided median. The current project is beneficial because it addresses the

concern now, rather than waiting for funding to be available later. This proposed project would be paid for with private funds rather than taxpayer dollars.

Commissioner Perault responded that the private funding of the road improvements makes the project look better and could be an example for other projects.

Mr. Cyrus added that the project is beneficial on multiple levels. It fits from a zoning perspective, it is a benefit for public safety, and it is a benefit to have the property redeveloped for its highest and best use, rather than for it to sit vacant.

Commissioner Perault asked for clarification about addressing stormwater.

Mr. Cyrus responded that the project proposes a minimal increase in impervious surface, from the existing conditions, and will be designed to the current standards, which are better than what it was originally designed to.

Vice-Chair Bowden remarked that he is in favor of the project, as it would improve the property, help to alleviate congestion on Glass Avenue, and improve ingress and egress on Wards Road.

Vice-Chair 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 request of Wards Road Development, LLC, to rezone approximately two and two hundred ninety-seven thousandths (2.297) acres at 2731, 2735, and 2739 Wards Road, from I-2, Light Industrial, B-5, General Business, B-5C, General Business (Conditional), to B-5C, General Business (Conditional) subject to the voluntarily submitted proffer:

1. The site shall be developed in general conformance with the submitted concept plan, including both onsite and offsite improvements depicted."

AYES: Bowden, Gammon, Henderson, Johnson, Marion, Perault, Rogers	7
NOES:	0
ABSTENTIONS:	0
ABSENT:	0

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: April 10, 2024
Re: **Rezoning: I-2, Light Industrial District, B-5, General Business District, and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) – 2731, 2735, 2739 Wards Road.**

I. PETITIONER

Wards Road Development, LLC, 103 West Edge Way, Suite H, Lynchburg, Virginia 24502

Representative: Daniel Cyrus, Wards Road Development, LLC, 103 West Edge Way Suite H, Lynchburg, Virginia 24502.

Property Owner: Same as Petitioner.

II. LOCATION

The subject property is comprised of three (3) parcels located at 2731, 2735, & 2739 Wards Road totaling approximately two and three tenths (2.3) acres.

III. PURPOSE

The purpose of the rezoning petition is to allow for a gas station with a convenience store and a light auto repair facility.

IV. SUMMARY

- The City's *Future Land Use Map (FLUM)* recommends Community Commercial and Resource Conservation uses for the properties.
- The petition proposes no changes or improvements within the floodplain.
- The four (4) existing entrances on Wards Road will be consolidated into one entrance to provide access to the proposed development. That entrance will be restricted to right-turns only leaving the site. One full access entrance on Glass Avenue will be provided.
- The proposed traffic improvements will enhance the Wards Road corridor and are consistent with the initiatives outlined in the VDOT STARS (Strategically Targeted Affordable Roadway Solutions) Program, which aims to improve safety and reduce congestion.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

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

Community Commercial. These 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 structure or as transitional structures between residential and commercial buildings. (p. 75)

Resource Conservation areas encompass lands with special natural characteristics that limit land uses and development to protect the City's environmental health. The mapped Resource Conservation Areas include the steep slopes of Candler's Mountain as well as the City's stream valleys. The stream valleys, as defined in this Comprehensive Plan, include streams and rivers, their 100 - year floodplains, connected wetlands and adjacent steep slopes. Steep slopes are defined as slopes of 25% or greater. The actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data.

Resource Conservation areas are planned to remain in vegetated open space with development limited to: 1) trails and other passive recreational facilities that involve minimal removal of vegetation, and 2) public facilities that must be located in stream valleys. These include sewer mains, wastewater treatment plants, water intakes and outfalls, road crossings, and public boat ramps. The goal is to keep Resource Conservation Areas as natural as possible to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers. Many of the stream valley Resource Conservation Areas are recommended to become greenways in the Parks and Recreation element, and thus may have public access trails. Other Resource Conservation Areas, not designated as greenways on the Parks & Recreation Map, are to remain in natural vegetation for purely environmental protection reasons.

On privately owned land within conservation areas, the intent of this Plan is to allow appropriate land uses and infrastructure as long as the environmental value of the areas is conserved or enhanced and public safety is protected through buffers and other best management practices. The zoning ordinance should enable clustering, transfers of development rights and density bonuses to encourage resource protection. (p.77)

2. **Zoning.** The subject properties were annexed into the City in 1976. For 2731 Wards Road, the existing B-5C, General Business District (Conditional) zoning was established in 2007. For 2735 Wards Road, the existing B-5, General Business District zoning was established in 1984. For 2739 Wards Road, the existing I-2, Light Industrial District zoning was established in 1978.
3. **Proffers.** The petitioner has voluntarily submitted the following proffer:
 - 1) The site shall be developed in general conformance with the submitted concept plan, including both onsite and offsite improvements depicted.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On October 12, 1982, City Council approved the Conditional Use Permit (CUP) petition of A.T Williams Oil Company to allow the construction of an auto service station at 3001 Wards Road.
 - On January 10, 1984, City Council approved the petition of James A. Agnew, trustee for Color Tile Mart, to rezone approximately two hundred fifty-two thousandths (0.252) acres located at 2735 Wards Road, from I-2, Light Industrial District, to B-5, General Business District, and for a CUP to allow the construction of a building and parking area in the floodway fringe district.
 - On April 10, 1984, City Council approved the CUP petition of Wayne E. Newcomb to construct a car wash and to allow for the sale of gasoline in an I-2, Light Industrial District, and also in the floodway fringe district, at 2739 Wards Road.
 - On June 12, 1984, City Council approved Erwin P. Baer's petition to rezone approximately three and four hundred sixty-eight thousandths (3.468) acres at 3000 Wards Road from I-2, Light Industrial District, to B-5, General Business District, to allow the construction of an outlet mall.
 - On September 12, 2000, City Council approved the petition of Backyard Real Estate, LLC, trading as Lynchburg Ale House, (1) to rezone approximately one and five tenths (1.5) acres at 2731 Wards Road from I-2, Light Industrial District, to B-3 (Conditional), Community Business District, and (2) for a CUP to allow filling in a flood plain, to allow the expansion of an existing parking lot for about 34 spaces for the existing restaurant use.
 - On April 10, 2001, City Council approved Wards Road Properties' CUP petition to allow filling in a flood plain at 2601 Wards Road, for the construction of storage units.
 - On April 10, 2007, City Council approved the petition of Back Yard Real Estate, LLC, to rezone approximately one and forty-seven hundredths (1.47) acres at 2731 Wards Road from B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) to allow the use of an existing building and parking area as an automobile dealership.
 - On April 14, 2009, City Council approved the petition of Farrell Lynchburg Properties, LLC to rezone two (2) tracts totaling one and forty-three hundredths (1.43) acres at 3012 Wards Road from I-2 Light Industrial District to B-5C, General Business District (Conditional), to allow for the use of an existing building and parking area for automobile sales and service.
6. **Site Description.** The subject property is comprised of three (3) parcels located at 2731, 2735, & 2739 Wards Road totaling approximately two and three tenths (2.3) acres.

2731 Wards Road contains a one-story fire-resistant structure built in 1981. The structure is approximately eight thousand four hundred thirty-seven (8,437) square feet in size with approximately thirty-five thousand (35,000) square feet of pavement.

2735 Wards Road contains a one-story fire-resistant structure built in 1989. The structure is approximately one thousand four hundred (1,400) square feet in size, with approximately five thousand three hundred (5,300) square feet of pavement.

2739 Wards Road contains a one-story fire-resistant structure built in 1984. The structure is approximately three thousand four hundred fifty (3,450) square feet in size, with approximately fourteen thousand (14,000) square feet of pavement.

The subject property fronts Wards Road, a major arterial, to the east. Vacant commercial properties are directly across Wards Road. To the west, the property is bound by an off-ramp

of the Lynchburg Expressway. To the north, the property is bound by commercial uses across Glass Avenue; to the south, a convenience store and fuel center.

7. **Proposed Use of Property.** If the petition is approved, the site will be redeveloped. The proposed project consists of a convenience store, approximately six thousand (6,000) square feet in size, and fuel center with twelve (12) fueling positions. In addition to the proposed C-store use, a light auto repair facility of approximately one thousand two hundred (1,200) square feet in size is proposed on the southern portion of the property.

The proposed traffic improvements shown on the concept plan will also be constructed by the petitioner. Access to the proposed development will be consolidated into one full access entrance on Glass Avenue and one right-in, right-out, left-in entrance on Wards Road.

8. **Traffic, Parking and Public Transit.** The submitted concept plan indicates the construction of three structures and fifty-eight (58) parking spaces.

The petitioner submitted a traffic analysis, conducted by Balzer & Associates, as part of this petition. The analysis concluded:

- A right turn taper is warranted on Wards Road southbound to serve the proposed development. A one hundred (100') foot right turn lane and one hundred (100') foot taper is proposed in this location.
- A left turn lane and taper is warranted on Wards Road northbound to serve the proposed development. A two hundred (200') foot left turn lane is proposed within the existing two-way left turn lane.
- A new median is proposed within the existing two-way left turn lane to provide dedicated turn lanes into the proposed development and the development on the opposite side of Wards Road, and also to separate these turn lanes from the northbound left turn lane at Glass Avenue. A directional median is proposed between the two left turn lanes to prevent left turns out of the two sites across Wards Road.

These improvements are consistent with the initiatives outlined in the STARS report currently being prepared by VDOT. The City's Traffic Engineer concurred with the above findings.

The area is served by the Greater Lynchburg Transit Company (GLTC) Routes 6, 7, and 6/7X, with the nearest bus stop located adjacent to the subject property at 2731 Wards Road.

9. **Stormwater Management.** An Erosion & Sediment Control Plan and Stormwater Management Plan will be required prior to site plan approval. The submitted narrative indicates the use of underground detention to address stormwater quantity and quality standards.
10. **Emergency Services.** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
11. **Impact.** The proposed rezoning should have limited impact on the area and would fit in with the zoning of the surrounding properties. The proposed uses are similar in nature to those that have been previously located on the site. The proffered improvements to Wards Road should mitigate any traffic impacts and improve safety in the corridor.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on March 19, 2024. Comments were minor in nature and would be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the request of Wards Road Development, LLC, to rezone approximately two and two hundred ninety-seven thousandths (2.297) acres at 2731, 2735, and 2739 Wards Road, from I-2, Light Industrial, B-5, General Business, B-5C, General Business (Conditional), to B-5C, General Business (Conditional) subject to the voluntarily submitted proffer:

1. **The site shall be developed in general conformance with the submitted concept plan, including both onsite and offsite improvements depicted.**

This matter is respectfully offered for your consideration.



Rachel Frischeisen
City Planner

pc: Wynter Benda, City Manager
Greg Patrick, Deputy City Manager
Kent White, Assistant City Manager
Tom Martin, Director of Community Development
Matthew Freedman, City Attorney
J. Lee Newland, City Engineer
Cynthia Kozerow, Lynchburg Police Department
Thomas Goode, Fire Marshal
Doug Saunders, Building Official
Kevin Henry, Zoning Administrator
Daniel Cyrus, Representative
Wards Road Development, LLC, Petitioner & Property Owner

VII. ATTACHMENTS

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

Zoning

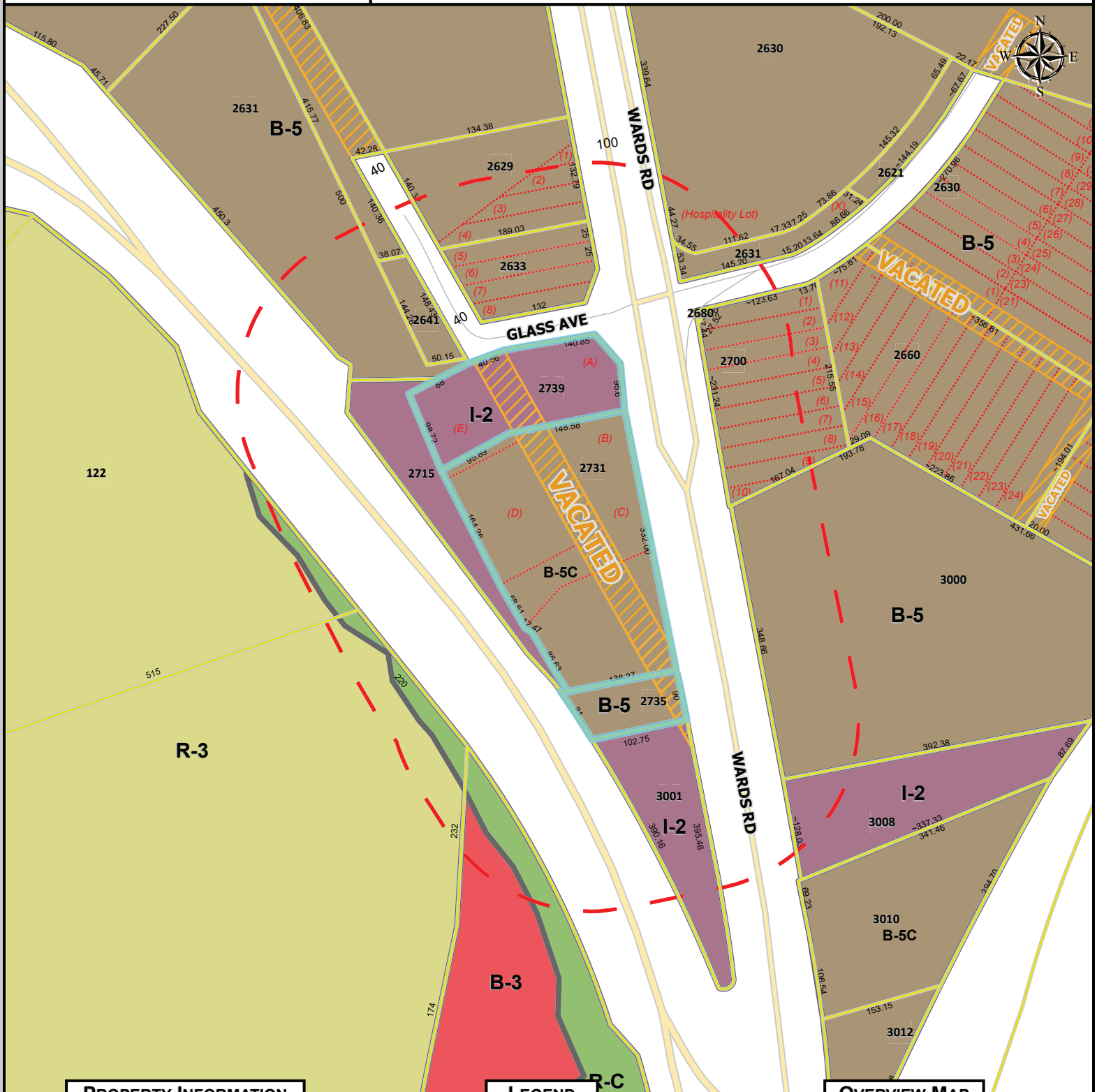
TRC

2735 WARDS RD

2731 WARDS RD

2739 WARDS RD

Wards Road Development, LLC



PROPERTY INFORMATION

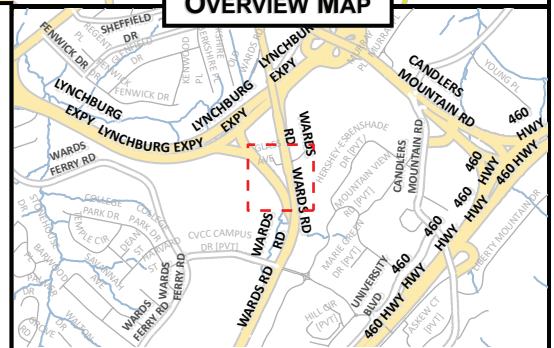
PARCEL ID	ADDRESS	ADDRESS
24605004	2735 WARDS RD	24605001
24605002	2731 WARDS RD	

LEGEND

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

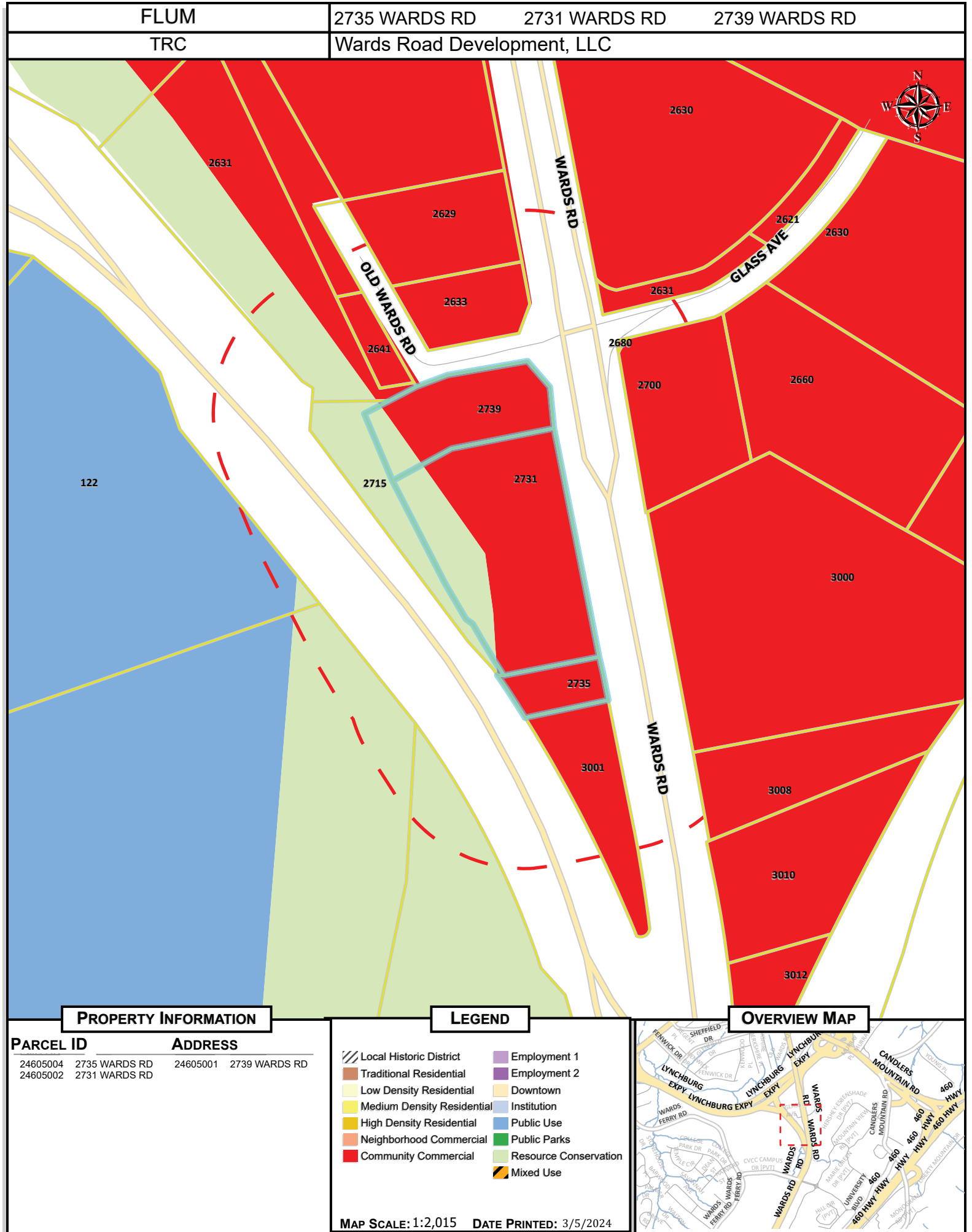
MAP SCALE: 1:2,015 DATE PRINTED: 3/5/2024

OVERVIEW MAP



2731, 2735, 2739 Wards Road

Parcel ID	Address	Owner
24605003	3001 WARDS RD	A T WILLIAMS OIL CO INC
24606002	122 HARVARD ST	ANDERSON, SUE
16230002	2631 OLD WARDS RD	ANDERSON, SUSIE E
24605005	2715 OLD WARDS RD	ANDERSON, SUSIE E
16229005	2633 WARDS RD	APPLACHAIN POWER COMPANY
24604002	3008 WARDS RD	BAER & SONS MEMORIALS INC
24606003	3506 WARDS RD	CENTRAL VA COMMUNITY COLLEGE
16229009	2629 WARDS RD	COOK-OUT-LYNCHBURG INC
24604001	3000 WARDS RD	FARRELL LYNCHBURG PROPERTIES LLC
24603002	2700 WARDS RD	FARRELL LYNCHBURG PROPERTIES LLC
16206003	2630 WARDS RD	LYNCHBURG HOSPITALITY LLC
24603003	2680 GLASS AVE	RIVER RIDGE MALL JV LLC
16206001	3405 CANDLERS MOUNTAIN RD	RIVER RIDGE MALL JV LLC
24606004	3300 WARDS RD	SOUTHERN RAILWAY
24605004	2735 WARDS RD	WARDS ROAD DEVELOPMENT LLC
24605002	2731 WARDS RD	WARDS ROAD DEVELOPMENT LLC
24605001	2739 WARDS RD	WARDS ROAD DEVELOPMENT LLC
16230004	2641 OLD WARDS RD	WARDS ROAD DEVELOPMENT LLC
16228035	2601 WARDS RD	WARDS ROAD PROPERTIES LC



Watershed

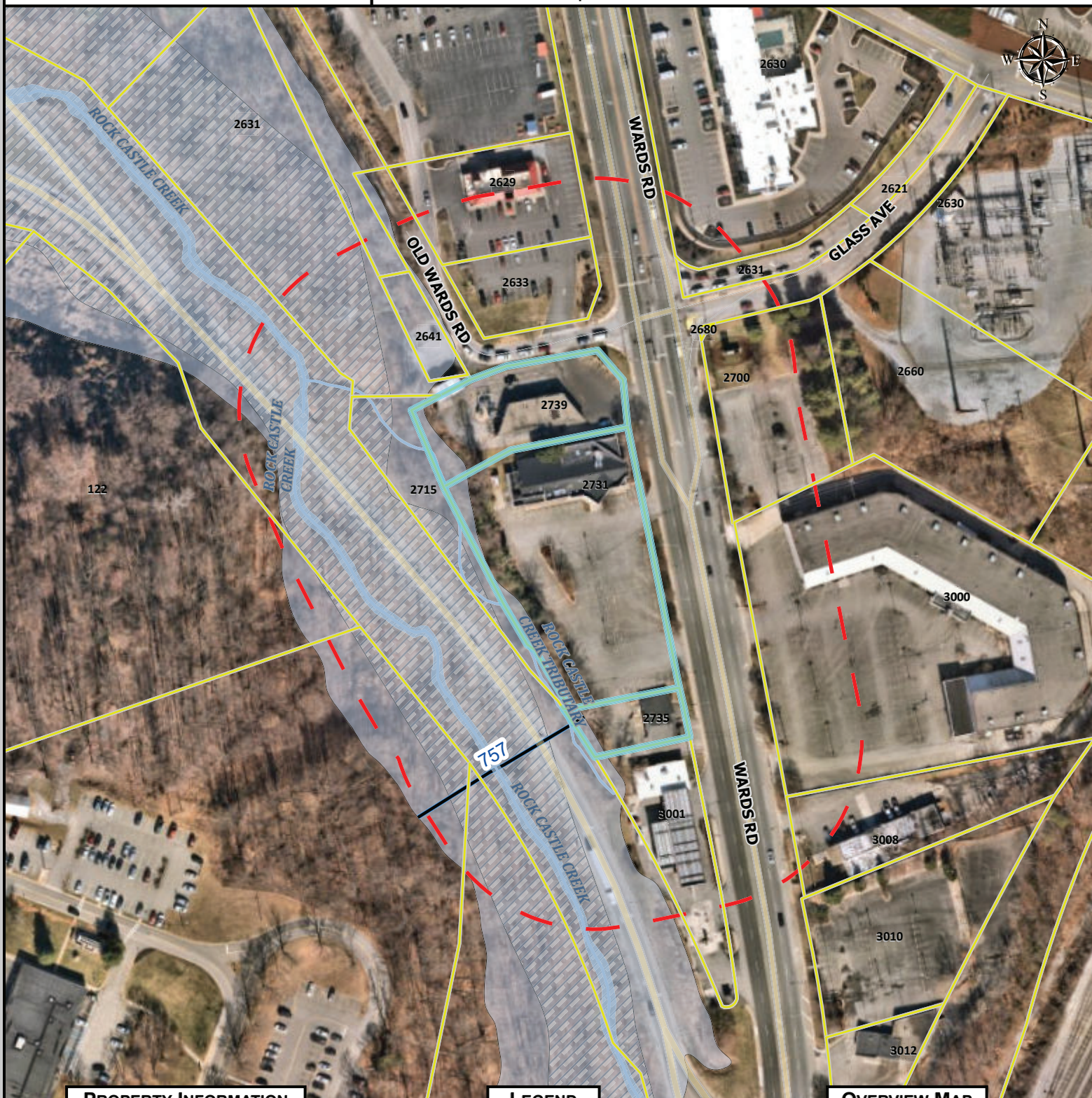
2735 WARDS RD

2731 WARDS RD

2739 WARDS RD

TRC

Wards Road Development, LLC



PROPERTY INFORMATION

PARCEL ID	ADDRESS	
24605004	2735 WARDS RD	24605001
24605002	2731 WARDS RD	2739 WARDS RD

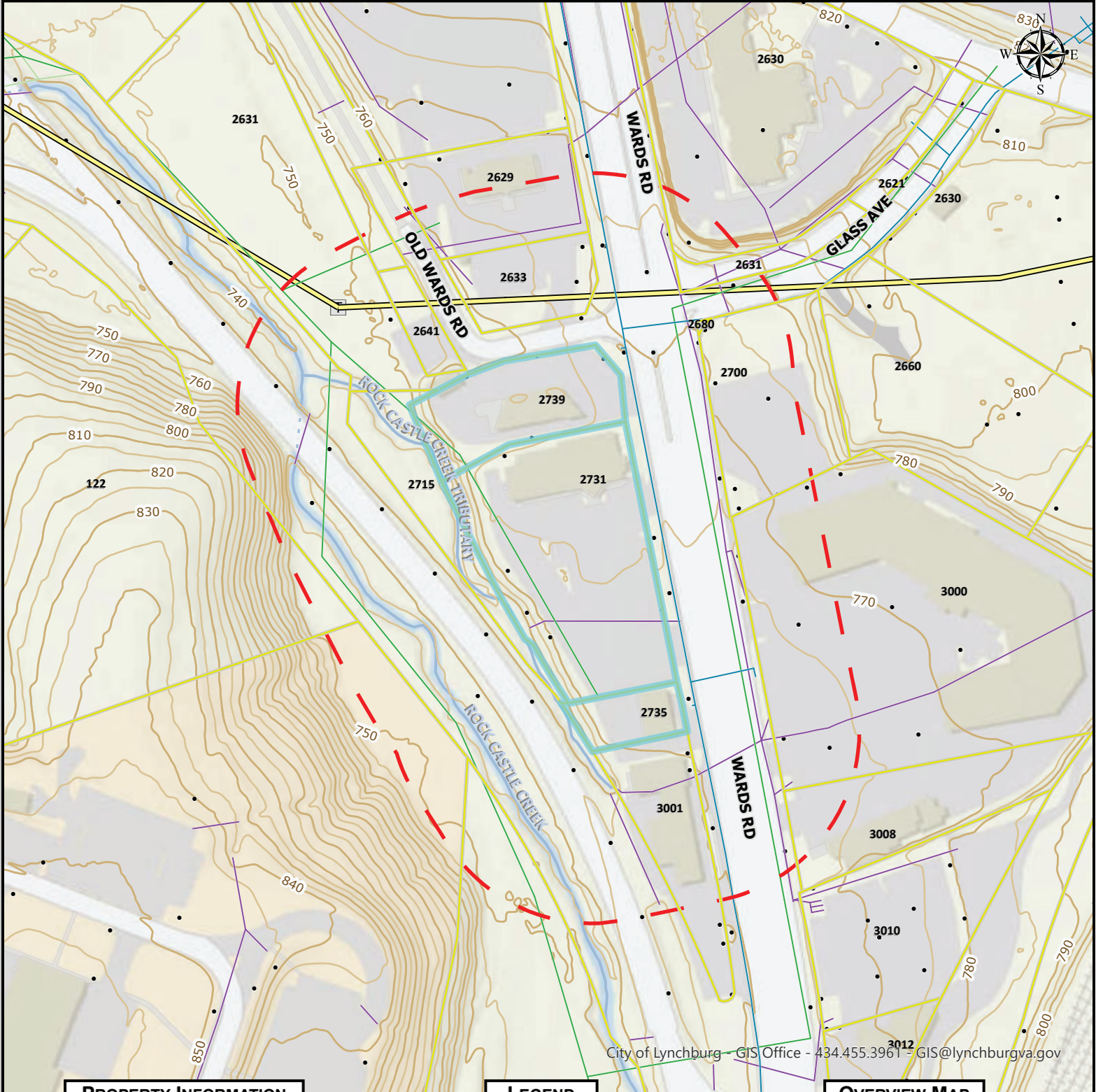
LEGEND

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

MAP SCALE: 1:2,015 DATE PRINTED: 3/5/2024

OVERVIEW MAP





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

PROPERTY INFORMATION

PARCEL ID		ADDRESS	
24605004	2735 WARDS RD	24605001	2739 WARDS RD
24605002	2731 WARDS RD		

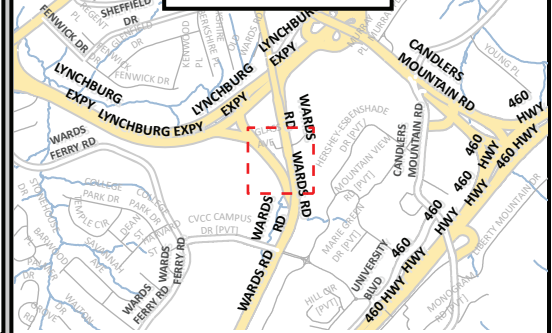
LEGEND

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

MAP SCALE: 1:2,015

DATE PRINTED: 3/5/2024

OVERVIEW MAP



Wards Road Development LLC.

Rezoning Narrative: 2731, 2735, 2739 Wards Road

This rezoning request is being made by Wards Road Development, LLC (Owner/Applicant) to permit the construction of a commercial development on the real property designated as Lynchburg City Parcel ID's 24605001, 24605002, 24605004.

We have worked closely with numerous different members of City staff as a part of the pre-application process for this project.

This proposal is congruent with the future land use map (FLUM), the FLUM shows this area as a combination of Community Commercial and Resource Conservation. The commercial uses proposed are congruent with the uses found in Community Commercial, and the majority of the surrounding area is presently zoned B5 or B5C as requested by this zoning request.

This request includes a proffer for general conformance with the submitted site plan, which does not propose more impervious area, then what is existing on the property currently. Additionally, this proposal does not propose any work within the floodplain.

This proposal includes combining four entrances along Wards Road into one entrance, additionally, it proposes significant traffic improvements on Wards Road, and Glass Avenue. The proposed improvements on Wards Road are based on the VDOT STARS dated November, 23 2023 in partnership with the City of Lynchburg.

The improvements on Wards Road include not only the reduction in number of entrances, but the installation of a raised median from the intersection of Wards Road and Glass Avenue to the end of the subject property to create channelized, turning lanes for both the subject property and property on the opposite side of Wards Road.

Additionally, the road widening of Glass Avenue is proposed in conjunction with this project in order to provide for better accessibility and improve safety along Glass Avenue.

The Roadway, improvements and traffic study have been reviewed by the City Engineer, and City Traffic Engineer.

Wards Road Development LLC.

Stormwater for this site will be detained via underground systems, and will address both quality and quantity of stormwater from the site.

In summary, this proposal is congruent with the FLUM, proposes no changes or improvements within the floodplain, will close five entrances along Wards Road and combine into one, will allow private development and funding to fund part of the goals of the VDOT STARS study to improve safety and traffic flow on Wards Road using private funding in lieu of tax dollars, and allow the existing underutilized property to be redeveloped into its highest and best use.

SITE & ZONING SUMMARY:

SITE ADDRESS: 2739, 2731, 2735 WARDS RD
LYNCHBURG, VA 24502

OWNER: 2731 WARDS ROAD PROPERTIES LLC

OWNER ADDRESS: 2009 WILLIAMSON RD NE
ROANOKE, VA 24012-7922

SITE ADDRESS: 2735 WARDS RD
LYNCHBURG, VA 24502

TAX MAP NUMBER: *24605004

LOT ACREAGE: ± 0.249 AC

CURRENT ZONING: B-5

PROPOSED ZONING: B-5C

SITE ADDRESS: 2731 WARDS RD
LYNCHBURG, VA 24502

TAX MAP NUMBER: *24605002

LOT ACREAGE: ± 1.471 AC

CURRENT ZONING: B-5C, I-2 (REZ0610-0002)

PROPOSED ZONING: B-5C

SITE ADDRESS: 2739 WARDS RD
LYNCHBURG, VA 24502

TAX MAP NUMBER: *24605001

LOT ACREAGE: ± 0.577 AC

CURRENT ZONING: I-2

PROPOSED ZONING: B-5C

* CONDITIONAL USE PERMIT ACTIVE AREA

SITE & ZONING SUMMARY (CONTINUED):

PROPOSED OVERALL PARCEL: ± 2.297 AC

PROPOSED USE: GASOLINE SERVICE / LIGHT AUTO REPAIR

REQUIRED PARKING: ALL OTHERS:
ONE (1) PER EACH FOUR (4) PERSONS OF THE RATED CAPACITY OF THE BUILDING

PROVIDED PARKING: 58 PARKING SPACES INCLUDING 3 H.C. PARKING SPACES

**ZONING REQUIREMENTS
GENERAL BUSINESS DISTRICT (B-5):**

MINIMUM AVERAGE LOT AREA PER ESTABLISHMENT: NONE

MINIMUM LOT WIDTH: NONE

MINIMUM LOT DEPTH: NONE

MINIMUM FRONT SETBACK FROM RIGHT-OF-WAY: NONE

MINIMUM SIDE SETBACK, INTERIOR: NONE

MINIMUM SIDE SETBACK, EXTERIOR: NONE

MINIMUM REAR SETBACK: NONE

MAXIMUM BUILDING HEIGHT: NONE (SUBJECT TO ORDINANCE SECTIONS)

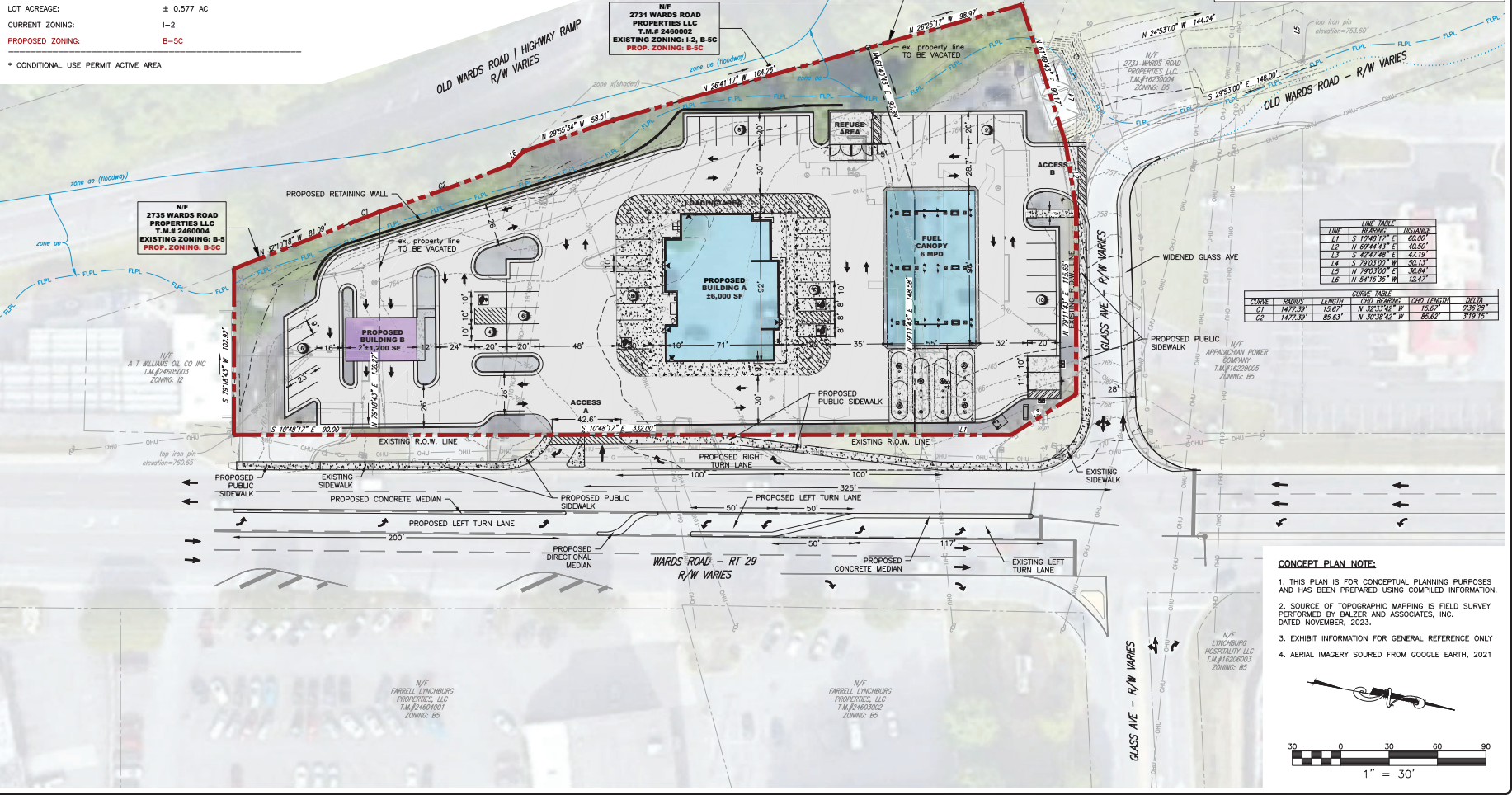
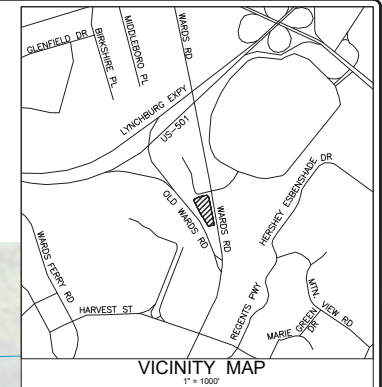
MINIMUM DISTRICT SIZE: NONE

FLOODPLAIN NOTES:

1. GRADING OR FILLING IN THE FLOODPLAIN IS NOT ANTICIPATED AS A PART OF THIS PROJECT.
2. THESE PROPERTIES INCLUDE AREAS LOCATED IN FEMA ZONE AE FLOODWAY, ZONE AE, AND ZONE X SHADED AS SHOWN ON FEMA MAP 51009301060 WITH EFFECTIVE DATE 6/3/2006.
3. IF ANY GRADING OR FILLING IS PROPOSED IN THE FLOODPLAIN, A FLOOD STUDY WILL BE REQUIRED TO DOCUMENT A NO-NET RISE IN THE FLOODPLAIN WATER SURFACE ELEVATION. ANY CHANGES IN THE FLOODPLAIN CAPACITY MAY REQUIRE A CLOMR THROUGH FEMA AND WILL REQUIRE A LOWR TO BE SUBMITTED BEFORE CLOSEOUT OF THE PROJECT.

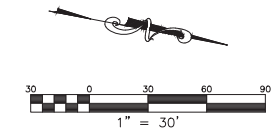
ZONING EXHIBIT NOTES:

1. ANY STORMWATER MANAGEMENT & STORMWATER QUALITY REQUIREMENTS FOR THE SITE SHALL COMPLY WITH ALL LOCAL AND STATE REGULATIONS
2. OUTDOOR LIGHTING SHALL BE PROVIDED ONSITE INCLUDING FREESTANDING AND BUILDING MOUNTED LIGHTING PER THE CITY OF LYNCHBURG ZONING ORDINANCE.
3. ALL SIGNAGE SHALL BE PER CITY OF LYNCHBURG ZONING ORDINANCE.



CONCEPT PLAN NOTE:

1. THIS PLAN IS FOR CONCEPTUAL PLANNING PURPOSES AND HAS BEEN PREPARED USING COMPILED INFORMATION.
2. SOURCE OF TOPOGRAPHIC MAPPING IS FIELD SURVEY PERFORMED BY BALZER AND ASSOCIATES, INC. DATED NOVEMBER, 2023.
3. EXHIBIT INFORMATION FOR GENERAL REFERENCE ONLY
4. AERIAL IMAGERY SOURCED FROM GOOGLE EARTH, 2021



BALZER & ASSOCIATES
PLANNERS / ARCHITECTS
ENGINEERS / SURVEYORS

Roanoke / Richmond
New River Valley
Shenandoah Valley

www.balzer.cc

1208 Corporate Circle
Roanoke, VA 24018
540.772.6580

PRELIMINARY

WARDS ROAD C-STORE
ZONING EXHIBIT

DRAWN BY: KAM
DESIGNED BY: KAM
CHECKED BY: BTC
DATE: 3/27/2024
SCALE: 1" = 30'
REVISIONS:

EX-A
PROJECT NO. 0403051.00

SITE & ZONING SUMMARY:

SITE ADDRESS: 2739, 2731, 2735 WARDS RD
LYNCHBURG, VA 24502

OWNER: 2731 WARDS ROAD PROPERTIES LLC

OWNER ADDRESS: 2000 WILLIAMSON RD NE
ROANOKE, VA 24012-7922

SITE ADDRESS: 2735 WARDS RD
LYNCHBURG, VA 24502

TAX MAP NUMBER: *24605004

LOT ACREAGE: ± 0.249 AC

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LYNCHBURG, VA 24502

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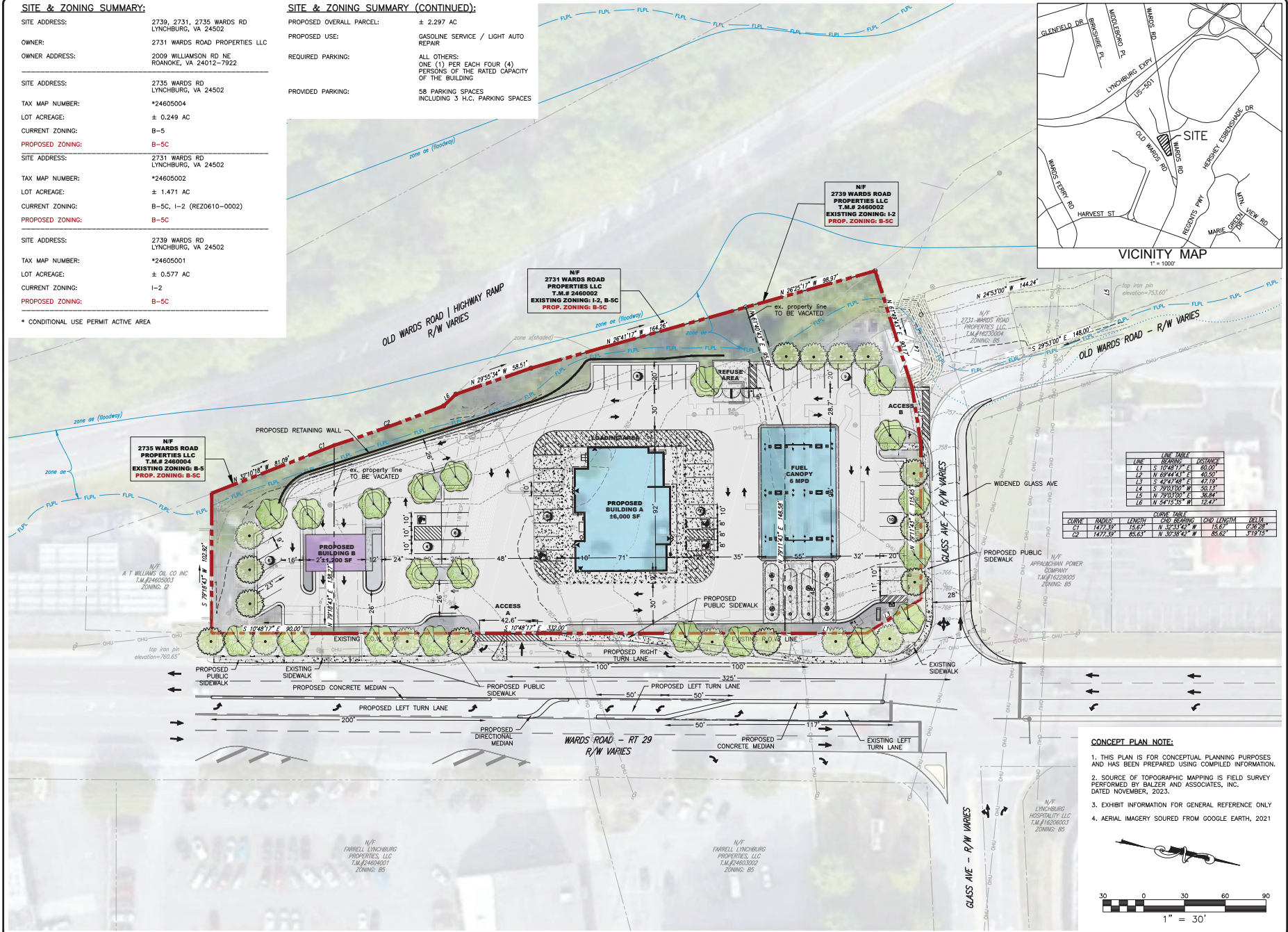
SITE & ZONING SUMMARY (CONTINUED):

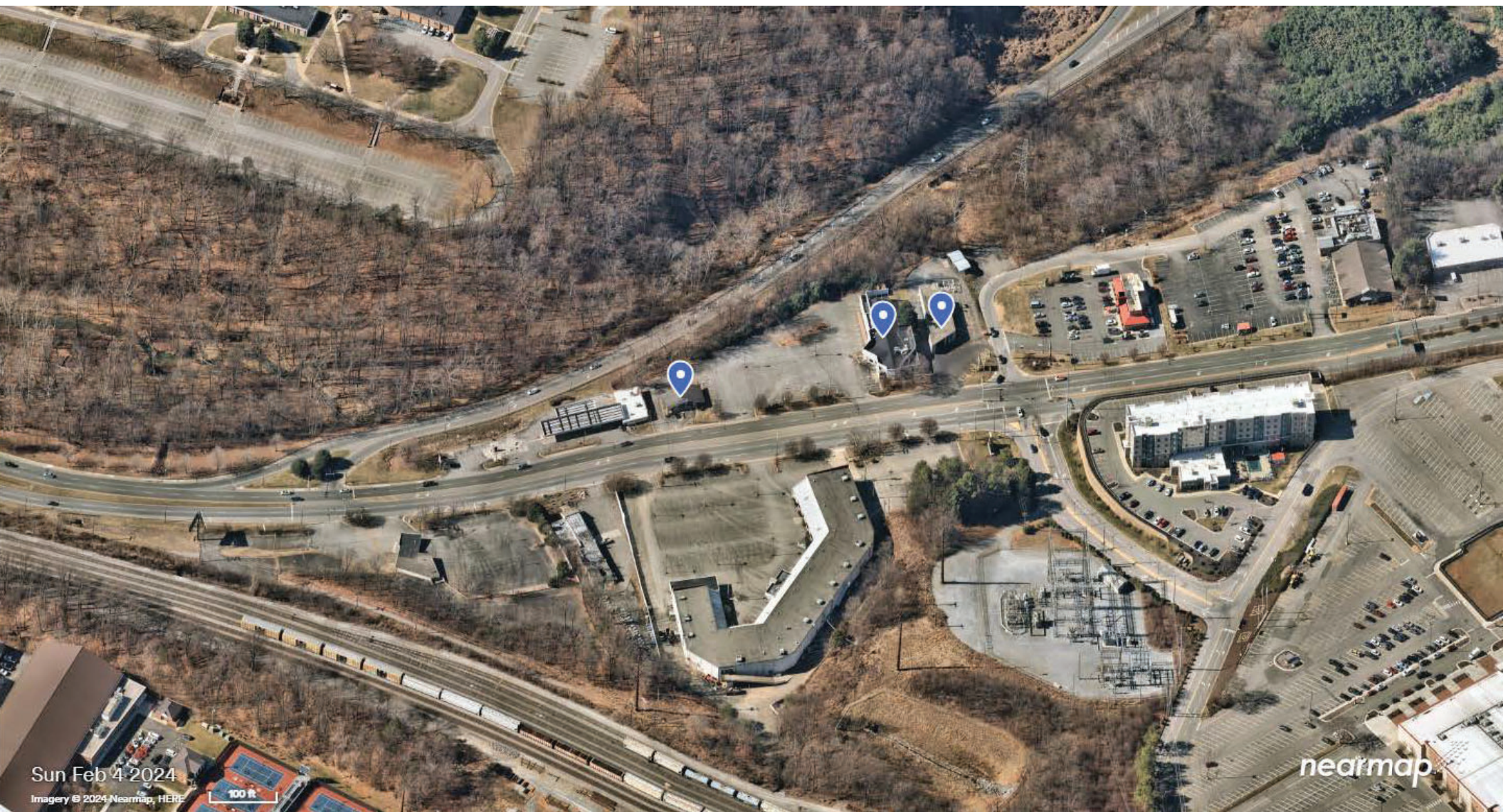
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PROVIDED PARKING: 58 PARKING SPACES INCLUDING 3 H.C. PARKING SPACES





Sun Feb 4 2024
Imagery © 2024 Nearmap, HERE

100 ft

Rezoning: I-2, B-5 & B-5C to B-5C
2731, 2735, 2739 Wards Road
April 10, 2024

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY**MEETING DATE**

April 23, 2024

PRESENTED BY

Alicia Finney, Clerk of Council

AGENDA ITEM # III.3

2024 School Board Appointment Process

RECOMMENDATION

Review the process for School Board appointments, or reappointments, to vacancies that will exist June 30, 2023, in School Board Districts I, II, III and receive Council input on the overall process.

SUMMARY

Outlined below is the proposed schedule:

- May 14, 2024 - Conduct a public hearing to receive citizen input regarding potential candidates
- May 28, 2024 - Continuation of a public hearing to receive citizen input regarding potential candidates. At the close of the public hearing and while remaining in open session, Council will review and discuss applications filed with the Clerk of Council to determine those individuals to interview.
- June 11, 2024 - Finalization of choosing candidates during General Business
- June 12 - June 24, 2024 - Hold a slate of special meetings for the purpose of conducting interviews with candidates. These will be live-streamed as well as open to the public.
- June 25, 2024 - City Council will discuss candidates during General Business and appoint three members to the School Board for new terms commencing July 1, 2024 and expiring June 30, 2027.

PRIOR ACTION(S)

N/A

FISCAL IMPACT

TBD - cost of legal notice

CONTACT(S)

Alicia Finney, Clerk of Council

ATTACHMENT(S)

1. School Board members

2. School Board Appointment Presentation

REVIEWED BY

A handwritten signature in black ink that reads "Alicia L. Finney". The signature is written in a cursive style with a large, stylized "F" and "A".

Alicia Finney, Clerk of Council

Date: April 18, 2024

LYNCHBURG CITY SCHOOL BOARD

Liaison: Tina Day (434) 832-9184, daytp@lcsedu.net

Randall Trost 103 Whitley Way, 10 th Floor Lynchburg, VA 24503 (District 1/Ward 1)	07/01/21 – 06/30/24
Dr. Sharon Y. Carter 1222 Wise Street Lynchburg, VA 24504 (District 2/Ward 2)	06/23/15 – 06/30/18 06/19/18 – 06/30/21 07/01/21 – 06/30/24
Dr. Atul Gupta 101 Adams Drive Lynchburg, VA 24502 (District 3/Ward 3)	06/19/18 – 06/30/21 07/01/21 – 06/30/24
Anthony Andrews 305 6 th Street, #209 Lynchburg, VA 24504 (District 1/Ward 2)	07/01/22 – 06/30/25
Dr. Martin Day 5818 Apache Lane Lynchburg, VA 24502 (District 2/Ward 4)	07/01/22 – 06/30/25
Gloria Preston 205 Chesterfield Road Lynchburg, VA 24502 (District 3/Ward 3)	07/01/22 – 06/30/25
Christian DePaul (Vice Chair) 4401 Gorman Drive Lynchburg, VA 24503 (District 1/Ward 1)	07/01/23 – 06/30/26
Letitia Lowery 601 Midvale Street Lynchburg, VA 24502 (District 2/Ward 4)	07/01/23 – 06/30/26
Farid Jalil 1045 Moreview Drive Lynchburg, VA 24502 (District 3/Ward 3)	07/01/23 – 06/30/26

Updated: June 2023

Clerk Checklist: ☐ Oath of Office (Circuit Court) ☐ Appointment letter

2024 SCHOOL BOARD APPOINTMENT PROCESS

April 23, 2024



PURPOSE & ACTION

Purpose:

Provide City Council and citizens with an outline of the 2024 School Board Appointment Process

Action:

Receive City Council feedback on the overall process and garner input on the current School Board application

CURRENT MEMBERS

- District 1 – Randall Trost
- District 2 – Dr. Sharon Carter, maximum terms served
- District 3 – Dr. Atul Gupta

SCHEDULE

- April 23rd BIB'd during Work Session
- May 7th Presentation to the School Board
- May 14th Conduct first public hearing
- May 28th Conduct second public hearing (close) – begin selection of candidates
- June 11th Conclusion of candidate selection during General Business
- June 12th–24th Conduct interviews, held in an open meeting
- June 25th Appointments made during General Business, contingent upon background check

WHAT TO EXPECT

- Accepting applications through the close of the second public hearing
 - Applicants are encouraged to appear before City Council during public hearings
 - Parents and community members are encouraged to appear before City Council during public hearings
- Interviews will be held in an open meeting
- Council deliberations and appointments will be held in an open meeting
- State and national criminal background checks for the selected

SCHOOL BOARD APPLICATION

APPLICATION:



- Contact information, Ward and District
- “What experience do you offer as a candidate for the Lynchburg School Board?”
- “What do you feel you would contribute to the Lynchburg School Board and to the community if appointed?”
- Upload resume - *optional*
- Not made available to the public – *personnel information*

<https://lynchburg.seamlessdocs.com/f/colschoolboardapp>



FEEDBACK & INPUT

Hear from City Council on their process for selecting School Board appointments.



FY 2025 SCHOOLS FUNDING UPDATE

April 23, 2024



SCHOOLS NEED

- **\$3.2 million is needed to keep Sandusky and T.C. Miller Elementary Schools open per the School Board**

SCHOOLS STATE FUNDING WORST CASE SCENARIO

LYNCHBURG CITY SCHOOLS	State ADM January Calc Tool FY 2025	Updated ADM January Calc Tool FY 2025	ADM January Calc Tool Variance
Average Daily Membership	7,161.35	7,376.00	214.65
TOTAL STATE REVENUES	\$67,217,954	\$68,812,465	\$1,594,511

SCHOOLS STATE FUNDING BEST CASE SCENARIO

LYNCHBURG CITY SCHOOLS	State ADM			Schools	Updated ADM	
	January	March	January to	Submitted ADM	January to	ADM
	Calc Tool	Calc Tool	March	March	March	March
	FY 2025	FY 2025	Calc Tool	Calc Tool	Calc Tool	Calc Tool
			Variance	FY 2025	Variance	Variance
Average Daily Membership	7,161.35	7,161.35	-	7,376.00	214.65	214.65
TOTAL STATE REVENUES	\$67,217,954	\$71,947,572	\$4,729,618	\$73,648,334	\$6,430,380	\$1,700,762

SCHOOLS BEST CASE SCENARIO IMPACT

- **If a 3% salary increase is included in the final State adopted budget:**
 - **State funding \$1.1 million**
 - **Local match \$1.4 million**
 - **Total cost \$2.5 million**

FUNDING OPTIONS: WORST CASE SCENARIO

\$3.2 million Funds needed

[\$1.6 million] State Worst Case Scenario additional funding

\$1.6 million Remaining funds needed

- **Computer Aided Dispatch Replacement \$4.7 million line of credit**
- **White Rock Elementary School \$3.5 million cash**



FUNDING OPTIONS: WORST CASE SCENARIO (CONTINUED)

- **Utilize \$1.6 million cash from White Rock Elementary School for School funds needed**
- **Replace \$1.6 million from White Rock Elementary with line of credit from Computer Aided Dispatch Replacement**

FUNDING OPTION: BEST CASE SCENARIO

- **With State Funding Best Case Scenario additional funds needed to keep schools open and 3% salary increases are covered**

FUNDING OPTIONS: RECOMMENDATION

- **Set aside \$1.6 million in a General Fund Reserve for Schools Non-Closure until the State adopts a budget and final funding is identified**

