

WORK SESSION AGENDA

- I. Welcome** *Stephanie Reed, Mayor*
- II. Work Session Agenda Overview** *Wynter C. Benda, City Manager*
- III. Work Session Agenda Items** *Wynter C. Benda, City Manager*
 - III.1.** Horizon Behavioral Health Presentation
 - III.2.** Downtown Lynchburg Association Annual Report
 - III.3.** Proposed New Lynchburg Fire Department Firestation and Partnership with Liberty University
 - III.4.** FY 2024 - FY 2028 Capital Improvement Program (continued)
- IV. Business Item Briefing(s)**
 - IV.5.** Conditional Use Permit (CUP) - Residential/Commercial Mixed-Use - 2307 Bedford Avenue
 - IV.6.** Conditional Use Permit - James Energy Center - 3920 Harbor Street and 109 Old Trents Ferry Road
 - IV.7.** Conditional Use Permit (CUP) – WyndSOR View Townhomes – 710 and 714 Leesville Road
 - IV.8.** Towing Advisory Board & Procurement Authorization
 - IV.9.** Claim/Litigation Settlements under the Self-Insurance Program Plan Document
- V. Roll Call**
- VI. Closed Session**
 - VI.10.** Consideration of a closed meeting to discuss a contract matter affecting the City where litigation may be probable and such discussion in an open meeting would adversely affect the negotiating or litigating posture of the City, pursuant to Sections 2.2-3711(A)(7) and 2.2-3711(A)(8) of the Code of Virginia, 1950, as amended.
 - VI.11.** Consideration of a closed meeting to discuss appointments for vacancies to the following Boards and Commissions: Community Development Advisory Committee, Greater Lynchburg Transit Company Board of Directors, Lynchburg Parking Authority, Lynchburg Redevelopment and Housing Authority, and the Youth Services Advisory Board, pursuant to Section 2.2-3711(A)(1) of the Code of Virginia, 1950, as amended.



HORIZON

Providing Quality Care, Across The Lifespan.

Presented by Melissa Lucy
Chief Executive Officer
Horizon Behavioral Health



www.horizonbh.org



OUR VISION

To provide behavioral healthcare services that are accessible, consumer centered, cost effective, and outcome-based.

OUR MISSION

To support and promote the health, independence and self-worth of individuals and families in Central Virginia by providing a continuum of community-based treatment, prevention, early intervention, and aftercare services for persons affected by mental health, intellectual disabilities, substance use and co-occurring disorders.

PORTFOLIO OF SERVICES

Case Management | Emergency
Housing | Outpatient | Prevention
Primary Care | Psychiatric | School Based

HORIZON'S BOARD OF DIRECTORS

Consists of 11 members representing 5 localities in Central Virginia:
Amherst, Appomattox, Bedford, Campbell, and Lynchburg.



Horizon's Impact on Hospital Readmission



HORIZON PROGRAMS WITH DIRECT IMPACT

Crisis Intervention
Crisis Stabilization
Emergency Services
On-Site Pharmacies
Multisystemic Therapy (MST)
Program of Assertive Community Treatment (PACT)
Regional Partnerships

HORIZON PROGRAMS WITH INDIRECT IMPACT

Case Management
On-Site Primary Care Provision
Same-Day Assessments

“



"When I walked into Horizon, I remember feeling so relieved that I could immediately be seen for an intake. Afterwards, I got a call within the next week. The walk-in service was life-changing. In that intake appointment, they really get to know what you need. They took the time to really listen to what I was going through and what things I needed help with so that I could be placed with a therapist that was going to be the right fit."

- Megan Guevara, Horizon Client

EVIDENCE BASED PROGRAMS

- Acceptance and Commitment Therapy
- Adolescent Community Reinforcement Approach/ Assertive Continuing Care
- Anger Management: Keeping Your Cool
- Autism Diagnostic Observation Schedule
- Bridges Out of Poverty
- Cognitive Behavioral Therapy (CBT)
- Counter Tools Merchant Education
- Early Impact Virginia
- Eye Movement Desensitization and Reprocessing (EMDR)
- Hidden in Plain Sight

- Illness Management & Recovery (IMR)
- Lions Quest: Positive Life Skills
- Matrix Model
- Moral Reconciliation Therapy (MRT)
- Motivational Enhancement Therapy
- Multi Systemic Therapy (MST)
- Nurturing Parenting
- Promoting Alternative Thinking Strategies (PATHS)
- Seeking Safety
- Too Good For Drugs
- Trauma Focused Cognitive Behavioral Therapy



FY22 KEY PREVENTION INITIATIVES

PRESCRIPTION DRUG COLLECTION

635.9 lbs.

Collected in
partnership with
local law
enforcement.

LOCK & TALK

155

Medication Lock
Boxes Distributed

649

Med. Disposal Bags

156

Gun Trigger & Cable
Locks

UNDERSTANDING ADVERSE CHILDHOOD EXPERIENCES (ACES) TRAINING

284

Residents trained to
identify, understand,
and respond to
ACEs.

REVIVE OPIOID OVERDOSE RESPONSE

209

Residents trained in
emergency response
with life-saving
Naloxone.

BACKGROUND

- CVARR was established in April 2016, with the mission to **engage our community in the reduction of substance use through education and collaboration.**
- Coalition members collectively represents the 12 Drug Free Communities Sectors.
- CVARR was awarded the DFC Grant in 2019.
 - Awarded \$125,000 per year with the goal to reduce youth substance use in the City of Lynchburg.
 - Currently in grant year four.
- Prevention, Treatment, and Recovery Workgroups meet monthly to track progress on annual objectives aligned with the coalition's priority areas:
 1. **Increase coalition membership.**
 2. **Provide education about and increase awareness of health, safety and legalities for marijuana, methamphetamine, and fentanyl.**
 3. **Improve access to local substance use treatment and recovery resources.**
 4. **Reduce stigma around substance use disorders.**
 5. **Provide support to the "ReCOVEry Café."**

OUTPUTS

PREVENTION

- Coordinate Drug Take-Back Day.
- Facilitate Monthly Community Conversations.
- Distributed Yard Signs for High School Graduates.
- Implemented Underage Drinking Awareness Campaign.
- Implemented Prescription Drug Awareness Campaign.
- Implemented Resiliency Campaign.
- Facilitated Various Educational Workshops.

TREATMENT

- Developed Service Locator Tool.
- Developed a Wallet-Size Resource Card.
- Conducted a Treatment Needs Assessment.
- Hosted a CEO Roundtable.
- Hosted a Legislative Roundtable.

RECOVERY

- Developed and opened "The ReCOVEry Café."
- Launched Medication Assisted Recoveries Anonymous. (MARA) Support Group of Central Virginia.
- Hosted Addiction is Family Disease Conference.



FY 2022 OUTCOMES

CLIENTS SERVED

11,705 Total Clients Served
8,377 Adults Served
3,328 Children Served
8,637 Enrolled in Treatment
6,876 Engaged with Prevention
175 Residents Tested for HIV
163 Residents Tested for HEP-C

SERVICE TYPES

49,208 telehealth appointments provided to accommodate client preferences using virtual meeting technology, removing major barriers to access for many clients.

56,000 in-person appointments provided for a total of
106,030 appointments provided in fiscal year 2022.

NEW RECOVERY RESIDENCE!



BEDFORD, VA
This private, retreat-style residence is now home to clients in Horizon's Women's Recovery Residence.

NEW PHARMACY!



BEDFORD, VA
Now exclusively serving clients in Horizon's Office Based Addiction Treatment (OBAT) Program.

NEW TREATMENT CENTER!



LYNCHBURG, VA
Now exclusively serving clients in Horizon's Office Based Addiction Treatment (OBAT) Program.

NEW WELLNESS CENTER!



LYNCHBURG, VA
Now exclusively serving Pregnant and post-partum women enrolled in Horizon's Project Link Program.



FY 2022 OUTCOMES

CASE MANAGEMENT

99% of Intellectual/Developmental Disability Case Management clients were discharged successfully.

96% of clients showed improvement at time of discharge from Mental Health Case Management Services.

OUTPATIENT

95% of clients showed improvement at time of discharge from Mental Health Outpatient Services.

95% of clients showed improvement at time of discharge from Substance Use Outpatient Services.

287 Clients enrolled in Intensive Outpatient Services.

EMERGENCY & FORENSIC SERVICES

100% of children in a psychiatric emergency seen within 2 hours.

100% of children received a follow-up within 7 days.

PSYCHIATRIC

96% Clients identified with a Body Mass Index (BMI) outside of the normal range were provided with a BMI follow-up plan.

98% Clients successfully discharged from Psychiatric Nursing Services.

SCHOOL BASED

217 Students received School Based Mental Health Case Management.

475 Students received School Based Mental Health Outpatient Services.

4 out of 5 Successful discharges from School Based Mental Health Case Management and/or Outpatient Programs.



“Lynchburg City Schools (LCS) is grateful for the partnership with Horizon to support our students and families. The outpatient, school-based therapy services, in addition to case management has proven multiple times the necessity of the services and the affirmative outcomes. In addition, the positive relationships Horizon staff have built with students, families and school staff have been immeasurable. We appreciate the consistent labor of love many of the therapists and case managers display on a daily/weekly basis.”

- Zoe' Q. Stokes, M.Ed., Student Services Supervisor at LCS



FY 2022 OUTCOMES

INTENSIVE TREATMENT PROGRAMS

WOMEN'S RECOVERY RESIDENCE

[A comprehensive, intensive addiction treatment program with an 8-bed capacity.]

91% of clients served showed improvement at time of discharge.



MULTISYSTEMIC THERAPY (MST)

100% of youth with improved family relations.

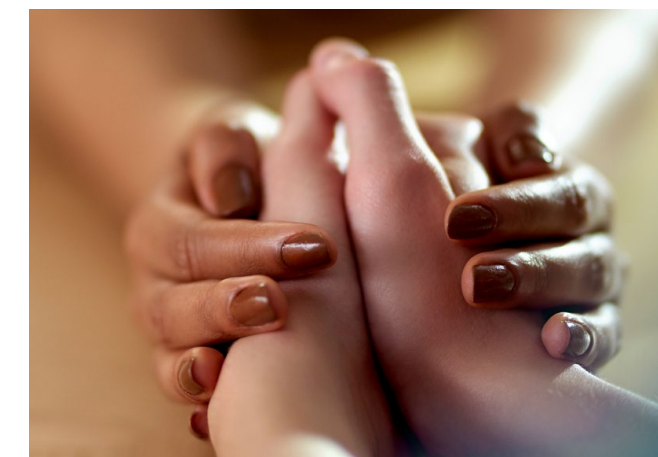
95% of youth living at home and in school or working.

100% of youth with no new arrests.

OFFICE BASED ADDICTION TREATMENT (OBAT)

[An intensive addiction treatment program recently expanded it's capacity by 50%, serving up to 60 clients at one time.]

100% of clients admitted to program without being wait-listed.





OUR MOST RECENT CONSUMER
SATISFACTION SURVEY INDICATES
THAT

95%

OF CONSUMERS SURVEYED
FELT THEY HAD MADE
PROGRESS WITH THE ISSUES
THAT LED THEM TO SEEK
CARE.

94%

OF CONSUMERS SURVEYED
WERE SATISFIED WITH THE
SERVICES THAT THEY
RECEIVED FROM HORIZON.



LYNCHBURG ADULT DRUG TREATMENT COURT

Bureau of Justice Administration (BJA)

OBJECTIVES

- \$550,000 provided by the Bureau of Justice Administration (BJA) in 2021 to build upon current recovery supports for individuals enrolled in the Lynchburg Adult Drug Treatment Court (LADC) Program.
- With expanded services and supports, LADC can enroll an additional 15 unduplicated participants per year to serve an additional 60 participants over the four-year duration of the project.
- The goal of the program is to reduce participant substance use and recidivism through expanded treatment capabilities, peer support, stable recovery housing, employment and transportation assistance which combined, present the greatest catalyst to successful long-term recovery.
- 11 graduates since program inception in 2017.

PROGRAM OUTCOMES

Year	Outcome Category	Lynchburg Adult Drug Court	Statewide Adult Drug Court
FY 2022	Referral Acceptance Rate	100%	57.1%
FY 2022	Referral Rejection Rate	0%	42.9%
FY 2022	Graduation Rate	50%	46.9%
FY 2022	Participant Termination Rate	50%	51.2%
FY 2022	Participant Withdrawal Rate	0%	1.9%
FY 2017	3-Year Re-Arrest Rate, Program Graduates	0%	28.7%
FY 2017	3-Year Re-Conviction Rate, Program Graduates	0%	22.7%

KEY CLINICAL INITIATIVES

Grant To Benefit Homeless Individuals

OVERVIEW

- **Goal:** Support a community infrastructure that integrates Substance Use Disorder (SUD) treatment, housing services, and other critical services for individuals and families, including youth, experiencing homelessness (SAMHSA).
- Reach 245 transitional age youth (TAY), ages 18 - 25, who are homeless or at-risk of becoming homeless, over a period of 5 years.
- Funded by the Substance Abuse and Mental Health Services Administration (SAMHSA).
- Ability to provide outreach and engagement, screening and same-day assessment, treatment, case management, peer recovery support, and location of permanent housing, among other specialty services.
- Actively accepting referrals as of December 2022.



PRELIMINARY OUTCOMES

- 19 individuals engaged with the program.
- 4 individuals have received immediate transitional housing.
- 1 individual permanently housed.
- 8 referrals received from external partners.
- 11 referrals received internally.

KEY CLINICAL INITIATIVES

Permanent Supportive Housing Grant

OVERVIEW

- **Goal:** Help participants secure and maintain affordable housing with coordinated access to services, provided by Horizon, to ensure successful tenancy and reduce the severity of mental illness symptoms and medical problems.
- Funded by The Department of Behavioral Health and Developmental Services (DBHDS).
- Capacity to support 30 individuals living with Severe Mental Illness (SMI).
- Ability to provide a rental subsidy for housing, support for utilities and support to establish a household.
- Actively accepting referrals as of September 2022.



PRELIMINARY OUTCOMES

- Approximately 30 referrals received.
- 19 individuals engaged.
- 8 individuals permanently housed.
- 3 individuals provided temporary residence.

KEY CLINICAL INITIATIVES

Jail Diversion Program

- Program established in 2009 to reduce recidivism.
- Horizon provides counseling services to inmates at the Lynchburg Jail and Amherst County Adult Detention Center on a weekly basis.
 - **100% of individuals connected with Horizon services in the jail are screened for eligibility and referred to appropriate services post-discharge.**
- Upon release from jail, clients are offered transitional case management services and additional support to help them establish a residence, employment and other basic needs immediately following their release.
 - **95% of clients with identified needs linked to post-release services prior to release from jail or detention.***

" Our clients appreciate the tailored services that Horizon clinicians provide, as they are guided through the process of setting up appointments as they approach their release dates and learn about the resources that are available to them. Patients' worries are put at ease because they are more prepared and know what to expect once they return to the community. We have had many patients express gratitude for the services that Horizon provides and appreciate the partnership we have had with Horizon over the years."

- Ann B. Iñiguez, MA, MBA, CCHP, Corporate Mental Health Director, MEDIKO, Inc.

*Months significantly affected by jail/detention center closures due to COVID-19 were excluded from annual average.



WHAT'S NEXT ON THE HORIZON

FAMILY CHECK-UP
MODEL
IMPLEMENTATION

CRISIS
RECEIVING
CENTER

LYNCHBURG
BEHAVIORAL
HEALTH
DOCKET



Follow Us On Social Media

Horizon is dedicated to building safe and healthy communities
in person and online.



Melissa Lucy, CEO
Horizon Behavioral Health
(434) 455-1760
Melissa.Lucy@HorizonBH.org





Downtown Lynchburg Association

March 14, 2023



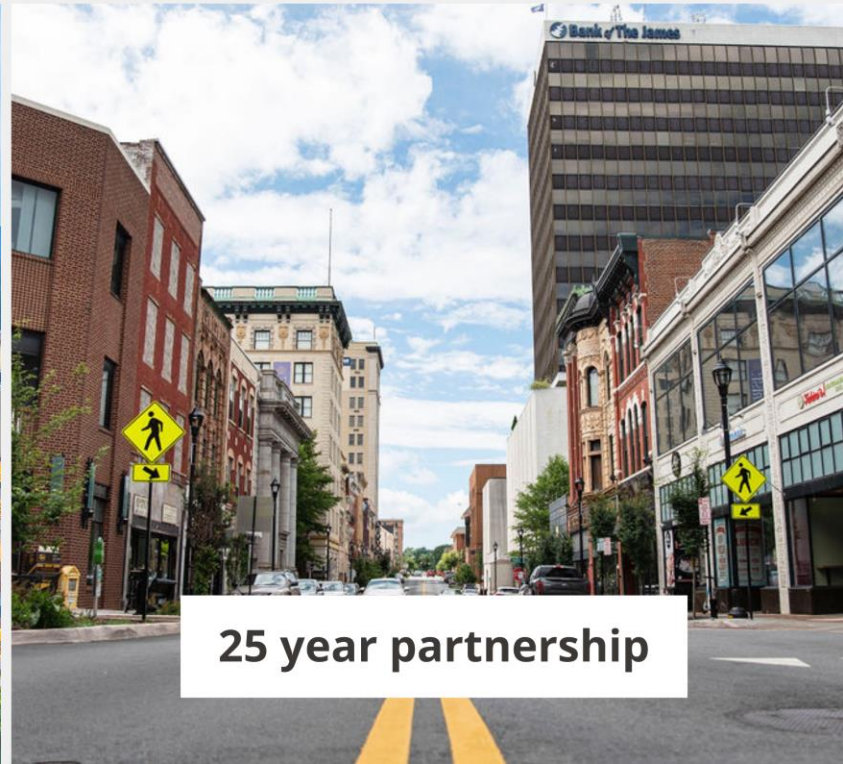


About Us

Our mission is to create a strong, vibrant, and welcoming downtown



501c3 non-profit



25 year partnership



Board & Staff



Accredited member of the Department of Housing and Community Development's **Virginia Main Street Program**, and the National Trust for Historic Preservation's **Main Street America Program**.



Award-winning member of **International Downtown Association**



**INSPIRED LEADERS
SHAPING CITIES**



2022 Strategic Priorities



Foster a thriving
and diverse
storefront economy



Cultivate a lively and
engaging Downtown
atmosphere



Create a truly
welcoming
environment



1. Foster a thriving and diverse storefront economy.



HILL CITY EATS

Positioning Downtown Lynchburg as a culinary and cultural destination for the entire region.



PHILIPPINE DELIGHT & MORE

1210 MAIN STREET, LYNCHBURG, VA 24504

Serving up exciting, authentic Filipino dishes – including adobo, lechon, and more – this food truck is a must-visit for anyone looking for a taste of the Philippines. The truck is located in the heart of downtown Lynchburg, near the historic Courthouse Square. It's a great spot to grab a quick bite or enjoy a full meal. The menu is diverse, featuring a mix of traditional and modern Filipino cuisine. The staff is friendly and knowledgeable about the food. The truck is clean and well-maintained. It's a great addition to the downtown food scene.

Available Daily





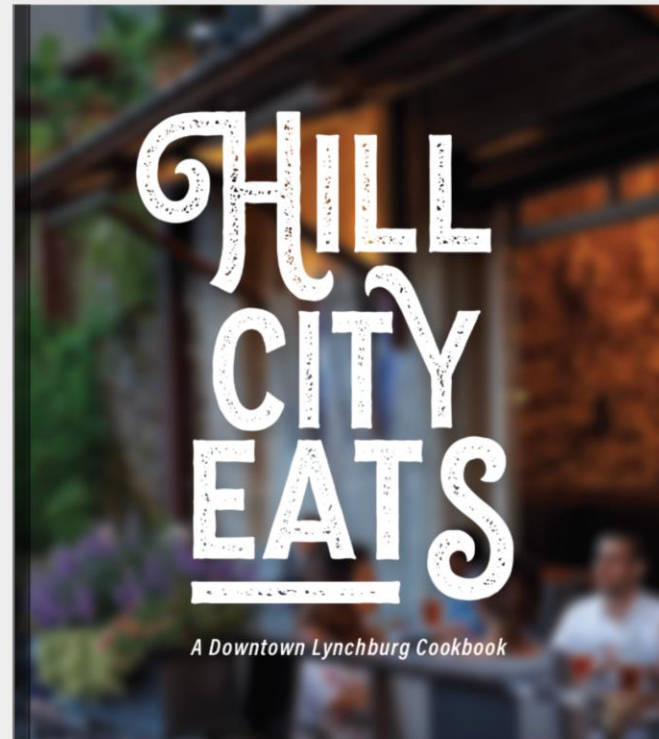
MRS. JOY'S ABSOLUTELY FABULOUS TREATS

1008 COMMERCIAL STREET, LYNCHBURG, VA 24504

Mrs. Joy's is a sweet spot for anyone who loves a good cupcake. The shop is located in the heart of downtown Lynchburg, near the historic Courthouse Square. It's a great spot to grab a quick bite or enjoy a full meal. The menu is diverse, featuring a mix of traditional and modern cupcake flavors. The staff is friendly and knowledgeable about the food. The shop is clean and well-maintained. It's a great addition to the downtown food scene.

Available Daily







BUFFALO CAULIFLOWER BITES

1210 MAIN STREET, LYNCHBURG, VA 24504

Serving up exciting, authentic Buffalo Cauliflower Bites – including adobo, lechon, and more – this food truck is a must-visit for anyone looking for a taste of the Philippines. The truck is located in the heart of downtown Lynchburg, near the historic Courthouse Square. It's a great spot to grab a quick bite or enjoy a full meal. The menu is diverse, featuring a mix of traditional and modern Filipino cuisine. The staff is friendly and knowledgeable about the food. The truck is clean and well-maintained. It's a great addition to the downtown food scene.

Available Daily





CORN CAKES

1210 MAIN STREET, LYNCHBURG, VA 24504

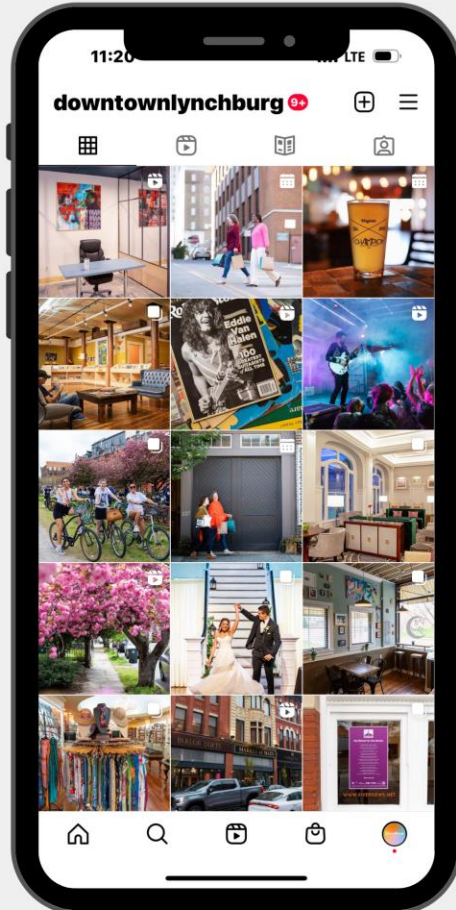
Serving up exciting, authentic Corn Cakes – including adobo, lechon, and more – this food truck is a must-visit for anyone looking for a taste of the Philippines. The truck is located in the heart of downtown Lynchburg, near the historic Courthouse Square. It's a great spot to grab a quick bite or enjoy a full meal. The menu is diverse, featuring a mix of traditional and modern Filipino cuisine. The staff is friendly and knowledgeable about the food. The truck is clean and well-maintained. It's a great addition to the downtown food scene.

Available Daily





MARKETING & PROMOTION



 **@downtownlynchburg**



18.4K
INSTAGRAM
FOLLOWERS

10% INCREASE
→ OVER 2022



19.1K
FACEBOOK
FOLLOWERS

24% INCREASE
→ OVER 2022



151k
TOTAL
PAGEVIEWS

13% INCREASE OVER 2022





SMALL BUSINESS SUPPORT





2. Cultivate a lively and engaging Downtown atmosphere.



Movies in the Park





Fireworks on the Riverfront





3. Create a truly welcoming environment.



Creating Our Culture Mural



City Auditorium Murals



Bluffwalk Lights

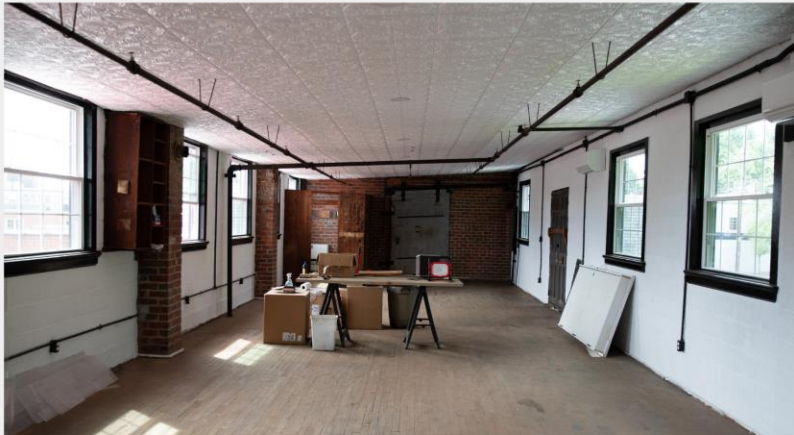




STATE OF DOWNTOWN



STATE OF DOWNTOWN





STATE OF DOWNTOWN

CENTRAL BUSINESS DISTRICT GROSS RECEIPTS

CAL YEAR	2019	2020	2021	2022	'21 vs '22 VAR %
MEALS	\$25,558,848	\$16,320,281	\$19,517,786	\$27,714,309	42.0%
LODGING	\$9,407,501	\$4,736,312	\$7,823,594	\$9,551,600	22.1%
AMUSEMENT	\$1,467,335	\$264,849	\$856,390	\$1,634,284	90.8%
LOCAL SALES	\$34,966,349	\$21,056,593	\$27,341,380	\$37,265,909	36.3%



What's Next?

2023 Downtown Lynchburg Association Strategic Plan



Storefront Business Focus

Launching new programs aimed at storefront business attraction and retention



New Events and Attractions

Festival of Lights on the Bluffwalk, more public art, and re-imagined public events

Business Improvement District

Creating structures to service the needs of a growing downtown district





Thank you

www.DowntownLynchburg.com



AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Greg Patrick, Deputy City Manager, Gregory Wormser, Fire Chief

AGENDA ITEM # III.3

Proposed New Lynchburg Fire Department Firestation and Partnership with Liberty University

RECOMMENDATION

Informational Only - No City Council action required at this time.

SUMMARY

The city received a proposal from Liberty University to partner in the construction of a new firestation near the intersection of Odd Fellows and Liberty Mountain Rd. Liberty University would build the firestation on land they currently own and rent the station to the city in perpetuity or for as long as it remains in use as a firestation. The City, through the Lynchburg Fire Department, will operate the station and be responsible for all staffing, maintenance, and apparatus costs.

PRIOR ACTION(S)

FISCAL IMPACT

Annual operating costs are expected to be between \$2M and \$2.4M annually. These costs are anticipated to be offset by SAFER grant funds in the early years. The cost to acquire Ladder Truck and Heavy Medic expected to be \$2.2M - \$2.75M.

CONTACT(S)

Greg Patrick, Deputy City Manager

ATTACHMENT(S)

1. Worksession LU Partnership - firestation

REVIEWED BY



Alicia Finney, Clerk of Council

Date: March 09, 2023



POTENTIAL NEW FIRE STATION

City Council Worksession
March 14, 2023



PROJECT OVERVIEW

- Liberty University and City of Lynchburg to partner in the construction of a new LFD fire station on Odd Fellows Road
- Liberty University to provide land and build station
- City to Lease station from Liberty University (Long-term Lease)
- City to fund annual operating costs for station to include
 - Staffing
 - Fire-rescue apparatus
 - Maintenance
- City and Liberty to look for other ways to leverage the partnership

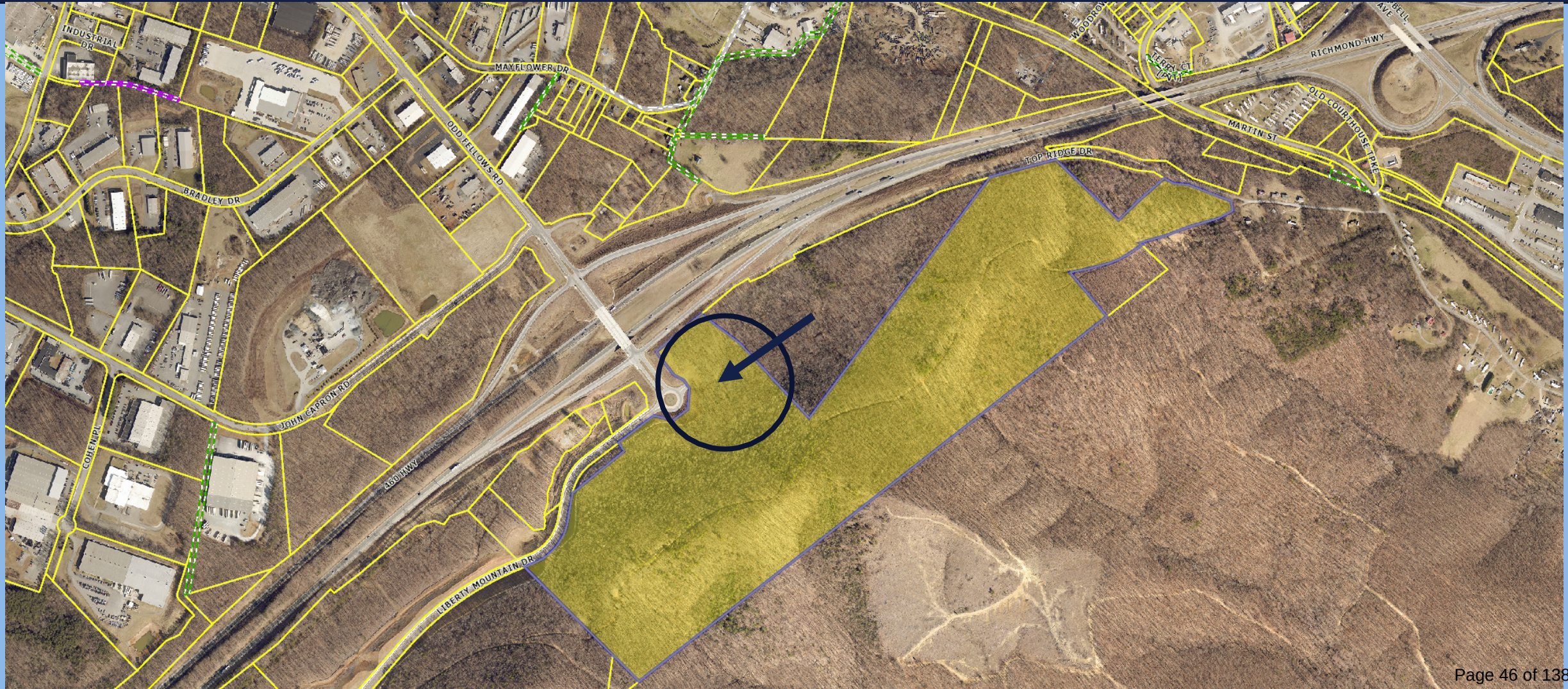


MAJOR DEAL POINTS

- City will fund, through a lease, the cost to construct a “standard” fire station
 - Liberty University to fund construction costs above “standard” to add LU design aesthetic to station
 - Lease will not include any costs associated with a “ground lease” for the land through the capital repayment period
- City to fund acquisition / maintenance / and replacement of fire-rescue apparatus
 - Liberty University may fund costs associated with adding its colors or other imagery to the apparatus to the extent allowable by law



LOCATION: LIBERTY MOUNTAIN DRIVE AND ODD FELLOWS ROAD



CALLS FOR SERVICE

- Volume continues to rise
 - Calls on the upper end of Campbell Avenue
 - Growth along the southern boundary
- The addition of Medic 8
- Extended travel time
 - 460 Corridor
 - Tyreanna
 - Liberty University
- Provides work-load relief to Stations 6, 3 and 8



INSURANCE SERVICES OFFICE (ISO)

- Insurance premiums are set by a locality's rating
 - Apparatus
 - Training
 - Needed Fire Flow
 - Communications
- City of Lynchburg has a rating of 2
- Lowering our rating
 - Lowers insurance premiums for residents and businesses
 - Encourages existing businesses to reinvest and new businesses to relocate



STAFFING AND APPARATUS

- Medic Unit
 - 9 people (includes a relief factor)
 - Growth
 - Continued increase in call volume
- Ladder Truck
 - 12 people
 - Serves areas of the city that are industrial and the growing university campus
 - Will assist in lowering the ISO rating







ESTIMATED COSTS

- Construction of “standard” Fire Station: \$5M - \$7M
 - Estimate Capital Lease Payment: \$400-450K/yr.
- Acquisition of Apparatus: \$2.2M - \$2.75M
 - Ladder Truck: \$1.6M - \$2.0M
 - Heavy Medic: \$600K – 750K
 - Lead time for apparatus 24-36 months
- Staffing: \$1.5M - \$1.8M/Yr.
 - 21 Sworn FTEs
 - Phase costs over four years with SAFER grant
- Non-personnel costs:
 - Negligible in early years – increasing maintenance and capital replacement in out years

NEXT STEPS

- Negotiate final lease agreement with Liberty University
 - Will require approval of City Council and Full LU Board or Board of Trustees
- Get in Queue for Apparatus now using FY 2022 year-end surplus funds
 - Will require Budget Amendment to use FY 2022 year-end surplus funds
- Begin SAFER grant application process



AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Donna Witt, Chief Financial Officer

AGENDA ITEM # III.4

FY 2024 - FY 2028 Capital Improvement Program (continued)

RECOMMENDATION

Hear responses to City Council questions regarding the FY 2024 - FY 2028 Capital Improvement Program.

SUMMARY

Donna Witt presented the FY 2024 - FY 2028 Capital Improvement Program at the February 28, 2023 City Council Work Session. All questions that were received have been responded to by email. Staff will be present to answer any additional questions.

PRIOR ACTION(S)

February 28, 2023: City Council Work Session

FISCAL IMPACT

Fiscal Impact will depend on adoption of the program

CONTACT(S)

Donna Witt, Chief Financial Officer

ATTACHMENT(S)

None

REVIEWED BY



Donna Witt, Chief Financial Officer

Date: March 09, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: March 09, 2023



Wynter C. Benda, City Manager

Date: March 09, 2023



Alicia Finney, Clerk of Council

Date: March 09, 2023

AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.5

Conditional Use Permit (CUP) - Residential/Commercial Mixed-Use - 2307 Bedford Avenue

RECOMMENDATION

This item will appear for City Council vote on the April 11, 2023 Public Hearing agenda. Approval of a CUP to allow ten (10) apartments in a mixed-use building in a B-3, Community Business District.

SUMMARY

Fritts Price, LLC is petitioning for a conditional use permit at 2307 Bedford Avenue to allow ten (10) apartments in a mixed-use building. The proposed development would exceed the ratio of fifty percent (50%) commercial use to fifty percent (50%) residential use currently allowed by zoning. The majority of the building's ground floor would be used for commercial space. The addition of the upper floors would be for residential units.

The building was formerly used as a dry cleaning business. Redevelopment of the property would provide for any needed environmental remediation associated with the former use.

The Future Land Use Map (FLUM) recommends a Community Commercial use for the property. That use suggests that residential development may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings.

PRIOR ACTION(S)

March 8, 2023: The Planning Commission recommended approval (6-0, with 1 absent; Johnson) of the CUP petition.

March 8, 2023: The Planning Division recommended approval of the petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Report and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: March 06, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: March 07, 2023



Wynter C. Benda, City Manager

Date: March 09, 2023



Alicia Finney, Clerk of Council

Date: March 09, 2023

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: March 8, 2023
Re: **Conditional Use Permit (CUP) – Residential / Commercial Mixed-Use – 2307 Bedford Avenue**

I. PETITIONER

Fritts Price, LLC, 1338 Lee Jackson Highway, Lynchburg, VA 24503

Representative: Casey Servis, Architecture Design Office, PLLC, 728 East Main Street, Richmond, VA 23219

II. LOCATION

The subject property is approximately two hundred thirty-one thousandths (.231) acre located at 2307 Bedford Avenue.

Property Owner: Fritts Price, LLC, 1338 Lee Jackson Highway, Lynchburg, VA 24503

III. PURPOSE

The purpose of the petition is to allow a two (2) story addition to the existing building which would contain ten (10) residential units. The existing portion of the structure would be used for commercial space and a small residential lobby. The proposal would exceed the ratio of fifty percent (50%) Commercial to fifty percent (50%) residential which is allowed “by-right” in the B-3, Community Business District.

IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for the property. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings.
- The proposed use would exceed the ratio of fifty percent (50%) commercial to fifty percent (50%) residential which is permitted “by-right” necessitating the need for a CUP.
- The property was formerly used as a dry cleaning business. Redevelopment of the property would provide for any needed environmental remediation associated with the former use.
- Majority of the ground floor would be utilized for commercial space.

The Planning Division recommends approval of the Conditional Use Permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the property.

Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. Community Commercial areas contain clusters of businesses, often at major intersections, and shopping centers. Most community shopping centers range from 100,000 to 200,000 square feet and serve 40,000 to 70,000 people. Regional shopping centers would be at least as large as Community Commercial ones, 100,000 to 200,000 square feet, possibly larger, if parcels of sufficient size can be found or assembled. They are intended to serve 70,000 to 100,000 people. Office, research and development, and technology development uses may

be permitted in Community Commercial areas as long as traffic and other impacts to the community are mitigated. In particular, conversion of existing vacant retail space to these uses may be appropriate in areas where there is sufficient retail to serve the community and space for employment uses is needed. Residential uses may be established on the upper floors of commercial structures or as transitional structures between residential and commercial buildings. (*pp. 75-76*)

2. **Zoning.** The subject property was annexed into the City in 1908. The property has been zoned for commercial uses since at least 1930. The existing B-3, Community Business District zoning was established in 1978. Residential uses exceeding the fifty / fifty (50/50) ratio of commercial to residential are permitted in the B-3, Community Business District upon approval of a CUP.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On August 13, 1985, Council approved the CUP petition of Rivermont Presbyterian Church to allow a nursery school and play area at 2424 – 2426 Rivermont Avenue.
 - On May 8, 1990, Council approved the CUP petition of Rivermont Presbyterian Church to allow building additions, parking and play areas at 2424 – 2426 Rivermont Avenue.
 - On July 10, 1990, Council denied the CUP petition of Reginald Barrack to operate a bed & breakfast at 2450 Rivermont Avenue.
 - On April 14, 1992, Council approved the request of John P. Clarke, Jr. to rezone 2309-2315 Bedford Avenue from B-3, Community Business District to B-5C, General Business District (Conditional) to allow the use of the property for automobile sales.
 - On August 12, 1997, Council approved the CUP petition of Rivermont Presbyterian Church to allow a parking lot at 2424 Rivermont Avenue.
 - On March 10, 1998, Council approved the CUP petition of George & Joanne Caylor to operate a bed & breakfast at 2460 Rivermont Avenue.
 - On May 8, 2001, Council approved the CUP petition of Rivermont Presbyterian Church to allow building and parking additions at 2424 Rivermont Avenue.
 - On May 12, 2002, City Council established the Rivermont Avenue Local Historic District.
 - On May 8, 2012, Council approved the request of Rush Homes, Inc. to rezone 1721 Monsview Place from R-3, Medium Density Residential to R-4C, High-Density Residential (Conditional) to allow the use of the property as apartments.

- 5. Site Description.** The property consists of approximately two hundred thirty-one thousandths (.231) acre located at 2307 Bedford Avenue. The property contains a one (1) story “fire resistant” structure constructed in 1964. The structure is three thousand nine hundred and ten square feet in size. The structure was most recently used as a drying cleaning business.



2307 Bedford Avenue

- 6. Proposed Use of Property.** If the CUP is approved, a two (2) story addition would be constructed above the existing building. The addition would contain ten (10) apartment units and the existing floor space would be used for commercial uses and as a small residential lobby.



2 VIEW FROM CORNER OF BEDFORD & MAGNOLIA
CS01
NOT TO SCALE

- 7. Traffic, Parking and Public Transit.** The petitioner was not required to conduct a traffic analysis as part of the CUP submittal.

A total of eighteen (18) parking spaces would be required for the uses as proposed. Ten (10) spaces for the residential units and eight (8) spaces for the proposed commercial use. The submitted concept plan indicates that there would be eight (8) spaces available in the parking lot and a total of ten (10) spaces would be available on-street. The petitioner also owns the adjacent property at 2309 Bedford Avenue.

The property is served by Greater Lynchburg Transit Company (GLTC) Route 3A with a total of three (3) bus stops located within three hundred (300) feet of the proposed development.

8. **Stormwater Management.** The proposed project is not anticipated to generate significant land disturbance activities. If land disturbance exceeds one thousand (1000) square feet an erosion & sediment control plan will be required. If land disturbance exceeds five thousand (5000) square feet an erosion & sediment control / stormwater management plan will be required prior to final site plan approval and permits being issued.
9. **Emergency Services.** The City Fire Marshal noted the 2018 International Fire Code (IFC) and the need for updated fire flow calculations and twenty-four (24) hour access to the building.

The City's Police Department expressed concern with traffic flow, parking and the need for access control for potential tenants.

Comments have or will be addressed prior to final site plan approval.

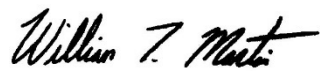
10. **Impact.** The proposed redevelopment of the property would have a significant positive impact on the area. The building was most recently used as a dry cleaning business and the property could have environmental issues which would be remediated as part of the development. An environmental assessment is currently being conducted as part of a Brownfields Grant through the Office of Economic Development & Tourism.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on February 14, 2023. Comments related to the proposed use have or will be addressed by the petitioner 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 Fritts Price, LLC for a conditional use permit at 2307 Bedford Avenue in a B-3, Community Business District subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan as prepared by Architectural Design Office and dated February 28, 2003.
2. The building shall be constructed in substantial compliance with the renderings prepared by Architectural Design Office and dated January 30, 2023.
3. The maximum number of residential units shall be limited to ten (10).

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter Benda, City Manager
Mr. Greg Patrick, 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, Lynchburg Fire Department
Mr. Ryan Roberts, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Kevin Henry, Zoning Administrator
Mr. Daryl Calfee, Petitioner
Mr. Casey Servis, Representative

VII. ATTACHMENTS

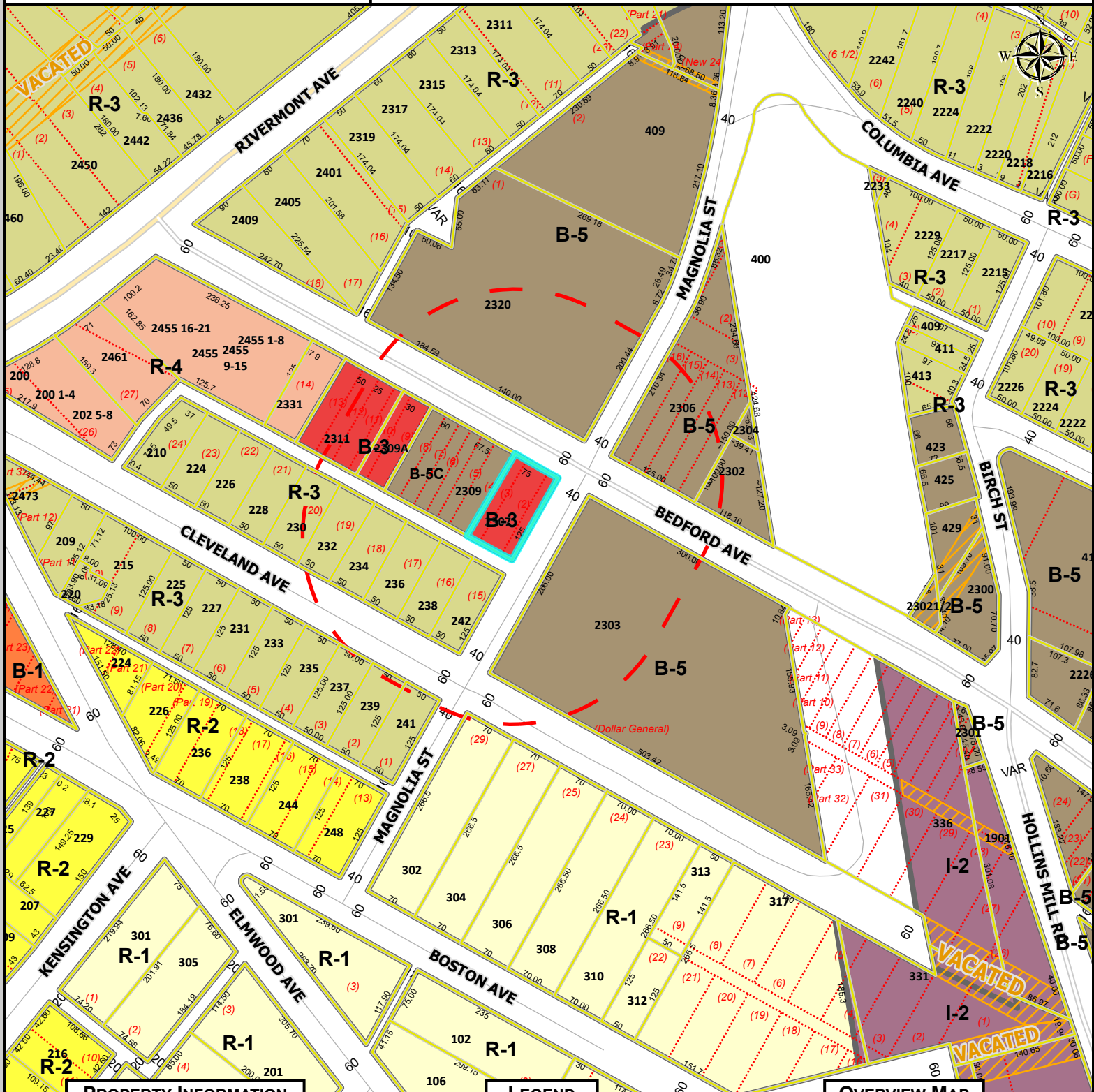
- 1. Zoning Map with Adjoining Property Owners**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan and Elevations**
- 6. Narrative**
- 7. Property Photograph**

Zoning

TRC

2307 BEDFORD AVE

Architecture Design Office, PLLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

02017021

2307 BEDFORD AVE

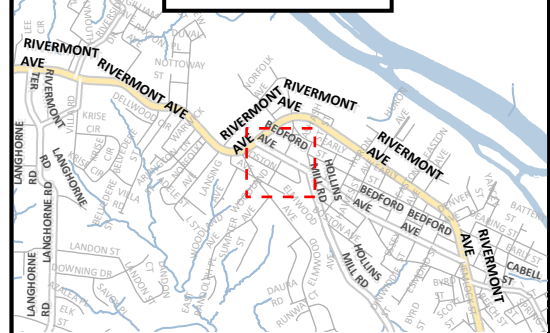
LEGEND

Subject Property

215 Foot Buffer



OVERVIEW MAP



MAP SCALE: 1:48,000

DATE PRINTED: 1/31/2023

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.

2307 Bedford Avenue

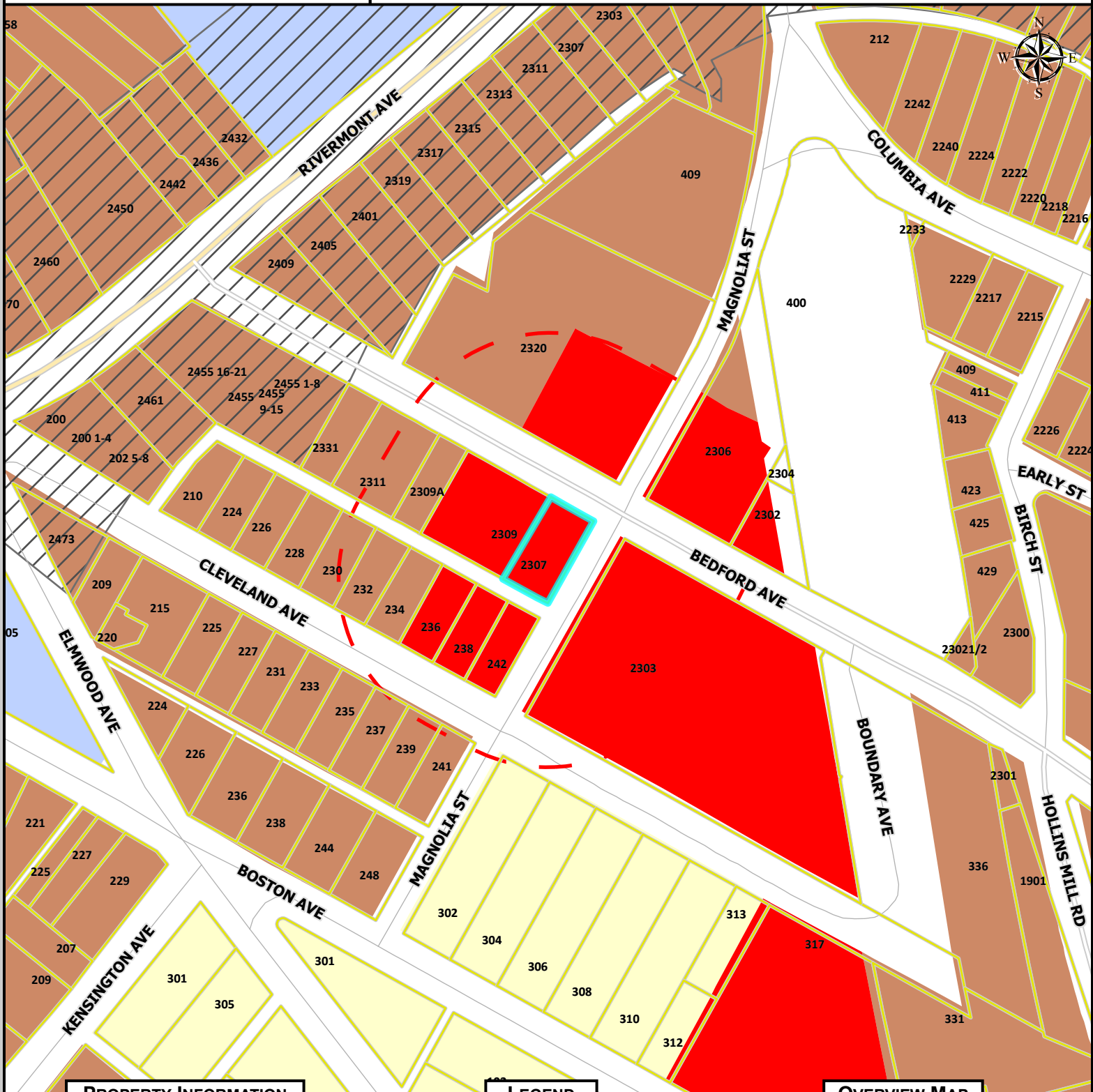
Parcel ID	Address	Owner
02017008	242 CLEVELAND AVE	RYAN, CHARLES RICHARD III & PYLES, SYDNEY
02021001	302 BOSTON AVE	TAYLOR, GARY M
02017009	238 CLEVELAND AVE	HOBSON, JAMES H JR
02017010	236 CLEVELAND AVE	MOSHKOWSKI, JUSTIN M & MELODY F
02017011	234 CLEVELAND AVE	BATES, JANET A
02017012	232 CLEVELAND AVE	DAVIS, RYAN S & MEGAN R
02017013	230 CLEVELAND AVE	COLEMAN, EDWANA L
02017021	2307 BEDFORD AVE	FRITTS PRICE LLC
02017006	2309 BEDFORD AVE	MOORE, JAMES BENTON III TRS
02017004	2309 A BEDFORD AVE	KWIK-CHEK REALTY CO INC DEPT #11972
02017003	2311 BEDFORD AVE	SOUTHLAND CORPORATION
02010012	2302 BEDFORD AVE	WELLSAFE HOLDINGS LLC
02010014	2306 BEDFORD AVE	WELLSAFE HOLDINGS LLC
02011007	2320 BEDFORD AVE	ELIZABETH'S EARLY LEARNING CTR INC
02016008	2303 BEDFORD AVE	WELLSAFE HOLDINGS LLC
02020011	241 CLEVELAND AVE	STEADY, ALEX JEFFREY
02020010	239 CLEVELAND AVE	MORTON, CYNTHIA L LIFE ESTATE
02020009	237 CLEVELAND AVE	CALLAWAY, CHARLES DPO BOX 100

FLUM

2307 BEDFORD AVE

TRC

Architecture Design Office, PLLC



PROPERTY INFORMATION

PARCEL ID

ADDRESS

02017021 2307 BEDFORD AVE

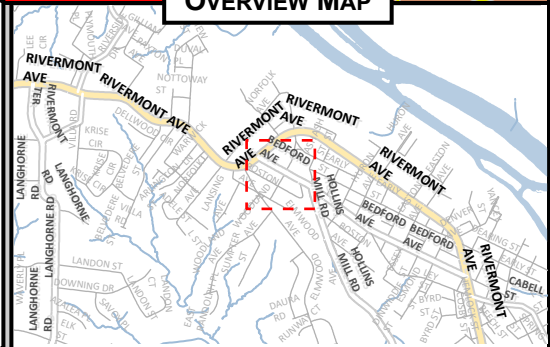
LEGEND

- | | |
|----------------------------|-----------------------|
| 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: 1/31/2023

OVERVIEW MAP



Watershed

2307 BEDFORD AVE

TRC

Architecture Design Office, PLLC



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

PROPERTY INFORMATION

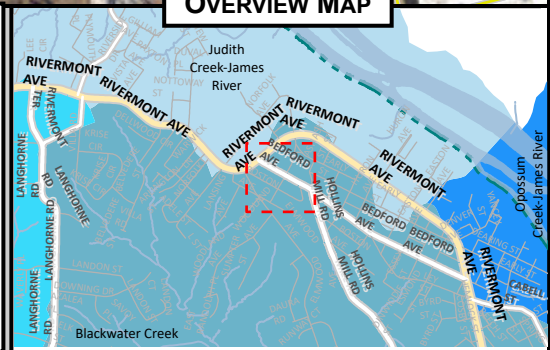
PARCEL ID	ADDRESS
02017021	2307 BEDFORD AVE

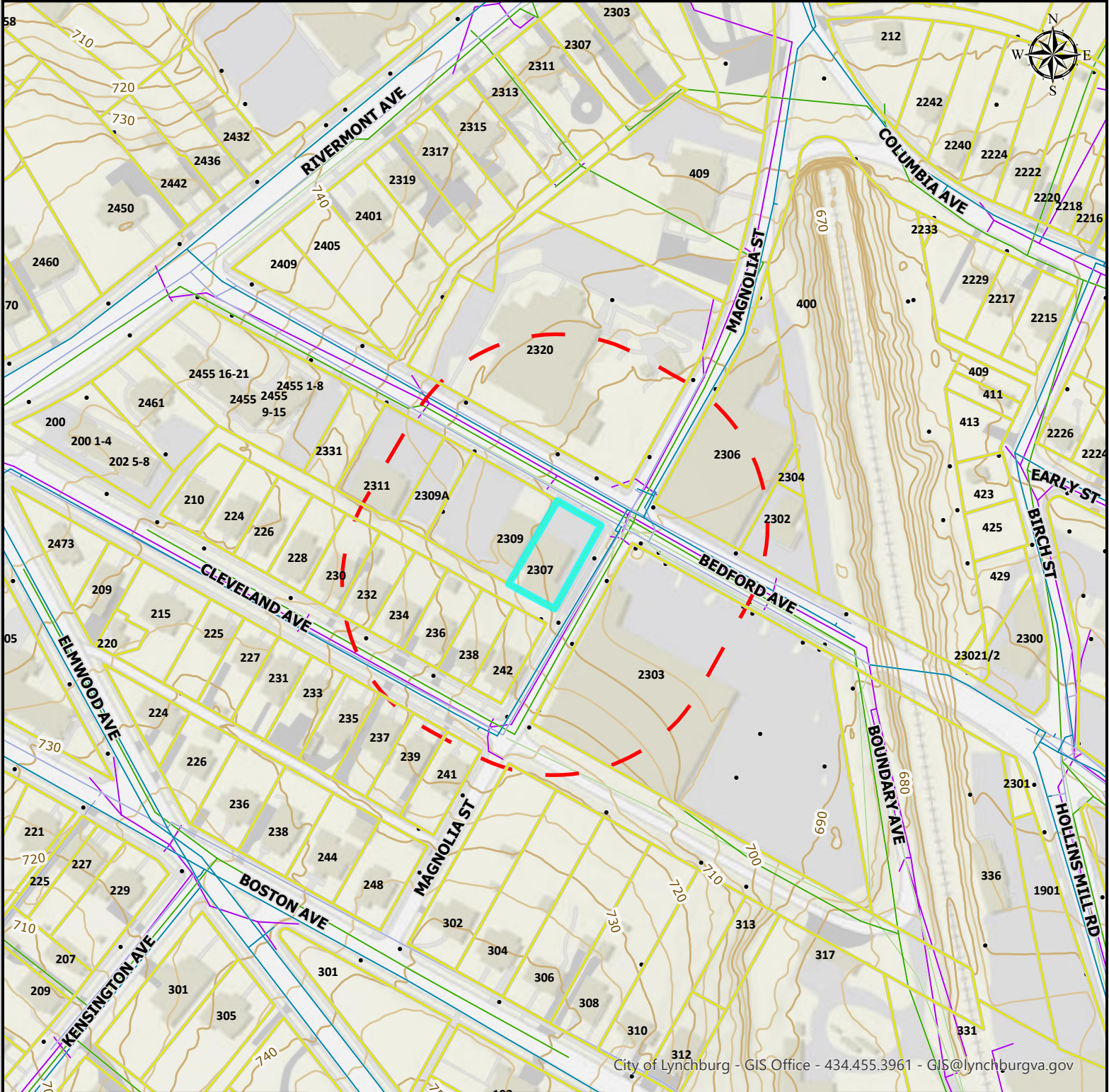
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 1/31/2023

OVERVIEW MAP





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

PROPERTY INFORMATION

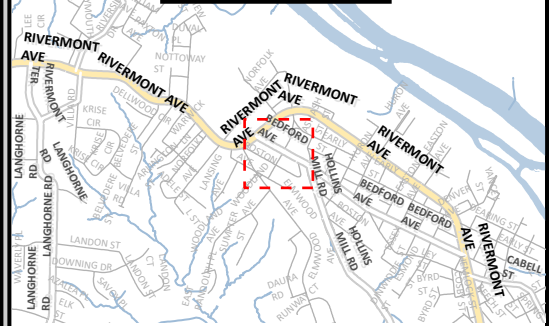
PARCEL ID	ADDRESS
02017021	2307 BEDFORD AVE

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dashed blue)	Storm (dotted blue)
Planimetrics	Paved (solid grey)	Unpaved (dashed grey)	Other (dotted grey)
Topography	Contour 100' (solid brown)	Contour 50' (dashed brown)	Contour 20' (dotted brown)

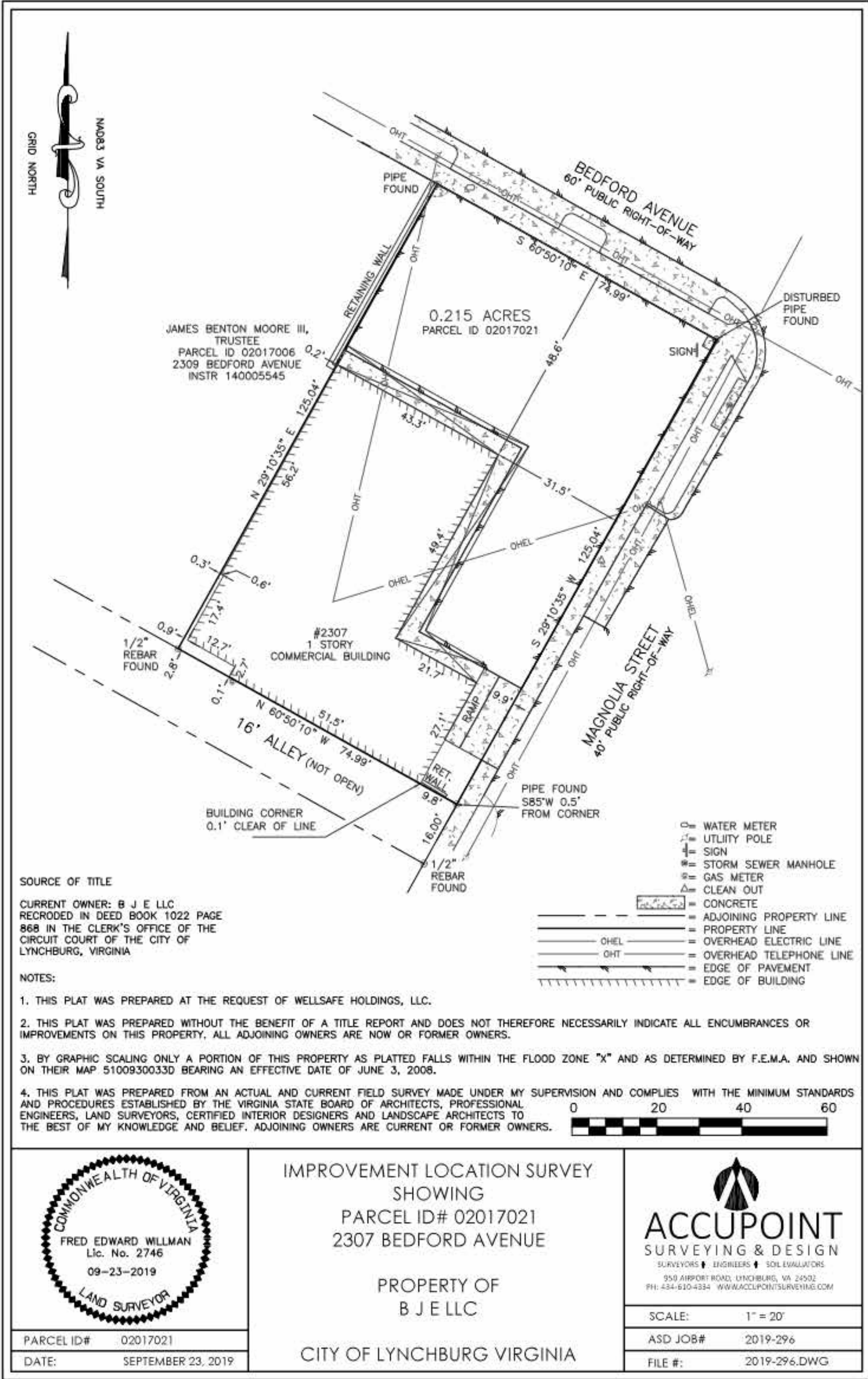
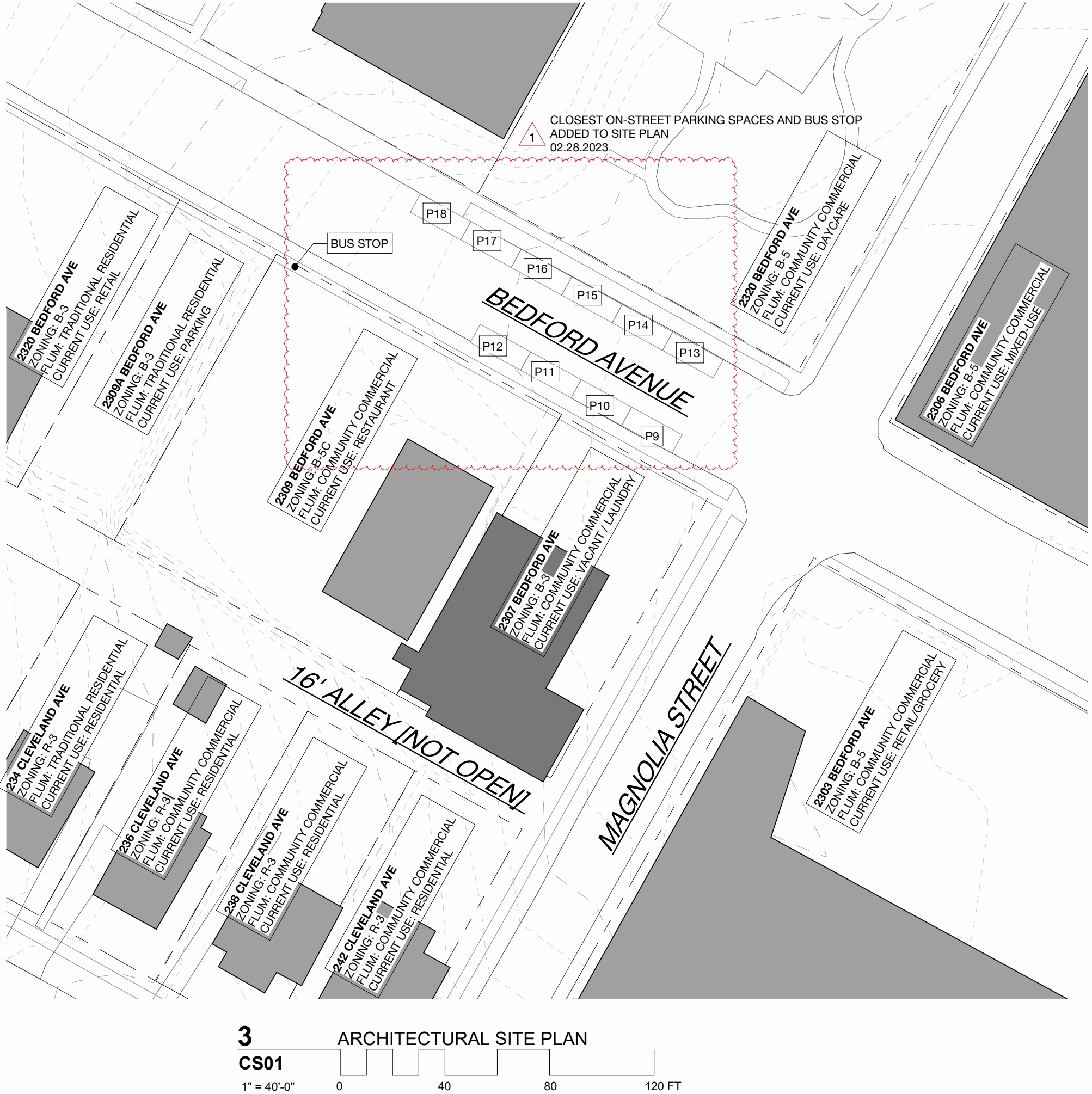
MAP SCALE: 1"=48.000' DATE PRINTED: 1/31/2023

OVERVIEW MAP





2 VIEW FROM CORNER OF BEDFORD & MAGNOLIA
CS01
NOT TO SCALE



1 SURVEY (BY OTHERS)
CS01
NOT TO SCALE

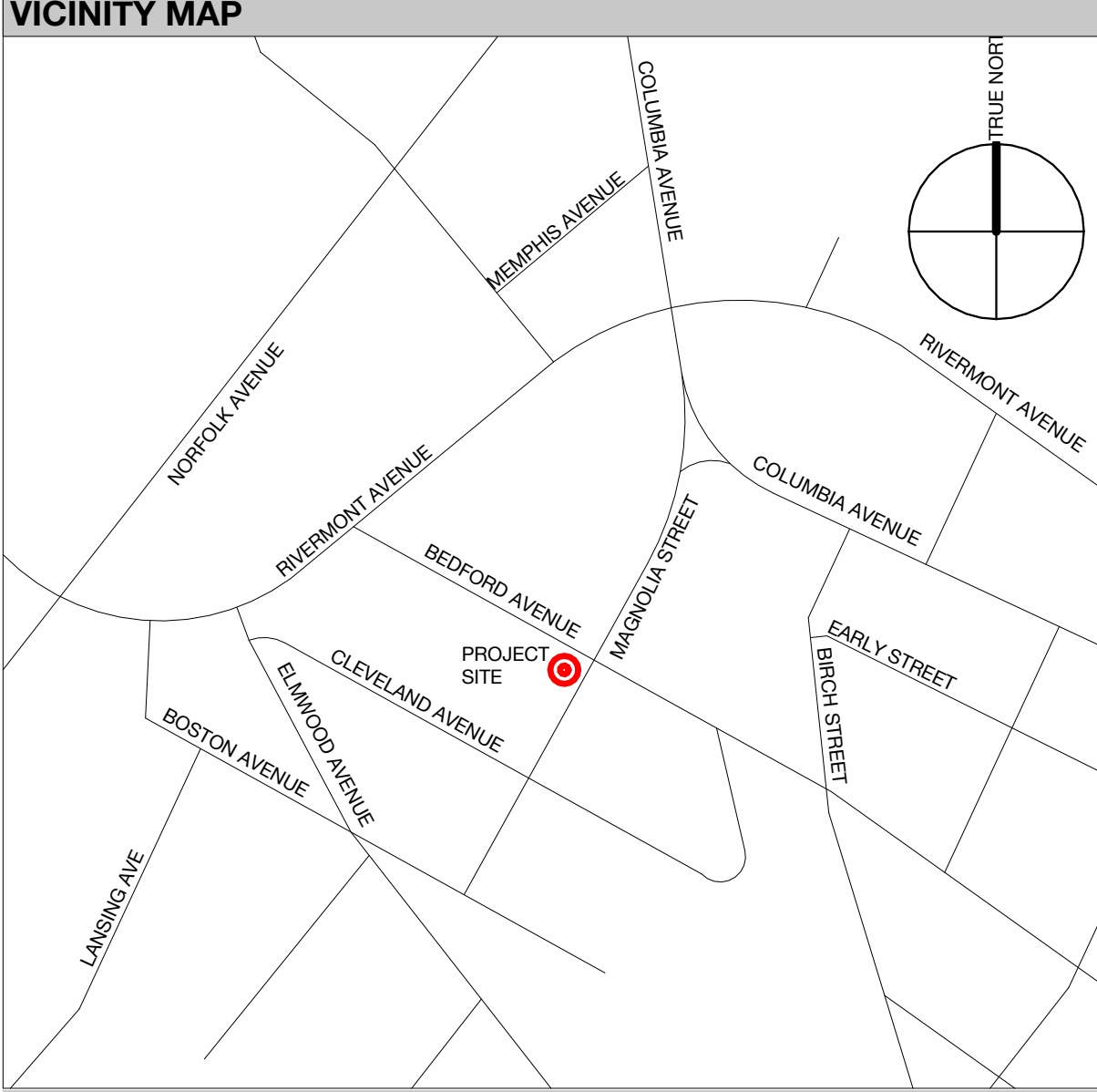
PROJECT DESCRIPTION

APPLICATION FOR CONDITIONAL USE TO ALLOW FOR LESS THAN 50% COMMERCIAL OCCUPANCY IN COORDINATION WITH THE PROPOSED REUSE AND REHABILITATION OF EXISTING 1-STORY STRUCTURE INCLUDING A PROPOSED 2-STORY ADDITION OF THE EXISTING BUILDING FOOTPRINT, FOR USE AS GROUND-FLOOR COMMERCIAL AND UPPER STORY RESIDENTIAL UNITS.

CODE INFORMATION

APPLICABLE CODES:	2018 VIRGINIA EXISTING BUILDING CODE REFERENCING 2018 VIRGINIA CONSTRUCTION CODE		
CONSTRUCTION TYPE:	V-A		
USE GROUP:	SEPARATED MIXED-USE [M-MERCANTILE & R-2 RESIDENTIAL]		
FIRE SUPPRESSION:	FULLY SPRINKLERED PER NFPA 13 [VCC SECTION 903.3.1.1]		
ALLOWABLE BUILDING AREAS:			
LEVEL	USE GROUP	ACTUAL AREA (SF)	ALLOWABLE AREA (SF) [PER VCC TABLE 506.2]
1ST LEVEL	M [MERCANTILE]	3,618 SF	27,000 SF
2ND LEVEL	R-2 [RESIDENTIAL]	3,604 SF	21,000 SF
ALLOWABLE BUILDING HEIGHTS:			
ALLOWABLE # OF STORIES ABOVE GRADE [VCC TABLE 504.4]	ACTUAL # OF STORIES ABOVE GRADE	ALLOWABLE BLDG HEIGHT (FT) [VCC TABLE 504.3]	ACTUAL BUILDING HEIGHT (FT) [ABOVE GRADE PLANE]
3	3	60'	±35'

ZONING INFORMATION			
ZONING DISTRICT:	B-3		
ECONOMIC ZONES:	ENTERPRISE ZONE		
PARCEL AREA:	0.215 ACRES [9377 SF] + ADDITIONAL 5' WIDE STRIP [825 SF] IN PROCESS OF BEING TRANSFERRED FROM 2309 BEDFORD (UNDER CONTRACT) 10,002 SF TOTAL		
REQUIRED YARDS:	FRONT	REAR	SIDE
ALLOWED:	0'	0'	0'
ACTUAL [EXISTING]:	±48'-9"	0'	0'
MINIMUM AVERAGE LOT AREA PER ESTABLISHMENT:	6,000 SF		
LOT WIDTH:	0'		
MINIMUM LOT AREA PER DWELLING UNIT:	1 DWELLING UNIT / 1,000 SF LOT AREA		
BUILDING HEIGHT:	40'		
PARKING SPACES:	18 REQUIRED	8 OFF-STREET SPACE 10 ON-STREET SPACES (INCLUDING 2 SPACES GAINED BY CLOSING CURB-CUTS ON BEDFORD)	
BICYCLE PARKING:	4 REQUIRED	4 PROVIDED	



DRAWING INDEX		CUA SET 01.30.2023
SHEET #	SHEET NAME	
0	TITLE SHEET	X
CS01	3.5 ARCH	
A101	PROPOSED FLOOR PLANS	X
A301	CONCEPTUAL ELEVATIONS	X
SHEET COUNT: 3		

CONDITIONAL USE PERMIT
APPLICATION
01.30.2023

1 PARKING REVISED
02.28.2023

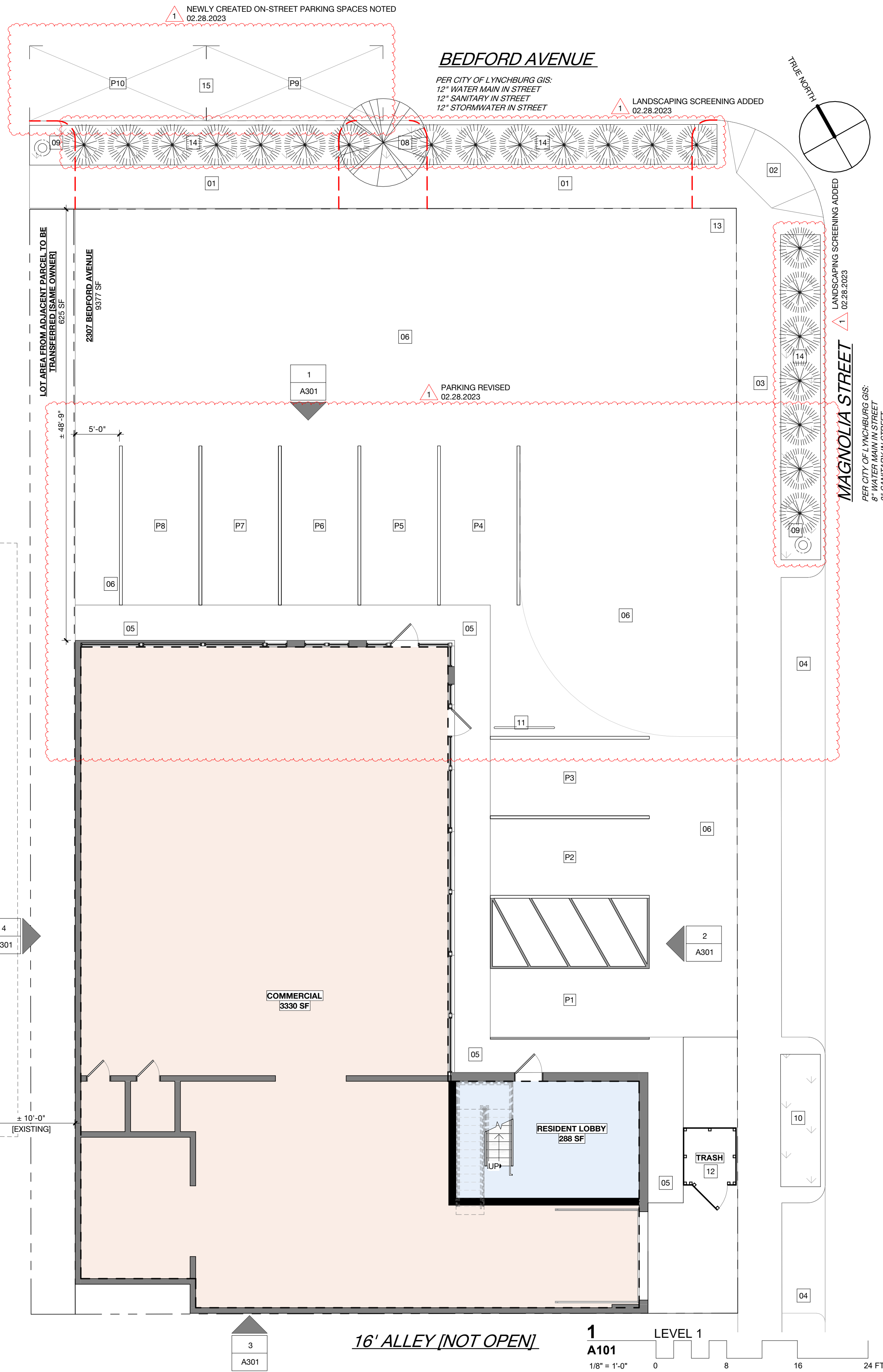
NOT FOR CONSTRUCTION

ARCHITECT:
ADO' Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

2307 BEDFORD AVE
LYNCHBURG, VA 24503
TITLE SHEET

PROJECT NUMBER
22-2307

CS01



UNIT SCHEDULE

AREA NAME	AREA	TYPE
LEVEL 1		
COMMERCIAL	3330 SF	
RESIDENT LOBBY	288 SF	
LEVEL 1	3619 SF	
LEVEL 2		
BLDG SERVICES	16 SF	
CORRIDOR - L2	356 SF	
STAIR 1 - L2	218 SF	
UNIT 01	574 SF	1BD/1BA
UNIT 02	603 SF	1BD/1BA
UNIT 03	662 SF	1BD/1BA
UNIT 04	685 SF	1BD/1BA
UNIT 05	488 SF	1BD/1BA
LEVEL 2	3604 SF	
LEVEL 3		
BLDG SERVICES - L3	16 SF	
CORRIDOR - L3	356 SF	
STAIR 1 - L2	218 SF	
UNIT 06	574 SF	1BD/1BA
UNIT 07	603 SF	1BD/1BA
UNIT 08	662 SF	1BD/1BA
UNIT 09	685 SF	1BD/1BA
UNIT 10	488 SF	1BD/1BA
LEVEL 3	3604 SF	
Grand total	10827 SF	

PARKING INFORMATION

PARKING REQUIRED:
18 SPACES

RETAIL:
2 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA, AND 1 FOR EVERY 3 EMPLOYEES
3,330 SF = 7 SPACES
3 EMPLOYEES = 1 SPACE
8 REQUIRED SPACES

RESIDENTIAL:
1 SPACE PER DWELLING UNIT
10 DWELLING UNITS = 10 SPACES
10 REQUIRED SPACES

PARKING PROVIDED:
OFF-STREET:
ON-STREET:
8 SPACES, INCLUDING 2 NEWLY CREATED ON-STREET SPACES BY REMOVAL OF EXISTING CURB CUTS ON BEDFORD AVENUE

KEYNOTES - SITE PLAN

- # NOTE TEXT
- 01 EXISTING CURB CUT TO BEDFORD AVENUE TO BE REMOVED AND NEW CURB AND GUTTER, LANDSCAPE ZONE AND SIDEWALK TO BE INSTALLED TO MATCH EXISTING ADJACENT.
- 02 EXISTING ADA CURB RAMP TO REMAIN
- 03 EXISTING CITY SIDEWALK AND LANDSCAPE ZONE TO REMAIN
- 04 EXISTING CURB CUT ON MAGNOLIA STREET TO REMAIN.
- 05 EXISTING CONCRETE WALKWAY TO REMAIN AND BE ALTERED AS NECESSARY FOR ACCESSIBLE ENTRY TO COMMERCIAL TENANT
- 06 EXISTING ASPHALT TO REMAIN
- 08 EXISTING STREET TREE TO REMAIN
- 09 EXISTING UTILITY POLE TO REMAIN
- 10 PORTION OF EXISTING CURB CUT ON MAGNOLIA STREET TO BE REMOVED AND NEW CURB AND GUTTER, LANDSCAPE ZONE AND SIDEWALK TO BE INSTALLED TO MATCH EXISTING ADJACENT.
- 11 PERMANENT INVERTED-U BICYCLE RACKS FOR MINIMUM OF 4 BICYCLES
- 12 6' HIGH WOOD TRASH ENCLOSURE W/ MATCHING GATE ON CONCRETE SLAB
- 13 EXISTING SIGN POLE TO REMAIN AND NEW SIGN TO BE INSTALLED
- 14 LANDSCAPE SCREENING TO BE PLANTED IN TREELAWN, TYPE, SPACING AND SIZE OF PLANTINGS TO BE FINALIZED AT TIME OF SITE PLAN REVIEW
- 15 NEW ON-STREET PARKING SPACES ADDED BY REMOVAL OF CURB CUTS

CONDITIONAL USE PERMIT APPLICATION
01.30.2023

NOT FOR CONSTRUCTION

ARCHITECT:
ad ADO' Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

2307 BEDFORD AVE
LYNCHBURG, VA 24503
PROPOSED FLOOR PLANS

PROJECT NUMBER
22-2307

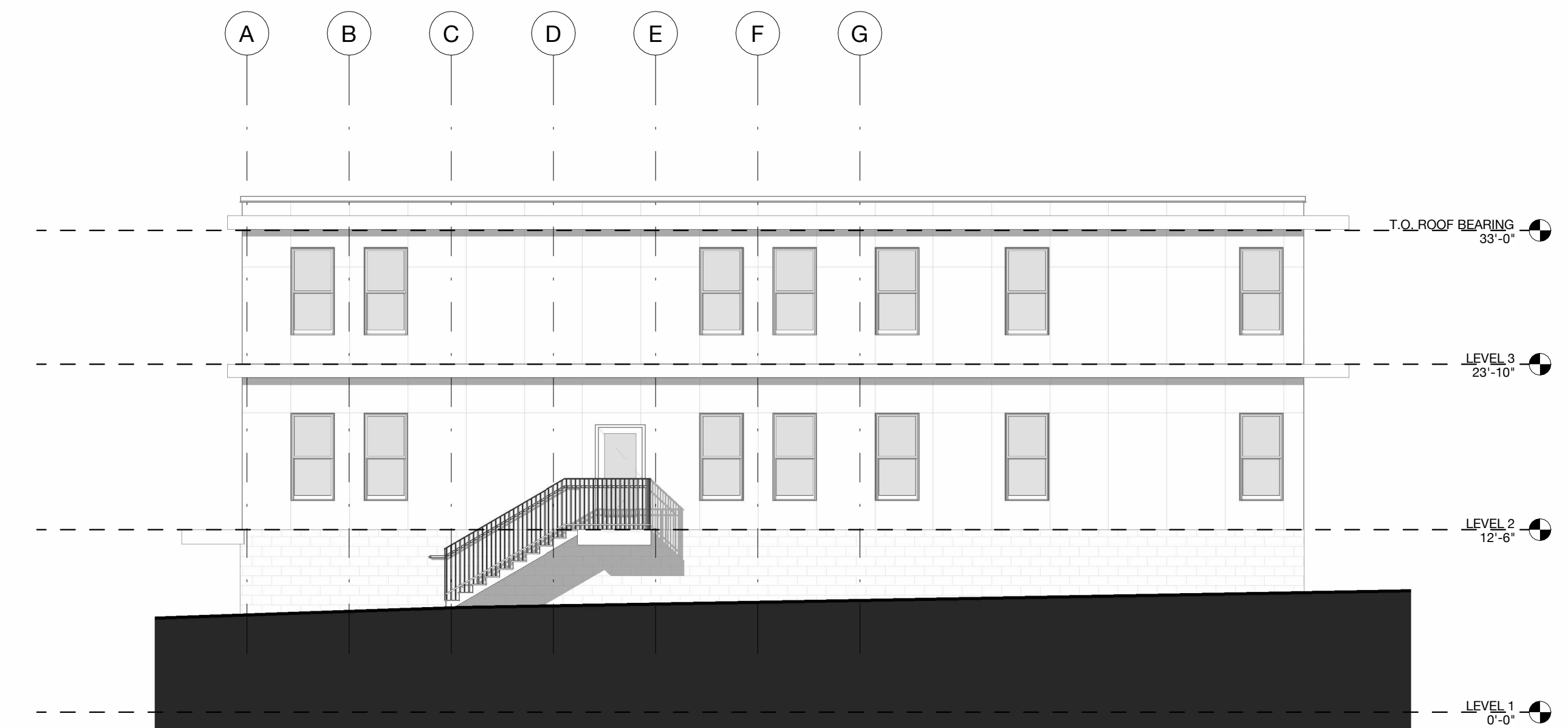
A101



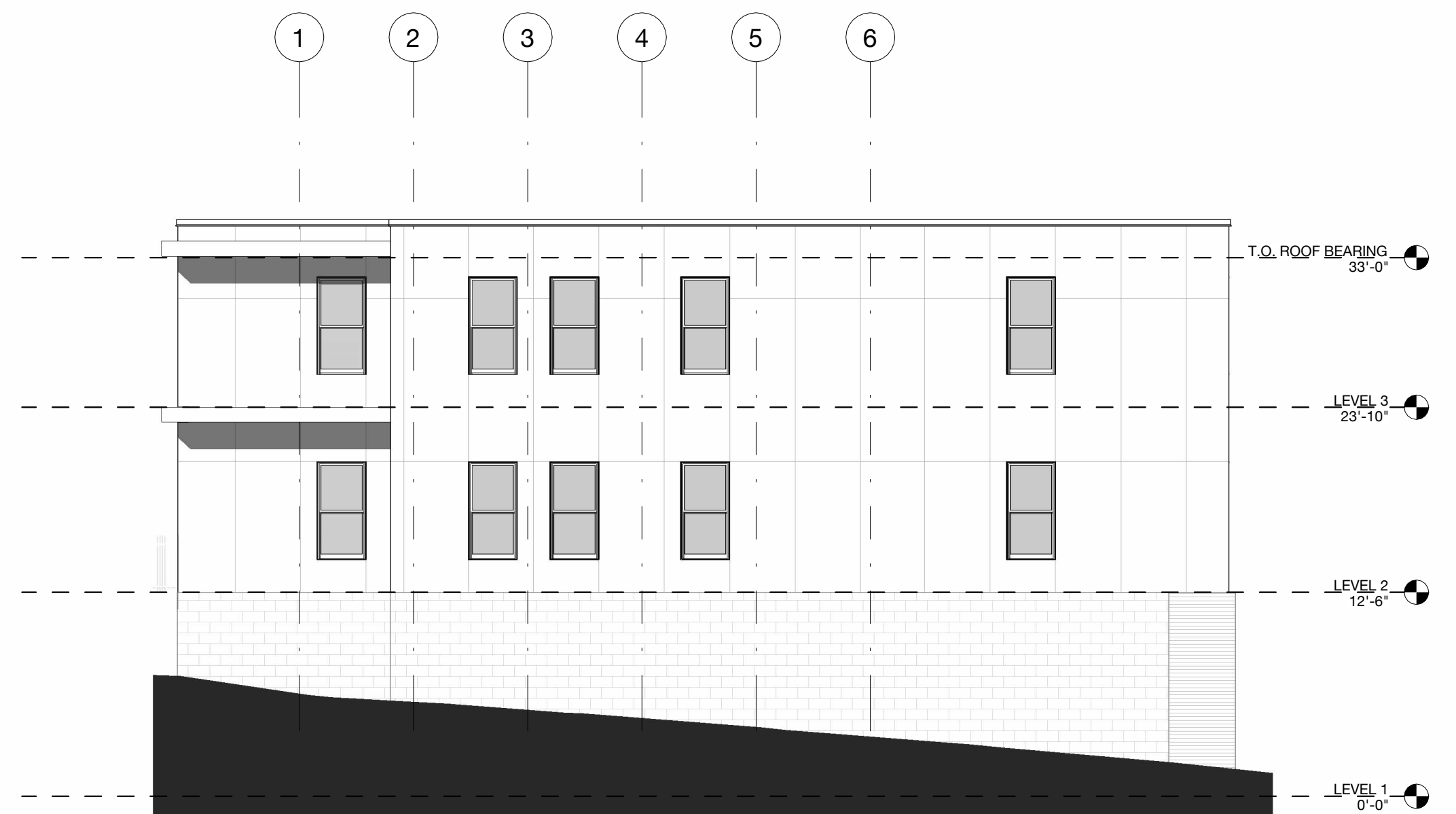
2
A301
MAGNOLIA ST - PROPOSED
1/8" = 1'-0"
0 8 16 24 FT



1
A301
BEDFORD AVE - PROPOSED
1/8" = 1'-0"
0 8 16 24 FT



4
A301
SIDE - PROPOSED
1/8" = 1'-0"
0 8 16 24 FT



3
A301
ALLEY - PROPOSED
1/8" = 1'-0"
0 8 16 24 FT

CONDITIONAL USE PERMIT
APPLICATION
01.30.2023

NOT FOR CONSTRUCTION

ARCHITECT:
ADO Architecture Design Office
728 E Main Street
Richmond, Virginia 23219
804 343 1212

2307 BEDFORD AVE
LYNCHBURG, VA 24503
CONCEPTUAL ELEVATIONS

PROJECT NUMBER
22-2307

A301



Architecture Design Office
728 E Main Street Richmond VA 23219
(804) 343-1212

info@ado.design
www.ado.design

January 30, 2023

Mr. Tom Martin, AICP- City Planner
City of Lynchburg
900 Church Street
Lynchburg, VA 24504

Re: Conditional Use Application for:
2307 Bedford Avenue
Lynchburg, Virginia 24503

Mr. Martin

This narrative is accompanying the Conditional Use Application for 2307 Bedford Avenue to allow for a mixed-use structure with less than 50% commercial floor area. The proposal is to construct a two-story addition on top of the existing one-story structure's footprint, with the majority of the 1st floor devoted to a commercial use along with a small residential lobby. The two-story addition is proposed to consist of ten total dwelling units.

The existing structure is a vacant commercial building that formerly housed a laundromat. The owner/applicant is in the process of working with the city to address any required remediation from the former tenant. The existing zoning, is B-3, which allows for both mixed-use structures (with 50% commercial use), or multi-family by conditional use. B-3 allows for 1 dwelling unit per 1,000 square feet of lot area. The existing lot is 9,377 square feet. The owner of this parcel is in the process of acquiring 2309 Bedford and transferring a 5' wide strip of 2309 Bedford to 2307 Bedford to bring the parcel area over 10,000 square feet. The future land use map designates the parcel as Community Commercial, which provides for residential uses on the upper floors of commercial structures.

The existing on-street parking available satisfies the required 18 spaces that the proposed project needs. Additionally, it is proposed to retain five (5) existing parking spaces off the Magnolia Street curb cut, while the two (2) existing curb cuts on Bedford Avenue are proposed to be removed and sidewalk, landscaping, and curb and gutter to match the existing adjacent conditions are proposed to be installed.

Sincerely,

Todd Dykshorn, Owner/Architect
Architecture Design Office Richmond, VA
todd@ado.design

Casey Servis, Project Manager
Architecture Design Office Richmond, VA
casey@ado.design



AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.6

Conditional Use Permit - James Energy Center - 3920 Harbor Street and 109 Old Trents Ferry Road

RECOMMENDATION

This item will appear for City Council vote on the April 11, 2023 Public Hearing agenda. Approval of a CUP to allow the construction of a battery energy storage system in an R-3, Medium Density Residential District.

SUMMARY

James Energy, LLC is petitioning for a CUP at 3920 Harbor Street and 109 Old Trents Ferry Road to allow the construction of a battery energy storage system in an R-3, Medium Density Residential District. Major Public Utilities Services are permitted in this zoning district upon approval of a CUP from City Council.

Following discussion at their March 8, 2023 meeting, Planning Commission recommended the following conditions apply to the petition:

1. The property shall be developed in substantial compliance with the concept plan entitled "James Energy Center, LLC" dated February 22, 2023.
2. All site lighting shall be controlled by a motion detector and shall not be on continuously.
3. HVAC units shall not be located on top of battery enclosures.
4. Battery enclosures shall not exceed twelve (12) feet in height.

PRIOR ACTION(S)

March 8, 2023: The Planning Commission recommended approval (5-1, with 1 absent; Johnson) of the CUP petition.

March 8, 2023: The Planning Division recommended approval of the petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Report and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: March 06, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: March 07, 2023



Wynter C. Benda, City Manager

Date: March 09, 2023



Alicia Finney, Clerk of Council

Date: March 09, 2023

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: March 8, 2023
Re: **Conditional Use Permit (CUP) – 3920 Harbor Street and 109 Old Trents Ferry Road**

I. PETITIONER

James Energy, LLC, 200 Garrett St., Suite J, Charlottesville, Virginia 22902

Representative: Chris Meyers, East Point Energy, LLC, 200 Garrett St., Suite J, Charlottesville, Virginia 22902

Property Owner: Garland and Peggy Harper, 3920 Harbor Street, Lynchburg, Virginia 24503

II. LOCATION

The subject properties comprise approximately four and three tenths (4.3) acres located at 3920 Harbor Street and 109 Old Trents Ferry Road.

III. PURPOSE

The purpose of the CUP is to allow the installation of a battery energy storage system that will connect to the existing Appalachian Power Company substation adjacent to the Reusens hydroelectric dam.

IV. SUMMARY

- The City's *Comprehensive Plan 2013-2030, Future Land Use Map (FLUM)* recommends a Low Density Residential and a Resource Conservation use for the property.
- An electrical substation and hydroelectric dam are located nearby.
- The Zoning Ordinance considers the energy storage system a "Major Public Utilities Service". These uses are permitted in residential districts upon approval of a CUP.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. Comprehensive Plan. The *Future Land Use Map (FLUM)* recommends a Low-Density Residential Use and a Conservation use for the property.

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

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.** Portions of the property were annexed into the City in 1926 with the remainder in 1958. The existing R-3, Medium Density Residential District was established in 1978.
3. **Board of Zoning Appeals (BZA).** The Zoning Administrator has determined that no variances are needed for the development of the property as proposed.
4. **Surrounding Area.** There have been some items requiring City Council approval in the immediate area:
 - On April 10, 1990, City Council approved the CUP petition of Virginia Episcopal School to allow the construction of a maintenance building and driveway improvements in an R-1, Low Density Residential District at 400 VES Road.
 - On February 9, 2010, City Council rezoned 4005 – 4225 Hydro Street from I-3, Heavy Industrial District to R-2, Low-Medium Residential District
 - On March 9, 2021, City council approved the CUP petition of Appalachian Power Company to allow the expansion of an existing electric substation in an R-1, Low Density Residential District and R-3, Medium Density Residential District at 200 Old Trents Ferry Road.
5. **Site Description.** The properties consist of four and three tenths (4.3) acres located at 3920 Harbor Street and 109 Old Trents Ferry Road. The property at 109 Old Trents Ferry Road is vacant. The property at 3920 Harbor Street contains a two-story, wood siding home that was constructed in 1905.
6. **Proposed Use of Property.** If the CUP is approved, the existing home would be demolished and a battery energy storage system would be constructed.
7. **Traffic, Parking and Public Transit.** With the exception of construction, there should be no additional traffic impact from the proposed facility.
8. **Stormwater Management.** A stormwater management and erosion and sediment control plan will be required prior to final site plan approval. The concept plan indicates the construction of a stormwater retention pond on the eastern portion of the property. The submitted narrative indicates stormwater quality would be mitigated through the purchase of nutrient credits.

9. **Emergency Services:** The City’s Police Department had no comments of concern regarding the proposed facility. The City Fire Marshal had general remarks regarding fire code and access to the site.
10. **Impact.** The submitted narrative indicates that no battery energy storage system equipment will be located within one hundred (100) feet of the adjoining property boundaries. The facility would also have a 20’ vegetative evergreen buffer. The facility would improve stability and reliability for the electrical grid and should have limited impact on the area.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on February 14, 2023. Comments have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of James Energy, LLC to allow the construction of a battery energy storage system subject to the following condition:

1. **The property shall be developed in substantial compliance with the concept plan entitled “James Energy Center, LLC” dated February 22, 2023.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Mr. Greg Patrick, Deputy City Manager
Mr. Kent L. White, Director of Community Development
Mr. Matthew Freedman, City Attorney
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
Garland and Peggy Harper, Property Owners
Mr. Chris Meyer, Representative
James Energy Center, LLC, Petitioner

VII. ATTACHMENTS

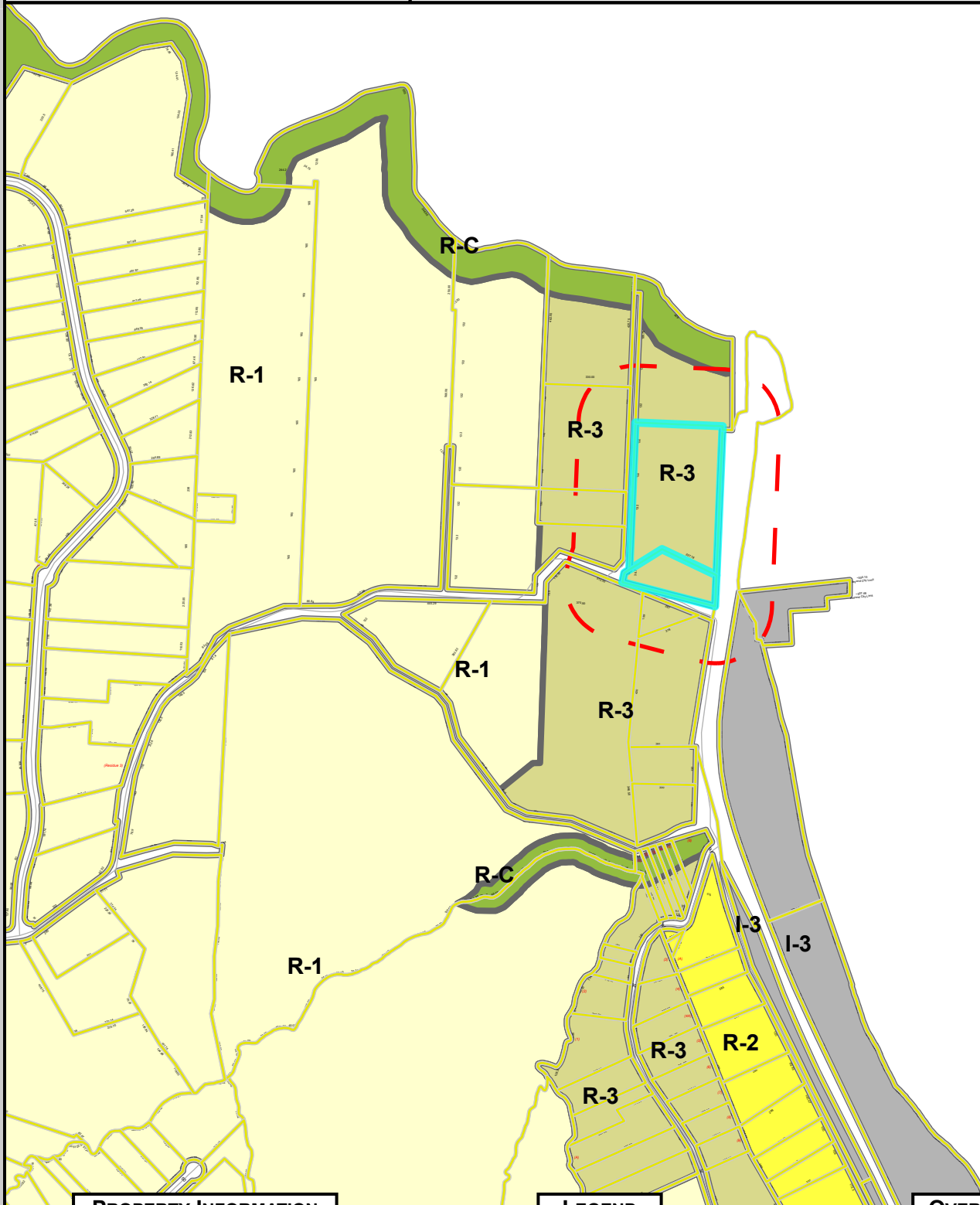
1. **Zoning Map with Adjoining Property Owners**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
5. **Concept Plan**
6. **Narrative**
7. **Property Photograph**

Zoning

TRC

109 OLD TRENTS FERRY RD 3920 HARBOR ST

East Point Energy



PROPERTY INFORMATION

PARCEL ID

13701025
13701006

ADDRESS

LEGEND

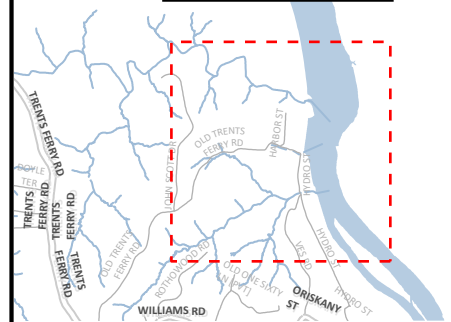
Subject Property

215 Foot Buffer

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

MAP SCALE: 1:48,000 DATE PRINTED: 1/24/2023

OVERVIEW MAP



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.

3920 Harbor Street & 109 Old Trents Ferry Road

Parcel ID	Address	Owner
13701002	4371 HYDRO ST	APPALACHIAN ELECTRIC POWER
13701026	110 OLD TRENTS FERRY RD	NEWMAN, EARLE A IV
13701005	200 OLD TRENTS FERRY RD	APPALACHIAN ELECTRIC POWER
13701025	109 OLD TRENTS FERRY RD	HARPER, GARLAND R
13701010	3921 HARBOR ST	BUCKLEY, NEIL H
13701011	271 OLD TRENTS FERRY RD	APPALACHIAN ELECTRIC POWER
13701006	3920 HARBOR ST	HARPER, GARLAND R & PEGGY A
13701009	3931 HARBOR ST	BUCKLEY, NEIL H
13701001	4200 HYDRO ST	C & O RAILWAY CO
13701007	3933 HARBOR ST	BUCKLEY, NEIL H
13701008	3939 HARBOR ST	TURNER, ADAM D & LISA D
13701003	4370 HYDRO ST	EAGLE CREEK REUSENS HYDRO LLC
13701028	4400 HYDRO ST	EAGLE CREEK REUSENS HYDRO LLC
	122 EAST MAIN ST	COUNTY ADMINISTATOR FOR BEDFORD COUNTY
	PO BOX 390	COUNTY ADMINISTRATOR FOR AMHERST COUNTY
	4219 CAMPBELL AVE	VDOT

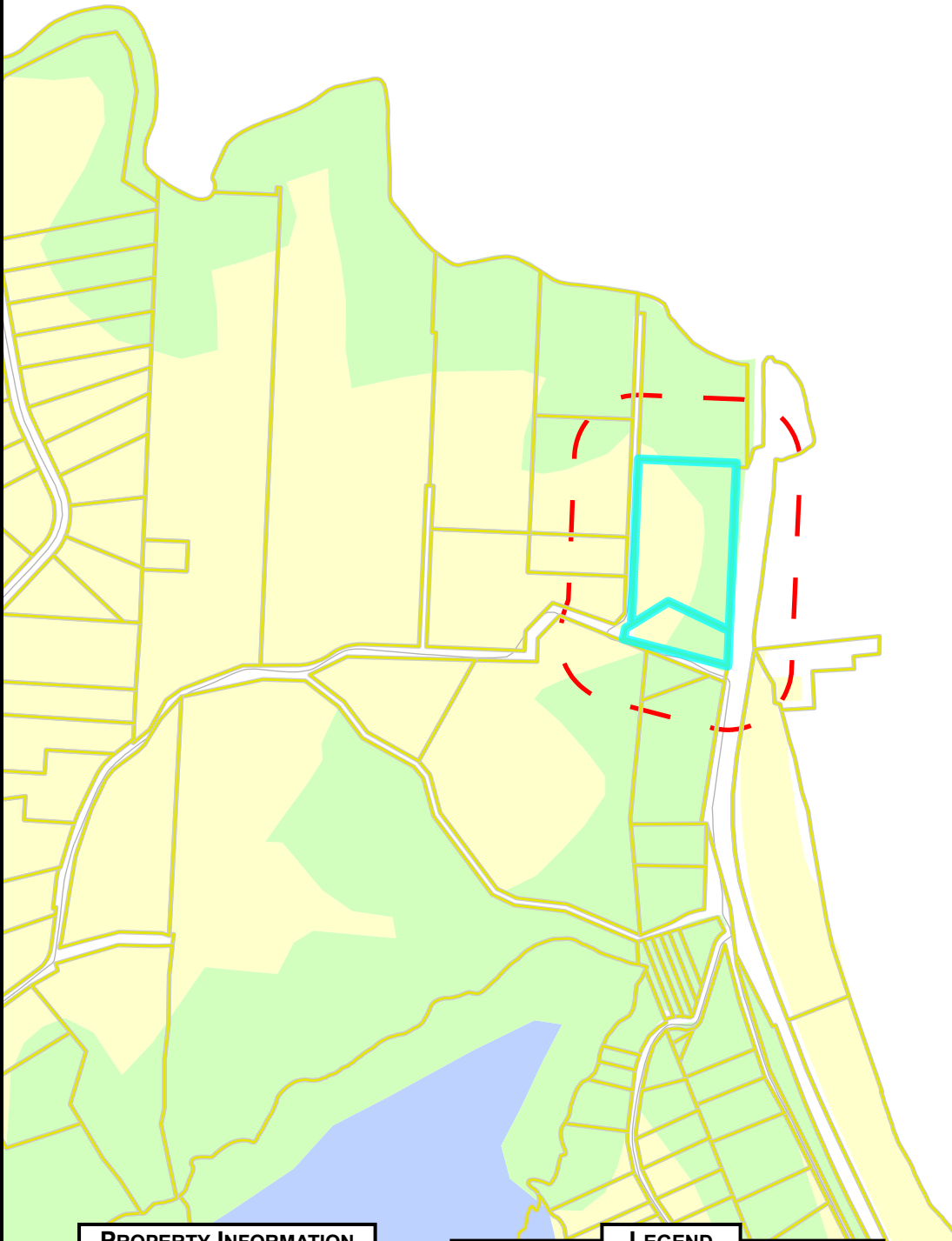
FLUM

109 OLD TRENTS FERRY RD

3920 HARBOR ST

TRC

East Point Energy



PROPERTY INFORMATION

PARCEL ID

ADDRESS

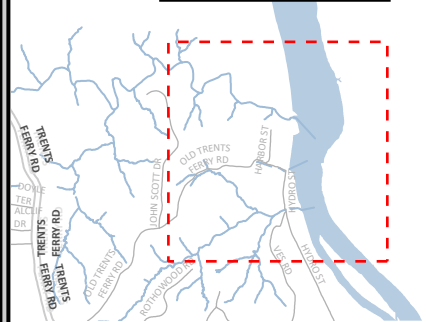
13701025 109 OLD TRENTS FERRY RD
13701006 3920 HARBOR ST

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: 1/24/2023

OVERVIEW MAP



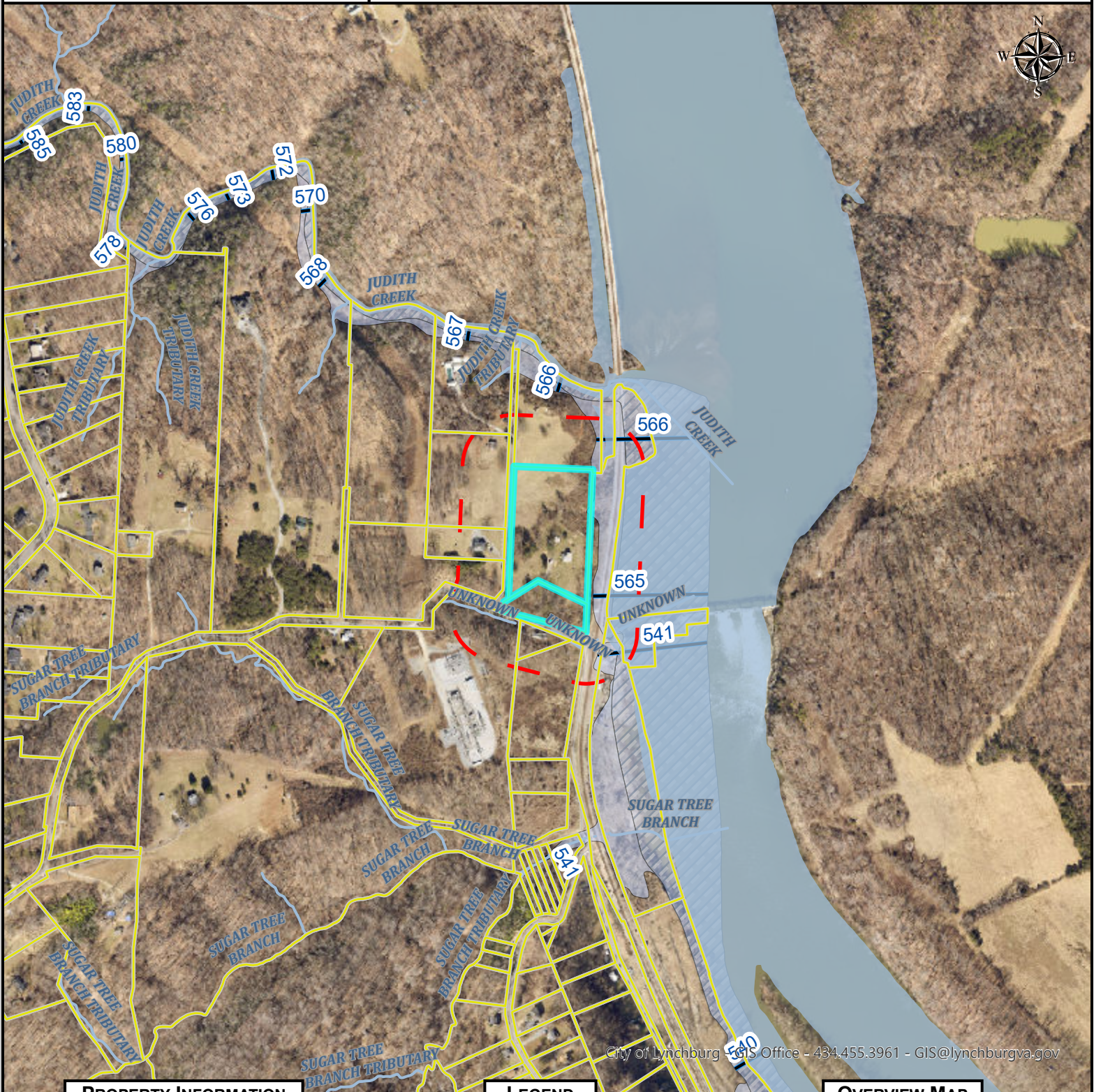
Watershed

109 OLD TRENTS FERRY RD

3920 HARBOR ST

TRC

East Point Energy



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

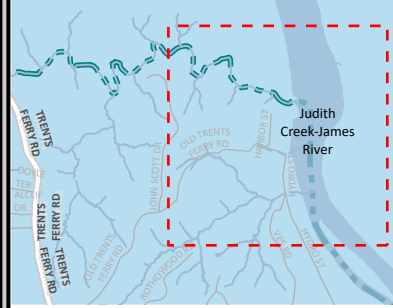
PROPERTY INFORMATION

PARCEL ID	ADDRESS
13701025	109 OLD TRENTS FERRY RD
13701006	3920 HARBOR ST

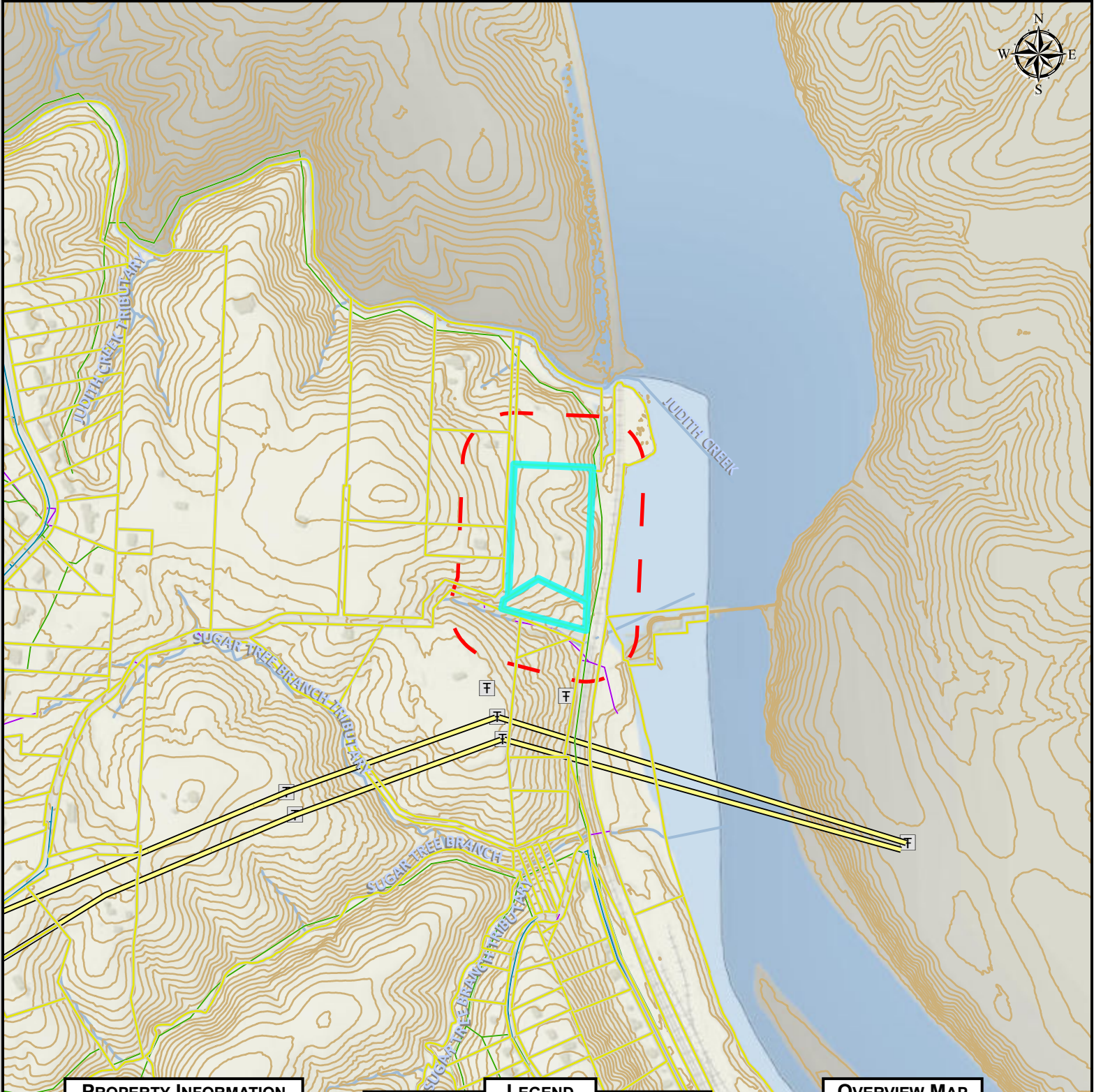
LEGEND

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

OVERVIEW MAP



MAP SCALE: 1:48,000 DATE PRINTED: 1/24/2023



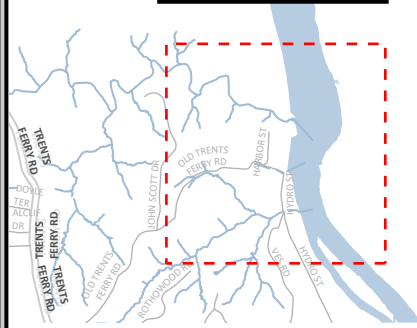
PROPERTY INFORMATION

PARCEL ID	ADDRESS
13701025	109 OLD TRENTS FERRY RD
13701006	3920 HARBOR ST

LEGEND

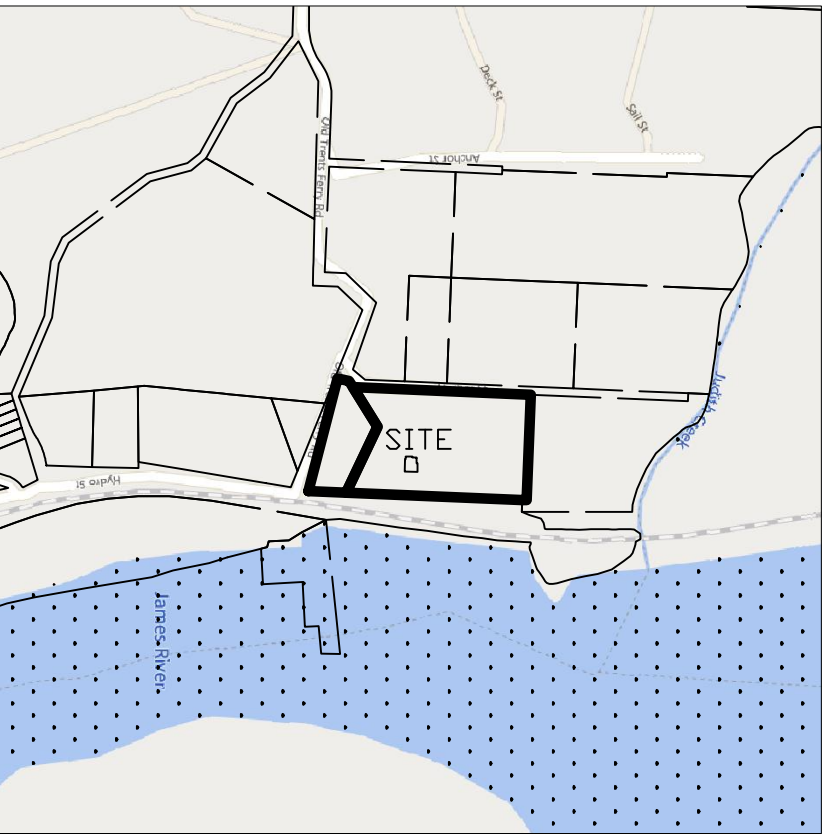
	Active	Proposed	Abandoned
Utilities	Water		
	Sanitary		
	Storm		
Planimetrics	Paved	Unpaved	Other
	Structure		
	Roadway		
	Parking		
	Sidewalk		
Topography	Contour		

OVERVIEW MAP

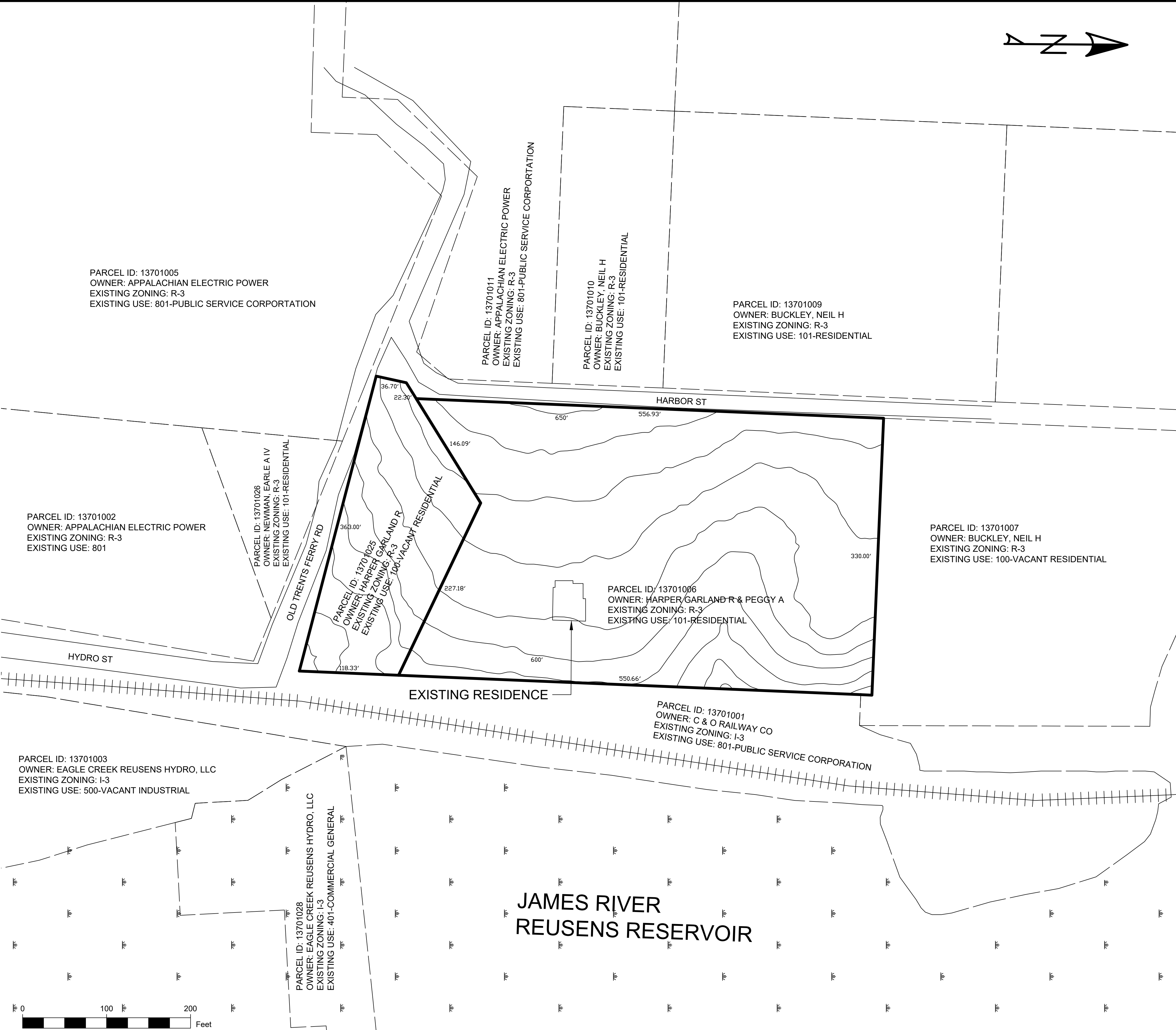


MAP SCALE: 1"=48.000' DATE PRINTED: 1/24/2023

LEGAL DESCRIPTION OF PROPERTIES:
PART OF LOT 1 AND ALL OF LOTS 2, 3 AND 4
ON THE PLAT OF BELVIDERE MADE BY M. S.
GARLAND OF RECORD IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT OF
BEDFORD COUNTY, VIRGINIA IN DEED BOOK
74; PAGE 150, THE HOUSE THEREON BEING
LOCALLY KNOWN AS 3920 HARBOR STREET,
LYNCHBURG, VIRGINIA; IT BEING THE SAME
IDENTICAL PROPERTY CONVEYED TO R. H.
MARTIN BY W. M. SNEAD AND EMMA SNEAD,
HIS WIFE, BY DEED DATED OCTOBER 5, 1923
AND RECORDED IN THE CLERK'S OFFICE OF
THE CIRCUIT COURT OF CAMPBELL COUNTY,
VIRGINIA ON OCTOBER 9, 1923 IN DEED
BOOK 132, PAGE 500 AND IN THE CLERK'S
OFFICE OF THE CIRCUIT COURT OF
BEDFORD COUNTY, VIRGINIA ON OCTOBER
25, 1923 IN DEED BOOK 138, PAGE 537. THE
SAID R. H. MARTIN, ALSO KNOWN AS RIAL
HILMAN MARTIN, DIED TESTATE ON
SEPTEMBER 5, 1979, AND BY HIS WILL DATED
AUGUST 14, 1961 AND PROBATED BEFORE
THE CLERK OF THE CIRCUIT COURT FOR
THE CITY OF LYNCHBURG, VIRGINIA ON
SEPTEMBER 19, 1979 AND RECORDED IN
WILL BOOK 40, PAGE 399, HE DEVISED THE
AFORESAID PROPERTY TO HIS WIFE, HESSIE
PEARL C. MARTIN, TO WHICH DEED, THE
DEEDS THEREIN MENTIONED AND THE
AFORESAID WILL AND PLAT, REFERENCE IS
HERE MADE FOR A MORE PARTICULAR
DESCRIPTION OF THE PROPERTY HEREBY
CONVEYED. THIS CONVEYANCE IS
EXPRESSLY MADE SUBJECT TO ALL VALID
EXISTING EASEMENTS, RESTRICTIONS,
CONDITIONS AND RESERVATIONS
HERETOFORE IMPOSED ON SAID PROPERTY
BY RECORDED DEED OR PLAT AND NOW
BINDING THEREON.



VICINITY MAP (1" = 600')



GENERAL NOTES

- 1. THIS DRAWING IS A PRELIMINARY DESIGN - NOT FOR CONSTRUCTION.
- 2. ALL DIMENSIONS SPECIFIED HERE ARE APPROXIMATE AND FOR REFERENCE ONLY.
- 3. 10' TOPOGRAPHIC CONTOURS AND PARCEL LINE DATA TAKEN FROM CITY OF LYNCHBURG'S OPEN DATA PORTAL.

DATE	2/22/2023
BY	TD
PAGE #	1



JAMES ENERGY CENTER, LLC

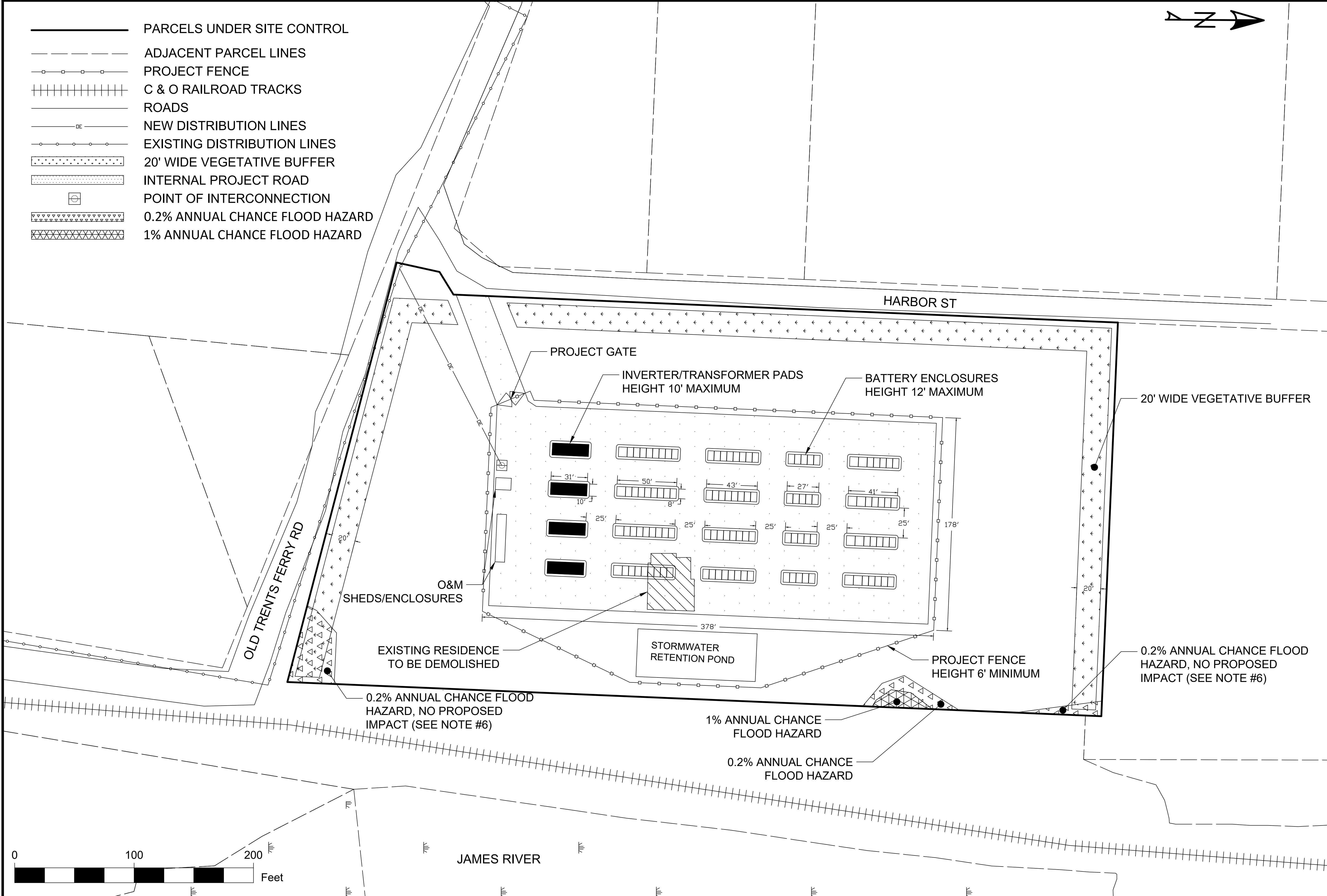
3920 HARBOR ST & 109 OLD TRENTS FERRY RD
LYNCHBURG, VA 24503

EXISTING SITE CONDITIONS

PREPARED FOR CITY OF LYNCHBURG
CONDITIONAL USE PERMIT APPLICATION

PRELIMINARY

NOT FOR
CONSTRUCTION



GENERAL NOTES

1. THIS DRAWING IS A PRELIMINARY DESIGN - NOT FOR CONSTRUCTION. ALL DIMENSIONS ARE APPROXIMATE.
2. EQUIPMENT IS REPRESENTATIVE ONLY AND MAY CHANGE BASED ON AVAILABILITY AND MARKET CONDITIONS.
3. STORMWATER MANAGEMENT PLAN TO BE SUBMITTED PRIOR TO CONSTRUCTION. STORMWATER PLAN TO COMPLY WITH CHAPTER 16.2 OF CITY OF LYNCHBURG ORDINANCE.
4. EROSION AND SEDIMENT CONTROL PLAN TO BE SUBMITTED PRIOR TO CONSTRUCTION. PLAN TO COMPLY WITH CHAPTER 16.1 OF CITY OF LYNCHBURG ORDINANCE.
5. LIGHTING PLAN TO BE SUBMITTED PRIOR TO CONSTRUCTION. PLAN TO COMPLY WITH SECTION 35.2-65 OF THE CITY OF LYNCHBURG ORDINANCE.
6. EXISTING VEGETATION AND TREE COVER TO BE PRESERVED WHERE POSSIBLE AND USED AS PART OF 20' VEGETATION BUFFER IN ACCORDANCE WITH SEC 35.2-63 OF THE CITY OF LYNCHBURG ORDINANCE.

DATE	2/22/2023
BY	TD
PAGE #	2

	JAMES ENERGY CENTER, LLC 3920 HARBOR ST & 109 OLD TRENTS FERRY RD LYNCHBURG, VA 24503	CONCEPT PLAN	PRELIMINARY
		PREPARED FOR CITY OF LYNCHBURG CONDITIONAL USE PERMIT APPLICATION	NOT FOR CONSTRUCTION



Conditional Use Permit Application

James Energy Center
The City of Lynchburg, VA

The City of Lynchburg
c/o Tom Martin
900 Church Street
Lynchburg, VA 24504

Submission Date: February 28th, 2023

Applicant & Owner Information

East Point Energy, LLC
200 Garrett Street, Suite J
Charlottesville, VA 22902

East Point Energy Point of Contact

Chris Meyer
Project Developer
434-227-5549
cmeyer@eastpointenergy.com

Company Background

East Point Energy – the sole owner of James Energy Center – is a Virginia-based development firm focused on the origination, construction, and operation of energy storage projects. We focus on standalone, utility-scale energy storage systems that help make the electrical grid more renewable, resilient, and affordable. We partner with utilities, landowners, and communities to deploy energy storage solutions that benefit the grid and our environment. East Point Energy is a wholly owned subsidiary of Equinor, a broad international energy company committed to long-term value creation in a low-carbon future.

Project Details

Introduction

East Point is excited to present the Planning Commission with a Conditional Use Permit application for the James Energy Center. The project is a proposed battery energy storage system (BESS) that will connect to the existing Appalachian Power Company substation adjacent to the Reusens dam. Once connected, the system will be capable of charging from and discharging to the electrical grid to provide a variety of benefits. These include, but are not limited to, realizing the full value and cost savings of renewable energy built across the state of Virginia, increasing the reliability and resilience of the electrical grid. Our scheduling shows that the project could begin construction as soon as Q3 2025. This development will help to implement the City's Comprehensive Plan by: helping to ensure the City's residents and businesses a more reliable electricity grid, indirectly contributing to lower electricity rates, and stabilizing the tax base by diversifying and significantly increasing in value a currently lower value property adjacent to an industrial site. A similar project already built by Appalachian Power in the [City of Martinsville is projected to save its residents between \\$3 million to \\$6 million](#) on their electricity bills.

The sections below highlight details of the potential project and our planned conformity to all City of Lynchburg rules and ordinances.

Table 1

Current Property Owners	Mr. Garland and Mrs. Peggy Harper
Property Address	3920 Harbor St
Property Coordinates	38°57'48.79"N 88°10'0.60"W
Parcel ID	13701006 & 13701025
Property Zoning	R-3
Property Acreage	4.9 acres
Project Acreage	2.5 acres

Property & Topography

The project will be located on approximately 4.9 acres in the Northern tip of the City adjacent to Reusens Reservoir. Table 1, below, contains additional information on the property. We require flat terrain for this development. Minimal portions of the project site will require grading and East Point will ensure the appropriate erosion control and stormwater management measures required by the state and by the City of Lynchburg are taken as the property is graded. Additionally, East Point's engineering team will study any necessary stormwater treatment and discharge and plan on purchasing nutrient credits if required. Priority will be placed on site design to minimize stormwater runoff and treatment on site.

Location of Proposed Site



Preliminary Site Plans

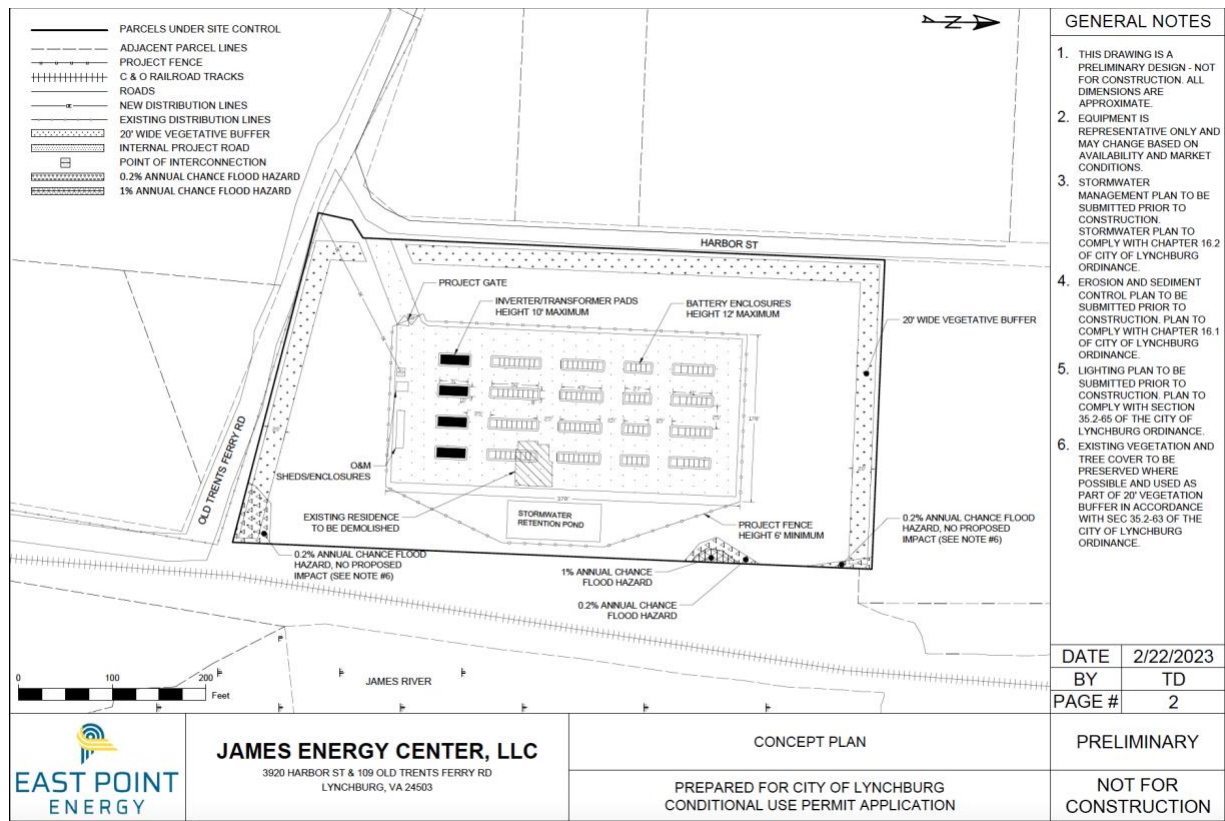
Figure 1 shows our preliminary site plan for the storage system we hope to build. We have established 20MW as a maximum size for the project and any need for downsizing will be determined after interconnection studies are complete. The project adheres to 5-foot and 30-foot road setbacks as required by section Sec. 35.2-43.4 of the City Zoning Ordinance. No BESS equipment is located within 100 feet of the property lines. High fencing and vegetative screening of the project area is included. The shaded area in Figure 2 below highlights where battery containers and associated equipment would be located. Any further specification of this area would be speculative until project size is finalized upon signing an interconnection agreement. In the event lithium-ion technology is utilized, the batteries will likely be within containers standing at or below 12 feet tall.

A driveway permit will be required and applied for at the time of building permit application. Stormwater planning we consider to be under the jurisdiction of the City and not the VDEQ.

Additionally, East Point Energy anticipates collaborating with the City's Engineering department to widen and strengthen the entrance to Harbor Street and the parcel from Old Trents Ferry Road to ensure construction equipment can access the site and leave a portion of Harbor Street improved.

The project will be accessed by a road from Harbor Street in the SW corner and have a project gate to secure the facility. While the site will not have daily visitors, parking will be provided within the fenced area of the project. Existing vegetation/trees north and west of the project site should be maintained allowing for a vegetative screen for the properties to the north and west.

Figure 1



Surrounding Properties: The surrounding properties are used for energy generation/distribution and residential purposes. To the east is the railroad track and to the southeast is the Industrial-3 zoned Reusens Dam complex. To the southwest is the Appalachian Power substation. There are two households within 500 feet of the project site with the closest being to the west on Harbor St and the south on Old Trents Ferry Rd.

Screening & Landscaping

In accordance with section 35.2-63.9: *Utility screening* of the City Ordinance, evergreen vegetative screening in front of a 12-foot fence is planned for the site. We will attempt to preserve any trees/vegetation on the north and west sides of the project. Evergreen vegetation along Harbor Street will be added based on suggestions provided by a neighbor.

Operation, Safety, & Environment

East Point is technology agnostic and will utilize the technology that best fits each situation. For the James Energy Center, we anticipate the use of lithium-ion battery technology. This is a common technology used in smartphones and computers, medical devices, and many other sophisticated technologies we interact with daily. The system will be remotely monitored 24/7 – 365 days a year and will require infrequent visits from trained staff as the majority of system operations will be handled remotely. East Point acknowledges the limited risks associated with lithium-ion BESS and will ensure local, state, and federal safety requirements are followed and that local responders are well-trained and equipped to handle any kind of response to a system malfunction.

This development will have no emissions into the environment around the City of Lynchburg as lithium-ion is a non-emitting technology. Since the site is remotely monitored and operated, there will be little lighting required beyond what is needed for safety purposes. The development will produce a sound similar in magnitude to what is created by the neighboring substation.

Conclusion

In summary, East Point Energy is respectfully requesting a Conditional Use Permit allowing the development of a battery energy storage system, with a capacity of up to 20MW, on R-3 zoned land on the northern tip of the City of Lynchburg. This project will help to increase the reliability and resiliency of the local electricity grid, indirectly lower electricity rates, and provide tax revenue to the City of Lynchburg with little to no impact on local resources such as schools and roads. This application is an indication of our confidence in this project but not a guarantee that it will be built. Additional electrical studies need to be completed before the decision to move forward will be made.

East Point Energy Statement of Qualifications

About Us

East Point Energy is a development firm focused on the origination, construction, and operation of energy storage projects. Our team is currently developing gigawatts of energy storage projects throughout the country, helping to transform the grid into a renewable, resilient, and affordable system for generations to come. East Point is a wholly owned subsidiary of Equinor, a broad international energy company committed to long-term value creation in a low-carbon future.

East Point's nimble team is comprised of hard-working, strategic problem solvers who are passionate about sustainability. We are technology and contractor agnostic, allowing us to find the best solution for each project. The firm's executive team founded East Point in 2018, bringing decades of combined energy development experience and over 1.8 gigawatts of solar, wind, and energy storage projects currently in operation across the United States. Success for East Point is measured by delivering affordable energy storage solutions that benefit the grid, communities, and our environment.

EAST POINT AT A GLANCE

- 7 GW+ energy storage projects actively under development
- 8 MWh operational energy storage projects
- 1.3 GW+ projects estimated to reach COD by 2025
- Management team has over 13 years of developing DER's and 1.8 GW of operating wind and solar projects
- 8GW of cumulative renewable energy development experience
- Over \$1.5B of cumulative transactional experience

Utility Partners (East Point & Executive Experience)



Key Team Members

East Point Energy was founded by renewable energy executives with over a decade of energy development experience, including \$1.5 billion of operating projects across the country. The founding members currently serve as East Point's executive team and include Andrew Foukal (CEO), Chris Walmsley (COO), Pierce Walmsley (CFO), and Nelson Teague (General Counsel).

EXECUTIVE TEAM	
Andrew Foukal <i>CEO</i>	Andrew Foukal founded East Point Energy in 2018 and is building East Point Energy into a leading energy storage firm in the United States. As CEO, Andrew is responsible for the business strategy and execution, as well as building and leading the East Point team. Before East Point, Andrew helped to build the company HelioSage, joining as one of the company's first employees in 2009. Coronal promoted Andrew to SVP of Operations when it acquired HelioSage in 2015. When Andrew left to start East Point Energy, Coronal had more than 600 megawatts of PV projects in operation. Andrew holds a BS in Physics from Bates College and a Masters in Materials Science and Engineering from the University of Virginia.
Chris Walmsley <i>COO</i>	At East Point, in addition to all of the traditional responsibilities of a COO, Chris Walmsley leads the project marketing and strategic partnership efforts for the firm. Prior to East Point, Chris founded HelioSage in 2007, and led the company to success as CEO until it was sold in 2015. In addition, Chris founded and continues as an owner of AutoMax, a successful 25-year-old marketing distributorship headquartered in Prague, Czech Republic. Chris holds a BA in History from the University of Virginia.
Pierce Walmsley <i>CFO</i>	As CFO, Pierce leads the project modeling efforts for all markets at East Point, curating the value of each portfolio. Pierce also manages all financial matters related to the firm. Pierce has over 20 years of executive experience in many different industries and on two continents. Pierce served as the CFO for HelioSage beginning in 2008, then served as the CFO and on the Board of Coronal Energy after Coronal purchased HelioSage in 2015. Prior to joining HelioSage, Pierce co-founded two successful start-ups: Global Sleep Products Inc., and AutoMax, of which he is still an owner. Pierce holds a BA in Economics and Psychology from the University of Virginia, and an MBA from the Darden Graduate School of Business Administration.
Nelson Teague <i>General Counsel</i>	Nelson Teague manages legal affairs at East Point Energy, which include contract negotiations, landowner and utility relations, and regulatory matters. Nelson began his career in renewable energy fifteen years ago as the Director of Project Transactions with Greenlight Energy. Nelson co-founded HelioSage and served as Vice President – Legal for Coronal after it purchased HelioSage. Nelson has also served as General Counsel for several renewable energy development firms in the arenas of utility-scale solar, utility-scale wind, biofuels manufacture and the commercialization of a wave to energy technology. Nelson holds a BA in Politics from Washington and Lee University and his law degree from the TC Williams School of Law at the University of Richmond.

ADDITIONAL MEMBERS OF PROJECT TEAM	
Tyler Cline <i>VP of Project Development</i>	As Vice President of Project Development, Tyler is responsible for overseeing the development of East Point Energy's front-of-the-meter, standalone energy storage projects throughout the United States. Tyler has a background in utility-scale, renewable energy origination and project development, working as part of the development team at Coronal Energy and then serving as Manager of Origination and Power Marketing for Ørsted. Prior to his career in clean energy, Tyler spent several years in the United States Army as an infantry officer. Tyler holds a BS in Civil Engineering from the United States Military Academy at West Point and an MBA from the University of North Carolina at Chapel Hill's Kenan-Flagler Business School.
Matt Cousins <i>Director of Origination</i>	As Director of Origination, Matt is responsible for originating revenue contracts for East Point's projects. Matt has a background in utility-scale, energy storage acquisition, business development, and finance. Prior to joining the East Point team, Matt held the positions of Senior Business Development Manager for Dominion Energy, and Business Development Manager for Wartsila, focusing on energy storage in both roles. Before shifting into the renewable energy industry, Matt advised M&A clients at Harris Williams across energy, power, and infrastructure end markets and spent over eleven years flying MH-60S helicopters in the US Navy. Matt holds a BS in Systems Engineering from the United States Naval Academy, an MBA from The College of William & Mary, and an MS in Accounting from the University of Connecticut.
Maggie Howe <i>Project Development Manager</i>	Maggie manages and mentors East Point's team of Project Developers, in addition to leading campaigns for several key East Coast markets. Prior to joining East Point, Maggie worked as a contractor for the EPA, where she supported oil spill prevention and response programs. For several years, she also ran an environmentally focused summer camp in Brevard, NC, serving over 1200 children each season. Maggie holds a BS in Science, Technology, and International Affairs, focusing on environmental and energy policy, from Georgetown University's School of Foreign Service, as well as an MBA from the University of North Carolina's Kenan Flagler School of Business.
Chris Meyer <i>Project Developer</i>	As a Project Developer, Chris supports East Point Energy's existing campaigns and engages in new market research. Prior to joining the team, Chris founded and ran an organization focusing on sustainable silvo agriculture in Panama; advocated in UN climate change negotiations for the Environmental Defense Fund; and led a non-profit working on residential energy efficiency, electrification, and rooftop solar installations in Virginia. Chris holds an MA in International Relations from Johns Hopkins University's School of Advanced International Studies (SAIS) and a BBA in Finance from the University of Portland.
Tom DeAngelis <i>Development Engineer</i>	Tom focuses on the engineering, design, interconnection, permitting, and technical risk assessment of East Point Energy's energy storage projects. Tom served as the lead development engineer for East Point's Dry Bridge Energy Center, which was sold to Dominion Energy in 2021, as well as Yadkins Energy Center, which was sold to Aypa Power in 2022. Prior to joining East Point Energy, Tom worked with Integrated Environmental Solutions in Dublin, Ireland where he helped buildings achieve LEED certification. Tom holds a BS in Mechanical Engineering from the University of Virginia.

Representative Battery Storage Projects



Brokenburg Battery Energy Storage System

System Size: 2MWac | 8MWHac

Owner: Rappahannock Electric Cooperative

Location: Spotsylvania, Virginia (PJM)

Commercial Operation: Q2 2021

The Brokenburg Battery Energy Storage System (BESS) reached commercial operation in the second quarter of 2021, and was developed by East Point Energy, integrated by Powin Energy, and constructed by REC and subcontractors. The BESS provides load shifting at peak times to defer substation upgrades, provides the ability to island and carry an entire distribution circuit in the event of a substation outage, and serves to educate REC and their members on battery storage technology.



Dry Bridge Energy Center Battery Storage Project

System Size: 20 MWac | 80 MWh

Owner: Dominion Energy Virginia

Location: Chesterfield County, Virginia (PJM)

Commercial Operation: 2022 (expected)

East Point Energy began developing the Dry Bridge Energy Center in 2019 and sold it to Dominion Energy in 2021 as part of Dominion's 2020 Clean Energy Request for Proposals. Dry Bridge is expected to be the largest battery energy storage project in the Commonwealth of Virginia when it becomes operational in 2022. The project will deliver services including the firming of intermittent renewable energy, grid resilience, and consumer value by providing capacity, energy, and ancillary services into the PJM wholesale energy market.

Yadkins



Energy Center Battery Storage Project

System Size: 100 MWac | 400 MWh

Owner: Aypa Power

Location: Chesapeake, Virginia (PJM)

Commercial Operation: 2025 (expected)

East Point Energy began developing the Yadkins Energy Center in 2018 and sold it in 2022 to Aypa Power, a Blackstone portfolio company and developer, owner and operator of energy storage and hybrid generation assets. East Point will continue to provide development services to the project on its path to becoming operational. The project will increase grid resilience and is well-sited to support the Hampton Roads load growth and planned offshore wind interconnecting nearby.



Knightdale Energy Center Battery Storage Project

System Size: 100 MWac | 400 MWh

Owner: Undisclosed Investor-Owned Utility

Location: SERC

Commercial Operation: 2023 (expected)

East Point Energy began developing the Knightdale Energy Center in 2018 and sold it in 2021 to an undisclosed investor-owned utility. East Point will continue to provide development services to the project until it becomes operational. The project is well-sited to support the significant amount of intermittent solar energy generation and exceptional load growth in the area.



Pleasant Valley Energy Center Battery Storage Project

System Size: 15 MWac | 60 MWh

Location: NYISO

Current Status: Under Development

Commercial Operation: 2024 (expected)



Oxford Energy Center Battery Storage Project

System Size: 17.3 MWac | 69.2 MWh

Location: ISO-NE

Current Status: Under Development

Commercial Operation: 2025 (expected)



Wire Energy Center Battery Storage Project

System Size: 9 MWac | 18 MWh

Location: ERCOT

Current Status: Under Development

Commercial Operation: 2023 (expected)



Shands Energy Center Battery Storage Project

System Size: 15.7 MWac | 62.8 MWh

Location: PJM

Current Status: Under Development

Commercial Operation: 2023 (expected)



Tue Aug 9 2022

Imagery © 2023 Nearmap, HERE

100 ft

nearmap

AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Rachel Frischeisen, Senior Planner

AGENDA ITEM # IV.7

Conditional Use Permit (CUP) – Wyndsor View Townhomes – 710 and 714 Leesville Road

RECOMMENDATION

This item will appear for City Council vote on the April 11, 2023 Public Hearing agenda. Approval of the CUP to allow the construction of eighty-seven (87) townhomes in a R-3C, Medium Density Residential District (Conditional).

SUMMARY

Lynchburg Renting, LLC is petitioning for a CUP at 710 and 714 Leesville Road to allow the construction of eighty-seven (87) townhomes. Townhome developments are permitted in this zoning district upon approval of a CUP from City Council. City Council previously approved a CUP at this location on September 24, 2019, but it has expired.

The *Comprehensive Plan 2013-2030* Future Land Use Map (FLUM) recommends a Medium Density Residential use for the area. These areas are characterized by small-lot single-household detached housing, duplexes, and townhouses at densities up to twelve (12) units per acre.

PRIOR ACTION(S)

September 24, 2019: City Council approved the CUP petition.

February 22, 2023: The Planning Commission recommended approval (4-0, with 2 absent; Bowden and Johnson, and 1 vacancy) of the CUP petition.

February 22, 2023: The Planning Division recommended approval of the petition.

FISCAL IMPACT

N/A

CONTACT(S)

Rachel Frischeisen, Senior Planner
Tom Martin, City Planner

ATTACHMENT(S)

1. Planning Commission Minutes, Report, and Attachments

REVIEWED BY



Kent White, Director of Community Development

Date: March 06, 2023



Mercedes Braun, Executive Assistant to the City Manager

Date: March 07, 2023



Wynter C. Benda, City Manager

Date: March 09, 2023



Alicia Finney, Clerk of Council

Date: March 09, 2023

MINUTES OF THE FEBRUARY 22, 2023 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Lynchburg Renting, LLC for a Conditional Use Permit in an R-3C, Medium Density Residential District (Conditional) to allow the construction of eighty-seven (87) townhomes at 710 and 714 Leesville Road.

Ms. Rachel Frischeisen, Planner II, provided the following summary to the Commission. The purpose of this petition is to allow for the construction of a townhome development and associated parking facilities. A Conditional Use Permit (CUP) was previously approved on September 24, 2019 but has expired since twenty-four (24) months have elapsed. Townhomes are a permitted use in a R-3, Medium Density Residential district upon approval of a CUP. The property was rezoned in conjunction with the 2019 CUP petition from R-1, Low Density Residential district and R-3, Medium Density Residential district to R-3C, Medium Density Residential district (Conditional). The Future Land Use Map (FLUM) recommends Medium Density Residential use for this property. The City's Comprehensive Plan recommends that these areas be characterized by small lot single family detached housing, townhouses, and duplexes at densities of up to twelve (12) units per acre. As part of the 2019 rezoning, the existing proffers include the construction of a connection to Middle Street and necessary improvements to Leesville Road. The traffic study was updated as a part of this petition and shows that this development will warrant a left turn lane and a right turn taper. The submitted narrative states that the petitioner wishes to limit traffic movements to a right-in, right-out only configuration. The City Engineer has requested that this traffic study be updated to show that a right-in, right-out configuration will function adequately. Staff has not yet received an updated traffic study. This configuration would negate the need for a left turn lane, but a right turn taper will still be required. This is reflected as a part of the conditions outlined in the recommendation in the Planning Commission packet. Two townhome projects on this property were denied by City Council in 2007 and in 2015. These denials were due to concerns about erosion and sediment control, stormwater, and the number of townhomes in the City. In 2019, a petition was submitted with proffers that limited the environmental impacts and was approved. That CUP has expired. The proposed development contains the same number of units as the previously approved CUP. The City's Technical Review Committee reviewed this petition on January 3, 2023. Planning staff recommends approval of the petition based on the conditions outlined in the Planning Commission report.

Mr. Russ Nixon of Nixon Land Surveying, LLC was present to speak on behalf of this petition. The concept plan submitted in this petition is the same concept plan that was submitted and approved in 2019. Beginning construction for that CUP was stalled due to the Covid-19 pandemic. The work began in the summer of 2022 but was halted when a subdivision was submitted to the City and the petitioner was notified that the project required a renewed CUP. The engineering firm that worked on the 2019 CUP has since closed and thus was an additional reason for the delay in beginning the work. There will be no change to the design or any additions included in this proposed project. The updated traffic study for this project was done through EPR, PC in Charlottesville. The petitioner is comfortable putting in a right-in, right-out only traffic configuration with a right turn lane taper into the development. The proffers from the 2019 rezoning still stand. Erosion and sediment and stormwater control will be updated as proffered and conditioned previously.

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

Commissioner Henderson noted that it seems that the petitioner has gone above and beyond to meet the City requirements.

A member of the audience raised her hand to speak and the Commission invited her to the podium.

Ms. Mona Thomas stated that her property is adjacent to this project along McVeigh Road. She asked for clarification when this project will begin. She is against this development because of the potential influx of traffic along Leesville Road as well as the construction disturbance.

Commissioner Perault replied that the petitioner will have two (2) years to start the work if the petition

is approved.

Commissioner Marion asked where traffic will be turning around if they install a right-in, right-out only configuration.

Mr. Nixon replied that the entrance will be along Leesville Road. They will install a "pork chop" entrance so that drivers can only exit to the right. They will also put a right turn lane taper off of Leesville Road so that drivers can only turn into the development from the southbound lane. Drivers will not be able to turn from the northbound lane into the development. They can turn onto Mcveigh Road to access Middle Street and utilize the entrance that will be constructed there.

Commissioner Marion asked for clarification that if a driver wants to turn left out of the development but can make a right only, where will they turn around once they make a right turn.

Mr. Nixon replied that there are other medians on Leesville Road towards Greenview Drive that drivers can make a legal U-turn. Another option that was looked at was a turn lane median in front of the development but this will not be feasible because the road is not wide enough.

Commissioner Marion asked if these U-turn areas are signalized crossings.

Mr. Nixon replied that they are not. However, there are several places in between this property and Greenview Drive where traffic can make a U-turn.

Ms. Frischeisen stated that the conditions in the recommendation state that a left turn lane shall be constructed unless the traffic study is updated showing that a right-in, right-out configuration will be adequate.

Mr. Nixon noted that the traffic engineer working on this has written a letter that this configuration will be acceptable and will ensure that the City receives it.

Ms. Frischeisen clarified that should the right-in, right-out configuration not be adequate according to the revised traffic study, the left turn lane would be required.

Commissioner Henderson asked if there are any concerns of traffic build up near the U-turn areas.

Ms. Frischeisen replied that this is why staff have asked for an updated traffic study to ensure that this will not be a concern. The condition is written to reflect that if the right-in, right-out configuration does not work, a left turn lane will be constructed.

Commissioner Marion asked if a left turn lane is impossible.

Mr. Nixon replied that it will require right-of-way acquisition from neighbors. The right-in, right-out configuration was recommended from the petitioner's traffic engineer.

Commissioner Perault noted that this is the third time he has seen this petition. At the time of his vote for approval in 2019, a left turn lane was included in the petition. Two (2) sets of U-turn areas on a heavily trafficked four-lane road is concerning. In addition, the lack of plan as to where traffic will turn around after they have made a right turn out of the development is also concerning. The Middle Street entrance can be used to offset this issue. He recommended installing signage to direct traffic to use that entrance.

Mr. Nixon stated that the Commission could add this as a condition.

Commissioner Perault stated this is not a legality issue but the signage would be for guests who are not aware of the Middle Street entrance and exit. This will impact traffic on Middle Street but it seems much safer than directing all the traffic to Leesville Road.

Mr. Nixon replied that including signage is feasible.

Commissioner Rogers stated that having a connection to Middle Street is important. He asked if the Commission needs to add that to the conditions.

Ms. Frischeisen replied that they do not need to change the condition since the City Traffic Engineer has not reviewed what the petitioners traffic engineer has summarized. As it is currently written, the condition for constructing a right-in, right-out configuration is contingent upon receiving an updated traffic study from the petitioner and the review and approval by the City Engineer.

Commissioner Perault asked if encouraging the use of the Middle Street entrance will put too much traffic on that street.

Mr. Nixon stated that Middle Street was constructed to help alleviate traffic impact. He noted that they have no issue with posting signage to encourage the use of this entrance.

Commissioner Perault clarified that signage will primarily be used by visitors who will be unaware of this entrance.

Ms. Frischeisen stated that this petition is a good example of how to increase and improve connectivity.

Commissioner Perault stated that the additional entrance does alleviate the concern of the two (2) possible U-turn areas along Leesville Road.

Commissioner Rogers noted that in his experience, traffic is typically heavier during the construction phase as opposed to after tenants have moved in. He asked for clarification on the timeline of this project.

Mr. Nixon replied that they are already working on the project. He estimates having the engineering and design plans to City staff by the end of April.

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

"Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the Conditional Use Permit petition of Lynchburg Renting, LLC at 710 & 714 Leesville Road to allow the construction of an eighty-seven (87) unit townhome development subject to the following conditions:

1. The property shall be developed in substantial compliance with the concept plan entitled "WyndSOR View" Townhomes dated April 29, 2019.

2. A left turn lane shall be constructed, unless the traffic study is revised to show that a right-in, right-out entrance configuration will function adequately.

AYES:	Henderson, Marion, Perault, and Rogers	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Bowden, Johnson	2
VACANCY:		1

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: February 22, 2023
Re: **Conditional Use Permit (CUP): Wyndsor View Townhomes – 710 & 714 Leesville Road.**

I. PETITIONER

Lynchburg Renting, LLC, PO Box 351, Forest, Virginia 24551

Representative: Mr. Russell E. Nixon., Nixon Land Surveying, 1063 Airport Road, Lynchburg, Virginia 24502.

Property Owner: Same as Petitioner.

II. LOCATION

The subject property is a tract comprised of two (2) parcels located at 710 & 714 Leesville Road totaling approximately eight (8) acres.

III. PURPOSE

The purpose of the CUP petition is to allow the construction of an eighty-seven (87) unit townhome development with one hundred fifty-seven (157) parking spaces. A CUP was previously approved at this location by City Council on September 24, 2019, but it has expired.

IV. SUMMARY

- Townhome developments are a permitted use in an R-3, Medium Density Residential District upon approval of a CUP by Council.
- The property is recommended for Medium Density Residential uses on the *Future Land Use Map (FLUM)*.
- Voluntarily submitted proffers from the previous rezoning should adequately address any impacts from the proposed development.

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 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)
2. **Zoning.** The subject property was annexed into the City in 1976. The property was rezoned along with the 2019 CUP petition from R-1, Low Density Residential and R-3, Medium Density Residential District to R-3C, Medium Density Residential District (Conditional).

3. **Existing Proffers.** The 2019 rezoning established several proffers on the property, which are still in effect and will be required with the proposed development:
 - The project will be constructed in substantial compliance with the site plan.
 - A connection to Middle Street will be constructed along with improvements to Leesville Road as suggested in the accompanying Traffic Report.
 - Stormwater Management facilities will be designed to provide a 30% run-off improvement factor instead of the 20% required under current regulations.
 - The green space and park area shown on 710 Leesville Road will contain a Tot Lot with appropriate playground equipment.
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 May 22nd, 1979, City Council approved the Timberlake Road Study's Proposed Zoning, rezoning 701 and 713 Leesville Road to B-1, Limited Business District.
 - On July 14th, 1981, City Council approved Phillip Coffey's petition to rezone sixteen and eight tenths (16.8) acres at 762 Leesville Road from R-1, Low-Density Single-Family Residential District to R-4C, Medium-High Density, Multi-Family Residential District (Conditional) to allow the construction of twenty-seven (27) four (4) and six (6) unit apartments.
 - On May 14th, 1985, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a residential care center at Leesville Road and Del Ray Circle.
 - On August 13th, 1991, City Council approved Tree of Life Pentecostal Holiness Church's CUP petition for the construction of a sanctuary and parking lot at 742 Leesville Road.
 - On June 13th, 1995, City Council approved Virginia Baptist Hospital's CUP petition for the construction of a dining facility and building additions for Bridges Treatment Center at 693 Leesville Road.
 - On April 19th, 1996, City Council approved Virginia Baptist Hospital's CUP petition for cottages and parking areas for Bridges Treatment Center at 693 Leesville Road.
 - On August 13th, 1996, City Council approved Tree of Life Ministry's CUP petition for the expansion of existing church facilities at 742 Leesville Road.
 - On August 14th, 2001, City Council approved Centra Health's CUP petition for the construction of modular classrooms, additional classrooms, residential cottages and parking for Bridges Treatment Center at 693 Leesville Road.
 - On December 11th, 2001, City Council approved Tree of Life Ministry's CUP petition for Master Plan Development of a sanctuary, multi-purpose building, parking and athletic fields at 742 & 752 Leesville Road.
 - On December 10th, 2002, City Council approved Centra Health's CUP petition to retain modular classrooms and construct additional classrooms/residential cottages and a nature walk for Bridges Treatment Center at 693 Leesville Road.
 - On February 10th, 2004, City Council approved Luther Shepard's petition to rezone approximately three and eighty-nine hundredths (3.89) acres from R-1, Low-Density Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential District

(Conditional) at 800 Middle Street, to allow the construction of five (5) duplexes, in addition to three (3) existing duplexes.

- On November 9th, 2004, City Council approved Joe Gantt's petition to rezone approximately six and one tenth (6.1) acres from R-1, Low-Density Single-Family Residential District to R- 3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 716, 718 and 726 Leesville Road to allow the construction of fifty-nine (59) townhomes and associated parking.
 - On November 13th, 2007, City Council denied the petition of Lynchburg Renting, LLC to rezone approximately seven and thirteen hundredths (7.13) acres from R-1, Low-Density Single-Family Residential District to R-3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 714 Leesville Road disallowing the construction of seventy-six (76) townhomes and associated parking.
 - On April 13, 2010, City Council approved the Future Land Use Map (FLUM) amendment, Low Density Residential to Office and rezoning from R-1, Low Density Residential to B-2C, Neighborhood Business District (Conditional) (now B-1, Limited Business District) petitions of SFB, LLC at 623 Leesville Road to allow the construction of a business park.
 - On September 8, 2015, City Council denied the petition of Lynchburg Renting, LLC to rezone approximately seven and thirteen hundredths (7.13) acres from R-1, Low-Density Single-Family Residential to R-3C, Medium-Density, Two-Family Residential District (Conditional) and for a CUP at 714 Leesville Road disallowing the construction of a sixty-eight (68) unit townhomes and associated parking.
 - On September 13, 2016, City Council approved the petition of Kristie Napier to rezone approximately one (1) acre at 630 & 636 Leesville Road from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the reuse of an existing building as a business.
 - On September 24, 2019, City Council approved the petition of Lynchburg Renting, LLC, for a CUP allow the construction of an eighty-seven (87) unit townhome development with one hundred fifty-seven (157) parking spaces and to rezone approximately eight (8) acres from R-1, Low Density Residential District and R-3, Medium Density Residential District to R-3C, Medium Density Residential District (Conditional) at 710 and 714 Leesville Road
6. **Site Description.** The subject property is two (2) tracts comprising approximately eight (8) acres. The property contains two (2) structures proposed for demolition as part of this project. The property is bounded to the north by single-household and duplex uses, to the south by a townhome development, to the east (across Leesville Road) by a residential use on commercially zoned land and to the west by single-household and apartment uses.
 7. **Proposed Use of Property.** If the petitions are approved the property would be developed as an eighty-seven (87) unit townhome development with associated parking.
 8. **Traffic, Parking and Public Transit.** The submitted concept plan indicates the construction of an eighty-seven (87) unit townhome development with one hundred fifty-seven (157) parking spaces. The number of parking spaces proposed is above the *Zoning Ordinance* requirement of one (1) space per unit.

As part of the 2019 rezoning, the existing proffers include the construction of a connection to Middle Street and the necessary improvements to Leesville Road. The submitted traffic study shows that warrants for a left turn lane and right turn taper are met, however, the submitted narrative for the project indicates that the petitioner wishes to limit turning movements to right-in, right-out only. The City Engineer has requested that the traffic study be updated to

show that this configuration would function adequately, but the study has not yet been revised. A right-in, right-out entrance would negate the need for a left turn lane, but a right turn taper would still be required.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 7 with bus stops located at the intersection of Del Ray Circle and Leesville Road, and at 702 and 730 Leesville Road.

9. **Stormwater Management.** A stormwater management / Erosion & Sediment Control Plan will be required prior to site plan approval. Information submitted by the petitioner indicates that stormwater quantity and quality would be addressed by a variety of measures, including two stormwater management areas. Per the proffers from the 2019 rezoning, the run-off improvement would be improved by 30%, instead of the required 20%.
10. **Emergency Services:** The City's Fire Marshal and Police Department had no comments of concern regarding the proposal.
11. **Impact.** The proposed development should have limited impacts on the surrounding neighborhoods and would fit well within the existing Leesville Road corridor. The concept plan indicates the maintenance of existing vegetation along the perimeter of the development and additional vegetation would be added as needed to soften any impacts from the development. The connection to Middle Street will strengthen the street grid in the area, and improvements to Leesville Road should limit any traffic impacts. Pedestrian connections within the development connecting to Leesville Road and transit service indicate a well-designed project that will provide additional housing opportunities for Lynchburg residents.

A townhome project on the property has been denied by Council on two separate occasions, 2007 and 2015. Denial was due to concerns over erosion and sediment control, stormwater, and the number of townhomes in the City. In 2019, the petition was submitted with proffers to limit environmental impacts and the townhome development was approved, but the Conditional Use Permit (CUP) has since expired.

The proposed development contains the same number of units as the 2019 petition, at a density below thresholds as recommended by the Comprehensive Plan for this area.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the petition on January 3, 2023. 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 Conditional Use Permit petition of Lynchburg Renting, LLC at 710 & 714 Leesville Road to allow the construction of an eighty-seven (87) unit townhome development subject to the following conditions:

1. **The property shall be developed in substantial compliance with the concept plan entitled "Wyndors View" Townhomes dated April 29, 2019.**

- 2. A left turn lane shall be constructed, unless the traffic study is revised to show that a right-in, right-out entrance configuration will function adequately.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. Wynter C. Benda, City Manager
Mr. Greg Patrick, Deputy City Manager
Mr. Kent L. White, Director of Community Development
Mr. Matthew Freedman, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozzerow, Lynchburg Police Department
Battalion Chief Thomas Goode, Fire Marshal
Mr. Doug Saunders, Building Official
Mr. Kevin Henry, Zoning Administrator
Lynchburg Renting, LLC, Property Owner
Mr. Russell E. Nixon, Representative

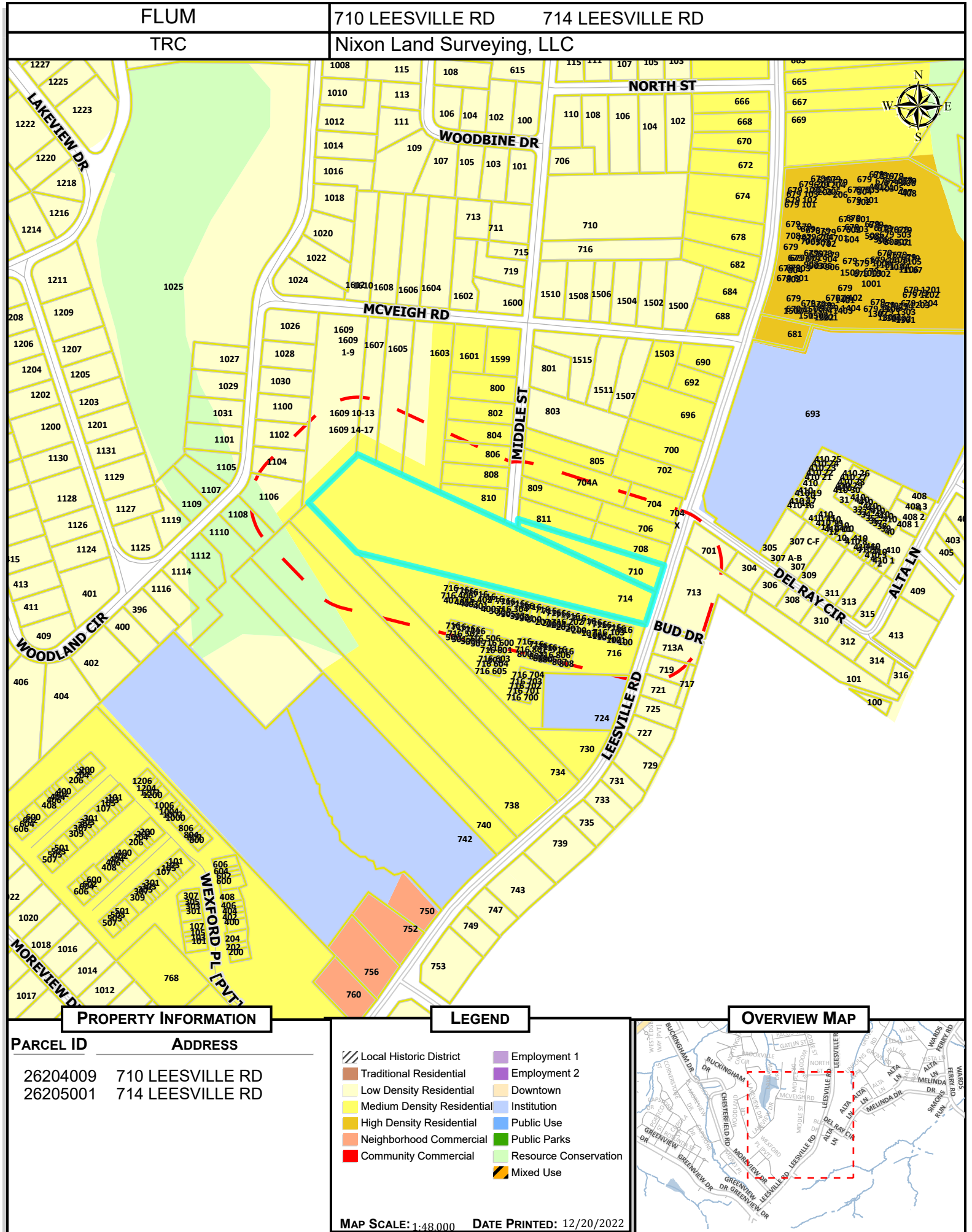
VII. ATTACHMENTS

- 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. Traffic study**
- 8. Property Photograph**

710 & 714 Leesville Road

Parcel ID	Address	Owner
26202016	721 LEESVILLE RD	ELDER, DONNA W
26202015	719 LEESVILLE RD	PICKING, BONNIE B & WILLIAM J
26202014	713 A LEESVILLE RD	WIERINGO, KEVIN D
26202001	701 LEESVILLE RD	C BURKS COMPANY LLC
26202010	713 LEESVILLE RD	RILEY, CLARENCE R JR
26211003	738 LEESVILLE RD	JAM89 LLC
26207013	1108 LAKEVIEW DR	MEREDITH, JAMES R JR & KATHERINE P
26207012	1106 LAKEVIEW DR	MEREDITH, JAMES R JR & KATHERINE P
26207011	1104 LAKEVIEW DR	LOWER, RICHARD & JANE
26207010	1102 LAKEVIEW DR	GARRISON, KENNETH L &
26207009	1100 LAKEVIEW DR	STEWART, JOSHUA W & HOLLI M
26204009	710 LEESVILLE RD	LYNCHBURG RENTING LLC
26205001	714 LEESVILLE RD	LYNCHBURG RENTING LLC
26207053	1609 MCVEIGH RD	AC CAPITAL LLC
26207056	810 MIDDLE ST	BALDWIN, EDWIN F
26207055	808 MIDDLE ST	MOON, JACKIE L
26207054	806 MIDDLE ST	A & S LLC
26207005	804 MIDDLE ST	BALDWIN, EDWIN F
26207050	1603 MCVEIGH RD	THOMAS, MONA HENRY
26207051	1605 MCVEIGH RD	CLACK, BARBARA
26207052	1607 MCVEIGH RD	GRABHOFFER, RALF
26205061	716 LEESVILLE RD 808	KANG, SHIN WOO
26205060	716 LEESVILLE RD 807	PEAVYHOUSE, MICHAEL R
26205059	716 LEESVILLE RD 806	C & L PROPERTIES OF FOREST LLC
26205058	716 LEESVILLE RD 805	TORODE, BRIAN KEITH JR
26205043	716 LEESVILLE RD 601	SMITH, CLYDE A
26205057	716 LEESVILLE RD 804	C & L PROPERTIES OF FOREST LLC
26205056	716 LEESVILLE RD 803	DANVERS, DANIEL A & RAGHAVAN, SARITA
26205055	716 LEESVILLE RD 802	BROADUS, SHELISHIA RENE
26205054	716 LEESVILLE RD 801	WORSHAM, AUDREY C & BELL, GREGORY A
26205053	716 LEESVILLE RD 800	FAULCONER, TONYA MICHELLE LIFE ESTATE
26205042	716 LEESVILLE RD 600	ZTC PROPERTIES LLC
26205041	716 LEESVILLE RD 506	LYNCHBURG RENTING LLC
26205040	716 LEESVILLE RD 505	LYNCHBURG RENTING LLC
26205039	716 LEESVILLE RD 504	LYNCHBURG RENTING LLC
26205038	716 LEESVILLE RD 503	LYNCHBURG RENTING LLC
26205004	716 LEESVILLE RD 101	RADIANCE LLC
26205037	716 LEESVILLE RD 502	LYNCHBURG RENTING LLC
26205005	716 LEESVILLE RD 102	RADIANCE LLC
26205036	716 LEESVILLE RD 501	LYNCHBURG RENTING LLC
26205006	716 LEESVILLE RD 103	RADIANCE LLC
26205007	716 LEESVILLE RD 104	RADIANCE LLC
26205035	716 LEESVILLE RD 500	LYNCHBURG RENTING LLC
26205008	716 LEESVILLE RD 105	BANKS, JON D
26205009	716 LEESVILLE RD 106	PEREIRA, DENIZE CARDOSO

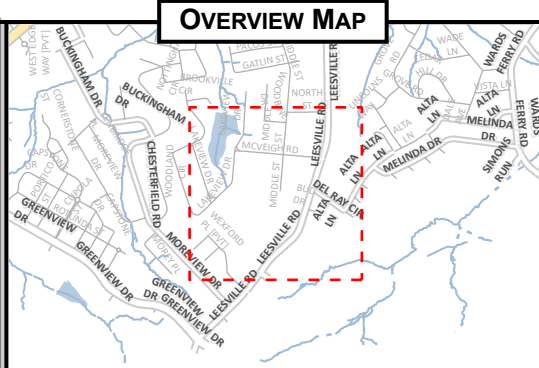
26205010	716 LEESVILLE RD 107	CARSTENSEN, RODNEY E TRS &
26205011	716 LEESVILLE RD 200	WHITLOW, HILLARY G
26205012	716 LEESVILLE RD 201	DSLEESVILLE LLC
26205013	716 LEESVILLE RD 202	RADIANCE LLC
26205014	716 LEESVILLE RD 203	BUNCH, KENNETH M
26205015	716 LEESVILLE RD 204	RICHARDSON, TIMOTHY NEVITT & DANA CLEMENTS &
26205016	716 LEESVILLE RD 205	MORGAN, JONATHAN P &
26205017	716 LEESVILLE RD 206	DUQUM, LUMA SALIM & AZAR, JESSICA
26205018	716 LEESVILLE RD 207	MCLINDEN, PAUL F & CHARLOTTE A
26205019	716 LEESVILLE RD 300	ARPORNAT, VAN
26205020	716 LEESVILLE RD 301	SCOTT, JOHN N & PYONG S
26205021	716 LEESVILLE RD 302	VARO PROPERTIES LLC
26205022	716 LEESVILLE RD 303	SCOTT, HAL M
26205023	716 LEESVILLE RD 304	FLIPPIN, JAMES E
26205024	716 LEESVILLE RD 305	EVORA, NICHOLAS A & MERLIZA M
26205025	716 LEESVILLE RD 306	SHANER, KAREN L
26205026	716 LEESVILLE RD 307	HAAN, GREGORY E
26205027	716 LEESVILLE RD 400	BRODERICK, PIA
26205028	716 LEESVILLE RD 401	LYNCHBURG RENTING LLC
26205029	716 LEESVILLE RD 402	COVINGTON, AMANDA K
26205030	716 LEESVILLE RD 403	LYNCHBURG RENTING LLC
26205031	716 LEESVILLE RD 404	LYNCHBURG RENTING LLC
26205032	716 LEESVILLE RD 405	LYNCHBURG RENTING LLC
26205033	716 LEESVILLE RD 406	LYNCHBURG RENTING LLC
26205034	716 LEESVILLE RD 407	LYNCHBURG RENTING LLC
26205002	716 LEESVILLE RD	WYNDSOR PLACE TOWNHOMES ASSOC INC
26204008	708 LEESVILLE RD	PARKER, ELBERT J JR
26204006	704 LEESVILLE RD	MOSES, BARBARA A
26204012	809 MIDDLE ST	GOFF, HELEN O
26204013	704 A LEESVILLE RD	BURNS, FRANK A IV
26210001	724 LEESVILLE RD	BEULAH BAPTIST CEMETERY
26211001	734 LEESVILLE RD	JAM89 LLC
26205003	716 LEESVILLE RD 100	ROSS, DARREL LEE
26204007	706 LEESVILLE RD	GOFF, HELEN O
26204011	811 MIDDLE ST	GOFF, HELEN
	PO BOX 100	COUNTY ADMINISTATOR FOR CAMPBELL COUNTY
	4219 CAMPBELL AVE	VDOT



PROPERTY INFORMATION	
PARCEL ID	ADDRESS
26204009	710 LEESVILLE RD
26205001	714 LEESVILLE RD

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

MAP SCALE: 1:48,000 DATE PRINTED: 12/20/2022



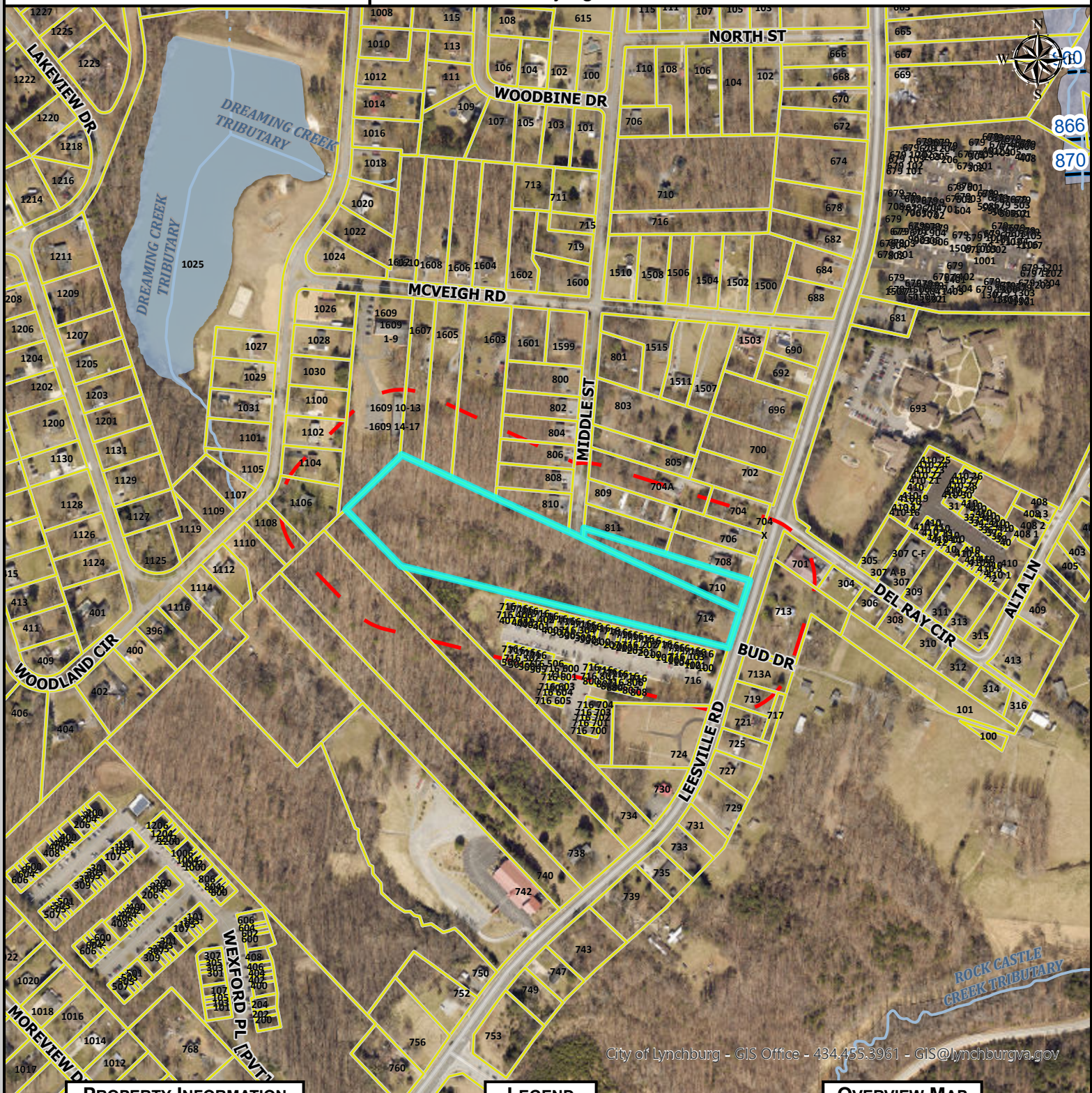
Watershed

710 LEESVILLE RD

714 LEESVILLE RD

TRC

Nixon Land Surveying, LLC



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

PROPERTY INFORMATION

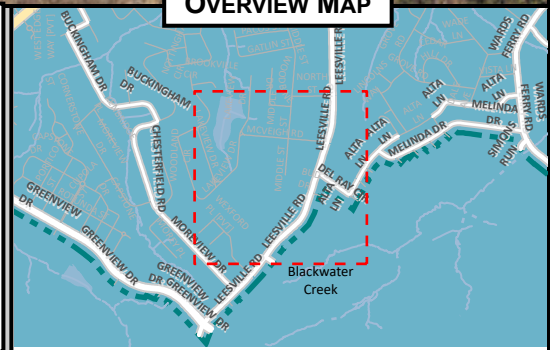
PARCEL ID	ADDRESS
26204009	710 LEESVILLE RD
26205001	714 LEESVILLE RD

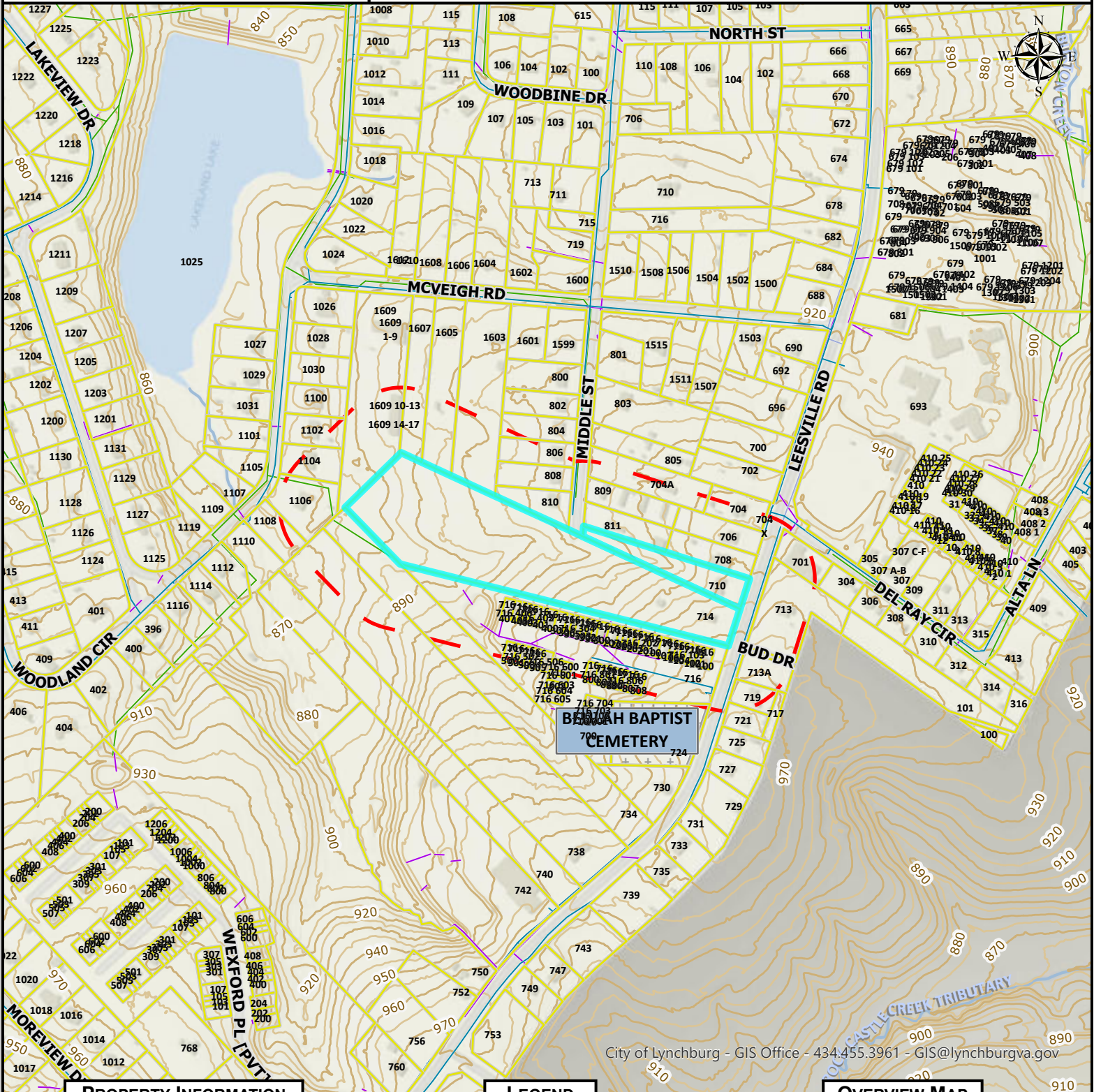
LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 12/20/2022

OVERVIEW MAP





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

PROPERTY INFORMATION

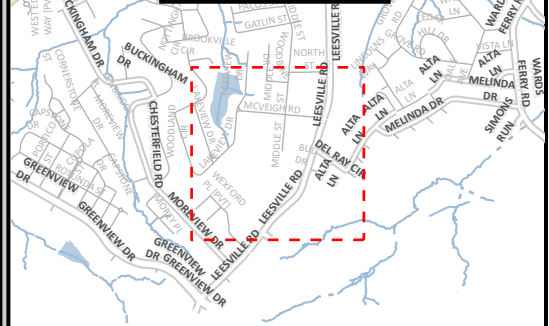
PARCEL ID	ADDRESS
26204009	710 LEESVILLE RD
26205001	714 LEESVILLE RD

LEGEND

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

MAP SCALE: 1:48,000 DATE PRINTED: 12/20/2022

OVERVIEW MAP



LP APARTMENTS LLC
PIN: 26207053
ZONED R-1
INSTR #080000043
USE - APARTMENT

RALF GRABHOFFER
PIN: 26207052
ZONED R-1
INSTR #030003438
USE - SINGLE FAMILY DETACHED

ADWICK F. & SANDRA C. LINDSAY
PIN: 26207051
890
ZONED R-1
D.B. 737, PG. 823
USE - SINGLE FAMILY DETACHED

J. GORDON & SUE T. HENRY
AND MONA HENRY THOMAS
PIN: 26207050
ZONED R-1
INSTR #140001691
USE - SINGLE FAMILY DETACHEE

NOTE:
EXISTING VEGETATION TO REMAIN AND SERVE
AS VEGETATIVE BUFFER. SUPPLEMENT WITH 4'
TALL EVERGREEN TREES AS NECESSARY TO
PROVIDE ADEQUATE SCREENING. SPECIES TO BE
DETERMINED.

EDWIN F. BALDWIN
PIN: 26207056
ZONED R-3C
INSTR. # 060003904
USE - DUPLEX

JAMES E. & HELEN GOFF
PIN: 26204011
ZONED: R-1
D.B. 722, PG. 348
USE: RESIDENTIAL

ELBERT J. PARKER, JR.
PIN: 26204008
ZONED: R-3
INSTR #060009308
USE: RESIDENTIAL

GEORGIA B. MASON
PIN: 26211001
ZONED R-1
D.B. 563, PG. 709
USE - VACANT

THIS SITE PLAN HAS BEEN
PREPARED FOR THE REZONING OF
PIN: 26205001 & A PORTION OF PIN: 26204009
FROM R-1 TO R-3 CONDITIONAL TO
ALLOW THE CONSTRUCTION OF
87 TOWNHOUSE UNITS

SUBJECT PROPERTY
PIN: 26205001 & PIN: 26204009

SOURCE OF TITLE:	PIN: 26205001	PIN: 26204009
	INSTR #060007734	INSTR #180003869
	LYNCHBURG RENTING, LLC	LYNCHBURG RENTING, LLC

TOTAL ACREAGE: ±8.017 AC.

CURRENT ZONING: R-1
CURRENT USE: SINGLE FAMILY RESIDENCE
PROPOSED ZONING: R-3 CONDITIONAL
PROPOSED USE: TOWNHOMES FOR SALE

NOTES:

1. ALL PROPOSED BUILDINGS WILL BE SERVED BY CITY OF LYNCHBURG WATER AND SANITARY SEWER CONNECTIONS.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A SPECIAL FLOOD HAZARD AREA) ACCORDING TO THE F.E.W.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VIRGINIA (16090301040) DATED JUNE 3, 2009. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. ELECTRIC, TELEPHONE, & CABLE SERVICE WILL BE UNDERGROUND ON THE SITE.
4. PRIOR TO THE DEMOLITION OF ANY BUILDING, UTILITY DISCONNECT FOR ALL SERVICES MUST BE FURNISHED TO THE CITY OF LYNCHBURG INSPECTION DIVISION. BEFORE ISSUING A DEMOLITION PERMIT, AN ASBESTOS SURVEY IN ACCORDANCE WITH SECTION 36-99.7 OF THE CODE OF VA. IS REQUIRED.
5. ALL EXTERIOR LIGHTING SHALL BE NON-DIRECTIONAL OR GLARE SHIELDED AND DIRECTED AWAY FROM ADJACENT ROADS AND PROPERTY.
6. A SIGN PERMIT MUST BE OBTAINED PRIOR TO THE PLACEMENT OF ANY SIGNS.
7. HANDICAP RAMPS AND SIGNAGE MUST BE INSTALLED PER CODE.
8. THE PROPOSED TOWNHOMES WILL BE CONSTRUCTED WITH AN EXTERIOR COMBINATION OF EITHER BRICK, ROCK, HARDY BOARD AND SOME DECORATIVE VINYL.
9. LANDSCAPING AS SHOWN IS FOR SCHEMATIC PURPOSES ONLY. A DETAILED LANDSCAPING PLAN SHALL BE PREPARED IN ACCORDANCE WITH LANDSCAPING SECTION OF THE CURRENT LYNCHBURG ZONING ORDINANCE.
10. ALL LOADING AREAS, REFUSE AREAS, STORAGE YARDS, STORMWATER MANAGEMENT PONDS, HVAC EQUIPMENT, WATER VALVES, RPZ DEVICES OR OTHER OBSTACLES/ITEMS MUST BE SCREENED FROM VIEW OF ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL LANDSCAPING MAY BE ACCOMPLISHED BY A COMBINATION OF EXISTING VEGETATION, WALLS, FENCES EARTHEN BERMS AND NEW EVERGREEN VEGETATION APPROPRIATE AND OF SUFFICIENT HEIGHT TO SCREEN THE EQUIPMENT OR ACTIVITY.
11. ANY WALLS VISIBLE FROM ANY PUBLIC OR PRIVATE STREET OR RESIDENTIAL DISTRICT SHALL BE CONSTRUCTED OF SEGMENTAL BLOCK, BRICK, TREATED WOOD, STONE OR STAMPED OR COLORED CONCRETE THAT GIVES THE APPEARANCE OF BRICK OR STONE. RETAINING WALLS OF ANY OTHER MATERIAL MUST BE SUPPLEMENTED WITH LANDSCAPING AT A RATE AS FOLLOWS: WALLS LESS THAN 8 FEET IN HEIGHT, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL; WALLS 8 FEET IN HEIGHT OR GREATER, REQUIRE 1 EVERGREEN SHRUB PER 3 LINEAR FEET OF WALL AND 1 ORNAMENTAL TREE PER 20 LINEAR FEET OF WALL.
12. TRASH PICK-UP WILL BE MANAGED BY ONSITE DUMPSTER WITH PRIVATE PICK-UP. GREENSPACE CALCULATION: 4.752 AC / 8.018 AC = 59%. THERE FOR THE SITE CAN BE LANDSCAPED TO MEET THE 10% MINIMUM CANOPY REQUIREMENTS.
14. STORMWATER MANAGEMENT TO MEET STATE AND LOCAL REGULATIONS.

MINIMAL LOT REQUIREMENTS

1. LOT AREA: 1.200 SF
2. UNIT WIDTH: 16 FT
3. FRONT YARD: 10 FT
4. SIDE YARD: 16 FT AT EACH END
OF A GROUP OF UNITS
(NOT TO BE SHARED
BETWEEN UNITS)
5. REAR YARD: 25 FT (NOT TO BE
SHARED BETWEEN
UNITS)

PARKING

MINIMUM PARKING
87 UNITS X 1 PER UNIT
87 SPACES REQUIRED
ACTUAL PARKING
87 UNITS X 1.75 PER UNIT
157 SPACES ACTUAL
INCLUDING 11 HANDICAP SPACES

LANDSCAPE LEGEND

-  SHADE TREES
-  MIXTURE OF SHRUBS

EACH 18' X 28' UNIT
IS 2 STORY AND
CONSIST OF 504 SQ.FT.
PER STORY FOR A
TOTAL OF 1008 SQ.FT.
PER UNIT

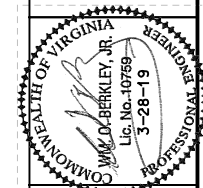
TOTAL DWELLINGS -	87
TOTAL ACRES -	8.018
DWELLINGS PER ACRE -	10.89

OWNER / DEVELOPER
LYNCHBURG RENTING, LLC
P.O. BOX 351
FOREST, VA 24551
C/O BRUCE GALLIER
PHONE: (434)385-7226

PAMELA W.OVERSTREET
PIN: 26202014
ZONED R-1
WILL #120000044

EXISTING PUBLIC
CITY OF LYNCHBURG
24" WATERLINE

BERKLEY HOWELL & ASSOC., P.C.
ENGINEERS • SURVEYORS • PLANNERS
306 ENTERPRISE DRIVE, SUITE C
FOREST, VIRGINIA 24551
PHONE: (434)385-7548 FAX: (434)385-6178



CONCEPT PLAN FOR REZONING

WYNDSOR VIEW TOWNHOMES
714 LEESVILLE ROAD

CITY OF LYNCHBURG, VIRGINIA

DATE: 3-28-19

DRAWN:

CHECKED:

REVISIONS

NO.	DATE
1	04-29-19

SCALES
HORIZ: AS SHOWN
VERT: AS SHOWN

COMM. NO.
070008

SHEET NO.
1 OF 1



Nixon Land Surveying, LLC
Land Surveying, Planning & Environmental Consulting
1063 Airport Road, Suite C
Lynchburg, VA 24502
434-237-3600 (office)
434-237-0699 (fax)

WyndSOR View Townhomes Narrative:

The purpose of this Conditional Use Permit is to allow for the development of a 87 unit town house development on property located at 710 & 714 Leesville Road. It is proposed that this site will be developed as per the plan developed by Berkley Howell and Associates and previously approved for the rezoning of the property to R-3. The previous conditional use permit expired as a result of several factors, which is why we are re-presenting this request to the city. It was previously approved on September 24, 2019, and since that date Berkley Howell and Associates has shut down, and the Covid 19 Pandemic hit and shut down our state, my client failed to get started any designs to present to the city within the 2 year time limit he had as a result of the aforementioned issues.

This request does not negate or change any of the previous proffers or conditions that were established for the development of this property. The developer has completed a new traffic study for the proposed entrance on Leesville road, it was determined that this site will be best served by a right in right out only entrance and a right turn lane must be constructed as well.

The previous proffers and conditions were established and will be required as part of this development, 1. The project will be constructed to substantial compliance with the site plan, 2. a connection to Middle street will be constructed along with improvements to Leesville Road as suggested in the renewed Traffic Report, 3. Stormwater Management facilities will be designed to provide a 30% run-off improvement factor instead of the 20% required under current regulations., and lastly The green space and park area shown on 710 Leesville Road will contain a Tot Lot with appropriate playground equipment.

The developer will build site as per the previous design requirements presented in September of 2019, he has no intentions of making this project larger in scope or size. The developer will have to meet all city requirements for access for pedestrians and for vehicular traffic. This will site will have a sidewalk constructed along and inside the right of way of Leesville road crossing the entire frontage of the property.

MEMORANDUM

TO: Russ Nixon, LS.

FROM: BILL WUENSCH, P.E., PTOE

ORGANIZATION: Nixon Land Surveying LLC

DATE: JANUARY 19, 2023

PHONE NUMBER:

SENDER'S REFERENCE NUMBER:

RE: WYNDSOR VIEW TOWNHOMES TRAFFIC STUDY 2023

YOUR REFERENCE NUMBER:

☐ URGENT☒ FOR YOUR USE☐ PLEASE COMMENT☐ PLEASE REPLY☐ PLEASE RECYCLE

WyndSOR View Townhomes Traffic Study

1. Introduction

Nixon Land Surveying, LLC requested assistance from EPR, P.C. to conduct traffic analysis for the proposed WyndSOR View townhome development on Leesville Road in Lynchburg, Virginia. The townhomes are proposed for the west side of Leesville Road, with access provided just north of Bud Drive. Figure 1 illustrates the site location for the future development. The site is about 6 miles south of downtown Lynchburg and about 1 mile northwest of Lynchburg Regional Airport.



Figure 1 - WyndSOR View Proposed Development Location. Source: City of Lynchburg Parcel Viewer

The anticipated development consists of 87 townhomes. It is proposed to include 157 parking spaces; 11 of these are ADA spaces. The site plan indicates an entrance/egress from Leesville Road and a secondary entrance/egress from Middle Street, which has access to Leesville Road via McVeigh Road. The purpose of this memorandum is to provide a summary of the traffic analysis for the proposed project.

2. Existing Conditions

Land uses on Leesville Road in the vicinity of the site are mostly low to medium density residential. Leesville is classified by VDOT as a major collector, and provides a key north-south connection between Greenview Drive and Timberlake Road. The road consists of two through lanes in each direction frequent curb cuts for access to low and medium residential properties. Leesville has a posted speed limit of 45 miles per hour. The access drive to the proposed WyndSOR View townhomes does not exist. However, it is expected to also connect to Middle Street, which is a local street serving low density residential uses. Middle Street will provide secondary access to Leesville from the townhomes via McVeigh Road.

The average daily weekday traffic volume on Leesville Road between the Lynchburg corporate limits and North Street was 8,600 vehicles per day in 2021 per VDOT Counts. However, for this study actual turning movement counts that were taken just to the north at Del Ray Circle on 8/24/21 for the VDOT Leesville Road pipeline study were used to project the through volumes down to the proposed WyndSOR site entrance. Based on this data, the traffic volumes for the AM and PM peak hour are described in the figure below.

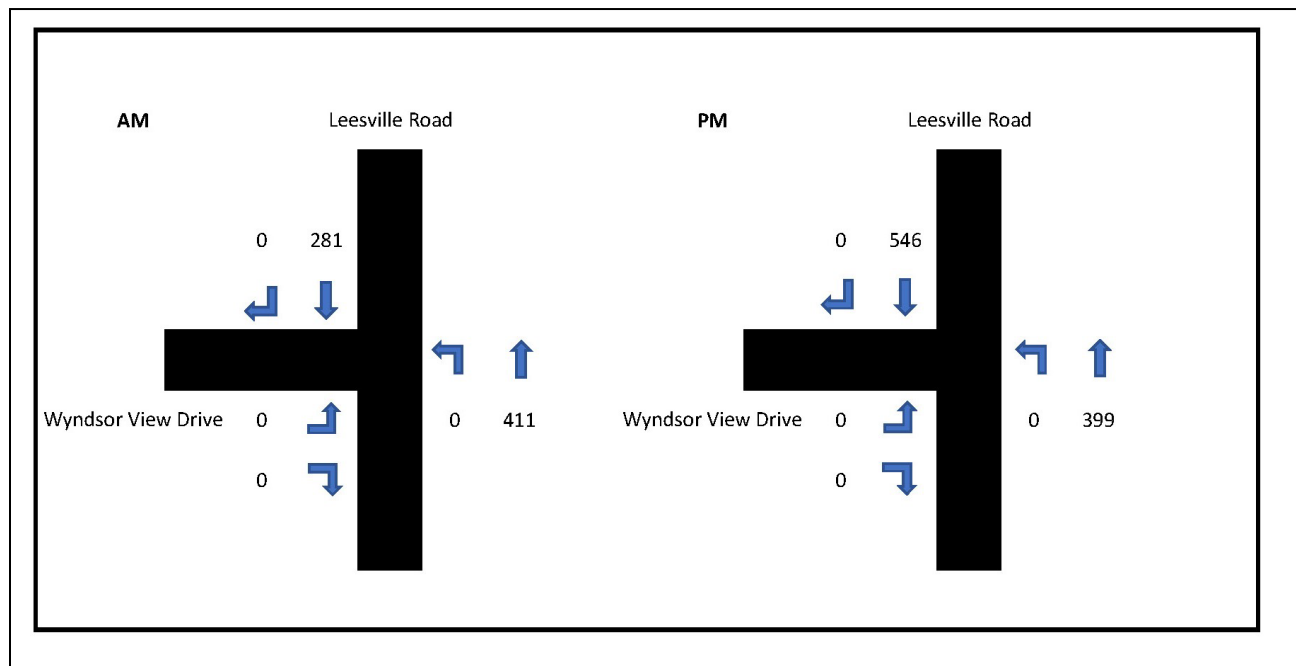


Figure 2 – 2021 Peak Hour Traffic Volumes

3. Development Program

The proposed site use is 87 townhomes. EPR, P.C. used the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition to estimate the number of trips the development will generate each day and during the peak hours. Table 1 contains the land use descriptions, ITE land use code, size, and anticipated trips. The anticipated development is expected to generate about 612 trips per day,

with 40 falling in the morning peak hour and 48 in the evening peak hour.

Table 1 - Anticipated Trip Generation

Use	LU Code	Unit	Quantity	Daily		AM		PM	
				In	Out	In	Out	In	Out
Single Family Attached Housing	215	D.U.	87	306	306	10	30	28	20
Total				612		40		48	

4. Future Conditions Analysis

The future conditions analysis used 2029 (six year horizon per VDOT standard method) as the horizon year. VDOT's Leesville study identify 0.8% as the growth rate for Leesville Road north of the Route 460 ramps, thus that is what we applied for this analysis. Therefore the base year 2021 numbers were factored up to year 2029 volumes using the growth rate.

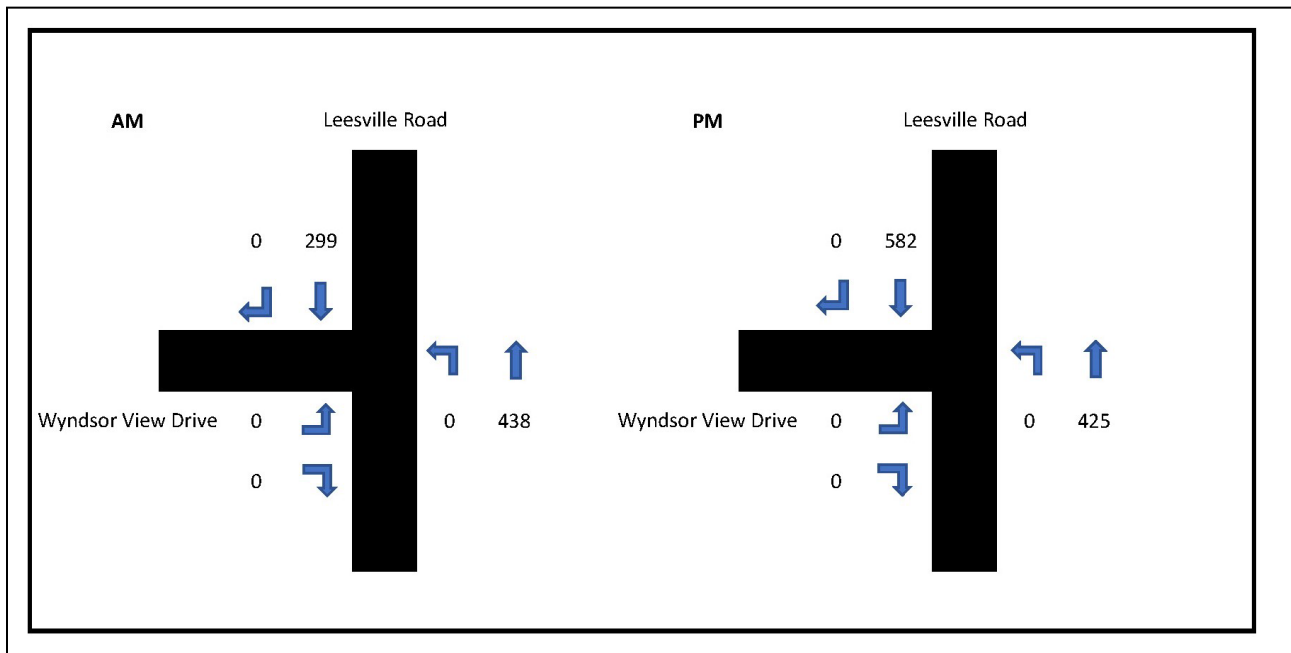


Figure 3 - 2029 No-Build Traffic Volumes

Next EPR, P.C. distributed future trips generated by the new townhomes among the intersection movements, based on the VDOT reported directional year 2021 ADT report distribution factor per their data. VDOT's directional distribution factor indicates that 56 percent of traffic volume heads towards the core of Lynchburg in the morning, and 56 percent heads outbound from Lynchburg in the evening. EPR, P.C. assumed that traffic entering and exiting the Wyndors View driveway would follow the same directional patterns as the VDOT reported factor. The estimated distribution of movements during the AM and PM peak periods are shown in the following figure.

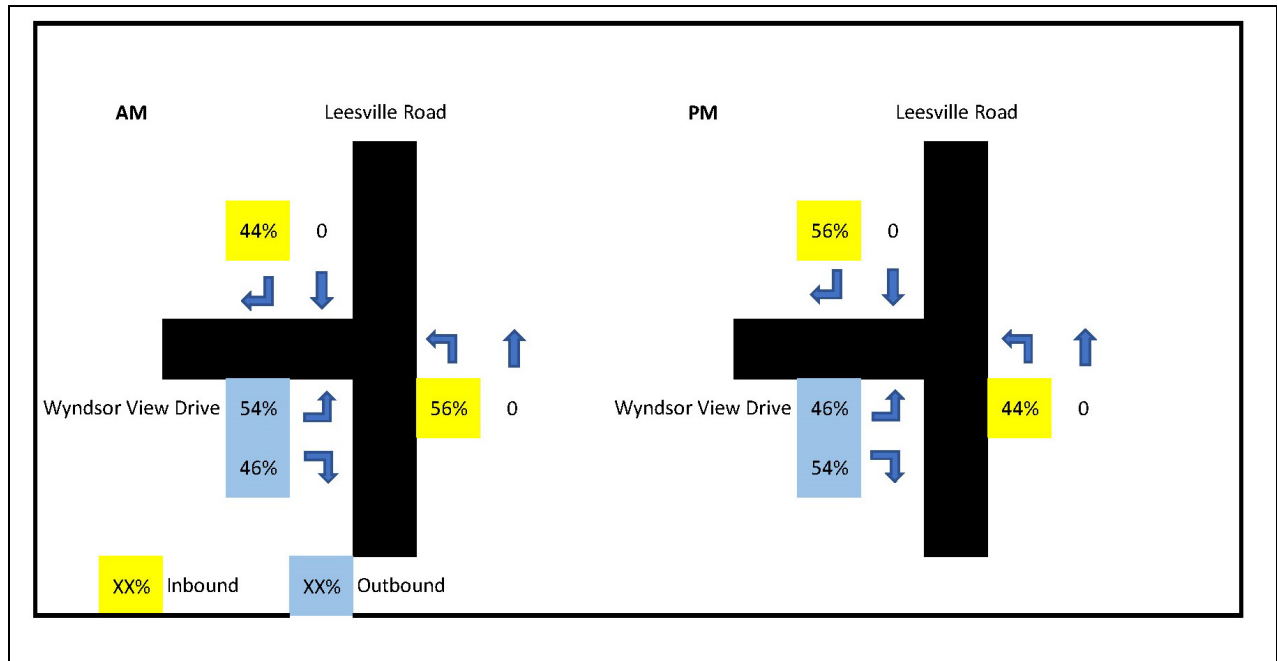


Figure 4 – Anticipated Distribution of Peak Hour Trips to and from Site

One important caveat pertains to traffic from residential land uses on Middle Street that may use the Wyndors View driveway to access Leesville Road. There are 12 houses with access to Middle Street that appear to have a shorter distance to Leesville Road via the anticipated connection through the townhome development. EPR, P.C. added the peak period trips generated by these houses to the trips generated by the townhome development, in order to obtain a conservative estimate of exits and entries from the driveway during the peak periods. Based on the trip generation for single family detached housing (ITE 11 Edition land use code 210), it is expected that the connection to Middle Street would add approximately 11 trips to the Wyndors View driveway during the AM peak (3 entry/8 exit) and 14 trips during the PM peak (9 entry/5 exit). The next figure shows the number of trips generated by the new townhomes and trips diverted from houses on Middle Street. The turning movements are assumed based on the distribution percentages shown in Figure 4. Figure 5 illustrates the year 2029 build scenario traffic.

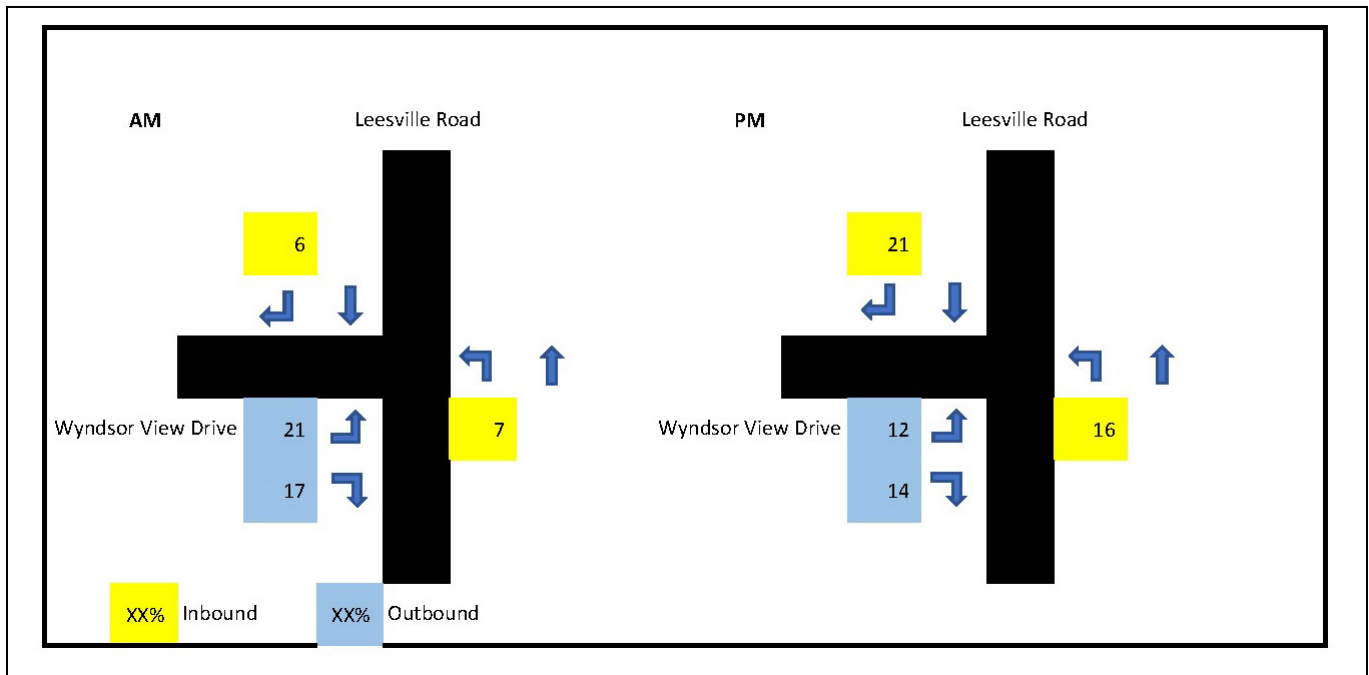


Figure 5 - Assignment of Peak Hour Trips to and from Site and Middle Street

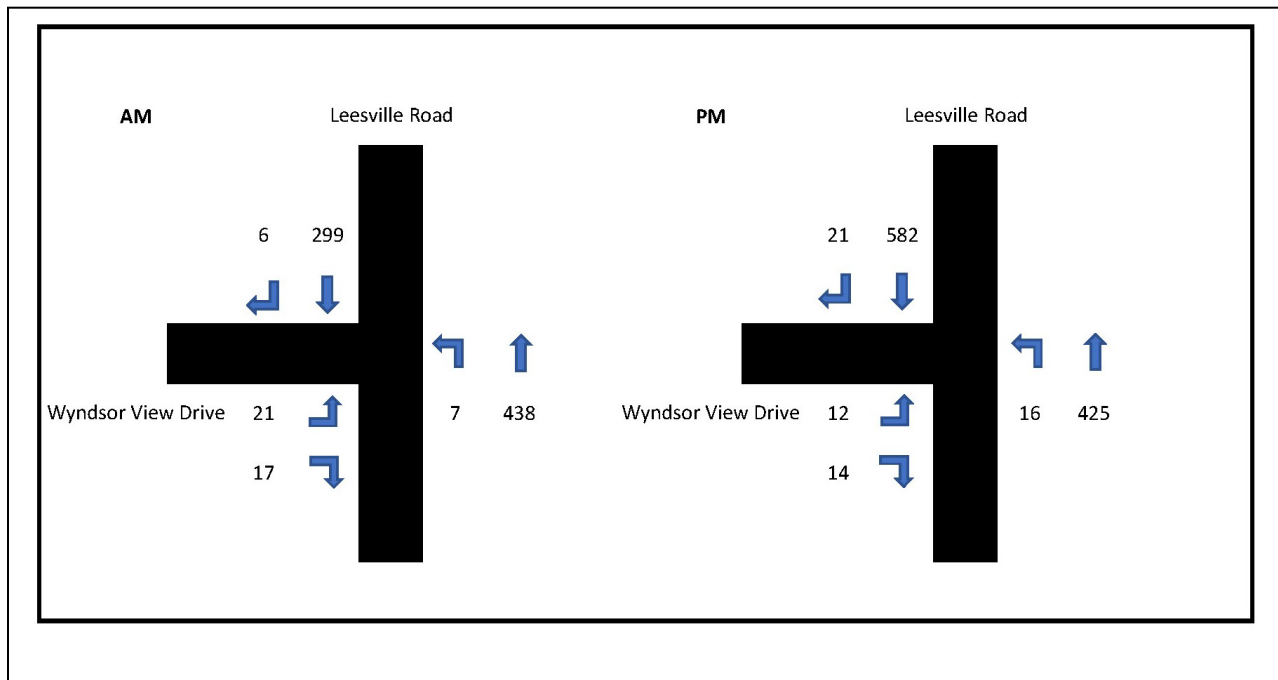


Figure 6 – Build Year 2029 Traffic Volumes for the AM and PM Peak Period

5. Turn Warrant & Access Management Analysis

EPR, P.C. in its analysis considered the potential need for turn lanes and compared the proposed driveway spacing with access management standards. EPR, P.C.'s analysis shows that a left turn lane with 50' of storage is warranted on Leesville Road northbound. This finding is based on VDOT's Road Design Manual Appendix F Access Management Design Standards for Entrances and Intersections (Figure 3-3 on Page F-52 and Figure 3-27 on Page F-75). The warrant is met by the combination of peak hour left turns and opposing traffic volume during the evening peak period for a 4-lane undivided road.

6. Operational Analysis

Assuming the condition where no turn lane is constructed, EPR, P.C. input the future traffic volumes into a Synchro model to analyze the expected level of service and delay at the new intersection after the townhomes are occupied. The results are described in the following table.

Approach	Movement	AM		PM	
		Synchro LOS	Synchro Delay	Synchro LOS	Synchro Delay
Leesville NB	Thru/Left	A	8	A	9
Leesville SB	Thru/Rt	A	0	A	0
Site Driveway	EB Left/Rt	B	11.9	B	14.8

Figure 7 – Leesville Road/Wyndsor View Drive Estimated LOS and Delay.

7. Findings and Conclusions

EPR, P.C.'s analysis of anticipated future traffic conditions led to the following principal findings:

- The level of service for all turning movements is B or better, indicating that the project will cause little delay during peak hours and little to no delay during non-peak hours.
- The combination of anticipated turning movements and traffic volumes on Leesville Road are above the threshold that warrants the addition of a left turn lane for Leesville Road northbound and a right turn taper for Leesville Road southbound into the development site.
- One potential mitigation strategy would be to restrict the Middle Street connection to one way and not allow cars to come off of Leesville Road to access Middle Street. This change in traffic volumes would alleviate the need for the southbound right turn taper, but not the northbound left turn lane.



EPR, P,C. "ENGINEERING & PLANNING RESOURCES"
902 E JEFFERSON ST. UNIT 101, CHARLOTTESVILLE, VA 22902

Appendix A – Synchro Documentation

HCM 6th TWSC
1: Leesville & Site Entrance

01/20/2023

Intersection						
Int Delay, s/veh	0.6					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	21	17	7	438	299	6
Future Vol, veh/h	21	17	7	438	299	6
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	23	18	8	476	325	7

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	583	166	332
Stage 1	329	-	-
Stage 2	254	-	-
Critical Hdwy	6.84	6.94	4.14
Critical Hdwy Stg 1	5.84	-	-
Critical Hdwy Stg 2	5.84	-	-
Follow-up Hdwy	3.52	3.32	2.22
Pot Cap-1 Maneuver	443	849	1224
Stage 1	701	-	-
Stage 2	765	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	439	849	1224
Mov Cap-2 Maneuver	439	-	-
Stage 1	695	-	-
Stage 2	765	-	-

Approach	EB	NB	SB
HCM Control Delay, s	11.9	0.1	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1224	-	560	-	-
HCM Lane V/C Ratio	0.006	-	0.074	-	-
HCM Control Delay (s)	8	0	11.9	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0	-	0.2	-	-

HCM 6th TWSC
1: Leesville & Site Entrance

01/20/2023

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Vol, veh/h	12	14	16	425	582	21
Future Vol, veh/h	12	14	16	425	582	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	-	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	13	15	17	462	633	23

Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	910	328	656	0	-	0
Stage 1	645	-	-	-	-	-
Stage 2	265	-	-	-	-	-
Critical Hdwy	6.84	6.94	4.14	-	-	-
Critical Hdwy Stg 1	5.84	-	-	-	-	-
Critical Hdwy Stg 2	5.84	-	-	-	-	-
Follow-up Hdwy	3.52	3.32	2.22	-	-	-
Pot Cap-1 Maneuver	274	668	927	-	-	-
Stage 1	484	-	-	-	-	-
Stage 2	755	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	267	668	927	-	-	-
Mov Cap-2 Maneuver	267	-	-	-	-	-
Stage 1	472	-	-	-	-	-
Stage 2	755	-	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	14.8	0.4	0
HCM LOS	B		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	927	-	395	-	-
HCM Lane V/C Ratio	0.019	-	0.072	-	-
HCM Control Delay (s)	9	0.1	14.8	-	-
HCM Lane LOS	A	A	B	-	-
HCM 95th %tile Q(veh)	0.1	-	0.2	-	-



EPR, P.C. "ENGINEERING & PLANNING RESOURCES"
902 E JEFFERSON ST. UNIT 101, CHARLOTTESVILLE, VA 22902

Appendix B – Turn Warrant Documentation

Warrant for Left-Turn Storage Lanes on Four-Lane Highway

Project: Wyndsor View Townhomes

Intersection: Leesville Rd/Site Entrance

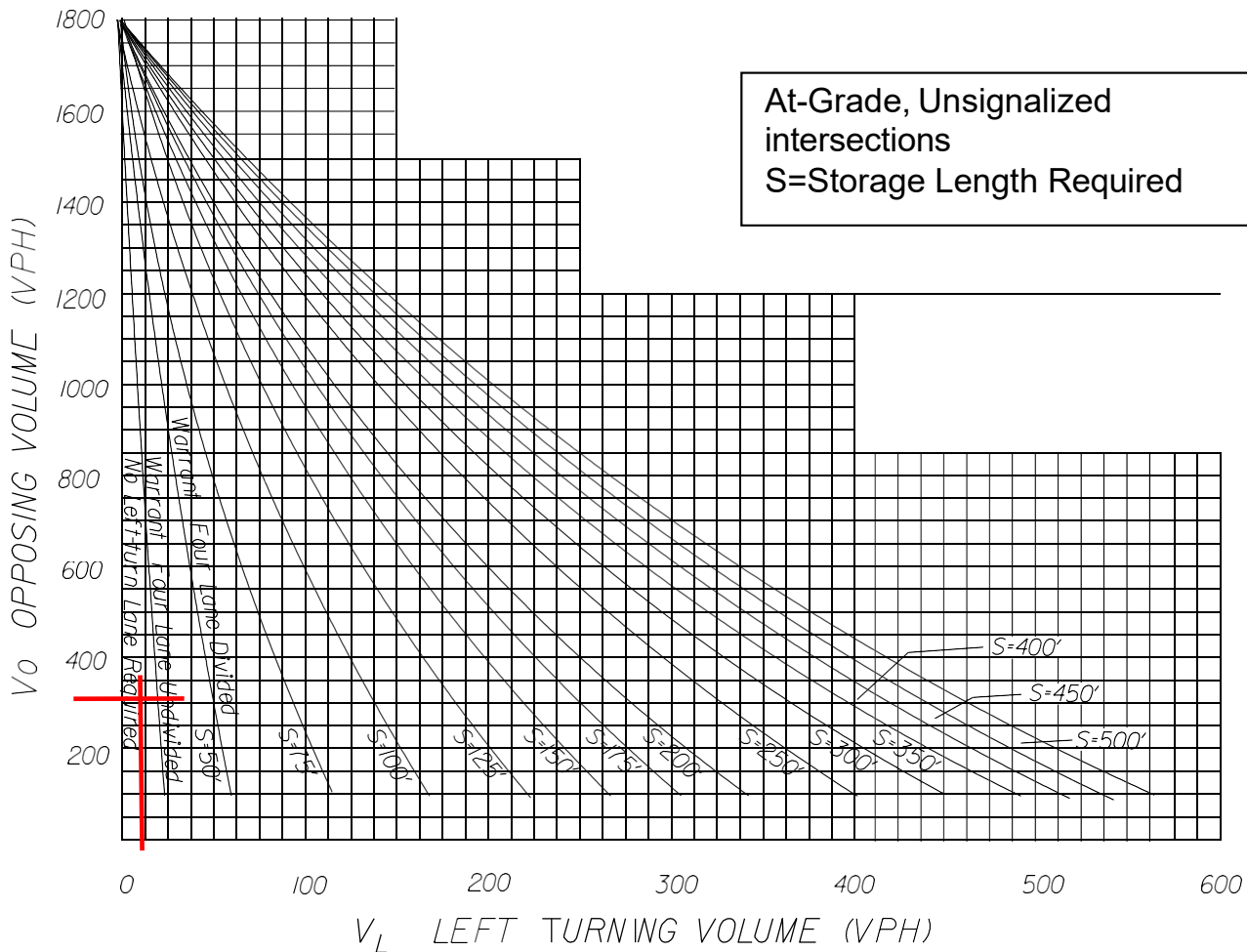
Approach Direction: Northbound

Peak Hour: AM

Peak Hour Left Turns (V_L): 7 vph

Opposing Volume (V_O): 305 vph

Conclusion: No Left-turn Lane Required



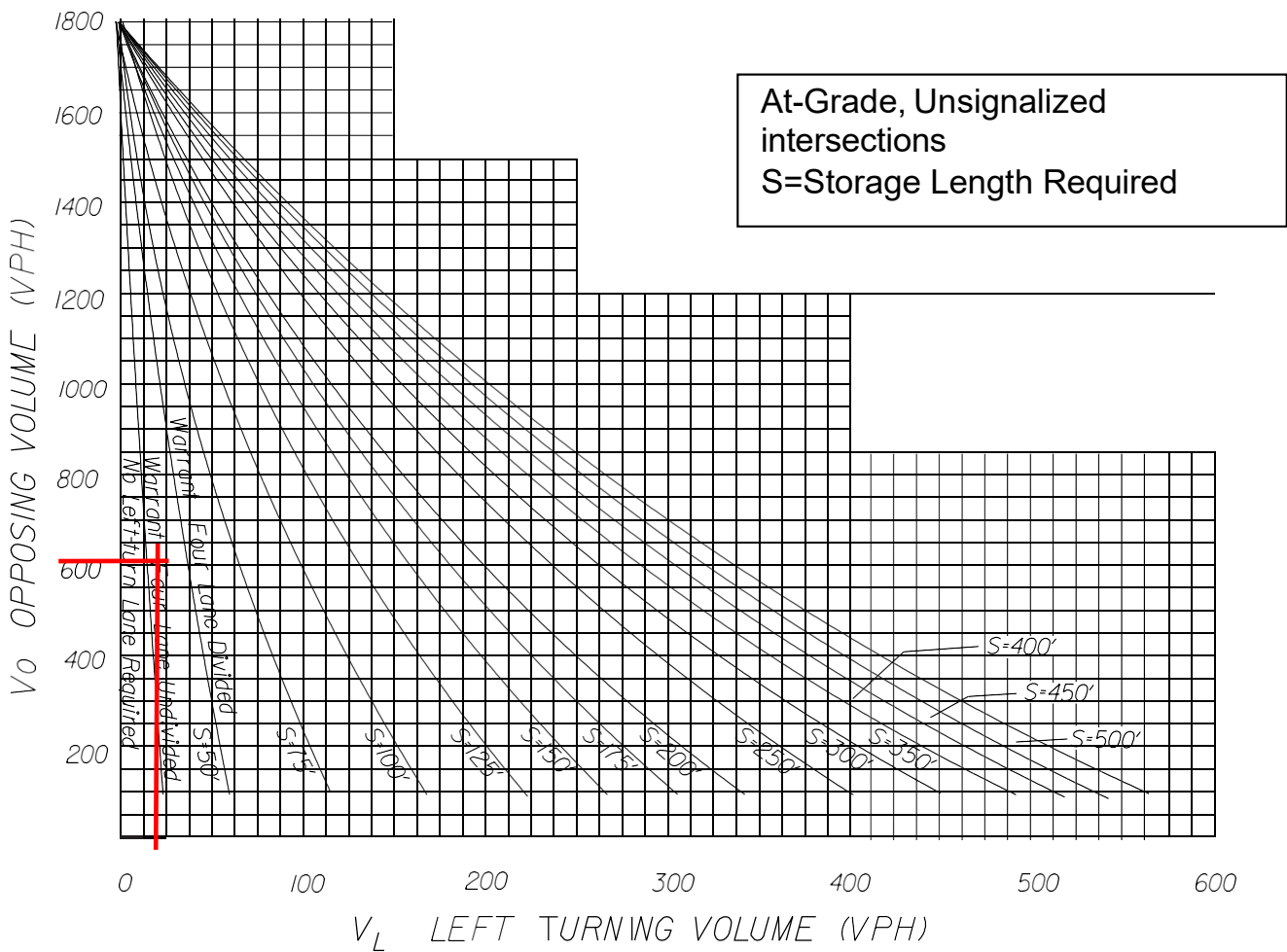
Warrant for Left-Turn Storage Lanes on Four-Lane Highway

Project: Wyndsor View Townhomes
Intersection: Leesville Rd/Site Entrance

Approach Direction: Northbound
Peak Hour: PM

Peak Hour Left Turns (V_L): 16 vph
Opposing Volume (V_O): 603 vph

Conclusion: 50 Feet Left-turn Lane Required



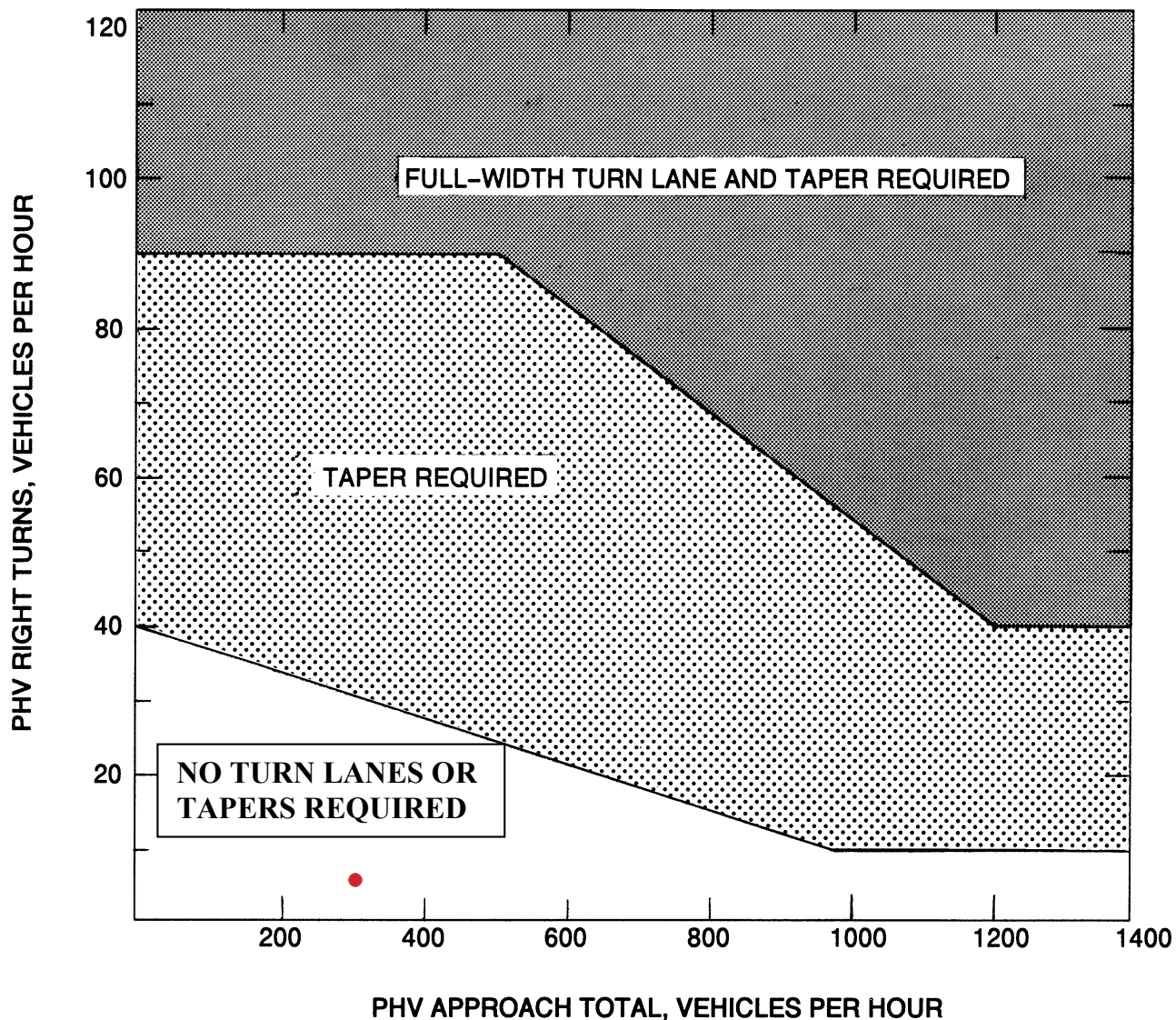
Warrant for Right-Turn Storage Lanes on Four-Lane Highway

Project: Wyndsor View Townhomes
Intersection: Leesville Rd/Site Entrance

Approach Direction: Southbound
Peak Hour: AM

PHV Approach Total: 305 vph
PHV Right Turns: 6 vph

Conclusion: No Turn Lanes or Tapers Required



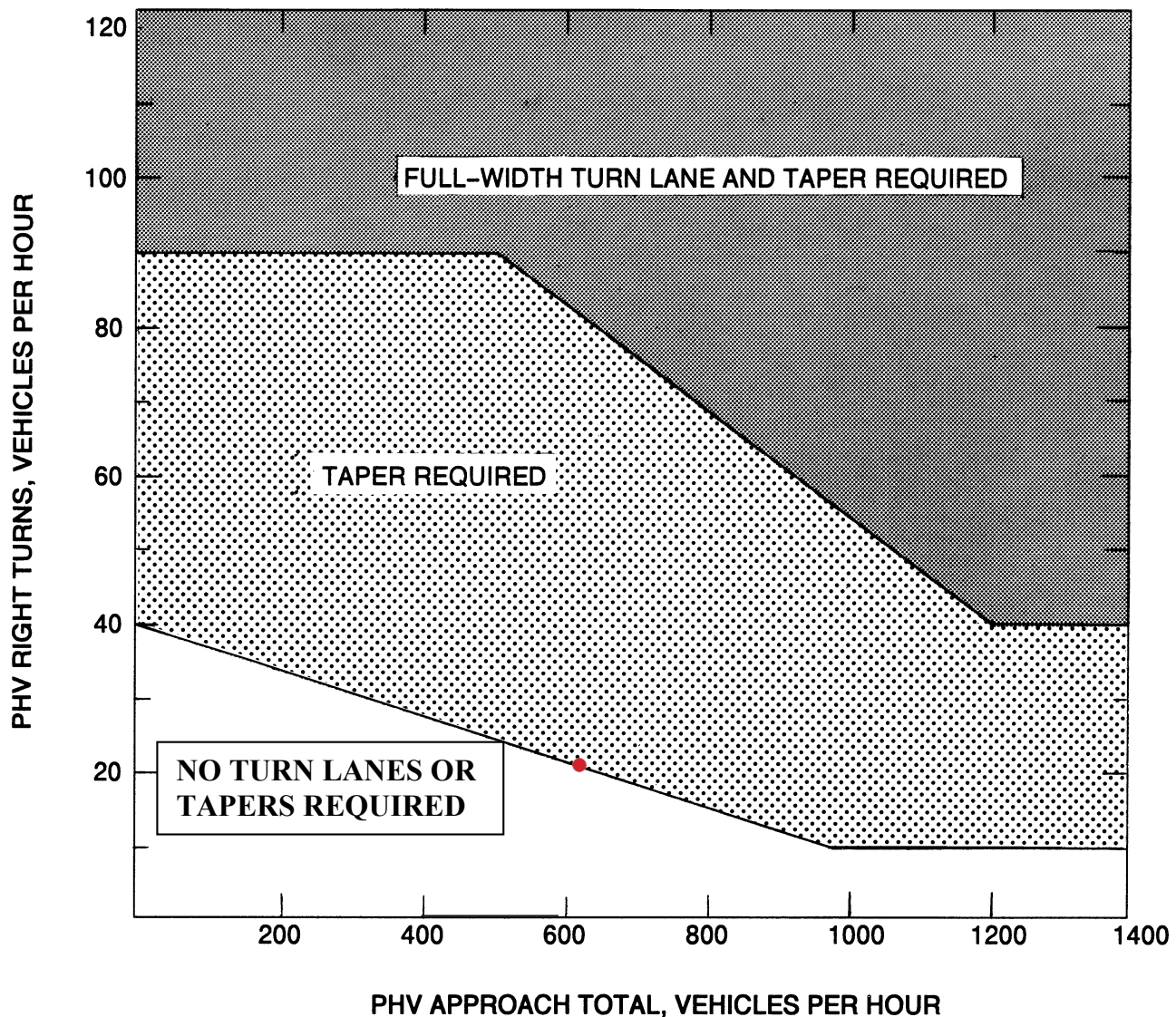
Warrant for Right-Turn Storage Lanes on Four-Lane Highway

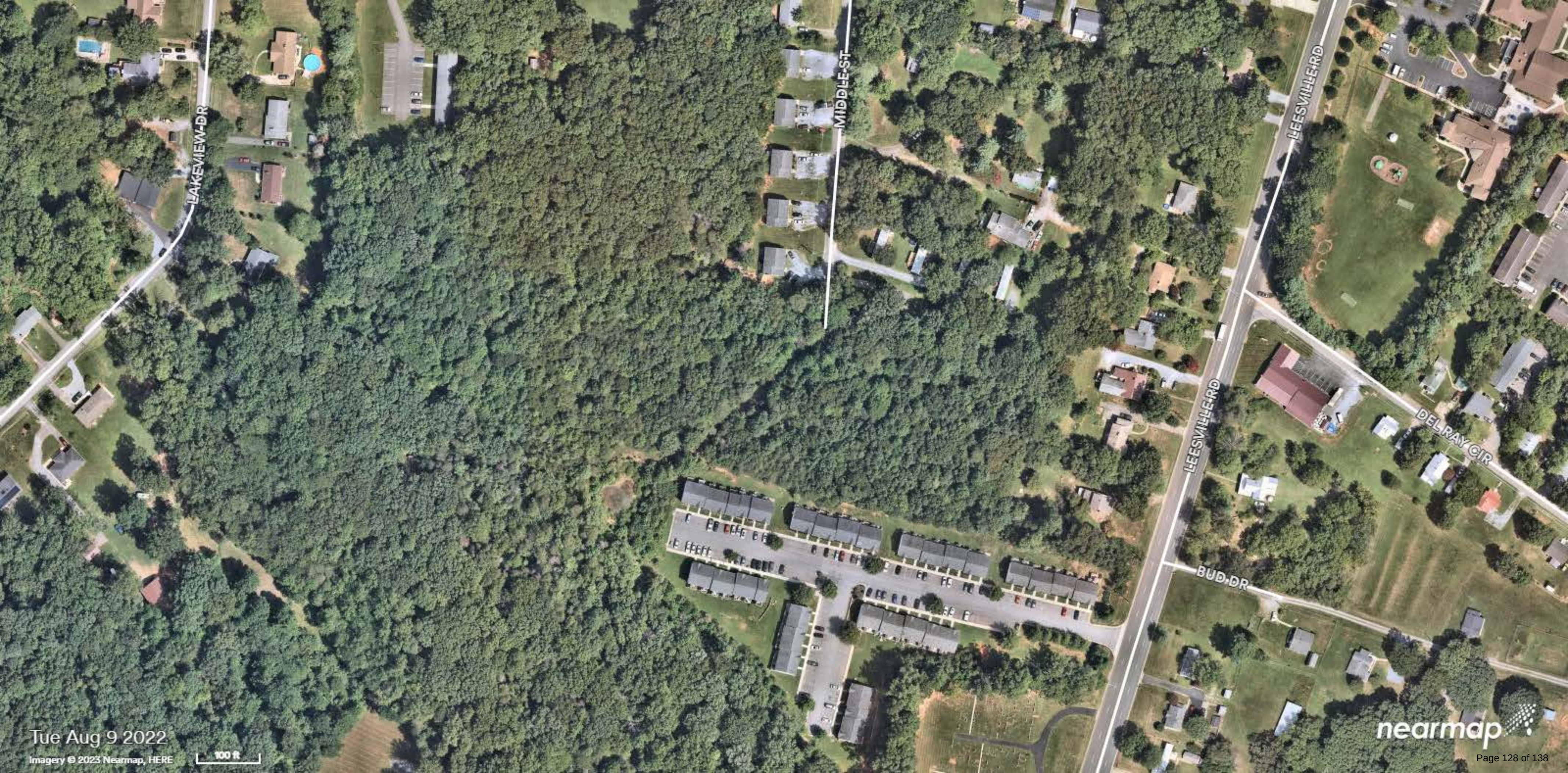
Project: Wyndsor View Townhomes
Intersection: Leesville Rd/Site Entrance

Approach Direction: Southbound
Peak Hour: PM

PHV Approach Total: 603 vph
PHV Right Turns: 21 vph

Conclusion: Tapers Required





Tue Aug 9 2022

Imagery © 2023 Nearmap, HERE



WyndSOR View Townhomes – Conditional Use Permit
710 and 714 Leesville Road
February 22, 2023

PLEASE PRINT CLEARLY

[illegible]

AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Matthew Freedman, City Attorney

AGENDA ITEM # IV.8

Towing Advisory Board & Procurement Authorization

RECOMMENDATION

Review and Discuss the adoption of the attached *Towing Advisory Board - Proposed Resolution*. This item will appear before the City Council for action on March 28, 2023.

SUMMARY

Every few years, the City enters into a contract for towing services which includes: (i) towing of City vehicles; (ii) police-initiated tows; and (iii) towing of inoperative vehicles. The City's current towing services contract is with Bee Line Transport; however, such contract is set to expire on May 31, 2023. Thus, it is time to start the process of awarding a new towing contract.

Under § 46.2-1217 of the Code of Virginia, 1950, as amended, "the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of [a towing contract]. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public."

In 2017, the City's Towing Advisory Board consisted of the following individuals:

Tim Clements – Police Department Representative
Chuck Cramer – Fleet Director
James Hall – Risk Manager Representative
Melissa Foster – Emergency Communications
Donald Irby – Towing & Recovery Representative
Daniel Laslie – Towing & Recovery Representative
Warren McCormick – Towing Representative
Jeff Nichols – Collision Repair Representative
Kendall Craft – Car Sales Representative

Pursuant to the requirements of City of Lynchburg Resolution #R-79-297, Kendall Craft, Melissa Foster, Jeff Nichols, Donald Irby, and Daniel Laslie are ineligible to serve. Tim Clements, Chuck Cramer, and Warren McCormick may serve again on the Towing Advisory Board. James Hall has expressed a desire not to be reappointed to the said board.

As the City Council will note, the attached *Towing Advisory Board - Proposed Resolution*, if adopted, ratifies the City's Towing Advisory Board, re-organizes the board's make up, and defines the terms of the board members. The said Proposed Resolution further outlines the requirements of the Towing Advisory Board and authorizes the commencement of procuring a new City contract for towing services.

PRIOR ACTION(S)

Appointments/reappointments to the Towing Advisory Board in 2017

FISCAL IMPACT

TBD

CONTACT(S)

Matthew Freedman, City Attorney
Alicia Finney, Clerk of Council

ATTACHMENT(S)

1. Towing Advisory Board - Proposed Resolution
2. #R-79-297
3. Va Code Sec. 46.2-1217

REVIEWED BY



Alicia Finney, Clerk of Council

Date: March 09, 2023

RESOLUTION:

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

1. That, pursuant to Section 46.2-1217 of the Code of Virginia, 1950, as amended, the City of Lynchburg's Towing Advisory Board is hereby ratified, re-organized, composed of, and subject to all of the following:

VOTING MEMBERS

1 firefighter/emergency medical technician from the Lynchburg Fire Department;
1 communications specialist from the Lynchburg Emergency Services Department;
1 representative from the Lynchburg Fleet Services Department;
2 law-enforcement officers from the Lynchburg Police Department;
2 representatives from private towing operators; **and**
2 representatives from the general public.

NON-VOTING MEMBERS (CITY STAFF LIAISONS)

1 member from the Lynchburg Financial Services Procurement Division;
1 member from the Lynchburg Public Works Department; **and**
1 member from the Lynchburg Community Development Department.

All members of the Towing Advisory Board shall be appointed by the Lynchburg City Council and shall serve for a term of five (5) consecutive years. All appointments to the Towing Advisory Board shall run concurrently with one another. Further, where applicable, City of Lynchburg Resolution #R-79-297 applies to the Towing Advisory Board.

2. That the Lynchburg Financial Services Procurement Division shall begin the required procurement processes applicable to City towing services. Such services to include tows of City vehicles, law-enforcement initiated tows, and tows of inoperative vehicles.
3. That the Towing Advisory Board shall (i) work with the Lynchburg Financial Services Procurement Division in: (a) the procurement of City towing services, (b) evaluating proposals for such services, and (c) negotiating a contract for such services; (ii) provide a written recommendation to the Lynchburg City Council for a provider and contract for City towing services; and (iii) perform any other services/actions required by applicable law.
4. That this Resolution shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

RESOLUTION

R-79-297

WHEREAS, it is one of the duties of Council to appoint numerous committees, boards and commissions, and

WHEREAS, there is no requirement of law as to the number of terms for many of such bodies, and

WHEREAS, Council believes that it is in the public interest to limit such service to three consecutive terms in order to give a larger number of qualified citizens the opportunity to render important service to the City, provided, however, that for the purposes of this resolution two successive appointments to the Board of Equalization shall constitute one term.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCRBURG that it shall be the policy of the Council to appoint qualified citizens to committees, boards, commissions and other such bodies for not more than three consecutive terms, provided that service of a partial term of less than one (1) year shall not be construed as a full term.

Adopted: September 25, 1979

Certified: s/Barbara J. Gage
Clerk of Council

NOTE: The resolution limiting appointments to board and commissions to three consecutive terms was adopted on September 25, 1979.

NOTE: The underlined language providing that two successive appointments to the Board of Equalization shall constitute one term was added to the resolution by Council at its January 26, 1982 meeting.

NOTE: The highlighted language providing that service of a partial term of less than one year shall not be construed as a full term. was added to the resolution by Council at its October 23, 1990 meeting.

§ 46.2-1217. Local governing body may regulate certain towing

The governing body of any county, city, or town by ordinance may regulate services rendered pursuant to police towing requests by any business engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The ordinance may include delineation of service areas for towing services, the limitation of the number of persons engaged in towing services in any area, including the creation of one or more exclusive service areas, and the specification of equipment to be used for providing towing service. The governing body of any county, city, or town may contract for services rendered pursuant to a police towing request with one or more businesses engaged in the towing or storage of unattended, abandoned, or immobile vehicles. The contract may specify the fees or charges to be paid by the owner or operator of a towed vehicle to the person undertaking its towing or storage and may prescribe the geographical area to be served by each person providing towing services. The county, city, or town may establish criteria for eligibility of persons to enter into towing services contracts and, in its discretion, may itself provide exclusive towing and storage service for police-requested towing of unattended, abandoned, or immobile vehicles. Nothing herein shall prohibit the Department of State Police from entering into a memorandum of understanding with a county, city, or town to provide for towing services.

Prior to adopting an ordinance or entering into a contract pursuant to this section, the local governing body shall appoint an advisory board to advise the governing body with regard to the appropriate provisions of the ordinance or terms of the contract. The advisory board shall include representatives of local law-enforcement agencies, towing and recovery operators, and the general public.

"Police-requested towing" or "police towing request," as used in this section, includes all requests made by a law-enforcement officer of the county, city, or town pursuant to this article or Article 2 (§ 46.2-1209 et seq.) and towing requests made by a law-enforcement officer of the county, city, or town at the request of the owner or operator of an unattended, abandoned, or immobile vehicle, when no specific service provider is requested by such owner or operator.

If an unattended, abandoned, or immobile vehicle is located so as to impede the free flow of traffic on a highway declared by resolution of the Commonwealth Transportation Board to be a portion of the interstate highway system and a law-enforcement officer determines, in his discretion, that the business or businesses authorized to undertake the towing or storage of the vehicle pursuant to an ordinance or contract adopted pursuant to this section cannot respond in a timely manner, the law-enforcement officer may request towing or storage service from a towing or storage business other than those authorized by such ordinance or contract.

If an unattended, abandoned, or immobile vehicle is towed as the result of a (i) police towing request or (ii) towing request made by a law-enforcement officer employed by the Department of State Police, the owner or person having control of the business or property to which the vehicle is towed shall allow the owner of the vehicle or any other towing and recovery business, upon

presentation of a written request therefor from the owner of the vehicle, to have access to the vehicle for the purpose of inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal. For the purpose of this section, "owner of the vehicle" means a person who (a) has vested ownership, dominion, or title to the vehicle; (b) is the authorized agent of the owner as defined in clause (a); or (c) is an employee, agent, or representative of an insurance company representing any party involved in a collision that resulted in a (1) police-requested tow or (2) towing request made by a law-enforcement officer employed by the Department of State Police who represents in writing that the insurance company has obtained the oral or written consent of the title owner or his agent or the lessee of the vehicle to obtain possession of the vehicle. It shall be unlawful for any towing and recovery business to refuse to release a vehicle to the owner as defined in this section upon tender of full payment for all lawful charges by cash, insurance company check, certified check, money order, at least one of two commonly used, nationally recognized credit cards, or additional methods of payment approved by the Commonwealth Transportation Board. Thereafter, if a towing and recovery business refuses to release the vehicle, future charges related to storage or handling of the vehicle by such towing and recovery business shall be suspended and no longer payable.

The vehicle owner who has vested ownership, dominion, or title to the vehicle shall indemnify and hold harmless the towing and recovery operator from any and all liability for releasing the vehicle to any vehicle owner as defined in this section for inspecting or towing the vehicle to another location for the purpose of repair, storage, or disposal.

Code 1950, § 46-5.1; 1956, c. 114; 1958, c. 541, §§ 46.1-3, 46.1-3.02; 1960, cc. 75, 204; 1966, c. 297; 1972, c. 267; 1974, c. 142; 1977, c. 666; 1980, c. 551; 1978, c. 282; 1984, cc. 64, 190, 381; 1985, c. 91; 1988, c. 520; 1989, c. 727; 1993, c. 405; 1999, c. 78; 2006, cc. 874, 891; 2008, cc. 470, 647; 2012, cc. 803, 835; 2019, c. 630.

The chapters of the acts of assembly referenced in the historical citation at the end of this section(s) may not constitute a comprehensive list of such chapters and may exclude chapters whose provisions have expired.

AGENDA ITEM SUMMARY

MEETING DATE

March 14, 2023

PRESENTED BY

Matthew Freedman, City Attorney

AGENDA ITEM # IV.9

Claim/Litigation Settlements under the Self-Insurance Program Plan Document

RECOMMENDATION

Discuss the attached Proposed Resolution.

This item will appear before the City Council for action on March 28, 2023.

SUMMARY

The settlement authority of the City Attorney (without the City Council's approval) under the City's Self-Insurance Program is currently \$20,000 or less. This number has remained unchanged since 1986. To ensure the settlement authority of the City's Self-Insurance Program remains current w/ general inflation, an increase to \$55,000 or less is being sought by the City Attorney. On February 21, 2023, the City's Chief Financial Officer opined that *"\$20,000 in 1986 is equivalent in purchasing power to about \$54,593.07 [as of February 21, 2023], an increase of \$34,593.07 over 37 years. The dollar had an average inflation rate of 2.75% per year between 1986 and [February 21, 2023], producing a cumulative increase of 172.97%."*

As shown in the Proposed Resolution attached, the amendments proposed would amend the City's Self-Insurance Plan Program Document 1) to increase the settlement authority of the City Attorney (without the City Council's approval) for litigation/claims faced by the City, its officers, employees, etc. to \$55,000 or less and 2) to incorporate a historical practice of permitting the City Manager (or his designee) to contribute to the settlement of a non-litigated property damage claims where requested.

PRIOR ACTION(S)

Self-Insurance Program Plan/Plan Document

Adopted December 20, 1985 (effective January 1, 1986)

Amendments:

June 28, 1994: #R-94-144

August 8, 1995: #R-95-239

July 8, 2003: #R-03-117

May 12, 2009: #R-09-031

December 11, 2012: #R-12-142

FISCAL IMPACT

TBD

CONTACT(S)

Matthew Freedman, City Attorney

ATTACHMENT(S)

1. Proposed Resolution - Amendment to the City of Lynchburg Self- Insurance Program Plan Document

REVIEWED BY



Alicia Finney, Clerk of Council

Date: March 09, 2023

A RESOLUTION TO AMEND AND REENACT SECTION 1(1.9)(B) OF THE CITY OF LYNCHBURG SELF-INSURANCE PROGRAM PLAN DOCUMENT, AS AMENDED; SUCH AMENDMENT BEING SPECIFIC TO THE SETTLEMENT OF CLAIMS AND LITIGATION

RESOLUTION:

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

1. That **Section 1 (1.9) (B)** of the CITY OF LYNCHBURG SELF-INSURANCE PROGRAM PLAN DOCUMENT, as amended, is hereby amended and reenacted to now read as follows:

The City Attorney, in such manner as he may deem proper, is hereby authorized to compromise and settle, in the amount of ~~\$20,000~~ \$55,000 or less, any litigation or claim involving the interest of the City or brought against the City, arising from the conduct of any covered individual in the discharge of his duties. Any settlement, cost or expense of a claim or judgment awarded against the City shall be taken from the City's Self-Insurance Fund. Notwithstanding the foregoing, as part of any settlement of a non-litigated property damage claim brought against the City, the City Manager or his designee may authorize City funds outside of the City's Self-Insurance Fund to be contributed to cover a portion of the settlement costs associated with such claim.

2. That all other terms and provisions of the CITY OF LYNCHBURG SELF-INSURANCE PROGRAM PLAN DOCUMENT, as amended, shall remain in full force and effect.
3. That this Resolution shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council