

// A special meeting of the Council of the City of Lynchburg, recessed from June 24, was held on the 1st day of July, 2008 at 10:00 A.M. in the Council Chamber, City Hall, Patricia W. Kost, Clerk of Council, presiding. The purpose of the meeting was to elect City Council officers. The following members were present:

Present: Dodson, Foster, Garrett, Gillette, Helgeson, Johnson, Perrow 7

Absent: 0

// The Clerk of Council declared nominations in order for the Office of President of Council, who will serve as ex-officio Mayor of the City of Lynchburg for a two-year term ending June 30, 2010. Council Member Dodson nominated Council Member Foster. Council Member Helgeson nominated Council Member Garrett. There being no further nominations, Council Member Johnson made a motion that the nominations for President be closed. This motion was seconded by Council Member Gillette, and Council by the following recorded vote approved the motion to close the nominations for President:

Ayes: Dodson, Foster, Garrett, Gillette, Helgeson, Johnson, Perrow 7

Noes: 0

City Council voted by written ballot. Deputy Clerk Valeria Chambers received the written ballots and then read aloud the ballots:

Foster: Dodson, Foster, Gillette, Johnson 4

Garrett: Garrett, Helgeson, Perrow 3

// Clerk of Council Kost announced that Council Member Foster has been elected President of Council.

// Mayor Foster took the chair and declared nominations in order for the office of Vice President of Council, who will serve as ex-officio Vice Mayor of the City of Lynchburg for a two-year term ending June 30, 2010.

Council Member Johnson nominated Council Member Dodson. Council Member Helgeson nominated Council Member Garrett. There being no further nominations, Council Member Gillette made a motion that the nominations be closed. This motion was seconded by Council Member Johnson, and Council by the following recorded vote approved the motion to close the nominations for Vice President:

Ayes: Dodson, Foster, Garrett, Gillette, Helgeson, Johnson, Perrow 7

Noes: 0

// City Council voted by written ballot. Deputy Clerk Chambers received the written ballots and then read aloud the ballots:

Dodson: Dodson, Foster, Gillette, Johnson 4

Garrett: Garrett, Helgeson, Perrow 3

// Mayor Foster announced that Council Member Dodson has been elected Vice President of Council.

// On motion of Council Member Helgeson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-08-093, as presented, establishing the times and places of Council meetings from July 1, 2008, through June 30, 2010, and provided for an alternative meeting time in the event that conditions are too hazardous to hold the regularly scheduled meetings:

Ayes: Dodson, Garrett, Gillette, Helgeson, Johnson, Perrow, Foster

7

Noes:

0

// Mayor Foster stated that she would like to request the City Manager and City Attorney to draft a revision to City Council's Rules of Procedure for discussion at City Council's retreat in late August or early September. Mayor Foster mentioned that this item was discussed during last year's retreat. Council Member Gillette informed that the City Attorney had provided City Council with some information several weeks ago, and Council asked staff to resend the information to Council.

// Council Member Garrett offered some suggestions for discussion at the retreat, i.e., local/regional economic module, housing module, public safety module, public education module, inter-organizational synergy module, and an environment module. Council Member Gillette commented that City staff is already moving forward with sustainability planning in several areas. Council Member Johnson stated that he would like to once again suggest that City Council contract with an outside facilitator to conduct the retreat and suggested that City Council conduct the retreat at the Stonewall Jackson Hotel.

// The meeting was adjourned at 10:14 A.M.

Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: July 8, 2008		AGENDA ITEM NO.: 3
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u>	CONDITONAL USE PERMIT – Wyndhurst Consolidated Sign Plan at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive	

RECOMMENDATION: Approval of the requested conditional use permit.

SUMMARY: Phillip Jamerson, J.E. Jamerson & Sons, is petitioning for a conditional use permit to implement the Wyndhurst Consolidated Sign Plan. This plan would allow for the installation of five (5) way-finding signs within the Town Center of the Wyndhurst Traditional Neighborhood Development. The Planning Commission recommended approval of the conditional use permit petition because:

- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a conditional use permit by the City Council.
- Potential conflicts between the proposed signs and the street trees/sight distance triangle have been addressed to the satisfaction of City staff.

PRIOR ACTION(S):

May 28, 2008: Planning Division recommended approval of the conditional use permit petition.

Planning Commission recommended approval (6-0, with one absent, Worthington) of the conditional use permit, subject to the following conditions:

1. The signs will be installed in substantial compliance with the Wyndhurst Consolidated Sign Plan, received by the Department of Community Development on April 18, 2008.
2. The signs will be constructed in substantial compliance with the sign “mock-ups” submitted in the Wyndhurst Consolidated Sign Plan April 18, 2008 narrative package.

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902; Tom Martin/ 455-3909

ATTACHMENT(S):

Resolution
PC Report
PC Minutes
Vicinity Zoning Pattern
Vicinity Proposed Land Use
Watershed Location Map
Way-finding Signage Concept Plan
Narrative and Sign “Mock-Ups”
Speaker Sign-Up Sheet

REVIEWED BY: lkp

RESOLUTION

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO ALLOW A CONSOLIDATED SIGN PLAN FOR THE WYNDHURST TRADITIONAL NEIGHBORHOOD DEVELOPMENT LOCATED AT 1301 ENTERPRISE DRIVE, 1601 ENTERPRISE DRIVE, 1627 ENTERPRISE DRIVE, 100 TRADEWYND DRIVE AND 100 HEXHAM DRIVE.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Phillip Jamerson for a Conditional Use Permit for at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive to allow a consolidated sign plan that provides for the installation of five (5) way-finding signs within the Town Center of the Wyndhurst Traditional Neighborhood Development be, and the same is hereby, approved subject to the following conditions:

1. The signs will be installed in substantial compliance with the Wyndhurst Consolidated Sign Plan, received by the Department of Community Development on April 18, 2008.
2. The signs will be constructed in substantial compliance with the sign "mock-ups" submitted in the Wyndhurst Consolidated Sign Plan April 18, 2008 narrative package.

Adopted:

Certified:

Clerk of Council

079L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: May 28, 2008
Re: **CONDITONAL USE PERMIT: Wyndhurst Consolidated Sign Plan at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive**

I. PETITIONER

Phillip Jamerson, J.E. Jamerson & Sons, Inc., P.O. Box 395, Appomattox, Virginia 24522

Representative: Mark Borel, 1102 Commerce Street, Lynchburg, VA 24504

II. LOCATION

The subject properties are located at 1301, 1601, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive

Property Owner(s): Stedon Properties, 119B Tradewynd Drive, Lynchburg, VA 24502

Borel Properties, Inc., 113 Goldenrod Drive, Lynchburg, VA 24502

M&J Developers, Inc., 1037 Whitetail Drive, Huddleston, VA 24104

BMC, Properties, LLC, 1309A, Enterprise Drive, Lynchburg VA 24502

III. PURPOSE

The purpose of this petition is to allow for the implementation of the Wyndhurst Consolidated Sign Plan. This plan would allow for the installation of five (5) way-finding signs within the Town Center of the Wyndhurst Traditional Neighborhood Development.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends a Mixed Use in this area.
- Petition agrees with Section 35.1-23.16 of the *Zoning Ordinance* which allows a comprehensive signage plan in all zoning districts, except historic districts, with approval of a conditional use permit from City Council.

The Planning Division recommends approval of the conditional use permit petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Mixed Use for the subject property. These areas do not fit into any single use category, as they are planned for a mix of uses carefully designed so as to mitigate any potential land use conflicts. **(page 5.6)** The Wyndhurst Traditional Neighborhood Development was under construction at the time the *Comprehensive Plan* was being finalized. The plan specifies that the Wyndhurst Planned Development Area will have a mix of housing types, a commercial/employment core in the form of a "Main Street," a grid of streets and sidewalks, a YMCA, several parks and a stream valley Resource Conservation Area.
2. **Zoning.** The subject properties were annexed into the City in 1976. The existing R-2C, Low-Medium Density Single-Family Residential District (Conditional) District zoning was established on September 12, 2000 with approval of a rezoning by City Council.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will 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 November 13, 2007, City Council denied S.W. Neal Development Group's conditional use permit petition to allow the construction of a Planned Unit Development for single-family homes and townhouses at 1200 and 1202 Wood Road.

- On July 11, 2006, City Council approved Braxton Park, LLC's conditional use permit petition to allow the construction of a townhouse across the City of Lynchburg/Campbell County boundary line at 1002 Enterprise Drive.
- On July 8, 2003, City Council approved Jamerson and Company's conditional use permit petition to amend the Wyndhurst Traditional Neighborhood Development Plan to allow for construction of apartments and additional single family uses off Wyndhurst Drive and 1536 Lockewood Drive.
- On September 12, 2000, City Council approved J.E. Jamerson's petition to rezone one hundred and sixty seven (167) acres east of Enterprise Drive from R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional), to R-2C, Low-Medium Density Single-Family Residential District; R-4C, Multi-Family Residential District (Conditional) to make minor amendments to existing proffers.
- On May 9, 2000, City Council approved LIDA, The Summit and J.E. Jamerson and Son's conditional use permit petition to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On May 9, 2000, City Council approved The Summit and J.E. Jamerson and Son's petition to rezone one hundred forty three (143) acres on both sides of Enterprise Drive between Laxton Road and Norfolk & Southern Railroad to create the Summit Traditional Neighborhood Development and to extend Wyndhurst Traditional Neighborhood Development along Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition to create Wyndhurst Traditional Neighborhood Development at Laxton Road and Enterprise Drive.
- On July 14, 1998, City Council approved J.E. Jamerson and Son's conditional use permit petition for the construction of a dam and a lake within the 100-year floodplain at Laxton Road and Enterprise Drive.
- On April 8, 1997, City Council approved J.E. Jamerson and Son's petition to rezone four hundred (400) acres from R-1 to R-2(C), R-4(C), B-1(C), B-3(C), and I-2(C) to allow single-family residential, townhouse, apartment, nursing home/assisted living/retirement village complex, various commercial uses and an industrial park.
- On December 10, 1991, City Council approved H&H, Inc.'s petition to rezone approximately two and twenty-nine hundredths (2.29) acres from B-5C, General Business District, to B-5C, General Business District to amend proffers and a conditional use permit petition to allow the construction of a go-cart track for Putt-Putt Golf and Games at 8105 Timberlake Road.
- On February 14, 1989, City Council approved the rezoning of property along Timberlake Road from B-3C, Community Business (Conditional), I-1, Restricted Industrial, B-2, Local Neighborhood Business, R-2, Low-Medium Density Single-Family Residential, and R-3, Medium Density Two-Family Residential to B-3, Community Business, as part of the Timberlake Road Corridor Study.
- On December 9, 1986, City Council approved Ted DeHass's conditional use permit petition to allow the construction and operation of a car wash at 8104 Timberlake Road.
- On February 14, 1984, City Council approved Cedar Ridge Associations' petition to rezone forty-two and forty-four hundredths (42.44_ acres from R-1 to R-2C, Low-Medium Density Single-Family Residential (Conditional) to allow the construction of single-family homes.
- On April 13, 1982, City Council approved Ronnie Vaughn's conditional use permit petition to allow the construction and operation of a recreation center at 8131 Timberlake Road.

5. **Site Description.** The subject properties are bound to the north by commercial properties and single-family homes, to the east by single-family homes, churches and Stonegate Villas Planned Unit Development, to the south by single-family homes and Brookville High School (in Campbell County) and to the west by single-family homes (in Campbell County).

6. **Proposed Use of Property.** The purpose of the conditional use permit petition is to allow for the placement of way-finding signage in the Town Center of the Wyndhurst Traditional Neighborhood Development. The five (5) proposed signs would be located where the five (5) streets that comprise the Town Center intersect with Enterprise Drive; these streets include Northwynd Circle, Goldenrod Place, Tradewynd Drive, Hexham Drive and Duncraig Drive. The signs will be “double-faced,” located on a building or a stand alone pole, outside of the City right-of-way (however, some of the proposed signs may hang over the right-of-way), and positioned perpendicular to Enterprise Drive. The purpose of these signs is to help commercial customers navigate through the community.

The Technical Review Committee noted the potential for conflicts between the proposed signs and the existing street trees. City staff also asked the developer to confirm that the proposed signs would be located outside of the sight-distance triangle, such that vehicles turning onto Enterprise Drive would have an unobstructed view of oncoming vehicles. The petitioner reviewed each potential sign location and has determined the proposed signs will not conflict with the existing trees. The representative also noted that the bottom of each proposed sign would maintain a minimum height of eight (8) feet above the pavement, well outside of the limits of the sight-distance triangle.

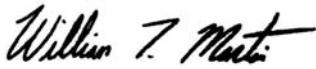
7. **Traffic and Parking.** The City’s Transportation Engineer noted that any signs that hang over the City right-of-way would require a permit and a certificate of insurance. The petitioner has met with the City’s agent and will secure the necessary permit and insurance certificate if the conditional use permit is approved.
8. **Storm Water Management.** The City’s Environmental Planner had no comments regarding the petition.
9. **Emergency Services.** The City’s Fire Marshal had no comments regarding the petition.
- The City Police Department had no comments about the proposed placement of the signs.
10. **Impact.** The proposed signage would have little impact on the surrounding area. Potential conflicts between the proposed signs and the street trees/sight distance triangle have been addressed to the satisfaction of City staff, and the result is a project that will allow for easier and safer navigation through the Wyndhurst community.
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 6, 2008. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final site plan approval.
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Phillip Jamerson’s petition for a conditional use permit (CUP) 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive to allow the placement of five (5) way-finding signs in the Town Center of Wyndhurst, subject to the following conditions:

- 1. The signs will be installed in substantial compliance with the Wyndhurst Consolidated Sign Plan, received by the Department of Community Development on April 18, 2008.**
- 2. The signs will be constructed in substantial compliance with the sign “mock-ups” submitted in the Wyndhurst Consolidated Sign Plan April 18, 2008 narrative package.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Keith Wright, Zoning Official
Mr. Robert S. Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Phillip Jamerson, Petitioner, J.E. Jamerson and Sons, Inc.
Mr. Mark Borel, Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Way-finding Signage Concept Plan**
- 5. Narrative and Sign "Mock-Ups"**

MINUTES FROM THE MAY 28, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

a. Petition of Phillip Jamerson for a Conditional Use Permit to allow the implementation of a Consolidated Sign Plan for 5 way-finding signs at 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive within the Wyndhurst Traditional Neighborhood Development.

Mr. Martin addressed the commissioners with the following comments. These signs would be permitted upon approval of a conditional use permit (CUP) by the Planning Commission and City Council. Under the City's current *Sign Ordinance*, they are really above and beyond what would normally be permitted for the businesses that are located in that area. The signs would either be pole or building mounted in the five locations, roughly 16 square feet per sign. Planning staff feels that it would help people find the different businesses that are located in the core area of Wyndhurst and staff recommends approval of the CUP with the recommended conditions.

Mr. Phillip Jamerson came forward to represent the petition. The reason for this petition is that there are approximately 50 to 60 businesses and there have been a lot of complaints in the last couple of years from people that they get lost trying to locate a business. They put up some kiosks, but that has not been enough. They are hoping that the signs on the street will be visible for drivers to help them find the various businesses. He pointed out the example of the sign, which they feel are very attractive and are in keeping with the Wyndhurst theme.

Chair Hamilton asked for anyone else to speak in favor of the petition and no one came forward. She asked for anyone who wished to speak in opposition to the petition and no one came forward. She closed the public hearing portion of the petition.

Mr. Martin pointed out to the commissioners that during the approval of the Wyndhurst Traditional Neighborhood Development (TND), there were design guidelines prepared. The design guidelines for signage that were adopted are much more restrictive than the City's current *Sign Ordinance*. Chair Hamilton asked if what is being proposed would be fine under the City ordinance. Mr. Martin said it is a little bit different because it is more of a way finding sign. Usually, you have one business with one sign but these are directional signs for the entire neighborhood.

Commissioner Sale asked how high the signs will be. Mr. Martin said the building mounted ones would have to be at least eight feet above the sidewalk for clearance and the pole mounted would have to be same if they overhang the sidewalk. Commissioner Sale clarified that the TND guidelines are more restrictive than the City's *Sign Ordinance*, but because these are directional signs as opposed to independent signs, that is why it is before them. Mr. Martin said that it is more way finding than just the name of a business. Commissioner Sale wanted to know if this is why they are located along the principal roadway, and Mr. Martin said that was correct. He commented that this is similar to what they approved for Lynchburg College and Liberty University. Commissioner Sale clarified that it does fit within the spirit, if not the law, of the current *Sign Ordinance*, but that is a directional sign. Mr. Martin said that was correct.

Commission Swienton noticed that some of the signs might hang over the right-of-way. Let's say in the future, should either the Risk Manager for the City or the Traffic Engineer make the opinion that they should be moved for some reason, what provisions would there be to do that? Mr. Martin said that he believes that they would have to issue a Certificate of Insurance each year for that. If they ever started to interfere with something, obviously we would work with them to choose a new location.

Commissioner Barnes commented that the Technical Review Committee (TRC) had noted a potential conflict between the proposed signs and the existing street trees and then later on in the report, it states that the conflict was resolved. He was curious about the conflict and how it was resolved. Mr. Marcus Borel came forward to answer that question. The TRC had wanted to make sure that the signs would not be interfering with any trees. They looked at each of the site locations, and there is not a tree directly adjacent to any of them.

Commissioner Oglesby commented that she liked the design of the signs. They are very classy looking and she agreed that it would be nice to know where you are going when driving through Wyndhurst. Commissioner Swienton commented that it is a great idea.

Commissioner Oglesby made the following motion, which was seconded by Commissioner Sale, and it passed by the following vote:

“That the Planning Commission recommends to City Council approval of Phillip Jamerson’s petition for a conditional use permit (CUP) 1301 Enterprise Drive, 1601 Enterprise Drive, 1627 Enterprise Drive, 100 Tradewynd Drive and 100 Hexham Drive to allow the placement of five (5) way-finding signs in the Town Center of Wyndhurst, subject to the following conditions:

- 1. The signs will be installed in substantial compliance with the Wyndhurst Consolidated Sign Plan, received by the Department of Community Development on April 18, 2008.**
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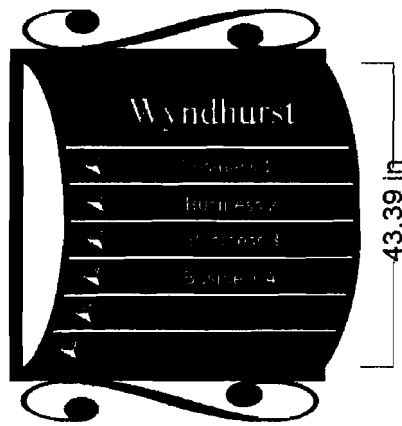
AYES:	Barnes, Hannon, Hamilton, Oglesby, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Worthington	1

Wyndhurst
CONDITIONAL USE PERMIT NARRATIVE
Thursday, April 10, 2008

To provide a little clarity to what we are requesting, we thought it would be a good idea to help explain our request. Basically, we are asking for the approval of five (5) "wayfinding" signs within the Town Center of Wyndhurst. The proposed locations for these signs are at the five streets within the Town Center where they intersect with Enterprise Drive. These five streets are: Northwynd Circle, Goldenrod Place, Tradewynd Drive, Hexham Drive, and Duncraig Drive. The signs will be either mounted to an existing building or to a stand-alone pole. These mounting locations will be outside of City right-of-way but the sign may hang over the right-of-way. In these cases, the bottom of the sign will maintain a minimum height of eight (8) feet. The signs will be double faced and positioned perpendicular to Enterprise Drive. The purpose for these signs is to help stimulate the retail and professional service sectors within Wyndhurst and help potential customers better navigate through the community. Please see the following attachments for the sign renderings and proposed locations. Thank you.

RECEIVED
APR 18 2008
COMMUNITY
DEVELOPMENT

Building Mounted

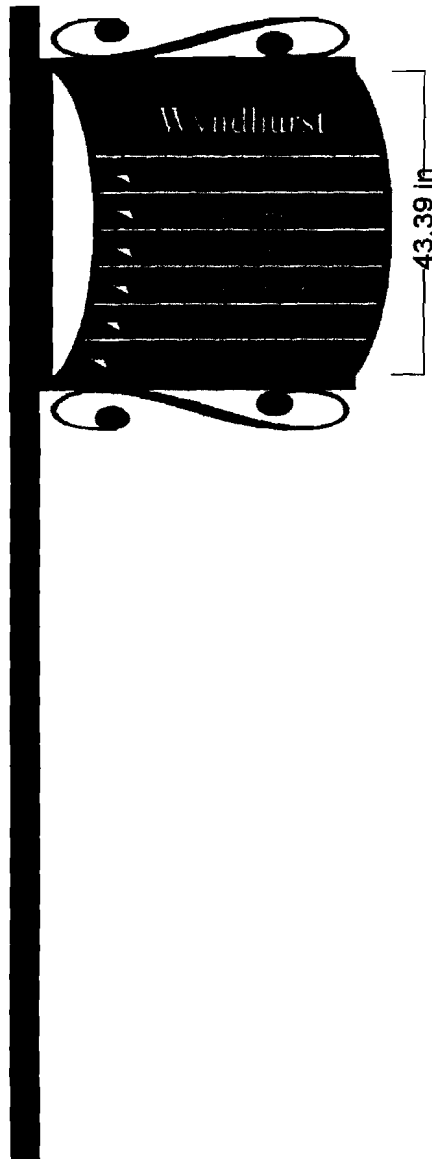


RECEIVED

APR 18 2008

COMMUNITY
DEVELOPMENT

Pole Mounted



RECEIVED

APR 18 2008

**COMMUNITY
DEVELOPMENT**

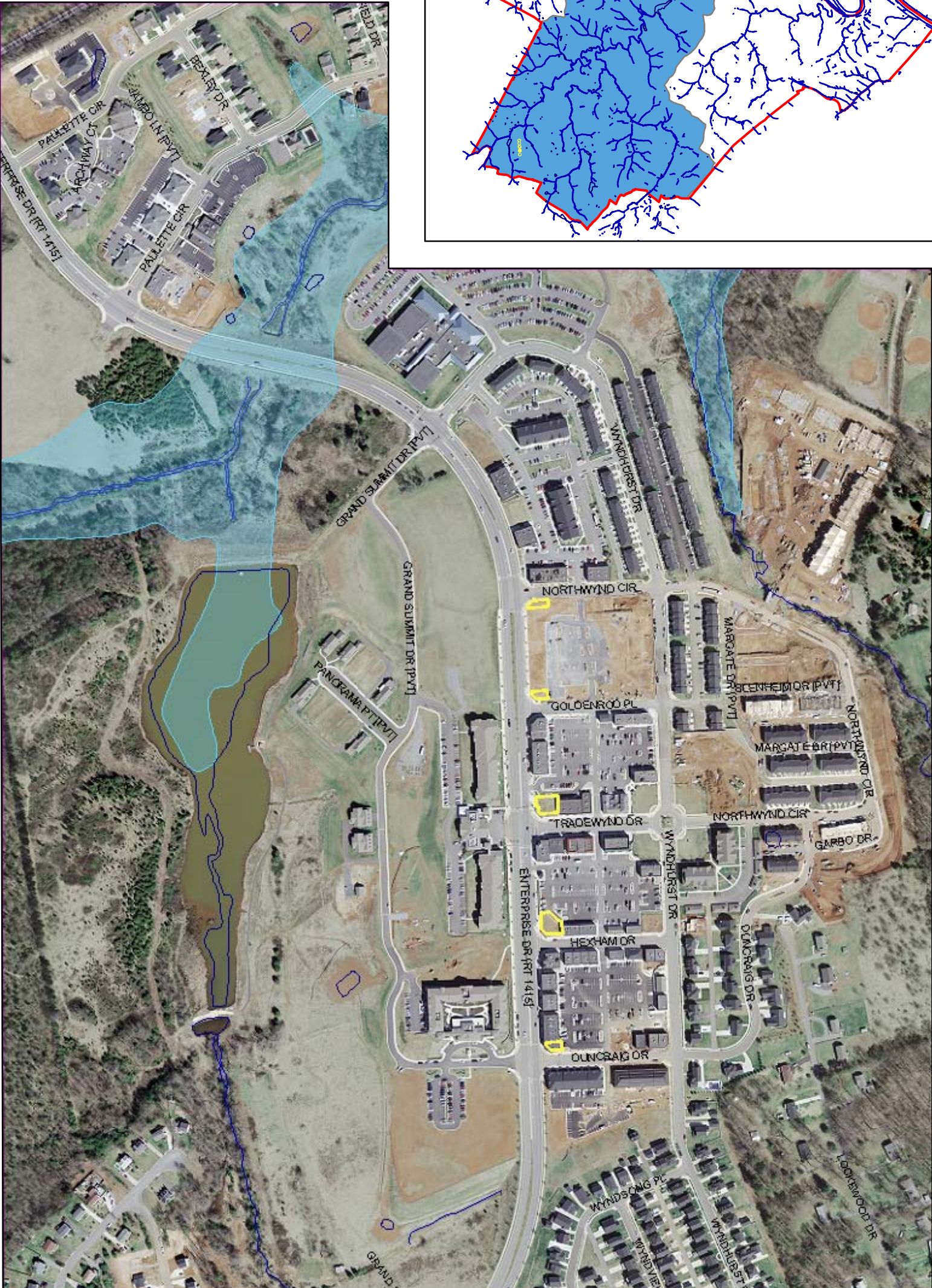
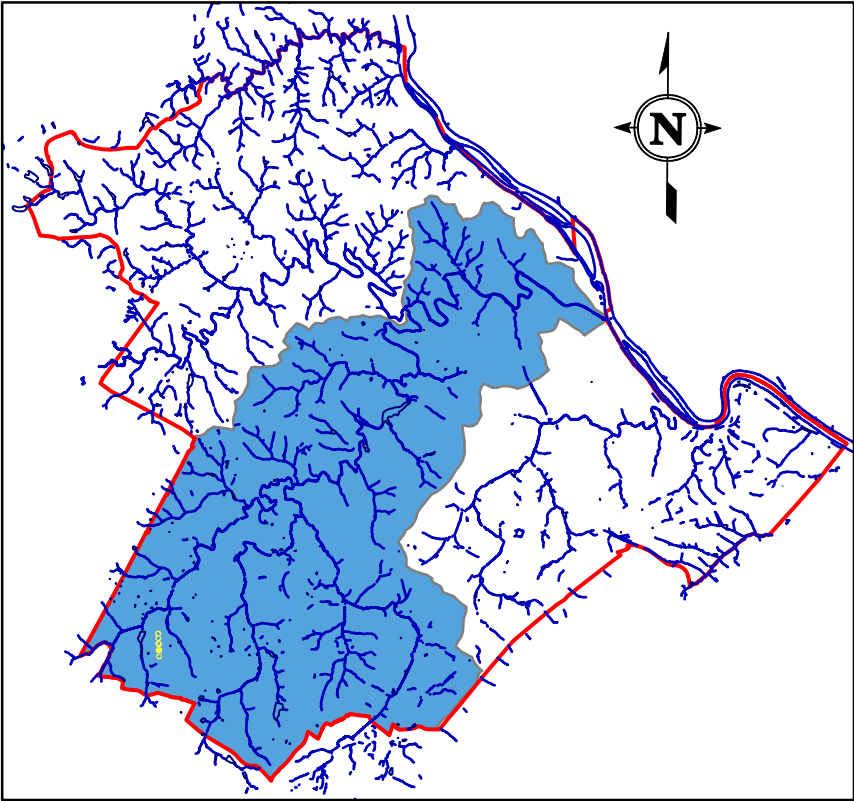
May 28, 2008

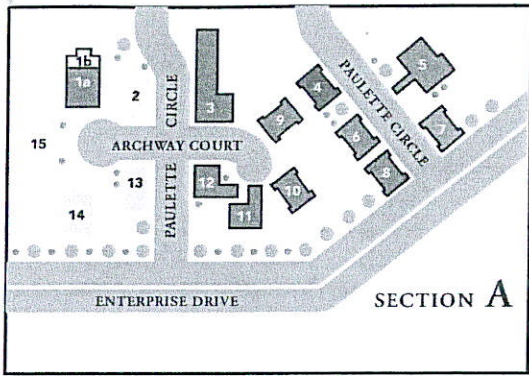
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Wyndhurst Consolidated Sign Plan
Watershed Location Map

Legend

- Project Site
- Corporate Limit
- Blackwater Creek Watershed
- 100-Year Flood Zone AE





Jamerson Family
YMCA

WYNDHURST DRIVE

1 2

7

SECTION B
P

9 10 11 12

13 14 15

NORTHWYND CIRCLE

1 2 3 4

SECTION C
P

9 8 7

GOLDENROD PLACE

1 2 3 4 5 6

SECTION D
P

13 12 11 10

TRADEWYND DRIVE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

SECTION E
P

20 19 18 17 16 15 14 13

HEXHAM DRIVE

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

SECTION F
P

17 16 15

DUNCRAIG DRIVE

1 2 3 4 5 6 7 8 9 10 11 12 13 14

WYNDHURST SQUARE

SECTION G
P

15 16

WYNDHURST DRIVE

WYNDHURST DRIVE

Proposed locations for wayfinding signs to be mounted outside of city ROW, either pole or building mounted.

INDEPENDENT LIVING

THE SUMMIT RETIREMENT COMMUNITY

ASSISTED LIVING

HEALTH & REHABILITATION

RECEIVED
APR 18 2008
COMMUNITY DEVELOPMENT

- SECTION A**
1. Dick Carrington Properties, LLC
203A Archway Court
 2. Jefferson CPA Group
203B Archway Court
 3. Old Dominion Financial Advisors
203C Archway Court
 4. Space Available
 5. Central Vascular & Facial Surgery
101 Archway Court
 6. Bishop Creek Home
103B Paulette Circle
 7. The Neighbors Place
104 Paulette Circle
 8. American Home Mortgage
103A Paulette Circle
 9. Apple Market/BP Station
Enterprise Drive
 10. Wadsworth Securities
101 Paulette Circle
 11. Cunningham & Drewry
105 Archway Court
 12. Brodman, Drinkard & Pennington
104 Archway Court
 13. Wyndhurst Family Medicine
102 Archway Court
 14. Bennington Insurance
103 Archway Court
 15. Wyndhurst Counseling Center
100 Archway Court

- SECTION B**
1. Lot Available
 2. Lot Available
 3. Subway
1705-140 Enterprise Drive
 4. Space Available
 5. Countrywide Home Loans
1705A Enterprise Drive
 6. Fortegra
1705B Enterprise Drive
 7. Lot Available
 8. Super Kids Karate
1701A Enterprise Drive
 9. Space Available
 10. Hiker's Outpost
101A Northwynd Circle
 11. City Place Salon
101B Northwynd Circle
 12. At Home Gourmet
101C Northwynd Circle
 13. Fat Tuna
101D Northwynd Circle
 14. Cornerstone Cabinets & Design
117A Northwynd Circle
 15. Space Available

- SECTION C**
1. Lots Available
 2. Lots Available
 3. Lots Available
 4. Lots Available
 5. Lots Available
 6. Lots Available
 7. Lots Available
 8. Lots Available
 9. Lots Available
 10. Nichols Photography
1601A Enterprise Drive
 11. Lots Available
 12. Lots Available

- SECTION D**
1. Mountain Frost Creamery
1513A Enterprise Drive
 2. Spa & Salon
1513B Enterprise Drive
 3. Wyndhurst Welcome Center
113A Goldenrod Place
 4. Bond Construction Group
113B Goldenrod Place
 5. Beneficial Associates, Inc.
115 Goldenrod Place
 6. Tucker Capital
117A Goldenrod Place
 7. Space Available
 8. Dance Creations
119 Goldenrod Place
 9. AXA Advisors
121 Goldenrod Place

7. Space Available
114B Tradewynd Drive
8. Wyndhurst Art & Frame
114A Tradewynd Drive
9. Schmokes Smokehouse & BBQ
110 Tradewynd Drive
10. Tourmaline Tanning Studios
108 Tradewynd Drive
11. Aura Tint & Fashion
106 Tradewynd Drive
12. First Horizon Home Loans
104 Tradewynd Drive
13. Lamps & More
102 Tradewynd Drive
14. Lot Available
15. Town Center Eye Care
103 Enterprise Drive
16. Space Available
17. Space Available
18. A&C Daily Grind
1509A Enterprise Drive
19. Fester Construction
1509B Enterprise Drive
20. Larry Forthman State Farm Insurance
1511 Enterprise Drive

- SECTION E**
1. Frame House Gallery
101A Tradewynd Drive
 2. Prudential Realty Services
101 Tradewynd Drive
 3. Space Available
 4. Tarazona Tobacco & Coffee Co.
103A Tradewynd Drive
 5. Space Available
 6. Pet Cabana
105A Tradewynd Drive
 7. Space Available
 8. Clothingline Apparel & Accessories
107A Tradewynd Drive
 9. Raymond James Financial Services
107B Tradewynd Drive
 10. Artifacts Gallery
109A Tradewynd Drive
 11. Space Available
 12. Cheryl's Secret Garden
111A Tradewynd Drive
 13. Arte Dei Capelli Salon
111B Tradewynd Drive
 14. A Little French
113A Tradewynd Drive
 15. Health Nut Nutrition
113B Tradewynd Drive
 16. Arthur's Jewelry
115A Tradewynd Drive
 17. FFPs Footwear & Accessories
115B Tradewynd Drive
 18. Dana Blue Apparel
117A Tradewynd Drive
 19. La D'Or Boutique
117B Tradewynd Drive
 20. Blue Ridge Aesthetic
119A Wyndhurst Drive
 21. Foxcrest Builders
119B Wyndhurst Drive
 22. Lots Available
 23. Space Available
 24. Travelbugs
112 Hesham Drive
 25. Status Symbol Antiques
110 Hesham Drive
 26. Palmer Chiropractic
108A Hesham Drive
 27. McAvoy Jr.
108B Hesham Drive
 28. Space Available
 29. Hesham Drive
 30. Space Available
 31. Upper Crust Pizzeria
102A Hesham Drive

- SECTION F**
1. Space Available
 2. Space Available
 3. Space Available
 4. Bragg Building Inc.
107 Duncraig Drive
 5. Space Available
 6. Space Available
 7. Space Available
 8. Space Available
 9. Space Available
 10. Space Available
 11. Space Available
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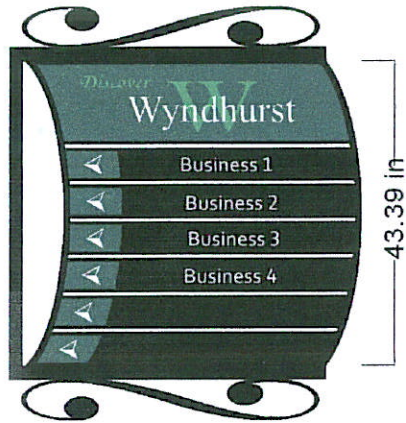
- SECTION G**
1. Victor's
1321B Enterprise Drive
 2. First Impressions Med Spa
1319B Enterprise Drive
 3. Somer's Place
1321A Enterprise Drive
 4. Space Available
 5. Space Available
 6. TRAX Technical Services
107 Hesham Drive
 7. Blue Ridge Insurance
109 Hesham Drive
 8. Personal Design Financial
111 Hesham Drive
 9. Eastern Gourmet & Gifts
113 Hesham Drive
 10. Homestead Acceptance
115A Hesham Drive
 11. Savannah
117A Hesham Drive
 12. Space Available
 13. Wyndhurst Dry Cleaning & Laundry
304 Wyndhurst Drive
 14. The Fireplace Shop
302 Wyndhurst Drive
 15. Golf USA
112 Duncraig Drive
 16. Space Available
 17. Lot Available
 18. About Face
1301A Enterprise Drive
 19. Hodge Podge & Such
1301B Enterprise Drive
 20. La Foglia
1303 Enterprise Drive
 21. D'Vine Desserts
1305 Enterprise Drive
 22. Perry Mays Insurance
1307 Enterprise Drive
 23. Space Available
 24. H&R Block
1313 Enterprise Drive
 25. Space Available

- SECTION H**
1. Space Available
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- SECTION I**
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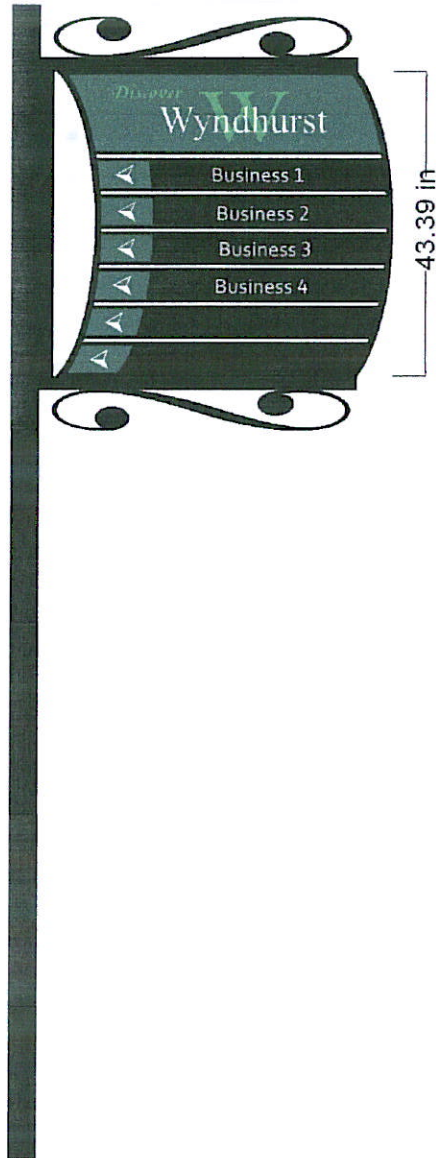
- SECTION J**
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Building Mounted



RECEIVED
APR 18 2008
COMMUNITY
DEVELOPMENT

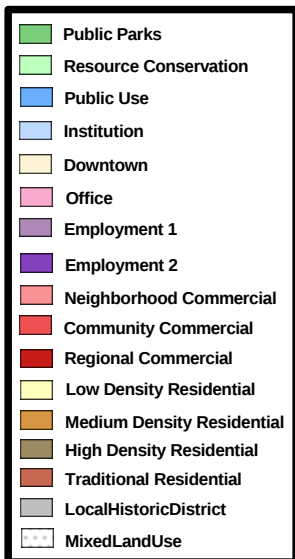
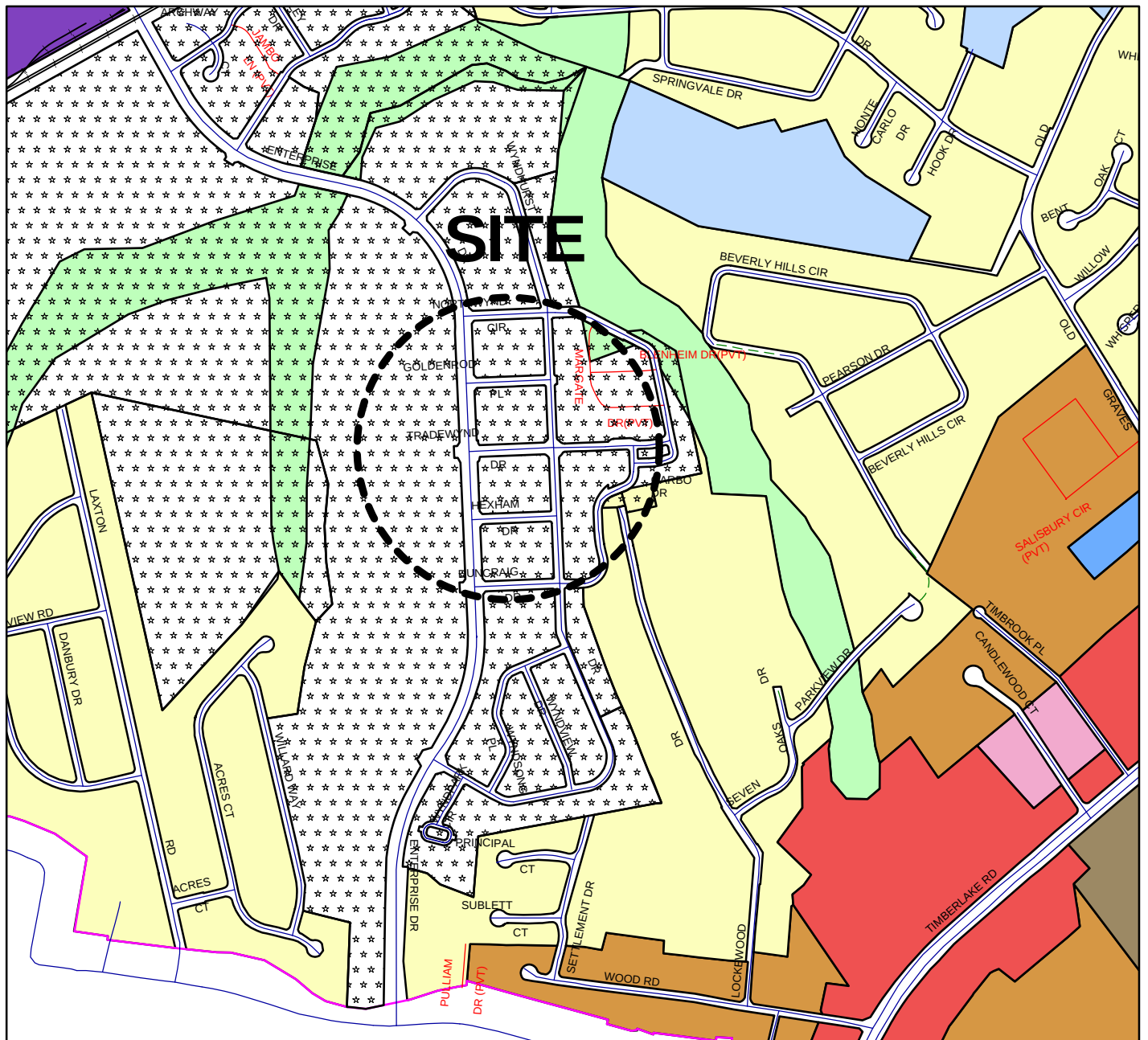
Pole Mounted



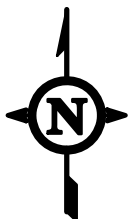
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COMMUNITY
DEVELOPMENT



WYNDHURST CONSOLIDATED SIGN PLAN 1301, 1601, 1627 ENTERPRISE DRIVE 100 TRADEWYND DRIVE 100 HEXHAM DRIVE LAND USE PLAN

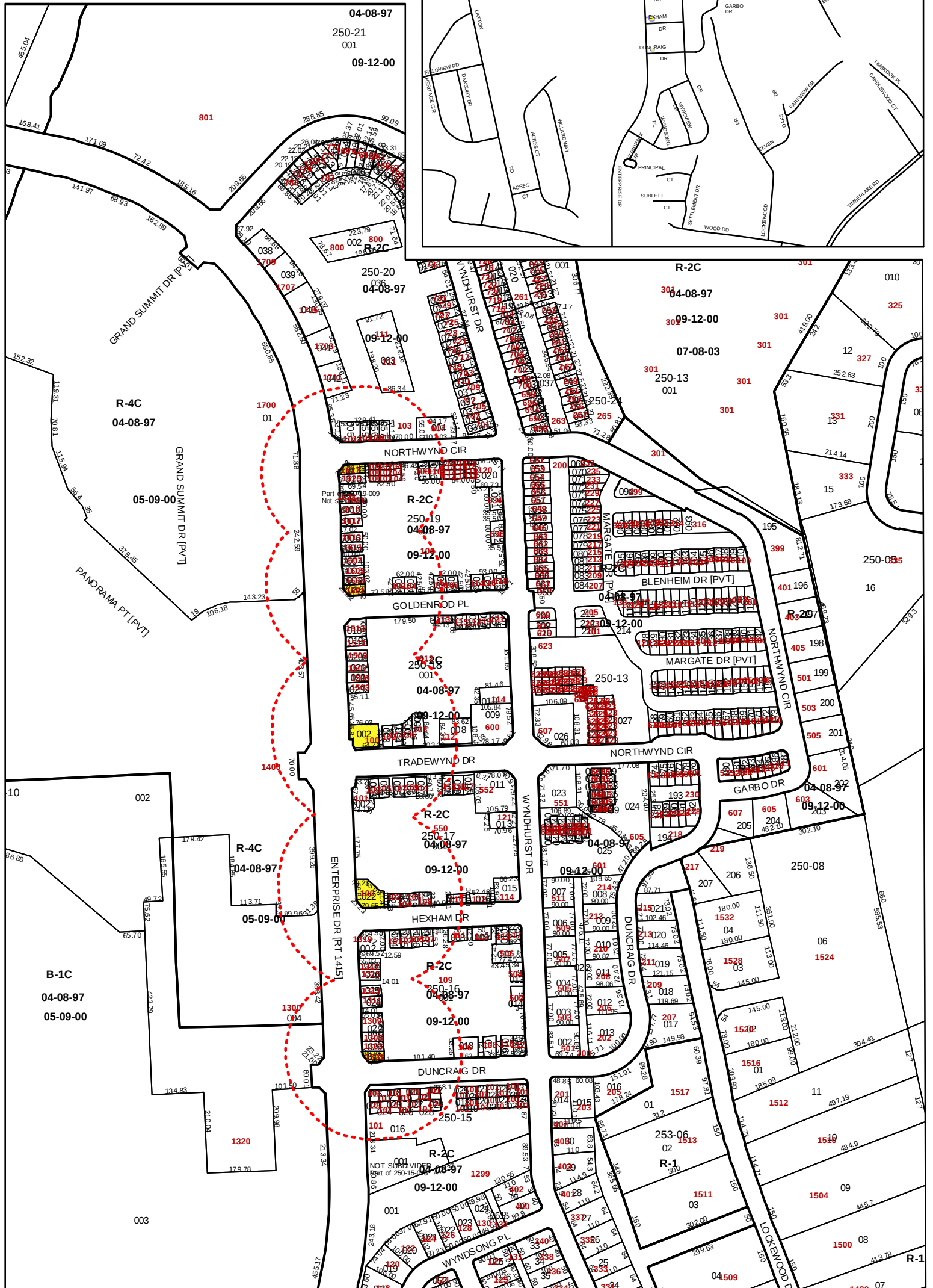


1301, 1601, 1627 Enterprise Drive,
100 Tradewynd Drive, 100 Hexham Drive
Map # 250-16-019, 250-17-022, 250-18-002, 250-19-011, 030
Conditional Use Permit Request
Petitioner: Phillip Jamerson



 Subject Property

 200 ft Radius



WYNDHURST SIGNAGE CUP ADJOINING OWNERS

PIN	OWNER	LOCADDR
25010001	CENTRA HEALTH INC C/O JOHN M LITAKER	1700 ENTERPRISE DR
25010002	CCRC INC C/O JOHN M LITAKER	1400 ENTERPRISE DR
25010003	CENTRA HEALTH INC C/O JOHN M LITAKER	1280 ENTERPRISE DR
25010004	CENTRA HEALTH INC C/O JOHN M LITAKER	1300 ENTERPRISE DR
25015002	RED OAK INC	101 DUNCRAIG DR 101
25015003	KING RAYMOND A & JUDI N	101 DUNCRAIG DR 102
25015004	COOPER CHRISTOPHER D	101 DUNCRAIG DR 103
25015005	BRAGG JAMES L SR & MELISSA H	101 DUNCRAIG DR 104
25015006	RED OAK INC	101 DUNCRAIG DR 105
25015007	RED OAK INC	101 DUNCRAIG DR 106
25015008	TUCKER SHARON M	101 DUNCRAIG DR 107
25015009	MOON JAMES M C/O VENTURE PROPERTY MANAGEMENT INC	101 DUNCRAIG DR 201
25015010	KING RAYMOND A & JUDI N	101 DUNCRAIG DR 202
25015011	BLACK MARANDA	101 DUNCRAIG DR 203
25015012	BLACK MARION	101 DUNCRAIG DR 204
25015013	BLACK MARANDA	101 DUNCRAIG DR 205
25015014	DAVIS BRIAN D	101 DUNCRAIG DR 206
25015015	REAVES STEPHEN J	101 DUNCRAIG DR 207
25015016	RED OAK INC	101 DUNCRAIG DR
25015025	LAWLESS ANDREW J	101 DUNCRAIG DR 208
25016001	TOWN CENTER ASSOCIATION	109 HEXHAM DR
25016002	EVE'S PROPERTIES LLC	1319 ENTERPRISE DR
25016004	TIMBERLAKE CONSTRUCTION COMPANY LLC	101 HEXHAM DR
25016005	TURNER EDWARD R	103 HEXHAM DR
25016006	TURNER EDWARD R	105 HEXHAM DR
25016007	TYREE F DALE	107 HEXHAM DR
25016008	BROOKS & NOEGEL LLC	111 HEXHAM DR
25016018	JAMERSON REAL ESTATE INC	106 DUNCRAIG DR
25016019	BMC PROPERTIES LLC	1301 ENTERPRISE DR
25016020	BMC PROPERTIES LLC	1303 ENTERPRISE DR
25016021	BMC PROPERTIES LLC	1305 ENTERPRISE DR
25016022	BMC PROPERTIES LLC	1309 ENTERPRISE DR
25016024	FOSTER CONSTRUCTION INC	1311 ENTERPRISE DR
25016025	FOSTER CONSTRUCTION INC	1313 ENTERPRISE DR
25016026	A & K BO LLC	1315 ENTERPRISE DR
25016027	A & K BO LLC	1317 ENTERPRISE DR
25017001	TOWN CENTER ASSOCIATION	550 WYNDHURST DR
25017002	J & B ONE LLC	101 TRADEWYND DR
25017003	LMI PROPERTIES LLC	103 TRADEWYND DR
25017004	LMI PROPERTIES LLC	105 TRADEWYND DR
25017005	TME LLC	107 TRADEWYND DR
25017006	PREACHER STEPHEN P & RONDA R TRS C/O HIKER'S OUTPOST	109 TRADEWYND DR
25017007	THE HAB COMPANY LC	111 TRADEWYND DR
25017008	FOSTER INVESTMENTS LLC	113 TRADEWYND DR
25017017	STATUS SYMBOL ANTIQUES LLC	110 HEXHAM DR
25017018	PALMER ADAM W & JUDITH K	108 HEXHAM DR
25017019	T & M PROPERTIES LLC	106 HEXHAM DR
25017020	T & M PROPERTIES LLC	104 HEXHAM DR
25017021	T & M PROPERTIES LLC	102 HEXHAM DR
25017022	M & J DEVELOPERS INC	100 HEXHAM DR
25018001	TOWN CENTER ASSOCIATION	612 WYNDHURST DR
25018002	M & J DEVELOPERS INC	100 TRADEWYND DR
25018003	WEST THOMAS B & NANCY H	102 TRADEWYND DR
25018004	WEST THOMAS B & NANCY H	104 TRADEWYND DR
25018005	CHOPRA PAUL & KIRAN	106 TRADEWYND DR
25018006	CAM WYNDHURST LLC	108 TRADEWYND DR
25018008	JAMBORITA II LLC	112 TRADEWYND DR
25018017	BOREL MARK A	113 GOLDENROD PL
25018018	B & B ICE CREAM LLC C/O MOUNTAIN FROST CREAMERY	1513 ENTERPRISE DR
25018019	FORDHAM INVESTMENTS LLC	1511 ENTERPRISE DR
25018020	V C ENTERPRISES LLC	1509 ENTERPRISE DR
25018021	V C ENTERPRISES LLC	1507 ENTERPRISE DR
25018022	B & A PROPERTIES LLC	1505 ENTERPRISE DR
25018023	J N T PROPERTIES LLC	1503 ENTERPRISE DR
25019001	TOWN CENTER ASSOCIATION	100 GOLDENROD PL
25019002	AYCOCK DONNA L	1603 ENTERPRISE DR
25019003	OAK GROVE INVESTMENTS LC	1605 ENTERPRISE DR
25019004	OAK GROVE INVESTMENTS LC	1607 ENTERPRISE DR
25019005	TABO INTERNATIONAL LLC	1611 ENTERPRISE DR
25019006	TABO INTERNATIONAL LLC	1613 ENTERPRISE DR
25019007	PATRICK HENRY BOYS AND GIRLS PLANTATION INC	1617 ENTERPRISE DR
25019008	PATRICK HENRY BOYS AND GIRLS PLANTATION INC	1619 ENTERPRISE DR
25019009	PATRICK HENRY BOYS AND GIRLS PLANTATION INC	1621 ENTERPRISE DR
25019010	STEDON PROPERTIES LLC	1625 ENTERPRISE DR
25019011	STEDON PROPERTIES LLC	1627 ENTERPRISE DR
25019012	K-FO ENTERPRISES LLC	100 NORTHWYND CIR
25019013	K-FO ENTERPRISES LLC	102 NORTHWYND CIR
25019014	K-FO ENTERPRISES LLC	104 NORTHWYND CIR
25019015	HAB COMPANY LC	108 NORTHWYND CIR
25019016	HAB COMPANY LC	110 NORTHWYND CIR
25019027	GARY W CASE & COMPANY INC	106 GOLDENROD PL
25019028	R D F INVESTMENTS LLC	104 GOLDENROD PL
25019029	R D F INVESTMENTS LLC	102 GOLDENROD PL
25019030	BOREL PROPERTIES INC	1601 ENTERPRISE DR
25019032	K-FO ENTERPRISES LLC	100 NORTHWYND CIR A
25019033	K-FO ENTERPRISES LLC	100 NORTHWYND CIR B
25019035	K-FO ENTERPRISES LLC	102 NORTHWYND CIR A
25019036	J. KEVIN FOSTER TRUSTEE OF THE J KEVIN FOSTER LIVING TRUST	102 NORTHWYND CIR B
25019038	K-FO ENTERPRISES LLC	104 NORTHWYND CIR A
25019809	PATRICK HENRY BOYS AND GIRLS PLANTATION INC	1621 ENTERPRISE DR
25020003	CITY PLACE APARTMENTS LLC	111 NORTHWYND CIR
25020004	CITY PLACE COMMERCIAL LLC	117 NORTHWYND CIR
25020005	PLANTATION ESTATES LLC	101 A NORTHWYND CIR
25020036	CITY PLACE ASSOCIATION	103 NORTHWYND CIR
25020042	CITY PLACE COMMERCIAL LLC	1701 ENTERPRISE DR
25020055	PLANTATION ESTATES LLC	101 B NORTHWYND CIR
25020056	PLANTATION ESTATES LLC	101 C NORTHWYND CIR
25020057	PLANTATION ESTATES LLC	101 D NORTHWYND CIR
Owner	BMC PROPERTIES LLC	
	BOREL PROPERTIES INC	
	STEDON PROPERTIES LLC	
	M & J DEVELOPERS INC	
	M & J DEVELOPERS INC	
Petitioner	PHILLIP JAMERSON	
Representative	MARK BOREL	

+LYNCHBURG CITY COUNCIL Agenda Item Summary

MEETING DATE: July 8, 2008		AGENDA ITEM NO.: 4
CONSENT:	REGULAR: X	CLOSED SESSION: (Confidential)
ACTION: X	INFORMATION:	
<u>ITEM TITLE:</u> REZONINGS – I-3, Heavy Industrial District to R-C, Resource Conservation District at 2300 Carroll Avenue and 701 Dearing Street		

RECOMMENDATION: Approval of the requested rezoning petition.

SUMMARY: Liberty University is petitioning to rezone one and twenty-six hundredths (1.26) acres at 2300 Carroll Avenue and two and thirty-six hundredths (2.36) acres at 701 Dearing Street from I-3, Heavy Industrial District to R-C, Resource Conservation District to satisfy a proffer from a previous rezoning on January 13, 2007, for the Crossroads Colonnade Shopping Center. The proffer provided that “Liberty University will work with City staff in petitioning City Council to rezone three and six tenths (3.6) acres of University or Church-owned property in another part of the City to R-C conservation.” The Planning Commission recommended approval of the rezoning petition because:

- The petition agrees with the *Comprehensive Plan*, which recommends both Employment 2 and Resource Conservation uses for the property at 2300 Carroll Avenue and a Resource Conservation use for the property at 701 Dearing Street.
- The *Comprehensive Plan* recommends that the City seek proffers that protect a reasonable area for resource conservation. The proposed “down zoning” would provide significant protection to the natural features of the subject properties.
- The Office of Economic Development and the Industrial Development Authority’s Property Committee had no objection to the proposed rezoning.

PRIOR ACTION(S): June 11, 2008: Planning Division recommended approval of the rezoning petition.
Planning Commission recommended approval (5-0, with two absent, Worthington, Oglesby) of the rezoning petition.

FISCAL IMPACT: N/A

CONTACTS: Charlene Montford/ 455-3902; Tom Martin/ 455-3909

ATTACHMENT(S): Ordinances; PC Report; PC Minutes; Vicinity Zoning Patterns; Vicinity Proposed Land Uses; Watershed Location Maps; Concept Plan; Rezoning Narrative; Speaker Sign-Up Sheet

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA AT 2300 CARROLL AVENUE FROM I-3, HEAVY INDUSTRIAL DISTRICT TO R-C, RESOURCE CONSERVATION DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.____ which section shall read as follows:

Section 35.1-76.____. Change of a certain area at 2300 Carroll Avenue from I-3, Heavy Industrial District to R-C, Resource Conservation District.

The area embraced within the following boundaries ...

BEGINNING AT A POINT, said point being the western right of way of Norfolk Southern Railway and southeast corner of said parcel, thence N 86°39'51" W, 143.65 feet to a point, thence N 07°57'17" E, 50.78 feet to a point, thence N 41°01'25" E, 97.91 feet to a point, thence N 14°49'54" E, 56.48 feet to a point, thence N 49°24'33" E, 29.62 feet to a point, thence N 02°03'10" W, 44.99 feet to a point, thence N 24°38'05" E, 84.80 feet to a point, thence N 14°15'20" E, 104.38 feet to a point, thence N 17°35'38" E, 69.07 feet to a point, thence N 07°46'14" E, 71.31 feet to a point, thence N 18°46'58" E, 84.81 feet to a point, thence N 03°16'23" E, 56.29 feet to a point, thence N 16°41'51" E, 16.76 feet to a point, thence N 20°33'05" W, 27.44 feet to a point, thence N 16°36'32" E, 201.59 feet to a point, thence S 82°47'39" E, 19.22 feet to a point, thence S 09°32'29" W, 948.23 feet to a point, the POINT OF BEGINNING.

CONTAINING: 54822 square feet or 1.259 acres of land, more or less.

... is hereby changed from I-3, Heavy Industrial District to R-C, Resource Conservation District .

And the Director of the Department of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

080L1

ORDINANCE

AN ORDINANCE CHANGING A CERTAIN AREA AT 701 DEARING STREET FROM I-3, HEAVY INDUSTRIAL DISTRICT TO R-C, RESOURCE CONSERVATION DISTRICT.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG that in order to promote the public necessity, convenience, welfare and good zoning practice that Chapter 35.1-76.____ which section shall read as follows:

Section 35.1-76.____. Change of a certain area at 701 Dearing Street from I-3, Heavy Industrial District to R-C, Resource Conservation District.

The area embraced within the following boundaries ...

BEGINNING AT A POINT, said point being the east side of Norfolk Southern Railway right of way and the mean water level of Daniel's Island, thence S 56°54'50" W, 91.39 feet to a point, thence N 40°46'58" W, 266.49 feet to a point, thence N 46°31'59" W, 472.62 feet to a point, thence N 48°52'57" W, 317.93 feet to a point, thence N 04°32'49" W, 103.28 feet to a point, thence S 56°57'13" E, 27.28 feet to a point, thence S 71°34'15" E, 20.66 feet to a point, thence S 53°37'31" E, 25.69 feet to a point, thence S 58°00'16" E, 17.12 feet to a point, thence S 55°32'27" E, 81.43 feet to a point, thence S 42°05'24" E, 50.36 feet to a point, thence S 50°59'56" E, 86.05 feet to a point, thence S 46°22'38" E, 118.32 feet to a point, thence S 45°25'10" E, 142.34 feet to a point, thence S 54°19'30" E, 49.15 feet to a point, thence S 40°18'09" E, 43.77 feet to a point, thence S 50°39'27" E, 72.39 feet to a point, thence S 48°35'13" E, 32.91 feet to a point, thence S 41°35'57" E, 77.63 feet to a point, thence S 45°23'08" E, 31.18 feet to a point, thence S 35°42'02" E, 31.72 feet to a point, thence S 47°44'12" E, 43.16 feet to a point, thence S 51°35'32" E, 40.30 feet to a point, thence S 24°52'19" E, 16.40 feet to a point, thence S 46°11'02" E, 47.87 feet to a point, thence S 35°54'33" E, 107.06 feet to a point, the POINT OF BEGINNING.

CONTAINING: 102862 square feet or 2.361 acres of land, more or less.

... is hereby changed from I-3, Heavy Industrial District to R-C, Resource Conservation District.

And the Director of the Department of Community Development shall forthwith cause the "Official Zoning Map of Lynchburg, Virginia," referred to in Section 35.1-4 of this chapter to be amended in accordance therewith.

Adopted:

Certified:

Clerk of Council

080L2

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission

From: Planning Division

Date: June 11, 2008

Re: **Rezoning: I-3, Heavy Industrial District to R-C, Resource Conservation District at 2300 Carroll Avenue and 701 Dearing Street**

I. PETITIONER

Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Representatives: Lee Beaumont, Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

Norm Walton, Perkins & Orrison, 20436 Lynchburg Highway, Unit I, Lynchburg, VA 24502

II. LOCATION

The areas included within the rezoning petition include one and twenty-six hundredths (1.26) acres at 2300 Carroll Avenue and two and thirty-six hundredths (2.36) acres at 701 Dearing Street.

Property Owner: Liberty University, Inc., 1971 University Boulevard, Lynchburg, VA 24502

III. PURPOSE

The purpose of this petition is to rezone a total of three and sixty-two hundredths (3.62) acres on two (2) parcels from I-3, Heavy Industrial District to R-C, Resource Conservation District to satisfy a proffer from a previous rezoning on January 13, 2007, for the Crossroads Colonnade Shopping Center. The proffer provided that "Liberty University will work with City staff in petitioning City Council to rezone three and six tenths (3.6) acres of University or Church-owned property in another part of the City to R-C conservation."

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan*, which recommends both Employment 2 and Resource Conservation uses for the property at 2300 Carroll Avenue and a Resource Conservation use for the property at 701 Dearing Street.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends an Employment 2 use for a portion of the property at 2300 Carroll Avenue. Employment 2 uses "include light and heavy manufacturing, research and development, flex space and large scale office uses. Restaurant, hotel and business service uses are also sized and designed to serve the employment area. Employment 2 differs primarily from Employment 1 uses in that it permits heavy industrial uses." [page 5.4] The Plan also recommends a Resource Conservation use for the balance of the property at 2300 Carroll Avenue, as well as the area proposed for rezoning at 701 Dearing Street. "Resource Conservation uses include lands with special natural characteristics that make their preservation in open space particularly important to the City's environmental health." The plan also notes that the "actual boundaries of the Resource Conservation Area should be determined on a site-by-site basis using the best available environmental data and the environmental performance standards recommended in the Natural Systems element [of the plan]." [page 5.2] Although these standards have not yet been defined by the Natural Resources Advisory Committee, the Natural Systems chapter of the plan emphasizes "the protection of important resources" by "applying performance standards to protecting floodplains, wetlands and streamside steep slopes to development projects." [page 12.10]

The Economic and Employment Area chapter of the *Comprehensive Plan* prompts staff to "identify areas of the City with the potential, through redevelopment, to support the expansion of existing and the attraction of new industrial and office development." [page 9.6] Planning staff asked the Department of Economic Development and the Industrial Development Authority's [IDA] Property

Committee to review the project with regard to the potential land use change for the area. Economic Development and the IDA both had no objection to the proposed rezoning, noting that the properties were not of interest for industrial use.

Both properties are also located in a Resource Conservation Area, as designated on the *Comprehensive Plan's Framework Map*. These areas include public parklands, rivers, streams wetlands, floodplains and/or steep slopes which serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City's primary assets. The *Comprehensive Plan* recommends that "if a property [that includes] a Resource Conservation Area is proposed for rezoning ... the City will seek proffers that protect a reasonable area for resource conservation." The plan further defines protection as the "maintenance of the natural topographic and vegetative conditions with limitations on most development." Staff has reviewed the proposed project for compliance with the goals for Resource Conservation Areas and determined that the proposed "down zoning" would provide significant protection to natural features of the subject properties.

Since the *Future Land Use Map [FLUM]* is not intended to be parcel specific, it is staff's opinion that a *FLUM* amendment would not be required to allow this rezoning. Further, given the proposed environmental provisions and the existing land uses, staff feels that the rezoning is appropriate based on the designation of the City's *Comprehensive Plan*.

2. **Zoning.** The subject property at 2300 Carroll Avenue was annexed into the City in 1908 while the property at 701 Dearing Street was annexed into the City in 1870. The existing I-3, Heavy Industrial District zoning was established for both properties in 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Proffers.** The petitioner did not submit proffer(s) with the rezoning application.
5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area of each parcel:

2300 Carroll Avenue

- On May 9, 2000, City Council approved Church of God of Prophecy's conditional use permit petition to allow the construction of a fellowship hall and parking at Otey Street and Cobb Street.
- On December 9, 1997, City Council approved New Life Church's conditional use permit petition to allow the construction of a new sanctuary and parking at 2251 Campbell Avenue.
- On October 12, 1993, City Council approved Church of God of Prophecy's conditional use permit petition to allow the expansion of an existing church building at 2600 Garfield Avenue.
- On April 14, 1993, City Council approved Church of God of Prophecy's conditional use permit petition to allow the construction of additional parking at 2205-2213 Cobbs Street.
- On February 9, 1993, City Council approved New Life Gospel Assembly's conditional use permit petition to allow the expansion of an existing church building at 2261 Campbell Avenue.
- On November 14, 1989, City Council approved Virginia Seminary and College's conditional use permit petition to allow the operation of a college book store and snack bar at 2202 Garfield Avenue.
- On March 13, 1984, City Council approved Fairview Christian Church's conditional use permit petition to allow the construction of a parking lot at 2205 Mosby Avenue.

701 Dearing Street

- On March 10, 1998, City Council approved Rivermont Avenue Baptist Church's conditional use permit petition to allow the construction of a parking lot at 501 and 505 McDonald Street.
- On August 13, 1991, City Council approved Rivermont Avenue Baptist Church's conditional use permit petition to allow the construction of a parking lot at 405-407 Botetourt Street.

- On April 12, 1988, City Council approved Rivermont Avenue Baptist Church's conditional use permit petition to allow a child care center at 1301-1321 Rivermont Avenue.
- On April 8, 1986, City Council denied Rivermont Avenue Baptist Church's conditional use permit petition to allow the construction of a parking lot at 1361 and 1363-1365 Rivermont Avenue.
- On October 8, 1985, City Council approved Mount Carmel Baptist Church's conditional use permit petition to allow the construction of a parking lot at 806 Cabell Street.
- On October 26, 1982, City Council approved G&G Video, Inc.'s conditional use permit petition to allow a video arcade at 1212 Rivermont Avenue.

6. **Site Description.** The property at 2300 Carroll Avenue includes recreational fields, an unoccupied building (used for the University's "Scaremare" house), and wooded stream buffer adjacent to Fishing Creek. The portion of the property that is proposed for rezoning is located within the limits of the one hundred (100)-year floodplain. The site is bound to the north by the Lynchburg Expressway, single-family homes and commercial properties, to the east by Norfolk & Southern Railroad, Virginia University of Lynchburg, churches and single-family homes, to the south by a combination of commercial and industrial businesses and to the west by single-family homes, commercial properties and industrial businesses.

The property at 701 Dearing Street is a portion of an island in the James River which is bound to the north and east by single-family homes in Amherst County and to the south and east by single-family homes and churches in the City of Lynchburg. The entire property, including the portion that is proposed for rezoning, is located within the limits of the one hundred (100)-year floodplain.

7. **Proposed Use of Property.** The proposed rezoning would "down-zone" a total of three and sixty-two hundredths (3.62) acres on two (2) parcels from I-3, Heavy Industrial District to R-C, Resource Conservation District to satisfy a proffer from the previous rezoning on January 13, 2007 for the Crossroads Colonnade Shopping Center. The proffer provided that "Liberty University will work with City staff in petitioning City Council to rezone three and six tenths (3.6) acres of University or Church-owned property in another part of the City to R-C conservation."

At its May 20, 2008 hearing, representatives of the Technical Review Committee questioned whether the petitioner would restrict the uses of the proposed rezoning areas (through mitigation credits, conservation easements, proffers, etc.) such that these areas would be preserved in perpetuity. The petitioner responded that the University has not yet determined the future use of these properties (although the 701 Dearing Street property is currently being evaluated for use as a wetland bank); therefore, Liberty University does not wish to add any restrictions or volunteer proffers at this time.

8. **Traffic and Parking.** The City's Transportation Engineer had no comments regarding the petition.
9. **Storm Water Management.** Other than the recommendation that the uses of the property be restricted for the future protection of the property, the City's Environmental Planner had no comments regarding the petition.
10. **Emergency Services.** The City's Fire Marshal had no comments regarding the petition.

The City Police Department had no comments about the proposed R-C zoning.

11. **Impact.** The proposed R-C zoning would limit the "by right" use of the property to agriculture (including general farming, dairy farming, livestock farming, forestry [including timber harvesting], horticulture and all uses commonly classed as agricultural), one (1) single-family dwelling on each lot [ten (10) acres minimum], farm produce stands (selling only products grown on the premises), telecommunication facilities and truck gardens (commercial and noncommercial). The proposed rezoning would also provide a range of sixty-eight (68) to two hundred (200) feet of stream buffer for the property adjacent to Fishing Creek (at 2300 Carroll Avenue) and ninety-five (95) feet of stream buffer adjacent to the James River (at 701 Dearing Street).

Although the petitioner has not provided for any easement or other restriction for the long term protection of the stream buffer, the proposed "down zoning" would significantly restrict the uses currently permitted "by right" under the present I-3, Heavy Industrial District zoning. These I-3 uses, as defined by Sec. 35.1-41(a) of the City's *Zoning Ordinance*, "are intended to provide for industrial

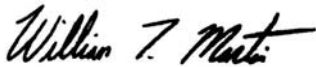
and other activities which produce the highest levels of nuisance permitted under federal and state air and water pollution regulations.” By contrast, the intent of the proposed R-C zoning is to “provide for very low development densities in areas not served by city sewer and water supply systems, areas with soils unsuitable for development or areas which should be preserved in low densities for other aspects of the public welfare.” In weighing the existing potential uses permitted by the existing I-3 zoning against those provided under the proposed rezoning and the Resource Conservation designation of the City’s *Comprehensive Plan Framework Map*, staff recommends the R-C rezoning as appropriate for these areas.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on May 20, 2008. Comments related to the proposed use were minor in nature and have been or will be addressed by the developer prior to final plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of Liberty University’s petition to rezone one and twenty-six hundredths (1.26) acres at 2300 Carroll Avenue and two and thirty-six hundredths (2.36) acres at 701 Dearing Street from I-3, Heavy Industrial District to R-C, Resource Conservation District.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Charlene B. Montford, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia L. Kozierow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry L. Harter, Traffic Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert S. Fowler, Zoning Administrator
Mr. Keith Wright, Zoning Official
Mr. Kent L. White, Senior Planner
Mrs. Erin B. Hawkins, Environmental Planner
Mr. Lee Beaumont, Representative, Liberty University
Mr. Norm Walton, Representative, Perkins and Orrison

VII. ATTACHMENTS

- 1. Vicinity Zoning Patterns**
- 2. Vicinity Proposed Land Uses**
- 3. Watershed Location Maps**
- 4. Concept Plan**
- 5. Rezoning Narrative**

MINUTES FROM THE JUNE 11, 2008 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

a. Petition of Liberty University to rezone 1.29 acres from I-3, Heavy Industrial District to R-C, Resource Conservation at 2300 Carroll Avenue and to rezone 2.33 acres from I-3, Heavy Industrial District to R-C, Resource Conservation at 701 Dearing Street.

Mr. Martin addressed the commissioners with the following comments. As part of a 2007 rezoning petition, Liberty University proffered to rezone 3.6 acres of industrial land elsewhere in the city to R-C to offset a portion of the land that was rezoned for the Crossroads Colannade project. This petition is fulfilling that proffer by rezoning two separate parcels and improving stream buffers on each piece. The Planning Division recommends approval of the rezoning petition.

Mr. Norm Walton of Perkins & Orrison came forward as the representative for the petition. This petition is to fulfill the proffer from the Crossroads Colannade rezoning that stated Liberty University would rezone 3.6 acres of industrial land to R-C elsewhere in the city. One parcel is along Fishing Creek on Carroll Avenue. This is the property where Scaremare is held each year. They are expanding the buffer along Fishing Creek, which varies now from 70 up to 200 feet. The other parcel is a portion of Daniels Island and the rezoning of this particular parcel will provide a 95 foot buffer off the shoreline of the James River. There is no development proposed with this petition.

Commissioner Sale asked about the use of two buildings on the property but was told that these two buildings are not in the R-C zone. Mr. Martin pointed out the area that is being rezoned on the rezoning map. Mr. Martin explained that the uses of R-C zones are very limited. You can have residential uses on ten-acre lots. There are some limited agricultural uses.

Mr. Martin pointed out that these areas are so linear and narrow that the only effective use of areas is going to be for stream buffers. Chair Hamilton asked Mr. Walton to talk about the wetlands bank as it pertains to the island. Mr. Walton explained that there have been some tests done on the soil of Daniels Island, as well as Treasure Island, and the soil is too sandy to establish a wetlands bank. Mr. Walton explained that they had met with planning staff and members of Lynchburg College to discuss cooperative efforts to develop some land within the city for a wetlands bank. The idea was to use this land for Liberty University, Lynchburg College, as well as other development in the city. They had a very productive meeting and had some commitments on both sides. There has been no follow-up discussion since that meeting, but they do feel that it is something that will continue to move forward.

Commissioner Swienton made the following motion, which was seconded by Commissioner Sale:

“That the Planning Commission recommends to City Council approval of Liberty University’s petition to rezone one and twenty-nine hundredths (1.29) acres at 2300 Carroll Avenue and two and thirty-three hundredths (2.33) acres at 701 Dearing Street from I-3, Heavy Industrial District to R-C, Resource Conservation District.”

Commissioner Sale commented that he feels this is a good use of the land and appreciates that Liberty is honoring its proffer. Commissioner Barnes agreed and said he appreciated the prompt attention to the proffer. Commissioner Swienton commented that he agreed, and the motion passed by the following vote:

AYES:	Barnes, Hannon, Hamilton, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Oglesby & Worthington	2

LEXINGTON

Wes Perkins, LS
Russ Orrison, PE, LS

Susan Perkins
Pierson Hotchkiss, LS
Dave Walsh

**LYNCHBURG**

Kenneth Knott, LS
Norman Walton, PE

Maggie Cossman, PE

RECEIVED**JUN 10 2008**

COMMUNITY
DEVELOPMENT

May 23, 2008

Mr. Kent White
Community Development
City of Lynchburg
900 Church St.
Lynchburg, VA 24504

RE: R-C Rezoning at 2300 Carroll Avenue and 701 Dearing St.
Rezoning Narrative

Dear Mr. White,

Liberty University wishes to rezone a total of 3.62 acres from I-3 to R-C per the proffer presented for the Crossroads Colonnade Rezoning. There is no proposed development with this rezoning. Both areas are near environmentally sensitive areas and provide buffer for these areas.

Points regarding the rezoning are as follows:

- This rezoning is to satisfy the requirements per the proffer made for the Crossroads Colonnade rezoning on November 13, 2007 which states "Liberty will work City Staff in petitioning City Council to rezone 3.6 Acres of University or Church-owned property in another part of the City to R-C conservation."
- There is no current use for the portion of the properties being rezoned. They are vacant and mostly forested. All of 701 Dearing Street currently has no existing use on the property. A portion of the 2300 Carroll Avenue is used for recreation, with a baseball field being located on this parcel, but not within the area being rezoned.
- Both rezonings improve stream buffers.
 - For 701 Dearing Street approximately 95 feet from the bank of the James River.
 - For 2300 Carroll Avenue the buffer varies from approximately 68 feet to 200 feet with the addition of the rezoned area.

17 W. Nelson Street • P. O. Box 1567
Lexington, Virginia 24450

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

20436 Lynchburg Highway • Unit I
Lynchburg, Virginia 24502

434-525-5985 Fax: 434-239-8271

email: pno@perkins-orrisson.com

- The future of this property has not been determined yet. There has been some discussion with Planning Staff to restrict the use of this property further, but Liberty does not want to add those conditions or volunteer proffers at this time.
- The 701 Dearing Street property is currently being evaluated for use as a wetland bank.

If you have any comments or questions regarding this information, please let me know.

Sincerely,



Norman B. Walton, Jr., P. E.
Perkins and Orrison, Inc.

PERKINS & ORRISON

17 W. Nelson Street • P. O. Box 1567
Lexington, Virginia 24450

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

20436 Lynchburg Highway • Unit I
Lynchburg, Virginia 24502

434-525-5985 Fax: 434-239-8271

email: pno@perkins-orrison.com

June 11, 2008

[illegible]

LIBERTY UNIVERSITY
2300 Carroll Avenue
Map # 050-18-008
Rezoning from I-3 to R-C
Petitioner: Liberty University

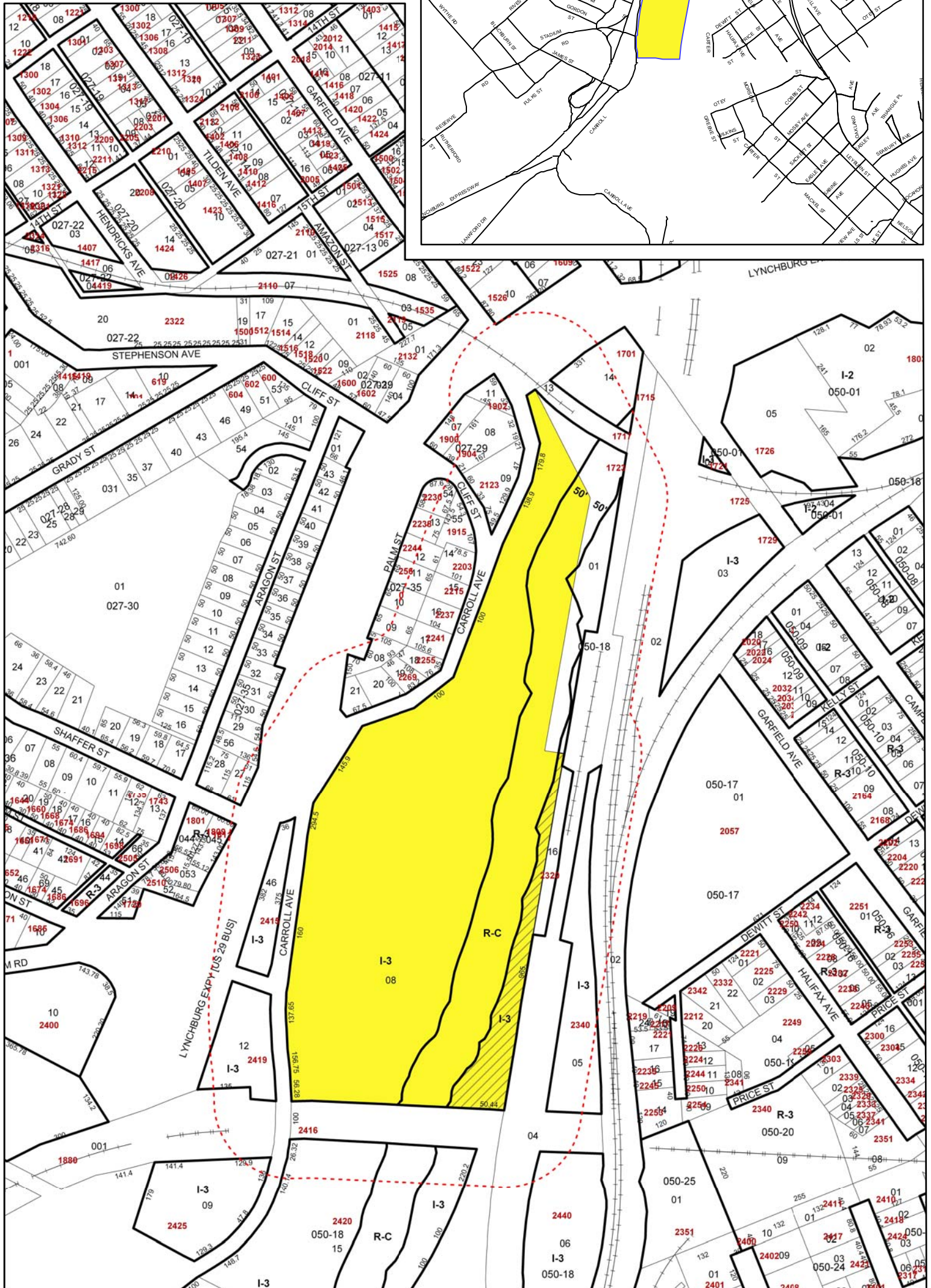
MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



 Proposed Rezoning

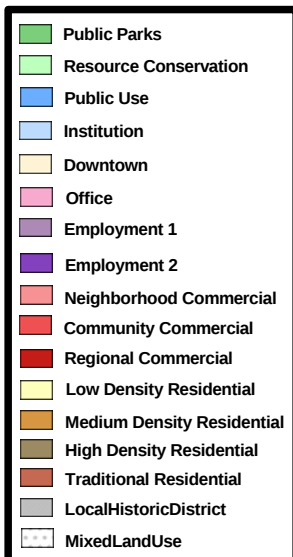
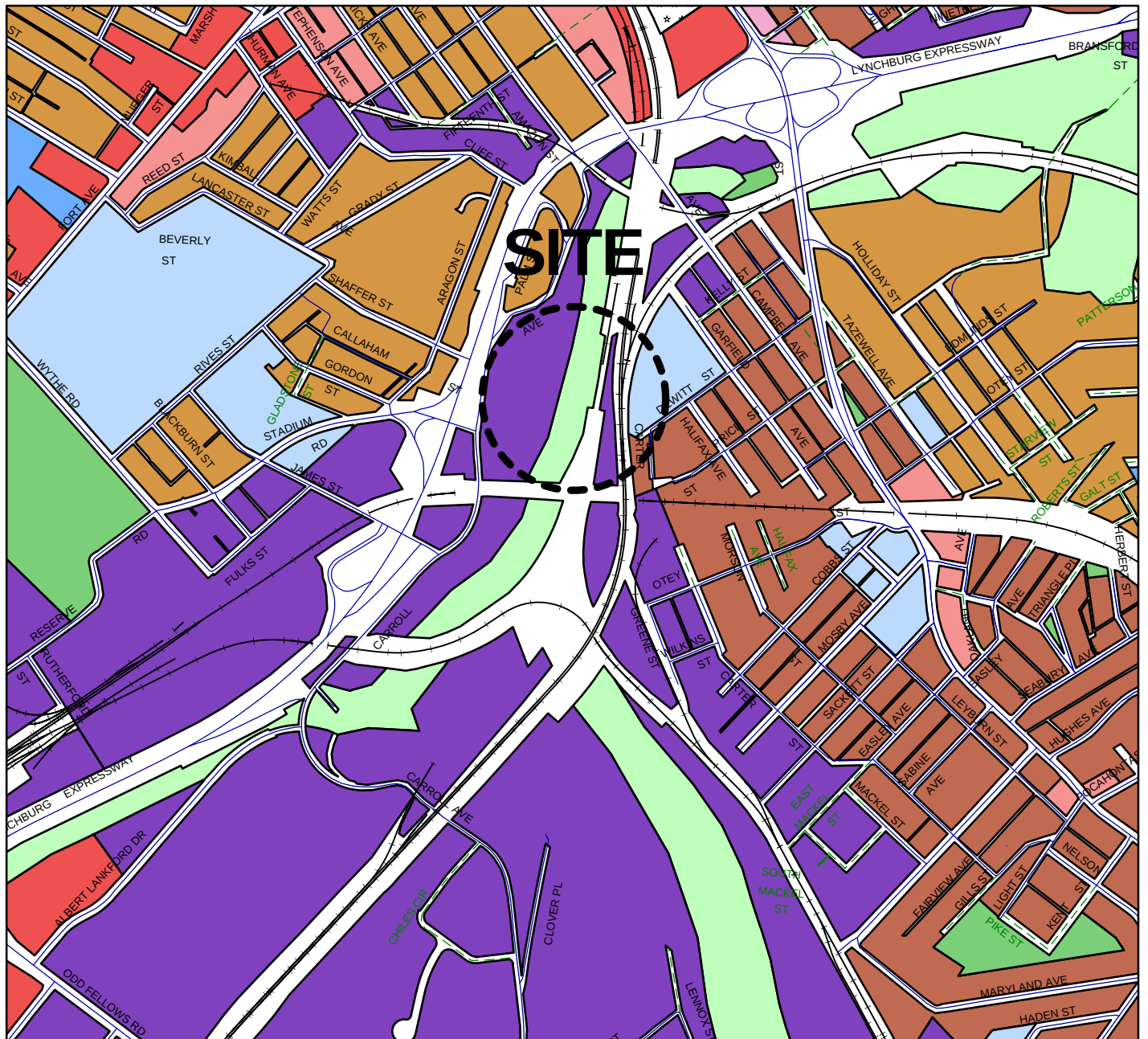
 Subject Property

 200 ft Radius



LIBERTY UNIVERSITY REZONING ADJOINING OWNERS

PIN	OWNER	LOCADDR
2712010	WALLER BENNIE D ETALS	1526 GARFIELD AVE
2729007	BROWN GEORGE R & DEBRA B	1900 CLIFF ST
2729008	BARBATO ROBERT A JR	1904 CLIFF ST
2729009	BERRY ERNEST R JR	2123 CARROLL AVE
2729011	BARBATO ROBERT A JR	1902 CLIFF ST
2735008	STULTZ CHARLES R. & BEULAH S.	2286 PALM ST
2735009	STULTZ CHARLES R. & BEULAH S.	2282 PALM ST
2735010	HALL DAVID L. SR	2270 PALM ST
2735011	TYREE PHILLIP M & LINDA T	2256 PALM ST
2735012	STULTZ CHARLES R & BEULAH S	2244 PALM ST
2735013	THOMPSON REESE M III	2238 PALM ST
2735014	DUNN LARRY W	2203 CARROLL AVE
2735015	DUNN LARRY W	2215 CARROLL AVE
2735016	JONES BEATRICE M	2237 CARROLL AVE
2735017	JOHNSON CALVIN K & MIA D	2241 CARROLL AVE
2735018	DAVIS JOHN D & SUSIE F	2255 CARROLL AVE
2735019	STULTZ CHARLES R & BEULAH S	2269 CARROLL AVE
2735020	STULTZ CHARLES R	2309 CARROLL AVE
2735021	STULTZ CHARLES R & BEULAH S	2323 CARROLL AVE
2735027	BARKER KEITH W	1808 SHAFFER ST
2735029	ROWLAND DAVID W & MARIE B	2378 ARAGON ST
2735045	COLES THOMAS D	1809 SHAFFER ST
2735046	CITY OF LYNCHBURG C/O STEVE LAWSON	2415 CARROLL AVE
2735054	DAILY CURTIS L	2230 PALM ST
2735055	GILBERT EMILY	1915 CLIFF ST
2735056	TAYLOR JAMES K & ETHEL J	2382 ARAGON ST
5018001	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1880 JAMES ST
5018001	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1880 JAMES ST
5018002	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1725 CAMPBELL AVE
5018004	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1715 CAMPBELL AVE
5018005	NEWCOMB SCOTT	2340 CARROLL AVE
5018006	NEWCOMB SCOTT	2440 CARROLL AVE
5018008	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	2300 CARROLL AVE
5018009	DADANT & SONS INC	2425 CARROLL AVE
5018012	COKER SHERRY L	2419 CARROLL AVE
5018013	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1717 CAMPBELL AVE
5018014	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	1701 CAMPBELL AVE
5018015	THOMAS ROAD BAPTIST CHURCH TR	2420 CARROLL AVE
5018016	NEWCOMB SCOTT	2320 CARROLL AVE
5101001	NORFOLK/SOUTHERN CORP ATTN:LLOYD CLINGENPEEL	2416 CARROLL AVE
Owner	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	
Petitioner	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	
Representative	NORM WALTON C/O PERKINS & ORRISON	

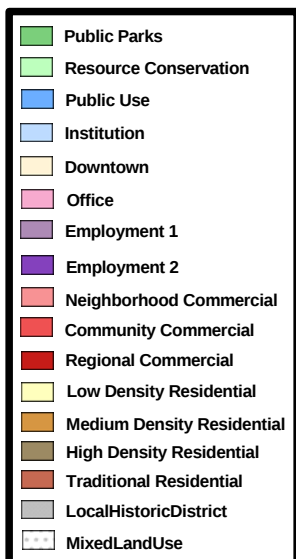
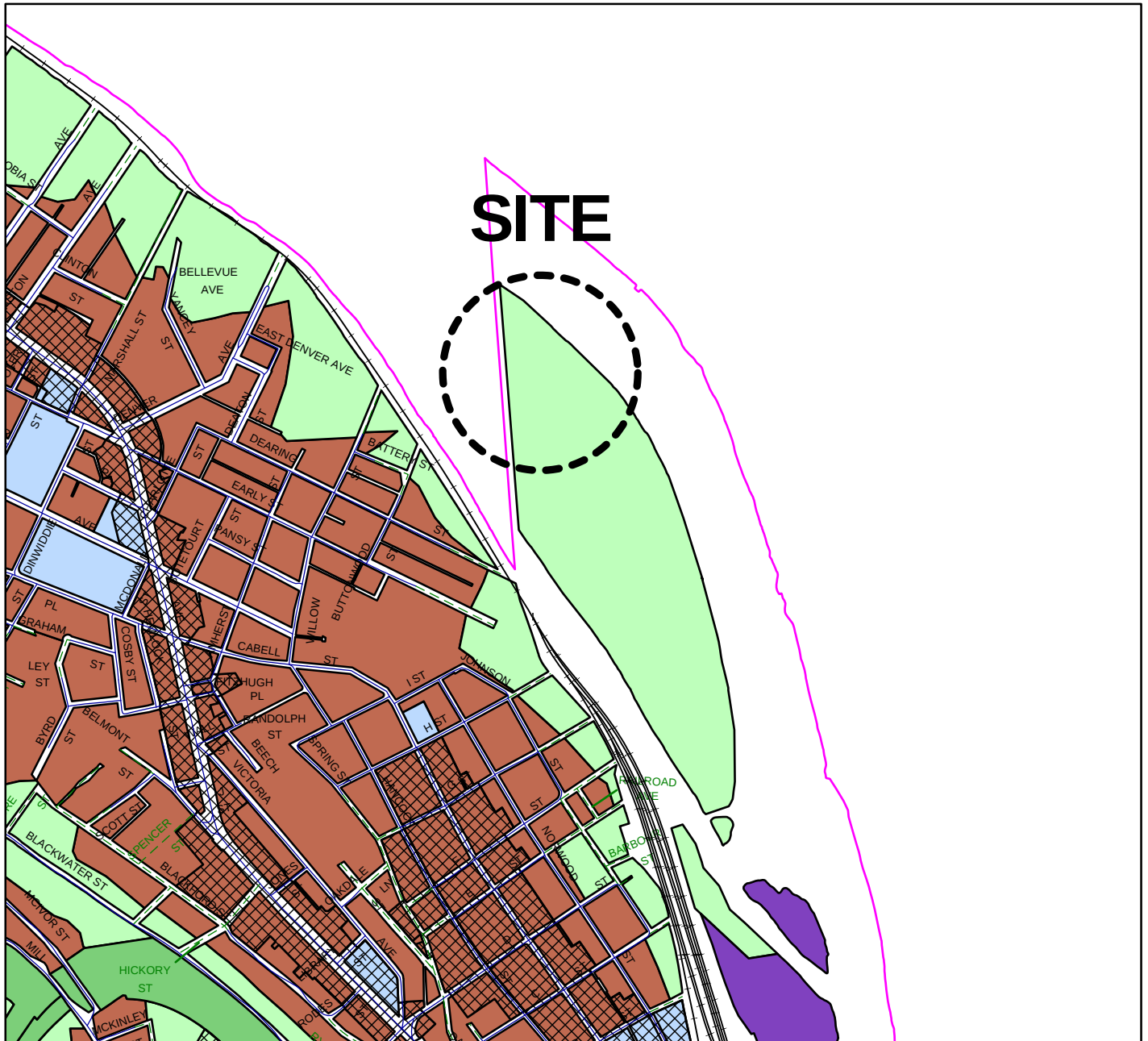


LIBERTY UNIVERSITY

2300 CARROLL AVENUE

LAND USE PLAN

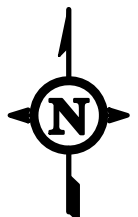




LIBERTY UNIVERSITY

701 DEARING STREET

LAND USE PLAN

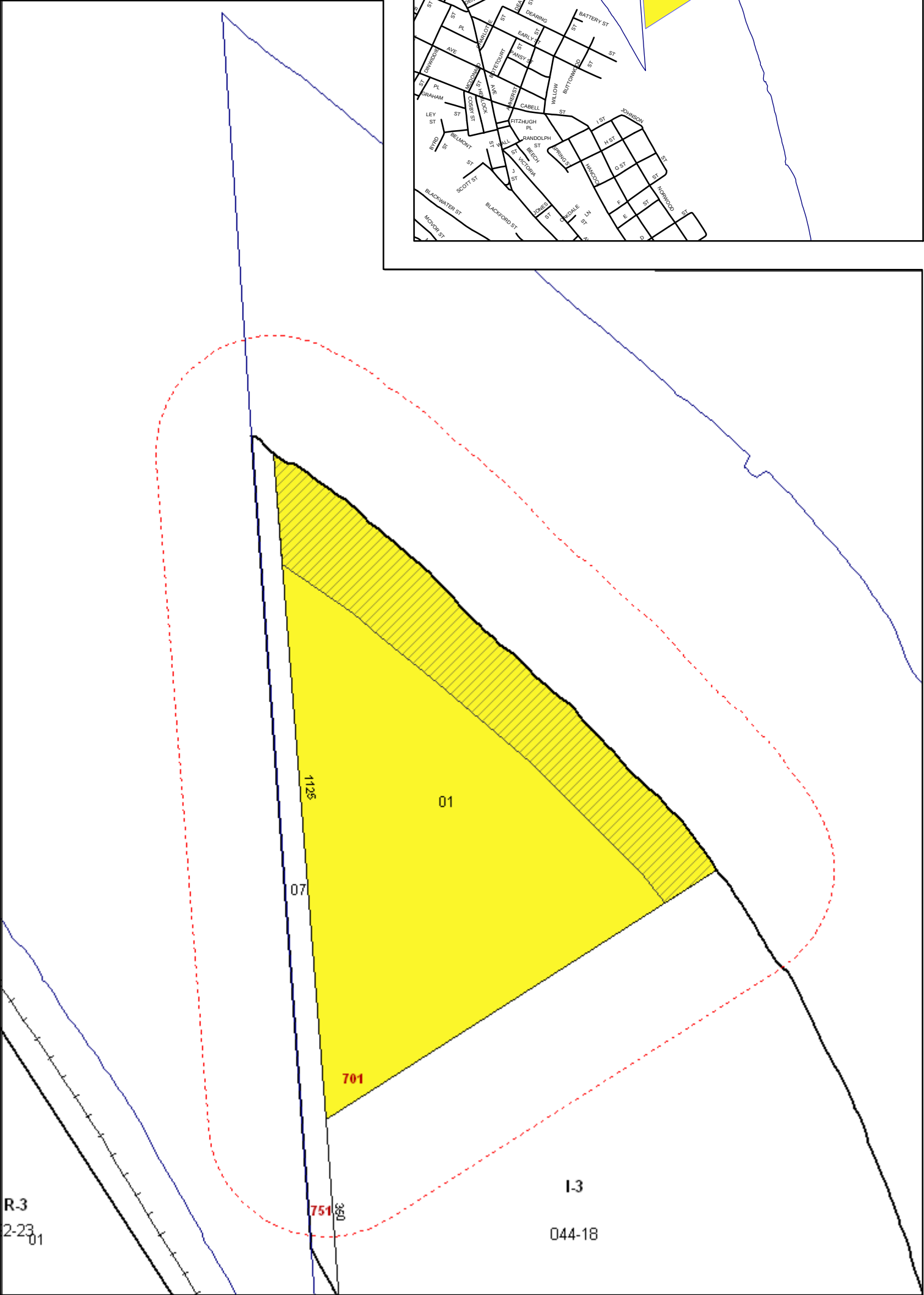
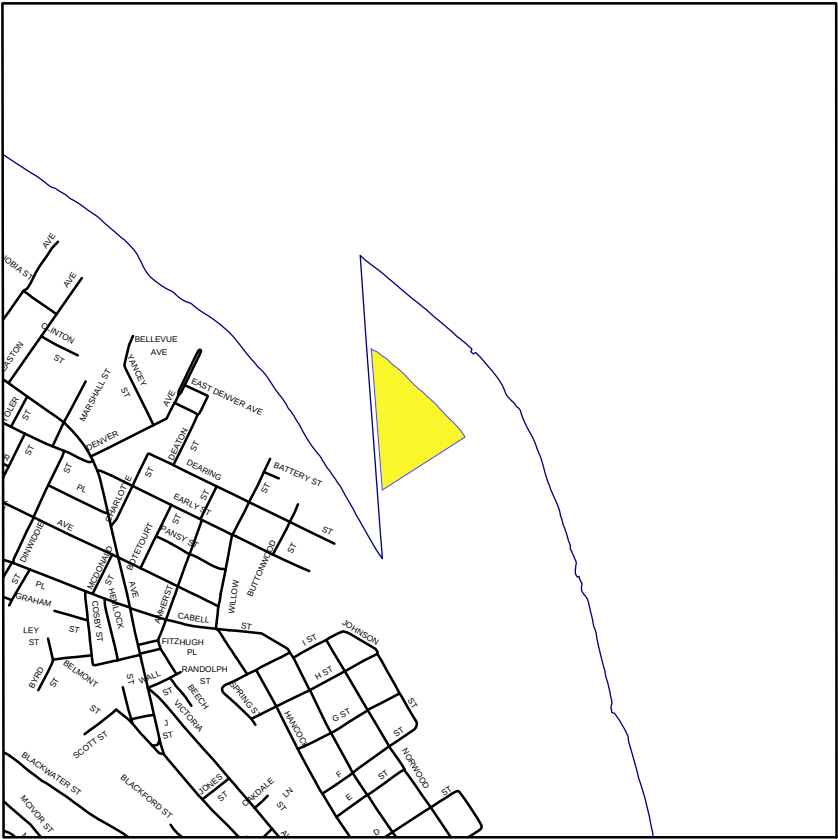


LIBERTY UNIVERSITY
701 Dearing Street
Map # 044-18-001
Rezoning from I-3 to R-C
Petitioner: Liberty University

MAP PREPARED BY
THE DEPARTMENT OF COMMUNITY DEVELOPMENT



-  Proposed Rezoning
-  Subject Property
-  200 ft Radius



R-3
2-23-01

I-3
044-18

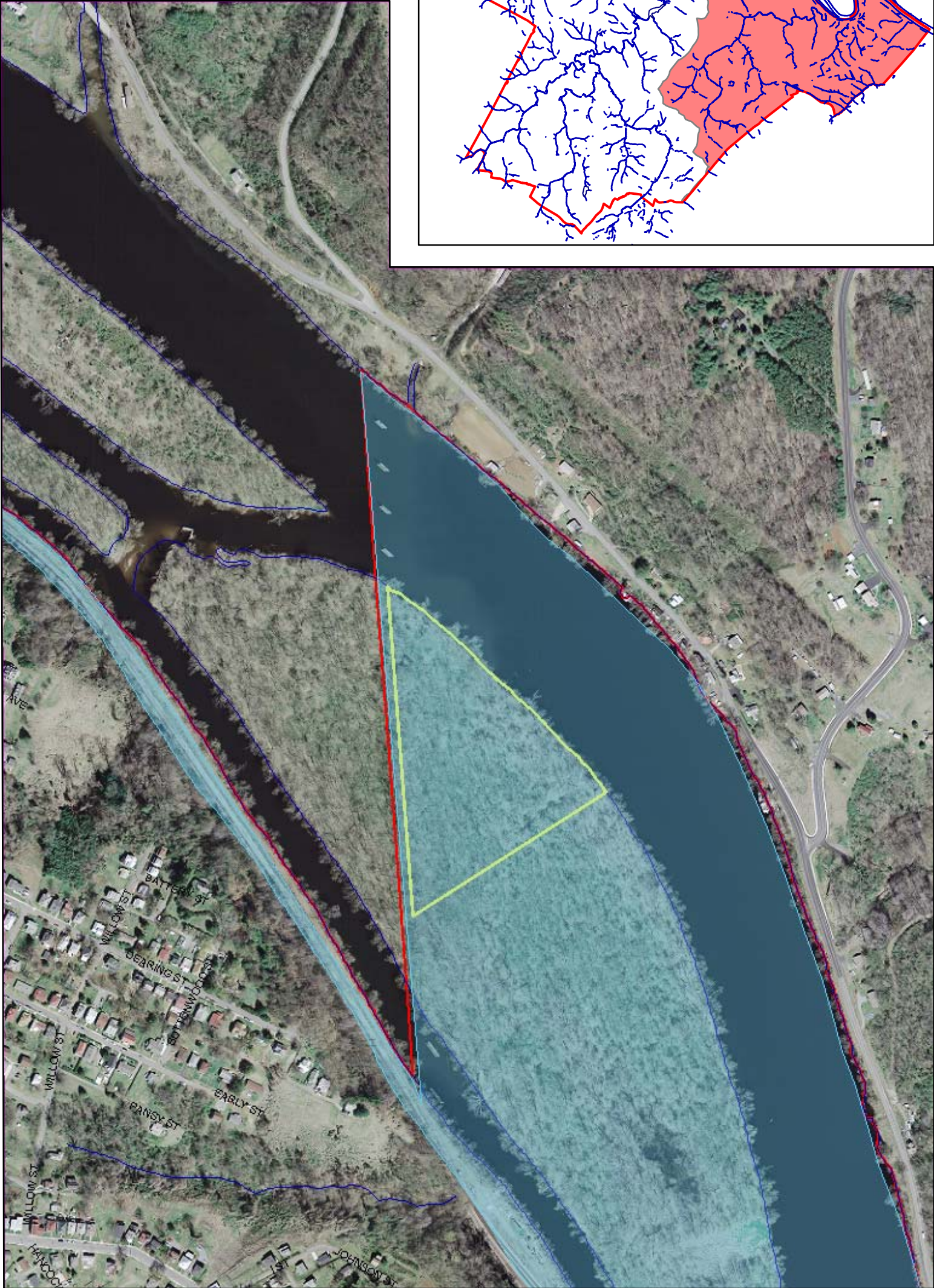
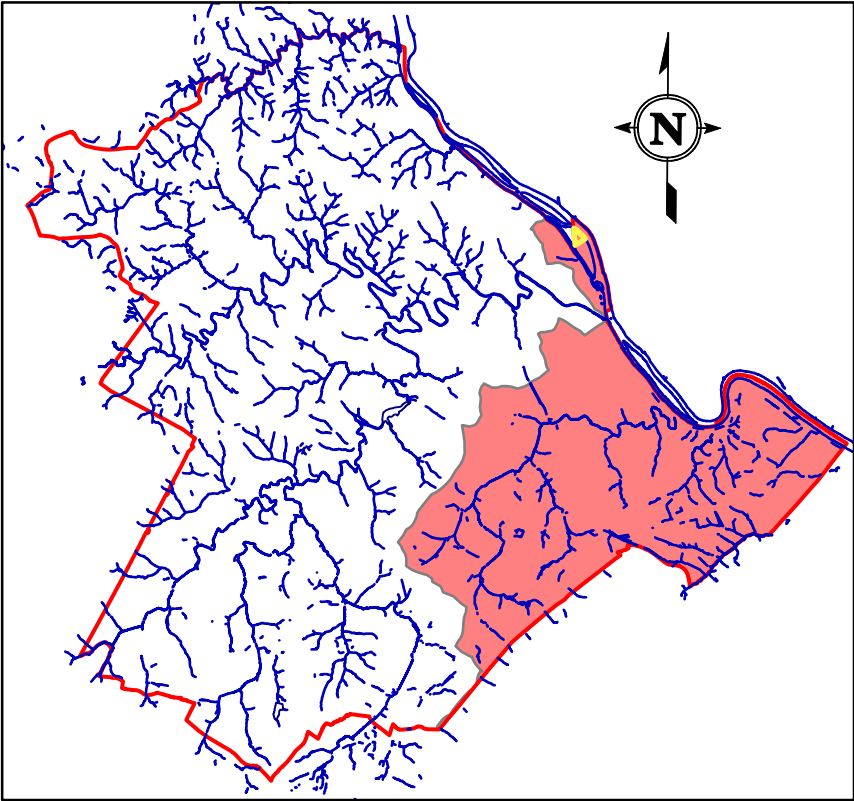
LIBERTY UNIVERSITY REZONING ADJOINING OWNERS

PIN	OWNER	LOCADDR
4418001	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	701 DEARING ST
4418002	CSX RAILWAY CO C/O CSX TRANSPORTATION TAX DEPT	10 G ST
4418007	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	751 DEARING ST
Owner	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	
Petitioner	LIBERTY UNIVERSITY INC C/O ANTHONY BECKLES	
Representative	NORM WALTON C/O PERKINS & ORRISON	
Amherst County	AMHERST CO DEPT OF PLANNING C/O JEREMY BRYANT	

**Liberty University R-C Rezoning
701 Dearing Street
Watershed Location Map**

Legend

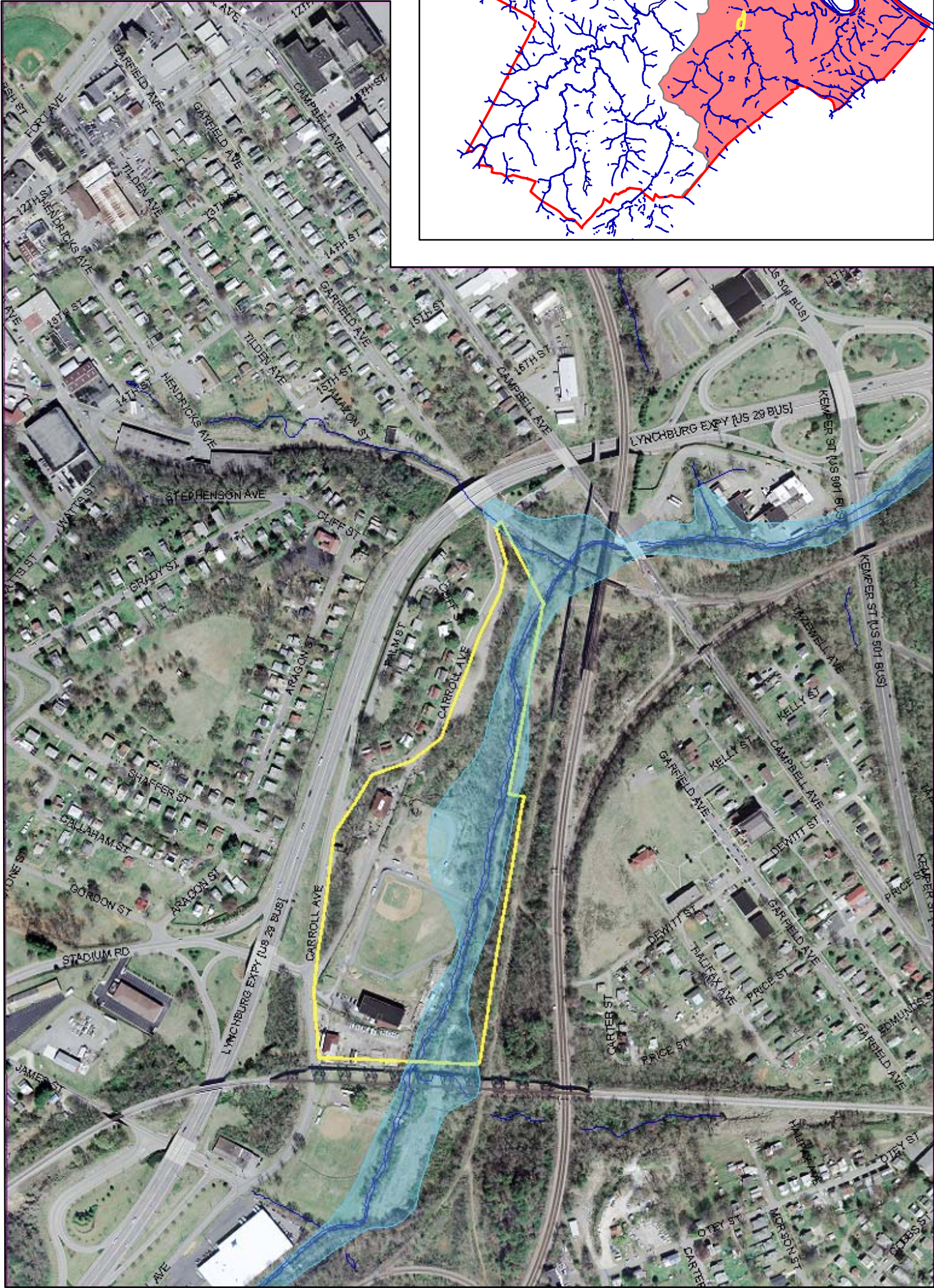
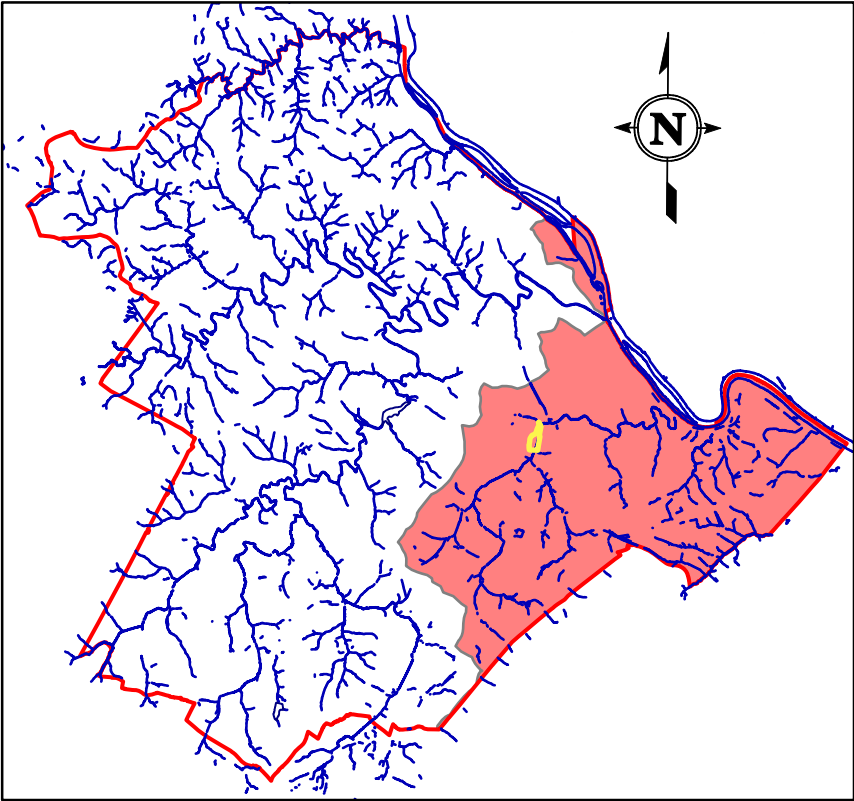
-  Project Site
-  Corporate Limit
-  100-Year Flood Zone AE
-  Fishing Creek Watershed

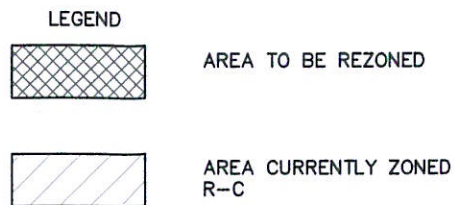
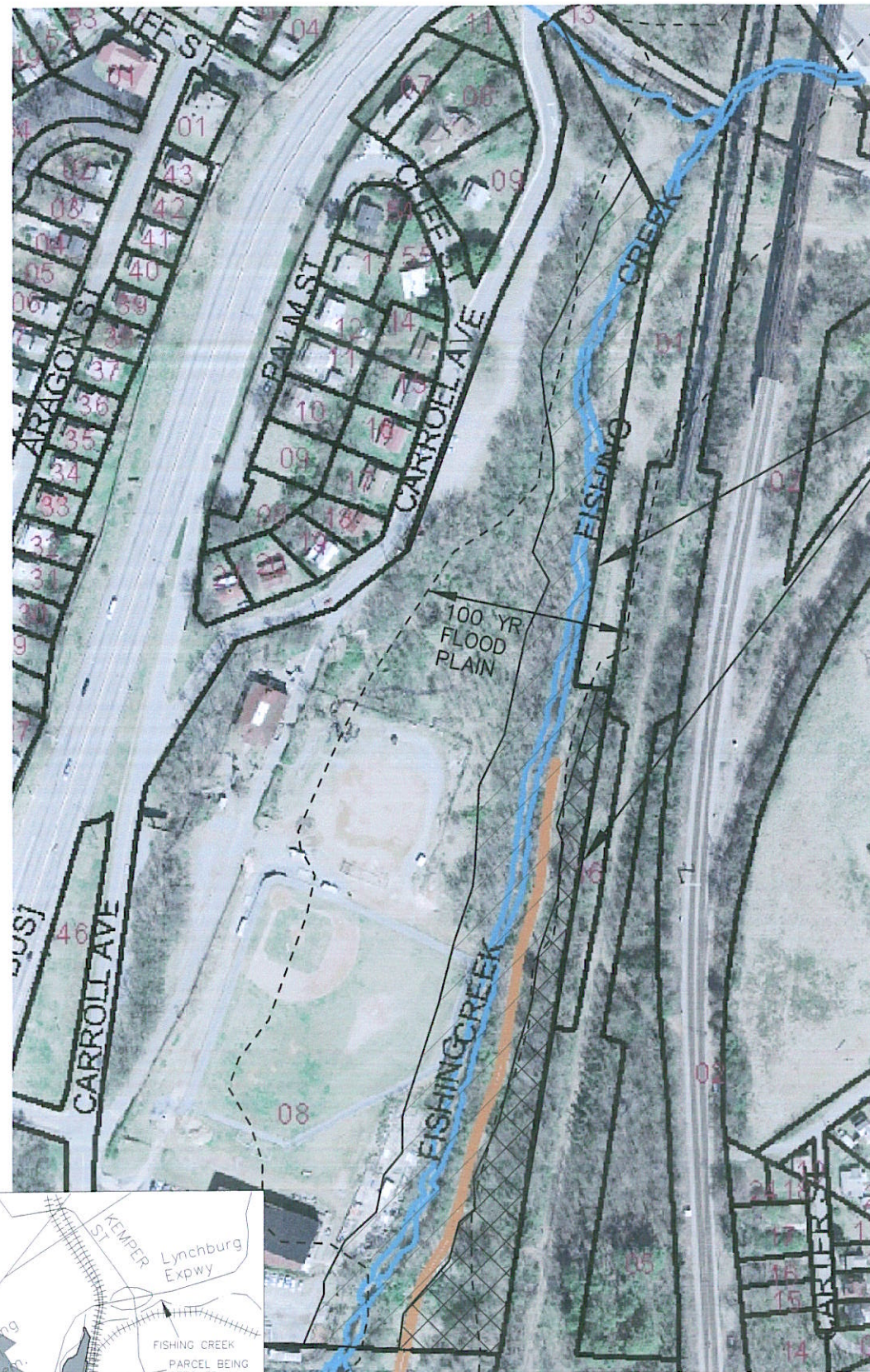


Liberty University R-C Rezoning
2300 Carroll Avenue
Watershed Location Map

Legend

- Project Site
- Corporate Limit
- 100-Year Flood Zone A
- Fishing Creek Watershed



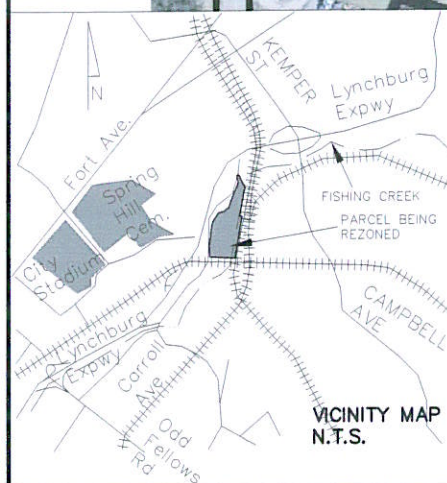
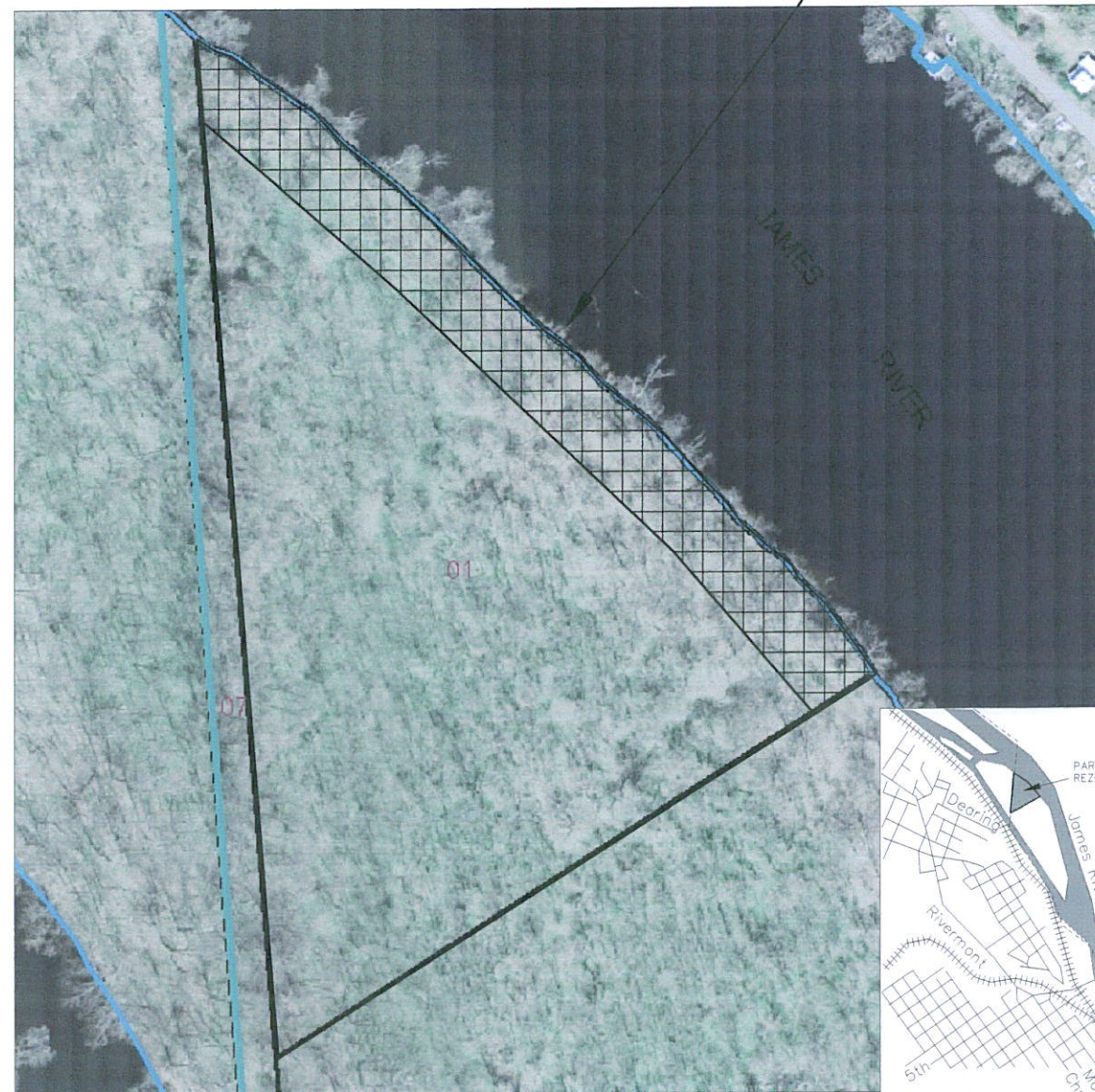


- NOTES:
- 1) THIS PLAN TO REZONE THESE PARCELS IN RESPONSE TO THE PROFFER OFFERED FOR THE REZONING OF THE CROSSROADS COLONNADE PROJECT.
 - 2) TOTAL AREA TO BE REZONED TO R-C IS 3.62 ACRES.
 - 3) ALL AREAS SHOWN HEREIN ARE CONSISTANT WITH R-C ZONING IN THAT THEY ARE DESIGNATED TO HELP PROTECT ENVIRONMENTALLY SENSITIVE AREAS OF THE CITY.

AREA CURRENTLY ZONED R-C
AREA 2 - 1.26 ACRES, MOSTLY WOODED AREA

PARCEL ADDRESS: 701 DEARING ST.
PARCEL ID: 04418001
TOTAL ACREAGE: 12.000 AC
CURRENT ZONING: I-3
PROPOSED ZONING: R-C for 2.36 AC
PROPOSED USE: RESOURCE CONSERVATION
FLOOD ZONE: AE

AREA 3 - 2.36 ACRES, MOSTLY WOODED AREA AND SHORELINE



PARCEL ADDRESS: 2300 CARROLL AVE.
PARCEL ID: 05018008
TOAL ACREAGE: 17.207
CURRENT ZONING: I-3 AND R-C
PROPOSED ZONING: R-C for 1.26 AC
PROPOSED USE: RESOURCE CONSERVATION
FLOOD ZONE: A



PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS
20436 LYNCHBURG HIGHWAY, UNIT 1, LYNCHBURG, VIRGINIA 24502
PHONE: 434-525-5885 FAX: 434-239-8271
EMAIL: pno@perkins-orrison.com

CONSULTANTS

JOB:

REZONING PLAN
FOR R-C PARCELS
CITY OF LYNCHBURG, VIRGINIA

CLIENT:

MARK	DATE	REV.	PER	TRC	COMMENTS
1	5/28/08				

ISSUE: 4/7/08
CONTOUR INTERVAL: 2'
DESIGNED BY:
DRAWN BY: NBW
CHECKED BY:

SHEET TITLE

REZONING PLAN

GRAPHIC SCALE
0 100 100

SHEET NO. C-100
JOB NO. 08093 SHEET NO. 1 OF 1

CONSULTANTS

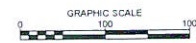
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REZONING PLAN
FOR R-C PARCELS
CITY OF LYNCHBURG, VIRGINIA

CLIENT:

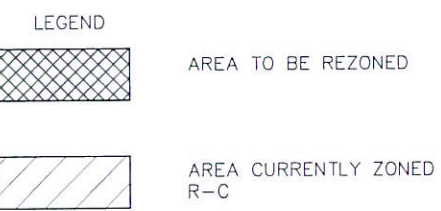
1	5/28/08	REV. PER TRC COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:	4/7/08	
CONTOUR INTERVAL:	2'	
DESIGNED BY:		
DRAWN BY:	NBW	
CHECKED BY:		

SHEET TITLE

REZONING PLAN



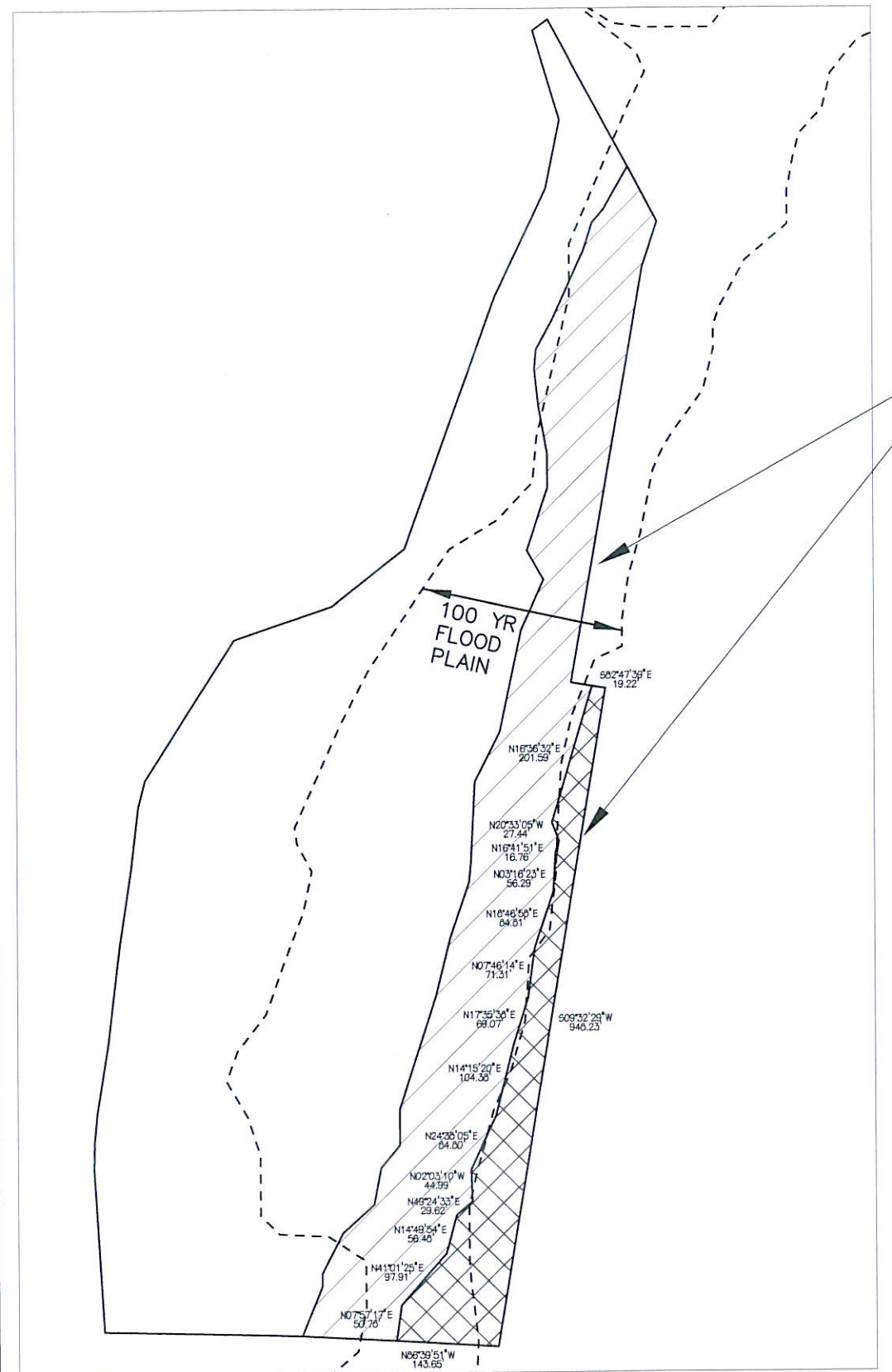
SHEET C-101



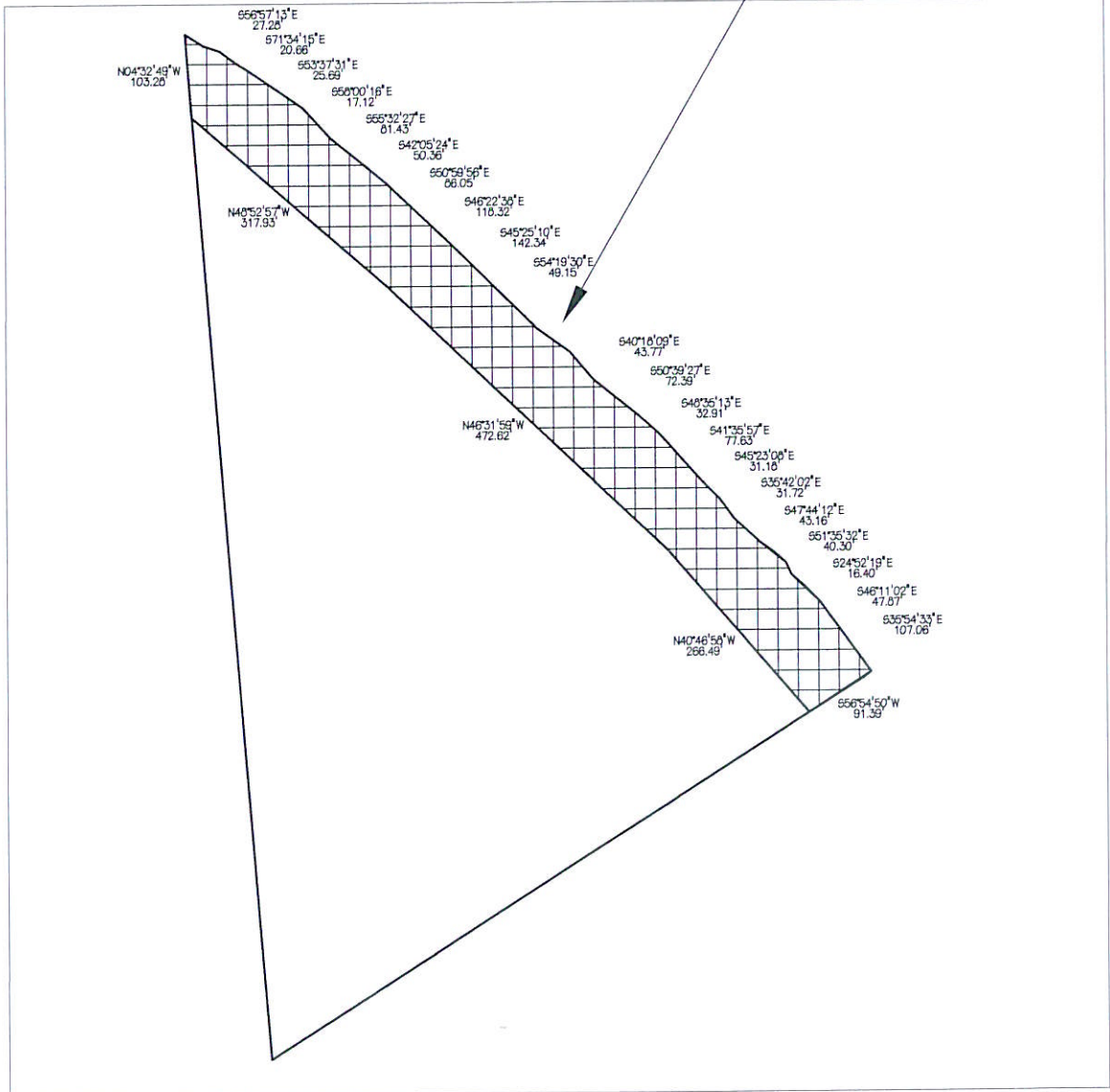
AREA CURRENTLY ZONED R-C
AREA 2 - 1.26 ACRES, MOSTLY WOODED AREA

PARCEL ADDRESS: 701 DEARING ST.
PARCEL ID: 04418001
TOTAL ACREAGE: 12.000 AC
CURRENT ZONING: I-3
PROPOSED ZONING: R-C for 2.36 AC
PROPOSED USE: RESOURCE CONSERVATION
FLOOD ZONE: AE

AREA 3 - 2.36 ACRES, MOSTLY WOODED AREA AND SHORELINE



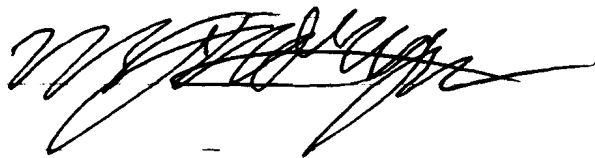
PARCEL ADDRESS: 2300 CARROLL AVE.
PARCEL ID: 05018008
TOAL ACREAGE: 17.207
CURRENT ZONING: I-3 AND R-C
PROPOSED ZONING: R-C for 1.26 AC
PROPOSED USE: RESOURCE CONSERVATION
FLOOD ZONE: A



To: Clerk of Lynchburg VA City Council
From: William J Norris, Jr
Date: 18 June 2008.
RE: Unlawful collections by
city contractors.

I, Wm Norris, request to address
Lynchburg, VA, City Council about
a vendor/contractor in VA Beach, VA.
This vendor/contractor will fully violates
US Federal Bankruptcy Laws. I reserve
the right to litigate to preserve my
lawful rights.

Respectfully,



WJ Norris, Jr
PO Box 4325
Lynchburg, VA 24502
434 258 9939

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 6

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2008 Local Solicitation**

RECOMMENDATION:

Support the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2008 Local Solicitation for \$15,919 to implement a multi-faceted recruitment campaign.

SUMMARY:

If awarded this grant, the Lynchburg Police Department will implement a multi-faceted recruiting campaign that will not only reach the minority community within the city, but also specific targeted areas outside the city. Diverse groups within and outside the community will be targeted through aggressive advertisement campaigns. This campaign to promote opportunities to serve as a Lynchburg City Police Officer will include advertisements on: billboards, minority radio, television, the internet, and in minority publications (newspapers and magazines).

The Department will train a recruitment team to represent the organization at numerous Career Fairs. In addition, the Police Department will continue recruiting in the local minority community. This will advance the community policing philosophy by strengthening the Department's relationship with the minority community. By also recruiting throughout the Commonwealth of Virginia in minority communities and at colleges and universities, the Police Department can maximize the likelihood of presenting this career opportunity to those willing to relocate to this area.

Funding will be used to purchase supplies such as recruitment DVD's, brochures, and posters with the intent to share the organization's mission, values, and principles with as many potential minority applicants as possible. This will increase the candidate pool, which has been limited thus far.

The Lynchburg Police Department's minority recruitment plan will enhance the organization's ability to deliver a higher quality of service to citizens by building stronger community relationships. Difficulty in minority recruitment is an issue faced by many law enforcement agencies nationwide. The success of the program will be shared with others in order to help increase diversity in law enforcement across the nation.

PRIOR ACTION(S): Finance Committee, July 8, 2008

FISCAL IMPACT: None, no local match is required.

CONTACT(S):

Major Parks H. Snead, Acting Chief of Police, 455-6045
Captain H. Wayne Duff, Jr., 455-6052

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED THAT the Lynchburg City Council supports the submittal of a grant application to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2008 Local Solicitation for \$15,919 to implement a multi-faceted recruitment campaign.

Adopted:

Certified:

Clerk of Council

083L

Lynchburg City Council

Agenda Item Summary

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 7

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Commonwealth of Virginia Department of Fire Programs Burn Building Grant**

RECOMMENDATION:

Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate \$50,000 with resources from the Virginia Department of Fire Programs (VD FP) to repair the burn building at the Central Virginia Regional Fire Training Center.

SUMMARY:

The Virginia Department of Fire Programs (VD FP) periodically awards grant funding to provide for the construction, renovation, and repair of burn buildings in the Commonwealth of Virginia.

VD FP hired an engineering firm to inspect burn buildings in the Commonwealth for safety compliance. Any repairs deemed necessary by this firm are required to be completed by June 30, 2009. Buildings that do not receive the necessary repairs will no longer be certified for use as a training site for VD FP classes and will no longer be covered by VD FP's insurance policy. The scope of work includes items such as patching concrete, repairing mortar joints, and replacing selected masonry components. The Fire Department's original grant request was for \$80,000. After the grant was submitted, VD FP notified the Department that due to State budget shortfalls it would provide funding of only \$50,000 toward the cost of repairs to the existing building at the Central Virginia Regional Fire Training Center. The total cost of repairs as determined by the successful vendor who participated in a competitive bid process is \$48,475.

No local match is required for this grant.

PRIOR ACTION(S):

Finance Committee, February 5, 2008

Finance Committee, July 8, 2008

FISCAL IMPACT:

None, no local match is required for this grant.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Battalion Chief Darrell Evans, 455-6352

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

Award letter

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED that the FY 2009 City/Federal/State Aid Fund budget is amended and \$50,000 is appropriated with resources from the Virginia Department of Fire Programs (VDFP) to repair the burn building at the Central Virginia Regional Fire Training Center.

Introduced:

Adopted:

Certified:

Clerk of Council

082L

Finance



COMMONWEALTH of VIRGINIA

W.G. Shelton, Jr.
EXECUTIVE DIRECTOR

Virginia Department of Fire Programs

Administration & Support Branch
1005 Technology Park Drive
Glen Allen, VA 23059-4500
Phone: 804/ 371-0220
Fax: 804/ 371-3444

March 6, 2008

Darrell M. Evans
Lynchburg Fire Department
800 Madison Street
Lynchburg VA 22802

Dear Mr. Evans:

The first order of business is to introduce myself as the new Grants and Local Aid Manager for the Virginia Department of Fire Programs. I come to the Agency with a Bachelor's degree in Accounting/Business Administration and over 5 years of service to the Commonwealth of Virginia including grants and financial management experience. It is my pleasure to serve the Commonwealth and the counties, towns, and cities which Fire Programs supports and assists.

On behalf of the Virginia Fire Services Board, we are pleased to advise the **City of Lynchburg** of a **grant award of up to \$50,000 for the renovation** of their burn building as a prop to assist in training the fire service for their jurisdiction. The grant award is allocated as up to \$50,000 for the repairs as detailed in the City's summary remedial repair section of the Burn Building Status Review Report prepared by The Structures Group (TSG). Be advised that TSG's report contained a brief summary remedial repair report, and the City will be responsible to contract with an independent engineering firm to develop comprehensive remedial repair plans (as needed).

This award is effective: FY2008

Accordingly, the **City has until March 31, 2009 to collect their award** consistent with the terms and conditions of the mutually executed Agreement.

Two originals of the Agreement are included. If the jurisdiction is accepting this grant award the Disbursement Agreement must be signed by the City Manager and returned to my attention **no later than April 15, 2008**. Return of the Disbursement Agreement will indicate the jurisdictions acceptance of this award. Non response or failure to return the Disbursement Agreement by April 15, 2008 will indicate the jurisdiction declination and forfeiture of the award. Both originals will be counter signed by the Virginia Department of Fire Programs. One original will be returned to the

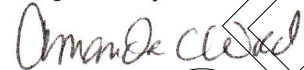
jurisdiction for Local file retention. **No funds disbursements will be authorized or released without the executed disbursement Agreement.**

Funds disbursement for renovation projects are reimbursement only (up to actual costs incurred by the City) and may be made in up to two (2) installments upon certification of percentage of completion by the contractor and notification by the jurisdiction to the Agency at 50% completion and 100% completion measured in terms of expenses paid, or the City may request reimbursement funding in one request at 100% completion of the renovation project. If a portion of the jurisdiction's award is reserved for engineering services, copies of invoices certifying engineering services paid by the City must be submitted to VDFP in addition to copies of invoices certifying funds spent by the jurisdiction for the required renovations, as well as certification from the jurisdiction's contractor affirming 100% completion of the renovation project. In order to be eligible for final payment, the prop must be placed in operation. It is the responsibility of the jurisdiction to maintain all such records subject to audit by this Agency or its assignees for a period of five (5) years following the date of the last transfer of award funds to the grant recipient.

Due to limited funding, and economic conditions facing the Commonwealth further limiting existing and future funding, the VFSB is unable to provide additional funding up to the amount that was originally requested in your application. Remedial repair cost projections made by TSG were plus or minus 20%. If the jurisdiction's contracted costs for the approved renovations (as recommended by TSG in the Burn Building Status Review Report) come in higher than the award amount stated previously, the jurisdiction may submit to VDFP actual documents to support the overage above the award amount stated previously (not to exceed 20% of the award amount). VDFP will evaluate any requests up to 20% above the award amount and recommend funding as funds continue to be available. It is incumbent upon the jurisdiction to progress rapidly with their renovation project to take full advantage of funding as it continues to be available.

If you have any questions, feel free to contact me at my office 804/249-4178, or via email at Amanda.Wood@vdfp.virginia.gov.

Respectfully,



Amanda C. Wood
Grants and Local Aid Manager

enclosures

c: L. Kimball Payne III, City Manager, City of Lynchburg
Tommy Fuqua, Chair Virginia Fire Services Board
W.G. Shelton, Jr., Executive Director Virginia Department of Fire Programs
Don Brown, Division Chief Virginia Department of Fire Programs

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 8

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: FY 2007 State Homeland Security Program (SHSP) Grant from the National Preparedness Directorate, United States Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Hazardous Materials Response Team

RECOMMENDATION:

Adopt a resolution to amend the FY 2009 City/Federal/State Aid Fund budget and appropriate \$30,000 with resources from the FY 2007 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Hazardous Materials Response Team.

SUMMARY:

DHS awards some grant funding to localities through the State Homeland Security Program (SHSP). The Fire Department has received notification from the Virginia Department of Emergency Management (VDEM) of an allocation of \$30,000 from the 2007 SHSP grant to use toward the purchase of Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) equipment and training for the Fire Department's Hazardous Materials Response Team.

The grant money will be used to purchase Personal Protective Equipment (PPE); detection equipment; Chemical, Biological, Radiological, Nuclear, Explosive (CBRNE) Operational Search and Rescue Equipment; and other related equipment and supplies for the Fire Department's Hazardous Materials Response Team.

No local match is required; this grant is fully funded by the FY 2007 State Homeland Security Program grant from the National Preparedness Directorate, U.S. Department of Homeland Security.

PRIOR ACTION(S):

Finance Committee, July 8, 2008

FISCAL IMPACT:

None, no local match is required.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Battalion Chief Keith Johnson, 455-6340

Ellen Davidson-Martin, Fire Administrative Manager, 455-6368

ATTACHMENT(S):

Resolution

Allocation letter

REVIEWED BY: lkp

Resolution:

BE IT RESOLVED That the FY 2009 City/Federal/State Aid Fund budget is amended and \$30,000 is appropriated with resources from the FY 2007 State Homeland Security Program (SHSP) grant from the National Preparedness Directorate, U.S. Department of Homeland Security (DHS), to purchase equipment for the Fire Department's Hazardous Materials Response Team.

Introduced:

Adopted:

Certified:

Clerk of Council

081L



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

April 14, 2008

Mr. L. Kimball Payne
Lynchburg City
900 Church Street
Lynchburg, VA 24505

Dear Mr. Payne,

The Virginia Department of Emergency Management (VDEM) is pleased to announce the allocation of the 2007 State Homeland Security Program grant (SHSP), CFDA #97.073, from the National Preparedness Directorate, United States Department of Homeland Security (DHS). Your agency has been funded for:

- Project Title: HAZMAT Team Equipment and Training
- Amount: \$30,000.00

The obligation period for this program is July 1, 2007, to June 30, 2009. Reimbursement may be requested for items procured during this period, consistent with the project intent. These funds are restricted to the purchasing of CBRNE equipment and training. They are to be used for the purchase, upgrade and sustainment of hazardous materials teams. For regional coordination prior to purchasing, each team should seek technical advice from the Regional HazMat Offices. As a reminder, organizations that spend more than \$500,000 in DHS funds during a fiscal year are subject to an independent audit per OMB circular A-133. If you are subject to this audit, we will contact you to obtain a copy of the report.

All subrecipients are requested to submit a project plan and comprehensive timeline along with the VDEM grant application. A quarterly report will be required 15 days after each quarter (starting 6/30/08). The quarterly report will be due until the end of the grant period or when the project is complete. An electronic copy of these documents can be found at www.vaemergency.com under grant forms. The application, project plan, and timeline will be due 30 days from the receipt of this letter. Final reports are due by September 30, 2009. These reports

"Working to Protect People, Property and Our Communities"

Mr. Payne
April 14, 2008
Page 2

should be held for at least three years after the end of the grant period and are subject to audit by DHS and/or the Commonwealth of Virginia.

Included in this package of particular importance is the Certification of Compliance, and Special Conditions, for your signature. It certifies you have read and understand Federal and State terms and conditions associated with accepting the grant.

The Commonwealth will only send grant funds to a subrecipient a maximum of 120 days prior to purchase of allowable expenditures. To accomplish this, VDEM will forward a "Request for Drawdown" form once you have completed your application process.

Please review and sign the required documents and return them to the Grants Management Office by May 12, 2008. If you have any questions regarding this award, please contact the Grant Management Office at (804) 897-6500.

Sincerely,



Michael M. Cline

MMC:CJA/bl

Enclosures:

Cc: The Honorable Robert P. Crouch, Jr., Assistant to the Governor for Commonwealth Preparedness
The Honorable John W. Marshall, Secretary of Public Safety
Mr. Steve Mondul, Deputy Assistant to the Governor for Commonwealth Preparedness
Ms. Janet Clements, Chief Deputy State Coordinator
Mr. James W. Keck, Administrative Deputy State Coordinator
Ms. Susan Mongold, Statewide Grants Coordinator
Mr. Michael McAllister, Critical Infrastructure Protection Coordinator
Ms. Cheryl Adkins, Grant Manager
Mr. Brett Burdick, Director of Technical Hazards Division
Mr. Gregory Britt, Deputy Director of Technical Hazards Division



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

JAMES W. KECK
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

April 14, 2008

**FISCAL YEAR 2007 STATE HOMELAND SECURITY PROGRAM GRANT
SUBGRANT AWARD & CERTIFICATION OF COMPLIANCE**

Subgrantee:
Lynchburg City

As the duly authorized representative of the above listed organization, I hereby accept the subgrant award and certify that I have read and understand the terms and conditions presented in the following documents:

FY 2007 STATE HOMELAND SECURITY PROGRAM GRANT:
http://www.ojp.usdoj.gov/odp/docs/fy07_hsgp_guidance.pdf

Special Conditions

Non-Supplanting Certification

Grant Assurances

Certification Regarding Lobbying

VDEM Grant Application

Print Name

Print Title

Signature

Date

"Working to Protect People, Property and Our Communities"

SPECIAL CONDITIONS

1. The recipient agrees to comply with the financial and administrative requirements set forth by the Commonwealth of Virginia and the Office of Grants and Training.
2. The recipient agrees that federal funds under this award will be used to supplement, but not supplant, state or local funds for homeland security preparedness.
3. The recipients agrees that the use of funds under this grant will be in accordance with the Fiscal Year 2007 Homeland Security Program Grant Guidelines and must support the goals and objectives included in the State Homeland Security Strategy.
4. The recipient must submit a Quarterly Progress Report. Failure to provide this information may result in VDEM withholding grant funds from further obligation and expenditure.
5. The recipient agrees that all publications created with funding under this grant shall prominently contain the following statement: "This Document was prepared under a grant from the Office of Grants & Training (G&T), United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of G&T or the U.S. Department of Homeland Security".
6. The recipient agrees that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the U.S. Department of Homeland Security."
7. The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but limited to, the provision of any information required for the assessment or evaluation of any activities within this project.
8. Approval of this award does not indicate approval of any consultant rate in excess of \$450.00 per day. A detailed justification must be submitted to and approved by G&T prior to obligation or expenditure of such funds.
9. Drawdown of Funds: Subrecipients may elect to drawdown funds up to 120 days prior to expenditure/disbursement. However, the Commonwealth strongly encourages recipients to drawdown funds as close to expenditure as possible to avoid accruing interest. Funds received by subrecipients must be placed in a interest-bearing account and are subject to the rules outlined in the Uniform Rule 6 CFR part 9, *New Restrictions on Lobbying*, and the Uniform Rule 28 CFR Part 70, *Uniform Administrative Requirement for Grants and Agreements (Including Subawards) with Institutions of Higher Education, Hospitals and other Non-profit Organizations*, at <http://www.gpoaccess.gov/cfr/index.html>.

These guidelines state that subrecipients are required to promptly, but at least quarterly, remit interest earned on advances to:

United States Department of Health and Human Services
Division of Payments Management Services
PO Box 6021
Rockville, MD 20852

Copies of all remittances must be sent to VDEM. Subrecipients may keep interest amounts up to \$100 per year for administrative expenses for all federal grants combined. Subrecipients are subject to the interest requirements of the Cash Management Improvement Act (CMIA) and its implementing regulations at 31 CFR Part 205. Interest under CMIA will accrue from the time federal funds are credited to the account until the time the funds are paid.

Jurisdiction _____

Initial _____

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 9

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment of Chapter 19 of the City Code Regarding Fire Protection and Prevention**

RECOMMENDATION: Adopt an ordinance amending Chapter 19 of the City Code to reflect changes in the State Fire Code.

SUMMARY: State law allows local governments to adopt ordinances that parallel the provisions of the State Code and the International Fire Code. Chapter 19 of the City Code incorporates the provisions of the State and International Fire Codes. Those codes are periodically amended and it then becomes necessary to amend the City Code for consistency. The new code provisions reflect the current practices in the Fire Marshall's office. They have been reviewed by both the Utilities Department and Building Inspections to ensure there are no conflicts with the responsibilities or authority of those offices. The City Attorney has also reviewed the proposed amendment.

PRIOR ACTION(S): Sections 19-46.9, 19-46.10, and 19-46.11 were amended in 2006.

FISCAL IMPACT: None

CONTACT(S): Greg Wormser, Fire Marshall, 455-6345

ATTACHMENT(S): Ordinance amending Chapter 19 of the City Code, Appendices

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTIONS 19-42, 19-32 AND 19-43 OF THE CODE OF THE CITY OF LYNCHBURG, 1981; TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO SECTIONS 19-47 THROUGH 19-47.18; AND, TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS 19-46 THROUGH 19-46.16. THE AMENDED, NEW AND REPEALED SECTIONS OF THE CITY CODE RELATE TO THE ENFORCEMENT OF THE VIRGINIA STATEWIDE FIRE PREVENTION CODE WITHIN THE CITY.

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

1. That Sections 19-42, 19-32 and 19-43 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 19-42. Adoption of code.

For the purposes of establishing rules and regulations to safeguard life, and property and public welfare from the hazards of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use of or occupancy of buildings, structures, sheds, tents, lots or premises, that certain fire prevention code known as the Virginia Statewide Fire Prevention Code ~~2003~~ 2006 edition, and the whole thereof, save and except such portions as are hereinafter deleted, modified, amended, added or changed is hereby adopted and incorporated, subject to the aforesaid deletions, modifications, amendments, additions and changes as fully as if set out at length herein, including all appendices and all of the codes and standards referenced therein, as provided by Section 1-220 of the Code of Virginia. As provided by Section 27-97 of the Code of Virginia, the following Appendices as written by the International Code Council and included as part of the 2006 edition of the International Fire Code, to-wit: Appendix B – Fire Flow Requirements For Buildings, Appendix C – Fire Hydrant Locations and Distribution, and Appendix D – Fire Apparatus Access Roads, are also adopted and incorporated as part of the city's fire prevention code. Further, all future editions of the Virginia Uniform Statewide Fire Prevention Code and all amendments thereto and all future editions of Appendices B, C and D of the International Fire Code and all amendments thereto are hereby automatically adopted and incorporated into the city code. Copies of said code are on file in the office of the chief of the fire department of the City of Lynchburg, Virginia, at 800 Madison Street in the city, where they may be viewed ~~on weekdays between the following hours, viz~~ Mondays through Fridays from 8:00 a.m. to 5:00 p.m. except legal holidays.

Said Virginia Statewide Fire Prevention Code ~~2003~~ 2006 edition, as so amended, is hereby adopted and incorporated as fully as if set out at length herein, and on and after the date on which this section shall take effect, the provisions thereof shall be controlling within the corporate limits of the City of Lynchburg, Virginia.

Sec. 19-32. Local fire marshal.

The city council shall appoint a fire marshal for the city. The fire marshal shall report to and work under the supervision and control of the chief of the fire department. The chief of the fire department, with the approval of the city manager, shall have the authority to remove the fire marshal for cause. The chief of the fire department, with the approval of the city manager, is authorized to appoint such deputy or assistant fire marshals as may be necessary to assist the fire marshal in the performance of his duties. The fire marshal, deputy fire marshals and ~~the~~

assistant fire marshals shall have all of the duties and powers that are set forth in Title 27, Chapter 3, Sections 27-30 through 27-37.1 of the Code of Virginia, 1950, as amended. Such powers and duties shall include but shall not be limited to the following:

(a) The fire marshal ~~and the assistant fire marshals~~ shall make an investigation into the origin and cause of fires and explosions occurring within the city.

(b) In making investigations into the origin and cause of every fire and explosion occurring within the limits of the city, the fire marshal ~~and the assistant fire marshals~~ may issue a summons directed to the sheriff commanding the sheriff to summon witnesses to attend before them at such time and place as they may direct. Witnesses, on whom the summons before mentioned is served, may be compelled by the fire marshal ~~and the assistant fire marshals~~ to attend and give evidence, and shall be liable in like manner as if the summons had been issued by a justice of the peace in a criminal case. They shall be sworn by the fire marshal ~~or the assistant fire marshals~~ before giving evidence, and their evidence shall be reduced to writing by them, or under their direction, and subscribed by them respectively.

(c) The fire marshal ~~and the assistant fire marshals~~ shall have the duties and powers at fires as set forth in Virginia Code Section 27-34, to be present at the fire and advise and act in concert with such police officers as may be present; and, for preserving order at and during the existence of such fire, and for the protection of property, the fire marshal ~~and assistant fire marshals~~ shall have concurrent powers with the police officers, and the chief or other officer in charge, but shall not exercise any authority which will conflict with the powers of any chief or other officer in command of any fire department in the discharge of their special duties as such.

(d) The fire marshal ~~and the assistant fire marshals~~ ~~are~~ is authorized to take and preserve any property found at the scene of a fire or explosion during his presence there while in the act of extinguishing such or found later with the consent of the owner or pursuant to Virginia Code Section 27-32.1, which property indicates the fire or explosion was intentionally caused.

(e) The fire marshal ~~and the assistant fire marshals~~ shall have the authority to arrest, to procure and serve warrants of arrest and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances.

(f) The fire marshal ~~and the assistant fire marshals~~, shall have the same police powers as a sheriff, police officer or law-enforcement officer. The investigation and prosecution of all offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, possession and manufacture of explosive devices, substances and fire bombs shall be the responsibility of the fire marshal ~~and the assistant fire marshals~~.

(g) The fire marshal ~~and the assistant fire marshals~~ shall have the right to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in Virginia Code Section 10.1-1400 or Virginia Code Section 62.1-44.34:8 has occurred, or is reasonably suspected to have occurred, and which has entered into the ground water, surface water or soils of the city in order to investigate the extent and cause of any such release.

Whenever the words fire marshal or local fire official or fire official are used in the VSFPC or the City of Lynchburg Fire Prevention Code or Chapter 19, Article 3 of the city code, they shall mean both the fire marshal, deputy fire marshal(s) or assistant fire marshal(s) except where the context clearly indicates a different meaning.

Sec. 19-43. Establishment and duties of the code official.

- (a) ~~The fire prevention code shall be enforced by the code official, who shall be the fire marshal for the City of Lynchburg.~~
- (b) The code official shall be appointed by the chief of the fire department with the approval of the city manager.
- (c) The chief of the fire department may empower the fire marshal to detail such members of the fire department as inspectors as shall from time to time be necessary.
- (d) The code official shall also recommend any amendments to this chapter which may be desirable.
- (e) The code official and deputy fire marshals shall, before entering upon their duties, take an oath before any officer authorized to administer oaths, to faithfully discharge the duties of their office. Such marshals, upon completing the course approved by the law-enforcement officers training standards commission for permanent law enforcement officers, shall be sworn as law enforcement officers. Such law enforcement officers shall continue to exercise such authority only upon satisfactory participation in in-service and advanced courses and programs approved by the commission.

2. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Sections 19-47 through 19-47.18 as follows:

Sec. 19-47. Amendments, additions, deletions and changes to the Virginia Statewide Fire Prevention Code

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Section 27-97 of the Code of Virginia, for applicability to the City of Lynchburg, as set forth in sections 19-47.1 through 19-47.18 of this article.

Sec. 19-47.1. Modifications.

The fire official shall have the power to modify any provision or requirement of this code, upon written application by the owner, lessee, occupant or their legal representative, when there is practical difficulty in meeting the strict letter of the code. However, in all cases of modification, the spirit and intent of the code shall be met to ensure the health, safety and welfare of persons protected.

Sec. 19-47.2. Fees.

<i>Index</i>	<i>Section 1 Fire Prevention Fees and Permit Requirements</i>	<i>Fee</i>
108.1.1	Carnival, circus, festival and fairs (30 day permit)	\$50
108.1.1	Explosives: Blasting, each site or location	\$50
108.1.1	Explosives: Storage indoors (1 year permit)	\$50
108.1.1	Flammable/Combustible Liquid Tank Removal (per tank)	\$50
108.1.1	LP-Gas Retail Cylinder Exchange Location	\$50
108.1.1	Open Burning: Recreational Bonfire (5 day permit)	\$50
108.1.1	Place of Assembly – Occupant Load 50 or Greater	\$50
108.1.1	Pyrotechnics & Fireworks: Retail Sale (45 day permit)	\$50
108.1.1	Pyrotechnics & Fireworks: Outdoor Display (1 day Permit)	\$50
108.1.1	Tents, Canopies & Air Supported Structures 700+ Square Feet (30 day permit)	\$50

Sec. 19-47.3. Person, firm or corporation responsible.

A person, firm or corporation in charge of or responsible for any building, structure, vehicle, device, other property, substance, material, gas, liquid, chemical or condition regulated either by this code or by an ordinance under the fire marshal's jurisdiction shall be responsible for compliance with all such code and ordinance provisions and regulations relating thereto.

Sec. 19-47.4. Follow-up inspections resulting from noncompliance.

Where two or more follow-up inspections are required as a result of noncompliance with this code, fees for the re-inspections may be assessed as listed under section 19-47.2.

Sec. 19-47.5. Dead ends.

Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. Approved areas for dead end fire apparatus road turnaround may be found in Table D103.4 and Figure D103.1 of Appendix D as found in the 2006 International Fire Code.

Sec. 19-47.6. Specifications.

Where required by the fire official, fire apparatus access roads shall be marked with permanent NO PARKING FIRE LANE signs complying with section Subsection D103.6 and Figure D103.6 as found in Appendix D of the International Fire Code. Curbing shall be painted yellow within the limits of the fire lane.

Sec. 19-47.7. Existing signs.

It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this code.

Sec. 19-47.8. Penalties.

In any prosecution charging a violation of Section 503.4, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this section, together with proof that the defendant was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time such violation occurred. In addition, any vehicle that is found to obstruct or interfere with the free ingress or egress of such designated and marked fire lane area, any officer discovering or having report of same may remove it or have it removed to the nearest storage garage for safekeeping and that fact shall be immediately reported to the division of motor vehicles or some officer or agent of said division and to the owner of such vehicle, as promptly as possible; and such owner, before obtaining the possession of such property, shall pay to the parties entitled thereto all reasonable and necessary costs incidental to the removal or storage of such property.

Sec. 19-47.9. Carnival, circus, festival and fair access.

It shall be the responsibility of the owner, operator or other person responsible for the establishment, erection or operation of any carnival, circus, festival or fair to establish, erect and operate such carnival, circus, festival or fair so that there is provided and maintained an access lane, at least 20 feet in width and capable of supporting fire and rescue apparatus in all weather conditions and so arranged as to afford access to within 50 feet of all booths, tents, rides and other equipment, buildings, and structures used as part of or in conjunction with the carnival or circus.

Sec. 19-47.10. Fire flow.

Calculated fire flow requirements for all proposed new construction and/or change of use group shall be submitted as part of the city's Technical Review board Committee (TRC) process to the fire marshal and Director of Utilities for review and approval. The estimated fire flow can be established using the Insurance Services Office (ISO) "Guide for Determination of Needed Fire Flow," latest revision, NFPA 291, or the current adoption of the Virginia Statewide Fire Prevention Code as amended by the City of Lynchburg to include Appendix B of the International Fire Code. Fire flows must also be analyzed under the maximum expected conditions in accordance with the City of Lynchburg – Manual of Specifications and Standard Details, latest revision. All TRC projects shall have fire flows calculated submitted to the fire marshal and Director of Utilities for approval during the TRC process. The calculations shall include calculations verifying the required fire flow and pressures can be achieved. All calculations shall be sealed by a professional engineer. Calculations for subdivisions shall be submitted during the RWS plan review process.

Sec. 19-47.11. Where required.

Fire hydrant systems shall be located and installed as directed by the fire department. Fire hydrant systems shall conform to the written standards of the city and the fire department. Hydrants shall be of the type specified in the current City of Lynchburg Manual of Specifications and Standard Details, Water Details - Typical Fire Hydrant Connection Detail and shall installed as directed. The location of private hydrants and hydrants on public rights-of-way shall be approved by the fire marshal and city engineer. The required backflow prevention device location for private hydrants shall be approved by the Director of Utilities. Private yard hydrants shall be painted red unless otherwise approved by the fire marshal.

Sec. 19-47.12. Clear space around fire hydrants.

No person shall plant, place or erect any obstruction within 3 feet of the circumference any fire hydrant.

Sec. 19-47.13. Hydrant location in relation to siamese connection.

A hydrant shall be placed on the supply side of the Siamese connection for standpipes and sprinkler systems no more than 50 feet from the Siamese connection to allow the fire suppression personnel to charge the closed system. The hydrant must be completely accessible for fire department apparatus connection.

Sec. 19-47.14. Fire hydrant locations and distribution.

The required number and distribution of public and private fire hydrants shall be based on the fire flow calculation of the structure and Appendix C of the 2006 International Fire Code. The fire official may require additional hydrants based on special hazards or circumstances found in or on the premises.

Sec. 19-47.15. Material to control spills.

Each service station shall stock a minimum of two hundred (200) pounds of inert absorbent material to control flammable and combustible spills by diking or absorbing such spills. Bulk, processing or industrial plants, refineries or other plants and distilleries having quantities of flammable and combustible liquids in containers exceeding six hundred sixty (660) gallons shall maintain a minimum of one thousand (1,000) pounds of inert absorbent material to control spills of flammable or combustible liquids. The cost of any inert absorbent material furnished by the fire department as a result of a lack of the above set forth minimum amount shall be charged to and collected from the owner/operator of such business or firm.

Sec. 19-47.16. Financial responsibility.

Before a permit is issued, as required by Section 3301.2 of the 2006 Virginia Statewide Fire Prevention Code, the applicant shall furnish proof of liability insurance protection in the sum of \$1,000,000 (one million dollars) by the corporation counsel for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted activity, and arising from any acts of the permit applicant, the permit applicant's agents, employees or subcontractors. Such policy shall name the City of Lynchburg, its agents, employees and assignees as additional insured's, in such form, amount and coverage in each case to indemnify those named above against any damages arising from the permitted activity.

Sec. 19-47.17. Fire marshals presence for fireworks displays.

Two fire marshals are required to be at all fireworks displays beginning at the time the operator arrives and begins to unload and set up. The operator shall not begin to unload or set up before the arrival of the fire marshal. The current fee for standby personnel is \$30.00 per hour, per person for a minimum of 3 hours. The fire marshal may require additional standby personnel or equipment. The rate for standby equipment, if required will be based on the type and staffing of equipment required.

All required fees for standby personnel and equipment must be paid in full prior to the commencement of the function unless prior arrangements have been made. The fire marshal may require the employment of additional off-duty police officers for crowd control at the expense of the permit applicant.

Sec. 19-47.18. Violations- It shall be unlawful for any owner or any other person, firm, or corporation to violate any provisions of the Statewide Fire Prevention Code, or the City of Lynchburg Fire Prevention Code. Any such violation shall be deemed a Class 1 misdemeanor, and any owner, or any other person, firm, or corporation convicted of such violation shall be punished in accordance with the provisions of Section 18.2-11 Code of Virginia.

3. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by repealing Sections 19-46 through 19-46.16.

~~Sec. 19-46. Amendments to the fire prevention code.~~

~~Whenever the words "fire marshal" are used in Chapter 19 of the city code, they shall mean both the fire marshal and the deputy fire marshals, except where the context clearly indicates a different meaning.~~

~~The fire prevention code adopted by Section 19-42 of the city code is hereby modified in the following respects:~~

~~Sec. 19-46.1. Impersonation.~~

~~It shall be unlawful for any unauthorized person to wear a fire marshal badge or uniform, or to otherwise falsely represent himself as a fire marshal or designated representative thereof. A violation of this section shall be punished as a class 1 misdemeanor.~~

~~Sec. 19-46.2. Payment of fees.~~

~~Fees may be levied by the city in order to defray the cost of enforcement of this code and appeals under section 107.12 of the statewide fire prevention code. The permit fee for all required permits shall be fifty dollars (\$50.00), except that no fee shall be charged for bonfire or place of assembly permits to non-profit organizations.~~

~~Sec. 19-46.3. Unsafe buildings.~~

~~All buildings and structures that are or hereafter become unsafe or deficient in adequate exit facilities or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use, occupancy, or maintenance or which have sustained structural damage by reason of fire, explosion, or natural disaster shall be deemed unsafe buildings or structures. A vacant building, or portion of a building, unguarded or open at door or window shall be deemed a fire hazard and unsafe within the meaning of this code. Unsafe buildings shall be reported to the city's building commissioner who shall take appropriate action deemed necessary under the provisions of the uniform statewide building code to secure abatement by repair and rehabilitation or by demolition. The building commissioner shall placard such buildings and order that such buildings or structures be maintained free of all rubbish and trash and securely locked or boarded up.~~

~~Sec. 19-46.4. Illegal use.~~

~~(a) It shall be unlawful for any person to park or stop in or otherwise obstruct any designated and marked fire lane area.~~

~~(b) In any prosecution charging a violation of paragraph (1) above, proof that the vehicle described in the complaint, summons or warrant was parked in violation of this section, together with proof that the defendant was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that such registered owner of the vehicle was the person who parked the vehicle at the place where and for the time such violation occurred.~~

~~(c) Whenever any vehicle is found to obstruct or interfere with the free ingress or egress of such designated and marked fire lane area, any officer discovering or having report of same may remove it or have it removed to the nearest storage garage for safekeeping and that fact shall be immediately reported to the division of motor vehicles or some officer or agent of said division and to the owner of such vehicle, as promptly as possible; and such owner, before obtaining the possession of such property, shall pay to the parties entitled thereto all reasonable and necessary costs incidental to the removal or storage of such property.~~

~~Sec. 19-46.5. Existing signs.~~

~~It shall be unlawful for any person to deface, injure, tamper with, remove, destroy or impair the usefulness of any posted fire lane sign installed under the provisions of this code.~~

~~Sec. 19-46.6. Access at carnivals, circuses, festivals, and fairs.~~

~~It shall be unlawful for the owner, operator or other person responsible for the establishment, erection or operation of any carnival, circus, festival, or fair to so establish, erect or operate said carnival, circus, festival, or fair without the establishment and maintenance of access lanes not less than twenty (20) feet in width and capable of supporting emergency apparatus irrespective of weather conditions, and arranged so as to afford access to points within fifty (50) feet of all booths, tents, rides and other equipment, buildings and structures used as part of or in conjunction with such carnival, circus, festival or fair.~~

~~Sec. 19-46.7. Tampering.~~

~~It shall be unlawful for any person to tamper with, damage, or destroy any fire protection system, device, or fire extinguisher installed in any building or structure or upon any premises within the city.~~

~~Sec. 19-46.8. Fire extinguishers.~~

~~Where a fire hazard exists in the opinion of the fire marshal, at all locations or premises, a fire extinguisher shall be installed. Provided, however, that the requirements of this section shall not apply to private dwellings, or private dwelling units, except that the requirements shall apply to hallways, laundry rooms, furnace rooms and other areas of common use or access in all multi-family dwellings having more than two (2) dwelling units.~~

~~Sec. 19-46.9. Hydrants for new construction.~~

~~All new buildings or structures shall have fire hydrants within four hundred (400) feet of all portions of construction. Distance shall be measured along the path that hose lines are expected to be advanced.~~

~~Hydrants shall be of the type specified in the current City of Lynchburg manual of specifications and standard details and shall be oriented to face towards the nearest accessible street or driveway. The location of private hydrants and hydrants on public rights-of-way shall be approved by the fire marshal and city engineer. The required backflow prevention device location for private hydrants shall be approved by the city engineer. Private yard hydrants shall be painted red unless otherwise approved by the fire marshal.~~

~~Calculated fire flow requirements for all proposed new construction and/or change of use group shall be submitted as part of the city's technical review board committee process to the fire marshal and city engineer for review and approval. Calculations shall be per the current adopted Virginia Statewide Fire Prevention Code (including appendix B), NFPA, or ISO standards and include type of construction. Calculations shall meet the requirements set forth in the City of Lynchburg manual of specifications and standard details. This submittal shall include calculations verifying adequate water flow and pressure for the required fire flow. All calculations shall be sealed by a professional engineer. City utilities engineer can require additional simulations or modifications based on the spirit and intent of the ordinance.~~

~~Provided, however that the provisions of this section shall not apply to:~~

~~(a) For use group R-3 and group U occupancies, the distance requirement shall be six hundred (600) feet.~~

~~(b) For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with the current adopted statewide fire prevention code, the distance requirement shall be six hundred (600) feet.~~

~~(c) Non-habitable towers, bridges, tanks containing a nonflammable product, or tanks containing an aggregate capacity of less than ten thousand (10,000) gallons of flammable or combustible product the distance requirement shall be one thousand (1,000) feet.~~

~~Sec. 19-46.10. Hydrants for existing structures.~~

~~Existing buildings or structures shall have fire hydrants that are in accordance with the requirements of the statewide fire prevention code, the uniformed statewide building code and Section 19-46.9 of this chapter for new construction for existing building or facilities whenever any of the following conditions occur:~~

~~(a) The habitable space increases in height;~~

~~(b) The habitable space of the use group H or I increases in area or the total building area of any building increases more than twenty five percent (25%) of its existing area;~~

~~(c) The use of an existing building changes and the new use group becomes A, E, F1, H, I, M, S1, or R; and~~

~~(d) The aggregate capacity of tanks containing a flammable or combustible product~~

increases.

~~Sec. 19-46.11. Fire protection water supplies.~~

~~The required number of public and private hydrants shall be based on the fire flow calculation of the structure(s) the hydrants are designated to protect. The fire marshal shall develop standards regulating the number, location, distance and direction of fire hydrants. All fire hydrants shall be constructed in accordance with such standards. A copy of the standards for fire hydrants shall be kept in the office of the fire marshal and shall be available for review and copying upon request. An additional copy of the standards will be in the City of Lynchburg Manual of Specifications and Standard Details. It shall be the responsibility of any person who will be constructing fire hydrants to review the standards for fire hydrants and become familiar with the requirements before constructing any fire hydrants within the city.~~

~~Sec. 19-46.12. Modifications.~~

~~The fire marshal may grant modifications to provisions 19-46.9 through 19-46.11 upon application of the owner or the owner's representative provided that the spirit and intent of this chapter has been met.~~

~~Sec. 19-46.13. Promulgation of fire safety instructions.~~

~~The fire marshal may issue rules and regulations which require owners of buildings to post signs which the fire marshal, at his discretion, deems necessary to minimize the danger to persons and property in case of fire. Said regulations may include, but shall not be limited to, the posting of disaster plans, egress routes, and smoking prohibitions.~~

~~Sec. 19-46.14. Financial responsibility and liability for fireworks display.~~

~~The permit applicant shall furnish proof of liability insurance protection in amounts deemed adequate by the corporation counsel for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit applicant, the permit applicant's agents, employees or subcontractors. Such policy shall name the City of Lynchburg, its agents, employees and assignees as additional insured's, in such form, amount and coverage in each case to indemnify those named above against any damages arising from the permitted fireworks display. The permit applicant shall employ a minimum of two (2) off-duty fire marshals to supervise the display of fireworks. The code official may require the employment of additional off-duty police officers for crowd control.~~

~~Sec. 19-46.15. Spill control.~~

~~Each service station shall stock a minimum of two hundred (200) pounds of inert absorbent materials to control flammable and combustible spills by diking or absorbing such spills. Bulk, processing or industrial plants, refineries or other plants and distilleries having quantities of flammable and combustible liquids in containers exceeding six hundred sixty (660) gallons shall maintain a minimum of one thousand (1,000) pounds of inert absorbent materials to control spills of flammable or combustible liquids. The cost of any inert absorbent material furnished by the fire department as a result of a lack of the above set forth minimum amount shall be charged to and collected from the owner/operator of such business or firm.~~

~~Sec. 19-46.16. Violations.~~

~~A violation of Sections 19-46.4 through 19-46.15 shall be guilty of a class 1 misdemeanor, punishable by fine of not more than two thousand five hundred dollars (\$2,500.00) or by imprisonment of not more than twelve (12) months or by both.~~

4. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____
Clerk of Council

085LOrd

APPENDIX B

FIRE-FLOW REQUIREMENTS FOR BUILDINGS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION B101 GENERAL

B101.1 Scope. The procedure for determining fire-flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix. This appendix does not apply to structures other than buildings.

SECTION B102 DEFINITIONS

B102.1 Definitions. For the purpose of this appendix, certain terms are defined as follows:

FIRE-FLOW. The flow rate of a water supply, measured at 20 pounds per square inch (psi) (138 kPa) residual pressure, that is available for fire fighting.

FIRE-FLOW CALCULATION AREA. The floor area, in square feet (m²), used to determine the required fire flow.

SECTION B103 MODIFICATIONS

B103.1 Decreases. The fire chief is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

B103.2 Increases. The fire chief is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

B103.3 Areas without water supply systems. For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the *International Wildland-Urban Interface Code*.

SECTION B104 FIRE-FLOW CALCULATION AREA

B104.1 General. The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in Section B104.3.

B104.2 Area separation. Portions of buildings which are separated by fire walls without openings, constructed in accordance with the *International Building Code*, are allowed to be considered as separate fire-flow calculation areas.

B104.3 Type IA and Type IB construction. The fire-flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors.

Exception: Fire-flow calculation area for open parking garages shall be determined by the area of the largest floor.

SECTION B105 FIRE-FLOW REQUIREMENTS FOR BUILDINGS

B105.1 One- and two-family dwellings. The minimum fire-flow requirements for one- and two-family dwellings having a fire-flow calculation area which does not exceed 3,600 square feet (344.5 m²) shall be 1,000 gallons per minute (3,785.4 L/min). Fire-flow and flow duration for dwellings having a fire-flow calculation area in excess of 3,600 square feet (344.5 m²) shall not be less than that specified in Table B105.1.

Exception: A reduction in required fire flow of 50 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system.

B105.2 Buildings other than one- and two-family dwellings. The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings shall be as specified in Table B105.1.

Exception: A reduction in required fire-flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2. The resulting fire-flow shall not be less than 1,500 gallons per minute (5,678 L/min) for the prescribed duration as specified in Table B105.1.

SECTION B106 REFERENCED STANDARDS

ICC	IBC	International Building Code	B104.2, Table B105.1
ICC	IWUIC	International Wildland-Urban Interface Code	B103.3
NFPA	1142	Standard on Water Supplies for Suburban and Rural Fire Fighting	B103.3

TABLE B105.1
MINIMUM REQUIRED FIRE-FLOW AND FLOW DURATION FOR BUILDINGS^a

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) ^c	FLOW DURATION (hours)
Type IA and IB ^b	Type IIA and IIIA ^b	Type IV and V-A ^b	Type IIB and IIIB ^b	Type V-B ^b		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,500	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,300	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,301-59,000	24,201-33,200	17,401-21,300	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,301-25,500	15,401-18,400	9,401-11,300	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,301-13,400	3,000	3
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,500	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	4
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,600	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,601-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,500	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,900	113,201-121,300	69,601-74,600	7,250	
—	—	167,901-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m, 1 pound per square inch = 6.895 kPa.

a. The minimum required fire flow shall be allowed to be reduced by 25 percent for Group R.

b. Types of construction are based on the *International Building Code*.

c. Measured at 20 psi.

APPENDIX C

FIRE HYDRANT LOCATIONS AND DISTRIBUTION

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION C101 GENERAL

C101.1 Scope. Fire hydrants shall be provided in accordance with this appendix for the protection of buildings, or portions of buildings, hereafter constructed.

SECTION C102 LOCATION

C102.1 Fire hydrant locations. Fire hydrants shall be provided along required fire apparatus access roads and adjacent public streets.

SECTION C103 NUMBER OF FIRE HYDRANTS

C103.1 Fire hydrants available. The minimum number of fire hydrants available to a building shall not be less than that listed in Table C105.1. The number of fire hydrants available to a complex or subdivision shall not be less than that determined by spacing requirements listed in Table C105.1 when applied to fire apparatus access roads and perimeter public streets from which fire operations could be conducted.

SECTION C104

CONSIDERATION OF EXISTING FIRE HYDRANTS

C104.1 Existing fire hydrants. Existing fire hydrants on public streets are allowed to be considered as available. Existing fire hydrants on adjacent properties shall not be considered available unless fire apparatus access roads extend between properties and easements are established to prevent obstruction of such roads.

SECTION C105 DISTRIBUTION OF FIRE HYDRANTS

C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service.

Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

**TABLE C105.1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

FIRE-FLOW REQUIREMENT (gpm)	MINIMUM NUMBER OF HYDRANTS	AVERAGE SPACING BETWEEN HYDRANTS ^{a, b, c} (feet)	MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT ^d
1,750 or less	1	500	250
2,000-2,250	2	450	225
2,500	3	450	225
3,000	3	400	225
3,500-4,000	4	350	210
4,500-5,000	5	300	180
5,500	6	300	180
6,000	6	250	150
6,500-7,000	7	250	150
7,500 or more	8 or more ^e	200	120

For SI: 1 foot = 304.8 mm, 1 gallon per minute = 3.785 L/m.

a. Reduce by 100 feet for dead-end streets or roads.

b. Where streets are provided with median dividers which can be crossed by fire fighters pulling hose lines, or where arterial streets are provided with four or more traffic lanes and have a traffic count of more than 30,000 vehicles per day, hydrant spacing shall average 500 feet on each side of the street and be arranged on an alternating basis up to a fire-flow requirement of 7,000 gallons per minute and 400 feet for higher fire-flow requirements.

c. Where new water mains are extended along streets where hydrants are not needed for protection of structures or similar fire problems, fire hydrants shall be provided at spacing not to exceed 1,000 feet to provide for transportation hazards.

d. Reduce by 50 feet for dead-end streets or roads.

e. One hydrant for each 1,000 gallons per minute or fraction thereof.

APPENDIX D

FIRE APPARATUS ACCESS ROADS

The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.

SECTION D101 GENERAL

D101.1 Scope. Fire apparatus access roads shall be in accordance with this appendix and all other applicable requirements of the *International Fire Code*.

SECTION D102 REQUIRED ACCESS

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34 050 kg).

SECTION D103 MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant. Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7925 mm). See Figure D103.1.

D103.2 Grade. Fire apparatus access roads shall not exceed 10 percent in grade.

Exception: Grades steeper than 10 percent as approved by the fire chief.

D103.3 Turning radius. The minimum turning radius shall be determined by the fire code official.

D103.4 Dead ends. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) shall be provided with width and turnaround provisions in accordance with Table D103.4.

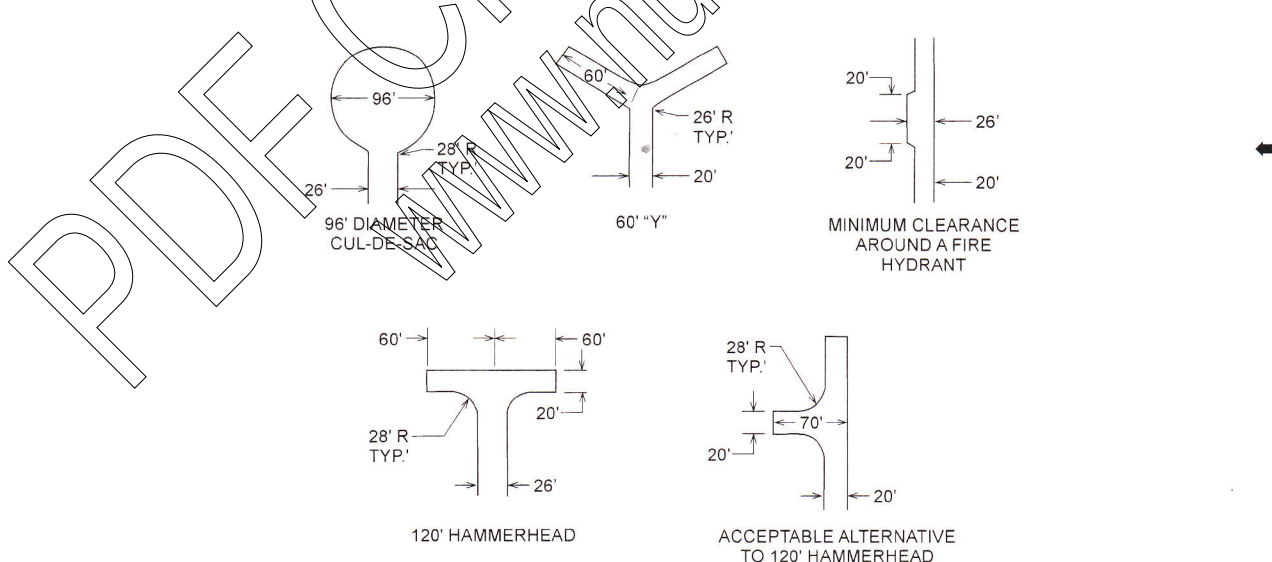
TABLE D103.4
REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0-150	20	None required
151-500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
501-750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure D103.1
Over 750		Special approval required

For SI: 1 foot = 304.8 mm.

D103.5 Fire apparatus access road gates. Gates securing the fire apparatus access roads shall comply with all of the following criteria:

1. The minimum gate width shall be 20 feet (6096 mm).



For SI: 1 foot = 304.8 mm.

FIGURE D103.1
DEAD-END FIRE APPARATUS ACCESS ROAD TURNAROUND

APPENDIX D

2. Gates shall be of the swinging or sliding type.
3. Construction of gates shall be of materials that allow manual operation by one person.
4. Gate components shall be maintained in an operative condition at all times and replaced or repaired when defective.
5. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
6. Manual opening gates shall not be locked with a padlock or chain and padlock unless they are capable of being opened by means of forcible entry tools or when a key box containing the key(s) to the lock is installed at the gate location.
7. Locking device specifications shall be submitted for approval by the fire code official.

D103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING—FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

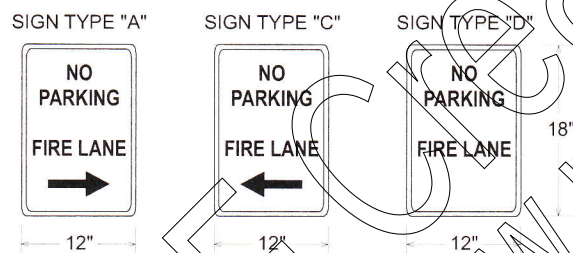


FIGURE D103.6
FIRE LANE SIGNS

D103.6.1 Roads 20 to 26 feet in width. Fire apparatus access roads 20 to 26 feet wide (6096 to 7925 mm) shall be posted on both sides as a fire lane.

D103.6.2 Roads more than 26 feet in width. Fire apparatus access roads more than 26 feet wide (7925 mm) to 32 feet wide (9754 mm) shall be posted on one side of the road as a fire lane.

SECTION D104 COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

D104.1 Buildings exceeding three stories or 30 feet in height. Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have at least three means of fire apparatus access for each structure.

D104.2 Buildings exceeding 62,000 square feet in area. Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads.

Exception: Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road when all buildings are equipped throughout with approved automatic sprinkler systems.

D104.3 Remoteness. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

SECTION D105 AERIAL FIRE APPARATUS ACCESS ROADS

D105.1 Where required. Buildings or portions of buildings or facilities exceeding 30 feet (9144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus. Overhead utility and power lines shall not be located within the aerial fire apparatus access roadway.

D105.2 Width. Fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm) in the immediate vicinity of any building or portion of building more than 30 feet (9144 mm) in height.

D105.3 Proximity to building. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet (4572 mm) and a maximum of 30 feet (9144 mm) from the building, and shall be positioned parallel to one entire side of the building.

SECTION D106 MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception: Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2.

D106.2 Projects having more than 200 dwelling units. Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

**SECTION D107
ONE- OR TWO-FAMILY RESIDENTIAL
DEVELOPMENTS**

D107.1 One- or two-family dwelling residential developments. Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3.

Exceptions:

1. Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.3, access from two directions shall not be required.
2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 10

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to Section 11-2 of the City Code, Building Code Enforcement**

RECOMMENDATION:

Amend Section 11-2 of the City Code to enforce the latest edition of the Virginia Uniform Statewide Property Maintenance Code.

SUMMARY:

On May 1, 2008, the Virginia Department of Housing and Community Development adopted the 2006 edition of the International Property Maintenance Code as the Uniform Statewide Property Maintenance Code for Virginia. Localities that wish to have a property maintenance code must enforce the 2006 version of the International Property Maintenance Code. It is necessary to amend Section 11-2 of the City Code to remove the references to the 2003 edition of the Property Maintenance Code and replace them with references to the 2006 edition of the Property Maintenance Code.

PRIOR ACTION(S):

On November 22, 2005, City Council amended the City Code to enforce the 2003 edition of the Virginia Uniform Statewide Property Maintenance Code.

FISCAL IMPACT:

None

CONTACT(S):

Robert Drane, Building Commissioner, 455-3899 or Walter C. Erwin, 455-3973.

ATTACHMENT(S):

An ordinance amending Section 11-2 of the City Code.

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT SECTION 11-2 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO THE ENFORCEMENT OF THE 2006 EDITION OF THE UNIFORM STATEWIDE PROPERTY MAINTENANCE CODE.

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

1. That Section 11-2 of the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted as follows:

Sec. 11-2. Maintenance of existing structures regulations adopted.

For the purpose of ensuring public safety, health and welfare, insofar as they are affected by building construction, to ensure public safety, health and welfare through proper building maintenance, repair, use and continued compliance with minimum standards of building construction, energy conservation, water conservation, and physically handicapped and aged accessibility, that certain regulations known as the Virginia Uniform Statewide Building Code, 2003~~6~~ Edition, Part I, The Virginia Construction Code, Part II, The Virginia Rehabilitation Code and Part III, The Virginia Maintenance Code, Chapter 34, Existing Structures, of the 2003~~6~~ edition of the International Building Code, the 2003 edition of the International Property Maintenance Code, and all of the codes and standards referenced therein, copies of which are on file ~~in the office of the clerk of council and~~ in the inspections division of the department of community ~~planning and~~ development, are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the corporate limits of the city. Pursuant to the provisions of Section 1-220 of the Code of Virginia, future amendments to the sections of the Virginia Uniform Statewide Building Code, the International Building Code, The International Property Maintenance Code and the codes and standards referenced therein are also incorporated by reference herein. ~~The City of Lynchburg in accordance with the provisions outlined in Part III of the Virginia Uniform Statewide Building Code elects to apply the provisions of the maintenance of existing structures to industrialized buildings and manufactured homes.~~ All future editions of the Virginia Uniform Statewide Building Code and all amendments thereto are hereby automatically adopted and incorporated into the city code.

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

Adopted:

Certified:

Clerk of Council

086L

**LYNCHBURG CITY COUNCIL
Agenda Item Summary**

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:
(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **VDOT Revenue Sharing Program**

RECOMMENDATION: Approve the attached resolution to participate in the VDOT Revenue Sharing Program for fiscal year 2008 – 2009.

SUMMARY: The Grace Street Retaining Wall was originally constructed in the mid-1950's as a component of the U. S. Route 29 Business Lynchburg Expressway. The wall is constructed of pre-cast concrete cribbing, measures approximately 360 feet in length, and has a maximum height of 20.5 feet. Approximately 240 linear feet of the crib wall, located on the south side of the Grace Street Bridge, has failed

Engineering Division has proceeded with procurement of professional services to prepare a design alternative report and proceed through final design. City funds are currently available for the design alternatives report, and a portion of the funds needed to proceed through final design and construction are also budgeted. VDOT Revenue sharing funds are necessary to complete the project.

Estimated Project Costs are as follows:

Engineering	\$ 381,000
Right of Way / Temp. Easements	\$ 25,000
<u>Construction</u>	<u>\$1,725,000</u>
Total:	\$2,131,000

PRIOR ACTION(S): PDC – February 2008; PDC – June 24, 2008

FISCAL IMPACT: Funds for the \$1 million match have been budgeted in FY 2009 of the FY 2009 – 2013 Capital Improvement Plan (Transportation).

CONTACT(S):

J. P. Morris P. E.,	Project Manager	455-3918
Lee Newland, P.E.,	Director of Engineering	455-3947

ATTACHMENT(S):

Letter of Participation
Resolution
Designation of Funds Form

REVIEWED BY: lkp

084L

Resolution:

WHEREAS, the Lynchburg City Council desires to submit an application for an allocation of funds of up to one million dollars (\$1,000,000) through the Virginia Department of Transportation Fiscal Year 2008-09, Revenue Sharing Program; and,

WHEREAS, one million dollars (\$1,000,000) of these funds are requested to fund the Grace Street Retaining Wall Improvement Project, located adjacent to Route 29 business and south of the Grace Street bridge; and,

NOW, THEREFORE, BE IT RESOLVED THAT: The Lynchburg City Council hereby supports this application for an allocation of one million dollars (\$1,000,000) through the Virginia Department of Transportation Revenue Sharing Program.

BE IT FURTHER RESOLVED THAT: L. Kimball Payne, III, City Manager, is authorized to execute the City State Agreements and to execute any other documents or agreements that may be needed for this project.

Adopted: _____

Certified: _____
Clerk of Council

SUMMARY OF PROJECTS – Designation of Funds Form**FY 2008-09 Revenue Sharing Program**Lynchburg CityDistrict: Lynchburg

Residency or UPM responsible: _____

Locality's Priority #	Route #	Road Name	Requested State Revenue Sharing Match	Locality Revenue Sharing Match	Locality Unmatched Funds	TOTAL FUNDS (\$)
1	29	Lynchburg Expressway	\$ 1,000,000	\$ 1,000,000	\$ 131,000	\$2,131,000
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
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			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
			\$	\$	\$	\$ 0
TOTAL OF ALL FUNDS			\$1,000,000.00	\$1,000,000.00	\$131,000.00	\$2,131,000

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 8, 2008**

AGENDA ITEM NO.: 12

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **City Council Retreat Planning**

RECOMMENDATION: Provide guidance to staff regarding City Council's Fall 2008 retreat.

SUMMARY: To assist staff in preparation for City Council's Fall 2008 retreat a number of questions need to be addressed. The Clerk of Council has already suggested potential dates for a two-day retreat on the assumption that Council would follow past practice. Of course, Council could choose any format that it felt to be appropriate for its purposes.

Accordingly, the first discussion should probably be regarding Council's goals for the retreat. Does Council desire the retreat to be more strategic or more specific issue-oriented in focus? How much does Council want to focus on its internal relations and function as a body, or, how much of the retreat should be focused on external issues? The answers to these questions will help to shape the form and timing of the retreat and determine what type of facilitation would be appropriate.

Once Council's goals for the retreat are determined, other issues to determine would include:

- The schedule for the retreat; one-day, two-day, three-day? The number and length of sessions. Will the retreat include evening sessions and an overnight stay?
- The location. Out of town or in town? Some possible locations include The Stonewall Jackson Hotel in Staunton, Eagle Eyrie, Sweet Briar College Conference Center, Lynchburg College, The Peaks of Otter Lodge, Bluffwalk Centre, and the Human Services Building.
- Is a non-staff facilitator desired?
- What sort of staff presence is desirable?

There are a number of possible topics that Council could plan on discussing during a retreat. For selected topics, it would be helpful if there was an understanding of the expectations regarding the preparation of briefing materials by staff. Possible topics include:

- Council's Rules of Procedure for its meetings
- Economic Development
- Housing
- Public Safety
- Public Education
- Intergovernmental Synergies
- Environment
- Sustainability
- CDBG/HOME Programs Design
- Review/revision of Council's Vision Statements
- The Community Dialogue on Race and Racism
- Results of the Citizens Survey
- Teambuilding
- SWOT (Strengths, Weaknesses, Opportunities, Threats)

- The identification of specific goals to accomplish in the next year
- Preliminary Budget priorities
- A review of the 2007 Council retreat and a report on follow up.

Some of these potential topics would need refinement to be clear about the scope of the planned discussion.

PRIOR ACTION(S): N/A

FISCAL IMPACT: Depends on location, facilitation and other components.

CONTACT(S): Kimball Payne, 455-3990

ATTACHMENT(S): None

REVIEWED BY: lkp

087L