LYNCHBURG CITY COUNCIL
PHYSICAL DEVELOPMENT COMMITTEE
Tuesday, June 10, 2014
9:00 a.m.

Information Items

Recent/Pending Contract Awards: –

Project/Phase	Contractor/Consultant	Budgeted Amount	Contract Amount
Memorial Ave & Wadsworth St. Traffic Signal Project	J. B. Moore Electrical Contractor, Inc.	$230,000.00	$190,467.20

Update on priority projects – see attached report**.**

General Business

1. Vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 Elm Street — Kevin Henry

2. Vacate a portion of unopened right-of-way known as Craighill Street between 1210 and 1300 Norvell Street — Kevin Henry

3. Vacate right-of-way known as Boxwood Place in between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue — Kevin Henry

4. Roll Call

Pc: Kimball Payne, City Manager
Bonnie Svrcek, Deputy City Manager
Council Members
Gaynelle Hart, Director of Public Works
News & Advance

Next Meeting: July 8, 2014

Lynchburg Capital Projects (General Fund)

June 10, 2014

Projects of Interest		Status			Notes
Timberlake / Logan's Lane Intersection		Design	November 2014		Preliminary Design - Interchange Modification Report Submitted to VDOT - Addressing VDOT Comments Rnd. 2
Wards Road Pedestrian X-ing 2B		Construction	September 2014		Trail Phase 2B - Notice to Proceed Given May 5, 2014 - 120 Day Project
Midtown Connector		Construction	August 2015		Under Construction - Working on Langhorne 40% complete & Kemper Underway -
Greenview Drive Phase 2		R/W	August 2014		Project to be Included in P3 RFP with VDOT - Revenue Sharing Funds Awarded
Kemper Street Bridge / Interchange		Design	August 2014		Working on Re-Design Hope to ReBid in Late August
One Way Pairs @ 501/221		Preliminary	August 2014		Preliminary Design being Completed to Determine Available R/W for Development
Lower Bluffwalk Phase 2		Construction	October 2014		Underway
Memorial - Park - Lakeside Intersection		Utilities	November 2014		Project Underway to Install City Utilites separate from Project then ReBid
Miller Center Renovations		Construction	August 2014		Construction on Building Going Well and on Schedule.
Odd Fellows Road - P3		Advertising	May 2014		Proposal Being Considered By VDOT -
Lakeside Drive Improvements @ L.C.		Design	September 2014		Design Underway - VDOT Performing SERP.
Harvard Road Improvements at Tunnel		Construction	October 2014		Adding Turn Lanes and Utilities
Old Forest Road Sidewalk		Construction	October 2014		Starting July 6, 2014

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014 (PDC)** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: INFORMATION:

ITEM TITLE: **Vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 Elm Street.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Peyton Morgan, the owner of 2019 Elm Street, is petitioning to vacate a portion of unopened right-of-way known as New Street located between 2019 and 2101 Elm Street. The area is approximately sixty-nine thousandths (.069) of an acre. A twenty (20) foot deep portion of the right-of-way adjoining Elm Street will be retained by the City in order to allow for traffic to turn around since there is no cul-de-sac at the end of Elm Street. The dimensions of the proposed vacation are one hundred (100) feet long by thirty (30) feet in width. This section of right-of-way includes overgrown brush and vegetation as well as a significant slope up towards Main Street.

The petitioner is requesting the vacation in order to allow additional space for a dwelling. The adjoining owner (Thomas Milstead) at 2101 Elm Street has consented to the petition. This portion of right-of-way currently does not serve as access to any of the adjoining properties and there is no foreseeable use of the right-of-way in the future.

PRIOR ACTION(S):
May 9, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Maps

REVIEWED BY:

AN ORDINANCE VACATING A PORTION OF UNOPENED RIGHT OF WAY KNOWN AS NEW STREET BETWEEN 2019 AND 2101 ELM STREET.

WHEREAS, Peyton Morgan is petitioning to vacate a portion of unopened right of way known as New Street located between the properties of 2019 and 2101 Elm Street, starting twenty (20) feet from the right of way line boundary of Elm Street and continuing for one hundred (100) feet to the rear property line of 2019 Elm Street; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The portion of right of way known as New Street located between 2019 and 2101 Elm Street, starting twenty (20) feet from the right of way line boundary of Elm Street and continuing for one hundred (100) feet to the rear property line of 2019 Elm Street.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: _____
Clerk of Council

INSPECTIONS DIV
APR 25 2014
RECEIVED

APPLICATION FOR THE VACATION OF A

Paper Street

Street/Alley/Right-of-way

LOCATED BETWEEN

2101 and 2019 Elm St, Lynchburg VA

The undersigned applicant, Peyton Morgan pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain paper street described as follows:

_____

_____

_____

_____

_____

_____

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on _____, 20_____, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described paper street on Elm St.

Given under my hand this _____ day of _____,

20_____.

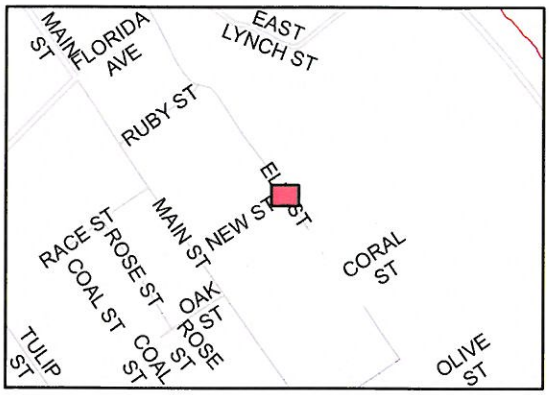
Peyton Moyer	
Applicant	Applicant
2019 Elm St	2101 Elm St
Lynchburg VA	Lynchburg VA
Address	Address
434-845-8317	(434) 244-0308
Telephone Number	Telephone Number

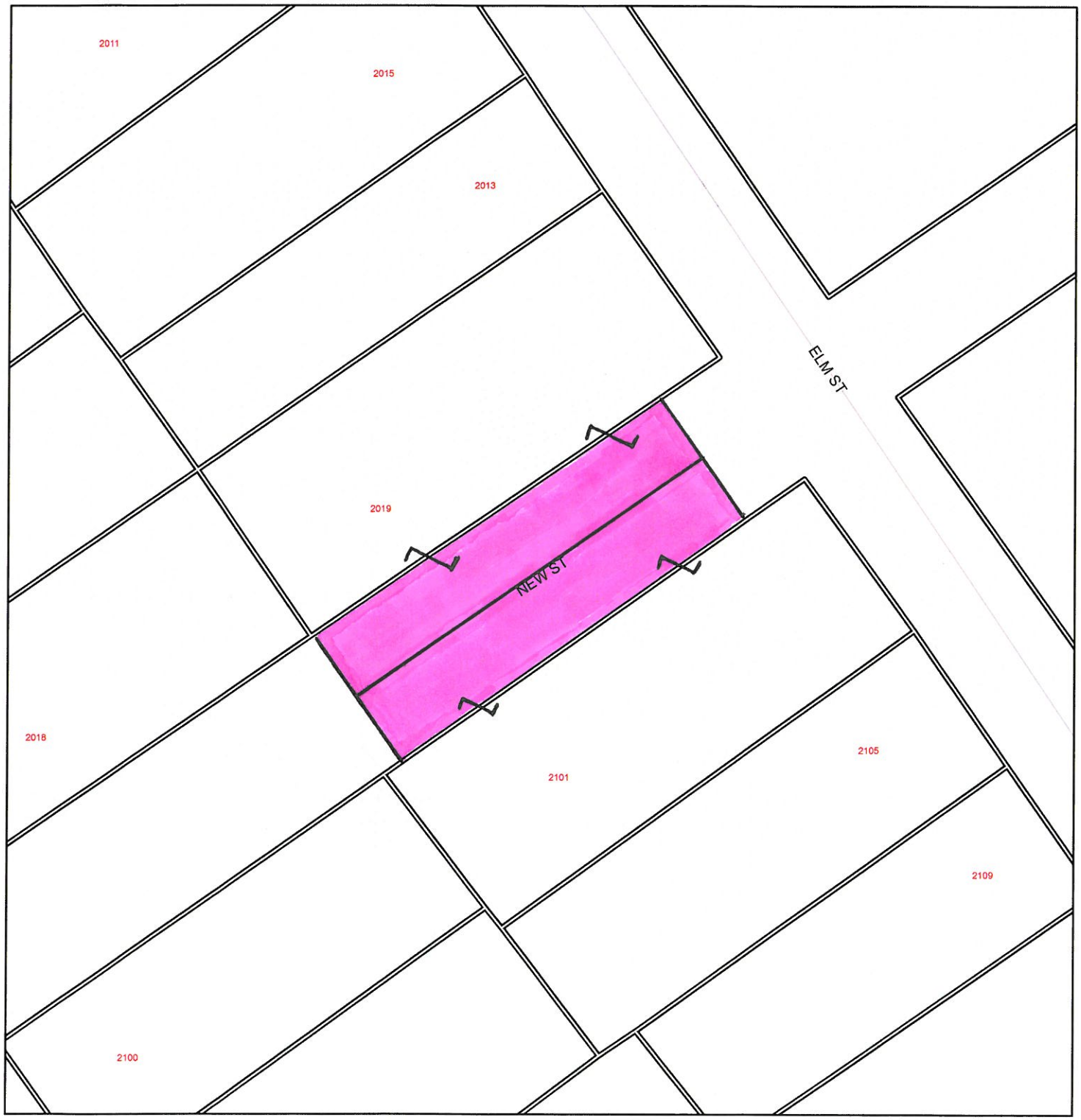
WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

2019 & 2101 Elm Street

Right-of-Way Vacation

Area to be vacated

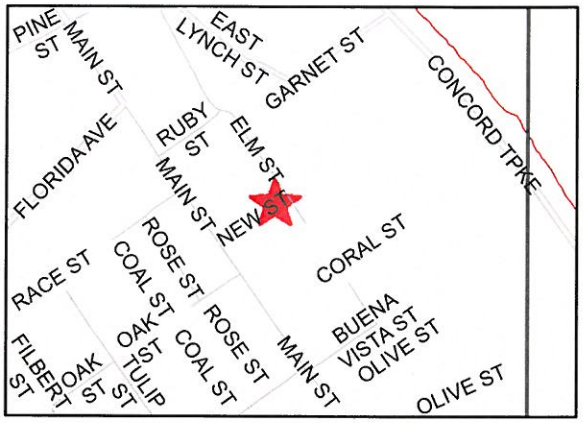




2019 & 2101 Elm Street

Right-of-Way Vacation

Location



LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014 (PDC)** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: INFORMATION:

ITEM TITLE: **Vacate a portion of unopened right-of-way known as Craighill Street between 1210 and 1300 Norvell Street.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: Cari L. Smith, the owner of 1210 Norvell Street, is petitioning to vacate a portion of unopened right-of-way known as Craighill Street between 1210 and 1300 Norvell Street. The area is approximately one hundred seventy-two thousandths (.172) of an acre. The dimensions of the proposed vacation are one hundred fifty (150) feet long by fifty (50) feet. This section of right-of-way includes a grassed area.

The adjoining owner (Sherry Smith) at 1300 Norvell Street has consented to the petition. This portion of right-of-way currently does not serve as access to any of the adjoining properties and the apartment complex, LP Apartments, uses the opposite end of this block of Craighill Street for access.

PRIOR ACTION(S):
May 23, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Maps

REVIEWED BY:

AN ORDINANCE VACATING A PORTION OF UNOPENED RIGHT OF WAY KNOWN AS CRAIGHILL STREET IN BETWEEN 1210 AND 1300 NORVELL STREET.

WHEREAS, Cari L. Smith, is petitioning to vacate a portion of unopened right of way known as Craighill Street located between the properties of 1210 and 1300 Norvell Street, which extends one hundred fifty (150) feet; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The portion of unopened right of way known as Craighill Street located between 1210 and 1300 Norvell Street, which extends one hundred fifty (150) feet.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE VACATION OF A

Right of Way

Street/Alley/Right-of-way

LOCATED BETWEEN

1210 Norvell Street and 1300 Norvell Street

The undersigned applicants, Cari L. Smith (1210 Norvell Street) and Sherry Smith (1300 Norvell Street)

pursuant to the provisions of Section 51.1-364 of the Code of Virginia, 1950, as amended, and Sections 35-71 to 35-77, both inclusive, of the Lynchburg City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain right of way described as follows:

The area is approximately 0.18 acres. You would be entitled to half of that if it were to be vacated. Since it would only be .09 acres added to each lot the assessment of the property will not be affected. It looks like the area that would be vacated would be about 50 ft. wide and 160 ft. long. Again, each property would obtain half of that.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chamber, City Hall, 900 Church Street, Lynchburg, Virginia, on May 15, 2014, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described right of way.

Given under my hand this 17th day of April,

2014.

Cari Smith

Amber L. Haskew — Power of Attorney for
Applicant Sherry E. Smith

1210 Norvell Street, Lynchburg, VA 24502

1300 Norvell Street, Lynchburg VA 24502
Address

434-401-0726 - Amber Haskew
434-327-6803 – Cari Smith
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

POWER OF ATTORNEY

BE IT KNOWN, that I, Sherry Ellen Smith, the undersigned Grantor, resident of 2311 Rivermont Avenue, Lynchburg, VA 24503 has made and appointed, and by these presents does make and appoint Amber Smith Haskew a resident of 2311 Rivermont Avenue, Lynchburg, VA 24503 true and lawful attorney-in-fact (agent) for her and in her name, place and stead, giving and granting to said attorney-in-fact, general, full and unlimited power and authority to do and perform each and every act and thing which may be necessary, or convenient, in connection with any of the foregoing, as fully, to all intents and purposes, as could be done if Grantor might or could do if personally present, with full power of substitution and revocation, hereby ratifying and confirming all that said attorney-in-fact shall lawfully do or cause to be done by virtue hereof.

This attorney-in-fact is effective immediately and will expire on October 1, 2014.

Dated this October 1, 2013, I hereby agree to accept the appointment as attorney-in-fact, pursuant to the foregoing Power of Attorney.

Amber S. Haskew
Appointee's Signature

IN WITNESS WHEREOF, I have hereunto set my hand and seal this October 1, 2013.

Sherry Smith
Grantor's Signature

Sherry Smith
Print or type name

Amber Haskew
@gmail.com

Signed, sealed and delivered in the presence of:

Witness 1 _____ Witness 2 _____

State of Virginia County of Bedford

The foregoing instrument was acknowledged by me, a Notary Public, this October 1, 2013 by: Sherry Ellen Smith who is personally known by me or who has/have produced: SD DL 002755975 as identification and who did not take an oath.

Witness my hand and official seal.

_____ (SEAL)

SHIRLEY C. HANKS
NOTARY PUBLIC 108562
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES 12-31-2016

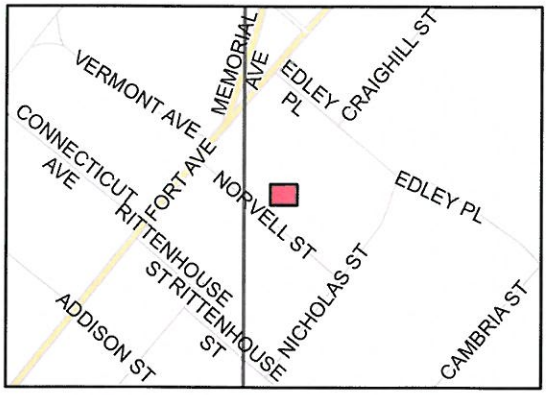
Notary Public State of Virginia

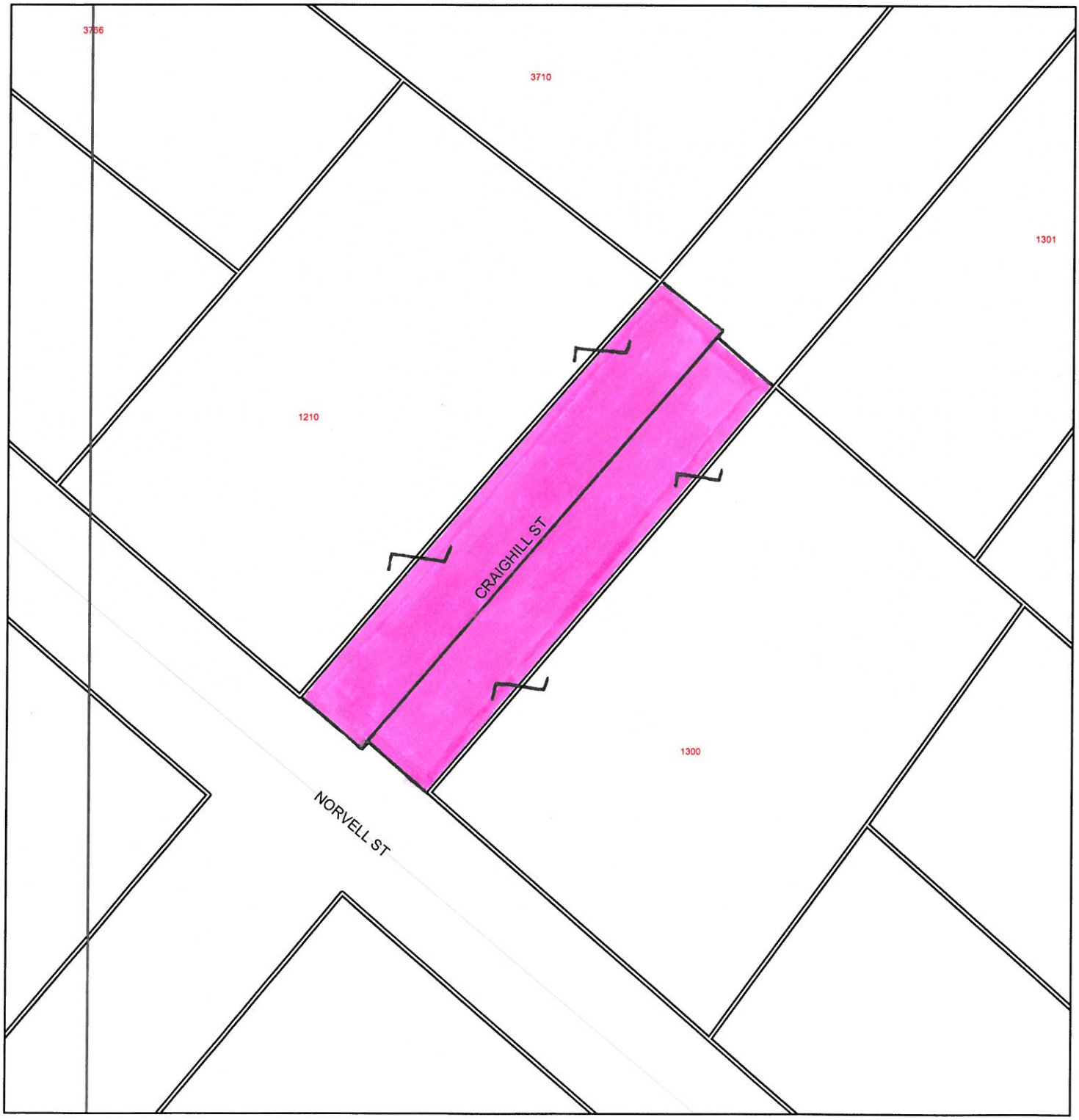
My Commission Expires: Dec. 31, 2016

1210 and 1300 Norvell Street

Right-of-Way Vacation

Area to be vacated

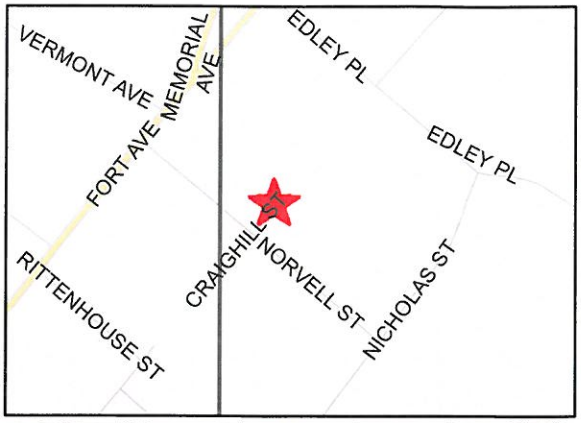


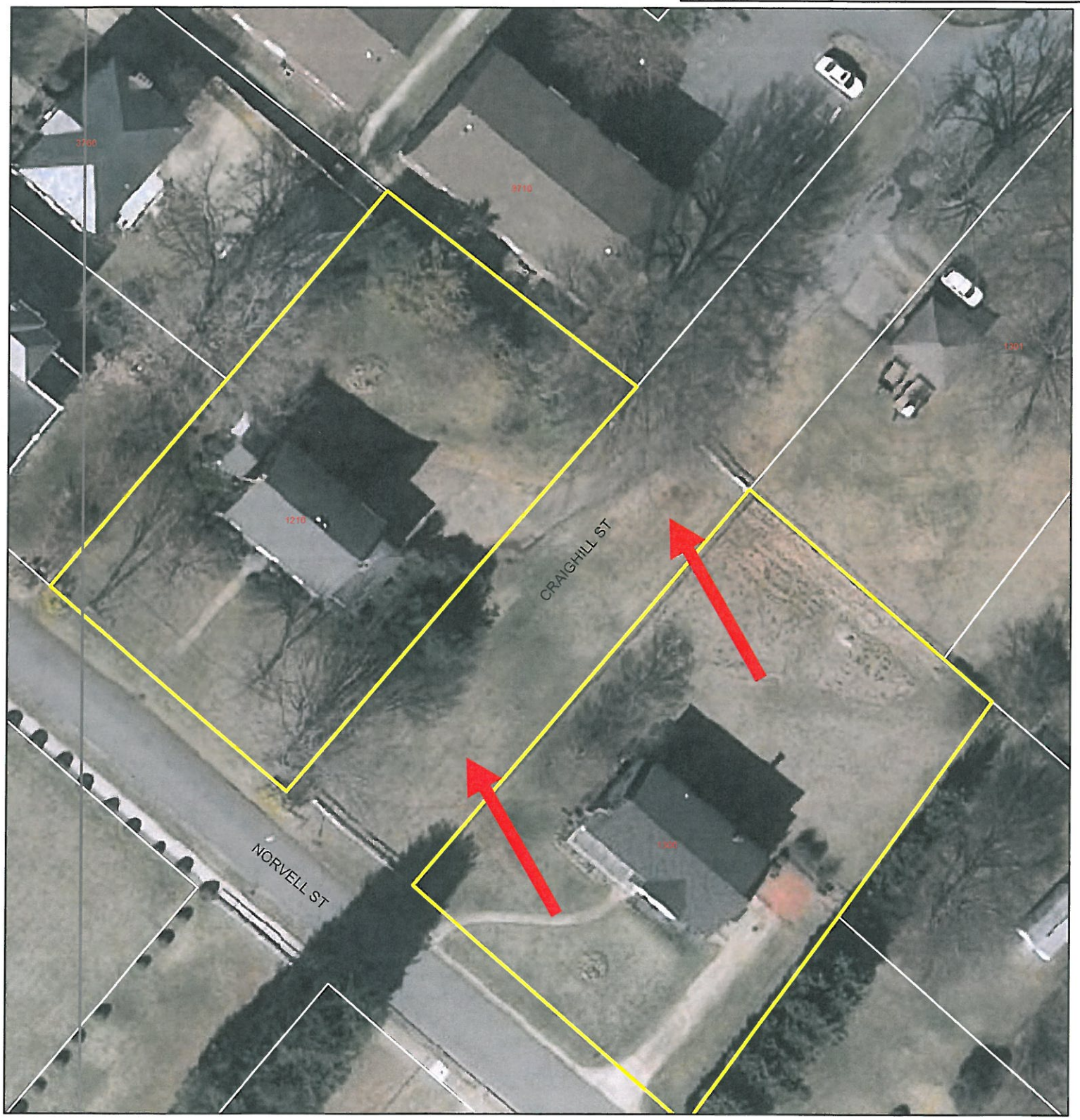


1210 and 1300 Norvell Street

Right-of-Way Vacation

Location





LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014 (PDC)** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: INFORMATION:

ITEM TITLE: **Vacate right-of-way known as Boxwood Place in between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue.**

RECOMMENDATION: Vacate the right-of-way.

SUMMARY: CDDI Development Group LLC is petitioning to vacate an unopened right-of-way known as Boxwood Place. Boxwood Place is located between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue. The right-of-way is a vegetated area consisting of four hundred two thousandths (.402) acres and extending three hundred fifty (350) feet from Old Forest Road to Confederate Avenue. The right-of-way is fifty (50) feet in width. The adjoining property owner (Clagar Partners) at 2701 Old Forest Road and 2730 Confederate Avenue has consented to the vacation request.

The petitioner is requesting the vacation in conjunction with a rezoning petition for the property located at 2627 Old Forest Road. If approved the vacated right-of-way would facilitate the construction of an entrance drive and parking to support a proposed banquet / event center. The right-of-way does not serve as access to any property and has no foreseeable public use.

PRIOR ACTION(S):
May 23, 2014: The Technical Review Committee (TRC) reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Maps

REVIEWED BY:

AN ORDINANCE VACATING RIGHT OF WAY KNOWN AS BOXWOOD PLACE IN BETWEEN 2627 AND 2701 OLD FOREST ROAD AND 2730 CONFEDERATE AVENUE.

WHEREAS, CDDI Development Group LLC, is petitioning to vacate right of way known as Boxwood Place located between the properties of 2627 and 2701 Old Forest Road and 2730 Confederate Avenue, which extends three hundred fifty (350) feet; and

WHEREAS, City Council finds that no public inconvenience will result from vacating the right of way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described right of way be, and the same hereby is, discontinued and vacated, namely:

The right of way known as Boxwood Place located between 2627 and 2701 Old Forest Road and 2730 Confederate Avenue, which extends three hundred fifty (350) feet.

Said vacation is contingent upon the following: (1) that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: _____
Clerk of Council

APPLICATION FOR THE VACATION OF A

Street
(Street/Alley)

LOCATED BETWEEN

2627& 2701 Old Forest Rd & 2730 Confederate Av

The undersigned applicant, The CDDI Development Group LLC, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain street described as follows:

Boxwood Place as nominated on the Map of Subdivision of "Barksdale Place" Lynchburg, Virginia prepared by Thomas C Brooks Sr dated October 24, 2001, which is recorded in the Lynchburg Circuit Court .

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 10, 2014, at 7:30 p.m., or as soon

thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described R/W.

Given under my hand this 28th day of April , 2014.

The CDDI Development Group LLC
Applicant

2627 Old Forest Road, Lynchburg, 24501
Address

434-384-2630
Telephone Number

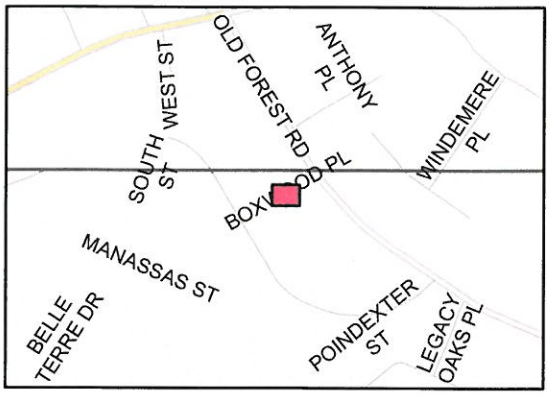
WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY:

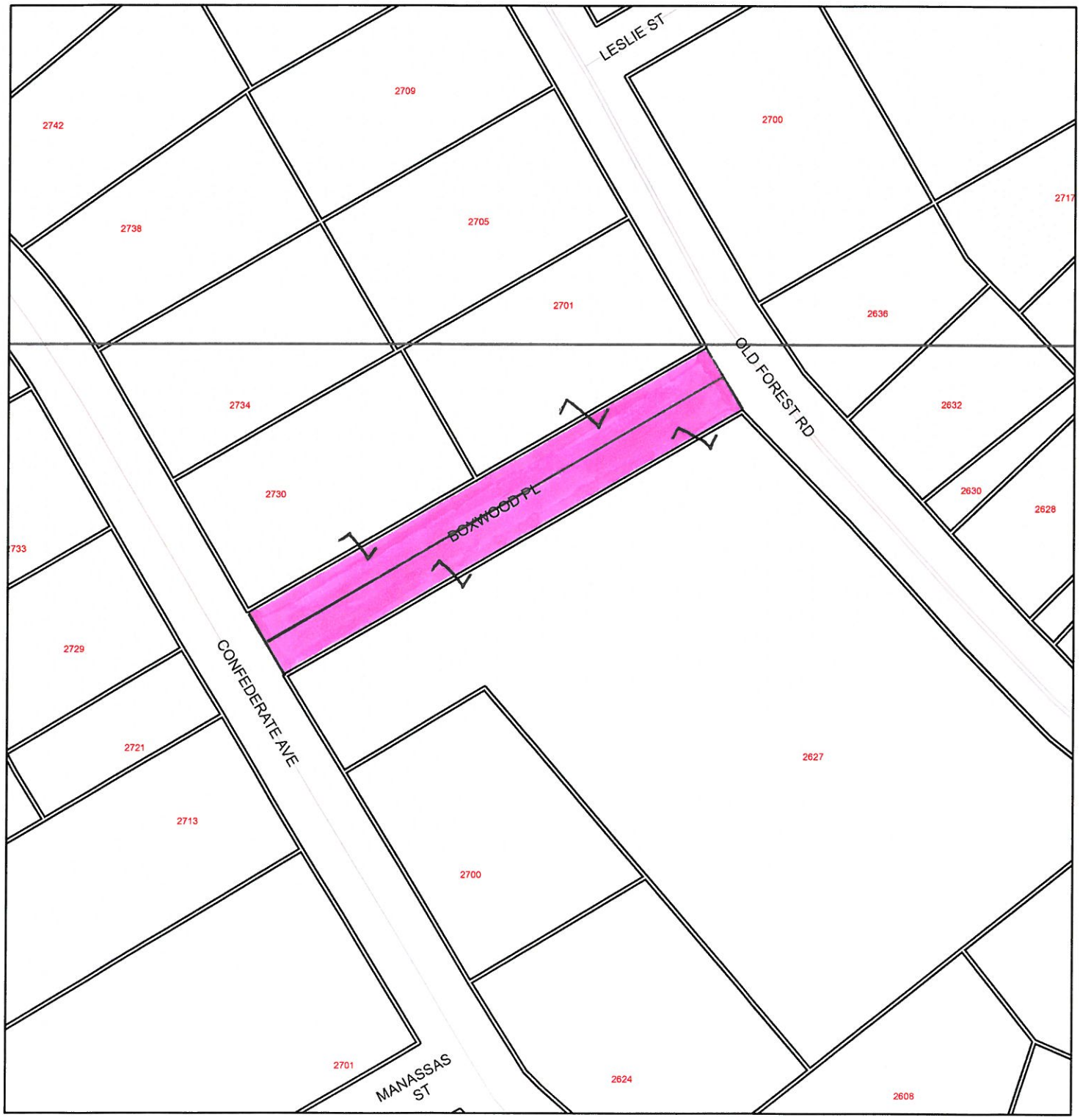
Adjoining Property Owner
2730 Confederate Ave
and 2701 Old Forest Rd
Chagan Partners
Gary Turner 4-28-2014

2627 and 2701 Old Forest Road & 2730 Confederate Avenue

Right-of-Way Vacation

Area to be vacated





2627 and 2701 Old Forest Road & 2730 Confederate Avenue

Right-of-Way Vacation

★ Location

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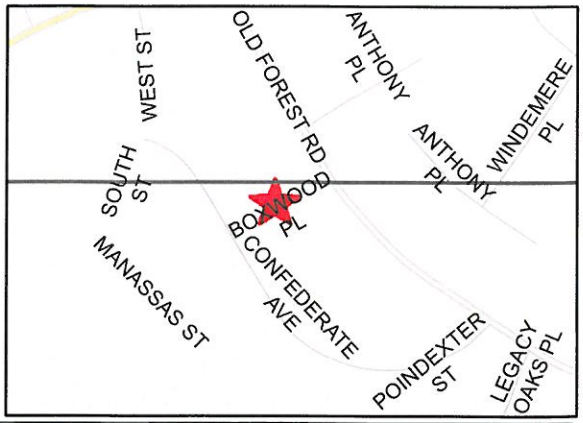

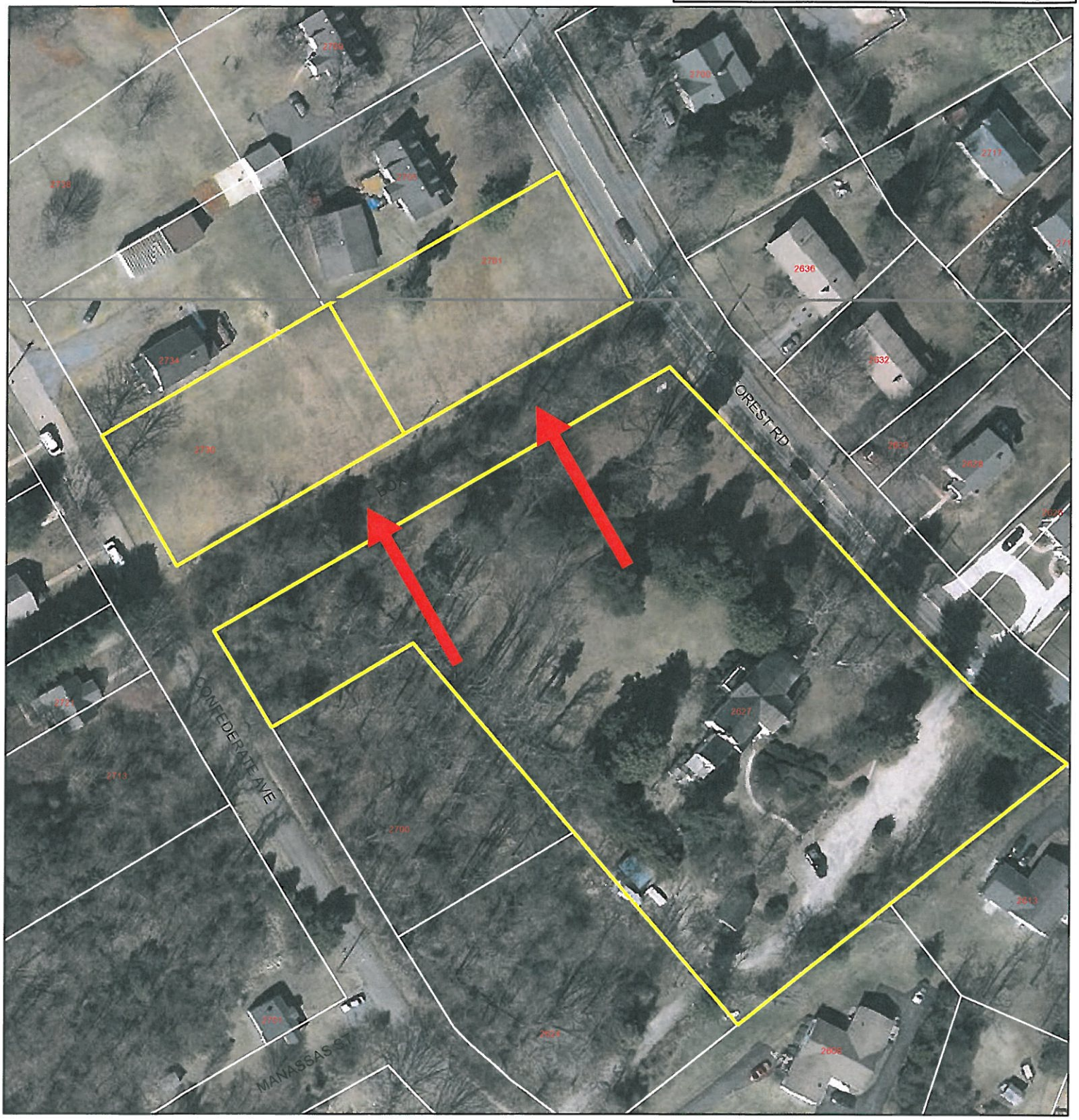

// A regular meeting of the Council of the City of Lynchburg was held on the 13th day of May, 2014, at 7:30 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. Council Member Cary gave the Invocation, followed by the Pledge of Allegiance. The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

// Mayor Gillette presented Certificates of Recognition to the 2014 Hill Climbers.

// Copies of the minutes of the April 8, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// Copies of the minutes of the April 22, 2014 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote approved the minutes as presented:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Region 2000, City Council Report #3 was considered. On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-040, as presented, approving the reappointment of City Manager L. Kimball Payne, III, and Public Works Director Gaynelle L. Hart to the Region 2000 Services Authority:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of School - Board, a public hearing was held regarding City Council Report #4 for receiving input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into record the names of the current School Board members whose terms will expire on June 30th: District 1, Regina Dolan-Sewell, who is willing to serve again; District 2, Jennifer Poore, who is willing to serve again; and District 3, Treney L. Tweedy, who is not eligible to serve again. Mayor Gillette then read into the record the names of volunteers who have applied to-date to serve on the School Board: District 1 – Lewis Lee, Jr. and Michael A. Bodnar; District 2- Angela Goin Tyree; District 3- Stephen Burkett. The following candidates spoke before City Council to communicate their interest and present their credentials and qualifications to serve on the School Board – Stephen Burkett, Lewis Lee, Jr., Jennifer Poore, and Angela Goin Tyree. Vice Mayor Johnson offered the name of LaShan Lovelace. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Members discussed and reached consensus to continue the public hearing until the May 27 meeting to allow more time for citizens to apply for the positions on the School Board. On motion of Council Member Foster, seconded by Vice Mayor

Johnson, Council by the following recorded vote continued the public hearing until May 27 to allow more time to receive names of volunteers:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning Amendments, a public hearing was held regarding City Council Report # 5 outlining the petition of B&H Holding to rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from I-2, Light Industrial District and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers and to allow the construction of a car wash. Kevin Henry, Planner II, gave a summary of the request and stated that the Planning Commission recommended approval of the rezoning with proffers and the Conditional Use Permit. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Perrow, seconded by Council Member Nelson, Council by the following recorded vote adopted Ordinance #0-14-041, as presented, granting the petition of B&H Holding to rezone approximately ninety-four hundredths (0.94) of an acre located at 3801 and 3805 Wards Road from I-2, Light Industrial District and B-5C, General Business District (Conditional) to B-5C, General Business District (Conditional) to amend previously approved proffers:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

On motion of Council Member Perrow, seconded by Council Member Cary, Council by the following recorded vote adopted Resolution #R-14-042, as presented, granting the petition of B&H Holding for a Conditional Use Permit at 3801 and 3805 Wards Road to allow fill within the 100-Year Floodplain to facilitate the development of the property as a car wash:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Community Development - Zoning, a public hearing was held regarding City Council Report #6 outlining the petition of GDG Lynchburg Hotel, LLC for a Conditional Use Permit (CUP) to allow the construction of one hundred fifty-six (156) apartment units within three (3) four (4) story buildings with associated pool, club house and parking at 5212 Woodall Road and 2900 Candlers Mountain Road in a B-3C, Community Business District (Conditional). Kevin Henry, Planner II, gave a summary of the request and stated that the Planning Commission recommended approval of the CUP. Mr. Jason Vickers-Smith representing the petitioner asked Council for an approval of the CUP. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-043, as presented, granting the Conditional Use Permit:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Bonds, a public hearing was held regarding City Council Report #7 authorizing the issuance of General Obligation Public Improvement Bonds not to exceed $105,120,000 and the issuance of not to exceed $40,000,000 General Obligation Public Improvement Refunding Bonds, Series 2014, for City, Schools, Water and Sewer Capital Projects and amend the FY 2014 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling $700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance. Director of Financial Services Donna Witt gave a summary of the issuance of General Obligation Public Improvement Bonds. There was no one else present who wished to speak to this item, and the public hearing was closed. Council Member Helgeson stated he would be voting against this Bond Resolution due to the fact that this is the largest tax burden debt that will be placed on the taxpayers in the history of Lynchburg.

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted Resolution #R-14-044, as presented, authorizing the issuance of General Obligation Public Improvement Bonds not to exceed $105,120,000 and the issuance of not to exceed $40,000,000 General Obligation Public Improvement Refunding Bonds, Series 2014, for City, Schools, Water and Sewer Capital Projects and amend the FY 2014 General, Water, and Sewer Funds' Operating Budgets:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

On motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-045, as presented, to provide appropriations totaling $700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of City Council, City Council Report #8 was considered. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-046, as presented, confirming the City Manager's Declaration of Emergency related to the train derailment and subsequent fire that occurred on April 30, 2014:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Schools - General, City Council Report #9 was considered. On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-047, as presented, to amend the FY 2014 Schools Capital Projects Fund budget and appropriate $2,800,000 with resources from the 2014 Bond Issue to pay for construction to begin on Heritage High School:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY 2015 Budget City Council Report #10 regarding adoption of the FY2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $193,427,251 was considered. City Manager Kimball Payne provided a brief summary regarding the Budget. Council Members decided to vote on each Budget resolution separately. Council Member Helgeson stated that there was no tax increase in this year's Budget but a 4 million tax increase has been in the Budget for the last two years and for that reason he would be voting against this item. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-048, as presented, adopting the FY 2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $193,427,251 for this budget:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// On motion of Vice Mayor Johnson, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-049, as presented, adopting the FY 2015 Mandated and Contractual External Service Providers Budget and appropriating $8,081,521 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-050, as presented, adopting the FY 2015 Central Virginia Area Agency on Aging Budget and appropriating $15,000 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-051, as presented, adopting the FY 2015 Central Virginia Community College Board and Related Operations Budget and appropriating $1,917 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-052, as presented, adopting the FY 2015 Region 2000 Economic Development Partnership Budget and appropriating $81,586 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-053, as presented, adopting the FY 2015 Robert E. Lee Soil & Water Conservation District Budget and appropriating $10,000 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-054, as presented, adopting the FY 2015 Virginia Legal Aid Society Budget and appropriating $10,816 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Nelson, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-055, as presented, adopting the FY 2015 Amazement Square Real Estate Tax Refund Budget and appropriating $5,302 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council, which provides engineering services to Region 2000 Government Council and he has a personal interest. Council member Perrow stated under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item. On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-056, as presented, adopting the FY 2015 Region 2000 Local Government Council Budget and appropriating $44,392 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette 6

Noes: 0

Abstention: Perrow 1

// Mayor Gillette read the motion regarding the FY 2015 School Operating Budget and appropriating $96,735,696 for this budget. Council Member Nelson stated that his wife is a School Division employee but that fact would not impair his unbiased judgment in consideration of this item. Vice Mayor Johnson read a statement that he is employed in a part time position with the Lynchburg School System. He stated, “As a part time member of the Lynchburg School System I may earn less than $10,000 in annual income. If I earn less than $10,000 in annual income I do not have a conflict of interest under the Virginia Conflict of Interest Act. Even if the income from my part time position with the Lynchburg School System exceeds $10,000 annually, I am a member of a larger group, employees of the Lynchburg School System, and I am able to participate in discussion and adopting of the budget, including the allocation of funds for the Lynchburg City Public Schools fairly, objectively, and in the public interest. Therefore, I will participate

in and vote on this matter." Council Member Helgeson stated he would not support the budget because it was a $3.4 million increase over last year's budget.

On motion of Council Member Cary, seconded by Council Member Foster, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-057, as presented, adopting the FY 2015 School Operating Budget and appropriating $96,735,696 for this budget:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-058, as presented, adopting the FY 2015 Greater Lynchburg Transit Company Budget and appropriating $7,091,143 for this budget:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-059, as presented, adopting FY 2015 Operating Fund Budgets for other funds and appropriating the sums of each fund:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// Council Member Helgeson stated that the FY 2015 – 2019 Capital Improvement Program Budget will be maxed out and the ability for the City to borrow will be limited for many years. The spending of millions and millions of dollars for the new Heritage High School when there is a greater need for better roads and traffic patterns on Wards Road and Greenview Drive, for that reason he would be voting against this item.

On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-14-060, as presented, adopting a Resolution amending the FY 2015 – 2019 Capital Improvement Program Budget:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// On motion of Council Member Perrow, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-061, as presented, adopting the FY 2015 Capital Budget and appropriating $22,362,661 for the City Capital Projects Fund; $75,389,191 (including $1,040,000 for school buses) for the School Capital Projects Fund; $1,550,000 for the Airport Capital Projects Fund; $3,250,000 for the Water Capital Projects Fund; $3,070,000 for the Sewer Capital Projects Fund; and $1,480,000 for the Stormwater Capital Projects Fund:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-062, as presented, approving the payment of monetary incentives, awards and bonuses, not to exceed $60,000 annually, to City employees under certain circumstances:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Cary, seconded by Vice Mayor Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-063, as presented, appropriating $50,000 of the FY 2015 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2014 through June 30, 2015:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// On motion of Council Member Foster, seconded by Council Member Nelson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-14-064, as presented, to set the personal property tax relief rate for the fiscal year beginning July 1, 2014 through June 30, 2015 at 49.28%:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// The meeting was adjourned at 8:50 P.M.

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Clerk of Council

// A regular meeting of the Council of the City of Lynchburg was held on the 27th day of May, 2014, at 5:00 P.M. in the Council Chamber, City Hall, Michael Gillette, President, presiding. The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

// Director of Community Development Kent White provided a Stormwater Program Update to the proposed revisions to City Code Chapter 16.2 Stormwater Management. Mr. White stated in 2011, the General Assembly adopted revisions to the Virginia Stormwater Management Program that will become effective July 1, 2014. The state's program oversight has since transitioned from the Virginia Department of Conservation and Recreation (DCR) to the Virginia Department of Environmental Quality (DEQ). Mr. White further stated the General Assembly also amended state code requirements during the 2014 legislative session to primarily address stormwater management applications for single family residential development. Mr. White presented an overview of the required revisions to the City's Stormwater Management ordinance based on the most recent program guidance from DEQ and then proposed revisions for City Council's consideration. Mr. White went on to say the proposed ordinance revisions will be forwarded to City Council for public hearing and adoption on June 10, 2014, in order to be in compliance with the Virginia Stormwater Management Act. The revisions must be adopted locally and submitted to DEQ on or before June 13, 2014. After Council discussion it was the consensus of Council to move forward with a public hearing on June 10 to receive public comments and engage the citizens in the process.

// During roll call Council Member Foster stated how wonderful the City of Lynchburg Passport brochures are and she would like for all citizens to have one. JoAnn Martin, Director of Communications and Marketing, stated the Passports are located at the following locations; Visitors Center, Information Desk in City Hall and several Recreation Centers throughout the City. Council Member Foster also mentioned how wonderful the Memorial Day celebration was at Monument Terrace on Monday and how happy she was to see so many youth involved in the celebration from different schools.

// Council Member Perrow mentioned that the Old City Cemetery was aired on Fox News.

// Vice Mayor Johnson announced that a citizen had called regarding a tire that needed to be picked up from his residence. He also announced that the Legacy Museum of African American History will be holding their 15th Annual Dinner on June 1, 2014 at the Academy of Fine Arts.

// City Council recessed the meeting at 6:20 p.m.

// City Council reconvened the meeting at 7:30 p.m.

The following Members were present:

Present: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Absent: 0

Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Mayor Gillette recognized and presented certificates to the E. C. Glass Boys and Girls Indoor Track Team for being the State Champions in the history of E. C. Glass. Mr. Rodney Smith, head coach for the team and Chip Berry, Athletic Director, made remarks about the indoor track team and the players.

// Mayor Gillette recognized and presented certificates to the Citizens Academy Class of 2014. Communications and Marketing Director JoAnn Martin made a few remarks about the Academy and 2 students spoke about the Academy relating what they learned and how important it is to know about your City.

// Mayor Gillette recognized and presented certificates to the Mayor's Youth Council Senior Students. Mr. Frank Diaz, Mayor's Youth Council Coordinator, made comments about the Mayor's Youth Council and how it is important to get involved in your City. The following six (6) seniors will be leaving the Mayor's Youth Council after graduation:

Matt Godsoe – President - Homeschooled

Galen Creekmore – Vice President – New Covenant School

Colin Baker – Holy Cross School

Thomas Schubert – Holy Cross School

Sims Jennings – E.C. Glass High School

Gabe Papet – Lynchburg Christian Academy

// Mayor Gillette recognized Tim Mitchell, Director of Water Resources, for receiving the 2013 Excellence in Waterworks Operations/Performance Award.

// After Mayor Gillette read the Consent Agenda, Council Member Perrow requested that Items #11 and #12 be removed from the Consent Agenda. Council Member Perrow stated that his wife is on the Board of Item #11, the Amazement Square Real Estate Tax Refund Budget, but is not compensated for her service so he will be able to vote on this item.

// In the matter of Bonds, Resolution #R-14-045 amending the FY 2014 General, Water, and Sewer Funds' Operating Budgets to provide appropriations totaling $700,000 with resources from the General Obligation Public Improvement Bonds, Series 2014 for costs associated with the issuance, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Schools – General, Resolution #R-14-047 to amend the FY 2014 Schools Capital Projects Fund budget and appropriate $2,800,000 with resources from the 2014 Bond Issue to pay for construction to begin on Heritage High School, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-049 adopting the FY 2015 Mandated and Contractual External Service Providers Budget and appropriating $8,081,521 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-050 adopting the FY 2015 Central Virginia Area Agency on Aging Budget and appropriating $15,000 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-051 adopting the FY 2015 Central Virginia Community College Board and Related Operations Budget and appropriating $1,917 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-052 adopting the FY 2015 Region 2000 Economic Development Partnership Budget and appropriating $81,586 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-053 adopting the FY 2015 Robert E. Lee Soil & Water Conservation District Budget and appropriating $10,000 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-054 adopting the FY 2015 Virginia Legal Aid Society Budget and appropriating $10,816 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-055 adopting the FY 2015 Amazement Square Real Estate Tax Refund Budget and appropriating $5,302 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// Council Member Perrow stated he recently entered into a contract with the Region 2000 Local Government Council to provide engineering services and has a personal interest. He stated that under the Virginia Conflict of Interest Act, he must abstain from discussion and voting on this item.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-056 adopting the FY 2015 Region 2000 Local Government Council Budget and appropriating $44,392 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Cary, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Gillette 6

Noes: 0

Abstention: Perrow 1

// In the matter of FY2015 Budget/CIP, Resolution #R-14-058 adopting the FY 2015 Greater Lynchburg Transit Company Budget and appropriating $7,091,143 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-059 adopting FY 2015 Operating Fund Budgets for other funds and appropriating the sums of each fund, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-063 appropriating $50,000 of the FY 2015 Reserve for Contingencies funding for use by the City Manager for the fiscal year beginning July 1, 2014 through June 30, 2015, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of FY2015 Budget/CIP, Resolution #R-14-064 to set the personal property tax relief rate for the fiscal year beginning July 1, 2014 through June 30, 2015 at 49.28%, laid over from the May 13,

2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of Community Development – CDBG, a public hearing was held regarding City Council Report #17 on the draft Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program. Grants Manager Melva Walker provided a summary of the Plan. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Foster, seconded by Vice Mayor Johnson, Council by the following recorded vote adopted Resolution #R-14-065, as presented, on the draft Annual Action Plan for the Community Development Block Grant (CDBG) and HOME Program:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of School – Board, continuation of a public hearing was held regarding City Council Report #18 on receiving input from citizens regarding appointments (or reappointments) to vacancies that will exist June 30 in each of the three (3) School Board representational districts. Mayor Gillette read into the record the names of three (3) new volunteers in School District III, James E. Coleman, Jr., Les Faircloth, and Leslie D. King. Mayor Gillette stated that LaShan Lovelace had withdrawn his application. Volunteer candidate Leslie D. King, School District III, spoke before City Council to communicate her interest and present her credentials and qualifications to serve on the School Board. There was no one else present who wished to speak to this item. Mayor Gillette asked Council if they would like to continue the public hearing to June 10 and make appointments on June 24 or if they would like to close the public hearing and schedule interviews.

On motion of Vice Mayor Johnson, seconded by Council Member Cary, Council by the following recorded vote agreed to close the public hearing and set June 10 to select candidates to interview:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// In the matter of City Council, Debra Alexander spoke before Council regarding W.I.T.H. Purpose Ministries, Inc. Ms. Alexander asked Council for a letter of support. Mayor Gillette asked Council if they would like to discuss this request further. Council Member Foster made a motion, seconded by Vice Mayor Johnson to take five minutes to discuss this item. Several Council Members were not in agreement to discuss this item because it would deviate from the Rules of Procedure. Mayor Gillette called for a vote to discuss this item for five minutes, and Council by the following recorded vote agreed to discuss this item.

Ayes: Foster, Johnson, Nelson, Gillette 4

Noes: Cary, Helgeson, Perrow 3

After Council discussion it was decided that City Manager Kimball Payne would proceed to write a letter of support if significant information was provided.

// In the matter of Police – General, City Council Report #20 was considered regarding an application for the 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of $40,951 with resources from an Edward Byrne Memorial Justice Assistance Grant to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, tasers and a high capacity printer. Council Member Cary, Chair of the Finance Committee (FC), stated that this item came before the FC which recommended approval. This motion does not require a second, and Council by the following recorded vote adopted Resolution #R-14-066, as presented, authorizing an application for the 2014 Edward Byrne Memorial Justice Assistance Grant in the amount of $40,951 with resources from an Edward Byrne Memorial Justice Assistance Grant to purchase forensic computer software and hardware, map boards for field supervisor vehicles, an evidence refrigerator, impact munitions, tasers and a high capacity printer:

Ayes: Cary, Foster, Helgeson, Johnson, Nelson, Perrow, Gillette 7

Noes: 0

// Council Member Helgeson stated he would be voting against Items #21, #22, and #23, for reasons he had stated previously about the tax burden that would be placed on the taxpayers.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-048 adopting the FY 2015 General Fund Operating Budget (excluding External Service Providers and Component Units expenditures) and appropriating $193,427,251 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// Vice Mayor Johnson and Council Member Nelson previously made a statement regarding the FY 2015 School Operating Budget, that they would be voting on this item.

// In the matter of FY2015 Budget/CIP, Resolution #R-14-057 adopting the FY 2015 School Operating Budget and appropriating $96,735,696 for this budget, laid over from the May 13, 2014 meeting, was again presented and read, and on motion of Council Member Foster, seconded by Council Member Cary, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// In the matter of FY2015 Budget/CIP, Resolution #R-14-061 adopting the FY 2015 Capital Budget and appropriating $22,362,661 for the City Capital Projects Fund; $75,389,191 (including $1,040,000 for school buses) for the School Capital Projects Fund; $1,550,000 for the Airport Capital Projects Fund; $3,250,000 for the Water Capital Projects Fund; $3,070,000 for the Sewer Capital Projects Fund; and $1,480,000 for the Stormwater Capital Projects Fund, laid over from the May 13, 2014 meeting, was again

presented and read, and on motion of Vice Mayor Johnson, seconded by Council Member Foster, Council by the following recorded vote adopted the Resolution:

Ayes: Cary, Foster, Johnson, Nelson, Perrow, Gillette 6

Noes: Helgeson 1

// The meeting was adjourned at 8:48 P.M.

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Clerk of Council

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014**			AGENDA ITEM NO.: 6
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road**

RECOMMENDATION: Approval of the rezoning petition.

SUMMARY: Mr. Robert Crocker is petitioning to rezone approximately three and twenty-four hundredths (3.24) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two and to add ten (10) parking spaces. The Planning Commission recommended approval of the petition because:

- The *Future Land Use Map* (*FLUM*) recommends Community Commercial uses for the area.
- Voluntarily submitted proffers adequately address impacts associated with the proposed development.

PRIOR ACTION(S):

May 14, 2014: The Planning Division recommended approval of the rezoning petition.
The Planning Commission recommended approval (4-0; 2 members absent: Coleman and Light; one vacancy) of the rezoning with proffers voluntarily submitted by the petitioner.

FISCAL IMPACT: N/A

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Ordinance
- Planning Commission Report and Minutes – May 14, 2014
- Vicinity Zoning Pattern Map
- Vicinity Future Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Rezoning Plan
- Proffer Letter
- Property Photographs
- Signup Sheet

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE CHANGING A CERTAIN AREA LOCATED AT 2134 OLD FOREST ROAD FROM B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL) TO B-3C, COMMUNITY BUSINESS DISTRICT (CONDITIONAL).

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 of the Code of the City of Lynchburg, 1981, as amended, be and the same is hereby further amended by adding thereto Section 35.1-76__, which section shall read as follows:

Section 35.1-76__. Change of a certain area located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional).

The area embraced within the following boundaries:

Beginning at a point on the Northeasterly right of way line of Old Forest Road at its intersection with Range Street, thence with Range Street along its southerly line the following calls, a curve with a central angel of 99 degrees 21 minutes 49 seconds, a radius of fifteen (15) feet, a length of twenty-six and one hundredth (26.01) feet with a chord bearing of North 18 degrees 48 minutes 03 seconds East and a chord distance of twenty-two and eighty-seven hundredths (22.87) feet, thence along a curve with a central angle of 4 degrees 03 minutes 35 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet, a length of thirty-eight and forty-three hundredths (38.43) feet with a chord bearing of North 70 degrees 30 minutes 46 seconds East and a chord distance of thirty-eight and forty-two hundredths (38.42) feet, thence South 17 degrees 27 minutes 27 seconds East and a distance of fifteen (15) feet, thence North 73 degrees 20 minutes 21 seconds East and a distance of fourteen and sixty-six hundredths (14.66) feet, thence North 15 degrees 51 minutes 51 seconds West and a distance of fifteen (15) feet, thence a curve with a central angle of 20 degrees 37 minutes 03 seconds, a radius of five hundred forty-two and thirty-six hundredths (542.36) feet a length of one hundred ninety-five and seventeen hundredths (195.17) feet with a chord bearing of North 84 degrees 26 minutes 41 seconds East and a chord distance of one hundred ninety-four and eleven hundredths (194.11) feet, thence North 31 degrees 34 minutes 14 seconds East and a distance of forty-one and eight tenths (41.80) feet, thence leaving the right of way of Range Street South 72 degrees 06 minutes 46 seconds East and a distance of two hundred thirty-six and eighty-four hundredths (236.84) feet to a point on the right of way of Maher Street, thence with the right of way of Maher Street along a curve with a central angle of 14 degrees 39 minutes 33 seconds, a radius of six hundred and fifty-five hundredths (600.55) feet, a length of one hundred fifty-three and sixty-five hundredths (153.65) feet with a chord bearing of 50 degrees 08 minutes 32 seconds East and a chord distance of one hundred fifty-three and twenty-three hundredths (153.23) feet, thence leaving said right of way South 41 degrees 23 minutes 59 seconds West and a distance of two hundred sixty-six and fifteen hundredths (266.15) feet, thence North 51 degrees 27 minutes 01 second West and a distance of two hundred thirty-two and twenty-one hundredths (232.21) feet, thence South 31 degrees 35 minutes 59 seconds West and a distance of two hundred thirty-seven and eighty-eight hundredths (237.88) feet to a point on the right of way of Old Forest Road, thence with Old Forest Road the following calls along the easterly right of way line North 17 degrees 44 minutes 32 seconds West and a distance of ninety-two and forty-two hundredths (92.42) feet, thence North 20 degrees 14 minutes 22 seconds West and a distance of one hundred twenty-one and ninety-six hundredths (121.96) feet, thence along a curve with a central angle of 10 degrees 38 minutes 29 seconds, a radius of seven hundred ninety-three and ninety-four hundredths (793.94) feet, a length of one hundred forty-seven and forty-six (147.46) feet with a chord bearing of North 25 degrees 33 minutes 37 seconds West and a chord distance of one hundred forty-seven and twenty-five hundredths (147.25) feet back to the point of beginning, containing approximately 3.24 acres.

…is hereby changed from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional), subject to the conditions set out herein below which was voluntarily proffered in writing by the petitioner, Mr. Robert Crocker, to wit:

1. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.
2. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.
3. Restaurant shall close by 9:00 p.m. daily.
4. The event center shall close by 10:00 p.m. daily.
5. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.
6. The total number of guest rooms is 10.
7. The event center will be used separately from the restaurant.
8. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

And the Director 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

080K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: May 14, 2014
Re: **Rezoning: B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) – 2134 Old Forest Road**

I. PETITIONER

Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501
Representative: Mr. Robert D. Crocker, Acorn Hill, 2134 Old Forest Road, Lynchburg, VA 24501

II. LOCATION

The subject property includes one (1) tract totaling approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road.
Property Owners:
Robert D. Crocker & Wanda E. Brooks-Crocker, 2134 Old Forest Road, Lynchburg, VA 24501

III. PURPOSE

The purpose of the rezoning petition is to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner has voluntarily submitted proffers which provide restrictions upon the restaurant use and assurances related to the location of the new parking areas.

IV. SUMMARY

- The *Future Land Use Map* (*FLUM*) recommends a Community Commercial use for this property.
- The existing February 8, 2011 proffers would be replaced by the proposed proffers if the petition is approved.
- Petition agrees with the *Zoning Ordinance* which permits hotels, banquet halls and restaurants in a B-3, Community Business District.

<u>The Planning Division recommends approval of the rezoning petition.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends a Community Commercial use for the area. "Community Commercial areas contain retail, personal service, entertainment, and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region (***pg. 75***).

   Adjacent land uses are designated for Low Density Residential and Medium Density Residential by the *FLUM*. Those areas represent residential uses that include single family detached dwellings, duplexes, and townhouses up to a density of twelve (12) units per acre (***pg. 72***). When addressing compatibility between adjacent land uses, building orientation, building location, parking locations, parking design, lighting, walkways and other building and site design factors should be considered (***pg. 16, Policy LU-3.7***).

2. **Zoning.** The subject property was annexed into the City in 1958. The existing B-3C, Community Business District (Conditional) zoning was established in 2011 with the approval of a rezoning petition to allow the expanded use of the spa, restaurant, banquet facility, and hotel.

3. **Proffers.** The petitioner has voluntarily submitted the following proffers:

   a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.

   b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.

   c. Restaurant shall close by 9:00 p.m. daily.

   d. The event center shall close by 10:00 p.m. daily.

   e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.

   f. The total number of guest rooms is 10.

   g. The event center will be used separately from the restaurant.

   h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.

4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances would be needed for the development of the property as proposed.

5. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

   - On July 8, 1986, City Council approved the conditional use permit (CUP) petition of East Ridge Associates to allow the construction and operation of a nursing home and adult care facility at 2513 Old Forest Road and 100 Poindexter Street.

   - On August 13, 1996, City Council approved the CUP petition of Robert Crocker to allow the operation of a bed and breakfast for up to four (4) guests at 2121 Maher Street.

   - On March 8, 1998, City Council approved the petition Wanda E. Brooks-Crocker to rezone approximately three (3) acres from R-2, Low-Medium Density Single-Family Residential District to B-1C, Limited Business District (Conditional) to allow the construction of a building addition for use as a massage clinic at 2134 Old Forest Road and 2121 Maher Street.

   - On June 9, 1998, City Council approved the CUP petition of Prayer Faith Temple to allow the construction of a church and parking area at 3100 Hill Street.

   - On February 13, 2001, City Council approved the CUP petition of Lynchburg Retirement Corporation to allow the construction of a Planned Unit Development for eighty-seven (87) single-family detached homes at 2713 Old Forest Road.

   - On March 9, 2004, City Council approved the petition of Robert D. Crocker & Wanda E. Brooks-Crocker to rezone two and nine tenths (2.9) acres from B-1C, Limited Business District (Conditional) to B-1C, Limited Business District (Conditional) to amend the existing proffers and allow the use of the property as an eight (8)-room lodging house in addition to the spa and salon uses at 2134 Old Forest Road.

- On February 8, 2011, City Council approved the petition of Robert D. Crocker to rezone three and twenty-four hundredths (3.24) acres from B-1C, Limited Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for expansion of the existing spa, restaurant, banquet hall, and lodging uses at 2134 Old Forest Road.

6. **Site Description.** The subject property includes an existing ten (10) room lodging house, spa, salon facilities, restaurant and associated parking; the balance of the property includes a pond and a few wooded areas. The property is bound on all sides by existing single-family dwellings.

7. **Proposed Use of Property.** The purpose of this petition is to allow for the increase of the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces. The petitioner is planning to grow the restaurant use within the existing building using some of the existing banquet facility (basement) area for seating. The new parking spaces to be added are to be located near Range Street and Maher Street, as shown on the concept plan.

8. **Traffic, Parking and Public Transit.** The proposed development did not warrant a Traffic Impact Study (TIS). Due to the nature of the restaurant use, it is considered a "quality restaurant" and not a "high turn-over, sit-down restaurant" resulting in fewer trips in and out of the site. The existing entrance would be used for access to the site as well as a secondary entrance from Maher Street. The applicant plans to surface-treat the driveway and parking areas.

   The property is served by Greater Lynchburg Transit Company's Route 8, which runs along Old Forest Road with a bus stop in front of the property at the intersection of Range Street.

9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. A site plan will be required which addresses, quality, quantity and adequacy of channel. The proposed parking area will make use of the existing pond on site to capture stormwater.

10. **Emergency Services.** The City Fire Marshal provided comments regarding site design requirements of the City of Lynchburg and the Virginia Statewide Fire Prevention Code. The City's Police Department provided general comments related to site safety and security. These comments have or will be addressed by the petitioner prior to final site plan approval.

11. **Impact.** This property calls for Community Commercial uses on the *FLUM*. The proposed use is consistent with the future land use designation, but careful consideration should be given to the impact upon the surrounding neighborhood. The future land use designation for the surrounding properties is residential. The rezoning petition that was approved in 2011 to obtain the current B-3C, Community Business District (Conditional) was met with conflict from some of the neighboring property owners. The Planning Commission and City Council both expressed concerns over the growth of the business within a primarily residential area. In order to alleviate neighborhood concerns, the petitioner has submitted proffers which restrict items such as hours of operation, seating within the restaurant and lodging rooms.

    Acorn Hill has operated as a commercial establishment since 1996. Since that time, the business has grown and surpassed the limitations of underlying zoning or CUPs issued for the property. The existing building will not be increased in size and the new parking will be screened from the adjacent residential properties due to topography and existing vegetation.

There will be a slight increase in traffic to the site that does not require improvements to the right-of-way or internal circulation within the property. There is another means of ingress/egress from the site besides the driveway entrance. The rear area of the parking lot has access to Maher Street, which eventually changes to Range Street and intersects with Old Forest Road north of the site, providing a secondary means of ingress/egress to the site. The secondary access will allow for better disbursement of the traffic flow around the site.

12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary rezoning plan on March 18, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to:

Rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

a. **Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.**

b. **All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.**

c. **Restaurant shall close by 9:00 p.m. daily.**

d. **The event center shall close by 10:00 p.m. daily.**

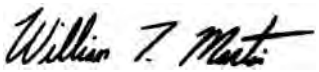
e. **The total number of seats shall not exceed 122 in the dining room and 101 in the event center.**

f. **The total number of guest rooms is 10.**

g. **The event center will be used separately from the restaurant.**

h. **The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Don DeBerry, Transportation Engineer
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Robert Crocker, Acorn Hill

VII. ATTACHMENTS

1. **Vicinity Zoning Pattern Map**
2. **Vicinity Proposed Land Use Map**
3. **Watershed Location Map**
4. **Planimetric and Topographic Map**
5. **Rezoning Plan**
6. **Property Photographs**

MINUTES FROM THE MAY 14, 2014 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

Petition of Robert Crocker to rezone approximately three and two hundred forty-three thousandths (3.243) acres at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to amend existing proffers, specifically to increase the restaurant seating from twenty-five (25) seats to one hundred twenty-two (122) and to add ten (10) parking spaces.

Mr. Kevin Henry explained that the *Future Land Use Map* indicates a Community Commercial use for this property. Those areas typically contain retail, personal service, restaurant and entertainment uses that draw customers from several neighborhoods to the entire City. The surrounding uses are designated Low Density Residential and Medium Density Residential. The *Comprehensive Plan* suggests that when addressing compatibility between adjacent land uses such things as building orientation, building location, parking location and parking design should be site design characteristics that should be considered carefully.

Mr. Henry explained that the current zoning was established in 2011. At that time, the applicant's request for restaurant seating was for 25 seats. That limitation was probably set too low as there is more space allocated for the restaurant and banquet use and his business has seen growth not anticipated in 2011. Mr. Henry indicated that even with the additional seating requested, the increase did not warrant a traffic study. That is due to the consideration that the restaurant is considered a quality restaurant rather than a high turnover restaurant. This will result in fewer trips in and out of the site. Mr. Henry also pointed out that there are two means of ingress/egress to the site, which helps to disperse the traffic (one to Old Forest Road and one to Maher Street.)

Mr. Henry remarked that the rezoning petition in 2011 was met with some concerns from adjoining property owners. The Planning Commission and City Council both expressed some concerns over the growth of the business, particularly since it is in a residential area. The petitioner's submitted proffers for this requested rezoning are meant to address any potential impacts on the surrounding residential uses. Mr. Henry noted that the Acorn Hill Lodge has operated in this location since 1996. The building will not be increasing in size. The only real modification is the new parking lot and it will be screened by both landscaping and natural topography. The Planning Division does recommend approval of the petition.

Mr. Robert Crocker and Ms. Wanda Brooks-Crocker were available to represent the petition. Ms. Brooks-Crocker indicated that they are very sensitive to the surrounding residential property owners. They intend to meet all the City's requirements and hope to receive the Planning Commission's support. Chair Swienton asked if there was anyone else who wished to speak in favor or in opposition to the petition. No one came forward and Chair Swienton closed the public hearing portion of the petition.

Commissioner Marion commented that it is beautiful property and she has been impressed with its growth and vitality over the years. She wonders how they can request so much of an increase in restaurant seating and only ten additional parking spaces. Mr. Crocker said they will have adequate parking with these additional parking spaces. The parking that he will have to take away that is shown on the concept plan is due to the setback he is required to maintain from Range Street. Mr. Crocker would prefer to keep the additional parking but will comply with the City's requirement. Ms. Brooks-Crocker pointed out that the parking should work because the spa clients are not there during the evening and the bed and breakfast clients are not there during the day.

Commissioner Marion asked them to elaborate more on the day to day operations of the business. Ms. Crocker indicated that they are classified as a small hotel now as opposed to a bed and breakfast because they have 13 rooms. They currently serve breakfast and lunch in the restaurant, which is open to the public, and it will include dinner starting in June.

Commissioner Johnston commented that she likes how the business has grown over time rather than proposing something large from the beginning. She likes that the appearance of their business blends in with the character of a residential neighborhood but still has been able to grow incrementally. She congratulated them on the successful expansion of their business.

Commissioner Perault encouraged them to do some creative things with their stormwater management on the site, especially with the use of the pond. He suggested innovative things such as rain gardens. Mr. Crocker indicated that they are mainly interested in getting the "stop work order" removed from the property so they can finalize the parking lot.

Chair Swienton commented that there are no neighbors here today to oppose this petition. Chair Swienton talked to some of the neighbors during the rezoning in 2011 and everyone had very positive to say about the Crockers and the way they operate their business. The issue with the positioning of the sign was a concern with the last rezoning and that was resolved. He wishes them luck and hopes they continue to do well.

Commissioner Johnston made the following motion, which was seconded by Commissioner Perault:

"That the Planning Commission recommends to City Council approval of the petition of Robert D. Crocker to rezone approximately three and twenty-four hundredths (3.24) acres located at 2134 Old Forest Road from B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) subject to the following voluntarily submitted proffers:

a. Property will be developed in substantial compliance with the conceptual concept plan for Acorn Hill Lodge dated 04/09/14.

b. All lighting shall be glare shielded and non-directional as to prevent illumination beyond the property line.

c. Restaurant shall close by 9:00 p.m. daily.

d. The event center shall close by 10:00 p.m. daily.

e. The total number of seats shall not exceed 122 in the dining room and 101 in the event center.

f. The total number of guest rooms is 10.

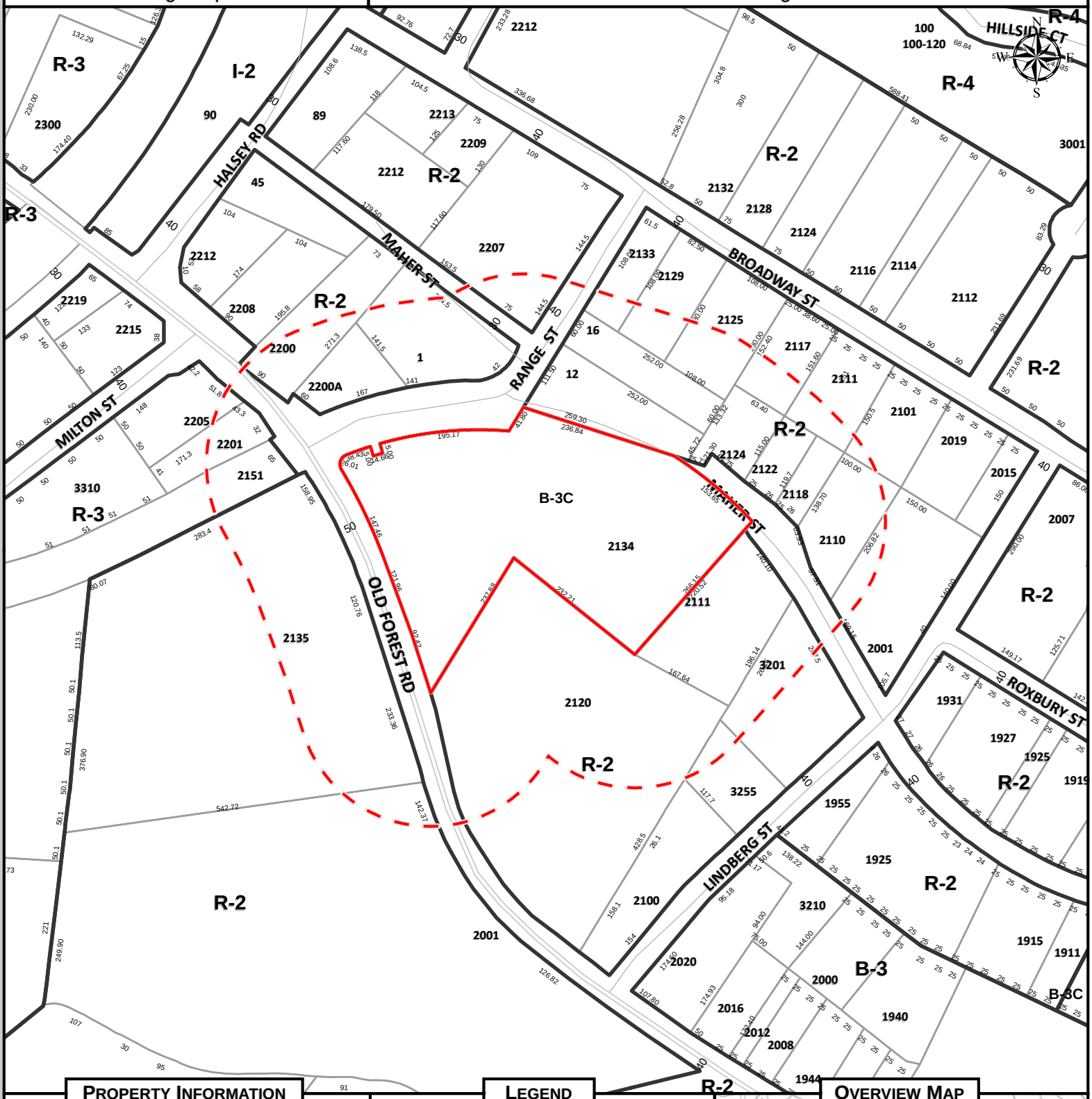
g. The event center will be used separately from the restaurant.

h. The hours for the spa and salon shall be 10:30 a.m. – 4:00 p.m. Tuesday through Friday and 10:30 a.m. – 3:00 p.m. on Saturday."

The motion passed by the following vote:

AYES:	Johnson, Marion, Perault and Swienton	4
NOES:		0
ABSTENTIONS:		0
ABSENT:	Coleman and Light	2
VACANCIES:		1

Zoning Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



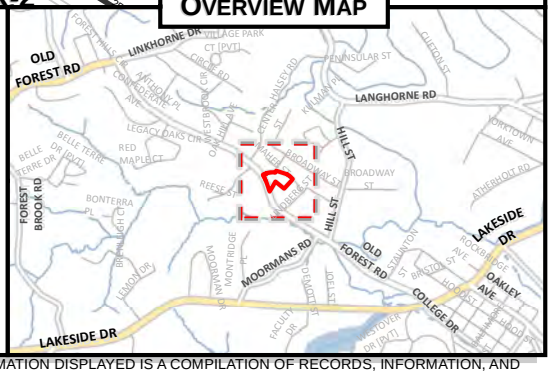
Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

- Subject Property
- 200' Buffer
- Zoning Boundary

Overview Map



Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

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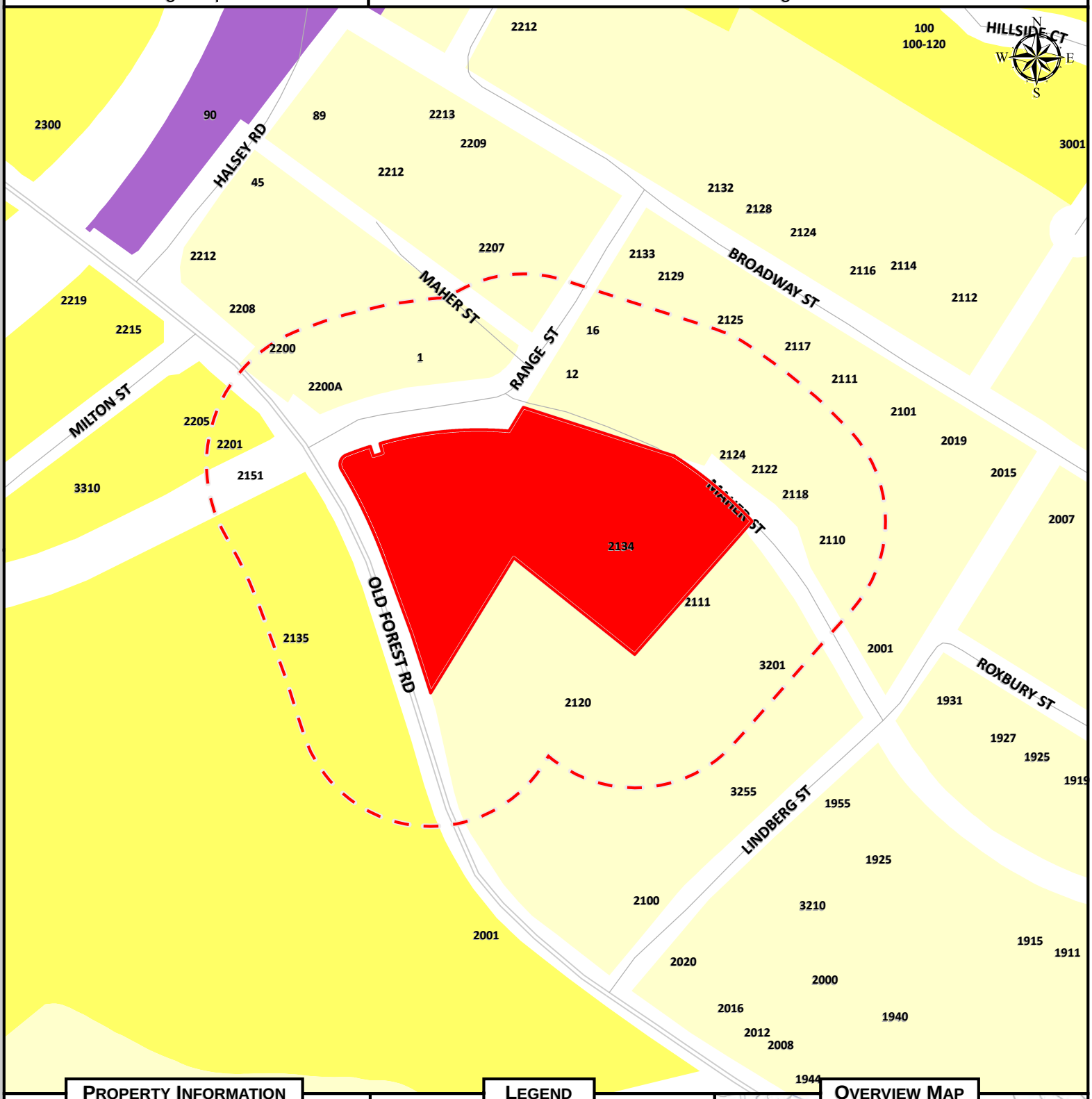
Parcel ID	Address	Owner
01514006	2001 ROXBURY ST	BARLEY, EDITH H
01514002	2111 BROADWAY ST	BUGG, HUGH H
01514013	2129 BROADWAY ST	CLAGAR PARTNERS
01514014	2133 BROADWAY ST	CLAGAR PARTNERS
01514015	16 RANGE ST	CROCKER, ROBERT D
01514016	12 RANGE ST	CROCKER, ROBERT D
01513001	2134 OLD FOREST RD	CROCKER, ROBERT D & WANDA E B
16624001	2135 OLD FOREST RD	DRISKILL, STEPHEN M & NANCY C
16705005	2207 BROADWAY ST	GIBSON, JOHN R & GIBSON, DAVID A
16618002	2205 OLD FOREST RD	GRANT, CAROLYN & RICK & ROGERS,
16618001	2201 OLD FOREST RD	GRANT, RICKY L
01512001	2001 OLD FOREST RD	HUGHES, HOLCOMBE A J SR
01514008	2110 MAHER ST	JACKSON, NICHOLAS A
01514003	2101 BROADWAY ST	JENKINS, AL JR & RAMONA L
01513003	3201 LINDBERG ST	JUSTIS, ROBERT W & SHANNON D
01513002	2111 MAHER ST	JUSTIS, ROBERT W & SHANNON D
01514012	2125 BROADWAY ST	LIN, RENEE N
16617004	2200 A OLD FOREST RD	MAYBERRY, CATHY T
16617005	2200 OLD FOREST RD	MAYBERRY, CATHY T
16618009	2151 OLD FOREST RD	NORFOLK & WESTERN RAILWAY
01514009	2118 MAHER ST	POE, RUDOLPH N & REBECCA C
01514007	2122 MAHER ST	POE, RUDOLPH N & REBECCA C
01514010	2124 MAHER ST	POE, RUDOLPH N & REBECCA C
01514001	2117 BROADWAY ST	POE, RUDOLPH N & REBECCA C
01513004	3255 LINDBERG ST	WALKER, CHARLES F
01513006	2120 OLD FOREST RD	WALKER, CHARLES F
16617003	1 RANGE ST	WHITE, FRANKLIN L & DOROTHY R

FLUM Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

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

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

Overview Map

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Watershed Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge

Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

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

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

Overview Map

Blackwater Creek

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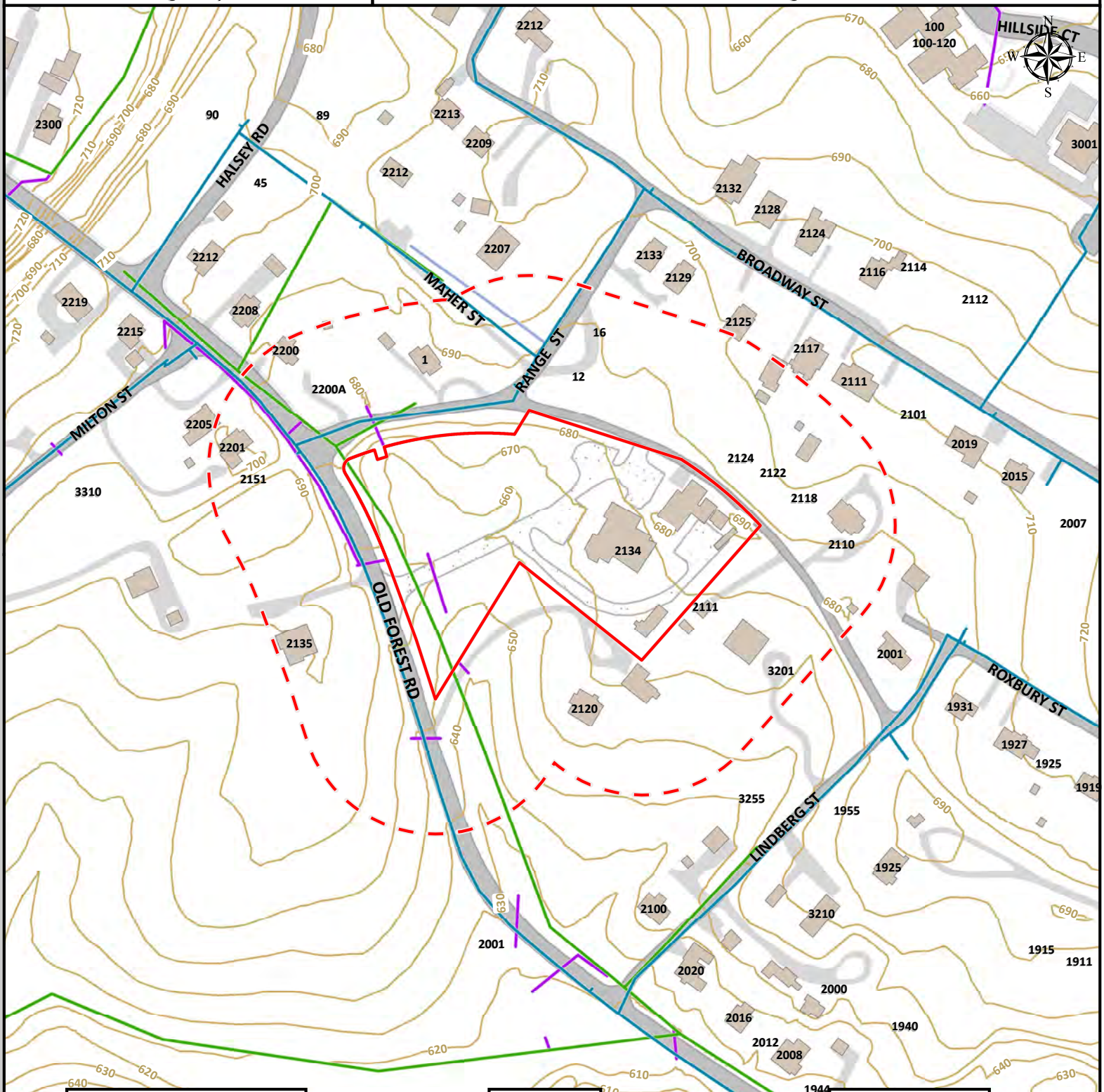
Planimetric and Topographic Map	REZONING TO AMEND PROFFERS
Zoning Request	Acorn Hill Lodge



Property Information

Parcel ID	Address
01513001	2134 OLD FOREST RD

Legend

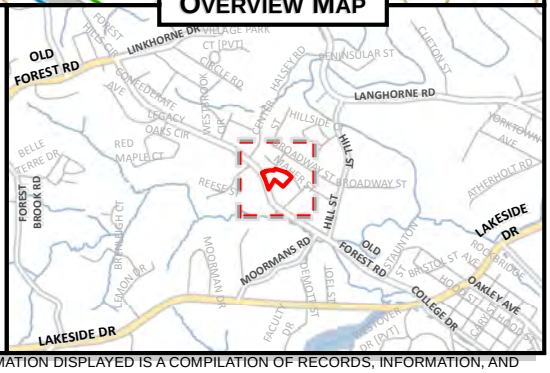
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk	-	-	
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 200 ' **Date Printed:** 5/2/2014

Overview Map



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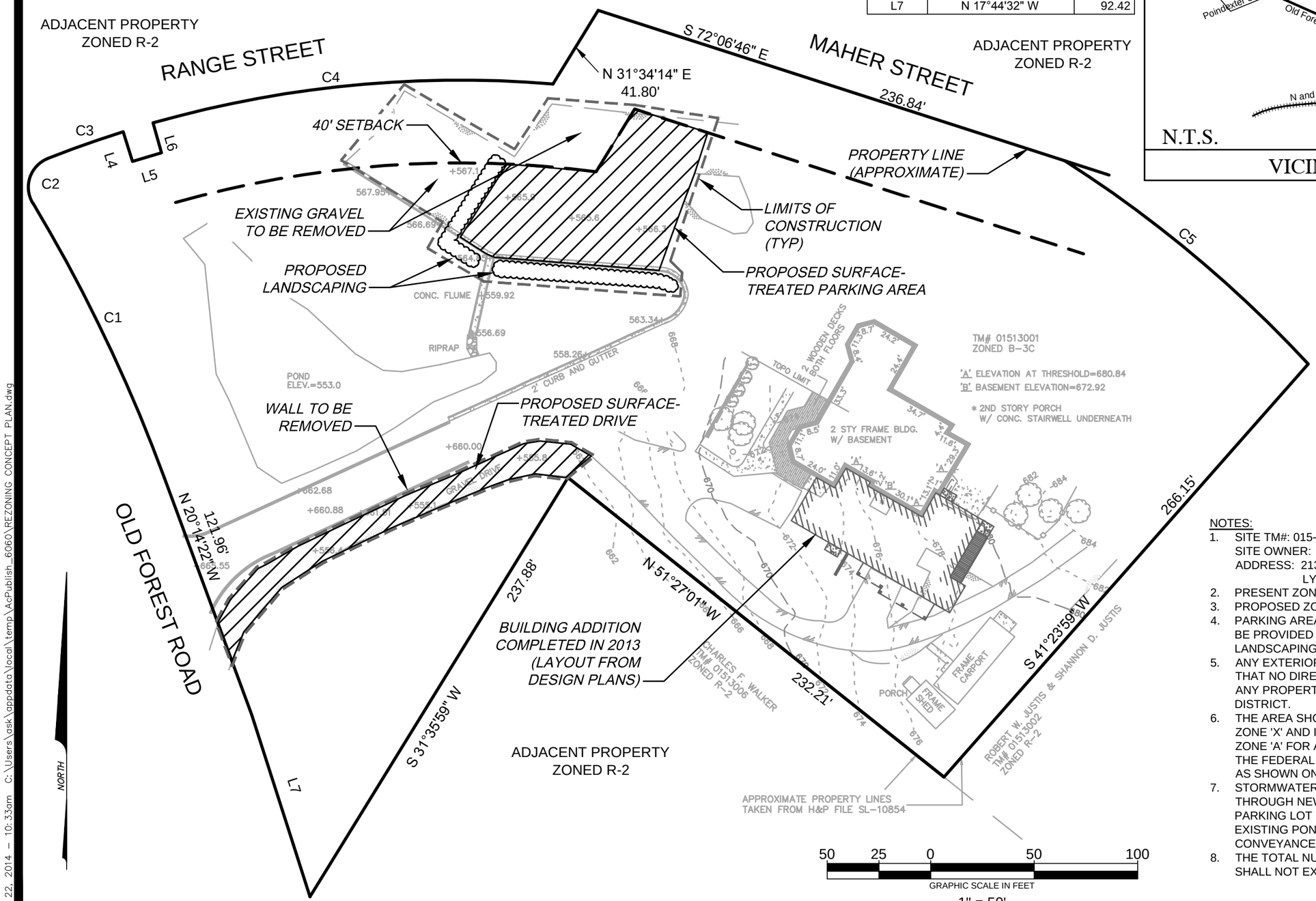
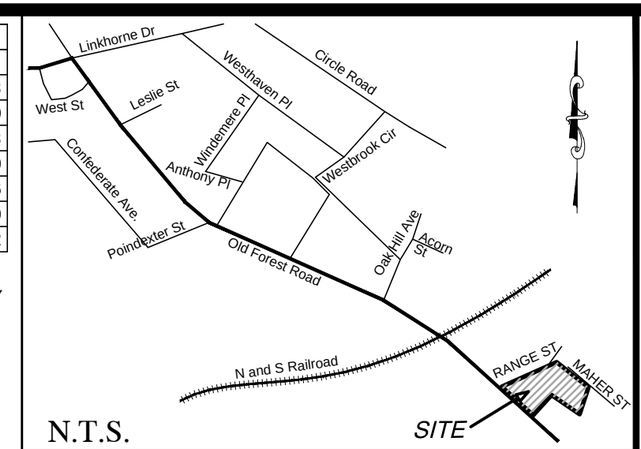
CURVE TABLE					
CURVE	DELTA	LENGTH	RADIUS	CHORD	CHORD BEARING
C1	10°38'29"	147.46	793.94	147.25	N 25°33'37" W
C2	99°21'49"	26.01	15.00	22.87	N 18°48'03" E
C3	4°03'35"	38.43	542.36	38.42	N 70°30'46" E
C4	20°37'03"	195.17	542.36	194.11	N 84°26'41" E
C5	14°39'33"	153.65	600.55	153.23	S 50°08'32" E

LINE TABLE		
LINE	BEARING	LENGTH
L1	N 84°24'53" E	30.98
L2	S 05°35'07" E	25.00
L3	S 84°24'53" W	24.28
L4	S 17°27'27" E	15.00
L5	N 73°20'21" E	14.66
L6	N 15°51'51" W	15.00
L7	N 17°44'32" W	92.42





VICINITY MAP

EXISTING LEGEND

- GROUND LIGHT
- PLASTIC FENCE
- SS — UG SAN. SEWER LINE
- CONCRETE
- EDGE OF SURFACE-TREATED PAVEMENT
- EDGE OF GRAVEL

NOTES:

1. SITE TM#: 015-13-001
   SITE OWNER: CROCKER, ROBERT D & WANDA E B
   ADDRESS: 2134 OLD FOREST ROAD
   LYNCHBURG, VA 24501
2. PRESENT ZONING: B-3C
3. PROPOSED ZONING: B-3C
4. PARKING AREA LANDSCAPING AND SCREENING WILL BE PROVIDED IN ACCORDANCE WITH THE CITY'S LANDSCAPING ORDINANCE.
5. ANY EXTERIOR LIGHTING SHALL BE CONTROLLED SO THAT NO DIRECT ILLUMINATION WILL OCCUR BEYOND ANY PROPERTY LINE SHARED WITH A RESIDENTIAL DISTRICT.
6. THE AREA SHOWN HEREON IS LOCATED IN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD ZONE 'A' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AS SHOWN ON PANEL ID 5100930037D.
7. STORMWATER MANAGEMENT MAY BE ACCOMPLISHED THROUGH NEW LANDSCAPING PER CITY ORDINANCE. PARKING LOT RUNOFF WILL DISCHARGE TO AN EXISTING POND, WHICH WILL PROVIDE ADEQUATE CONVEYANCE FOR THE PROPOSED DEVELOPMENT.
8. THE TOTAL NUMBER OF SEATS FOR THE RESTAURANT SHALL NOT EXCEED FIFTY (50).

HURT & PROFFITT
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX
ENGINEERING • SURVEYING • LAND DEVELOPMENT • ENVIRONMENTAL
GEOTECHNICAL • CONSTRUCTION TESTING & INSPECTION • CULTURAL RESOURCES

CONCEPTUAL SITE PLAN
FOR
ACORN HILL LODGE
CITY OF LYNCHBURG, VIRGINIA

PROJECT NO.	20120087
G.L. NO.	229-13-D3.6
FILE NO.	
DATE:	4/9/2014
DRAWN BY:	NRO
CHECKED BY:	PCP

SHEET NO.
1 OF 1

May 22, 2014 – 10:33am C:\Users\ask\appdata\local\temp\AcPublish_6060\REZONING CONCEPT PLAN.dwg

NOTICE
REQUEST FOR REZONING
APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF COMMUNITY DEVELOPMENT, 434-455-3909

NOTICE
REQUEST FOR REZONING
APPLICANT: ROBERT D. & WANDA E.B. CROCKER
PHONE NO.: 434-528-0983
ADDRESS: 2134 OLD FOREST RD.
PRESENT ZONING: B-3C
PROPOSED ZONING: B-3C
PROPOSED USE: REZONING TO AMEND PROFFERS
ADDITIONAL INFORMATION: CALL PLANNING DIV., DEPT. OF COMMUNITY DEVELOPMENT, 434-455-3909

Rezoning
Acorn Hill Lodge
May 14, 2014

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Robert Crocker					
Wanda Brooks-Crocker					

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 7

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park.**

RECOMMENDATION: Approval of the right-of-way vacation.

SUMMARY: Pinnacle Properties is petitioning to vacate a portion of right-of-way along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park. The area is approximately two hundred seventy-four thousandths (0.274) of an acre and runs six hundred nineteen and a half (619.5) feet along Tomahawk Industrial Park. This section of right-of-way includes a grassed and wooded area.

The petitioner is requesting the vacation in order to accommodate stormwater for a residential duplex development at 733 Old Graves Mill Road (12 units). The petition does not affect adjoining property owners. There is no planned expansion of this intersection and staff feels there would be minimal impact from the vacation of this portion of the right-of-way.

PRIOR ACTION(S):

April 25, 2014: The Technical Review Committee [TRC] reviewed the petition. The TRC comments have been incorporated into the proposed ordinance.

May 13, 2014: The Physical Development Committee [PDC] reviewed the petition and recommended it be forwarded to City Council.

FISCAL IMPACT: None

CONTACT(S): Kevin Henry, Planner II – 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Ordinance
- Application
- Map
- Copy of Survey

REVIEWED BY: lkp

UNCODIFIED ORDINANCE:

AN ORDINANCE VACATING A PORTION OF RIGHT-OF-WAY ALONG TOMAHAWK INDUSTRIAL PARK AT 733 OLD GRAVES MILL ROAD AND 128 TOMAHAWK INDUSTRIAL PARK.

WHEREAS, Pinnacle Properties are petitioning to vacate a portion of right-of-way located along Tomahawk Industrial Park at 733 Old Graves Mill Road and 128 Tomahawk Industrial Park and, which is described as follows; and,

WHEREAS, City Council finds that no public inconvenience will result from vacating the portion of right-of-way

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, the following described right-of-way be, and the same hereby is, discontinued and vacated, namely:

Beginning at a point, which point is located on the new westerly right-of-way line of Old Graves Mill Road, which line is located twenty-five (25) feet west of and parallel to the centerline of said Old Graves Mill Road and which point is located on the present right-of-way line of Tomahawk Industrial Park and on the line of the property of Embra M. Tillotson;

Thence, with the present right-of-way line of said Tomahawk Industrial Park and the property of Tillotson, South 79 Degrees 10 Minutes 48 Seconds West for a distance of six hundred thirteen and seventy-seven hundredths (613.77) feet to a point, which point is a common corner with the property of Tillotson and the property of Service Trucking Co.;

Thence, with the line of said Service Trucking and the present right-of-way line of said Tomahawk Industrial Park, North 20 Degrees 22 Minutes 53 Seconds East for a distance of seventeen and four tenths (17.4) feet to an iron pin found;

Thence, leaving said Service Trucking and the present right-of-way line of said Tomahawk Industrial Park, along a new line thirty (30) feet south of and parallel to the centerline of said Tomahawk Industrial Park, being the new right-of-way line with Tomahawk Industrial Park, along a curve to the left having a radius of eight hundred eighty (880) feet and an arc length of two hundred twenty-five and forty-one hundredths (225.41) feet, being subtended by a chord of North 81 Degrees 09 Minutes 08 Seconds East for a distance of two hundred twenty-four and eight tenths (224.8) feet to a point;

Thence, further with said new line of Tomahawk Industrial Park, North 73 Degrees 05 Minutes 38 Seconds East for a distance three hundred sixty and thirty-three hundredths (360.33) feet to a point;

Thence, along a curve to the right having a radius of twenty-five (25) feet and an arc length of fifty and fifty-one hundredths (50.51) feet, being subtended by a chord of South 49 Degrees 01 Minute 50 Seconds East for a distance of forty-two and thirty-four hundredths (42.34) feet to a point, which point is located on the said new right-of-way line of Old Graves Mill Road;

Thence, further with said new westerly right-of-way line of Old Graves Mill Road along a curve to the right having a radius of one thousand two hundred three and seventy-two hundredths (1,203.72) feet and an arc length of twelve and eighty-five hundredths (12.85) feet, being subtended by a chord of South 09 Degrees 09 Minutes 04 Seconds West for a distance of twelve and eight-five hundredths (12.85) feet to the point of beginning;

Said property contains two hundred seventy-four (0.274) acres more or less;

Said vacation is contingent upon the following: that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace, maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

BE IT FURTHER ORDAINED that the Clerk of the Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified: _____
Clerk of Council

078K

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APR 30 2014
COMMUNITY DEVELOPMENT

APPLICATION FOR THE VACATION OF A PORTION OF TOMAHAWK INDUSTRIAL PARK LOCATED AT ITS INTERSECTION WITH OLD GRAVES MILL ROAD

The undersigned applicant, Pinnacle Properties, Contract Purchaser of the "Tillotson" Property, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 35-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of that certain parcel described as follows:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND SITUATE AT THE SOUTHWESTERLY INTERSECTION OF TOMAHAWK INDUSTRIAL PARK AND OLD GRAVES MILL ROAD AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT, WHICH POINT IS LOCATED ON THE NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD, WHICH LINE IS LOCATED 25' WEST OF AND PARALLEL TO THE CENTERLINE OF SAID OLD GRAVES MILL ROAD AND WHICH POINT IS LOCATED ON THE PRESENT RIGHT-OF-WAY LINE OF TOMAHAWK INDUSTRIAL PARK AND ON THE LINE OF THE PROPERTY OF EMBRA M TILLOTSON,

THENCE, WITH THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK AND THE PROPERTY OF TILLOTSON, SOUTH 79 DEGREES 10 MINUTES 48 SECONDS WEST FOR A DISTANCE OF 613.77 FEET TO A POINT, WHICH POINT IS A COMMON CORNER WITH THE PROPERTY OF TILLOTSON AND THE PROPERTY OF SERVICE TRUCKING CO.;

THENCE, WITH THE LINE OF SAID SERVICE TRUCKING ALONG THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK, NORTH 20 DEGREES 22 MINUTES 53 SECONDS EAST FOR A DISTANCE OF 17.40 FEET TO AN IRON PIN FOUND (IPF);

THENCE, LEAVING SAID SERVICE TRUCKING AND THE PRESENT RIGHT-OF-WAY LINE OF SAID TOMAHAWK INDUSTRIAL PARK, ALONG A NEW LINE LOCATED 30' SOUTH OF AND PARALLEL TO THE CENTERLINE OF SAID TOMAHAWK INDUSTRIAL PARK, BEING THE NEW RIGHT-OF-WAY LINE OF TOMAHAWK INSUSTRIAL PARK, ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 880.00 FEET AND AN ARC LENGTH OF 225.41 FEET, BEING SUBTENDED BY A CHORD OF NORTH 81 DEGREES 09 MINUTES 08 SECONDS EAST FOR A DISTANCE OF 224.80 FEET TO A POINT;

THENCE, FURTHER WITH SAID NEW LINE OF TOMAHAWK INDUSTRIAL PARK, NORTH 73 DEGREES 05 MINUTES 38 SECONDS EAST FOR A DISTANCE OF 380.33 FEET TO A POINT;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND AN ARC LENGTH OF 50.51 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 49 DEGREES 01 MINUTES 50 SECONDS EAST FOR A DISTANCE OF 42.34 FEET TO A POINT, WHICH POINT IS LOCATED ON THE SAID NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD;

THENCE, FURTHER WITH SAID NEW WESTERLY RIGHT-OF-WAY LINE OF OLD GRAVES MILL ROAD ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1203.72 FEET AND AN ARC LENGTH OF 12.85 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 09 DEGREES 09 MINUTES 04 SECONDS WEST FOR A DISTANCE OF 12.85 FEET TO THE POINT OF BEGINNING;

TOGETHER WITH AND SUBJECT TO COVENANTS, EASEMENTS, AND RESTRICTIONS OF RECORD.

SAID PROPERTY CONTAINS 0.274 ACRES MORE OR LESS.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on June 10, 2014, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described parcel.

Given under my hand this 9th day of April, 2014.

Pinnacle Properties
Applicant

P.O. Box 12279
Lynchburg, VA 24502

I, THE CURRENT PROPERTY OWNER, AM IN AGREEMENT TO THE VACATION OF THE ABOVE DESCRIBED PROPERTY.

POA

Embra M Tillotson
Owner

8868 Red House Road
Appomattox, VA 24522-5294

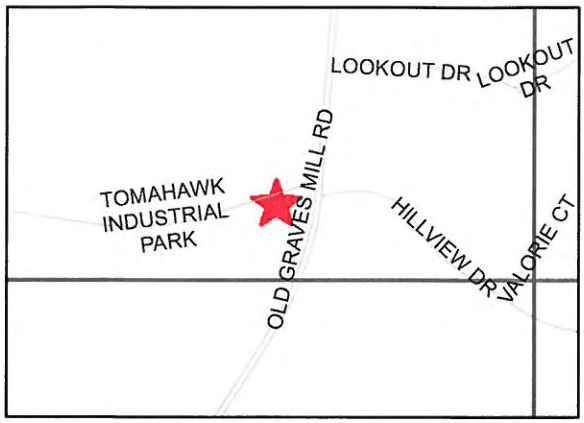
P:\130159\Application for Street Vacation Tillotson 033114.doc

733 Old Graves Mill Road & 128 Tomahawk Industrial Park

Right-of-Way Vacation

★ Location

N
W E
S

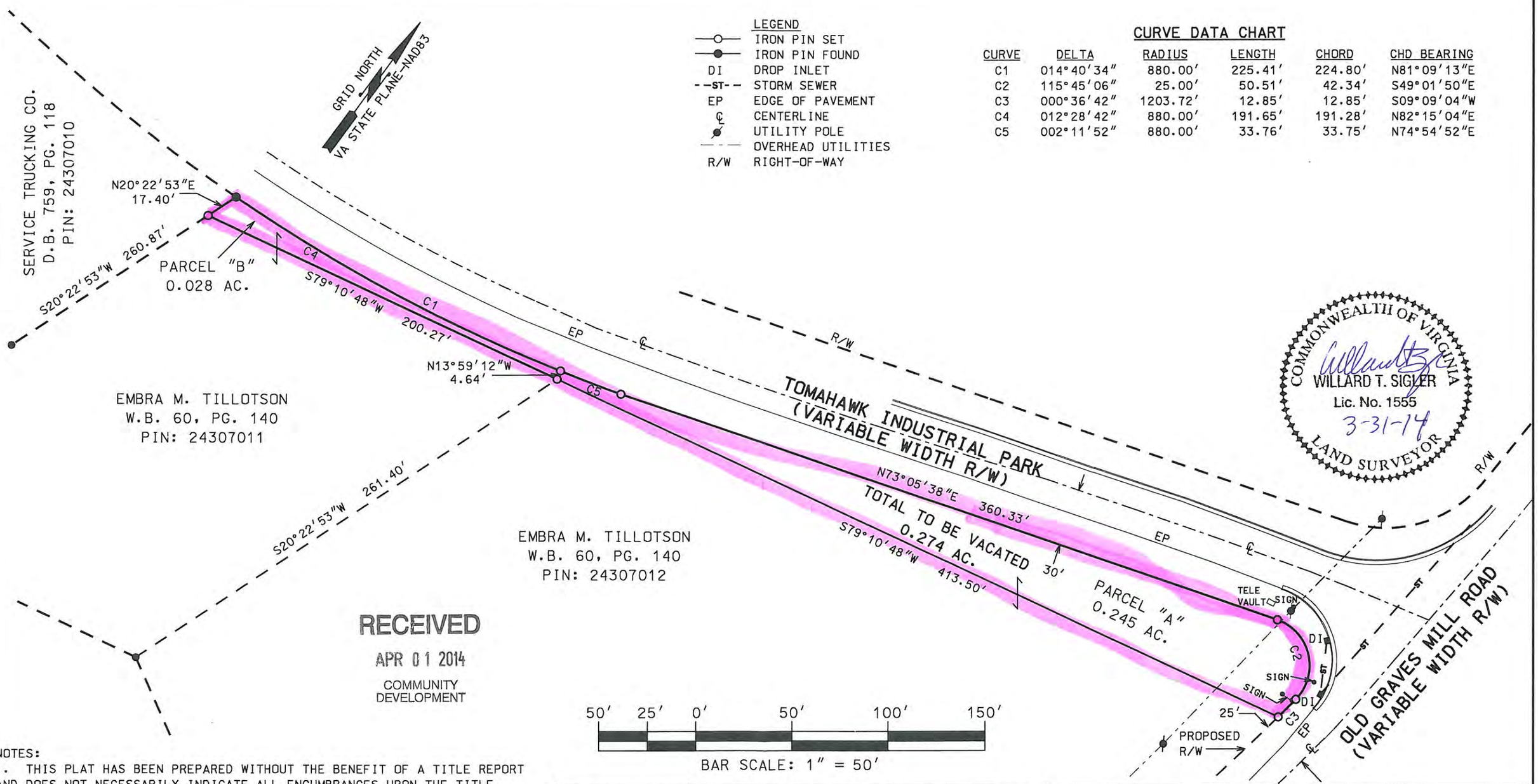


LEGEND

—○—	IRON PIN SET
—●—	IRON PIN FOUND
DI	DROP INLET
--ST--	STORM SEWER
EP	EDGE OF PAVEMENT
℄	CENTERLINE
	UTILITY POLE
— — —	OVERHEAD UTILITIES
R/W	RIGHT-OF-WAY

CURVE DATA CHART

CURVE	DELTA	RADIUS	LENGTH	CHORD	CHD BEARING
C1	014°40′34″	880.00′	225.41′	224.80′	N81°09′13″E
C2	115°45′06″	25.00′	50.51′	42.34′	S49°01′50″E
C3	000°36′42″	1203.72′	12.85′	12.85′	S09°09′04″W
C4	012°28′42″	880.00′	191.65′	191.28′	N82°15′04″E
C5	002°11′52″	880.00′	33.76′	33.75′	N74°54′52″E



COMMONWEALTH OF VIRGINIA
WILLARD T. SIGLER
Lic. No. 1555
3-31-14
LAND SURVEYOR

RECEIVED
APR 01 2014
COMMUNITY DEVELOPMENT

NOTES:
1. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES UPON THE TITLE.
2. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED FLOOD HAZARD AREA) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP FOR THE CITY OF LYNCHBURG, VA (#5100930101D) DATED JUNE 3, 2008. NO FIELD SURVEYING WAS PERFORMED TO MAKE THIS DETERMINATION.
3. THIS PLAT DOES NOT PURPORT TO ADDRESS THE EXISTENCE, DETECTION OR DELINEATION OF ANY ENVIRONMENTALLY SENSITIVE AREAS OR ANY ENVIRONMENTAL PROBLEMS LOCATED WITHIN THE PERIMETER OF THE PROPERTY SHOWN.
4. THIS PLAT HAS BEEN PREPARED FROM AN ACTUAL FIELD SURVEY DONE AS PER DATE OF THIS PLAT.

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

PLAT OF PORTION OF R/W OF TOMAHAWK INDUSTRIAL PARK PROPOSED TO BE VACATED

CITY OF LYNCHBURG, VIRGINIA

SCALE: 1″ = 50′	DATE: MARCH 31, 2014	COMM. NO. 130159	F.B. REF.

M:\Projects-BHA\130159\dgn\PLAT\VACATED RW.dgn - Default

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Public Hearing and Resolution for Incentive Amendments to Enterprise Zones #2 and #46**

RECOMMENDATION: Conduct a Public Hearing regarding incentive amendments to Virginia Enterprise Zones #2 and #46 as requested by the Virginia Department of Housing and Community Development (DHCD), contingent upon final approval by DHCD. Pass a resolution in support of the incentive amendments, as required by DHCD, and repeal the relevant City Code section.

SUMMARY: Lynchburg is an active participant in the Virginia Enterprise Zone Program, with two Enterprise Zones identified by DHCD as #2 and #46. The zones were established to provide incentives for businesses to locate or expand, stimulating economic development within the designated areas. The program offers state-level incentives authorized by the General Assembly, along with local incentives crafted by municipalities to target local economic development needs.

In a regular review of the Enterprise Zone program DHCD found that Lynchburg's local incentive required amendment for compliance with state best practices, and OED recognized an opportunity to craft a more targeted incentive. Staff noted that the existing local incentive: was in part duplicative of state incentives; could be more directly aligned with local development trends and return on investment; could better support the small- and medium-sized businesses that make up the majority of commercial entities in the zones; could better meet program best practices; and could be structured for improved tracking and budgetary oversight.

Working closely with the Department of Community Development, the City Assessor and the Commissioner of Revenue, OED amended the local incentive to address the issues noted above. The new incentive no longer duplicates state incentives while more effectively supporting greater aggregate investment within the zones made by small- and medium-sized businesses. Importantly, the economic impact of the amended incentive can be more easily tracked and its fiscal impact known and managed. DHCD has given preliminary approval of the amended incentive and its permission to proceed with the amendment application process.

In order to accomplish this amendment, City Council is required to conduct a public hearing regarding the proposed incentive amendment.

The replacement of this incentive will impact Sec. 36-126.19. of the City Code. Section 36-126.19 (a) regarding the Enterprise Zone is recommended for repeal by Council. The language to be repealed is as follows:

Enterprise zone and technology zones.

(a) Enterprise zone—any business required to obtain a license pursuant to this article, and which is designated as a "qualified business firm" on or after July 1, 1995 pursuant to the provisions of Chapter 22, Title 59.1 of the Code of Virginia, 1950, as amended, (the Enterprise Zone Act), shall be entitled to the following tax credits: For the first three (3) calendar years, a one hundred percent (100%) credit; and for the fourth (4th) and fifth (5th) calendar years, a fifty percent (50%) credit. Thereafter the tax shall be at the rate provided for in this article.

PRIOR ACTION(S): Amended zone boundaries in FY2014

FISCAL IMPACT: May positively impact tax receipts as greater aggregate business growth and investment are supported in the Enterprise Zones. Fiscal impact of the local incentive can now be tracked and managed.

CONTACT(S): Marjette Upshur, 434-455-4490

ATTACHMENT(S): Resolution required by DHCD; Ordinance repealing part of Section 36-126.19 of the City Code; DHCD Enterprise Zone Incentive Amendment applications for Zones #2 and #46; Local EZ Application Form.

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED That the Lynchburg City Council endorses the amendment of the local incentive available in the City of Lynchburg, Virginia Enterprise Zone #2 as described in the document entitled “Enterprise Zone Amendment Application, Zone #2” and Virginia Enterprise Zone #46 as described in the document entitled “Enterprise Zone Amendment Application, Zone #46,”as follows:

Enterprise zone—any business required to obtain a license pursuant to Chapter 36 of the Lynchburg City Code, and which is designated as a "qualified business firm" on or after July1, 2014, pursuant to the provisions of Chapter 22, Title 59.1 of the Code of Virginia, 1950, as amended, (the Enterprise Zone Act), shall be eligible for of a portion of qualified investments in the rehabilitation or renovation of certain commercial and industrial real estate pursuant to the terms and conditions herein.

BE IT FURTHER RESOLVED That the local incentive available to qualified businesses in City of Lynchburg, Virginia Enterprise Zone #2 and Virginia Enterprise Zone #46 shall be administered by the Department of Economic Development in accordance with the standards and guidelines developed by the Virginia Department of Housing and Community Development.

Adopted:

Certified: _____
Clerk of Council

082K

AN ORDINANCE TO AMEND AND REENACT SECTION 36-126.19 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, THE AMENDED SECTION RELATING TO INCENTIVES FOR THE CITY'S ENTERPRISE AND TECHNOLOGY ZONES.

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

1. That Section 36-126.19 of the Code of the City of Lynchburg, 1981, be and the same are hereby amended and reenacted as follows:

Sec. 36-126.19. ~~Enterprise zone and t~~ Technology zone~~s~~.

~~(a) Enterprise zone—any business required to obtain a license pursuant to this article, and which is designated as a "qualified business firm" on or after July 1, 1995 pursuant to the provisions of Chapter 22, Title 59.1 of the Code of Virginia, 1950, as amended, (the Enterprise Zone Act), shall be entitled to the following tax credits: For the first three (3) calendar years, a one hundred percent (100%) credit; and for the fourth (4th) and fifth (5th) calendar years, a fifty percent (50%) credit. Thereafter the tax shall be at the rate provided for in this article.~~

~~(b)~~ Technology zone—any qualified technology business that locates in or is already located in the technology zone shall be entitled to a five-year reimbursement of business license taxes as follows: during the first (1st) calendar year, a seventy-five percent (75%) reimbursement; for the second (2nd) calendar year a fifty percent (50%) reimbursement; and for the third (3rd), fourth (4th) and fifth (5th) calendar years a twenty-five percent (25%) reimbursement.

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

Adopted:

Certified: _____
Clerk of Council

083K

Virginia Enterprise Zones

Enterprise Zone Amendment Application

Applicant Locality(ies): City of Lynchburg
Name of Zone: Enterprise Zone #2
Zone Number: #2

Virginia Department of Housing and Community Development
600 East Main St, Suite 300
Richmond, Virginia 23219
(804) 371-7030
EZONE@dhcd.virginia.gov
www.dhcd.virginia.gov

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Partners for Better Communities

Overview of Amendment Application

Instructions for completing the coversheet and application can be found in the appendices beginning on page 12 of this document. Please read all of the appendices carefully before completing this application. The new enterprise zone statute establishes new zone amendment guidelines which are summarized below and outlined in detail in the appendices.

Each enterprise zone can consist of up to three non-contiguous zone areas. In cases where a locality has multiple zone designations, each of those zones can consist of up to three non-contiguous geographic areas. In the case of joint zones, each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas, but one of those three non-contiguous areas must be contiguous to at least one other participant's zone area. For more details, refer to page 15 in the appendix. There are no longer zone-specific distress criteria requirements in the amendment application; the zone-specific distress criteria have been removed from the amendment application process.

An enterprise zone boundary amendment cannot consist of a site for a single business firm and cannot be less than 10 acres.

Enterprise zone amendment applications can be submitted once every twelve months from the date of the locality's last zone amendment. Joint zones may amend their zones in one application or independently so long as each locality amends their portion of the zone only once every twelve months from the date of that locality's last amendment. The locality submitting the amendment application must be up to date in its annual reporting requirements. **Once DHCD approves an enterprise zone amendment, the modifications to the zone are retroactive back to January 1st of the calendar year in which the amendment was approved. This means that businesses added via a boundary amendment approved in 2013 could submit grant applications for the 2013 grant year.**

Checklist of Required Attachments

Place the required attachments at the end of the amendment application. Unless otherwise specified, the attachment is required for all types of application amendments.

- ☒ **Public Hearing Advertisements (2)**
  Published once a week for two successive weeks in a newspaper of general circulation; final advertisement cannot be published < 5 days or > 21 days prior to the hearing
- ☒ **Official Public Hearing Minutes**
- ☒ **Local Assurances**
- ☒ **Resolution**
  In the case of a joint zone all participating localities must submit approval resolutions, even if they are not amending their portion of the zone
- ☐ **Joint Application Agreement** (Joint zones only)
- ☐ **Maps** (Boundary amendments only)
- ☒ **Incentive charts** (Incentive amendments only)

Coversheet

(For joint zone amendments, each locality must complete a separate coversheet)

Locality:
City of Lynchburg

Government Address:
900 Church Street
Lynchburg, VA 24504

Chief Elected Official (Name and Title):
The Honorable Michael Gillette, Mayor

Local Zone Administrator:
Name: **Marjette G. Upshur**
Title: **Director of Economic Development**
Phone: **434-455-4491**
E-mail: **marjette.upshur@lynchburgva.gov**

Application Type:
☒ Single (one locality) Enterprise Zone
☐ Joint (more than one locality) Enterprise Zone

If Joint application, list all participating localities:

Certification of Chief Administrative Officer:
To the best of my knowledge and belief, data in this proposal is true and correct and the governing body of the participant has duly authorized the proposal through resolution. The resolution is attached.

Signature: Date:

Name: **L. Kimball Payne III**
Title: **City Manager**

Type of Amendment (check all applicable boxes):
☐ Boundary deletion
☐ Boundary amendment
☒ Incentive amendment

Number of existing non-contiguous areas present in locality's zone:
☐ 0 ☐ 1 ☐ 2 ☐ 3

Non-contiguous areas added or deleted as part of amendment application:
☐ 0 ☐ 1 ☐ 2

Total non-contiguous zone areas after amendment:_____

Enterprise Zone Public Hearings:
☒ Single Application
(one hearing)
☐ Joint Application
(one hearing in each locality)
☐ Joint Application
(joint hearing)

Attachments:
☒ Advertisements
☒ Minutes
☒ Resolutions
☒ Local assurances
☐ Joint application agreement
(joint zones only)

Locality has submitted all annual reports required to date:
☒ Yes
☐ No

Amendment requests will not be processed until locality's annual reporting requirements are fulfilled.

IV. Incentive Amendment

Complete this section only if this amendment modifies incentives. Delete this section if your amendment is for boundary modification only. All zones are required by statute to offer local enterprise zone incentives. Localities should regularly review their incentive package to ensure utilization by businesses and effectiveness in attracting/expanding targeted business sectors within the zone. In the case of boundary amendments to include corporate town limits, the town functions as part of the county's zone boundaries and is not required to offer local incentives but may do so. Refer to Appendix III on page 17 for more information about local incentives.

A. Why are the local incentives being modified? Discuss utilization, any changing trends or special circumstances affecting the decision to modify.

The existing local incentive of Machinery & Tools/Business, Professional and Occupational License tax credit is proposed for modification because its structure does not comply with DHCD best practices, it has had limited effect and its resources could be better targeted.

Currently, qualification for the local incentive requires qualification for the state Job Creation Grant; DHCD best practices discourage tying local incentives to state incentive qualification. The existing local incentive has had very limited utilization and has not performed as intended, underscoring the need to modify the incentive. The resources now used for the existing incentive could be more effectively used to target more prescient needs in the zone.

B. What aspects of the incentives are being modified and why? Explain the research that the modification is based on (i.e. survey of zone businesses).

The local incentive will be modified from a tax "credit" tied to the state Job Creation Grant to a cash grant supporting real property investments. A regime of direct payments versus tax refunding is much more efficient to administrate. Significant job creation is also already incentivized through other local economic development programs while real property investments are not. Further, the existing incentive was not supporting the extensive investments of small businesses, while the modified incentive specifically targets these businesses that make up a substantial portion of commercial entities in the zone.

C. Has the modified incentive package or new incentive(s) been reviewed by the local governing body's attorney and determined to be legal? ☒ Yes ☐ No

D. Are incentives deleted as part of the amendment proposal? ☒ Yes ☐ No

Existing Incentive (by locality)	Replacement Incentive (by locality)	Justification for replacement
M&T/BPOL Tax Grant	*Redevelopment Grant*	*Comply with DHCD best practices* *Streamline local incentives* *More effective incentive* *Resources from existing incentive needed to fund modified incentive*

In order to fund the more effective and targeted Redevelopment Grant sufficiently and sustainably, the existing incentive will need to be deleted and its resources redirected to the modified incentive.

Incentive Package. Complete this section only if this amendment modifies incentives. Delete this section if your amendment is for boundary modification only. Provide information for **new and existing** incentives. This chart may be reproduced to accommodate all incentives. Identify new or revised incentives with an asterisk. **This chart will replace the current chart in your Enterprise Zone designation application. Complete the incentive chart to include all incentives to be offered upon approval of the incentive amendment.**

Locality Offering the Incentive: City of Lynchburg	
Incentive # 1: **Name:** **Description:**	**Locality/Provider: City of Lynchburg**
	Qualification Requirements:
	Exclusive to Zone: ☐ **Yes** ☐ **No, if no please explain how incentives will be tailored to zone**
	Period of Availability:
Financial Value of Incentive:	**Effective date:**
Action to Implement: ☒ **Local Ordinance** ☐ **Approval by Board of Supervisors** ☐ **Other:**	**Source of Funds:**
	Annual Budget Allocation Pending Approval:

Locality Offering the Incentive:	
Incentive #: **Name:** **Description:**	**Locality/Provider:**
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Appendix I: Public Hearing and Resolution Requirements

Public Hearing Requirements

A local governing body must hold **at least one public hearing** on the application for Enterprise Zone amendment **prior to** the locality's passage of its enterprise zone resolution and prior to submission to DHCD. A copy of the advertisement of the public hearing **and** the public hearing minutes must accompany the application. Enterprise Zone Regulation **13 VAC-5-112 490** states that Public Hearings **may not have been held more than six months prior to the amendment submission.**

For a joint application, each participating local governing body may either hold a separate public hearing or schedule a joint public hearing.

Public Hearing Advertisement Requirements

- ❑ Ads must be published once a week for two successive weeks in a newspaper of general circulation.
- ❑ The final advertisement cannot be published less than five days or more than twenty-one days prior to the hearing.
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The complete requirements for conducting public hearings are stated in §15.2-2204, Code of Virginia.

Information regarding joint zone amendments

- Localities participating in a joint zone can choose to amend their respective portions of the zone application simultaneously through the submission of one amendment application. However, this is not required. Participants in a joint zone may amend their portion of the zone independently of each other.
- Each locality can only amend their portion of the zone application once every twelve months from the approval date of their last amendment.
- **All localities participating in the joint zone (regardless of whether or not they are amending their portion of the zone) must pass approval resolutions and sign joint application agreements for any amendment made by a partnering joint applicant.**
- DHCD will not process any amendment application until the applicant or applicants in the case of a joint zone amendment are up to date on their annual reporting requirements.

Minimum Resolution Format Requirements

While DHCD does not provide a template for zone amendment resolutions, **we outline the minimum requirements below which can also serve as the framework for a resolution**.

Single Jurisdiction--Resolutions accompanying single locality applications for enterprise zone amendment should state that the local governing body:

- ❑ Is applying for enterprise zone amendment;
- ❑ Authorizes its chief administrator (or clerk where there is no chief administrator) to submit all information needed to apply for a zone amendment.
- ❑ Authorizes its chief administrator (or clerk) to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the zone.

Joint Application--Separate resolutions are required of each participating locality and should state that:

- ❑ The local governing body is applying for enterprise zone amendment jointly with other localities (provide names);
- ❑ One jurisdiction (provide name) is designated to act as program administrator;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to submit all information needed to apply for an enterprise zone amendment and to carry out all program administrative and reporting requirements on its behalf;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to carry out all program administrative and reporting requirements on its behalf, as defined by the Enterprise Zone Regulations, throughout the life of the zone.
- ❑ Each jurisdiction participating in a joint EZ application has completed a Joint Application Agreement. **See page 14 of appendix for format of agreement.**

Appendix I: Local Assurances

Local Assurances and Authorizations are used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met. **Important:** All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Attach the resolutions at the end of the amendment application.** Joint applications must also include Joint Application Amendment Agreement (JA) – refer to page 14 of the appendix.

As the representative of the local governing body of _____, I hereby certify that:
(locality)

1. The information in the Enterprise Zone application is accurate to the best of my knowledge.

2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. A copy of the public hearing advertisement and a copy of the public hearing minutes are attached.

3. Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality and have been reviewed by the local governing body's attorney as to their legality;

4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Chief Administrator: _____

Title: _____

Date: _____

Appendix I: Joint Application Agreement

Each jurisdiction participating in a joint application must complete the following form. This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements should be attached at the end of the amendment application.

JOINT APPLICATION AMENDMENT AGREEMENT

As the representative of the local governing body of _____, I hereby certify that:
(locality)

1. The aforementioned locality is in agreement with the other participating localities in filing this amendment;

2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;

3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the zone shall be subject to termination; and

4. A public hearing was held on _____ to solicit comments on application.
(date)

_____ _____
Chief Administrator's signature Date

Name: _____

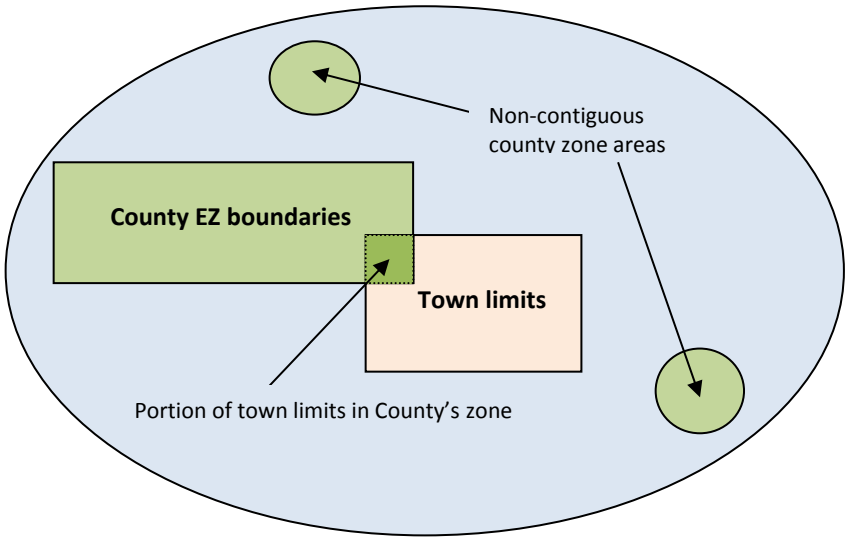
Title: _____

Appendix II: Zone Size Requirements and Configurations

Size Limits for Zones in Towns and Cities	Size Limits for Zones in Counties
Minimum: one-quarter (1/4) square mile (160 acres). Maximum: one square mile (640 acres). Exception: may be larger than one square mile provided it does not exceed seven percent of the locality's land area or it does not encompass more than seven percent of the locality's total population. To calculate the population exception, use the Weldon Cooper Centers' most recent final (not provisional) population estimates for the locality. The following is link to the Weldon Cooper Public Service Center: http://www.coopercenter.org/demographics/POPULATION%20ESTIMATES/	Minimum: one-half (1/2) square mile (320 acres). Maximum: six square miles (approximately 3,840 acres). **Size Limits for Zones in Consolidated Cities** Zones in cities where the present boundaries have been created through the consolidation of a city and county (Chesapeake, Hampton, Newport News, and Virginia Beach) or the consolidation of two cities (Suffolk and Richmond), must use the minimum and maximum size guidelines for zones in unincorporated areas of counties described above.

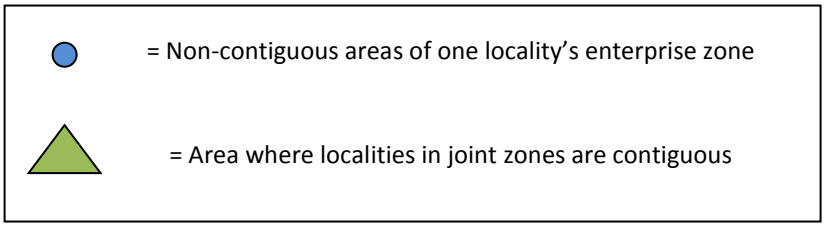
Single zone: An enterprise zone located entirely within a single jurisdiction. The locality's zone can consist of three non-contiguous zone areas. A county zone including areas within incorporated town limits constitutes a single zone and town acreage is considered part of the county's zone acreage.

Counties can amend their zone boundaries to include part of the corporate town limits as part of the zone. This addition does NOT constitute a joint zone. The acreage within the town limits counts towards the county's maximum zone acreage. Towns added into the county acreage are not required to offer local enterprise zone incentives, but may.

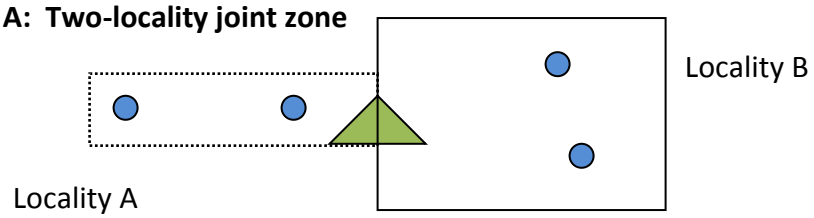


Appendix II: Zone Size Requirements and Configurations

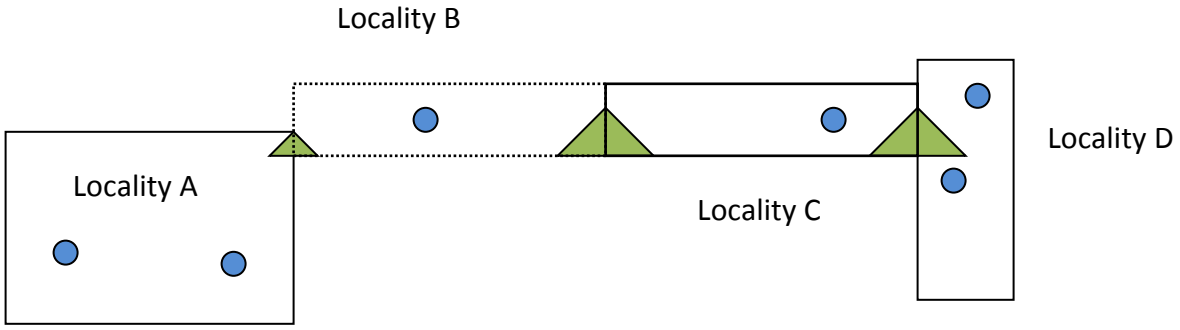
Joint zone: An enterprise zone located in two or more jurisdictions. Each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas relative to that locality. The three non-contiguous areas comprise that locality's total zone size and the acreage of all three non-contiguous areas must meet the total size requirements for that type of locality. If a locality participates in a joint zone and also has two other zone designations, each of the three zones can consist of three non-contiguous areas. In the case of the joint zone, one of the locality's three possible zone areas must be contiguous to at least one other participant's zone area. The following are some examples of joint zone configurations:



EXAMPLE A: Two-locality joint zone



EXAMPLE B: Four-locality joint zone



Appendix III: Incentive Amendments

Local incentives are a critical part of the success of an enterprise zone and they should be selected carefully. It is important for a locality to develop a package of incentives that will best assist in overcoming the specific barriers to development within their zone by supporting targeted business sectors. The number of incentives is not as important as the quality and impact of the incentives. If no zone businesses have qualified for a particular local incentive for more than one year, it might be appropriate to make amendments to the incentive. **Local incentives that require a business to qualify for state incentives are HIGHLY discouraged.**

1. Role of Local Incentives

- Local incentives should help address the locality's economic conditions and barriers to economic development goals.
- Local incentives should be tailored to both new and existing targeted business sectors.
- Local incentives should fill in the gaps of the state incentives therefore qualification for local incentives should NOT be contingent on state incentive qualification.

2. Constitutionality of Local Incentives

Because Virginia is a Dillon Rule state, localities have very little authority to offer local tax incentives unless expressly allowed through the Code of Virginia. The Virginia Enterprise Zone Grant Act allows participating localities to offer a variety of incentives to businesses.

Local enterprise zone incentives must in no way violate the Virginia Constitution. The Uniformity Clause of Article 10, Section 1, of the Virginia Constitution specifies that taxation must be uniform in territory, subject, and class. As it relates to the Enterprise Zone program the concern is that taxation must be uniform throughout an entire locality unless there is state enabling legislation that allows otherwise. **The local governing body's attorney should review local incentives to ensure their compliance with the Virginia Constitution.**

The following examples offer simple guidelines for common tax-related local incentives:

Real estate tax exemption: Virginia Code sections 58.1-3220 and 3221 serve as the enabling legislation and give all localities the authority to offer exemptions on real estate tax when certain conditions are met. This incentive can be offered locality wide, not just within the zone. In such cases where this incentive is offered locality-wide, the incentive criteria needs to be customized in the zone in order to be considered as a local enterprise zone incentive. **Real estate tax abatement, refunds, or rebates are prohibited under the State Constitution.**

Machinery & tools tax grants: The Uniformity Clause applies and there is no enabling legislation to allow for the exemption of this tax. Therefore, a locality wishing to offer an incentive related to the machinery and tools tax must first collect the tax uniformly from all appropriate taxpayers across the locality -those within the enterprise zone as well as those outside the zone. Once the tax is collected, the locality may offer businesses a grant based on their machinery and tool tax. This is usually done through the local Industrial Development Authority. **Machinery and tools tax abatement, refunds, or rebates are prohibited under the State Constitution.**

BPOL tax, utility tax, or permit fees: The Uniformity Clause does not apply to these taxes and fees. Localities are free to offer these incentives in the form of rebates, refunds, and abatements.

Appendix III: Incentive Amendments Cont…

3. Examples of Local Incentives

An incentive that is available throughout a locality will not be considered an enterprise zone incentive unless special actions are taken to encourage greater utilization of the incentive within the proposed enterprise zone or a greater benefit is provided within the zone (i.e. lower qualification threshold or larger grant amount). Local governments provide a variety of financial and non-financial incentives to encourage economic growth and investment. The following list is not inclusive but serves as an example of the most frequently offered local enterprise zone incentives:

Local Enterprise Zone Development Taxation Program: Section 58.1-3245.6 through Section 58.13245.11 of the Code of Virginia enables designated zone localities to establish a Local Enterprise Zone Development Taxation Program. Incremental tax revenues generated from real property or machinery and tools, or both can be used to establish an enterprise zone development fund to pay for enhancements to government services that promote economic development.

Tax Exemption: §58.1-3221 of the Code of Virginia enables localities to defer the taxes on the increase in assessed value as a result of the rehabilitation of real estate for structures at least 15 years of age in enterprise zones and 20 years of age elsewhere in the jurisdiction.

Local Tax Rebates: BPOL tax fees, local sales tax on items purchased in the community for conduct and trade of business in the enterprise zone.

Business Loans: Facade improvement loans for both commercial and industrial properties, low interest loan funds for start-up and expansion, revolving loan funds composed of local and private funding sources.

Fee Waivers: Permit fees, sewer and water tap fees, utility fees.

Public Improvements: Highways, streets, sidewalks, water and sewer systems, signals, etc.

Job Training: Targeted training programs to meet business needs.

Non-financial: Fast track permitting, loan packaging assistance, and design assistance.

Suggested Rationale to Use When Developing Local Enterprise Zone Incentives

a. Incentives should be directly linked to actions that are consistent with local enterprise zone revitalization and development goals.
b. Survey existing zone businesses to gain feedback on existing local incentives and recommendations for new local incentives.
c. Establish performance baselines that provide a threshold for qualification. Incentives should reward firms that make a commitment to invest in a zone by creating new jobs and/or investment.
d. Develop measurable incentives.
e. Incentives should represent sound fiscal policy and not provide an excessive level of benefit that would be inappropriate from an economic point of view.

Appendix III: Incentive Amendments Cont…

4. Local Incentive Qualification Requirements

A locality should establish qualification requirements for each of its local incentives so that the incentives allow for a good return on investment for the locality (i.e. private investment or jobs leveraged). These requirements should be reasonable (not too restrictive) so that businesses can actually qualify. The detailed qualification requirements for each local incentive should be outlined in writing and approved by the local governing body prior to the submitting the amendment to DHCD. As part of this process, pertinent terms of the incentive qualifications should be defined as should the process for incentive application approval, life of the incentive, and the value of incentives. For example, if a locality is offering a machinery and tools tax grant based on the creation of five new jobs the locality needs to define "new jobs" for the purposes of the incentive qualification. Continuing with this example, would "new jobs" be considered net new, permanent full time and would there be any wage or benefit requirements in this definition?

In addition, a locality may establish conditions on the availability of such incentives. For example, a locality may propose to make grant funds available to new businesses during the first five years of zone operation. It may propose a three-year utility tax exemption for new or expanding firms or propose to restrict the availability of low interest business loans to new firms locating in the zone that agree to meet certain locally set hiring requirements. **Conditions should NOT require businesses to qualify for a state incentive in order to qualify for a local incentive.**

5. Financial Value of Incentives

The quantity of local enterprise zone incentives offered is not as important as the quality of local incentives. The incentives should be meaningful and beneficial to targeted business sectors. For example, if the cost of water and sewer service is higher in the county than in the city, the county zone may consider offering a water/sewer hookup fee incentive to help offset its higher service fees. The financial impact of the water/sewer hookup fee incentive should provide a considerable reduction, not just mere pennies in savings. Some incentives may have a different type of monetary value but can still have a valuable impact on the business. For example, if crime and vandalism to zone businesses is an issue, free consultations with the Crime Prevention through Environmental Design (CPTED) planner with the police department can be a valuable incentive where the value of the incentive would be the "consultant" market rate or police employee wage for such training.

6. Local Assigned Agents

A locality may designate an assigned agent, such as a local redevelopment and housing authority, a nonprofit entity or a private for-profit entity, to provide local incentives. This arrangement should be documented by a written commitment from the agent.

7. Termination

Section §59.1-284 of the Virginia Enterprise Zone Grant Act describes two circumstances that can result in the termination of a designated zone. First, in the event the local government or an assigned agent is unable or unwilling to provide regulatory flexibility, tax incentives or other public incentives as proposed in the application for zone designation, the zone may be terminated. This is avoidable if the applicant is able to amend the application by substituting an incentive that is equal or superior to the incentive originally approved. Second, if no business firms in an enterprise zone have qualified for state incentives within a five-year period, the zone will be terminated.

Virginia Enterprise Zones

Enterprise Zone Amendment Application

Applicant Locality(ies): City of Lynchburg
Name of Zone: Enterprise Zone #46
Zone Number: #46

Virginia Department of Housing and Community Development
600 East Main St, Suite 300
Richmond, Virginia 23219
(804) 371-7030
EZONE@dhcd.virginia.gov
www.dhcd.virginia.gov

VIRGINIA DHCD

VIRGINIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Partners for Better Communities

Overview of Amendment Application

Instructions for completing the coversheet and application can be found in the appendices beginning on page 12 of this document. Please read all of the appendices carefully before completing this application. The new enterprise zone statute establishes new zone amendment guidelines which are summarized below and outlined in detail in the appendices.

Each enterprise zone can consist of up to three non-contiguous zone areas. In cases where a locality has multiple zone designations, each of those zones can consist of up to three non-contiguous geographic areas. In the case of joint zones, each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas, but one of those three non-contiguous areas must be contiguous to at least one other participant's zone area. For more details, refer to page 15 in the appendix. There are no longer zone-specific distress criteria requirements in the amendment application; the zone-specific distress criteria have been removed from the amendment application process.

An enterprise zone boundary amendment cannot consist of a site for a single business firm and cannot be less than 10 acres.

Enterprise zone amendment applications can be submitted once every twelve months from the date of the locality's last zone amendment. Joint zones may amend their zones in one application or independently so long as each locality amends their portion of the zone only once every twelve months from the date of that locality's last amendment. The locality submitting the amendment application must be up to date in its annual reporting requirements. **Once DHCD approves an enterprise zone amendment, the modifications to the zone are retroactive back to January 1st of the calendar year in which the amendment was approved. This means that businesses added via a boundary amendment approved in 2013 could submit grant applications for the 2013 grant year.**

Checklist of Required Attachments

Place the required attachments at the end of the amendment application. Unless otherwise specified, the attachment is required for all types of application amendments.

- ☒ **Public Hearing Advertisements (2)**
  Published once a week for two successive weeks in a newspaper of general circulation; final advertisement cannot be published < 5 days or > 21 days prior to the hearing
- ☒ **Official Public Hearing Minutes**
- ☒ **Local Assurances**
- ☒ **Resolution**
  In the case of a joint zone all participating localities must submit approval resolutions, even if they are not amending their portion of the zone
- ☐ **Joint Application Agreement** (Joint zones only)
- ☐ **Maps** (Boundary amendments only)
- ☒ **Incentive charts** (Incentive amendments only)

Coversheet

(For joint zone amendments, each locality must complete a separate coversheet)

Locality:
City of Lynchburg

Government Address:
900 Church Street
Lynchburg, VA 24504

Chief Elected Official (Name and Title):
The Honorable Michael Gillette, Mayor

Local Zone Administrator:
Name: **Marjette G. Upshur**
Title: **Director of Economic Development**
Phone: **434-455-4491**
E-mail: **marjette.upshur@lynchburgva.gov**

Application Type:
- ☒ Single (one locality) Enterprise Zone
- ☐ Joint (more than one locality) Enterprise Zone

If Joint application, list all participating localities:

Certification of Chief Administrative Officer:
To the best of my knowledge and belief, data in this proposal is true and correct and the governing body of the participant has duly authorized the proposal through resolution. The resolution is attached.

Signature: Date:

Name: **L. Kimball Payne III**
Title: **City Manager**

Type of Amendment (check all applicable boxes):
- ☐ Boundary deletion
- ☐ Boundary amendment
- ☒ Incentive amendment

Number of existing non-contiguous areas present in locality's zone:
☐ 0 ☐ 1 ☐ 2 ☐ 3

Non-contiguous areas added or deleted as part of amendment application:
☐ 0 ☐ 1 ☐ 2

Total non-contiguous zone areas after amendment:_____

Enterprise Zone Public Hearings:
- ☐ Single Application *(one hearing)*
- ☐ Joint Application *(one hearing in each locality)*
- ☐ Joint Application *(joint hearing)*

Attachments:
- ☒ Advertisements
- ☒ Minutes
- ☒ Resolutions
- ☒ Local assurances
- ☐ Joint application agreement *(joint zones only)*

Locality has submitted all annual reports required to date:
- ☒ Yes
- ☐ No

Amendment requests will not be processed until locality's annual reporting requirements are fulfilled.

IV. Incentive Amendment

Complete this section only if this amendment modifies incentives. Delete this section if your amendment is for boundary modification only. All zones are required by statute to offer local enterprise zone incentives. Localities should regularly review their incentive package to ensure utilization by businesses and effectiveness in attracting/expanding targeted business sectors within the zone. In the case of boundary amendments to include corporate town limits, the town functions as part of the county's zone boundaries and is not required to offer local incentives but may do so. Refer to Appendix III on page 17 for more information about local incentives.

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C. Has the modified incentive package or new incentive(s) been reviewed by the local governing body's attorney and determined to be legal? ☒ Yes ☐ No

D. Are incentives deleted as part of the amendment proposal? ☒ Yes ☐ No

Existing Incentive (by locality)	Replacement Incentive (by locality)	Justification for replacement
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Financial Value of Incentive:	**Effective date:**
Action to Implement: ☐ **Local Ordinance** ☐ **Approval by Board of Supervisors** ☐ **Other:**	**Source of Funds:**
	Annual Budget Allocation Pending Approval:

Locality Offering the Incentive:	
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The complete requirements for conducting public hearings are stated in §15.2-2204, Code of Virginia.

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- Each locality can only amend their portion of the zone application once every twelve months from the approval date of their last amendment.
- **All localities participating in the joint zone (regardless of whether or not they are amending their portion of the zone) must pass approval resolutions and sign joint application agreements for any amendment made by a partnering joint applicant.**
- DHCD will not process any amendment application until the applicant or applicants in the case of a joint zone amendment are up to date on their annual reporting requirements.

Minimum Resolution Format Requirements

While DHCD does not provide a template for zone amendment resolutions, **we outline the minimum requirements below which can also serve as the framework for a resolution**.

Single Jurisdiction--Resolutions accompanying single locality applications for enterprise zone amendment should state that the local governing body:

- ❑ Is applying for enterprise zone amendment;
- ❑ Authorizes its chief administrator (or clerk where there is no chief administrator) to submit all information needed to apply for a zone amendment.
- ❑ Authorizes its chief administrator (or clerk) to meet other program administrative and reporting requirements, as defined by the Enterprise Zone Regulations, throughout the life of the zone.

Joint Application--Separate resolutions are required of each participating locality and should state that:

- ❑ The local governing body is applying for enterprise zone amendment jointly with other localities (provide names);
- ❑ One jurisdiction (provide name) is designated to act as program administrator;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to submit all information needed to apply for an enterprise zone amendment and to carry out all program administrative and reporting requirements on its behalf;
- ❑ The local governing body authorizes the chief administrator (or clerk) acting as program administrator to carry out all program administrative and reporting requirements on its behalf, as defined by the Enterprise Zone Regulations, throughout the life of the zone.
- ❑ Each jurisdiction participating in a joint EZ application has completed a Joint Application Agreement. **See page 14 of appendix for format of agreement.**

Appendix I: Local Assurances

Local Assurances and Authorizations are used to certify the accuracy of the information provided by the applicant and to insure that the Program Regulations will be met. **Important:** All applications must include a certified resolution from the local governing body. If a joint application, include resolutions of each local governing body. **Attach the resolutions at the end of the amendment application.** Joint applications must also include Joint Application Amendment Agreement (JA) – refer to page 14 of the appendix.

As the representative of the local governing body of _____, I hereby certify that:
(locality)

1. The information in the Enterprise Zone application is accurate to the best of my knowledge.

2. A public hearing was held by the aforementioned locality to solicit comments on this request for application amendment. A copy of the public hearing advertisement and a copy of the public hearing minutes are attached.

3. Any local enterprise zone incentives proposed by the aforementioned locality in the Enterprise Zone application represents a firm commitment by the locality and have been reviewed by the local governing body's attorney as to their legality;

4. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives, or if no state enterprise zone incentives have been utilized within a five-year period, the zone shall be subject to termination.

Chief Administrator: _____

Title: _____

Date: _____

Appendix I: Joint Application Agreement

Each jurisdiction participating in a joint application must complete the following form. This form insures that all jurisdictions are in agreement with the application being submitted by the amending jurisdiction. Completed joint application amendment agreements should be attached at the end of the amendment application.

JOINT APPLICATION AMENDMENT AGREEMENT

As the representative of the local governing body of _____, I hereby certify that:
(locality)

1. The aforementioned locality is in agreement with the other participating localities in filing this amendment;

2. Any local enterprise zone incentives proposed by the aforementioned locality in this amendment application represent a firm commitment;

3. It is understood that if at any time the aforementioned locality is unable or unwilling to fulfill a commitment to provide local enterprise zone incentives listed in this application, the zone shall be subject to termination; and

4. A public hearing was held on _____ to solicit comments on application.
(date)

_____ _____
Chief Administrator's signature Date

Name: _____

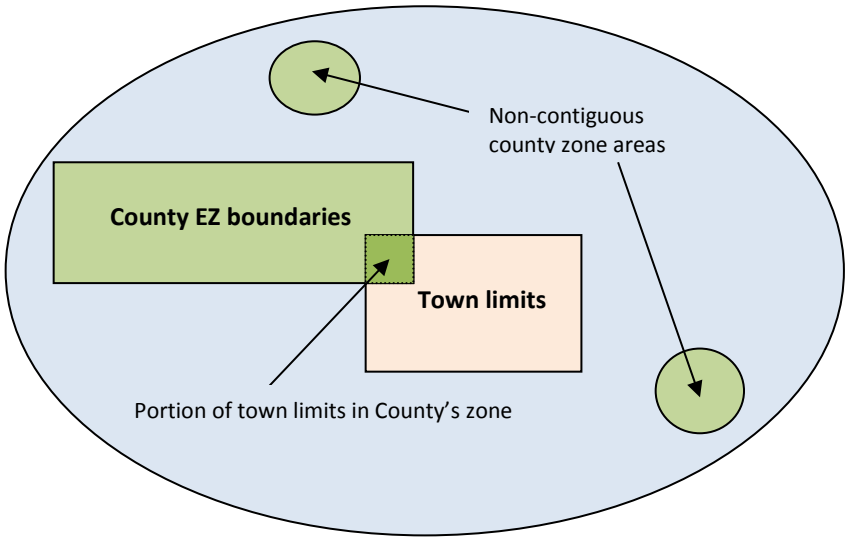
Title: _____

Appendix II: Zone Size Requirements and Configurations

Size Limits for Zones in Towns and Cities	Size Limits for Zones in Counties
Minimum: one-quarter (1/4) square mile (160 acres). Maximum: one square mile (640 acres). Exception: may be larger than one square mile provided it does not exceed seven percent of the locality's land area or it does not encompass more than seven percent of the locality's total population. To calculate the population exception, use the Weldon Cooper Centers' most recent final (not provisional) population estimates for the locality. The following is link to the Weldon Cooper Public Service Center: http://www.coopercenter.org/demographics/POPULATION%20ESTIMATES/	Minimum: one-half (1/2) square mile (320 acres). Maximum: six square miles (approximately 3,840 acres). **Size Limits for Zones in Consolidated Cities** Zones in cities where the present boundaries have been created through the consolidation of a city and county (Chesapeake, Hampton, Newport News, and Virginia Beach) or the consolidation of two cities (Suffolk and Richmond), must use the minimum and maximum size guidelines for zones in unincorporated areas of counties described above.

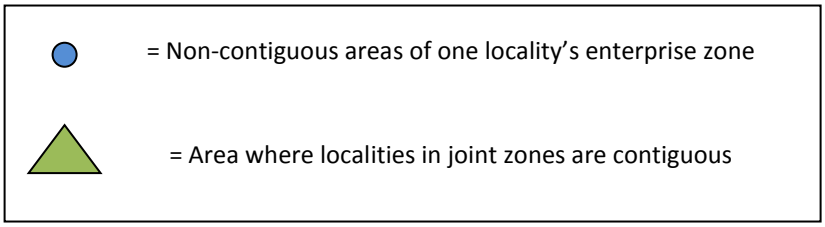
Single zone: An enterprise zone located entirely within a single jurisdiction. The locality's zone can consist of three non-contiguous zone areas. A county zone including areas within incorporated town limits constitutes a single zone and town acreage is considered part of the county's zone acreage.

Counties can amend their zone boundaries to include part of the corporate town limits as part of the zone. This addition does NOT constitute a joint zone. The acreage within the town limits counts towards the county's maximum zone acreage. Towns added into the county acreage are not required to offer local enterprise zone incentives, but may.

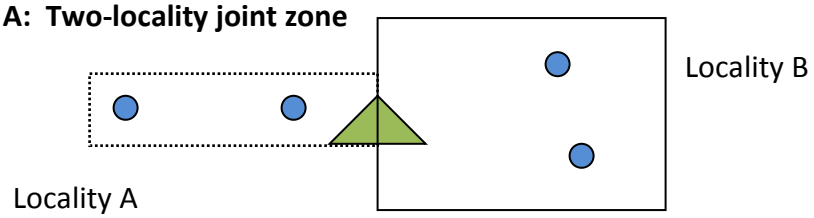


Appendix II: Zone Size Requirements and Configurations

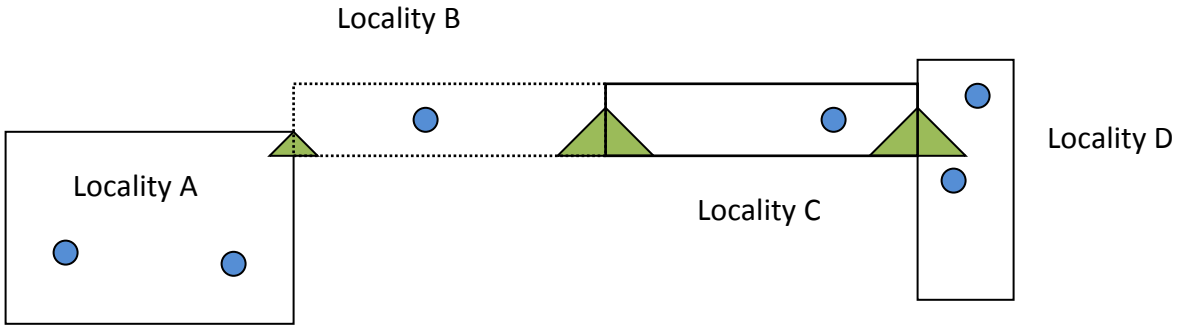
Joint zone: An enterprise zone located in two or more jurisdictions. Each locality's portion of the joint zone can consist of up to three non-contiguous geographic areas relative to that locality. The three non-contiguous areas comprise that locality's total zone size and the acreage of all three non-contiguous areas must meet the total size requirements for that type of locality. If a locality participates in a joint zone and also has two other zone designations, each of the three zones can consist of three non-contiguous areas. In the case of the joint zone, one of the locality's three possible zone areas must be contiguous to at least one other participant's zone area. The following are some examples of joint zone configurations:



EXAMPLE A: Two-locality joint zone



EXAMPLE B: Four-locality joint zone



Appendix III: Incentive Amendments

Local incentives are a critical part of the success of an enterprise zone and they should be selected carefully. It is important for a locality to develop a package of incentives that will best assist in overcoming the specific barriers to development within their zone by supporting targeted business sectors. The number of incentives is not as important as the quality and impact of the incentives. If no zone businesses have qualified for a particular local incentive for more than one year, it might be appropriate to make amendments to the incentive. **Local incentives that require a business to qualify for state incentives are HIGHLY discouraged.**

1. Role of Local Incentives

- Local incentives should help address the locality's economic conditions and barriers to economic development goals.
- Local incentives should be tailored to both new and existing targeted business sectors.
- Local incentives should fill in the gaps of the state incentives therefore qualification for local incentives should NOT be contingent on state incentive qualification.

2. Constitutionality of Local Incentives

Because Virginia is a Dillon Rule state, localities have very little authority to offer local tax incentives unless expressly allowed through the Code of Virginia. The Virginia Enterprise Zone Grant Act allows participating localities to offer a variety of incentives to businesses.

Local enterprise zone incentives must in no way violate the Virginia Constitution. The Uniformity Clause of Article 10, Section 1, of the Virginia Constitution specifies that taxation must be uniform in territory, subject, and class. As it relates to the Enterprise Zone program the concern is that taxation must be uniform throughout an entire locality unless there is state enabling legislation that allows otherwise. **The local governing body's attorney should review local incentives to ensure their compliance with the Virginia Constitution.**

The following examples offer simple guidelines for common tax-related local incentives:

Real estate tax exemption: Virginia Code sections 58.1-3220 and 3221 serve as the enabling legislation and give all localities the authority to offer exemptions on real estate tax when certain conditions are met. This incentive can be offered locality wide, not just within the zone. In such cases where this incentive is offered locality-wide, the incentive criteria needs to be customized in the zone in order to be considered as a local enterprise zone incentive. **Real estate tax abatement, refunds, or rebates are prohibited under the State Constitution.**

Machinery & tools tax grants: The Uniformity Clause applies and there is no enabling legislation to allow for the exemption of this tax. Therefore, a locality wishing to offer an incentive related to the machinery and tools tax must first collect the tax uniformly from all appropriate taxpayers across the locality -those within the enterprise zone as well as those outside the zone. Once the tax is collected, the locality may offer businesses a grant based on their machinery and tool tax. This is usually done through the local Industrial Development Authority. **Machinery and tools tax abatement, refunds, or rebates are prohibited under the State Constitution.**

BPOL tax, utility tax, or permit fees: The Uniformity Clause does not apply to these taxes and fees. Localities are free to offer these incentives in the form of rebates, refunds, and abatements.

Appendix III: Incentive Amendments Cont…

3. Examples of Local Incentives

An incentive that is available throughout a locality will not be considered an enterprise zone incentive unless special actions are taken to encourage greater utilization of the incentive within the proposed enterprise zone or a greater benefit is provided within the zone (i.e. lower qualification threshold or larger grant amount). Local governments provide a variety of financial and non-financial incentives to encourage economic growth and investment. The following list is not inclusive but serves as an example of the most frequently offered local enterprise zone incentives:

Local Enterprise Zone Development Taxation Program: Section 58.1-3245.6 through Section 58.13245.11 of the Code of Virginia enables designated zone localities to establish a Local Enterprise Zone Development Taxation Program. Incremental tax revenues generated from real property or machinery and tools, or both can be used to establish an enterprise zone development fund to pay for enhancements to government services that promote economic development.

Tax Exemption: §58.1-3221 of the Code of Virginia enables localities to defer the taxes on the increase in assessed value as a result of the rehabilitation of real estate for structures at least 15 years of age in enterprise zones and 20 years of age elsewhere in the jurisdiction.

Local Tax Rebates: BPOL tax fees, local sales tax on items purchased in the community for conduct and trade of business in the enterprise zone.

Business Loans: Facade improvement loans for both commercial and industrial properties, low interest loan funds for start-up and expansion, revolving loan funds composed of local and private funding sources.

Fee Waivers: Permit fees, sewer and water tap fees, utility fees.

Public Improvements: Highways, streets, sidewalks, water and sewer systems, signals, etc.

Job Training: Targeted training programs to meet business needs.

Non-financial: Fast track permitting, loan packaging assistance, and design assistance.

Suggested Rationale to Use When Developing Local Enterprise Zone Incentives

a. Incentives should be directly linked to actions that are consistent with local enterprise zone revitalization and development goals.
b. Survey existing zone businesses to gain feedback on existing local incentives and recommendations for new local incentives.
c. Establish performance baselines that provide a threshold for qualification. Incentives should reward firms that make a commitment to invest in a zone by creating new jobs and/or investment.
d. Develop measurable incentives.
e. Incentives should represent sound fiscal policy and not provide an excessive level of benefit that would be inappropriate from an economic point of view.

Appendix III: Incentive Amendments Cont…

4. Local Incentive Qualification Requirements

A locality should establish qualification requirements for each of its local incentives so that the incentives allow for a good return on investment for the locality (i.e. private investment or jobs leveraged). These requirements should be reasonable (not too restrictive) so that businesses can actually qualify. The detailed qualification requirements for each local incentive should be outlined in writing and approved by the local governing body prior to the submitting the amendment to DHCD. As part of this process, pertinent terms of the incentive qualifications should be defined as should the process for incentive application approval, life of the incentive, and the value of incentives. For example, if a locality is offering a machinery and tools tax grant based on the creation of five new jobs the locality needs to define "new jobs" for the purposes of the incentive qualification. Continuing with this example, would "new jobs" be considered net new, permanent full time and would there be any wage or benefit requirements in this definition?

In addition, a locality may establish conditions on the availability of such incentives. For example, a locality may propose to make grant funds available to new businesses during the first five years of zone operation. It may propose a three-year utility tax exemption for new or expanding firms or propose to restrict the availability of low interest business loans to new firms locating in the zone that agree to meet certain locally set hiring requirements. **Conditions should NOT require businesses to qualify for a state incentive in order to qualify for a local incentive.**

5. Financial Value of Incentives

The quantity of local enterprise zone incentives offered is not as important as the quality of local incentives. The incentives should be meaningful and beneficial to targeted business sectors. For example, if the cost of water and sewer service is higher in the county than in the city, the county zone may consider offering a water/sewer hookup fee incentive to help offset its higher service fees. The financial impact of the water/sewer hookup fee incentive should provide a considerable reduction, not just mere pennies in savings. Some incentives may have a different type of monetary value but can still have a valuable impact on the business. For example, if crime and vandalism to zone businesses is an issue, free consultations with the Crime Prevention through Environmental Design (CPTED) planner with the police department can be a valuable incentive where the value of the incentive would be the "consultant" market rate or police employee wage for such training.

6. Local Assigned Agents

A locality may designate an assigned agent, such as a local redevelopment and housing authority, a nonprofit entity or a private for-profit entity, to provide local incentives. This arrangement should be documented by a written commitment from the agent.

7. Termination

Section §59.1-284 of the Virginia Enterprise Zone Grant Act describes two circumstances that can result in the termination of a designated zone. First, in the event the local government or an assigned agent is unable or unwilling to provide regulatory flexibility, tax incentives or other public incentives as proposed in the application for zone designation, the zone may be terminated. This is avoidable if the applicant is able to amend the application by substituting an incentive that is equal or superior to the incentive originally approved. Second, if no business firms in an enterprise zone have qualified for state incentives within a five-year period, the zone will be terminated.

Local Enterprise Zone Redevelopment Program

***DEADLINE* Application for Program must be received by June 30th.**

PART I. Background Information

Date_____

Printed Name of Legal Owner(s) _____

Signature of Legal Owner (s) _____

Contact Telephone Numbers_____

Applicant_____ Applicant Telephone Number_____

Street Address_____

Website_____

Representative or Primary Contact_____

Email Address_____

Parcel ID Number of property upon which the building is located:_____

Federal Employee I.D. No. _____

Description of proposed improvements (attach additional page(s) for information as needed):-
_____
_____
_____
_____
_____

Estimated cost of redevelopment capital improvements: _____
Estimated Completion Date: _____
I have attached the following documentation of City of Lynchburg project approval:
(the need for City project approval can be confirmed by the Office of Economic Development or the Department of Community Development)

☐Site Plan ☐Building Permit
☐Driveway or Right-of-Way Permit ☐Certificate of Appropriateness
☐Road/Water/Sewer or Public Infrastructure Plan ☐Sign Permit

If City of Lynchburg project approval is not required for the work, please submit the following supporting documentation as applicable to your project:

☐Scaled Drawings ☐List of Materials

I understand I will need to submit the following documents when the project is completed in order to receive the funds, including but not limited to, construction contract and/or receipts documenting investment in the above mentioned building and other documents such as Certificate of Occupancy or Documentation of Final Inspection by the City as the LEDA or City may request to verify the project is consistence with City Code,.

I understand the Lynchburg Economic Development Authority must approve this application before the work begins or I may not be eligible for this Program.

Please return this application, as well as a photograph of the building to be improved, to the Office of Economic Development, 900 Church Street, Lynchburg, VA, 24504. Call (434)455-4490 for more information.

Date Rec'd_____ EDA Approval_____ Completion_____ Check# & Date_____ Project Date_____

PART II. Qualification Information

Purpose of the Program:
The purpose of Local Enterprise Zone Redevelopment Program is to encourage investment and improvement of real property located within one of the City of Lynchburg's Enterprise Zones. The Program is designed to assist property owners and/or businesses with real property and capital investment projects. The Program is designed to decrease vacancy rates, revitalize designated areas and/or increase the City's tax base.

Redevelopment Program funds are available for qualifying commercial, industrial and mixed-use commercial (with no more than 80% residential or significant capital investment or a defined public purpose) projects from the Lynchburg Economic Development Authority of the City of Lynchburg, Virginia, of one third of qualified renovation, rehabilitation or capital improvement costs, with a maximum of $25,000. This is limited to one award per year per property owner and/or "facility" (Facility: Means a complex of buildings, co-located at a single physical location within an enterprise zone, all of which are necessary to facilitate the conduct of the same trade or business. This definition applies to new construction, as well as to the rehabilitation and expansion of existing structures). This Program is funded with an appropriation of $**75,000 annually through 2015**. The property or business must be located in one of the City of Lynchburg's Enterprise Zones and funding is contingent upon available appropriations.

To qualify for the Local Enterprise Zone Redevelopment Program a business or property owner must meet the following criteria:

- City taxes on all properties and businesses must be current
- Complete and sign the application form (must be signed by the owner of record) and return to the City of Lynchburg's Office of Economic Development for consideration and prior to acquiring a building permit. Special circumstances may be reviewed by Office of Economic Development.
- The Lynchburg Economic Development Authority (LEDA) at its next regularly scheduled meeting, unless otherwise agreed to by the LEDA, will review and approve or disapprove the application, considering recommendation made by the Office of Economic Development. (Please note the LEDA customarily meets the third Thursday of every month and applications should be received at least one week prior to the meeting).
- Programs up to a maximum of $25,000 or one third of the costs for eligible improvements, whichever is less, per project subject to LEDA approval and availability of funds.
- Program monies will be paid, by the LEDA, on a reimbursement basis, upon receiving verifiable receipts of construction/improvement costs.
- The Redevelopment Project must be completed within one year of the date of approval, unless both the LEDA and Office of Economic Development grant an extension.

- The assessed value of the property must increase by at least the program amount approved by Lynchburg Economic Development Authority.
- Building permit(s) must have been issued for the project prior to grant being awarded, as required for the project.
- Applicants must comply with all other applicable laws, rules and regulations, including a review and approval of plans by the Office of Economic Development and the City's Technical Review Committee.
- For each commercial or industrial real estate, the existing structure must be twenty-five (25) years of age or older.

Part III. Eligible Improvements

Exterior Improvements (in accordance with approved Design Guidelines) :

- Masonry Repair
- Paint or Façade Repair/Removal/Cleaning
- Signage
- Awnings
- Lighting
- Landscaping
- Sidewalks
- Parking
- Storm Water Requirements
- Replace broken, tinted or boarded up windows
- Roof repair

Interior Improvements:

- HVAC
- Lighting
- Electrical
- Plumbing
- Telecommunications wiring
- Paint/wall coverings
- Floor Coverings

Funds used for upgrading property to meet City Fire Code, allow for mixed use of the property and/or improvements that would encourage occupancy of now vacant upper floors (subject to zoning regulations), including:

- ADA Improvements
- Elevators
- Fire Escapes
- Floor/wall improvements
- Sprinkler systems

PART III. Declaration

I, the undersigned, am an authorized representative of the business firm for which this form is intended. I declare this form has been examined by me and is, to the best of my knowledge, an accurate statement. I further affirm my business is physically located at the address indicated in Part I and my business meets the qualification criteria as indicated in Part II and defined in Section 36.1-3 of the Code of the City of Lynchburg, Virginia. I further attest that all required documentation is true and correct, and is included with this application. Providing false, inaccurate or misleading information will result in disqualification for consideration of the Local Enterprise Zone Redevelopment Project Program.

______________________________ ______________________________
Signature of Applicant Typed or Printed Name of Applicant

______________________________________ _____________________
Title of Applicant Date

_ **Internal Use Only**

Verification:_________________________________ Date:________________

Administrator's Signature______________________________ Code:________________

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014**			AGENDA ITEM NO.: 9
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	
ITEM TITLE: **Stormwater Management Ordinance Amendments**			

RECOMMENDATION: After a public hearing to adopt the proposed amendments to City Code Chapter 16.2 Stormwater Management.

SUMMARY: In 2011, the General Assembly adopted revisions to the Virginia Stormwater Management Program [VSMP] that become effective July 1, 2014. As part of the revisions to the VSMP, the City is required to amend the definitions, scope, permit requirements, technical criteria, plan requirements, plan approvals, facility maintenance, enforcement and appeals provisions of the Stormwater Management Ordinance (Chapter 16.2. The proposed amendments also establish a five thousand (5,000) square foot threshold for managing stormwater runoff, fees for stormwater general permits and a provision for maintenance of existing stormwater management facilities.

In order to be in compliance with the Virginia Stormwater Management Act, the mandatory provisions of the ordinance must be adopted locally and submitted to DEQ on or before June 13, 2014.

PRIOR ACTION(S):

May 14, 2014: The Planning Commission conducted an informational session on the proposed Stormwater Management ordinance revisions.

May 27, 2014: City Council conducted a work session on the proposed Stormwater Management ordinance amendments.

FISCAL IMPACT: An additional staff person will likely be required to assist with the plan review, inspection and reporting requirements of this program at a projected cost of sixty thousand dollars ($60,000). Adoption of the state fee schedule for stormwater general permits would allocate seventy-two percent (72%) of those permit fees to the City of Lynchburg. Based upon the state's proposed fee schedule, the last five year's eligible projects would generate approximately fifty thousand ($50,000) in program revenue each year, resulting in a net impact of ten thousand dollars ($10,000) to the City's stormwater management fund.

CONTACT(S): Rob Fowler, Zoning Administrator/Program Administrator - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT:
DRAFT City Code Chapter 16.2 – Stormwater Management

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG BY AMENDING SECTIONS 16.2-1, 16.2-2, 16.2-3, 16.2-4, 16.2-5, 16.2-8, 16.2-20, 16.2-21, 16.2-22, 16.2-23, 16.2-36, 16.2-38, 16.2-40, 16.2-41, 16.2-43, 16.2-55, 16.2-56, 16.2-57, 16.2-58, 16.2-59, 16.2-60, 16.2-62, 16.2-71, 16.2-75 AND 16.2-76 OF THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED; TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, AS AMENDED, BY ADDING THERETO SECTIONS 16.2-9 THROUGH 16.2-10, ARTICLE IV, STORMWATER POLLUTION PREVENTION PLAN REQUIREMENTS CONTAINING SECTIONS 16.2-53 through 16.2-54, AND SECTIONS 16.2-58, 16.2-59 AND 16.2-61; AND TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY REPEALING SECTIONS 16.2-21 COMPUTATION METHODOLOGIES AND 16.2-24 NONSTRUCTURAL MEASURES; THE AMENDED, NEW AND REPEALED SECTIONS RELATING TO THE REGULATION OF STORMWATER WITHIN THE CITY.

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

1. That Sections 16.2-1, 16.2-2, 16.2-3, 16.2-4, 16.2-5, 16.2-8, 16.2-20, 16.2-21, 16.2-22, 16.2-23, 16.2-36, 16.2-38, 16.2-40, 16.2-41, 16.2-43, 16.2-55, 16.2-56, 16.2-57, 16.2-58, 16.2-59, 16.2-60, 16.2-62, 16.2-71, 16.2-75 and 16.2-76 of the Code of the City of Lynchburg be and the same are hereby amended and reenacted; that sections 16.2-9 through 16.2-10, Article IV, Stormwater Pollution Prevention Plan Requirements containing Sections 16.2-53 through 16.2-54, and sections 16.2-58, 16.2-59 and 16.2-61 are added; and that sections 16.2-21 Computation Methodologies and 16.2-24 Nonstructural Measures are repealed, and that the amended, new and repealed sections be further amended and reenacted as follows:

Sec. 16.2-1. Purpose.

The purpose of this chapter is to reduce the adverse impacts of stormwater runoff from development sites in the City of Lynchburg to the greatest extent possible, by establishing minimum requirements and procedures to control the quantity and quality of stormwater runoff associated with land development. By converting more or less natural landscapes to sites with impervious surfaces, development can cause increases in the quantity and velocity of stormwater runoff and decreases in the water quality of stormwater runoff. Adverse impacts from development shall not be allowed to affect adjacent or downstream property owners. The Lynchburg City Council has determined that the lands and waters comprising the watersheds of the city are valuable and important natural resources, which provide subsistence for life. Therefore, it is in the public interest to establish requirements to regulate the discharge of stormwater runoff from land development projects as provided for in this chapter. The waters and waterways within the city are at times subjected to flooding. Such flooding is a danger to the lives and property of the public and is also a danger to the natural resources of the city. Land development tends to accentuate such flooding by increasing stormwater runoff, due to alteration of the hydrologic response of the watershed in changing from the undeveloped to the developed condition. The flooding produced by the development of real property contributes increased quantities of water-borne pollutants, and tends to increase channel erosion. Such flooding, erosion, and pollution constitute deterioration of the water resources of the City of Lynchburg and downstream communities. The adverse environmental effects of development can be limited by the regulation of stormwater runoff from such land development. Proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land and stream channel erosion, assist in the attainment and maintenance of water quality standards, reduce local flooding, and maintain as nearly as possible, the pre-development runoff characteristics of the area. Procedures provided in this document to reduce stormwater runoff will apply to ~~any~~ land-disturbing activity, as done by public and private entities in the City of Lynchburg.

Sec. 16.2-2. Title.

The provisions of this chapter shall constitute and be known as the "Lynchburg Stormwater Management Ordinance," as authorized by the Virginia Stormwater Management Act Title ~~10.1~~ 62.1 Chapter ~~6~~ 3.1 Article ~~1.1~~ 2.3 of the Code of Virginia as amended through ~~1998~~ 2014.

Sec. 16.2-3. Authority.

(a) The provisions of this chapter are adopted pursuant to The Virginia Stormwater Management Act, Article ~~1.1 (Section 10.1-603.1 et seq.)~~ 2.3 (§62.1-44.15:27 et seq.) of Chapter ~~6~~ 3.1 of Title ~~10.1~~ 62.1, of the Code of Virginia, which enables counties, cities and towns to prepare and adopt a stormwater management program and implement the ordinance. The application of this chapter and the provisions expressed herein shall be the minimum stormwater management requirements and shall not be deemed a limitation or repeal of any other powers granted by the state statute.

(b) Except as specifically provided here in the stormwater management standards contained in this ordinance are based on the stormwater regulations adopted by the Commonwealth of Virginia and the Federal government.

Sec. 16.2-4. Program administration.

The City of Lynchburg ~~program~~ administrator or his/her designee shall be responsible for the coordination, administration and enforcement of the provisions of this chapter.

Sec. 16.2-5. Scope of chapter.

~~(a)~~ For land development projects that disturb five thousand (5,000) square feet or more of land area, no person shall develop any land for residential, commercial, industrial or institutional use without having provided for appropriate stormwater management measures that control or manage stormwater runoff quality, quantity, and velocity as provided within this article, except those development activities exempted in accordance with Sec. 16.2-9(c)2, 16.2-9(c)3, 16.2-9(c)4, 16.2-9(c)5, 16.2-9(c)6, 16.2-9(c)7 and 16.2-9(c)8. A VSMP authority permit is only required for projects that disturb one acre or more of land or are part of a common plan of development, except as provided in Sec. 16.2-9(b).

~~(b) Notwithstanding any other provisions of this chapter, the following development activities are exempt from the requirements of providing stormwater management.~~

~~(1) Agricultural land management activities such as tilling, planting or harvesting of agricultural, horticultural, or forest crops.~~

~~(2) Land development projects that disturb less than one thousand (1,000) five thousand (5,000) square feet of land area.~~

~~(3) Single-family residences and residential subdivisions of less than five (5) lots and containing no new street construction; however, an agreement in lieu of plan is required.~~

~~(4) Additions or modification to existing single-family detached residential structures.~~

~~(5) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia.~~

~~(6) Linear development projects, provided that (i) less than five thousand (5,000) square feet of land will be disturbed per outfall or watershed, (ii) there will be insignificant increases in peak flow rates, and (iii) there are no existing or anticipated flooding or erosion problems downstream of any discharge point.~~

Sec. 16.2-8. Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

~~(1) "Adequate channel" means a channel that will convey the designated storm event without overtopping the channel banks nor causing erosive damage to the channel bed or banks.~~

(1) "Administrator" means the VSMP authority including the City of Lynchburg department or staff person responsible for administering the VSMP on behalf of the locality.

(2) "Agreement in lieu of a stormwater management plan" means a contract between the VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a VSMP for the construction of a single-family residence; such contract may be executed by the VSMP authority in lieu of a stormwater management plan.

(3) "Applicant" means any person submitting an ~~stormwater management plan for approval.~~ application for a permit or requesting issuance of a permit under this Ordinance.

(4) "Best management practice (BMP)" means schedules of activities, prohibitions of practices, including both structural and nonstructural practices, maintenance procedures, and other management practices to prevent or reduce the pollution of surface waters and groundwater systems from the impacts of land-disturbing activities. ~~a structural or nonstructural practice, which is designed to reduce the impacts of development on surface and groundwater systems.~~

(5) "Board" means the ~~Virginia Soil and Water Conservation Board~~ State Water Control Board, ~~created under Sec. 10.1-502, Code of Virginia.~~

(6) "Channel" means a natural or manmade waterway.

(7) "Clean Water Act" or "CWA" means the federal Clean Water Act (33 USC § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

(8) "CWA and regulations" means the Clean Water Act (CWA) and applicable regulations published in the Code of Federal Regulations promulgated thereunder. For the purposes of this chapter, it includes state program requirements.

(9) "Common plan of development or sale" means a contiguous area where separate and distinct construction activities may be taking place at different times on difference schedules.

(10) "Control measure" means any best management practice or stormwater facility, or other method used to minimize the discharge of pollutants to state waters.

~~(6) Critical hydraulic location" means a location with an extreme in one or more physical parameters such that if a design condition is met at that location then that same design condition will also be met at other nearby locations. For example, some critical hydraulic locations could be steepest slope, flattest slope, narrowest constriction, greatest flow rate, highest velocity, etc. Critical hydraulic locations can extend downstream until the total drainage area is greater than one hundred (100) times the project drainage area.~~

(11) "Department" means the Department of Environmental Quality.

(~~7~~12) "Development" means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes. ~~a tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose or is to contain five (5) or more residential dwelling units.~~

(~~8~~13) "Disturbed area" means all ground surface area which will be physically impacted by construction activities, including material storage areas and adequate vehicular access routes to all construction activities. No construction activity including material storage and vehicle access will be permitted outside the area designated as 'disturbed area' on the approved plan. If use of such area is desired, a plan revision must be submitted for review and approval prior to such use.

(~~9~~14) "Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

(~~10~~15) "Floodplain" means ~~those areas adjoining a river, stream,~~ those areas adjacent to a channel, river stream, ~~channel~~ or ~~lake which will be inundated by flooding~~ other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency.

(16) "General permit" means the state permit titled general permit for discharges of stormwater from construction activities found ~~in Part XIV (4VAC50-60-1100 et seq.)~~ at 9VAC25-880-1 et seq. of the Regulations authorizing a category of discharges under the CWA and the Act within a geographical area of the Commonwealth of Virginia.

(~~11~~17) "Illicit discharge" means ~~a discharge coming from any land use that is not composed entirely of stormwater~~ any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater ~~and entering the stormwater management system~~, except discharges pursuant to a Virginia Pollutant Discharge Elimination System (VPDES) permit. This definition shall not include the discharges listed in Sec. 16.2-71(b) unless the city identifies such discharges as sources of pollutants to state waters.

(~~12~~18) "Impervious cover" means a surface composed of ~~any~~ material that significantly impedes or prevents natural infiltration of water into soil. For the purposes of billing stormwater utility fees as provided in chapter 16.3 of city code, impervious surfaces include, but are not limited to, roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

(~~13~~19) "Infiltration facility" means a stormwater management facility, which temporarily impounds runoff and discharges it via infiltration through the surrounding soil. While an infiltration facility may also be equipped with an outlet structure to discharge impounded runoff, such discharge is normally reserved for overflow and other emergency conditions. Since an infiltration facility impounds runoff only temporarily, it is normally dry during non-rainfall periods. Infiltration basin, infiltration trench, infiltration dry well, and porous pavement shall be considered infiltration facilities.

(~~14~~20) "Inspection" means an on-site review of the project's compliance with the ~~approved plan~~ permit or state permit, the local stormwater management program, and any applicable design criteria, or an on-site review to obtain information or conduct surveys or investigations necessary in the implementation of this chapter.

(~~15~~21) "Land ~~development~~ disturbance" or "~~land development project~~ land-disturbing activity" means a manmade change to ~~or construction on,~~ the land surface that potentially changes its runoff characteristics including clearing, grading, or excavation except that the term shall not include those exemptions specified in Section 16.2-9 of this chapter.

(~~19~~22) "Layout" means a conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

(~~16~~23) “Linear development project” means a land~~-development project~~ -disturbing activity that is linear in nature such as, but not limited to the construction of (i) electric and ~~,~~ telephone utility lines and natural gas pipelines, ~~water, sewer, storm sewer, natural gas or other utility transmission lines~~; (ii) tracks, rights-of-way, bridges, communication facilities or other related structures of a railroad company; ~~or~~ (iii) ~~streets, roads, or~~ highway~~s~~ reconstruction projects; (iv) construction of stormwater channels and stream restoration activities; and water and sewer lines. Private subdivision roads or streets shall not be considered linear development.

(~~17~~24) “Local stormwater management program” or “local program” means a statement of the various methods adopted by this chapter and implemented by the city of Lynchburg to manage the runoff from land development projects with provisions to require the control of post-development stormwater runoff rate of flow and may include such items as local ordinances, policies and guidelines, technical materials, inspections, enforcement and evaluation.

~~(18) “New impervious area” means any man-made change which creates an impervious surface from a previously pervious surface or from a previously impervious surface during which bare earth or permeable base is exposed. This does not include repaving of a parking lot, but does include a parking lot expansion, or removal of a parking lot and its replacement with some other impervious cover.~~

(25) "Minor modification" means, for the purposes of this chapter, minor modification or amendment of an existing state permit before its expiration for the reasons listed at 40 CFR 122.63 and as specified in 9VAC25-870-640. Minor modification for the purposes of this chapter also means other modifications and amendments not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements, changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor state permit modification or amendment does not substantially alter state permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

(~~19~~26) “Onsite stormwater management facilities” means facilities, which are designed to control stormwater runoff emanating from a specific site, at the specific site.

(27) "Operator" means the owner or operator of any facility or activity subject to regulation under this ordinance.

(~~20~~28) “Percent impervious” means the impervious area within the site divided by the total area of the site multiplied by one hundred (100).

(29) "Permit" or "VSMP Authority Permit" means an approval to conduct a land-disturbing activity issued by the administrator for the initiation of a land-disturbing activity, in accordance with this ordinance, and which may only be issued after evidence of general permit coverage has been provided by the Department.

(30) "Permittee" means the person to whom the VSMP Authority Permit is issued.

(~~21~~31) “Person” means any individual, partnership, firm, association, ~~joint venture~~, public or private corporation, ~~trust, estate~~, commission, ~~board, public or private institution, utility, cooperative,~~ city, town or other political subdivision of the Commonwealth, state or political subdivision of a state, governmental body, including federal, state or local entity as applicable, any interstate body or any other legal entity.

(~~22~~32) “Planning area” means a designated portion of the parcel on which the land development project is located. Planning areas shall be established by delineation on a master plan. Once established, planning areas shall be applied consistently for all future projects.

(~~23~~33) “Plan approving authority” refers to the administrative person or body responsible for the review and approval of land development and stormwater management in the jurisdiction in which the project is located.

(~~24~~34) “Pollution prevention plan” means a stand-alone management document that provides information on the facility operations that directly or indirectly produce waste or use toxic substances. This written plan will record the toxic substance use, emissions, and waste from current work practices, outline potential pollution prevention opportunities and provide specific performance goals including a schedule for implementing these pollution prevention activities.

(~~25~~35) “Post-development” refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

(~~26~~36) “Pre-development” refers to the land use conditions that exist at the time that plans for the land development are submitted for approval. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.); the existing land use conditions at the time the first item/phase is submitted shall establish pre-development conditions.

~~(27) “Program administrator” means the person or persons responsible for administering and enforcing this stormwater management.~~

(~~28~~37) “Regional stormwater management facility” or “regional facility” means a facility or series of facilities designed to control stormwater runoff from a specific contributing watershed area, although only portions of the watershed may experience land development.

(~~29~~38) “Regional stormwater management plan” or “regional plan” means a document containing material describing how runoff from open space, existing development and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional stormwater management facilities.

(~~30~~39) “Runoff” means stormwater runoff.

(40) “Regulations” means the Virginia Stormwater Management Program Regulations (9VAC25-870 et seq.) as amended.

(~~31~~41) "Sanitary sewer system" means the pipelines, conduits, pumping stations, force mains, and other structures, devices, appurtenances, and facilities for collecting and conveying domestic, commercial and industrial sanitary wastewater.

(~~32~~42) “Site” means the ~~parcel of~~ land or water area where any facility or land-disturbing activity is physically ~~being developed, or a planning area in which the land development project is~~ located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site.

(43) “State” means the Commonwealth of Virginia.

(44) “State Board" means the Virginia State Water Control Board.

(45) "State permit" means an approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from a municipal separate storm sewer system (MS4). Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the regulations.

(46) "State Water Control Law" means Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

(~~33~~47) “State waters” means all waters, on the surface or under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

(~~34~~48) “Storm sewer system” means stormwater management system.

(~~35~~49) “Stormwater” ~~or "stormwater runoff"~~ means ~~that portion of~~ precipitation that ~~flows~~ is discharged across the land surface or through conveyances ~~due to gravity as a direct result of a rainfall event or series of events.~~to one or more waterways and that may include stormwater runoff, snow melt runoff, surface runoff and drainage.

(~~36~~50) “Stormwater management” is the design and use of structural or nonstructural practices to achieve the responsible discharge of stormwater runoff as defined by the requirements of this ordinance.

(~~37~~51) “Stormwater management facility” or “stormwater facility” means a device that controls or conveys stormwater runoff or changes the characteristics of that runoff including, but not limited to, the quantity, quality, period of release or velocity of flow.

(~~38~~52) “Stormwater management plan” or “plan” means a document describing how a land development project shall comply with the requirements of this chapter.

(~~39~~53) "Stormwater management system" means one of or a series of structural and non-structural stormwater management facilities and best management practices.

(54) "Stormwater pollution prevention plan" or "SWPPP" means a document that is prepared in accordance with good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meets the requirements of this Ordinance. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, an approved stormwater management plan, and a pollution prevention plan.

(~~40~~55) “Subdivision” means the division of a parcel of land into five (5) or more lots or parcels of less than five (5) acres each for the purpose of transfer of ownership or building development, or, if a new street is involved in such division, any division of a parcel of land. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided.

(~~52~~56) “Virginia Stormwater Management Act means Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

(57) "Total maximum daily load" or "TMDL" means the sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade- offs.

(58) “Virginia stormwater BMP clearinghouse website” means a website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and associated regulations.

(59) “Virginia stormwater management program” or “VSMP” means a program approved by the State Board after September 13, 2011, that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

(60) "Virginia stormwater management program authority" or "VSMP authority" means an authority approved by the State Board after September 13, 2011, to operate a Virginia Stormwater Management Program.

(~~41~~61) "Watershed" means ~~the total drainage area contributing runoff to a single point~~ a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which the water drains may be considered the single outlet for the watershed.

16.2-9 Stormwater Permit Requirement; Exemptions.

(a) Except as provided herein, no person may engage in any land-disturbing activity until a stormwater management plan or an executed agreement in lieu of a stormwater management plan and a VSMP authority permit, if such permit is required, has been issued by the administrator, in accordance with the provisions of this ordinance.

(b) For construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale, projects must adhere to the requirements of General Permit for Discharges of Stormwater from Construction Activities but neither a registration statement nor payment of the Department's portion of the statewide permit fee shall be required for coverage under the permit.

(c) Notwithstanding any other provisions of this ordinance, the following activities are exempt, unless otherwise required by federal law:

(1) Land disturbing activities that disturb less than one acre of land that are not part of a larger common plan of development or sale that is one acre or greater of disturbance;

(2) Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

(3) Clearing of lands specifically for agricultural purposes and the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the State Board in regulations, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 of the Code of Virginia or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163 of Article 9 of Chapter 11 of Title 10.1 of the Code of Virginia;

(4) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures;

(5) Discharges to a sanitary sewer or combined sewer system;

(6) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;

(7) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted

or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and

(8) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the Administrator shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with the administrative requirements of subsection (a) is required within thirty (30) days of commencing the land-disturbing activity.

16.2-10 Establishment of a stormwater management program

(a) Pursuant to § 62.1-44.15:27 of the Code of Virginia, the City of Lynchburg hereby establishes a Virginia stormwater management program for land-disturbing activities and adopts the applicable regulations that specify standards and specifications for VSMPs promulgated by the State Board for the purposes set out in Section 16.2-1 of this Ordinance. The City of Lynchburg hereby designates the ESC Program Administrator or designee as the Administrator of the Virginia stormwater management program.

(b) No VSMP authority permit shall be issued by the Administrator, until the following items have been submitted to and approved by the Administrator as prescribed herein:

(1) A permit application that includes a general permit registration statement;

(2) An erosion and sediment control plan approved in accordance with the City of Lynchburg's erosion and sediment control ordinance as found in City Code Chapter 16.1; and

(3) A stormwater management plan approved in accordance with section 16.2-20 of this ordinance.

(c) No VSMP authority permit shall be issued until evidence of general permit coverage is obtained.

(d) No VSMP authority permit shall be issued until the fees required to be paid pursuant to section 16.2-56, are received, and a reasonable performance bond required pursuant to section 16.2-42 of this ordinance has been submitted.

(e) No VSMP authority permit shall be issued unless and until the permit application and attendant materials and supporting documentation demonstrate that all land clearing, construction, disturbance, land development and drainage will be done according to the approved permit.

(f) No grading, building or other local permit shall be issued for a property unless a VSMP authority permit has been issued by the administrator.

Secs. 16.2-11—16.2-19. Reserved.

ARTICLE II. DESIGN CRITERIA

Sec 16.2-20 Technical criteria

(a) ~~An evaluation shall be performed for each proposed land development project not exempted from this chapter as provided in 16.2-5(b) to assure compliance with state law and the city ordinance concerning stormwater management.~~ To protect the quality and quantity of state water from the potential harm of unmanaged stormwater runoff resulting from land-disturbing activities, the City of Lynchburg hereby adopts the technical criteria for regulated land-disturbing activities set forth in Part II B of the regulations, as amended, expressly to include 9VAC25-870-63 [water quality design criteria requirements]; 9VAC25-870-65 [water quality compliance]; 9VAC25-870-66 [water quantity]; 9VAC25-870-69 [offsite compliance options]; 9VAC25-870-72 [design storms and hydrologic methods]; 9VAC25-870-74 [stormwater harvesting]; 9VAC25-870-76 [linear development project]; and, 9VAC25-870-85 [stormwater management impoundment structures or facilities], which shall apply to all land-disturbing activities regulated pursuant to this ordinance, except as provided for in 9VAC25-870-48 or as expressly set forth in subsection (b) of this section.

(b) ~~Ordinance applicability thresholds~~

~~(i) Neither stormwater quality nor quantity control shall be required for projects with new impervious cover of less than one thousand (1,000) square feet.~~

~~(ii) For projects with new impervious cover between one thousand (1,000) and five thousand (5,000) square feet, stormwater management shall be achieved through new landscaping at the rate of one (1) large shrub for every three and one half (3.5) feet of new building exterior perimeter and one (1) ornamental tree for every twenty (20) feet of new building exterior perimeter.~~

~~(iii) Both water quality and quantity control shall be required for projects with new impervious cover greater than or equal to five thousand (5,000) square feet.~~

	~~**Residential**~~	~~**Commercial/Industrial**~~
~~**Stormwater plan not required if …**~~	~~Single-family dwelling~~ ~~OR~~ ~~Residential subdivisions containing less than 5 lots and no new street construction~~	~~< 1,000 ft^2 of new impervious area~~ ~~OR~~ ~~< 5,000 ft^2 of new impervious area if landscaping is planted and the site has an adequate receiving channel~~
~~**Stormwater plan required if …**~~	~~Single-family subdivision with 5 or more lots~~ ~~OR~~ ~~Single-family subdivision with new street construction~~ ~~OR~~ ~~Construction of multi-family units or amenities exceed 5,000 ft^2 of new impervious area~~	~~Construction of commercial or industrial building or amenities exceeds 5,000 ft^2 of new impervious area~~

Until June 30, 2019, any land-disturbing activity for which a currently valid proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the locality as being equivalent thereto, was approved by a locality prior to July 1, 2012, and for which no coverage under the General Permit for Discharges of Stormwater from Construction Activities has been issued prior to July 1, 2014, shall be considered grandfathered by the VSMP authority and

shall not be subject to the technical criteria of Part II B, but shall be subject to the technical criteria of Part II C [9VAC25-870-93 through VAC25-870-99] for those areas that were included in the approval, provided that the VSMP authority finds that such proffered or conditional zoning plan, preliminary or final subdivision plat, preliminary or final site plan or zoning with a plan of development, or any document determined by the locality as being equivalent thereto, (i) provides for a layout and (ii) the resulting land-disturbing activity will be compliant with the requirements of Part II C [9VAC25-870-93 through VAC25-870-99]. In the event that the locality-approved document is subsequently modified or amended in a manner such that there is no increase over the previously approved plat or plan in the amount of phosphorus leaving each point of discharge of the land-disturbing activity through stormwater runoff, and such that there is no increase over the previously approved plat or plan in the volume or rate of runoff, the grandfathering shall continue as before.

(c) All stormwater facility design, including hydrologic, hydraulic, water quality, and velocity components, must be verified with submitted engineering calculations, in accordance with the procedures outlined in the latest editions of the Virginia stormwater management handbook, the Virginia erosion and sediment control handbook, and the City of Lynchburg manual of specifications and standard details, including all appendices, or other methods approved by the city's plan approving authority. Until June 30, 2019, for locality, state, and federal projects for which there has been an obligation of locality, state, or federal funding, in whole or in part, prior to July 1, 2012, or for which the department has approved a stormwater management plan prior to July 1, 2012, such projects shall be considered grandfathered by the VSMP authority and shall not be subject to the technical criteria of Part II B, but shall be subject to the technical criteria of Part II C [9VAC25-870-93 through VAC25-870-99] for those areas that were included in the approval.

(d) All design calculations must be submitted in formats as specified in the City of Lynchburg manual of specifications and standard details, and by the central Virginia erosion and sediment control committee. For land-disturbing activities grandfathered under subsections A and B of this section, construction must be completed by June 30, 2019, or portions of the project not under construction shall become subject to the technical criteria of Part II B.

(e) For proposed residential, commercial, and/or industrial subdivisions, these stormwater management criteria shall be applied to the land development as a whole, excluding any previously developed parcel(s) which have no new impervious area; individual lots in new subdivisions shall not be considered separate land development projects, but rather the entire subdivision shall be considered a single land development project. Hydrologic parameters which reflect the ultimate land development shall be used in all engineering calculations. In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of Part II C [9VAC25-870-93 through VAC25-870-99].

(f) Stormwater management facilities implemented prior to the date of the adoption of this ordinance shall be maintained in accordance with the stormwater management regulations that were in effect at the time the property on which the facilities are located was developed. Except where specifically required by federal, state or local laws or regulations, it is not the intent of this ordinance to require existing stormwater management facilities that were constructed under prior regulations to be upgraded until the property for which such facilities were constructed is developed or redeveloped to such an extent that it triggers the applicability thresholds set forth in section 16.2-20(b). Both water quality and quantity control shall be required for projects with new impervious cover greater than or equal to five thousand (5,000) square feet;

(g) Construction of stormwater management facilities or modifications to channels shall comply with all applicable laws and regulations. Evidence of approval of all necessary permits shall be presented. Nothing in this section shall preclude an operator from constructing to a more stringent standard at their discretion.

(h) The design of impounding structures shall be checked by a design professional certified to practice in the Commonwealth of Virginia for structural integrity and floodplain impacts for the one hundred (100)-year storm event.

~~(i) Outflows from storm water management facilities shall be discharged to an adequate channel or an adequate stormwater conveyance system. Complete calculations and a narrative shall be included on the plan. Verification of channel adequacy should include the following:~~

~~(1) Channel adequacy shall be checked at all critical locations, as determined by the plan approving authority, downstream of the discharge as far as the point where the disturbed area represents less than one percent of the contributing watershed.~~

~~(2) The channel lining material shall be evaluated to determine its ability to withstand the design velocity as found in Table 5-22 of the Virginia erosion and sediment control handbook, 1992 edition and other published materials as approved by the plan approving authority.~~

~~(3) For natural channels, relative elevations should be taken along the channel length at the channel cross-sections in order to determine the average longitudinal slope of the channel.~~

~~(4) For enclosed conduits, a submitted hydraulic grade line calculation should verify that the flow is contained within the system during the design event.~~

~~(5) The necessary construction easements to accomplish the proposed design shall be required.~~

~~(6) Permanent drainage easements shall be dedicated to the city to permit reasonable access for maintenance of all stormwater facilities which are to become public property. A stormwater maintenance agreement shall be required for all stormwater management facilities which shall remain private property. Private drainage easements shall be provided for maintenance access to all stormwater facilities that will be located on private property but will not be owned by the entity directly responsible for maintenance.~~

~~(7) Determination of the size and capacity of the drainage system shall be based on the planned development and existing development within the watershed.~~

~~(8) The drainage system shall be adequate for both off-site and on-site surface waters and properties over which the surface waters are conveyed shall not be adversely affected.~~

~~(9) Concentrated surface waters shall not be discharged on adjoining property, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land or unless the discharge is into a natural watercourse or other appropriate discharge point as set forth above.~~

~~(i) Velocity dissipaters shall be placed at the outfall of all stormwater discharge points as necessary to provide a non-erosive velocity of flow from the outfall into an adequate channel. Conveyance channels shall be designed to provide a non-erosive surface for designed flows. Riprap shall only be used when protection of the channel geometry and lining cannot otherwise be achieved.~~

~~(j) Suitable safety measures should be incorporated into the design of all stormwater management facilities. These may include but are not limited to, safety ledges, fencing, warning signs, anti-vortex devices, stadia rod indicating depth at the lowest point, and outlet structures designed to limit public access. The plan approving authority reserves the right to require safety measures consistent with local policies for public safety.~~

~~(k) If stormwater management facilities are provided through which water passes at times other than following rainfall, documented provisions shall be made to pass existing flows. It is necessary for detention requirements to be met, despite the necessity of passing certain low flows. This applies to all onstream or online stormwater management facilities.~~

~~(l) All stormwater management facilities shall be designed to function without manual, electrical or mechanical controls, unless authorized in advance in writing by the plan approving authority.~~

~~(m) Detention facilities shall be designed to minimize propagation of insects, particularly mosquitoes.~~

~~(n) Outlets for all stormwater management facilities shall be designed to impede the downstream migration of trash and debris into natural and man-made channels.~~

~~Sec. 16.2-21. Computation methodologies.~~

~~(a) Stormwater quality: All stormwater quality control facilities shall meet the requirements of either a) technology-based water quality criteria as documented in the Virginia stormwater management handbook, b) performance-based water quality criteria as documented in the Virginia stormwater management handbook, or c) other criteria developed and published by the city department of community development.~~

~~(b) Stormwater quantity:~~

~~(1) Stormwater design events~~

~~(i) For stormwater detention, the post-development peak runoff rate from a two (2)-year storm and a ten (10)-year storm, considered individually, shall not exceed their respective pre-development rates.~~

~~(ii) All components of stormwater conveyance systems, including pipes, inlets, gutters, and open channels or swales shall be designed to convey a ten (10)-year rainfall event.~~

~~(iii) All structures conveying a perennial flow shall be designed to convey a twenty five (25)-year rainfall event.~~

~~(iv) All structures conveying the flow of a designated floodplain shall be designed to convey a one hundred (100)-year rainfall event.~~

~~(v) All impoundments, including detention and retention ponds, shall be designed to withstand a one hundred (100)-year rainfall event and shall meet all other applicable Virginia dam safety requirements.~~

~~(vi) Design storms shall be based on either a) type II, a twenty-four (24)-hour storm using the rainfall distribution recommended by the U.S. Soil Conservation Service and U.S. Soil Conservation Service calculation methods (TR-55 or TR-20), b) the rational method, or c) another calculation method, only with prior approval by the plan approving authority.~~

~~(2) For purposes of computing runoff, all lands in the site shall be assumed prior to development to be in good condition if the lands are pastures, lawns, or parks, with good cover if the lands are woods, or with conservation treatment if the lands are cultivated; regardless of conditions existing at the time of computation. Runoff coefficient values should be assigned according to Table 5-2 of the Virginia erosion and sediment control handbook.~~

~~(3) All stormwater management facilities which incorporate storage shall be verified by submitted routing calculations.~~

Sec. 16.2-2~~2~~1. Regional stormwater management.

Where possible all subdivisions, especially those for commercial and industrial use, shall employ a regional detention facility for all lots within the development. ~~If regional detention is not a viable option, as determined by the plan approving authority, a combination of non-structural, structural practices and/or on-site detention shall be designed to reduce the runoff peak on a lot-by-lot basis.~~ If a regional stormwater management plan has been adopted by the City of Lynchburg for the watershed in which the proposed land development is located, the applicant shall comply with the requirements of the regional watershed plan.

Sec. 16.2-2~~3~~2. Floodplain management.

(a) A study will be required for all new construction that provides a net increase in impervious area of the site and/or filling within the floodplain [as determined by the most recent floodplain study adopted by the City of Lynchburg]. This study shall meet the requirements as specified in Sec. 35.1-45, Flood Hazard Districts.

(b) In addition, such construction shall be in compliance with all applicable regulations under the national flood insurance program and code of the City of Lynchburg.

~~Sec. 16.2-24. Nonstructural measures.~~

~~It is not necessary that basic requirements for water quality and quantity control be satisfied solely by means of structural methods. Non-structural practices including, but not limited to, cluster land use development, low impact development, minimization of impervious surfaces, open space acquisition, floodplain management, and protection of wetlands, steep slopes, riparian buffers, and vegetation should be coordinated with structural requirements. Approval of non-structural practices can be granted at the discretion of the plan approving authority as an alternative to individual structural practices. The option of non-structural practices shall be justified by documentation.~~

Secs. 16.2-2~~5~~3—16.2-35. Reserved.

ARTICLE III. STORMWATER MANAGEMENT PLAN REQUIREMENTS

Sec. 16.2-36. Plan required.

(a) Except as provided for in section 16.2-5(b) of this chapter, no ~~grading~~ land-disturbing, building, or other permit shall be issued for land development unless a stormwater management plan has been submitted to and approved by the ~~City of Lynchburg~~ administrator or his designee.

(b) The applicant shall demonstrate that the project meets the criteria set forth in this chapter including the technical criteria in Article II of this chapter which shall apply to the entire land-disturbing activity. Individual lots in new residential, commercial, or industrial developments shall not be considered separate land-disturbing activities.

(c) A stormwater management plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff.

(~~c~~d) Failure of the applicant to demonstrate that the project meets the criteria set forth in this chapter shall be reason to deny the applicant's underlying application for approval.

(~~d~~e) Planning, design, and approach to storm water management in the City of Lynchburg shall be in ~~substantial~~ conformance with this chapter. (Ord. No. O-01-079, 4-24-01, eff. 5-1-01)

Sec. 16.2-37. Plan submission.

(1) The applicant shall submit, to the plan approving authority, the material required in a stormwater management plan in accordance with Section 16.2-38 of this chapter.

(2) Five (5) copies of the stormwater management plan shall be submitted.

(3) The fee specified in Section 16.2-56 of this chapter shall accompany the stormwater management plan. (Ord. No. O-01-079, 4-24-01, eff. 5-1-01; Ord. No. O-07-047, 4-10-07)

Sec. 16.2-38. Plan contents.

The following information, where applicable, shall be required for each proposed project subject to review under this ordinance. Stormwater management plans (maps, plans, designs and calculations) shall be appropriately sealed and signed by a professional in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with Chapter 4 (54.1-400 et seq.) of Title 54.1 of the Code of Virginia and attendant regulations.

(a) General:

(1) General description of the project.

(2) General description of the erosion and sediment controls.

(3) Information on type/location of stormwater discharges, information on features to which stormwater is being discharged, including surface waters or karst features if present, and predevelopment/postdevelopment drainage areas.

(~~3~~4) General description of temporary and permanent stormwater management facilities and the mechanism through which the facilities will be operated and maintained after construction is complete.

(5) Information on proposed stormwater management facilities, including (i) type of facilities; (ii) location, including geographic coordinates; (iii) acres treated; and (iv) surface waters or karst features into which the facility will discharge

(~~4~~6) Project schedule and narrative, including a sequence of construction.

(~~5~~7) Names and contact information, including email addresses of the project owner, and the submitting agent.

(~~6~~8) The acreage of the disturbed area of the project.

(~~7~~9) An estimate of the amount of security for a bond or other instrument based on current construction costs; however, the city may use an average cost to determine this amount. The city shall not be required to use this estimated amount as its bond requirement.

(b) Technical:

(1) Map or maps of the project area showing:

a. The watershed in which the project site is located using hydrologic unit maps (as found in the design protocol manual) and the boundary of the drainage area tributary to the project site using ~~U.S.G.S.~~ United States Geological Survey quadrangle map or City of Lynchburg topography for offsite areas.

b. Contributing drainage areas;

~~b~~c. The location of the project relative to significant features in the general surroundings such as roads, adjacent land uses, property lines, existing manmade structures and public facilities.

~~c~~d. Existing contours at two (2)-foot intervals for the on-site area.

~~d~~e. Existing streams, lakes, ponds, culverts, ditches, ~~existing~~ drainage swales, wetlands, other water bodies, floodplains, ~~forested areas~~ and other physical features within or adjacent to the project area.

~~e~~f. Unique, unusual, or environmentally sensitive features that provide particular opportunities or constraints for development.

g. Soil types, geologic formations if karst features are present in the area, forest cover and other vegetative areas.

h. Sufficient information on adjoining parcels to assess impacts of stormwater from the site on these parcels;

~~f~~i. Current land use including existing structures, roads, locations of ~~existing and proposed~~ known utilities, sewers ~~and~~ water lines and easements.

~~g~~j. General alterations in the natural terrain, cover, and grade including lawns and other landscaping.

~~h~~k. The location of proposed buildings, roads, parking areas, utilities and other permanent structures.

~~i~~l. Proposed contours at two (2)-foot intervals.

~~j~~m. All stormwater management facilities including details, plan, profile, and cross-sections.

~~k~~n. If any infiltration facilities are proposed, the locations of existing and proposed wells and septic system drain fields must be shown.

~~l~~o. Limits of construction, clearing and grading and proposed drainage patterns on site.

p. Proposed land use with tabulation of percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads and easements

Sec. 16.2-39. Reports.

(a) Comprehensive hydrologic, hydraulic and water quality design calculations, including all assumptions and criteria, for the pre-development and post-development conditions for the design storms specified in Article II of this chapter.

(b) A soils report/geotechnical analysis and boring logs, for infiltration facilities.

Sec. 16.2-40. Plan approval.

~~(a) A maximum of thirty (30) calendar days from the receipt of an application will be allowed for preliminary review of the application for completeness. During this period, the application will be accepted for review, which will begin the thirty (30) -day review period, or rejected for incompleteness. The applicant will be informed in writing of the information necessary to complete the application.~~ The VSMP authority shall determine the completeness of a plan in accordance with 9VAC25-870-55, and shall notify the applicant of any determination, within 15 calendar days of receipt. Where available to the applicant, electronic communication may be considered communication in writing.

1. If within those 15 calendar days the plan is deemed to be incomplete, the applicant shall be notified in writing of the reasons the plan is deemed incomplete.

2. If a determination of completeness is made and communicated to the applicant within the 15 calendar days, an additional 60 calendar days from the date of the communication will be allowed for the review of the plan.

3. If a determination of completeness is not made and communicated to the applicant within the 15 calendar days, the plan shall be deemed complete as of the date of submission and a total of 60 calendar days from the date of submission will be allowed for the review of the plan.

4. The VSMP authority shall review, within 45 calendar days of the date of resubmission, any plan that has been previously disapproved.

~~(b) The thirty (30) sixty (60)-day review period begins on the day the complete stormwater management plan is accepted for review. At this time, an acknowledgment letter will be sent to the applicant. During the thirty (30) sixty (60)-day review period, the plan approving authority shall either approve or disapprove the plan and communicate the decision to the applicant in writing. Approval or denial shall be based on the plan's compliance with this chapter.~~

~~(c) A disapproval of a plan shall contain the reasons for disapproval.~~

(~~d~~b) The applicant or any aggrieved party authorized by law may appeal the plan approving authority's decision of approval or disapproval of a stormwater management plan application within thirty (30) days after the rendering of such a decision, to the City of Lynchburg Circuit Court.

(~~e~~c) Judicial review shall be on the record previously established and shall otherwise be in accordance with the provisions of the administrative process act (Sec. 9-6.14:1 et seq. of the Code of Virginia).

Sec. 16.2-41. Conditions of plan approval.

Each approved stormwater management plan shall be subject to the following conditions:

(a) A stormwater management plan approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners.

(~~a~~b) The applicant shall comply with all applicable requirements of the approved plan and the local program and shall certify that all land clearing, construction, land development and drainage will be done according to the approved plan.

(~~b~~c) The land development project shall be conducted only within the limits of construction, clearing and grading specified in the approved plan.

(~~c~~d) The City of Lynchburg or its designee shall be allowed, after giving notice to the owner, occupier or operator of the land development project, to conduct periodic inspections of the project. The owner, occupier or operator shall be given the opportunity to accompany the inspector.

(~~d~~e) No transfer, assignment or sale of the rights granted by virtue of an approved plan shall be made unless the transferee certifies agreement to comply with all obligations and conditions of the approved plan.

(~~e~~f) A set of certified as-built plans for the stormwater management facilities ~~or~~ and cover ~~a~~ letter from the design professional with the appropriate seal stating that the objectives of the design have been achieved by the facility as constructed shall be submitted to the City of Lynchburg upon completion of the project. Said as-builts shall include volume confirmation with supporting computations and include structural elevations and dimensions.

(~~f~~g) While the project is under bond, the person responsible for implementing the approved plan shall conduct monitoring and submit reports to ensure compliance with the approved plan and to determine whether the plan provides effective stormwater management.

Sec. 16.2-42. Performance bond required.

(a) All applicants shall submit to the City of Lynchburg a performance bond with surety, cash escrow, letter of credit, or such other legal arrangement acceptable to the city attorney, to ensure that measures could be taken by the city at the applicant's expense should the applicant fail, after proper notice, within the time specified to initiate or maintain appropriate actions which may be required of the applicant by the approved stormwater management plan.

(b) If the City of Lynchburg takes such action upon such failure by the applicant, the city may collect from the applicant the costs of such action in excess of the amount of the security held.

(c) Within sixty (60) days of the completion of the requirements of the approved stormwater management plan, including necessary stabilization, the bond, cash escrow, letter of credit or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated.

(d) These requirements are in addition to all other provisions of law relating to the issuance of such plans and are not intended to otherwise affect the requirements for such plans.

Sec. 16.2-43. Changes to an approved plan.

No changes may be made to an approved plan without review and written approval by the City of Lynchburg. Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the administrator. The administrator shall have 60 calendar days to respond in writing either approving or disapproving such request. The administrator may also require amendments to an approved stormwater management plan, within a time prescribed by the administrator, to address any deficiencies noted during inspection. Upon the release of the land disturbance bond, any proposed changes to the site layout, increases in impervious area or alterations of stormwater conveyance systems, easements or facilities must be submitted to the plan approving authority of the City of Lynchburg for review and approval.

Secs. 16.2-44—16.2-52. Reserved.

Article IV. Stormwater Pollution Prevention Plan Requirements

16.2-53. Plan Contents

(a) The Stormwater Pollution Prevention Plan (SWPPP) shall include, but not be limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL as specified by Section 9VAC25-870-54 and must also comply with the requirements and general information set forth in Section 9VAC25-880-70 of the general permit.

(b) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters which is not addressed by the existing SWPPP.

(c) The SWPPP must be maintained by the operator at a central location onsite. If an onsite location is unavailable, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

16.2-54 Pollution Prevention Plan

(a) Pollution Prevention Plan, required by 9VAC25-870-56, shall be developed, implemented, and updated as necessary and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(b) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(c) Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

ARTICLE ~~IV~~ V. ENFORCEMENT AND FEES

Sec. 16.2-55. Exceptions.

(a) A request for an exception shall be submitted, in writing, to the ~~program~~ administrator. An exception from this chapter may be granted, provided that: (i) exceptions to the criteria are the minimum necessary to afford relief, and (ii) reasonable and appropriate conditions shall be imposed as necessary upon any exception granted so that the purpose and intent of this chapter is preserved.

(b) Economic hardship is not sufficient reason to grant an exception from the requirements of this chapter.

Sec. 16.2-56. Fees.

~~The fee structure for stormwater management plan review within the City of Lynchburg will be incorporated into the erosion and sediment control review fee as part of the department of community development's technical review committee process.~~

(a) An applicant shall pay the fees provided in Table 1 for initial issuance of general permit coverage and VSMP authority permit coverage. No more than 50% of the total fee to be paid by the applicant set out in Table 1 shall be due at the time a stormwater management plan or an initial stormwater management plan is submitted to the City of Lynchburg for review. The balance shall be paid prior to the issuance of coverage under the general permit. When a site or sites are purchased for development within a previously permitted common plan of development or sale, the applicant shall be subject to fees in accordance with the disturbed acreage of the their site or sites according to the following table.

Table 1: Fees for permit issuance

Fee type	**Total fee to be paid by Applicant (includes both VSMP authority and Department portions where applicable)**	**Department portion of "total fee to be paid by Applicant" (based on 28% of total fee paid*)**
General / Stormwater Management - Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre.)	$290	$81
General / Stormwater Management - Small Construction Activity/Land Clearing (Single family detached residential structure, within or outside a common plan of development or sale, with land disturbance acreage greater than one acre but less than five acres or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale.	$209	N/A
General / Stormwater Management - Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 acre and less than 5 Acres)	$2,700	$756

General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$3,400	$952
General / Stormwater Management – Large Construction Activity/Land Clearing [Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres]	$4,500	$1,260
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$6,100	$1,708
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	$9,600	$2,688

* If the project is completely administered by the Department such as may be the case for a state or federal project or projects covered by individual permits, the entire applicant fee shall be paid to the Department.

(b) Fees for the modification or transfer of registration statements from the general permit issued by the State Board shall be imposed in accordance with Table 2. If the general permit modifications result in changes to stormwater management plans that require additional review by the City of Lynchburg, such reviews shall be subject to the fees set out in Table 2. The fee assessed shall be based on the total disturbed acreage of the site. In addition to the general permit modification fee, modifications resulting in an increase in total disturbed acreage shall pay the difference in the initial permit fee paid and the permit fee that would have applied for the total disturbed acreage in Table 1. Fees required by this section go to the City of Lynchburg

Table 2: Fees for the modification or transfer of registration statements for the General Permit for Discharges of Stormwater from Construction Activities

Type of Permit	Fee Amount
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	$20
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 1 and less than 5 acres)	$200
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$250
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$300
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$450
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 100 acres)	$700

(c) The following annual permit maintenance shall be imposed in accordance with Table 3, including fees imposed on expired permits that have been administratively continued. With respect to the general permit, these fees shall apply until the permit coverage is terminated. Fees specified by this section will go to the City of Lynchburg.

Table 3: Permit Maintenance Fees

Type of Permit	Fee Amount
Chesapeake Bay Preservation Act Land-Disturbing Activity (not subject to General Permit coverage; sites within designated areas of Chesapeake Bay Act localities with land-disturbance acreage equal to or greater than	$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Areas within common plans of development or sale with land disturbance acreage less than 1 acre)	$50
General / Stormwater Management – Small Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance equal to or greater than 1 acre and less than 5 acres)	$400
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 5 acres and less than 10 acres)	$500
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 10 acres and less than 50 acres)	$650
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater than 50 acres and less than 100 acres)	$900
General / Stormwater Management – Large Construction Activity/Land Clearing (Sites or areas within common plans of development or sale with land disturbance acreage equal to or greater 100 acres)	$1,400

General permit coverage maintenance fees shall be paid annually to the City of Lynchburg by the anniversary date of general permit coverage. No permit will be reissued or automatically continued without payment of the required fee. General permit coverage maintenance fees shall be applied until a notice of termination is effective.

(d) The fees set forth in subsections (a) through (c) above, shall apply to:

(1) All persons seeking coverage under the general permit.

(2) All permittees who request modifications to or transfers of their existing registration statement for coverage under a general permit.

(3) Persons whose coverage under the general permit has been revoked shall apply to the department for an individual permit for discharges of stormwater from construction activities.

(4) Permit and permit coverage maintenance fees outlined in this section may apply to each general permit holder.

(e) No general permit application fees will be assessed to:

(1) Permittees who request minor modifications to general permits as defined in section 16.2-8.(25) of this ordinance. Permit modifications at the request of the permittee resulting in changes to stormwater management plans that require additional review by the administrator shall not be exempt pursuant to this Section.

(2) Permittees whose general permits are modified or amended at the initiative of the department, excluding errors in the registration statement identified by the administrator or errors related to the acreage of the site.

(f) All incomplete payments will be deemed as nonpayments, and the applicant shall be notified of any incomplete payments. Interest may be charged for late payments at the underpayment rate set forth in §58.1-15 of the Code of Virginia and is calculated on a monthly basis at the applicable periodic rate. A 10% late payment fee shall be charged to any delinquent (over 90 days past due) account. The City of Lynchburg shall be entitled to all remedies available under the Code of Virginia in collecting any past due amount.

Sec. 16.2-57. Inspections and monitoring.

(a) The ~~program~~ administrator or designee shall ~~make regular inspections during all phases of construction of the stormwater management facilities.~~ inspect the land-disturbing activity during construction for:

(1) Compliance with the approved erosion and sediment control plan;

(2) Compliance with the approved stormwater management plan;

(3) Development, updating, and implementation of a pollution prevention plan; and

(4) Development and implementation of any additional control measures necessary to address a TMDL.

(b) The applicant shall notify the city forty-eight (48) hours prior to the commencement of any activity covered by this ordinance so that appropriate inspections can be made to insure compliance with this chapter.

(c) The administrator or any duly authorized agent of the administrator may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this chapter.

(d) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the administrator may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions which are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within the time specified.

(e) The administrator may require every VSMP authority permit applicant or permittee, or any such person subject to VSMP authority permit requirements under this ordinance, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this ordinance.

(f) Post-construction inspections of stormwater management facilities required by the provisions of this ordinance shall be conducted by the administrator or any duly authorized agent of the Administrator pursuant to the City of Lynchburg's adopted and State Board approved inspection program, and shall occur, at minimum, at least once every five (5) years.

(~~c~~g) Inspection reports shall be maintained as part of the land development project file.

(h) In order to assure compliance with the provisions of this chapter, and all applicable city ordinances, state and federal laws, orders or regulations, the stormwater administrator or his agent shall have the right to inspect any property on which a stormwater maintenance facility is located, public or private, within the city at any reasonable time. In the event the stormwater administrator or his agent shall be denied access to property, the stormwater administrator or his agent may present sworn testimony to a magistrate or court of competent jurisdiction and if such sworn testimony establishes (i) probable cause that a violation of this ordinance has occurred, or (ii) that the stormwater administrator or his agent has been denied access to property as part of a routine inspection program, request that the magistrate or court grant the stormwater administrator or his agent an inspection warrant to enable the stormwater administrator or his agent to enter the property for the purpose of determining whether a violation of this ordinance exists. The stormwater administrator or his agent shall make a reasonable effort to obtain consent from the owner or occupant of the subject property prior to seeking the issuance of an inspection warrant under this section. It shall be a violation of this section for any person to deny the stormwater administrator or his agent access to any property after the stormwater administrator or his agent has obtained an inspection warrant from a magistrate or a court of competent jurisdiction for the inspection of such property. Nothing herein shall be construed to authorize the stormwater administrator or his agent to enter or inspect the interior portions of any structure situated on such property unless the inspection is reasonably necessary to verify the presence and character of a stormwater maintenance facility or control measure that the owner of the property claims to be installed therein.

Sec. 16.2-58. – Hearings by the city manager, or his designee.

(a) Any permit applicant or permittee, or person subject to the requirements of this chapter, who is aggrieved by a permit of enforcement decision of the city, may request in writing a hearing by the city manager, or his designee, provided a written request of a hearing is filed with the city manager, or his designee, within fifteen days of the incident giving rise to the request for a hearing.

(b) Within thirty calendar days after receiving a written request for a hearing, the city manager, or his designee, will meet with the person filing the request for a hearing.

(c) A record of the hearing shall be taken and retained by the city manager, or his designee, pending an appeal to the circuit court as provided in section 16.2-60. The record shall contain documentation of the date the hearing took place, the decision made, and the date the decision was provided to the person requesting the hearing.

(d) Within fifteen calendar days after the hearing takes place, the city manager, or his designee, shall issue a written decision in the matter and shall provide a copy of the decision to the person requesting the hearing. The written decision will be retained as part of the record.

(e) All hearings shall be in accordance with the process adopted by the city manager. The hearing before the city manager, or his designee, is not intended to be conducted like a court proceeding, and the rules of evidence do not apply to such hearing. The city manager, or his designee, shall have the discretion to determine the propriety of attendance of persons at the hearing, and the admissibility of evidence, so long as a fair and full opportunity is afforded to all parties for the presentation of their evidence.

(f) The time frames in these procedures, may be extended by the mutual agreement of the city manager, or his designee, and the person requesting the hearing.

(g) The decision of the city manager, or his designee, may be appealed to the circuit court as provided in section 16.2-60.

Sec. 16.2-59. – Appeals to circuit court.

(a) Any permit applicant or permittee, or person subject to the requirements of this chapter, who is aggrieved by a permit or enforcement decision of the city manager, or his designee, may file with the clerk of the circuit court a petition for the review of such decision. An appeal must be filed in writing with the clerk of the circuit court within thirty (30) days after a final decision is rendered by the city manger, or his designee, and must specify the grounds on which the appeal is based. The filing of the said petition shall stay the decision of the city manager, or his designee, pending the outcome of the appeal.

(b) Upon the presentation of such petition, the court shall allow a writ of certiorari to review the decision of the city manager, or his designee, and shall prescribe therein the time within which a return thereto must be made to the petition. A copy of the writ of certiorari shall be served upon the city manager. Within fifteen calendar days after the writ of certiorari is served upon the city manager, the city manager shall transmit to the clerk of the court: a copy of the city manager's, or his designee's, decision, a copy of the record, and the exhibits. The court, sitting without a jury, shall hear the appeal on the record transmitted by the city manager and such additional evidence as the court determines may be necessary to resolve any controversy as to the correctness of the record. The court, in its discretion, may receive such other evidence as the ends of justice require.

(c) The burden of proof shall be upon the party filing the appeal to designate and demonstrate that the decision of the city manager or his designee, was arbitrary and capricious, or contrary to the law. When the decision on review is to be made on the record, the duty of the court with respect to issues of fact shall be to determine whether there was substantial evidence in the record to support the city manager's, or his designee's, decision. The duty of the court with respect to the issues of law shall be to review the city manager's, or his designee's, decision de novo to determine if there was an error of law. Whether the fact issues are reviewed on the record submitted by the city manager, or a record made during a review action, the court shall take due account of the presumption of the validity of the city's ordinances, the experience and specialized competence of city staff, and the purposes of the basic laws, regulations, and ordinances under which the city has acted.

(d) A party shall be deemed to be an aggrieved party for the purpose of filing an appeal if (i) such party has suffered an actual or imminent injury which is an invasion of a legally protected interest and which is concrete and particularized, (ii) such injury is fairly traceable to the decision of the city and not the result of the independent action of some third party not before the court, and (iii) such injury will likely be redressed by a favorable decision by the court.

Sec. 16.2-~~58~~60. Maintenance agreement.

(a) A maintenance agreement, on a form prescribed by the City of Lynchburg, between the city and the owner of any permanent stormwater control facility shall be submitted and recorded prior to approval of the stormwater management plan required by this chapter. ~~implemented prior to the release of any performance bond that may be required by the city for this facility.~~

(b) Responsibility for the operation and maintenance of stormwater management facilities, unless assumed by the city or other governmental agency, shall run with the land and remain with the property owner and shall

pass to any successor or owner. If portions of the land are to be sold, legally binding arrangements shall be made to pass the basic responsibility to successors in title. These arrangements shall designate for each parcel the property owner, governmental agency, or other legally established entity to be permanently responsible for maintenance.

(c) In the event that the stormwater management facilities are in need of maintenance or become a danger to public safety or public health, the responsible person shall be notified in writing, ~~advised of the corrective measures required,~~ and given a reasonable period of time to take necessary action. If the responsible person fails or refuses to perform such maintenance and repair, the city has the authority to perform the work and to recover the costs from the responsible person. Any costs, including interest, which remain unpaid, may be collected in the same manner as unpaid taxes are collected, and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

(d) To ensure proper performance of the stormwater management facility, the owner is responsible for inspecting the stormwater management facility on ~~a semi-~~ an annual basis and after any storm, which causes the capacity of the facility to be exceeded. More frequent inspections may be required if deemed necessary by the ~~program~~ administrator. The owner must file written record of inspections to the ~~program administrator~~ department of water resources within five (5) working days of the inspection. ~~Utilize the operation and maintenance checklist (appendix 3B) contained in the Virginia stormwater management handbook.~~

(e) The maintenance agreement submitted to the City of Lynchburg shall allow for the City to enter the property ~~Right of entry agreements or easements for the city shall be required from the applicant~~ for purposes of inspection by the ~~program~~ administrator or designee shall ~~Said agreements or easements may also~~ permit the city or designee to enter the property for the purpose of maintenance and repair should the responsible party not fulfill these duties~~.~~, shall provide for the submisstion of inspection and maintenance reports as required by the city, and shall be enforceable by all appropriate governmental parties.

Sec. 16.2-61. Maintenance of stormwater management facilities.

(a) Any property owner that has a stormwater management facility on his property, shall maintain such facility in a good operating condition. The maintenance of the stormwater management facility shall be in accordance with all applicable city and state requirements and regulations, and shall include but shall not be limited to the following:

(1) The filing of an annual inspection of the facility by a qualified inspector and the filing of an annual written inspection report with the City's stormwater administrator, describing the condition of the stormwater management facility. The annual inspection report shall be due by the end of each calendar year, and the inspection shall have been performed within two months prior to the date of the report. The report shall state the property's address, the owner's name, the inspection date, the inspector's name and qualifications, and shall describe any deficiencies and any required maintenance that is needed to bring the stormwater management facility into compliance with city and state requirements and regulations.

(2) The filing of a supplementary report on the remediation of any deficiencies identified in the annual inspection report; such supplementary report on remediation efforts shall be due within three months of the date of the inspection report.

(3) The removal and proper disposal of sediment when the flow or storage of the stormwater has been significantly restricted or reduced by sediment;

(4) The removal and proper disposal of trash, debris, loose brush and other growth from the stormwater management facility, as needed;

(5) The removal and proper disposal of any oil or grease which has accumulated within the stormwater management facility;

(6) The replacement and proper disposal of any chemical treatment media and any filter media which have ceased to function at design levels;

(7) The annual cutting of any brush and other woody growth on and around any embankment fill, and the stabilization of the banks of the stormwater management facility, as needed;

(8) The inspection, maintenance and repair of any fence installed around the stormwater management facility;

(9) Any necessary repairs to the dam, emergency spillway and any low spots in any stormwater retention pond; and

(10) All other repairs and improvements which are reasonably necessary to keep the stormwater management facility operating in an efficient, safe and sanitary manner.

(b) In the event that the stormwater management facilities are in need of maintenance or become a danger to public safety or public health, the property owner shall be notified in writing, and given a reasonable period of time to take necessary action. If the property owner fails or refuses to perform such maintenance and repair, the city has the authority to perform the work and to recover the costs from the property owner. Any costs, including interest, which remain unpaid, may be collected in the same manner as unpaid taxes are collected, and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

(c) For purposes of this chapter, "property owner" means the owner or owners of the freehold of the property or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, or lessee in control of the property.

Sec. 16.2-~~59~~62. Enforcement.

(a) If ~~it is~~ the administrator determine~~d~~s that there is a failure to comply with the VSMP authority permit conditions or determines there is an unauthorized discharge ~~approved plan~~, notice shall be served upon the ~~applicant~~ permittee or person responsible for implementing the plan by registered or certified mail to the address specified in the application or plan certification, or by delivery at the land development site to the agent or employee supervising such activities.

(b) The notice shall specify the measures needed to comply with the ~~plan~~ permit conditions and shall specify the time within which such measures shall be completed.

(c) Upon failure to comply within the time specified, a stop work order may be issued or the permit or approval may be revoked and the applicant or person responsible for implementing the plan shall be deemed to be in violation of this ordinance.

(d) Any person who violates any provision of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment for each violation, or both, as provided for in Section ~~10.1-603.14~~ 62.1-44.15:48 of the Code of Virginia.

(e) The ~~program~~ administrator may apply to the circuit court to enjoin a violation or a threatened violation of this chapter as provided for in Section ~~10.1-603.14~~ 62.1-44.15.48 of the Code of Virginia without the necessity of showing that an adequate remedy at law does not exist.

(f) Without limiting the remedies, which may be obtained in this section, the ~~program~~ administrator may bring a civil action against any person for violation of this chapter, or any condition of the permit or approval, or any provision of the local program. The action may seek to impose of a civil penalty of not more than thirty-two thousand, five hundred dollars ($32,500) ~~two thousand dollars ($2,000)~~ for each violation as provided for in Section ~~10.1-604.14~~ 62.1-44.15.48 of the Code of Virginia.

(g) In addition to any other remedy provided by this chapter, if the administrator determines there is a failure to comply wit the provisions of this chapter, the administrator may initiate such ~~information~~ informal and/or formal administrative enforcement procedures in a manner authorized by this chapter and any applicable City-issued policies. Such procedures may include, but are not limited to:

(i) Verbal Warning;
(ii) Notices of corrective actions;
(iii) Consent special orders and civil charges pursuant to subsection (h) below;
(iv) Notices to comply;
(v) Special and emergency special orders;

~~(g)~~ (h) With the consent of any person who has violated or failed, neglected or refused to obey this ordinance or any condition of the permit or approval or any provision of the local program, the ~~program~~ administrator may issue an order against or to such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection (f) of this section. Such civil charges shall be instead of any appropriate civil penalty, which could be imposed under subsection (f).

(i) Violations for which a penalty may be imposed under this Subsection shall include but not be limited to the following:

(i) No state permit registration;
(ii) No SWPPP;
(iii) Incomplete SWPPP;
(iv) SWPPP not available for review;
(v) No approved erosion and sediment control plan;
(vi) Failure to install stormwater BMPs or erosion and sediment controls;
(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;
(viii) Operational deficiencies;
(ix) Failure to conduct required inspections;
(x) Incomplete, improper, or missed inspections; and
(xi) Discharges not in compliance with the requirements of Section 9VAC25-880-1170 of the general permit.

Secs. 16.2-6~~0~~3—16.2-69. Reserved.

ARTICLE ~~V~~ VI. STORMWATER POLLUTION CONTROL

Sec. 16.2-70. Purpose.

(a) The 1987 amendments to the federal clean water act (CWA) required the United States environmental protection agency to establish national pollutant discharge elimination system (NPDES) requirements for municipal separate storm sewer systems (MS4). NPDES regulations require the city to reduce the flow of pollutants into waters of the United States through ordinance, permit, contract or other available means.

(b) Pollutants discharged from the city's municipal separate storm sewer system (MS4) have an adverse impact upon the quality of receiving waters. Stormwater, and any other materials which enter the city's MS4, travel through the system and are discharged into receiving waters with minimal or no treatment. Since pollutants entering this system come from many sources and are to date largely uncontrolled, reduction of pollutant discharges can only be achieved by a broad restriction on a variety of activities occurring throughout the city. This ordinance is intended to prevent pollutants from being discharged by the city's stormwater collection system by requiring all citizens to prevent such pollutants from initially entering the system.

(c) This article is adopted as an integral part of the city's stormwater management program. (Ord. No. O-07-032, 3-13-07)

Sec. 16.2-71. Discharges to the city's storm sewer system.

(a) It shall be unlawful and a violation of this article to:

(1) Connect, cause, or allow to be connected, any sanitary sewer to the separate storm sewer system;

(2) Discharge the following in any amount to the city's storm sewer system, to any private stormwater conveyance system, or to any stormwater management system whether intended for water quality or water quantity control, unless the system conveys the fluids to an appropriate water treatment facility or the discharge is permitted by a Virginia pollution discharge elimination system [VPDES] permit <u>or by a national pollution discharge elimination system [NPDES] permit</u>:
(i) Sewage;
(ii) Greases;
(iii) Fuels;
(iv) Oil or oil waste;
(v) Antifreeze;
(vi) Other automotive, motor or equipment fluids;
(vii) Paints and/or organic solvents;
(viii) PCBs;
(ix) Pesticides;
(x) Herbicides;
(xi) Toxic materials;
(xii) Waste disposal site leachate;
(xiii) Radioactive materials;
(xiv) Fertilizers
(xv) Organic matter;
(xvi) Any fluid at a temperature greater than 65° celsius;
(xvii) Any fluid having a pH less than 5.0 or greater than 9.0;
(xviii) Any fluid containing more than fifteen (15) milligrams per liter of total suspended solids;
(xix) Any fluid containing dyes or coloring material which discolor the water no more than fifty (50) American dye manufacturers institute [ADMI] units;
(xx) Any fluid containing material which causes a visible film, sheen or discoloration on the water surface;
(xxi) Any substance which may cause or do any injury to, interfere with the proper operation of, obstruct the flow into or through, or pollute a stormwater management facility;
(xxii) Any commercial, industrial, or manufacturing process water, wash water, or unpermitted discharge;
(xxiii) Boiler blowdown;

(xxiv) Any substance of non-stormwater origin unless specifically exempted from this article;
(xxv) Matter of any type which may:
a. Result in a hazard to any person, animal, property, or vegetation; or,
b. Impair the quality of the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse.

(b) Subject to the provisions of subsection (c) of this section, the following activities shall be allowed:
(1) Potable water line flushing;
(2) Lawn watering;
(3) Landscape irrigation;
(4) Diverting stream flows or uncontaminated groundwater flows;
(5) Water from public safety activities, including, but not limited to, law enforcement and fire suppression;
(6) Pumping or drainage of uncontaminated groundwater from potable water sources, foundation drains, basements, springs, or water from crawl spaces, or footing drains;
(7) Non-commercial car washing;
(8) Swimming pool discharges with less than one (1) parts per million [PPM] chlorine;
(9) Street washing;
(10) Any activity authorized by a valid national pollutant discharge elimination system (NPDES) permit, waiver, or discharge order; a Virginia pollutant discharge elimination system (VPDES) permit, waiver, or discharge order; or a Virginia pollution abatement (VPA) permit;
(11) Any activity by a governmental entity or its employees and agents in accordance with federal, state, and local regulations and standards for the maintenance or repair of drinking water reservoirs or water treatment or distribution systems;
(12) Any activity by a governmental entity or its employees and agents in accordance with federal, state, and local regulations and standards, for the maintenance of any component of its stormwater management system.
(13) Discharges specified in writing by the program administrator and/or his or her designee as being necessary to protect public health and safety.
(14) Dye testing, following notification to the program administrator.
(15) Residential yard maintenance, including seasonal leaf pick-up and brush removal.

(c) If any of the activities listed in subsection (b), above, of this section are found to be sources of pollutants to public waters, the program administrator shall so notify the person performing such activities and shall order that such activities be stopped or performed in such a manner as to avoid discharge of pollutants into such waters. The failure to comply with any such order shall be unlawful and a violation of this article. (Ord. No. O-07-032, 3-13-07)

Sec. 16.2-72. Pesticides, herbicides, and fertilizers.

(a) Pesticides, herbicides, and fertilizers are common household products that have beneficial uses in the homes, lawns and gardens of many city residents. When used properly and in accordance with manufacturer's recommendations they provide significant enhancement of our quality of life. When used inappropriately, however, these products can have unintended negative impacts on the quality of public waters. These consequences frequently are not readily apparent to the individual responsible for the improper usage. Therefore to reduce the incidences of negative environmental impacts to water quality, the city enacts the following restrictions on the uses of pesticides, herbicides, and fertilizers.

(b) Pesticides and herbicides.
It shall be unlawful:
(1) To use any pesticide or herbicide not approved by the U.S. environmental protection agency (EPA).
(2) To use any pesticide or herbicide in a fashion not in accordance with manufacturer's recommendations or label directions as approved by the Virginia department of agriculture and consumer services [VDACS] and the U.S. environmental protection agency (EPA).
(c) Fertilizers.

To avoid contamination of water bodies and aquifers :

(1) Fertilizers should be applied in a manner which does not exceed manufacturer's recommendations for frequency and rates approved by the Virginia department of agriculture and consumer services [VDACS] and the U.S. environmental protection agency (EPA).
(2) Fertilizers should not be directly applied to impervious areas subject to runoff.

Sec. 16.2-73. Construction activities.

Stormwater management at all construction activities shall be governed by the city's erosion and sediment control and stormwater ordinance

Sec. 16.2-74. Good housekeeping requirements.

The following good housekeeping requirements shall be adhered to by all persons within the City of Lynchburg:

(a) The uncovered outdoor storage of unsealed containers containing hazardous substances or waste material is prohibited.

(b) Unless otherwise approved, objects such as vehicle motor parts containing grease, oil, or other hazardous materials, shall not be stored in such a manner as to cause leaks, spills, or discharges into stormwater management facilities.

(c) Unless otherwise approved, work on any machine that is to be repaired or maintained in an uncovered outdoor area shall be performed in such a manner as to prevent leaks, spills, or discharges into any stormwater management facilities and/or any municipal separate storm sewer system.

(d) Fuel and chemical residue or other types of potentially harmful material, garbage, or batteries, which are located in an area susceptible to runoff, shall be removed immediately and disposed at a hazardous waste collection site.

Sec. 16.2-75. Inspections and monitoring.

(a) The ~~program~~ administrator and/or his or her designee(s) shall have authority to carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with the provisions of this article, including the prohibition of illicit discharges to the storm sewer system. The program administrator and/or his or her designee(s) may monitor stormwater outfalls or other components of the municipal storm sewer system as may be appropriate in the administration and enforcement of this article.

(b) The ~~program~~ administrator and/or his or her designee(s) shall have the authority to require pollution prevention plans from any person whose discharges cause or may cause a violation of any VPDES permit, including the one held by the city.

(c) The ~~program~~ administrator and/or his designee(s) shall have the authority to enter into private property to conduct investigations relative to this article. No inspection shall be conducted without the consent of the tenant, occupant, property owner or the owner's representative or pursuant to a duly issued administrative inspection warrant or as authorized by other lawful means.

Sec. 16.2-76. Violations and penalties.

(a) A willful violation of the provisions of this article shall constitute a Class 1 misdemeanor. Each day that a continuing violation of this article is maintained or permitted to remain shall constitute a separate offense.

(b) Any person who commits any act prohibited by this article shall be liable to the city for all costs of detecting, tracing, testing, containment, cleanup, abatement, removal, and disposal of any substance unlawfully discharged into the storm sewer system.

(c) Any person who commits any act prohibited by this article shall be subject to a civil penalty in an amount not to exceed one thousand dollars ($1,000.00) for each day that a violation exists. The city may issue a summons for the collection of the civil penalty and the action may be prosecuted in the local courts. Any civil penalties assessed by a court as a result of a summons issued by the city shall be paid into the treasury of the city for the purpose of abating, preventing or mitigating environmental pollution.

(d) The city may bring legal action to enjoin the continuing violation of and to insure compliance with the provisions of this chapter, including injunction, abatement or other appropriate action or proceeding. The existence of any other remedy, at law or in equity, shall be no defense to any such action.

(e) The ~~program~~ administrator and/or his or her designee(s) shall have authority to order that any activity found to be in violation of this article be stopped or conducted in such a manner as to avoid the discharge of any illicit materials into the storm sewer system.

(f) Any discharge caused or permitted to exist in violation of any provisions of this article constitutes a threat to the public health, safety and welfare, and is hereby declared and deemed a public nuisance. Following receipt of written notice of such nuisance from the ~~program~~ administrator and/or his or her designee(s), if the responsible person fails to abate or obviate such nuisance, then the city may do so and charge and collect the cost thereof from the responsible person, in any manner provided by law (including, without limitation, any manner provided by law for the collection of state or local taxes).

(g) The remedies set forth in this section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted.

2. That this ordinance shall become effective July 1, 2014.

Adopted:

Certified: _____
Clerk of Council

079K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014**			AGENDA ITEM NO.: 10
CONSENT:	REGULAR: **X**	WORK SESSION:	CLOSED SESSION: (Confidential)
ACTION: **X**		INFORMATION:	

ITEM TITLE: **Conditional Use Permit (CUP): AT&T Mobility – 1721 Langhorne Road**

RECOMMENDATION: The Planning Commission recommends denial of the CUP petition.

SUMMARY: This Council report supplements the January 14, 2014 Council report for the proposed telecommunication tower CUP at 1721 Langhorne Road. The following summary includes information requested by City Council for the petitioner to provide prior to scheduling a subsequent Council meeting:

1. Determine whether a tower at the eastern end of the Linkhorne Middle School property would be a viable alternative;
2. Determine whether AT&T can meet its coverage objective by collocating antennas on the existing Alltel tower located at Langhorne Road and Halsey Road, if granted permission to increase the height of the tower;
3. Determine the scope of AT&T obligation to maintain the proposed tower;
4. Determine how many collocation opportunities the Zoning Ordinance and the City Council will require AT&T to provide;
5. Provide a summary of DAS systems, including how they work, where they typically are used, and whether such a system is appropriate for this neighborhood;
6. Determine whether AT&T can meet its coverage objective using a lower tower height (135' or 125');
7. Determine whether the definition of "stealth" in the Zoning Ordinance is broad enough to justify using a design other than monopine;
8. Conduct another balloon test during the winter months due to less foliage;
9. Conduct a neighborhood meeting to answer neighbors' questions and address the concerns.

AT&T has submitted the following attached additional information to address City Council's request: (a) AT&T response letter (b) Linkhorne Middle School Locations (c) Coverage candidate predictions (d) Photo simulations with/without monopine design (e) Neighborhood meeting letter and mailing list. Additional attachments also include copies of resident letters, observations provided by the City's Urban Forester regarding tree canopy height and a February 26, 2014 *News & Advance* article detailing the petitioner's balloon test. The January 14, 2014 City Council report and the August 13, 2013 Perrymont Telecommunications Tower report are also provided as separate files (due to size of the reports) for information.

The property is zoned R-1, Low Density, Single-Family Residential District and contains approximately twenty-four and thirty-five hundredths (24.35) acres. The Planning Commission's motion of approval failed on a 2-4 vote. Therefore, the Planning Commission recommended denial of the CUP because:

- The R-1, Low-Density, Single-Family Residential District is not appropriate for facilities that are one hundred forty-five feet (145') in height.
- Commercial properties within the coverage area should be explored further to determine if a more suitable location would be feasible.

Since the January 14, 2014 City Council meeting, AT&T Mobility modified their petition for a CUP to allow the construction of a one hundred forty-five (145)-foot "monopine" (a communications tower designed to look like a pine tree) and associated equipment cabinets to instead request a height of one hundred thirty-five (135)-foot telecommunications tower with the option for Council to decide the means in how the facility achieves a

“stealth” design. AT&T has also proposed to reduce the size of the equipment shelter from 12’x28’ to 11.5’x12’ to reduce visual impact.

PRIOR ACTION(S):

December 11, 2013: The Planning Division recommended approval of the CUP petition.

The Planning Commission’s motion of approval failed (2-4 with one absent; Hannon).

January 14, 2014: After a public hearing, City Council postponed action on the petition in order to receive more information regarding the telecommunication facility.

FISCAL IMPACT: N/A

CONTACT(S): Kevin Henry, Planner II- 455-3900
Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution of approval. Staff will provide a resolution of denial if Council requests one.
- AT&T Response Letter
- Linkhorne Middle School Locations
- Coverage LY732 Candidate Predictions
- Photo Simulations (monopine)
- Photo Simulations (flush mount antennas)
- Neighborhood meeting letter and mailing list
- Citizen letters
- Tree canopy email from Klaus Schreiber
- News & Advance article
- January 14, 2014 Agenda Summary and Attachments **(separate attachment due to file size)**
- August 13, 2013 Agenda Summary re Perrymont Telecommunications Tower
- Materials that were submitted to City Council regarding the Perrymont cell tower site **(separate attachment due to file size)**

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AT&T MOBILITY TO ALLOW A ONE HUNDRED THIRTY-FIVE (135) FOOT MONOPINE AND ASSOCIATED EQUIPMENT CABINETS AT 1721 LANGHORNE ROAD IN AN R-1. LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of AT&T Mobility for a conditional use permit to allow the construction of a one hundred forty-five (135)-foot monopine and associated cabinets is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan.
2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.
3. The tower shall be constructed as a “monopine” as indicated in the submitted photo simulations.
4. Future collocations on the tower shall be permitted provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.
5. The telecommunications facility shall not have a strobe light of any kind upon it.
6. The equipment shelter shall be no larger than 11.5 feet by 12 feet and shall be placed upon a 12 feet by 20 feet pad.

Adopted:

Certified: _____

Clerk of Council

081K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **January 14, 2014** AGENDA ITEM NO.:

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): AT&T Mobility – 1721 Langhorne Road**

RECOMMENDATION: Denial of the CUP petition.

SUMMARY: AT&T Mobility is petitioning for a CUP to allow the construction of a one hundred forty-five (145)-foot "monopine" (a communications tower designed to look like a pine tree) and associated equipment cabinets at 1721 Langhorne Road. The property is zoned R-1, Low Density, Single-Family Residential District and contains approximately twenty-four and thirty-five hundredths (24.35) acres. The Planning Commission's motion of approval failed on a 2-4 vote. Therefore, the Planning Commission recommended denial of the CUP because:

- The R-1, Low-Density, Single-Family Residential District is not appropriate for facilities that are one hundred forty-five feet (145') in height.
- Commercial properties within the coverage area should be explored further to determine if a more suitable location would be feasible.

PRIOR ACTION(S):

December 11, 2013: The Planning Division recommended approval of the CUP petition.

The Planning Commission's motion of approval failed (2-4 with one absent; Hannon).

FISCAL IMPACT: N/A

CONTACT(S): Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report – December 11, 2013
- Planning Commission Minutes – December 11, 2013
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Concept Plan
- Photo Simulations
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY:

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO AT&T MOBILITY TO ALLOW A ONE HUNDRED FORTY-FIVE (145) FOOT MONOPINE AND ASSOCIATED EQUIPMENT CABINETS AT 1721 LANGHORNE ROAD IN AN R-1. LOW DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of AT&T Mobility for a conditional use permit to allow the construction of a one hundred forty-five (145)-foot monopine and associated cabinets is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan.
2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.
3. The tower shall be constructed as a “monopine” as indicated in the submitted photo simulations.
4. Future collocations on the tower shall be permitted provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.
5. The telecommunications facility shall not have a strobe light of any kind upon it.

Adopted:

Certified: _____
Clerk of Council

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: December 11, 2013
Re: **Conditional Use Permit (CUP) – AT&T Mobility – 1721 Langhorne Road**

I. PETITIONER

AT&T Mobility, 4164 Innslake Dr. Ste. B, Glen Allen, VA 23060
Representative: Mr. Paul Robnett, Velocitel, Inc., Glen Allen, VA 23060

II. LOCATION

The subject property is a tract of approximately twenty four and thirty-five hundredths (24.35) acres located at 1721 Langhorne Road.
Property Owner: Mr. Julian Adams, 1721 Langhorne Road, Lynchburg, Virginia 24503

III. PURPOSE

The purpose of the petition is to allow the construction of a one hundred forty-five (145)-foot "monopine" (cell tower designed to look like a pine tree) and associated equipment cabinets.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map* (*FLUM*) recommends Low Density Residential and Resource Conservation uses for the property.
- Telecommunication facilities are permitted within R-1, Low Density, Single-Family Residential Districts upon approval of a CUP by Council.
- The proposed telecommunication facility will be of a stealth design and should blend into the natural landscape.

<u>The Planning Division recommends approval of the CUP petition.</u>

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends a Low Density Residential and Resource Conservation uses for the property. Low Density Residential uses include single-family dwellings, public and institutional uses compatible in scale with single-family residential homes, private recreation uses, and private open space (***pg. 5.5***). Resource Conservation Areas should have development limited to: trails and recreation facilities, and public facilities (sewer, wastewater treatment, road crossings…etc.). The goal is to keep Resource Conservation Areas as natural as possible so as to stabilize slopes, prevent soil erosion, provide natural absorption areas for urban runoff, moderate climate, and provide wooded areas for wildlife and for the respite of City dwellers (***pg. 5.3***).

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-1, Low Density, Single-Family Residential and Resource Conservation Districts were established in 1978 upon adoption of the *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

- On October 14, 1980, Council approved the rezoning petition of Lloyd G. Flint to rezone property at 2023 Langhorne Road from B-2, Local Neighborhood Business District to B-3C, Community Business District (Conditional) to permit the use of a convenience store with accessory gasoline sales.
- On September 10, 1985, Council approved the CUP petition of Garbar Associates to allow a Planned Unit Development (PUD) of thirty (30) townhouse units at the end of Elk Street.
- On May 14, 1991, Council approved the CUP petition of Lynchburg City Schools to allow the use of modular building classrooms at 2525 Linkhorne Drive.
- On December 12, 1995, Council denied the CUP petition of Virginia O'Klock to operate an owner occupied Bed & Breakfast operation at 1511 Langhorne Road.
- On February 13, 1996, Council approved the CUP petition of James & Lillian Rice to allow a Planned Unit Development (PUD) of thirty-four (34) attached single-family units at 2620 Circle Road.
- On July 13, 1999, Council approved the CUP petition of St. George Greek Orthodox Church to construct a one story multi-purpose addition at 1724 Langhorne Road.
- On March 13, 2001, Council approved the CUP petition of Lynchburg City Schools to construct a new gymnasium at 2525 Linkhorne Drive.

5. **Site Description.** The subject property is a tract of approximately twenty-four and thirty-five hundredths (24.35) acres located at 1721 Langhorne Road. The property contains a single family dwelling, which was constructed in 1956 and is located in the front portion of the property. Over three-quarters of the property are wooded. The "monopine" tower is proposed to be situated in the middle of the property. The property is bounded by heavily wooded residential use properties.

6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a one hundred forty-five (145)-foot "monopine" (cell tower designed to look like a pine tree) and associated equipment cabinets.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed telecommunications facility.

8. **Stormwater Management.** A stormwater management plan will be required at the time the site plan is submitted. As indicated on the submitted site plan and narrative, the petitioner will address erosion issues associated with the installation of the grass paver roadway.

9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the proposal.

10. **Impact.** The telecommunications facility would be located behind the existing house sited approximately in the middle of the property. The compound will be screened with a wooden fence and will be located three hundred five (305) feet from the northern and southern property lines, eight hundred three (803) feet from the western (rear) property line and seven hundred five (705) feet from the rear wall of the existing house. Appearance of

telecommunication facilities would normally be the primary concern when proposed in residential areas. The petitioner has proposed constructing the tower as a "monopine" as shown in the submitted photo simulations, which should blend into the existing tree line. As indicated by the petitioner, the proposed telecommunications facility is needed to support wireless communications in the area. The facility would support up to four (4) carriers.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on November 19, 2013. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of AT&T Mobility to allow the installation of a one hundred forty-five (145)-foot telecommunications tower and associated equipment at 1721 Langhorne Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan.**
2. **All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**
3. **The tower shall be constructed as a "monopine" as indicated in the submitted photo simulations.**
4. **Future collocations on the tower shall be permitted provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.**

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Paul Robnett, Velocitel Inc.

VII. ATTACHMENTS

1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
6. **Concept Plan**
7. **Photo Simulations**

MINUTES FROM THE DECEMBER 11, 2013 PLANNING COMMISSION MEETING (MINUTES HAVE BEEN APPROVED):

b. Petition of AT&T Mobility for a conditional use permit in an R-1, Low Density, Single-Family Residential District to allow the construction of a one hundred forty-five (145)-foot telecommunications tower and associated equipment at 1721 Langhorne Road.

Mr. Kevin Henry explained that this petition is requesting the construction of a 145-foot monopine telecommunications tower and associated equipment cabinets. The *Future Land Use Map* recommends Low Density Residential and Resource Conservation uses for the area. The area is predominantly single-family residential and resource conservation currently and is heavily wooded. The property is approximately 24 acres and the tower is proposed to be located in approximately the middle of the property.

Mr. Henry commented that there are no traffic or emergency access concerns with the petition. A stormwater management plan will be required at the time of the site plan submittal. The compound will be screened with a wooden fence. Mr. Henry acknowledged that the visual aspect and appearance of the tower is likely to be the biggest concern. The applicant has designed it as a monopine, which was recently part of a similar petition at 409 Perrymont Avenue. The applicant has submitted photo simulations as part of the application to try and show how the tower might look at various vantage points around the neighborhood. Given the design and the photo simulations that have provided in the application, along with the conditions contained in the report, the Planning Division recommends approval of the conditional use permit application.

Mr. Max Wiegard of Gentry, Locke, Rakes and Moore, a law firm in Roanoke, was present to represent the petitioner. Mr. Paul Robnett and Mr. Sam Shaw with AT&T Mobility and Mr. Julian Adams, the owner of the property, were present in the audience as well. Mr. Wiegard remarked that this property is somewhat unique in this area of the city because it is quite large and heavily wooded in the area where the tower is proposed to be located. The proposed tower will be located hundreds of feet from the adjacent residences, as well as the public road. The proposed compound would also be contained in the heavily wooded area and would be enclosed with a wooden fence to help it blend in as well. Mr. Wiegard also mentioned that the equipment cabinet will be painted brown, which should also help it blend in with the trees.

Mr. Wiegard explained that due to people using wireless technology on their phones in their homes, there is a need to fill gaps in coverage, particularly in residential areas. Mr. Wiegard demonstrated on a map the current coverage area and how much of the uncovered area will be served by the proposed monopine. It would significantly improve the coverage area in this section of the city. Mr. Wiegard also went over each of the photo simulations provided in the application. Mr. Wiegard acknowledged that although the tower will be visible, it is designed in a stealth manner to blend in with the natural environment as much as possible. The tower is also able to accommodate the collocation of up to three additional carriers on it without adding to the height of the tower.

Mr. Wiegard explained that AT&T did try to find other existing structures in the area on which to collocate. AT&T considered four sites and ruled out each of them because they were either too far from its coverage objective or the height of the structure was too low. This tower would meet the coverage objective very well. AT&T would respectfully request that the Planning Commission concur with staff's recommendation and recommend approval of the petition to City Council.

Chair Sale asked for others who wished to speak in favor of the petition. No one came forward. He asked for those who wished to speak in opposition to the petition. Mr. Jurgen Pest of 2805 Sedgewick Drive came forward. He said that he will look out his window and see a tower with a blinking red light.

He said they had many options of where to live and they chose their home on Sedgewick Drive because it is in a quiet, heavily wooded area and on a dead end street. They were hoping to live there a long time, but this no longer appears certain. Mr. Pest stated that they would feel betrayed by their elected officials if this conditional use permit is granted. They paid a premium price for a lot with underground utilities and this tower would be an above ground utility. When the foliage is off the trees, he is pretty sure they will be able to see the tower no matter how it is disguised.

For Mr. Pest, the question is whether or not this tower is needed. Maybe the petitioner's requirements for coverage are excessively high. He feels that the improving the surrounding available towers would yield them some improvement in their coverage area. Possibly they could elevate the height of a nearby tower. Mr. Pest hopes that their recommendation to City Council would be denial given that it will impact the beauty of their neighborhood.

Mr. Steve Selby of 1672 Langhorne Road came forward to speak. He has lived there for approximately 18 years and states that it is a very attractive neighborhood and very nice place to live. 1721 Langhorne Road is directly in front of him and he feels that a fifteen-story commercial structure does not belong in this neighborhood. He feels it will look bad and degrade the neighborhood. It will look like an artificial Christmas tree and will not fool anyone. Mr. Selby also feels that the photo simulations presented are misleading. The locations were carefully selected so that nearby structures and trees obstructed the proposed tower. The picture taken with the direct view of 1721 Langhorne Road was taken approximately 45 feet below the roof line. Mr. Selby's view of the tower will not be obscured by the house located at 1721 Langhorne Road and he will see the whole tower. Mr. Selby also made the point that trees come and go. Many trees were blown down in the derecho. Therefore, one cannot count on the present trees to always be there as a screen for the proposed tower.

Mr. Selby feels that the areas not covered could be accommodated by micro bay stations mounted on existing power poles. He also pointed out that if this tower is granted, it will set a precedent for towers to be erected in other residential neighborhoods. Mr. Selby feels that the profit this company will make will come at the expense of this neighborhood's quality of life and property values. He would ask the commission to uphold the zoning regulations and deny this petition.

Ms. Joan Jones of 2209 Falconhill Place came forward to speak. Ms. Jones pointed out that this tower is in one of Lynchburg's remaining virgin forests. It will destroy the 400,000 square feet of forest needed to erect the tower. To reach the site to build it, the existing dirt lane will have to be improved. All of this is proposed to take place in a low density residential neighborhood and the neighborhood would become something else. She pointed out that there are commercial properties for sale located within a quarter of a mile of this site that might be appropriate for a tower. Ms. Jones remarked that many people do not know about this proposed tower because the legal requirement is to only notify persons within 200 feet of the proposal. It will be visible for so much further than 200 feet. She hopes that the commission will agree that this proposal is inappropriate for this property.

Mr. Gilliam Cobbs of 3316 Dorchester Court came forward to speak. He also represents other property owners such as the Bakers on Dorchester Court, the Blanks on Langhorne Road and the Giles on Langhorne Road who are also opposed to this tower. He stated that the developer of Dorchester Court went to great lengths and expense to put in underground utilities. This is a scenic, sought after area of the city. He feels this tower will deprive the neighbors of a privileged view. In his opinion, the tower can be decorated as a monopine but it is still an eyesore and does not belong in a prime residential area. Mr. Cobbs also feels that this is a departure from what he thought was the City's policy of locating these towers on City owned properties such as the recent one approved for 409 Perrymont Avenue. No one has told him how the City is going to make money on this one. Mr. Cobbs also feels that the petitioner's photo simulations are misleading and were taken from points where the tower would not affect people's property. Mr. Cobbs would like the commission to recommend denial and hopes that it is not too late for another option to be explored for the location of this tower.

Ms. Barbara Mayer of 2700 Sedgewick Drive came forward to speak. She indicated that there is going to be a chain link fence for an area of four acres surrounding this tower. She thinks the tower will be hideous. She also mentioned that there is a tower nearby in the Kroger shopping center on Linkhorne Road and wondered why they cannot improve that one. Ms. Mayer also talked about the potential harmful effects of radiation from cell towers and that the radiation might go as far as the two nearby schools. She acknowledged that the studies are conflicting and that she is really not supposed to raise this issue because it goes against the 1996 Telecommunications Act. That act forbids localities to refuse these towers based on potential health hazards.

Ms. Mayer feels that there are no problems with reception in this area. She would like to know if other people do have that problem. She feels that the area that will be covered by this tower is just the wooded area where no one lives. She also feels that the property values in this area will plummet and this will affect the City's tax base.

Dr. Ray Baker came forward to speak. He developed the Dorchester Court subdivision and lives at 3317 Dorchester Court. He reiterated the previous concerns about how unsightly he feels the monopine will look when the leaves are gone from the trees and about how this will be setting a bad precedent for allowing these towers in beautiful residential areas. Dr. Baker also pointed out that the company has said that this will not address all its coverage problems, so how long will it be before we see a request for a 200-foot tower or when will the baby monopines pop up? He thinks they should seriously consider this before allowing a commercial structure in a beautiful residential area.

Mr. Carmen Huckabee of 2204 Falconhill Place came forward to speak. He wondered why they could not locate on the nearby tower at the Kroger shopping center. The rest of his testimony centered on the potential radiation hazards of cell towers that are within a third of a mile range. He did acknowledge that they were not allowed to take this into consideration but read them an article regarding a cancer study that might link cancer to radiation from cell towers.

Mr. Fred Mayer of 2700 Sedgewick Drive came forward to speak. He wanted to point out the proposed location of the cell tower is higher than other properties around it making it more visible to some of the adjacent residences. Mr. Mayer also asked if the petitioner could address questions about what type of lighting will be used on the tower and who will be financially compensated from this tower.

Mr. Stuart Brust of 2812 Sedgewick Drive came forward to speak. His concern is that this tower would get the foot in the door to allow other zoning changes. There might eventually be a Walmart allowed. He thinks this property will no longer be able to be sold as residential property because you will be looking at a tower.

Dr. Richard Giles of 1533 Langhorne Road came forward to speak. He said the constructed photo simulations were taken from the highway. He does not know what it will look like from his property. He knows of one person on Dorchester Court that does not have cell phone coverage. He would like to hear if there are other options for doing this proposed tower. He is also not complimentary of how this process has been advertised by either the petitioner or by the City.

Chair Sale recognized all those who had come in opposition to the petition by a show of hands.

Mr. Wiegard came back to address the concerns. Mr. Wiegard mentioned the 1996 Telecommunications Act and explained that it prohibits bodies from denying towers for environmental reasons so long as they are constructed in accordance with federal regulations. This tower has been designed and will be constructed in accordance with these regulations.

Mr. Wiegard said AT&T is not trying to get around any zoning regulations or play any tricks in order to get approval. This proposal is a focused effort to fill in gaps in coverage as shown on the map he presented earlier in the process. This application has been filed in compliance with the City's zoning ordinance. He acknowledged that although it would be nice if all utilities could be underground, this technology is a line of sight technology. This tower is designed to be 145 feet in height because that meets the coverage objective, but it is also designed to be as visibly unobtrusive as possible out of necessity because it is in a residential area.

If AT&T could meet this need by going to a commercial or industrial area, it would. The tower in the Kroger shopping center mentioned is not a suitable alternative because AT&T is already located on it. Mr. Wiegard stated that the general preference in most localities is one tall tower over three or four shorter towers to meet a coverage objective. Mr. Wiegard assured them that AT&T has looked at other existing structures in the area to meet this coverage objective and it simply cannot.

Mr. Wiegard explained that there is no proposal for lighting on this tower because the FAA is not requiring lighting. Generally, towers are not lit unless it is required by the FAA or if it is in close proximity to a hospital and the hospital requests lighting. Commissioner Hooper asked Mr. Wiegard to clarify that there is no requirement for lighting and Mr. Wiegard mentioned the FAA report provided with this application, which states that no lighting will be required. Commissioner Swienton asked if this could be a condition of the permit and Mr. Wiegard said that could certainly be a condition. Mr. Henry said he could write this up for the commission's consideration.

Chair Sale closed the public hearing portion of the petition.

Mr. Gilliam Cobbs asked from the audience if the commission could remember to have the petitioner address the question of compensation. Chair Sale said that question, as well as others, would be asked by the commission.

Commissioner Swienton had a question about Section 35.1-83, which states that (b) Existing towers are exempt from the maximum height restrictions of the districts where located. New towers shall not exceed a maximum height of fifty (50) feet in any residential district, one hundred (100) feet in a B-1 district, or one hundred fifty (150) feet in any other commercial or industrial district, unless the city council approves a conditional use permit authorizing a maximum height in excess of these limits. Commissioner Swienton wanted to know what staff's rationale was for going from 50 feet to 145 feet as an allowable height for this tower. Mr. Henry said it is based on what the cell tower engineers say is required as well as the precedent of other petitions that have been approved. Mr. Henry thought the one recently approved at 409 Perrymont Avenue was of a comparable height. Commissioner Swienton asked if someone could put up a fifty foot tower by right. Mr. Henry said it would depend on whether or not the other requirements could be met such as setbacks and fall requirements.

Commissioner Swienton noted that he thinks the monopines are very well designed and he does not have a problem with them but he does have an issue with going from 50 feet to 145 feet in a residential district. Commissioner Swienton asked what the minimal size lot would be that would allow a fifty-foot tower. Mr. Henry said there are too many factors to consider (topography, adjacent zoning, etc.) for him to quantify a minimum lot size. Commissioner Swienton asked Mr. Weigard if AT&T is asking for the tower height that is allowed by right in an industrial zone. Mr. Weigard acknowledged that is true and is the reason for the conditional use permit application and the tower's stealth design. Mr. Wiegard further stated that the reason this parcel is a desirable parcel is because it meets the setback requirements and the fall zone requirements.

Commissioner Hooper asked how many AT&T towers there are in the City (or collocations). Mr. Wiegard was not sure and stated that the issue is still coverage area and this is an identified gap. Chair Sale asked him to respond to the fact that the coverage area that will be served is mostly wooded.

Mr. Wiegard said it will still provide coverage to many residences in the area. He also pointed that the state of communications today is that people want coverage in their homes and it will be even more so in the future.

Chair Sale asked Mr. Wiegard if there was a community meeting. He said there was not and AT&T had not taken a sounding of the neighborhood. Mr. Weigard said there were 75 letters sent out and the other legal requirements were met.

Chair Sale asked if the tower at the Kroger shopping center could be improved in any way to meet this coverage objective. Mr. Wiegard said it becomes very complicated and it is something they would have to send to the radio frequency engineers to study.

Commissioner Coleman stated that it seems to him that the weight of their discussion should be on trying to find another location for this tower in order to address the concerns that the neighbors have raised. He does not see how they can ignore these neighbors' concerns and hopes they are equally concerned about placing these towers in other residential neighborhoods in the city where they might have negative impacts. Commissioner Coleman wondered if there was any time sensitivity to this petition because there is enough unrest for him that he is not in favor of voting for it today.

Chair Sale said that when they have postponed items in the past, it is in order to garner more information. It would come back to them without holding another public hearing, unless the petition was changed substantially.

Commissioner Hooper said he keeps thinking about the tower they recently considered at 409 Perrymont Avenue, which was on City owned property. He is trying to draw a parallel between the two petitions. Mr. Henry clarified for them, after checking the documents, the request was for a 135-foot tower in an R-2 district and it was approved by the Planning Commission and City Council. Commissioner Hooper noted that he wished the petitioner had made more of an effort to advertise its proposal and maybe go out and knock on some doors and talk to people.

Commissioner Hooper asked if someone is going to address the issue of compensation. Chair Sale said the commission is really not supposed to consider financial issues but he would presume that the owner is compensated. Mr. Wiegard said that the arrangement is in the form of a lease. Mr. Wiegard also wanted to mention at this point that the fence proposed is to be wooden and not chain link as was suggested by one of the neighbors.

Commissioner Johnston asked Mr. Henry to address the construction timeline for the tower and the 400,000 square feet of clearing that was mentioned previously by one of the neighbors. Mr. Henry deferred to Mr. Wiegard for those explanations and Mr. Wiegard said the area is 50 feet by 80 feet, which is actually 4,000 square feet of clearing that would be required. Some trees would have to be cut down but the goal would be to leave as many as possible, especially since they want the tower to be obscured as much as possible.

Commissioner Johnston asked Mr. Wiegard if it is better financially for AT&T to lease a property than it is for them to buy a commercial property and erect a tower. Mr. Wiegard believes that AT&T's business model lends itself to leasing space as opposed to buying. Mr. Wiegard said he personally has not represented any telecommunications companies in the purchasing of properties because there may come a time in the future where the tower is not needed in which case it would be removed within 90 days of its useful life. Commissioner Johnston clarified that there is potential that this tower would go away in the future. Mr. Wiegard said there is absolutely the potential for that in the future, but the horizon for that is very hard to say.

Commissioner Johnston asked Mr. Henry if AT&T would have to come back for another conditional use permit if the tower needs to be lighted at a later point. Mr. Henry said they could add that as a condition or they could make the condition void if the lighting is required by the FAA. Commissioner Johnston asked what would happen to the tower if a subsequent application for lighting was denied. Mr. Wiegard said that would certainly become a significant issue if the tower was required to be lit by the FAA and it was denied by the locality. It would involve legal issues at that point and AT&T would certainly have to explore other options.

Commissioner Coleman would like to see the petitioner get together with the neighbors and work something out or even find another location. Commissioner Coleman made a motion to table the matter until there has been further discussion and exploration. Commissioner Swienton seconded the motion.

Commissioner Swienton asked what the time frame is for bringing this matter back if it is tabled. Mr. Henry said it would be a year. Mr. Henry pointed out that if the item is tabled, it will come back as a public meeting but not a public hearing. Mr. Henry also wished to point out that they will have at least two new commissioners coming to the commission in January to replace Commissioners Sale and Barnes and Commissioner Hannon was not reappointed as well. Mr. Henry also asked for clarification from the commission in terms of what they would like staff and the petitioner to address that has not been addressed already before the item comes back to them.

Commissioner Coleman reiterated that he does not feel that there has been adequate effort made to work something out with the neighbors. He would like the petitioner and staff to see if there is another location where this tower could be located. Commissioner Coleman is not convinced, except for financial reasons, that there is not another place that this tower could be located. If another location cannot be found, the petition could be brought back to them and it will be voted on at that time.

Commissioner Johnston stated that she does not see anything compelling them to table this matter. Mr. Wiegard's presentation is that AT&T has looked at other properties and has not found any others to be suitable. His presentation is that there are no other options for locations so she does not see any value in delaying the item. She would like to vote today.

Commissioner Hooper thinks that those present would like to have a vote on this today and then voice their concerns one way or the other with Council. Commissioner Hooper agrees that there is no value in postponing the petition, unless the petitioner was to come to them with a totally different site and they have already researched other locations.

At this point, members of the audience wanted to ask more questions. Mr. Pest indicated that he thought they would be allowed to question the petitioner. Chair Sale indicated that once the public hearing is closed, someone from the floor needs to be invited by one of the commissioners. Chair Sale explained that right now they have a motion before them to table the item and they need to vote on it.

Commissioner Swienton acknowledged Commissioner Coleman's desire to find common ground and would like to continue to encourage that in the future. However, Commissioner Swienton thought that whatever the commission's vote is today will determine whether or not the petitioner needs to research another alternative between now and City Council. He is comfortable with that.

The motion to table the item was called to a vote and failed by the following vote:

AYES:	Coleman	1
NOES:	Barnes, Hooper, Johnston, Sale and Swienton	5
ABSTENTIONS:		0
ABSENT:	Hannon	1

Chair Sale called Mr. Pest back to ask some questions. Mr. Pest wanted to know who is complaining about coverage in the area or suggested that a survey be taken to see who is not happy with their coverage. He would also like to see the map expanded that shows the lack of coverage area so that they can see street names because it is hard to make sense out of the course map that was shown by the petitioner. He would also like to know about the lower tower in the area that was investigated by the petitioner, why it was not suitable and why that tower could not be increased in height in order to provide the coverage they are seeking. Mr. Pest also pointed out that other companies do not seem to have this problem with coverage, so people could change their carrier if they are having problems with AT&T.

Mr. Wiegard came back to address these questions. In terms of switching carriers, Mr. Wiegard said that is also covered by the 1996 Telecommunications Act. A carrier is required to show a need for coverage, comply with the locality's zoning ordinance and make sure its application is consistent with the locality's comprehensive plan. If there are deficiencies or issues that have not been fully vetted, they would be happy to produce more information. AT&T's goal is for them to be comfortable with this application and that it is the right thing and that they have exhausted all possibilities. But the fact that someone can switch carriers is not grounds for denying an application.

As far as raising the height of another tower, there are other issues involved in doing that. He would like to be as accurate as possible, but that is an issue they would have to analyze fully to determine whether or not that is a viable alternative. There are so many variables with raising a tower's height such as radio frequencies, whether or not you have a willing landlord and zoning regulations. If the commission would like more information on that subject, they would be happy to provide it but obviously cannot do that at this hearing.

Mr. Wiegard explained that a lack of coverage is not determined just by citizen complaint. It is determined by engineers based on radio frequency techniques to determine where coverage is insufficient at certain levels. It is a scientific process that is not arbitrary or capricious. It is very focused and purposeful. Mr. Wiegard said they would be happy to provide more information if there is something they are not comfortable with, but feels that they have met the applicant's burden to show that the application complies with the zoning ordinance and is consistent with the comprehensive plan.

Commissioner Swienton said he is comfortable that it has been researched that there is a coverage need because of the capital requirement for construction and maintenance of a tower. Commissioner Swienton asked if it would be possible to get the coverage area with several smaller towers as opposed to one tall one. Mr. Wiegard said it is possible but complicated because of all the variables such as setbacks, willing landlords, topography and the capital outlay required for each tower to name a few. Mr. Wiegard said that often it is desirable to the carrier, as well as the locality, to have one tower that is stealthily disguised as opposed to several fifty-foot towers that look like telecommunications towers.

Commissioner Swienton asked Mr. Henry if he knew how many cell towers are located in an R-1 district in the City. Mr. Henry said he did not know.

Commissioner Coleman called Ms. Jones to come back to clarify some items. She said that the 4,000 square foot of clearing mentioned earlier came from a letter they received from the petitioner. Ms. Jones also wanted to point out that the people here today represent many neighborhoods, Linkhorne Forest, Dorchester Court and Langhorne Road. It is a very broad spectrum of people, many of whom did not receive any notification from either the City or the petitioner about the proposal. There was never a neighborhood meeting. She would like to know if there were other sites explored, such as the nearby commercial sites for sale, to see if they would meet the coverage objectives. This is a very unique site and it should be preserved. It will turn a very delightful neighborhood into a very different place.

Mr. Pest asked if he could be called upon. Chair Sale said only if a commissioner wished to call on him. Chair Sale then asked if they were ready to vote. The commissioners indicated that they were ready to do so. He asked Mr. Henry for the language for a condition about lighting. Mr. Henry said the condition would state that "The telecommunications facility shall not have a strobe light of any kind upon it." There was discussion about whether or not to add the phrase "unless the FAA requires such" but the commissioners decided to leave that phrase out and require the petitioner to come back if there is any requirement or need to add lighting in the future. Commissioner Johnston made a motion to add this condition, which was seconded by Commissioner Swienton.

The motion passed by the following vote:

AYES:	Barnes, Coleman, Hooper, Johnston, Sale and Swienton	6
NOES:		0
ABSTENTIONS:		0
ABSENT:	Hannon	1

Commissioner Johnston made the following motion, which was seconded by Commissioner Barnes:

"That the Planning Commission recommends to City Council approval of the petition of AT&T Mobility to allow the installation of a one hundred forty-five (145)-foot telecommunications tower and associated equipment at 1721 Langhorne Road subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan.**

2. **All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**

3. **The tower shall be constructed as a "monopine" as indicated in the submitted photo simulations.**

4. **Future collocations on the tower shall be permitted provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.**

5. **The telecommunications facility shall not have a strobe light of any kind upon it."**

Commissioner Coleman indicated that he would be voting against the petition because he feels that it is an inappropriate use of the property.

Commissioner Swienton commented that the monopine design is highly appropriate and feels they blend in well. His biggest concern is that we are approving what is by right for an institutional use in an R-1 district.

Commissioner Johnston said she would be voting in favor of the petition because the monopine is the best alternative for this location. However, she is very disappointed in AT&T's attempts to contact the neighbors. She understands they met the minimum requirements, however, our citizens have gone above and beyond by showing up today and she would expect the same from any corporation coming to Lynchburg and wanting to do any type of project. She would like businesses and corporations in the future to match citizens' efforts and for businesses and corporations that want to locate in Lynchburg to go above and beyond what is required in order to address citizen's concerns and try to accommodate them in any way possible.

Commissioner Barnes does not see any way to reach a compromise in this situation. He is reluctant to vote for a tower of this height in a residential area. He is not sure that all avenues have been exhausted and it might be possible to have two or three smaller towers on commercial or institutional properties in the area to serve the same coverage as this one large tower.

Commissioner Hooper was trying to draw a parallel between this proposal and the one on Perrymont Avenue. However, he thinks this proposal is a lot different than what they were presented in that case. He thinks this proposed tower will have a negative impact on this area of the city.

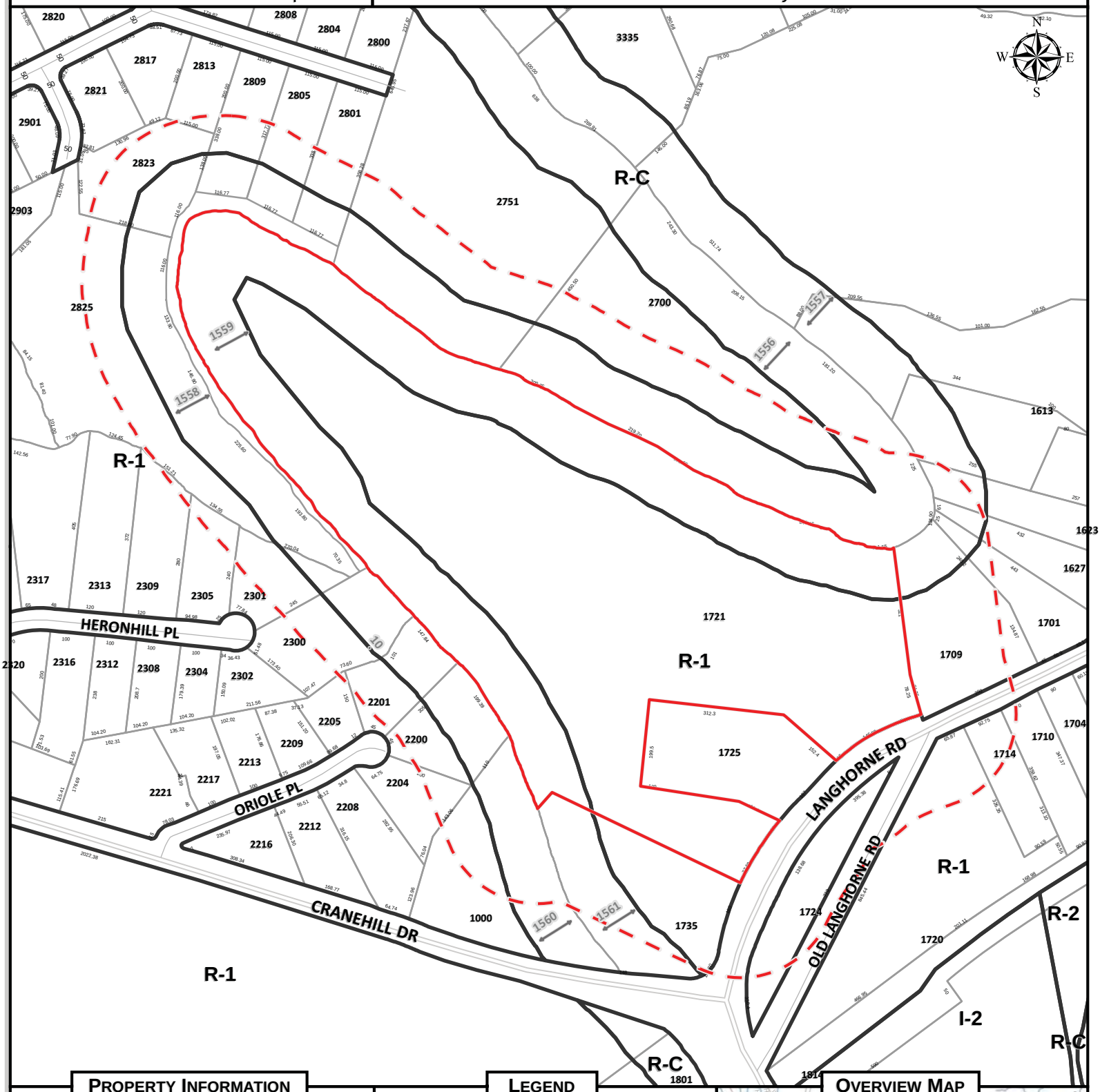
At this point, Mr. Henry asked to correct some information he had previously given them. Section 35.1-83 does state that "A conditional use permit from the city council shall be required for applicants seeking to locate towers, regardless of height, and related telecommunications facilities, in business districts zoned as B-4 and B-6 and in conservation and residential districts designated R-C through R-5." So a tower of any height would require a conditional use permit in an R-1 district.

Chair Sale said he would be voting for this because the monopine is a good way of dealing with a public need in our City for this kind of capability. Part of the comprehensive plan talks about the City having good infrastructure and we are moving away from phone lines to cell phones. Competition is good for the City. The carriers need as much as we can give them. In surrounding counties, you cannot get coverage at all and bad things can happen on the trails in those areas. When the leaves are off, you do see monopines, but when the leaves are off, you see conifers. He has seen monopines used in national parks because of the need for cell phone coverage in parks. He thinks there is enough of a buffer between the adjacent properties and the cell tower and does not think that there will be any significant visual impact on the surrounding neighborhood.

The motion failed by the following vote:

AYES:	Johnston and Sale	2
NOES:	Barnes, Coleman, Sale and Swienton	4
ABSTENTIONS:		0
ABSENT:	Hannon	1

Zoning Map	CELL TOWER
Conditional Use Permit Request	AT&T Mobility



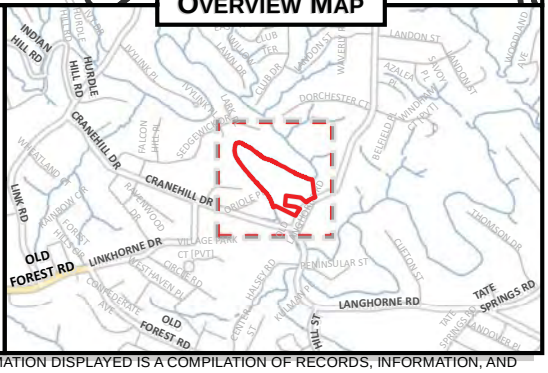
Property Information

Parcel ID	Address
01701013	1721 LANGHORNE RD

Legend

- Subject Property
- 215' Buffer
- Zoning Boundary

Overview Map

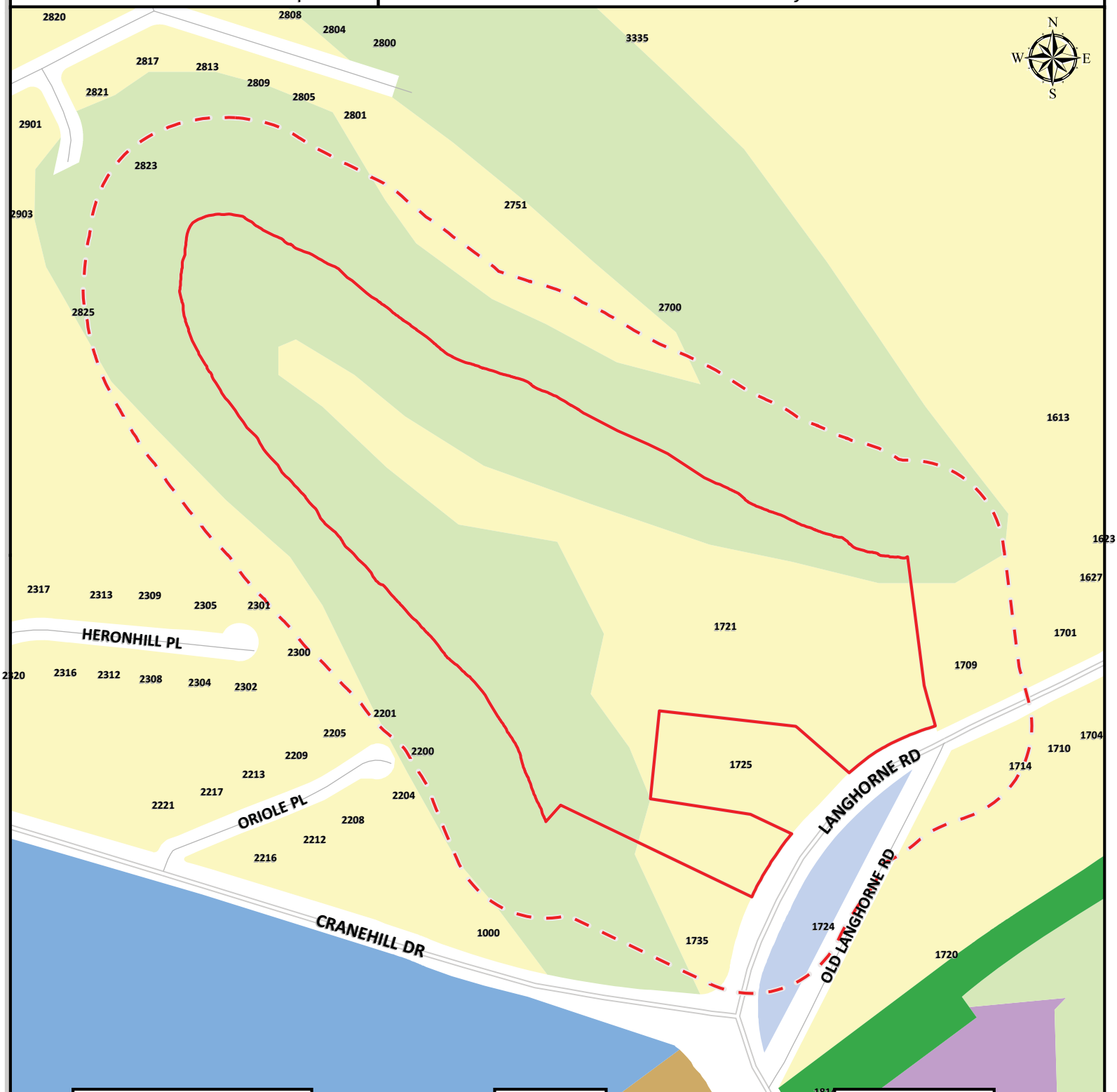


Map Scale: 1 " to 300 ' **Date Printed:** 11/23/2013

DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Parcel ID	Address	Owner
01701066	1735 LANGHORNE RD	ADAMS, JULIAN R
16707007	2200 ORIOLE PL	BARTON, JAY G & MARY A M
01701068	1701 LANGHORNE RD	BELL, ANDREW J
16707005	2205 ORIOLE PL	BLUE, C DAVID & BETTY T
01701070	1613 LANGHORNE RD	BOSWELL, CHRISTOPHER M
01705007	2751 SEDGEWICK DR	BOWMAN, HALLIE S TRS &
01705011	2813 SEDGEWICK DR	DISTELHURST, EVELYN F
16810018	2825 SEDGEWICK DR	DUPUIS, SUSAN S
01705010	2809 SEDGEWICK DR	FALLS, CHARLES W & ANITA S
01602031	1714 LANGHORNE RD	GAY, PHYLLIS O ET AL
16812009	2301 HERONHILL PL	HATCHER, RAYMOND L & KATHERINE
01701015	1709 LANGHORNE RD	JOHNSON, DAVID K & CHRISTINA M
01705012	2700 SEDGEWICK DR	MAYER, BARBARA B
01602030	1710 LANGHORNE RD	MILLER, MARTIN Q JR & BETTY
16707006	2201 ORIOLE PL	MILSTEAD, ASHBY L & JUANITA H
01701065	1725 LANGHORNE RD	MORRISON, PAUL M & HELEN E
16812007	2309 HERONHILL PL	OGLESBY, RALPH S
01705009	2805 SEDGEWICK DR	PEST, JURGEN & GISELA N
01701018	1623 LANGHORNE RD	ROSENBERGER, DEBORAH J
16707012	1000 CRANEHILL DR	ROYER, STEPHEN A & BLAKE T
16812008	2305 HERONHILL PL	SALMON, JOHN M III & ILONA H
01705008	2801 SEDGEWICK DR	SONG, HAN KYU & SOON BOCK KIM
16812010	2300 HERONHILL PL	SOWERS, HARRY C & SHARON E
01701067	1724 LANGHORNE RD	ST GEORGE ORTHODOX CHURCH TRS
16810021	2823 SEDGEWICK DR	SUTULA, GUY F & TERRESA J
01701017	1627 LANGHORNE RD	WACA LLC

FLUM Map	CELL TOWER
Conditional Use Permit Request	AT&T Mobility



Property Information

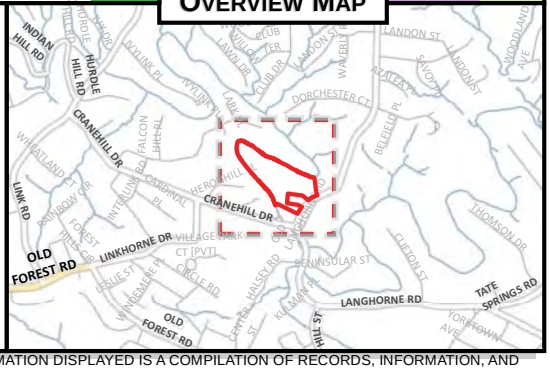
Parcel ID	Address
01701013	1721 LANGHORNE RD

Legend

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

Map Scale: 1 " to 300 ' **Date Printed:** 11/23/2013

Overview Map



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Watershed Map	CELL TOWER
Conditional Use Permit Request	AT&T Mobility

Property Information

Parcel ID	Address
01701013	1721 LANGHORNE RD

Legend

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

Map Scale: 1 " to 300 ' **Date Printed:** 11/23/2013

Overview Map

Cheese Creek-Ivy Creek

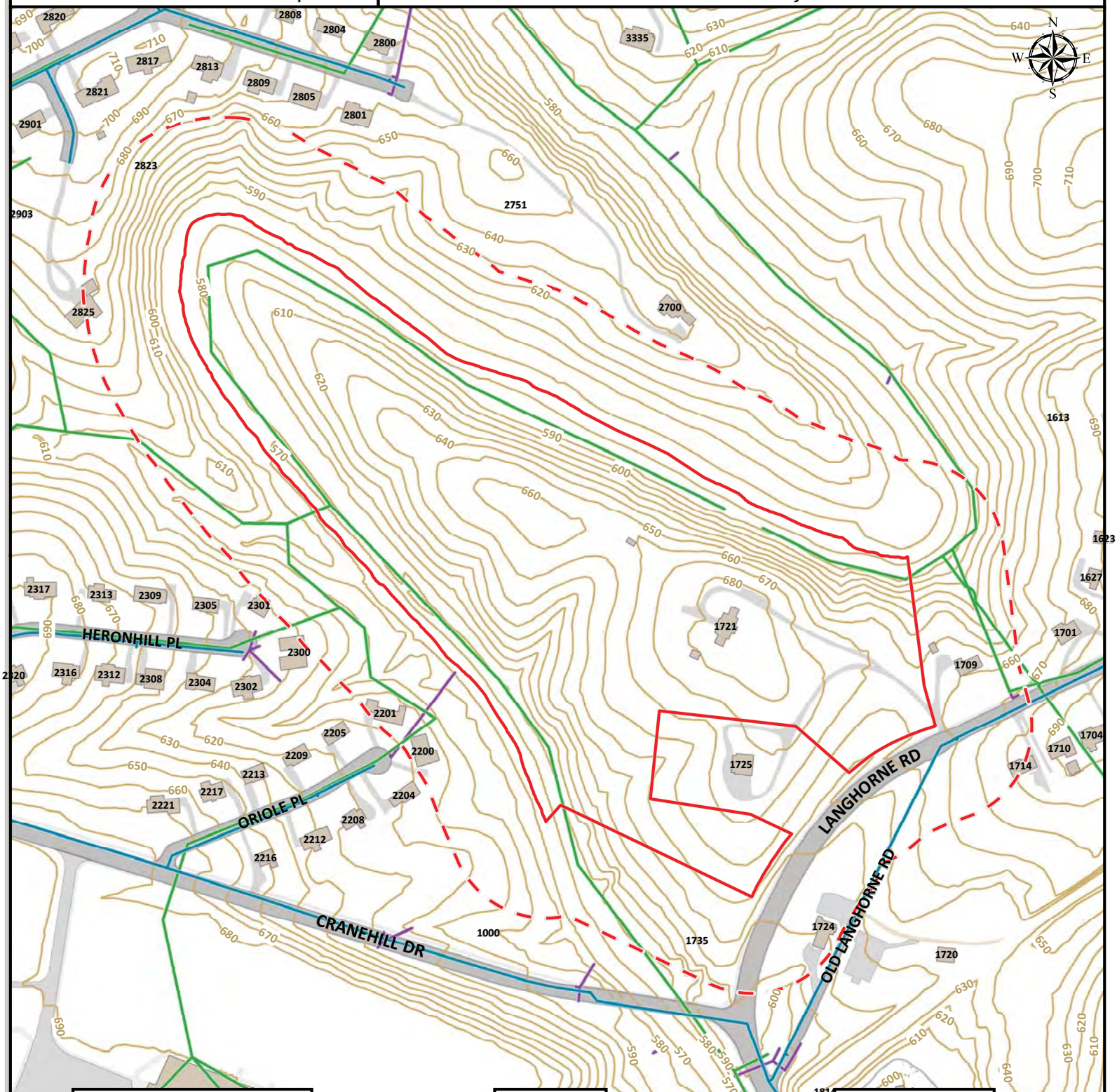
DISCLAIMER: THIS MAP IS NEITHER A LEGALLY RECORDED MAP NOR A SURVEY AND IS NOT INTENDED TO BE USED AS SUCH. THE INFORMATION DISPLAYED IS A COMPILATION OF RECORDS, INFORMATION, AND DATA OBTAINED FROM VARIOUS SOURCES. THE CITY OF LYNCHBURG IS NOT RESPONSIBLE FOR ITS ACCURACY OR HOW CURRENT IT MAY BE.

Planimetric and Topographic Map

Conditional Use Permit Request

CELL TOWER

AT&T Mobility



Property Information

Parcel ID	Address
01701013	1721 LANGHORNE RD

Legend

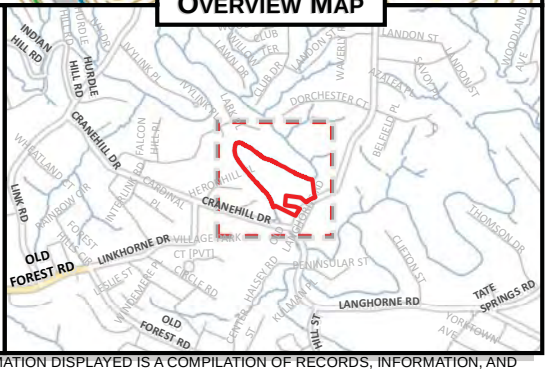
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 300 ' **Date Printed:** 11/23/2013

Overview Map



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LY732

1721 LANGHORNE ROAD
LYNCHBURG, VA 24503

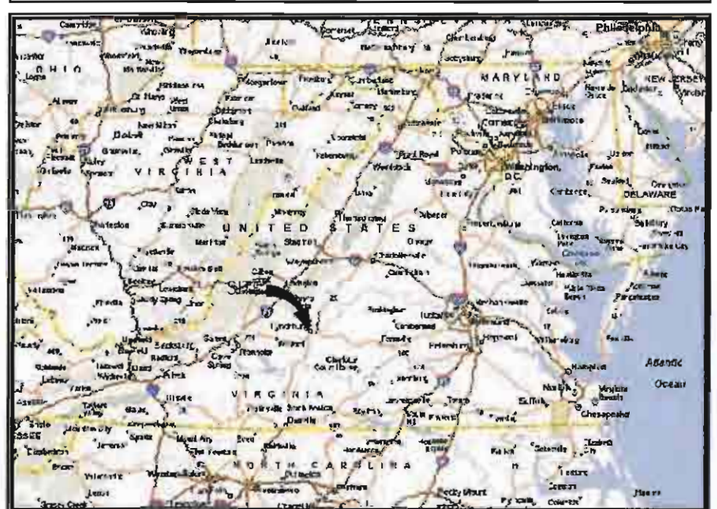
PROJECT DESCRIPTION:

INSTALLATION AND OPERATION OF ANTENNAS AND ASSOCIATED EQUIPMENT INSIDE A NEW FENCED COMPOUND

RECEIVED
NOV 05 2013
COMMUNITY DEVELOPMENT

DIRECTIONS TO SITE:
FROM RICHMOND:
TAKE I-64 W TO EXIT 118A AND GET ON US-29. IN APPROXIMATELY 60 MILES, TAKE RAMP LEFT ONTO LYNCHBURG EXPRESSWAY AND FOLLOW TO US-221. TURN RIGHT ONTO US-501 (LANGHORNE RD) AND FOLLOW TO ADDRESS. SITE IS IN BACK YARD. ACCESS TO SITE TO BE DETERMINED.

LOCAL MAP NOT TO SCALE



VICINITY MAP NOT TO SCALE

2 WORKING DAYS BEFORE YOU DIG
1-800-552-7001
TOLL FREE
MISS UTILITY

APPROVAL

VELOCITEL SITE ACQUISITION:	SIGNATURE	DATE	AT&T REGULATORY	SIGNATURE	DATE
VELOCITEL ZONING:	SIGNATURE	DATE	AT&T RF:	SIGNATURE	DATE
VELOCITEL CONSTRUCTION:	SIGNATURE	DATE	AT&T CONSTRUCTION:	SIGNATURE	DATE

REV. NO.	DESCRIPTION	BY	DATE	REV. NO.	DESCRIPTION	BY	DATE
2	FINAL ZONING DRAWINGS	OWW	7/2/13	5	REVISED FINAL ZONING DRAWINGS	OWW	9/30/13
3	REVISED FINAL ZONING DRAWINGS	OWW	8/13/13	6	REVISED FINAL ZONING DRAWINGS	OWW	10/10/13
4	REVISED FINAL ZONING DRAWINGS	OWW	9/4/13	7	REVISED FINAL ZONING DRAWINGS	OWW	10/22/13

CONSULTING TEAM

ARCHITECTURE AND ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
PROJECT MANAGER: WARREN WILLIAMS, P.E.
TELEPHONE: (757) 450-2288

SURVEY:
CAUSEWAY CONSULTANTS, PC
1005 S. BATTLEFIELD BLVD, SUITE B
CHESAPEAKE, VA 23322
CONTACT: EDDIE T. WHITE, LS
TELEPHONE: (757) 482-0474
FAX: (757) 482-9870

SOIL ENGINEER:
GEOENVIRONMENTAL RESOURCES, INC. (GER)
CONTACT: CHARLES CRAWLEY, PE
TELEPHONE: (757) 463-3200

STRUCTURAL ENGINEERING:
WARREN WILLIAMS & ASSOCIATES
736 CARNEROS CIRCLE
HIGH POINT, NC 27265
CONTACT: JASON CANFIELD, P.E.
TELEPHONE: (757) 450-2288

UTILITIES:
POWER COMPANY:
AMERICAN ELECTRIC POWER COMPANY
CONTACT: CUSTOMER SERVICE
TELEPHONE: 614-716-1000

TELEPHONE COMPANY:
VERIZON CONTACT:
CONTACT: CUSTOMER SERVICE
TELEPHONE: 1-800-826-2355

PROJECT SUMMARY

SITE INFORMATION:
LY732
1721 LANGHORNE ROAD
LYNCHBURG, VA 24503

LANDLORD INFORMATION:
JULIAN ADAMS
1721 LANGHORNE ROAD
LYNCHBURG, VA 24503

APPLICANT INFORMATION:
AT&T MOBILITY
LIBERTY PLAZA 1
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060

PROJECT DATA:

ZONING	R-C & R-1
JURISDICTION	CITY OF LYNCHBURG
TAX MAP NO.	01701013
SITE TYPE	RAWLAND
TOWER TYPE	MONOPINE
TOWER HEIGHT	145'
LEASE AREA	50'x80'
AREA OF LAND DISTURBANCE	4000 SF

(2C) GEOGRAPHIC COORDINATES:

LATITUDE:	37° 25' 17.1067" N
LONGITUDE:	79° 11' 28.9145" W
GROUND ELEV. (AMSL):	651.9'

DECLINATION:
9° 5' W CHANGING BY 0.04' W PER YEAR

ADA COMPLIANCE:
FACILITY IS UNMANNED AND NOT FOR HUMAN HABITATION. SITE WILL NOT BE SERVED BY CITY SEWER OR WATER.

SHEET INDEX

SHEET:	DESCRIPTION:
T-1	TITLE SHEET
T-2	LEGEND AND ABBREVIATIONS
N-1	GENERAL NOTES
C-1	SURVEY AND SITE PLAN
C-1A	SURVEY NOTES & LEGAL DESCRIPTIONS
C-2	ENLARGED SITE PLAN
C-3	ELEVATION VIEW
C-4	FENCE NOTES AND DETAILS
C-5	CIVIL DETAILS
A-1	SHELTER ELEVATIONS
S-1	FOUNDATION PLAN
L-1	LANDSCAPE PLAN

SHEET TOTAL: 11

at&t
LIBERTY PLAZA 1
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060
TEL (804)270-2967

velocitel
complete wireless solutions
4164 INNSLAKE DRIVE, SUITE B
GLEN ALLEN, VA 23060
804.217.8433

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
2	7/2/13	FINAL ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS
	BY: KMB	CHK: OWW APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
7	10/22/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10-22-13
PROFESSIONAL ENGINEER

LY732
RAWLAND
MONOPOLE

1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	6/27/13
COMM NO:	LY732

SHEET TITLE:
TITLE SHEET

SHEET NUMBER:
T-1

ABBREVIATIONS & SYMBOLS LIST

1P, 2P, & 3P	SINGLE POLE, TWO POLE, & THREE POLES
A/C	AIR CONDITIONING
ADJ	ADJUSTABLE
AFF	ABOVE FINISH FLOOR
AGL	ABOVE GROUND LEVEL
APPROX	APPROXIMATELY
ASTM	AMERICAN SOCIETY FOR TESTING AND MATERIALS
AWG	AMERICAN WIRE GAUGE
A OR AMP	AMPERE
BLDG	BUILDING
BLK	BLOCK
BMR	BASE MOBILE RADIO
B/S	BUILDING STANDARD
CU	COPPER
CO	CLEAN OUT
C	CONDUIT SIZE AS NOTED
CB	CIRCUIT BREAKER
CKT	CIRCUIT
CLG	CEILING
CLR	CLEAR
CONC	CONCRETE
CONST	CONSTRUCTION
CONT	CONTINUOUS
CFCI	CONTRACTOR FURNISHED CONTRACTOR INSTALLED
DB	DEED BOOK
DBL	DOUBLE
DIA, ø	DIAMETER
DIAG	DIAGONAL
DIM	DIMENSION
DN	DOWN
DET, DETL	DETAIL
DWG	DRAWING
DEF	DUAL ELEMENT FUSES
E	EAST
EA	EACH
EL, ELEV	ELEVATION
ELECT	ELECTRICAL
EQ	EQUAL
EQUIP	EQUIPMENT
EW	EACH WAY
EXIST/EX	EXISTING
EXT	EXTERIOR
EMT	ELECTRICAL METALLIC TUBING
EC	EMPTY CONDUIT
FIN	FINISH
FLUOR	FLUORESCENT
FLR	FLOOR
FT	FOOT
GRS	GALVANIZED STEEL CONDUIT
G OR GRD	GROUND
GA	GAUGE
GALV	GALVANIZE(D)
GC	GENERAL CONTRACTOR
GPS	GLOBAL POSITIONING SYSTEM
GWB	GYPSUM WALL BOARD
HARD'WD	HARDWOOD
HEC	HIGH STRENGTH
HORIZ	HORIZONTAL
HR	HOUR
HT	HEIGHT
HVAC	HEATING, VENTILATION AND AIR CONDITIONING
ID	INSIDE DIA.
IN	INCH
INFO	INFORMATION
INS	INSULATION
KW	KILOWATTS
LB(S)	POUND(S)
LG	LONG
MAX	MAXIMUM
MECH	MECHANICAL
MTL	METAL
MFR	MANUFACTURER
MGR	MANAGER
MIN	MINIMUM
MISC	MISCELLANEOUS
MPH	MILES PER HOUR
MTD	MOUNTED

NEUT	NEUTRAL
N	NORTH
NA	NOT APPLICABLE
NIC	NOT IN CONTRACT
NTS	NOT TO SCALE
OFCI	OWNER FURNISHED, CONTRACTOR INSTALLED
OC	ON CENTER
OD	OUTSIDE DIAMETER
OPNG	OPENING
OPP	OPPOSITE
OHT/OHP	OVERHEAD TELEPHONE/OVERHEAD POWER
OHP	OVERHEAD POWER
OHT	OVERHEAD TELEPHONE
OZ	OUNCE
PG	PAGE
PIN(F)	PIN FOUND
PIN(S)	PIN SET
PJF	POLYVINYL JOINT FILLER
PLYWD	PLYWOOD
PR	PAIR
PROJ	PROJECT
PROP	PROPERTY
PSI	PER SQUARE INCH
PSF	PER SQUARE FOOT
PT	PRESSURE TREATED
PVC	SCHEDULE 40 PLASTIC CONDUIT.
RAD	RADIATION
RECEPT	RECEPTACLE
REQ'D	REQUIRED
RM	ROOM
RO	ROUGH OPENING
S	SOUTH
SW	SWITCH
SCH	SCHEDULE
SHT	SHEET
SIM	SIMILAR
SPEC	SPECIFICATION
SQ	SQUARE
SS	STAINLESS STEEL
STL	STEEL
STRUCT	STRUCTURAL
SUSP	SUSPENDED
THRD	THREADED
THRU	THROUGH
TM	TAX MAP
TNND	TINNED
TOC	TOP OF CONCRETE
TYP	TYPICAL
UON	UNLESS OTHERWISE NOTED
UC	UNDERGROUND
VERT	VERTICAL
VIF	VERIFY IN FIELD
VT	VINYL TILE
W/	WITH
WDW	WINDOW
W	WEST
W/O	WITHOUT
W	WATTS
WP	WEATHERPROOF
XFRM	TRANSFORMER

∡	ANGLE
&	AND
℄	CENTER LINE
ℙ	PROPERTY LINE, PLATE
@	AT
#	NUMBER

1 = REVISION

1 = NOTE REFERENCE

1 = NOTE REFERENCE

1/C-1 = DETAIL REFERENCE

1/C-1 = ELEVATION REFERENCE

1/C-1 = SECTION REFERENCE

N = NORTH ARROW

N 23½° GRID 7.40W MAG. DEC. = NORTH ARROW WITH MAGNETIC DECLINATION

LEGEND

EXISTING	NEW	
		CONCRETE
		PROPERTY LINE
		LEASE AREA
		EASEMENT
		BUILDING (FOOTPRINT)
		POWER POLE
		TELEPHONE/FIBEROPTIC PEDESTAL
		ASPHALT
		FENCE
		TEMPORARY BENCHMARK
		TREELINE
		CONTOURS
	14.5	SPOT ELEVATION
	SF	SILT FENCE
		ITEMS TO BE REMOVED

at&t
LIBERTY PLAZA I
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060
TEL (804) 270-2967

velocitel
Complete w/less solutions
4164 PINSLAKE DRIVE, SUITE B
GLEN ALLEN, VA 23060
804.217.8433

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.			
1	6/29/13	PRELIM ZONING DRAWINGS	
	BY: KMB	CHK: OWW	APP'D: OWW
2	7/2/13	FINAL ZONING DRAWINGS	
	BY: KMB	CHK: OWW	APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS	
	BY: KMB	CHK: OWW	APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10-10-13
PROFESSIONAL ENGINEER

LY732
RAWLAND
MONOPOLE

1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

DRAWN BY:	KMB
CHECKED BY:	OWW
TDY DATE:	6/27/13
COMM NO:	LY732

SHEET TITLE:
LEGEND AND ABBREVIATIONS

SHEET NUMBER:
T-2

SITE WORK GENERAL NOTES:

NOTES:

1. THE SUBCONTRACTOR SHALL CONTACT UTILITY LOCATING SERVICES PRIOR TO THE START OF CONSTRUCTION.

2. ALL EXISTING ACTIVE SEWER, WATER, GAS, ELECTRIC, AND OTHER UTILITIES WHERE ENCOUNTERED IN THE WORK, SHALL BE PROTECTED AT ALL TIMES, AND WHERE REQUIRED FOR THE PROPER EXECUTION OF THE WORK, SHALL BE RELOCATED AS DIRECTED BY CONTRACTOR. EXTREME CAUTION SHOULD BE USED BY THE SUBCONTRACTOR WHEN EXCAVATING OR DRILLING PIERS AROUND OR NEAR UTILITIES. SUBCONTRACTOR SHALL PROVIDE SAFETY TRAINING FOR THE WORKING CREW. THIS WILL INCLUDE BUT NOT BE LIMITED TO A) FALL PROTECTION B) CONFINED SPACE C) ELECTRICAL SAFETY D) TRENCHING & EXCAVATION.

3. ALL SITE WORK SHALL BE AS INDICATED ON THE DRAWINGS AND PROJECT SPECIFICATIONS.

4. IF NECESSARY, RUBBISH, STUMPS, DEBRIS, STICKS, STONES AND OTHER REFUSE SHALL BE REMOVED FROM THE SITE AND DISPOSED OF LEGALLY.

5. ALL EXISTING INACTIVE SEWER, WATER, GAS, ELECTRIC AND OTHER UTILITIES, WHICH INTERFERE WITH THE EXECUTION OF THE WORK, SHALL BE REMOVED AND/OR CAPPED, PLUGGED OR OTHERWISE DISCONTINUED AT POINTS WHICH WILL NOT INTERFERE WITH THE EXECUTION OF THE WORK, SUBJECT TO THE APPROVAL OF CONTRACTOR, OWNER AND/OR LOCAL UTILITIES.

6. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION.

7. THE SUBCONTRACTOR SHALL PROVIDE SITE SIGNAGE IN ACCORDANCE WITH THE CINGULAR SPECIFICATION FOR SITE SIGNAGE.

8. THE SITE SHALL BE GRADED TO CAUSE SURFACE WATER TO FLOW AWAY FROM THE BTS EQUIPMENT AND TOWER AREAS.

9. NO FILL OR EMBANKMENT MATERIAL SHALL BE PLACED ON FROZEN GROUND. FROZEN MATERIALS, SNOW OR ICE SHALL NOT BE PLACED IN ANY FILL OR EMBANKMENT.

10. THE SUB GRADE SHALL BE COMPACTED AND BROUGHT TO A SMOOTH UNIFORM GRADE PRIOR TO FINISHED SURFACE APPLICATION.

11. THE AREAS OF THE OWNERS PROPERTY DISTURBED BY THE WORK AND NOT COVERED BY THE TOWER, EQUIPMENT OR DRIVEWAY, SHALL BE GRADED TO A UNIFORM SLOPE, AND STABALIZED TO PREVENT EROSION.

12. SUBCONTRACTOR SHALL MINIMIZE DISTURBANCE TO EXISTING SITE DURING CONSTRUCTION. EROSION CONTROL MEASURES, IF REQUIRED DURING CONSTRUCTION, SHALL BE IN CONFORMANCE WITH THE LOCAL JURISDICTION'S GUIDELINES FOR EROSION AND SEDIMENT CONTROL.

STRUCTURAL STEEL NOTES:

NOTES:

1. ALL STEEL WORK SHALL BE PAINTED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS AND IN ACCORDANCE WITH ASTM A36 UNLESS OTHERWISE NOTED.

2. ALL WELDING SHALL BE PERFORMED USING E7DXX ELECTRODES AND WELDING SHALL CONFORM TO AISC. WHERE FILLET WELD SIZES ARE NOT SHOWN, PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC "MANUAL OF STEEL CONSTRUCTION". PAINTED SURFACES SHALL BE TOUCHED UP.

3. BOLTED CONNECTIONS SHALL BE ASTM A325 BEARING TYPE (3/4"ø) CONNECTIONS AND SHALL HAVE MINIMUM OF TWO BOLTS UNLESS NOTED OTHERWISE.

4. NON-STRUCTURAL CONNECTIONS FOR STEEL GRATING MAY USE 5/8" DIA. ASTM A 307 BOLTS UNLESS NOTED OTHERWISE.

5. INSTALLATION OF CONCRETE EXPANSION/WEDGE ANCHOR, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR CONTRACTOR APPROVAL WHEN DRILLING HOLES IN CONCRETE. SPECIAL INSPECTIONS, REQUIRED BY GOVERNING CODES, SHALL BE PERFORMED IN ORDER TO MAINTAIN MANUFACTURER'S MAXIMUM ALLOWABLE LOADS.

6. ALL EXPANSION/WEDGE ANCHORS SHALL BE STAINLESS STEEL OR HOT DIPPED GALVANIZED. THE ANCHOR BOLT DOWEL AND ROD SHALL BE STAINLESS STEEL WITH STAINLESS STEEL WASHERS.

CONCRETE AND REINFORCING STEEL NOTES:

1. ALL CONCRETE WORK SHALL BE IN ACCORDANCE WITH THE ACI 301, ACI 318, ACI 336, ASTM A184, ASTM A185, ASTM C31, ASTM C172 AND THE DESIGN AND CONSTRUCTION SPECIFICATION FOR CAST-IN-PLACE CONCRETE.

2. ALL CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 4000 PSI AT 28 DAYS, UNLESS NOTED OTHERWISE.

3. REINFORCING STEEL SHALL CONFORM TO ASTM A 615, GRADE 60, DEFORMED UNLESS NOTED OTHERWISE. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A 185 WELDED STEEL WIRE FABRIC UNLESS NOTED OTHERWISE. SPLICES SHALL BE CLASS "B" AND ALL HOOKS SHALL BE STANDARD, UNO.

4. THE FOLLOWING MINIMUM CONCRETE COVER SHALL BE PROVIDED FOR REINFORCING STEEL UNLESS SHOWN OTHERWISE ON DRAWINGS:

   CONCRETE CAST AGAINST EARTH.....3 IN.
   CONCRETE EXPOSED TO EARTH OR WEATHER:

   #6 AND LARGER .....2 IN.
   #5 AND SMALLER & WWF.....1 1/2 IN.

   CONCRETE NOT EXPOSED TO EARTH OR WEATHER OR NOT CAST AGAINST THE GROUND:

   SLAB AND WALL .....3/4 IN.
   BEAMS AND COLUMNS.....1 1/2 IN.

5. A CHAMFER 3/4" SHALL BE PROVIDED AT ALL EXPOSED EDGES OF CONCRETE, UNO, IN ACCORDANCE WITH ACI 301 SECTION 4.2.4.

6. CONCRETE/EXPANSION ANCHORS SHALL BE STAINLESS STEEL. INSTALLATION, SHALL BE PER MANUFACTURER'S WRITTEN RECOMMENDED PROCEDURE. THE ANCHOR BOLT, DOWEL OR ROD SHALL CONFORM TO MANUFACTURER'S RECOMMENDATION FOR EMBEDMENT DEPTH OR AS SHOWN ON THE DRAWINGS. NO REBAR SHALL BE CUT WITHOUT PRIOR ENGINEERING APPROVAL WHEN DRILLING HOLES IN CONCRETE. EXPANSION BOLTS SHALL BE PROVIDED BY RAMSET/REDHEAD OR APPROVED EQUAL.

GENERAL NOTES

1. FOR THE PURPOSE OF CONSTRUCTION DRAWING, THE FOLLOWING DEFINITIONS SHALL APPLY:
   CONTRACTOR – VELOCITEL
   SUBCONTRACTOR – GENERAL CONTRACTOR (CONSTRUCTION)
   OWNER – AT&T
   OEM – ORIGINAL EQUIPMENT MANUFACTURE

2. PRIOR TO THE SUBMISSION OF BIDS, THE BIDDING SUBCONTRACTOR SHALL VISIT THE CELL SITE TO FAMILIARIZE WITH THE EXISTING CONDITIONS AND TO CONFIRM THAT THE WORK CAN BE ACCOMPLISHED AS SHOWN ON THE CONSTRUCTION DRAWINGS. ANY DISCREPANCY FOUND SHALL BE BROUGHT TO THE ATTENTION OF CONTRACTOR.

3. ALL MATERIALS FURNISHED AND INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. SUBCONTRACTOR SHALL ISSUE ALL APPROPRIATE NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS, AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY REGARDING THE PERFORMANCE OF THE WORK.

   ALL WORK CARRIED OUT SHALL COMPLY WITH ALL APPLICABLE MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS AND LOCAL JURISDICTIONAL CODES, ORDINANCES AND APPLICABLE REGULATIONS.

4. DRAWINGS PROVIDED HERE ARE NOT TO SCALE AND ARE INTENDED TO SHOW OUTLINE ONLY.

5. UNLESS NOTED OTHERWISE, THE WORK SHALL INCLUDE FURNISHING MATERIALS, EQUIPMENT, APPURTENANCES, AND LABOR NECESSARY TO COMPLETE ALL INSTALLATIONS AS INDICATED ON THE DRAWINGS.

6. THE SUBCONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS IN ACCORDANCE WITH MANUFACTURER'S RECOMMENDATIONS UNLESS SPECIFICALLY STATED OTHERWISE.

7. IF THE SPECIFIED EQUIPMENT CANNOT BE INSTALLED AS SHOWN ON THESE DRAWINGS, THE SUBCONTRACTOR SHALL PROPOSE AN ALTERNATIVE INSTALLATION FOR APPROVAL BY THE CONTRACTOR.

8. SUBCONTRACTOR SHALL DETERMINE ACTUAL ROUTING OF CONDUIT, POWER AND T1 CABLES, GROUNDING CABLES AS SHOWN ON THE POWER, GROUNDING AND TELCO PLAN DRAWING.

9. THE SUBCONTRACTOR SHALL PROTECT EXISTING IMPROVEMENTS, PAVEMENTS, CURBS, LANDSCAPING AND STRUCTURES. ANY DAMAGED PART SHALL BE REPAIRED AT SUBCONTRACTOR'S EXPENSE TO THE SATISFACTION OF OWNER.

10. SUBCONTRACTOR SHALL LEGALLY AND PROPERLY DISPOSE OF ALL SCRAP MATERIALS SUCH AS COAXIAL CABLES AND OTHER ITEMS REMOVED FROM THE EXISTING FACILITY. ANTENNAS REMOVED SHALL BE RETURNED TO THE OWNER'S DESIGNATED LOCATION.

11. SUBCONTRACTOR SHALL LEAVE PREMISES IN CLEAN CONDITION.

12. CONSTRUCTION SHALL COMPLY WITH SPECIFICATION 24782-000-3APS-A00Z-0D0D2, "GENERAL CONSTRUCTION SERVICES FOR CONSTRUCTION OF AT&T GSM SITES.'

SOIL COMPACTION NOTES FOR SLAB ON GRADE

NOTES:

1. EXCAVATE AS REQUIRED TO REMOVE VEGETATION & TOPSOIL EXPOSE UNDISTURBED NATURAL SUBGRADE AND PLACE CRUSHED STONE AS REQUIRED.

2. COMPACTION CERTIFICATION: AN INSPECTION AND WRITTEN CERTIFICATION BY A QUALIFIED GEOTECHNICAL TECHNICIAN OR ENGINEER IS ACCEPTABLE.

3. AS AN ALTERNATIVE TO INSPECTION AND WRITTEN CERTIFICATION, THE "UNDISTURBED SOIL" BASE SHALL BE COMPACTED WITH "COMPACTION EQUIPMENT", LISTED BELOW, TO AT LEAST 90% MODIFIED PROCTOR MAXIMUM DENSITY PER ASTM D 1557 METHOD C.

4. COMPACTED SUBBASE SHALL BE UNIFORM & LEVELED. PROVIDE 6" MINIMUM CRUSHED STONE OR GRAVEL COMPACTED IN 3" LIFTS ABOVE COMPACTED SOIL. GRAVEL SHALL BE NATURAL OR CRUSHED WITH 100 % PASSING 1" SLEEVE.

COMPACTION EQUIPMENT:

HAND OPERATED DOUBLE DRUM, VIBRATORY ROLLER, VIBRATORY PLATE COMPACTOR OR JUMPING COMPACTOR.

at&t
LIBERTY PLAZA I
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060
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GLEN ALLEN, VA 23060
804.217.8433

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warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450-2288

NO.		
1	6/29/13	PRELIM ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
2	7/2/13	FINAL ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS
	BY: KMB	CHK: OWW APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10-10-13
PROFESSIONAL ENGINEER

LY732
RAWLAND
MONOPOLE

1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

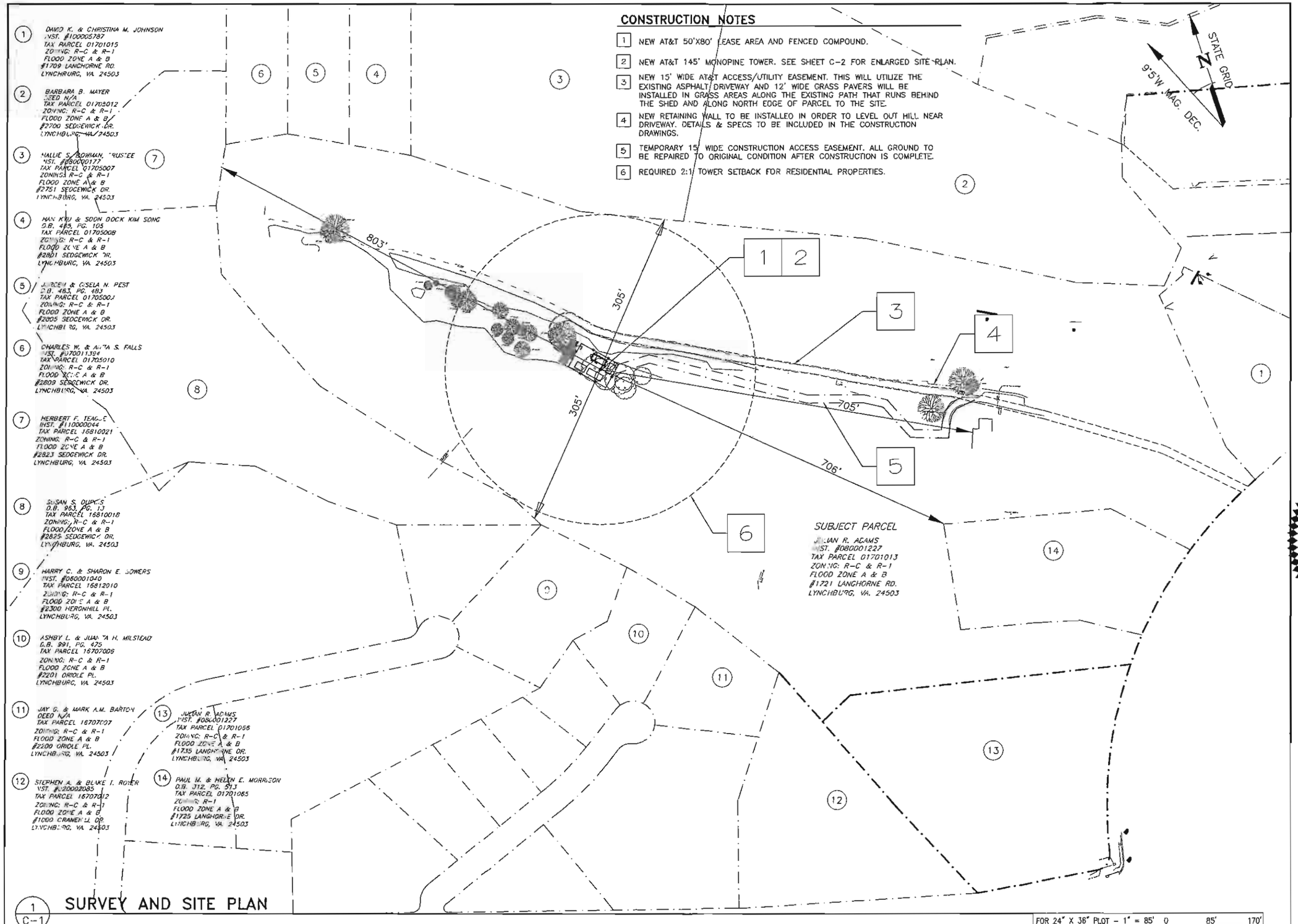
DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	6/27/13
COMM NO:	LY732

SHEET TITLE:
GENERAL NOTES

SHEET NUMBER:
N-1

CONSTRUCTION NOTES

1. NEW AT&T 50'X80' LEASE AREA AND FENCED COMPOUND.
2. NEW AT&T 145' MONOPINE TOWER. SEE SHEET C-2 FOR ENLARGED SITE PLAN.
3. NEW 15' WIDE AT&T ACCESS/UTILITY EASEMENT. THIS WILL UTILIZE THE EXISTING ASPHALT DRIVEWAY AND 12' WIDE GRASS PAVERS WILL BE INSTALLED IN GRASS AREAS ALONG THE EXISTING PATH THAT RUNS BEHIND THE SHED AND ALONG NORTH EDGE OF PARCEL TO THE SITE.
4. NEW RETAINING WALL TO BE INSTALLED IN ORDER TO LEVEL OUT HILL NEAR DRIVEWAY. DETAILS & SPECS TO BE INCLUDED IN THE CONSTRUCTION DRAWINGS.
5. TEMPORARY 15' WIDE CONSTRUCTION ACCESS EASEMENT. ALL GROUND TO BE REPAIRED TO ORIGINAL CONDITION AFTER CONSTRUCTION IS COMPLETE.
6. REQUIRED 2:1 TOWER SETBACK FOR RESIDENTIAL PROPERTIES.



1 C-1 SURVEY AND SITE PLAN

FOR 24" X 36" PLOT – 1" = 85' 0 85' 170'
FOR 11" X 17" PLOT – 1" = 170'

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GLEN ALLEN, VA 23060
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warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
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(757) 450-2288

NO.			
2	7/2/13	FINAL ZONING DRAWINGS	
	BY: KMB	CHK: OWW	APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS	
	BY: KMB	CHK: OWW	APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW
7	10/22/13	REV FINAL ZONING DWGS	
	BY: ALB	CHK: OWW	APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10-22-13
PROFESSIONAL ENGINEER

LY732 RAWLAND MONOPOLE

1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	6/27/13
COMM NO:	LY732

SHEET TITLE:
SURVEY AND SITE PLAN

SHEET NUMBER:
C-1

SURVEY NOTES

1. TOPOGRAPHIC INFORMATION WAS TAKEN FROM A TOPOGRAPHIC SURVEY PERFORMED BY CAUSEWAY CONSULTANTS, CHESAPEAKE, VA ON MARCH 15, 2013. NO BOUNDARY SURVEY WAS PERFORMED BY CAUSEWAY CONSULTANTS..
2. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH/REPORT AND MAY NOT SHOW ANY/ALL EASEMENTS AND RESTRICTIONS OF RECORD THAT MAY EFFECT THE SUBJECT PROPERTY.
3. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.
4. FLOOD ZONE DETERMINATION IS BASED ON THE FLOOD INSURANCE RATE MAPS AND DOES NOT IMPLY THAT THE PROPERTY WILL OR WILL NOT BE FREE FROM FLOODING OR DAMAGE.
5. THIS PROPERTY APPEARS TO BE LOCATED IN THE F.I.R.M. ZONE "A" AND "B".
6. NO SUBSURFACE INVESTIGATION WAS PERFORMED BY CAUSEWAY CONSULTANTS.
7. MERIDIAN SOURCE FOR THIS SURVEY IS BASED UPON GRID NORTH. MAGNETIC DECLINATION IS COMPUTED AND NOT OBSERVED.
8. NO WETLAND AREAS HAVE BEEN DELINEATED.
9. ALL PHYSICAL EVIDENCE OF UTILITIES SHOWN ON THIS SURVEY IS FROM SURFACE EVIDENCE.
10. THE TEMPORARY BENCHMARK IS AN IRON PIN SET.
11. BASED ON THIS SURVEY, PERFORMED BY CAUSEWAY CONSULTANTS ON MARCH 15, 2013 AND JUNE 27, 2013, THE NEW MONOPOLE TOWER HAS BEEN CERTIFIED BY CAUSEWAY CONSULTANTS THAT THE COORDINATE LOCATION OF THE REFERENCED TOWER AT THE REFERENCED SITE IS ACCURATE WITHIN 15'± HORIZONTALLY AND THE ELEVATION IS ACCURATE WITHIN 3'± VERTICALLY. THE HORIZONTAL DATUM (COORDINATES) ARE IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND ARE EXPRESSED AS DEGREES, MINUTES, AND SECONDS. THE VERTICAL DATUM (ELEVATIONS) ARE IN TERMS AS DEFINED BELOW AND ARE DETERMINED TO THE NEAREST TENTH OF A FOOT.

PROPOSED 145' MONOPINE TOWER
NAD 1983
LATITUDE: 37° 25' 17.1067" N
LONGITUDE: 79° 11' 28.9145" W
NAVD 88 ELEVATION: 651.9' AMSL

AT&T 50'X80' LEASE AREA

A PROPOSED 50' BY 80' LEASE AREA ON THAT PARCEL AS DESCRIBED IN INSTRUMENT
080001227, RECORDED IN THE CITY OF LYNCHBURG CLERK OF CIRCUIT COURTS OFFICE, BEING TAX PARCEL D1701013 AND LYING ON THE NORTHERLY RIGHT OF WAY OF LANGHORNE ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT A POINT HAVING A COORDINATE VALUE OF N: 3,677,787.07 BY E: 11,282,128.50 AS RELATED TO THE VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE;
THENCE S 43°15'41" E A DISTANCE OF 80.00' TO A POINT;
THENCE S 46°44'19" W A DISTANCE OF 50.00' TO A POINT;
THENCE N 43°15'41" W A DISTANCE OF 80.00' TO A POINT;
THENCE N 46°44'19" E A DISTANCE OF 50.00' TO A POINT;
WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 4,000 SQUARE FEET OR 0.092 ACRES

AT&T 15' ACCESS/UTILITY EASEMENT

A PROPOSED 15' INGRESS, EGRESS AND UTILITIES EASEMENT OVER AND ACROSS THAT PARCEL AS DESCRIBED IN INSTRUMENT # 080001227, RECORDED IN THE CITY OF LYNCHBURG CLERK OF CIRCUIT COURTS OFFICE, BEING TAX PARCEL D1701013 AND LYING ON THE NORTHERLY RIGHT OF WAY OF LANGHORNE ROAD, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT AN IRON PIN FOUND ALONG SAID LANGHORNE ROAD NORTHERLY RIGHT OF WAY, THENCE WITH AN ARC LENGTH OF 35.11', A RADIUS OF 803.73', A CHORD BEARING OF S 65°35'15" W
AND A CHORD LENGTH OF 35.10' TO A POINT BEING THE TRUE POINT AND PLACE OF BEGINNING OF 15' WIDE INGRESS, EGRESS AND UTILITIES EASEMENT;
THENCE N 46°00'04" W A DISTANCE OF 163.55' TO A POINT;
THENCE N 55°47'37" W A DISTANCE OF 231.74' TO A POINT;
THENCE N 58°48'02" W A DISTANCE OF 179.26' TO A POINT;
THENCE N 67°06'31" W A DISTANCE OF 47.73' TO A POINT;
THENCE N 62°38'09" W A DISTANCE OF 140.34' TO A POINT;
THENCE N 60°40'14" W A DISTANCE OF 71.87' TO A POINT;
THENCE N 65°07'22" W A DISTANCE OF 34.99' TO A POINT;
THENCE N 62°23'07" W A DISTANCE OF 336.60' TO A POINT;
THENCE N 55°51'27" W A DISTANCE OF 47.75' TO A POINT;
THENCE N 43°04'39" W A DISTANCE OF 51.41' TO A POINT;
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 62.69', A RADIUS OF 23.50', A CHORD BEARING OF S 32°26'04" W AND
A CHORD LENGTH OF 45.54' TO A POINT,;
THENCE S 43°15'41" E A DISTANCE OF 29.74' TO A POINT;
THENCE S 46°44'19" W A DISTANCE OF 15.00' TO A POINT;
THENCE N 43°15'41" W A DISTANCE OF 29.74' TO A POINT;
THENCE WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 106.02', A RADIUS OF 38.50', A CHORD BEARING OF N 35°37'48" E
AND A CHORD LENGTH OF 75.56' TO A POINT,;
THENCE S 43°04'39" E A DISTANCE OF 53.09' TO A POINT;
THENCE S 55°51'27" E A DISTANCE OF 45.22' TO A POINT;
THENCE S 62°23'07" E A DISTANCE OF 335.39' TO A POINT;
THENCE S 65°07'22" E A DISTANCE OF 35.22' TO A POINT;
THENCE S 60°40'14" E A DISTANCE OF 72.19' TO A POINT;
THENCE S 62°38'09" E A DISTANCE OF 139.49' TO A POINT;
THENCE S 67°06'31" E A DISTANCE OF 48.22' TO A POINT;
THENCE S 58°48'03" E A DISTANCE OF 180.76' TO A POINT;
THENCE S 55°47'37" E A DISTANCE OF 233.42' TO A POINT;
THENCE S 46°00'04" E A DISTANCE OF 170.57' TO A POINT ALONG SAID LANGHORNE ROAD RIGHT OF WAY;
THENCE WITH A CURVE TURNING TO THE LEFT WITH AN ARC LENGTH OF 16.06', A RADIUS OF 803.73', A CHORD BEARING OF S 64°54'31" W
AND A CHORD LENGTH OF 16.06' TO A POINT BEING THE TRUE POINT AND PLACE OF BEGINNING HAVING AN AREA OF 21,348 SQUARE FEET OR 0.490 ACRES.

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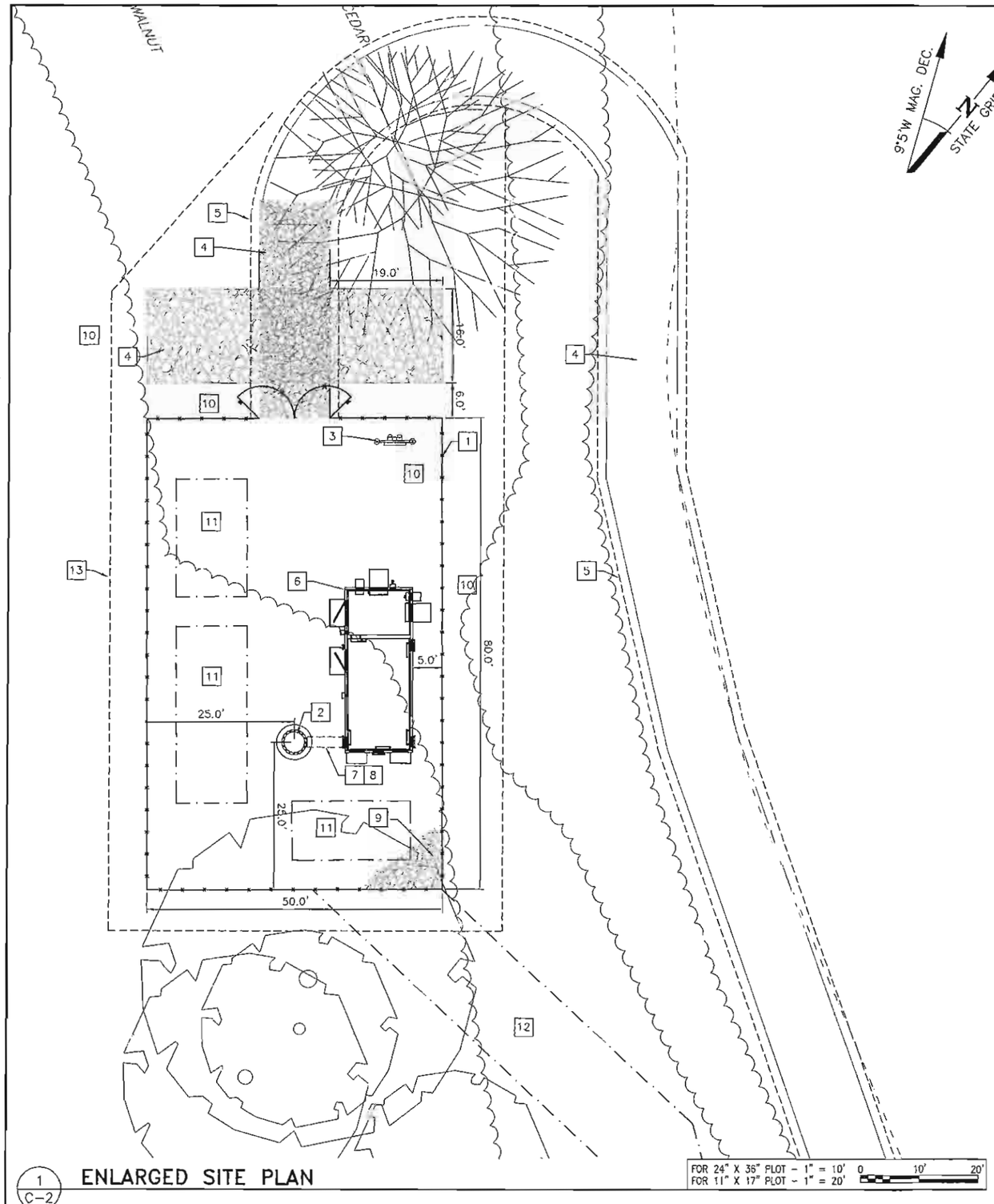
SHEET TITLE:
SURVEY NOTES & LEGAL DESCRIPTIONS

SHEET NUMBER:
C-1A



1 / C-2 ENLARGED SITE PLAN

SITE NOTES

1. PRIOR TO CONSTRUCTION THE CONTRACTOR SHALL ASSUME THE RESPONSIBILITY OF LOCATING ANY UNDERGROUND UTILITIES (PUBLIC OR PRIVATE) THAT MAY EXIST AND CROSS THROUGH THE AREA OF CONSTRUCTION THAT ARE NOT SHOWN ON THESE PLANS. BEFORE YOU DIG, CALL "MISS UTILITY" AT 1-800-552-7001. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPAIRING, AT HIS EXPENSE, ANY EXISTING UTILITIES DAMAGED DURING CONSTRUCTION.
2. ALL EROSION AND SEDIMENT CONTROL DEVICES SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITION OF VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK AT THE FIRST PHASE OF CONSTRUCTION AND CHECKED PERIODICALLY TO ENSURE THEY ARE FUNCTIONING AS INDICATED.
3. THE STOCKPILING OF EXCESS MATERIAL ON SITE WILL NOT BE ALLOWED WITHOUT LANDLORD CONSENT.
4. ANY VEGETATED AREA DISTURBED BY CONSTRUCTION SHALL BE TOPSOILED AND SEEDED TO RESTORE A PERMANENT VEGETATIVE COVER.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR REPLACING WITH MATCHING MATERIALS ANY PAVEMENT, DRIVEWAYS, WALKS, CURBS, ETC. THAT MAY BE CUT, OR THAT ARE DAMAGED DURING CONSTRUCTION.
6. THE INDICATED DIRECTION OF NORTH WILL HAVE TO BE VERIFIED IN THE FIELD. THE MAGNETIC DECLINATION INDICATED IS CALCULATED BASED ON THE LATITUDINAL AND LONGITUDINAL COORDINATE GIVEN BY THE SURVEYOR.

CONSTRUCTION NOTES

1. NEW 50'X80' WOODEN FENCED COMPOUND. SEE SHEET C-4 FOR DETAILS.
2. NEW AT&T ANTENNAS MOUNTED ON NEW 145' MONOPINE TOWER. SEE ELEVATION VIEW, SHEET C-3.
3. NEW UTILITY SERVICE STAND.
4. NEW 12' WIDE ACCESS ROAD & PARKING AREA SHALL BE GRASS PAVERS. TYPE AND MANUFACTURER TO BE AGREED UPON BY AT&T AND LAND OWNER PRIOR TO INSTALLATION.
5. AT&T 15' WIDE NON-EXCLUSIVE ACCESS/UTILITY EASEMENT.
6. NEW AT&T 11'-5"X28' EQUIPMENT SHELTER ON A CONCRETE PAD. SEE SHEETS A-1 & S-1 FOR DETAILS.
7. NEW AT&T ICE BRIDGE (APPROXIMATELY 3' IN LENGTH) WITH 2 RUNS OF 6 ON 6 COAX INTO SHELTER AND UP INSIDE TOWER.
8. GPS SHALL BE MOUNTED ON ICE BRIDGE SUPPORT POST CLOSEST TO SHELTER.
9. ADD GRAVEL IN COMPOUND AS NECESSARY.
10. REMOVE ONLY TREES THAT ARE NECESSARY. TREES THAT SERVE AS BUFFER WILL BE PROTECTED.
11. SPACE FOR FUTURE CARRIERS.
12. TEMPORARY 15' WIDE CONSTRUCTION ACCESS EASEMENT.
13. LIMITS OF CLEARING AND GRADING.

at&t
LIBERTY PLAZA 1
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060
TEL (804)270-2967

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DRAWN BY:	KMB
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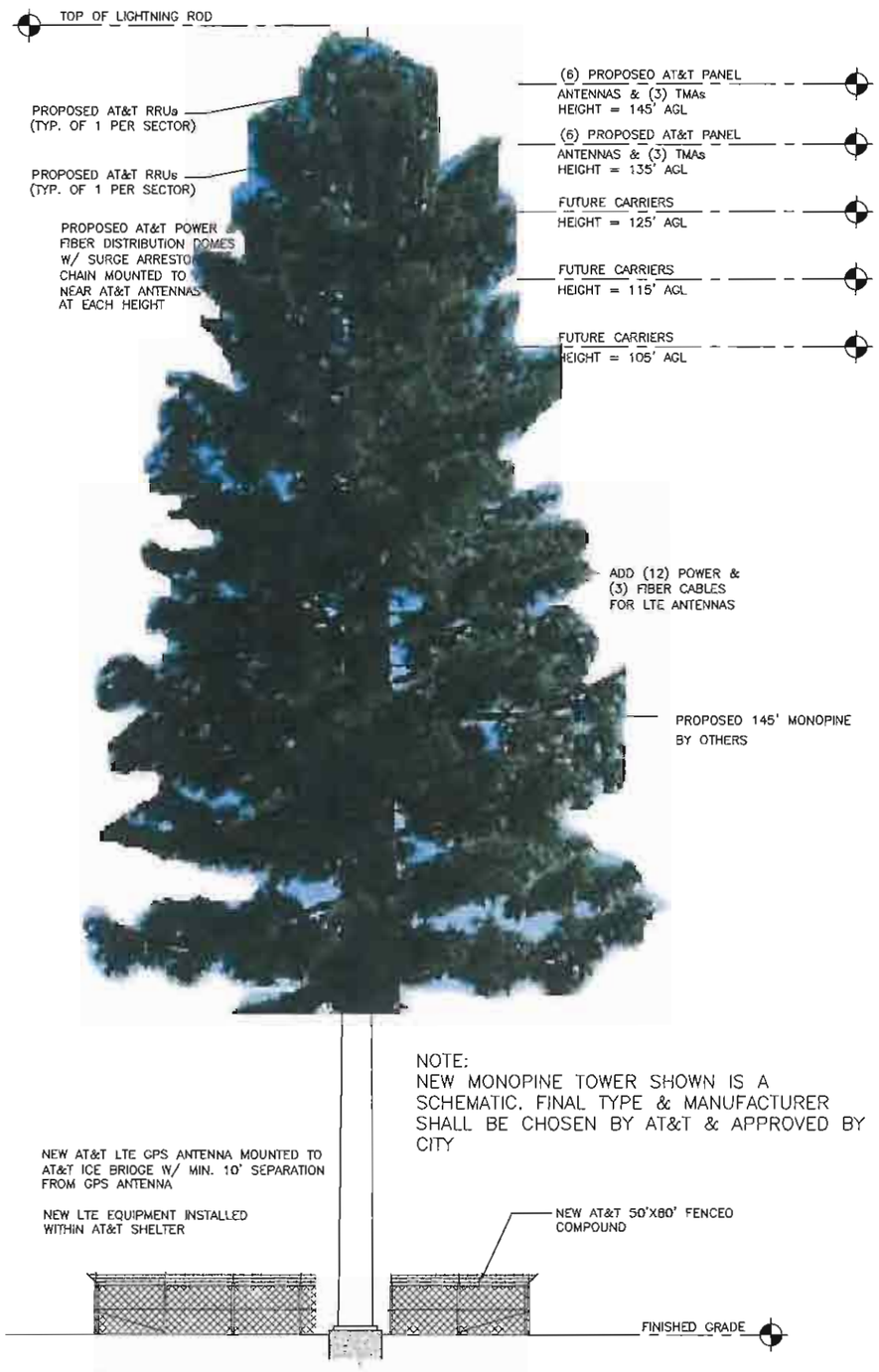
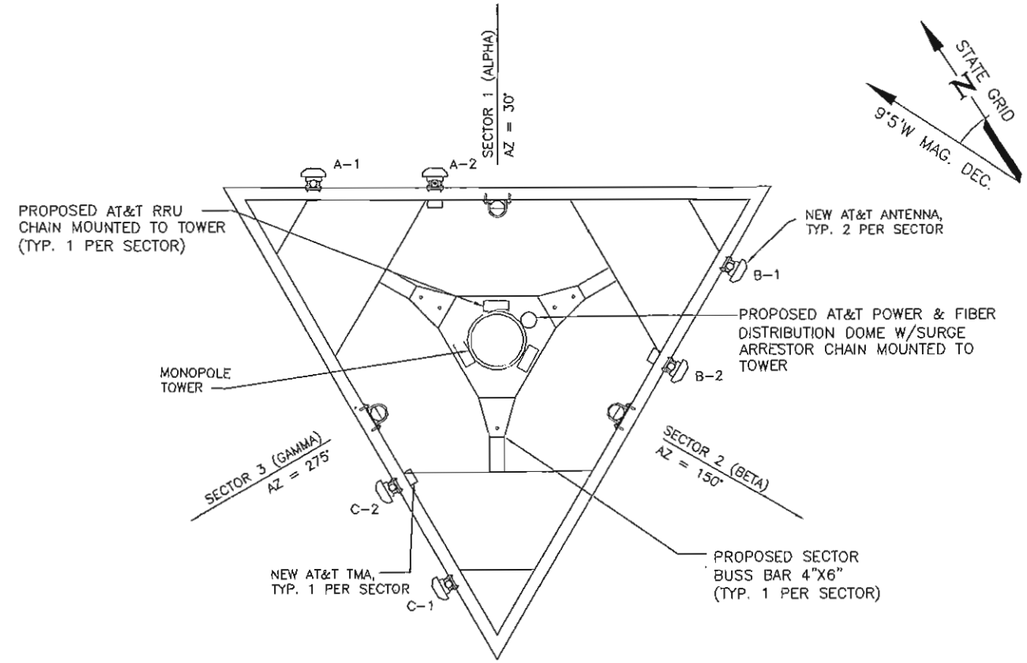
SHEET TITLE:
ENLARGED SITE PLAN

SHEET NUMBER:
C-2



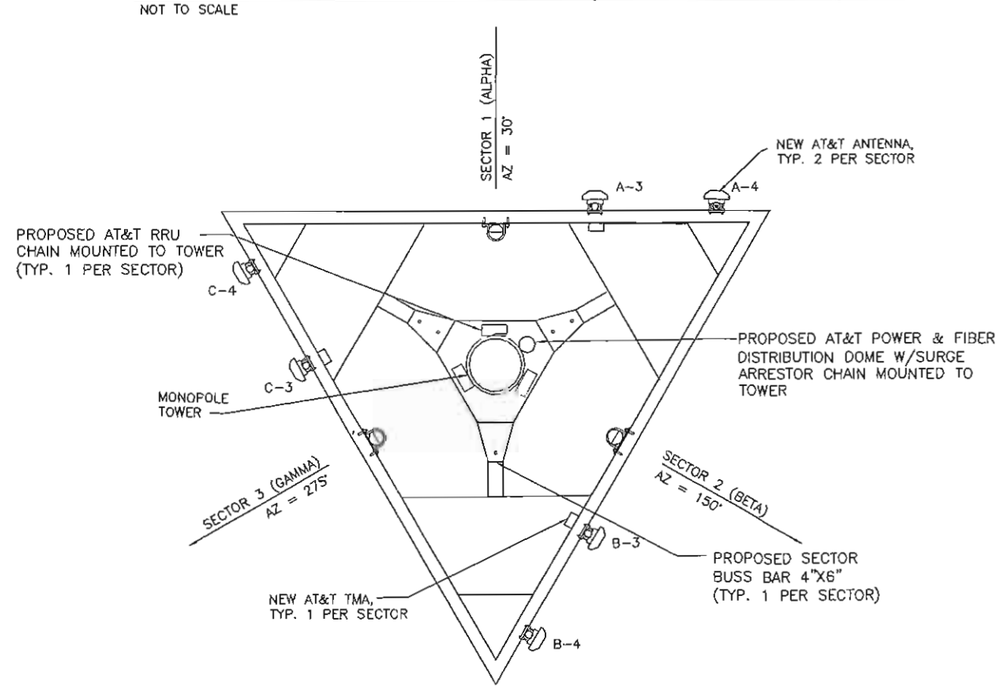
TOWER ELEVATION

NOT TO SCALE



ANTENNA MOUNTING LAYOUT ON LOW PROFILE PLATFORM WITH RAILS (UPPER ANTENNAS)

NOT TO SCALE



ANTENNA MOUNTING LAYOUT ON LOW PROFILE PLATFORM WITH RAILS (LOWER ANTENNAS)

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(757) 450-2288

NO.		
1	6/29/13	PRELIM ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
2	7/2/13	FINAL ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS
	BY: KMB	CHK: OWW APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10-10-13
PROFESSIONAL ENGINEER

LY732 RAWLAND MONOPOLE

1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

DRAWN BY:	KMB
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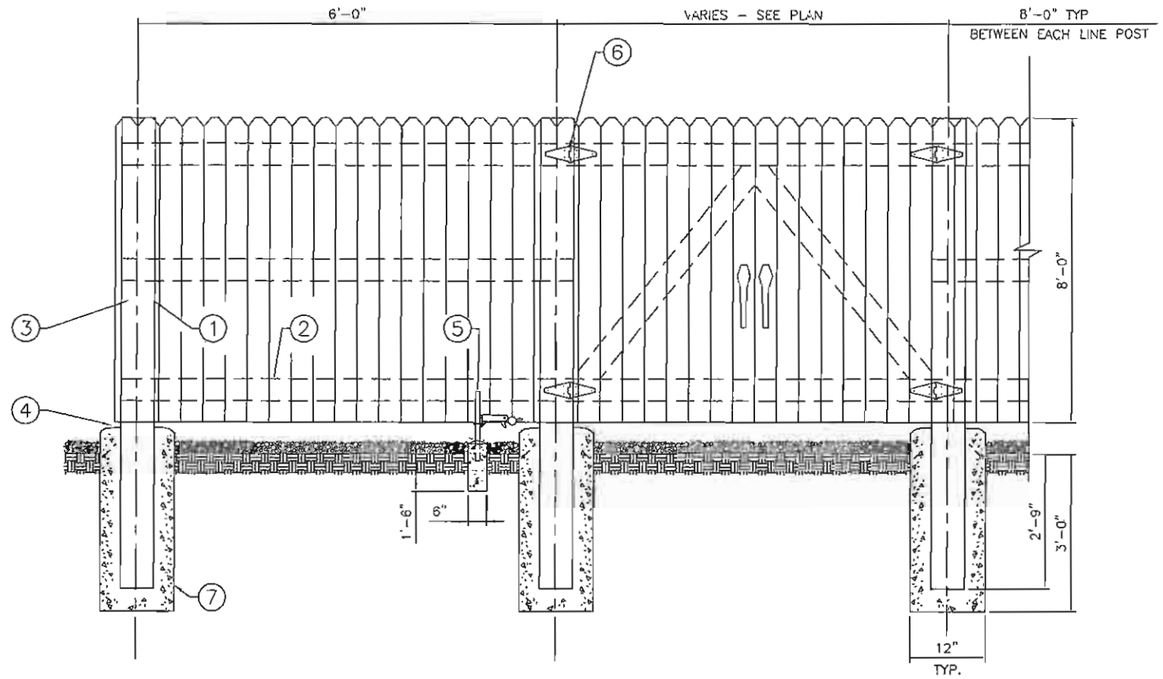
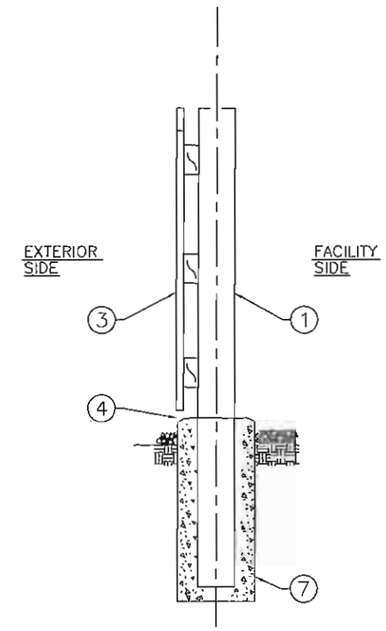
COMM NO:	LY732

SHEET TITLE:
ELEVATION VIEW

SHEET NUMBER:
C-3





1 / C-4 COMPOUND FENCE DETAIL

NO SCALE

REFERENCE NOTES:

1. CORNER, END OR LINE POST: 4" X 4" TREATED LUMBER SPACING FOR LINE POSTS IS 8'-0" ℄ TO ℄ MAX.
2. TOP RAIL & BRACE RAIL: 2" X 4" TREATED LUMBER
3. 1" (NOMINAL) X 6" – 8' DOG EARRED FENCE BOARDS. CEDAR PREFERRED. #1 TREATED ACCEPTABLE.
4. 3" MAXIMUM CLEARANCE FROM GRADE.
5. DUCK BILL OPEN GATE HOLDER. VERIFY LOCATION IN FIELD PRIOR TO INSTALLATION. TYPICAL BOTH SIDES OF GATE.
6. GATE HARDWARE. MANUFACTURER NOT SPECIFIED AT THIS TIME.
7. POST: CONCRETE FOUNDATION (2000 PSI)

GENERAL NOTES:

1. INSTALL FENCING PER ASTM F-567
2. INSTALL SWING GATES PER ASTM F- 900
3. LOCAL ORDINANCE OF BARBED WIRE PERMIT REQUIREMENT SHALL BE COMPLIED IF REQUIRED.
4. USE GALVANIZED (OR BETTER) NUTS, BOLTS AND WASHERS TO MOUNT ALL SIGNS (SECURED THROUGH FENCE BOARDS).
5. FENCE AND ALL HARDWARE SHALL BE PAINTED JAVA BROWN SW #6090

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CITY OF LYNCHBURG

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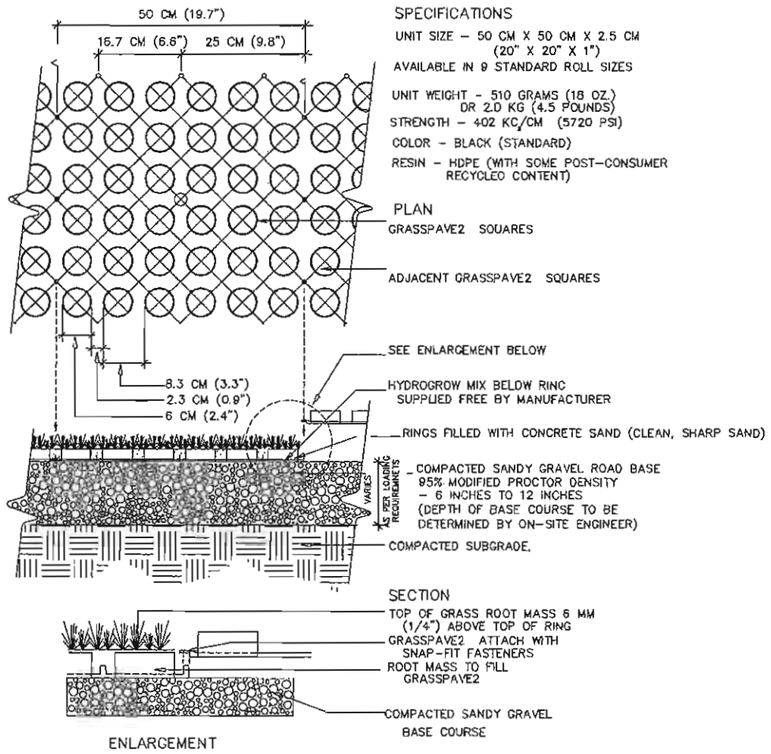
COMM NO:	LY732

SHEET TITLE:
FENCE NOTES AND DETAILS

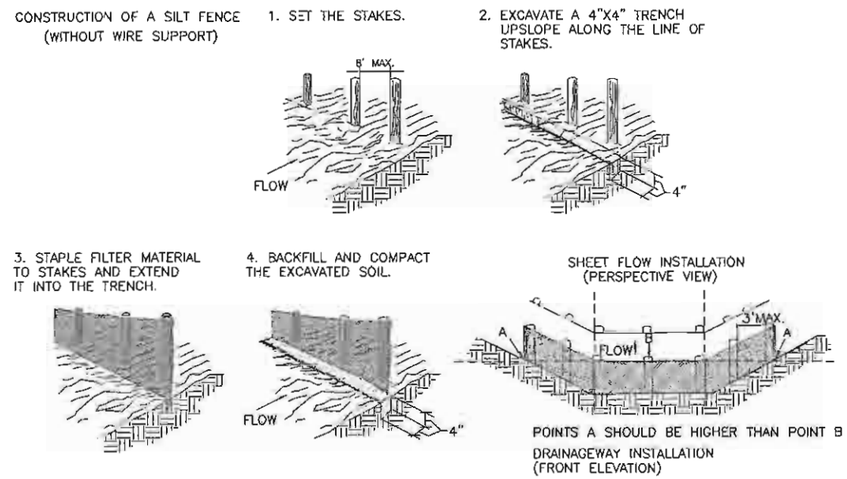
SHEET NUMBER:
C-4



NOTE: GRASS/PLANT TYPES SHALL BE SPECIFIED BY A LANDSCAPE ARCHITECT OR LANDSCAPE DESIGNER.

1 / C-5 TYPICAL ACCESS ROAD CROSS SECTION (GRASS PAVERS)

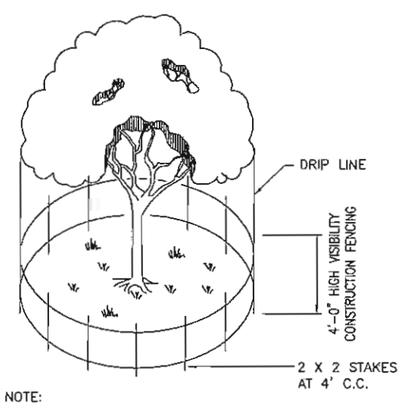
NOT TO SCALE



2 / C-5 SILT FENCE

NOT TO SCALE

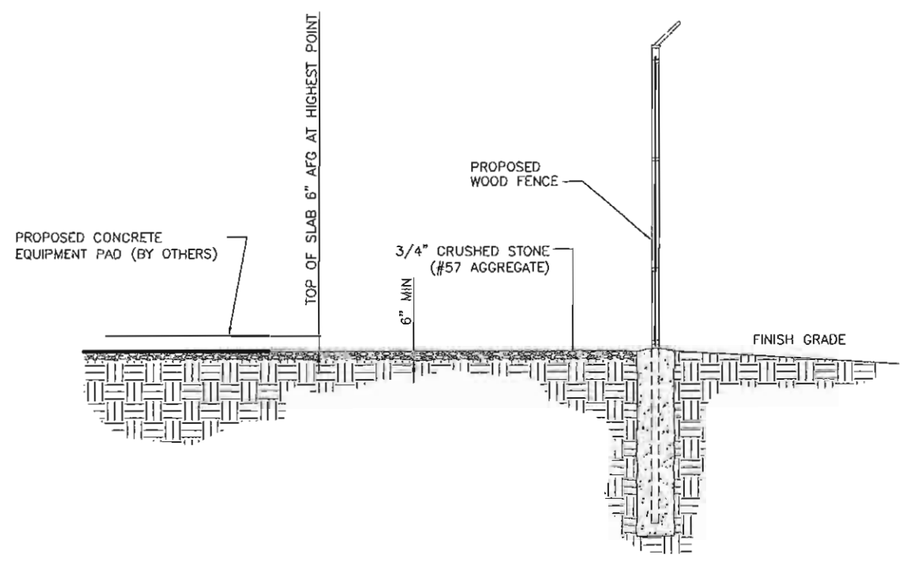
SF



NOTE:
DRIVE STAKES FIRMLY INTO GROUND AT LEAST 12"

3 / C-5 TREE PROTECTION

NOT TO SCALE



4 / C-5 TYPICAL SITE COMPOUND CROSS SECTION

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SHEET TITLE:
CIVIL DETAILS

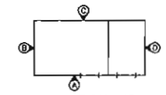
SHEET NUMBER:
C-5

SHELTER NOTES

1. MANUFACTURER	FIBREBOND
1A. SHELTER TYPE	D8701, 11'-5"X28'
1B. ADDRESS	1300 DAVENPORT DRIVE MINDEN, LA 71055
2. DESIGN CRITERIA:	
FLOOR LIVE LOAD	150 PSF
ROOF LIVE LOAD	105 PSF
SNOW LOAD	
GROUND SNOW LOAD, P_g	80 PSF
FLAT ROOF SNOW LOAD, P_f	87.4 PSF
SNOW EXPOSURE FACTOR, C_e	1.3
SNOW LOAD IMPORTANCE FACTOR, I_s	1.2
THERMAL FACTOR, C_t	1.0
WIND LOAD	
BASIC WIND SPEED	150 MPH
WIND IMPORTANCE FACTOR	1.15

3. SQUARE FOOTAGE OF SHELTER = 320 SF.
4. THE SHELTER IS TO BE CLASSIFIED AS AN UNMANNED STORAGE AND EQUIPMENT SHELTER ONLY.
5. THIS SHELTER IS TO BE DESIGNED AND CONSTRUCTED IN COMPLIANCE WITH ALL CODES AND DESIGN CRITERIA AS SET FORTH BY THE MANUFACTURER AS WELL AS MEETING THOSE OF THE JURISDICTION.
6. REFER TO THE FIBREBOND SHELTER DRAWINGS AND SPECIFICATIONS FOR MORE INFORMATION.

SEE SPECIFIC SHOP DRAWINGS FROM MANUFACTURER



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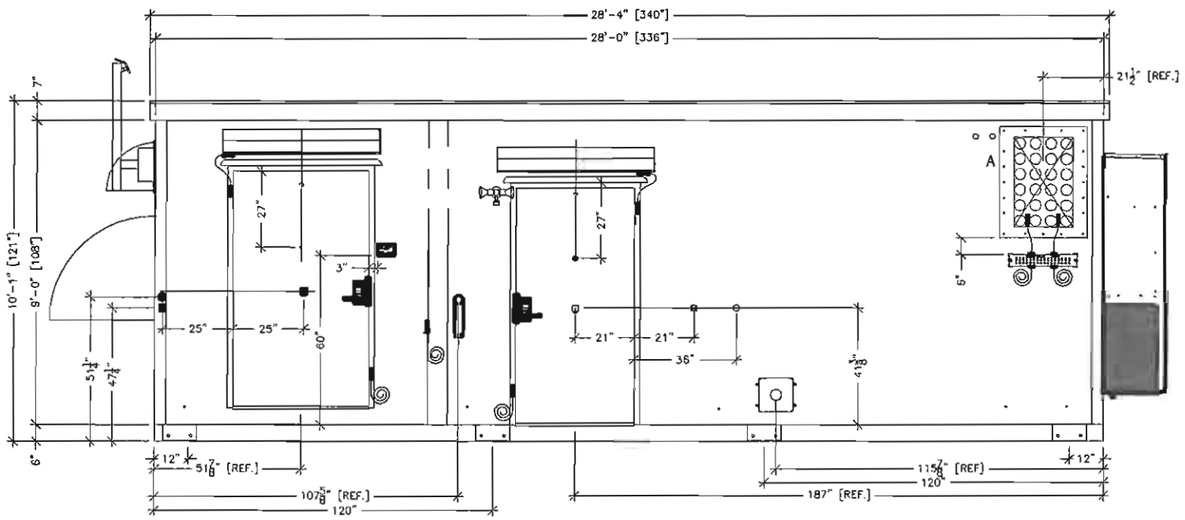
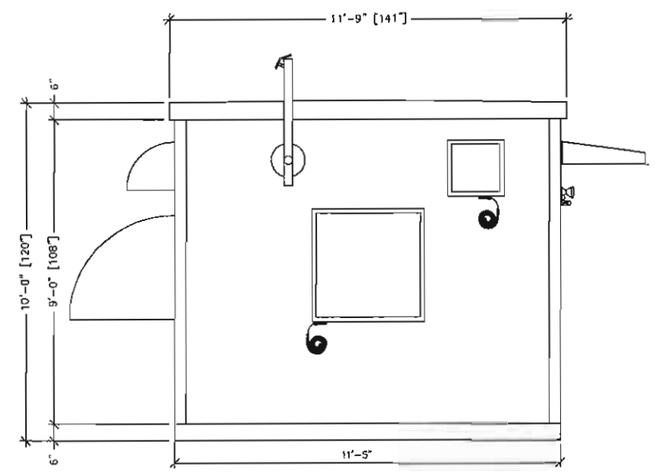
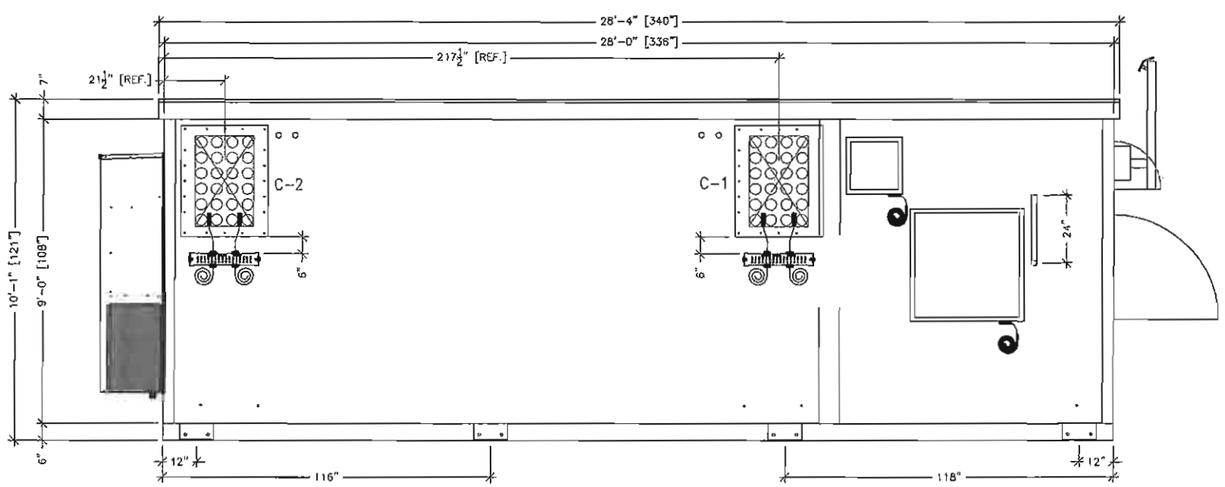


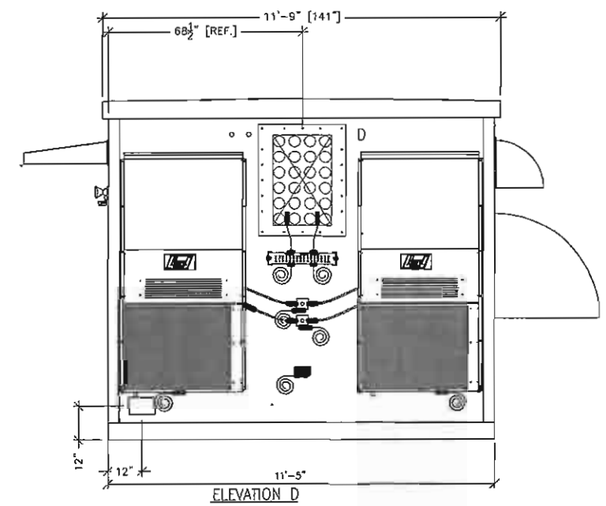
ELEVATION "A"



ELEVATION B



ELEVATION C



ELEVATION D

1 / A-1 **SHELTER ELEVATIONS**
NOT TO SCALE

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NO.		
1	8/29/13 BY: KMB	PRELIM ZONING DRAWINGS CHK: OWW APP'D: OWW
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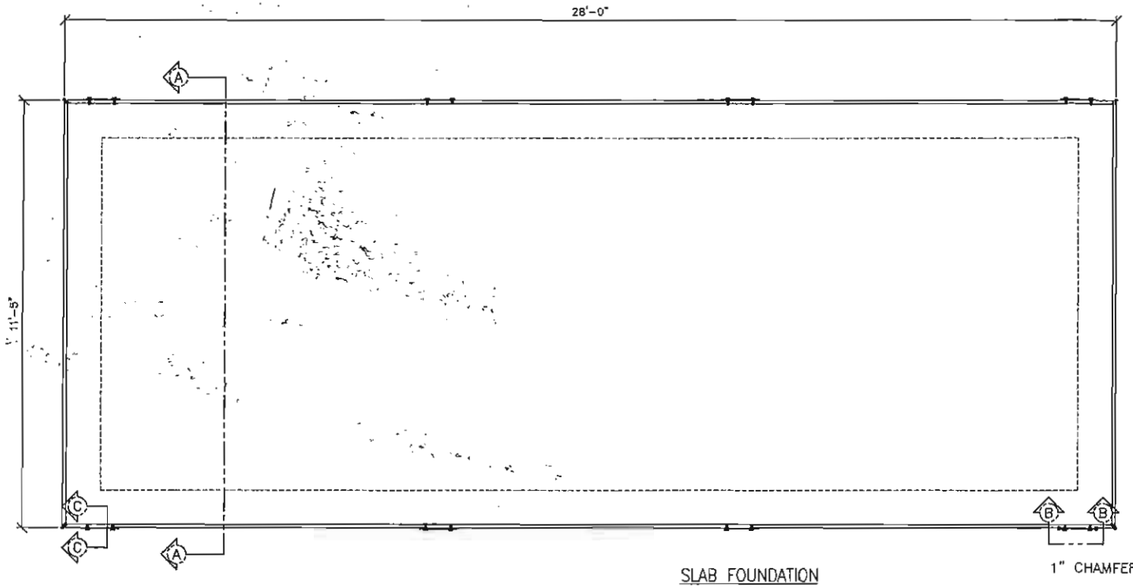
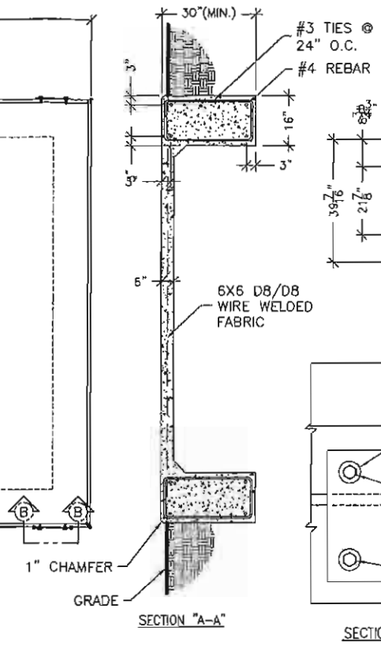
SHEET TITLE:
SHELTER ELEVATIONS

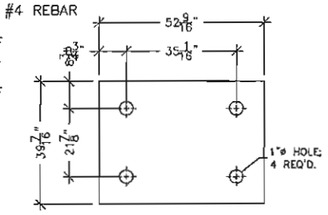
SHEET NUMBER:
A-1



SLAB FOUNDATION
SCALE: 3/8"=1'-0"



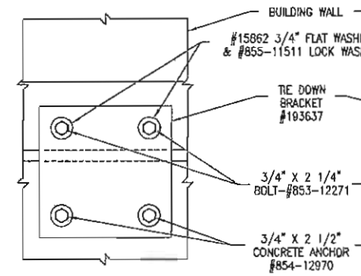
SECTION "A-A"



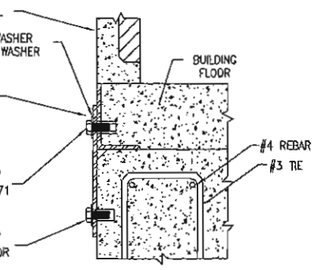
TIE DOWN PLATE
#193637 - RAW MATERIAL
3/8" PLATE
N.T.S.

NOTES:

1. SLAB TO BE LEVEL ±1/4".
2. FOOTING TO EXTEND A MINIMUM OF 30" BELOW UNDISTURBED SOIL AND FROST LINE.
3. FINAL SITE DESIGN IS THE RESPONSIBILITY OF THE SITE CONTRACTOR.
4. SLAB FOUNDATION DESIGNED ASSUMING ALLOWABLE SOIL BEARING PRESSURE OF 2000 PSF.
5. SLAB FOUNDATION DESIGNED ASSUMING MAXIMUM SOIL PLASTICITY INDEX OF 27.
6. CONCRETE STRENGTH SHALL BE A MINIMUM OF 4000 PSI.
7. FOUNDATION SHALL BE IN ACCORDANCE WITH OBC.



SECTION "B-B"
N.T.S.



SECTION "C-C"
N.T.S.

1 / S-1 FOUNDATION PLAN

STRUCTURAL SPECIFICATIONS:

DESIGN NOTES

1. STRUCTURAL DESIGN IN ACCORDANCE WITH THE MANUFACTURER'S DESIGN CRITERIA AND SPECIFICATIONS AND MUST MEET ALL APPLICABLE CODES OF THE GIVEN JURISDICTION.

EXCAVATION

1. SELECT FILL MATERIAL: ASTM D 2487 SOIL CLASSIFICATION GROUPS GW, GP, GM, SW, SP, AND SM, OR A COMBINATION OF THESE GROUP SYMBOLS; FREE OF WASTE, FROZEN MATERIALS, AND VEGETATION, WITH LESS THAN 5 PERCENT BY WEIGHT RUBBLE. RUBBLE SHALL BE NO LARGER THAN 4 INCHES IN ANY DIRECTION.
2. PIER SHALL NOT BE PLACED IN FROZEN GROUND.
3. DESIGN ALLOWABLE SOIL BEARING PRESSURE IS 2000 PSF ON SUITABLE RESIDUAL SOIL OR PROPERLY COMPACTED STRUCTURAL FILL. STRUCTURAL FILL SHALL BE COMPACTED TO A MINIMUM OF 95% OF THE STANDARD PROCTOR MAXIMUM DRY DENSITY (ASTM D-698).
4. AFTER EXCAVATIONS ARE MADE, THE BOTTOMS SHALL BE INSPECTED TO VERIFY THAT THE SUPPORTING SOILS ARE SUITABLE FOR BEARING AND ARE CAPABLE OF SUPPORTING THE DESIGN ALLOWABLE BEARING PRESSURE OF 2000 PSF.

CONCRETE

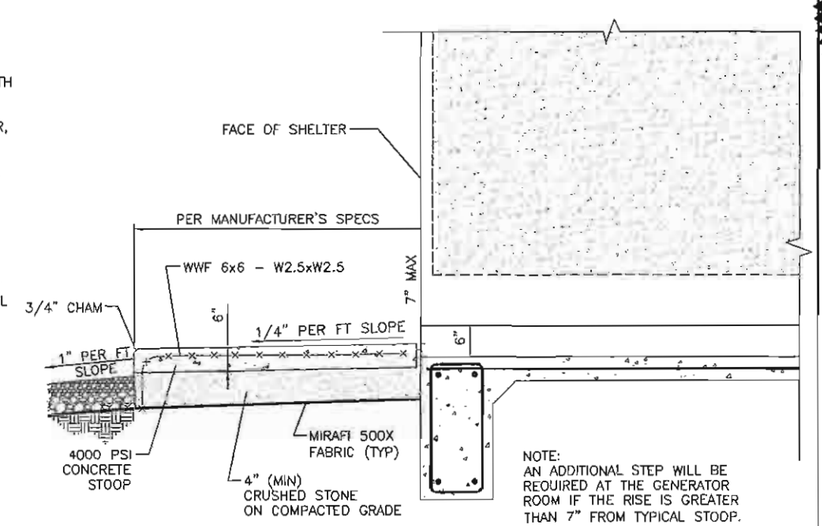
1. CONCRETE CONSTRUCTION SHALL COMPLY WITH PROVISIONS OF THE FOLLOWING CODES, SPECIFICATIONS, AND STANDARDS: AMERICAN CONCRETE INSTITUTE (ACI) 301, SPECIFICATIONS FOR STRUCTURAL CONCRETE; ACI 318, "BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE".
2. CONCRETE SHALL BE NORMAL WEIGHT, 6% AIR ENTRAINED AND HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 PSI. SUBMIT MIX DESIGN FOR APPROVAL.
3. CONCRETE MATERIALS SHALL BE IN ACCORDANCE WITH THE FOLLOWING:

PORTLAND CEMENT	ASTM C 150, TYPE 1
FLY ASH	ASTM C 618, TYPE F (NOT TO EXCEED 15% OF CEMENT BY WEIGHT)
NORMAL WEIGHT AGGREGATES	ASTM C 33
WATER	POTABLE
AIR-ENTRAINING ADMIXTURE	ASTM C 260
WATER REDUCING ADMIXTURES	ASTM C 494, TYPE A & ASTM C 494 TYPE F OR G
ACCELERATING ADMIXTURE	ASTM C 494, TYPE E
RETARDING ADMIXTURE	ASTM C 494, TYPE D

4. REINFORCING STEEL SHALL BE DEFORMED BARS IN ACCORDANCE WITH ASTM A-615, GRADE 60. REINFORCING MARKED CONTINUOUS SHALL BE LAPPED 36 BAR DIAMETERS AT SPLICES.
5. WELDED WIRE FABRIC SHALL CONFORM TO ASTM A82 AND A185. LAP ONE FULL MESH SPACING AND TIE.
6. SUPPORT REINFORCING AND WELDED WIRE FABRIC ON METAL CHAIRS OR BOLSTERS.
7. MINIMUM CONCRETE COVER FOR REINFORCING SHALL BE IN ACCORDANCE WITH ACI 318-99 UNLESS OTHERWISE INDICATED.
8. ALL COLD WEATHER CONCRETE CONSTRUCTION SHALL CONFORM TO ACI 306R, "COLD WEATHER CONCRETING."
9. ALL HOT WEATHER CONCRETE CONSTRUCTION SHALL CONFORM TO ACI 305R, "HOT WEATHER CONCRETING."
10. CURING COMPOUND SHALL COMPLY WITH ASTM C 309, TYPE I, CLASS B.

STEEL

1. ALL STEEL ANGLES AND PLATES SHALL BE ASTM A36, ALL BOLTS SHALL BE ASTM A325, ALL THREADED ROD MATERIAL SHALL BE ASTM A307, AND STEEL PIPE SHALL BE ASTM A53, GRADE B, UNLESS OTHERWISE NOTED. ALL STRUCTURAL STEEL SHALL BE GALVANIZED AFTER FABRICATION.
2. ALL STRUCTURAL STEEL WORK SHALL BE IN ACCORDANCE WITH THE NINTH EDITION OF THE "MANUAL OF STEEL CONSTRUCTION ALLOWABLE STRESS DESIGN", OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION, INCLUDING CURRENT REVISIONS.



2 / S-1 STOOP DETAIL

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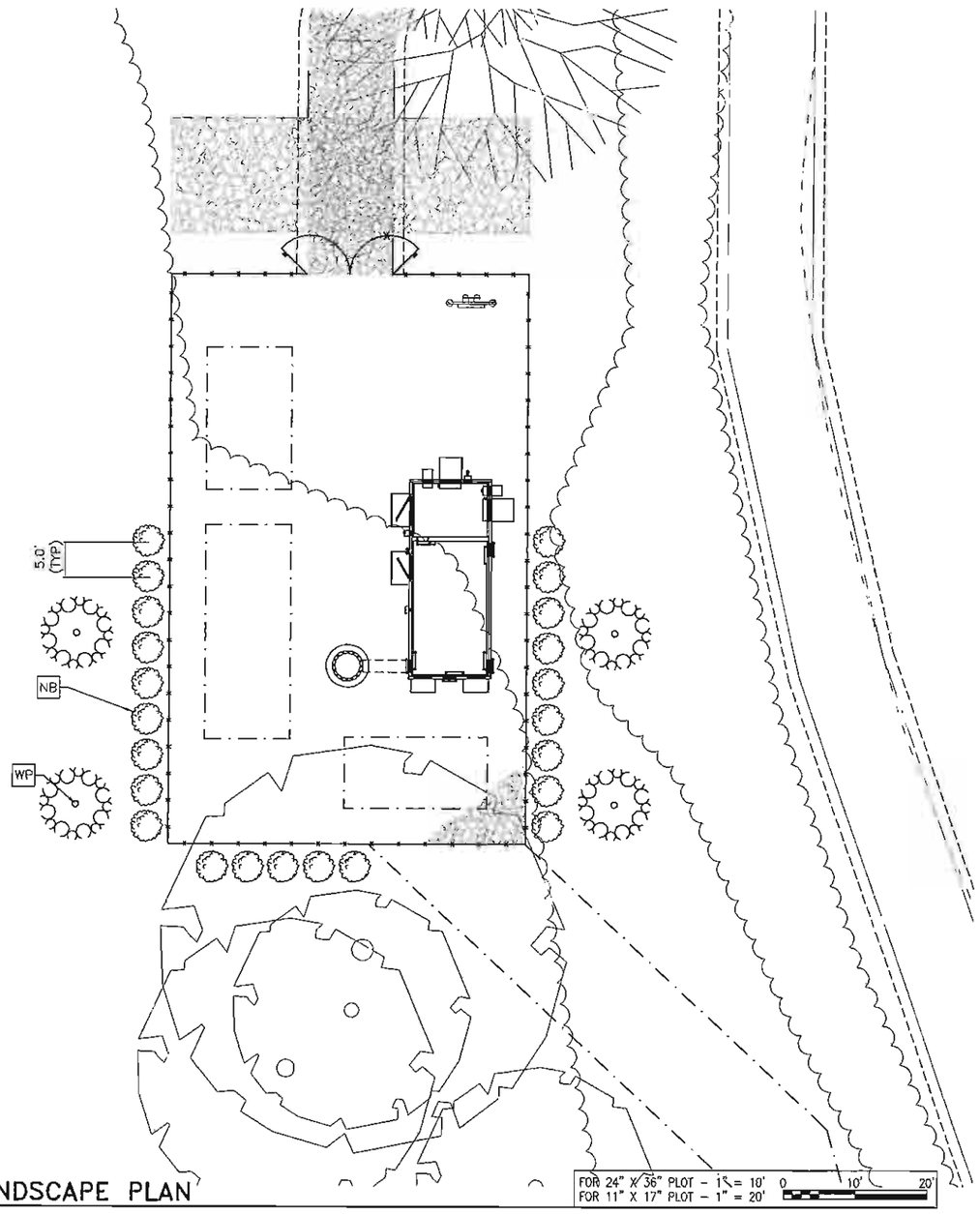
SHEET TITLE:
FOUNDATION PLAN

SHEET NUMBER:
S-1

DESCRIPTION	EXISTING	TO BE PLANTED	SPACING	HEIGHT
WP–EASTERN WHITE PINE (PINUS STROBUS)	0	(4) TO BE PLANTED	N/A	' MINIMUM AT PLANTING
NB–NORTHERN BAYBERRY (MYRICA PENNSYLVANICA)	0	(23) TO BE PLANTED	MAX 5' CENTER TO CENTER	3'–4' MINIMUM AT PLANTING

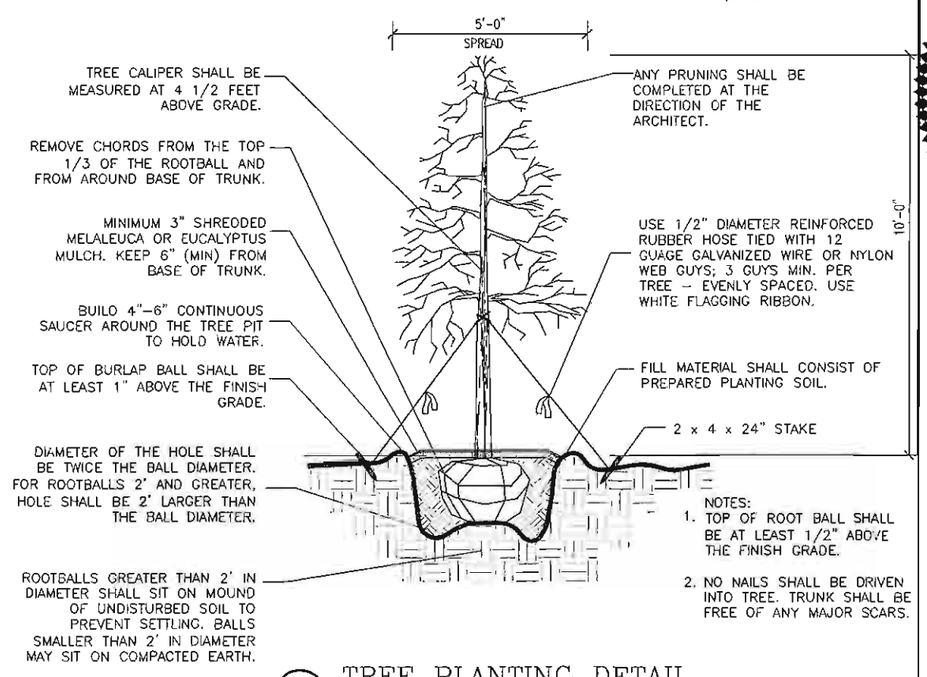
PERIMETER OF PROPOSED BUILDING = 79'.
4 ORNAMENTAL TREES & 23 SHRUBS REQUIRED.



1 / L–1 LANDSCAPE PLAN

GENERAL NOTES:

1. THE CONTRACTOR SHALL VERIFY THAT TOTAL QUANTITIES INDICATED IN THE PLANT LIST OR SCHEDULE AGREES WITH QUANTITIES SHOWN ON PLANTING LAYOUT. IF DISCREPANCIES, USE TOTAL OF QUANTITIES SHOWN ON PLANTING LAYOUT.
2. THE CONTRACTOR SHALL PROVIDE THE QUANTITIES REQUIRED TO COMPLETE PROPOSED PLANTING AS SHOWN ON THE LANDSCAPE PLAN.
3. CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE.
4. ALL BEDS SHALL BE CLEAN AND WEEDED.
5. ALL AREAS NOT PAVED OR PLANTED SHALL BE SEEDED.
6. PROVIDE ALL NECESSARY PLANT MATERIALS, LABOR, TODLS, AND MATERIALS TO COMPLETE THIS PROJECT IN A WORKMANLIKE, PROFESSIONAL MANNER.
7. ALL TREES, SHRUBS, AND GROUND COVERS SHALL BE SPECIMEN QUALITY (AMERICAN ASSOCIATION OF NURSERYMEN STANDARDS), SHALL BE NURSERY- GROWN, AND IN A HEALTHY, INSECT AND DISEASE–FREE, CONDITION.
8. NO SUBSTITUTIONS OF SIZE OR VARIETY OF PLANT MATERIAL WITHOUT PRIOR APPROVAL OF LANDSCAPE DESIGNER.
9. STAKE TREES ACCORDING TO A.A.N. (AMERICAN ASSOCIATION OF NURSERYMEN) STANDARDS.
10. "B&B" INDICATES BALLED AND BURLAPPED.
11. "CON" INDICATES CONTAINERIZED PLANTS.
12. ALL TREES AND SHRUBS HAVE BEEN LOCATED WITH RESPECT TO PROPOSED OR EXISTING UTILITIES AS ACCURATELY AS POSSIBLE. FIELD VERIFY LOCATIONS FOR ALL UTILITIES PRIOR TO INSTALLING PLANT MATERIAL.
13. VERIFY ALL DIMENSIONS IN THE FIELD, NOTIFY OWNER AND LANDSCAPE DESIGNER OF ANY VARIANCE FROM PLANS.
14. PROVIDE OWNER FULL 12 MONTHS MATERIAL AND LABOR GUARANTEE ON ALL PLANT MATERIAL.
15. THOROUGHLY WATER ALL PLANT MATERIAL AFTER PLANTING AND MULCHING. FERTILIZE ALL PLANT MATERIAL AFTER WATERING. APPLY SLOW RELEASE FERTILIZER TO ALL PLANTS PER MANUFACTURER'S DIRECTIONS ON LABEL AT PLANTING.
16. SOAK BARE ROOT PLANTS IN LIQUID SEAWEED SOLUTION FOR ONE–HALF HOUR @ DOUBLE STRENGTH, AND GENTLY PRUNE ROOTS BEFORE PLANTING.
17. PRUNE ALL PLANT MATERIAL – REMOVE RANK AND DEAD GROWTH ONLY. PRUNE FOR NATURAL SHAPE PER SPECIES.
18. MULCH TO BE 2" MIN DEPTH SHREDDED HARDWOOD BARK MULCH IN ALL BED AREAS.
19. IN PLANTING BEDS, OMIT THE COMPACTED EARTH SAUCER AND COVER THE BEDS WITH MULCH (2" MIN DEPTH). AT HEDGE ROWS PROVIDE MULCH IN A CONTINUOUS BED. ALL GROUPINGS OF SHRUBS SHALL BE INSTALLED IN CONTINUOUS MULCH BEDS.
20. TREE AND SHRUB PITS SHALL BE 3 TIMES SIZE OF ROOT BALL AND BACK FILLED WITH FOLLOWING SOIL MIXTURE THOROUGHLY MIXED: 2 PARTS JAMES RIVER SAND, 2 PARTS COMPOSTED HORSE MANURE OR CATTLE MANURE, OR ORGANIC COMPOST, AND 6 PARTS GOOD QUALITY TOPSOIL.
21. PREPARE SOIL WITH HI CALCIUM LIME @ RATE AS SHOWN ON SEEDING TABLES, SHEET L–2.
22. TEST SOIL BEFORE PLANTING AND ADD PROPER SOIL AMENDMENTS TO SOIL TO ESTABUSH ph OF 6.5.



NOTES:
1. TOP OF ROOT BALL SHALL BE AT LEAST 1/2" ABOVE THE FINISH GRADE.
2. NO NAILS SHALL BE DRIVEN INTO TREE. TRUNK SHALL BE FREE OF ANY MAJOR SCARS.

1 / L–1 TREE PLANTING DETAIL
NOT TO SCALE

at&t
LIBERTY PLAZA I
4801 COX ROAD, SUITE 300
GLEN ALLEN, VA 23060
TEL (804)270-2967

velocitel
complete wireless solutions
4164 INNSLAKE DRIVE, SUITE B
GLEN ALLEN, VA 23060
804.217.8433

WW&A
warren williams & associates
736 CARNEROS CIRCLE
HIGH POINT
NORTH CAROLINA
27265
(757) 450–2288

NO.		
2	7/2/13	FINAL ZONING DRAWINGS
	BY: KMB	CHK: OWW APP'D: OWW
3	8/13/13	REV FINAL ZONING DWGS
	BY: KMB	CHK: OWW APP'D: OWW
4	9/4/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
5	9/30/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
6	10/10/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW
7	10/22/13	REV FINAL ZONING DWGS
	BY: ALB	CHK: OWW APP'D: OWW

COMMONWEALTH OF VIRGINIA
O. WARREN WILLIAMS, JR.
Lic. No. 37030
10–22–13
PROFESSIONAL ENGINEER

LY732
RAWLAND
MONOPOLE

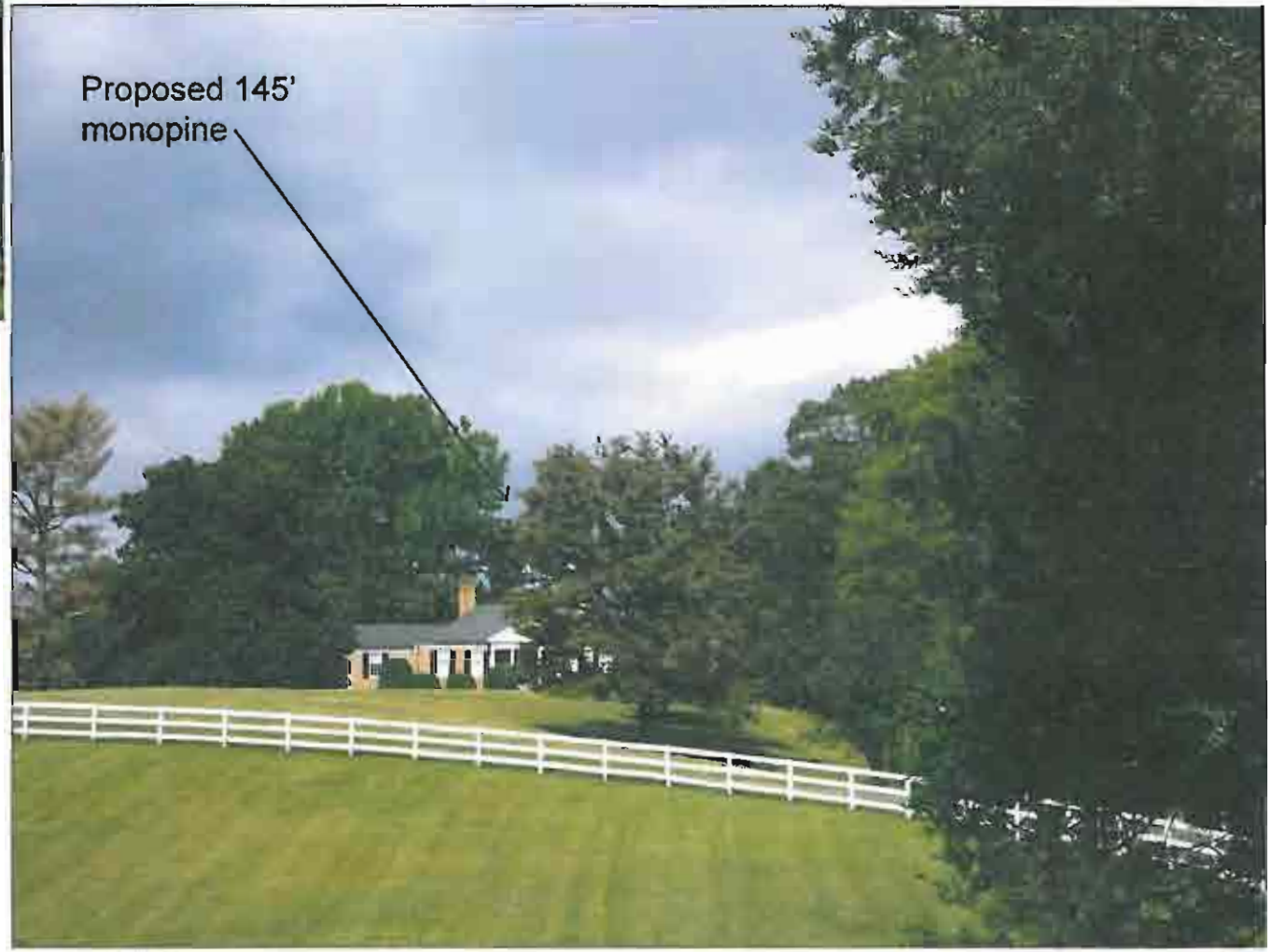
1721 LANGHORNE RD
LYNCHBURG, VA
24503
CITY OF LYNCHBURG

DRAWN BY:	KMB
CHECKED BY:	OWW
TTV DATE:	6/27/13
COMM NO:	LY732

SHEET TITLE:
LANDSCAPE PLAN

SHEET NUMBER:
L-1

before installation



after installation

at&t

velocitel
complete wireless solutions

View from #1 Int. of Langhorne & Old Langhorne

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation

after installation

at&t

velocitel
complete wireless solutions

View from #2 1523 Club Drive

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation

after installation

at&t

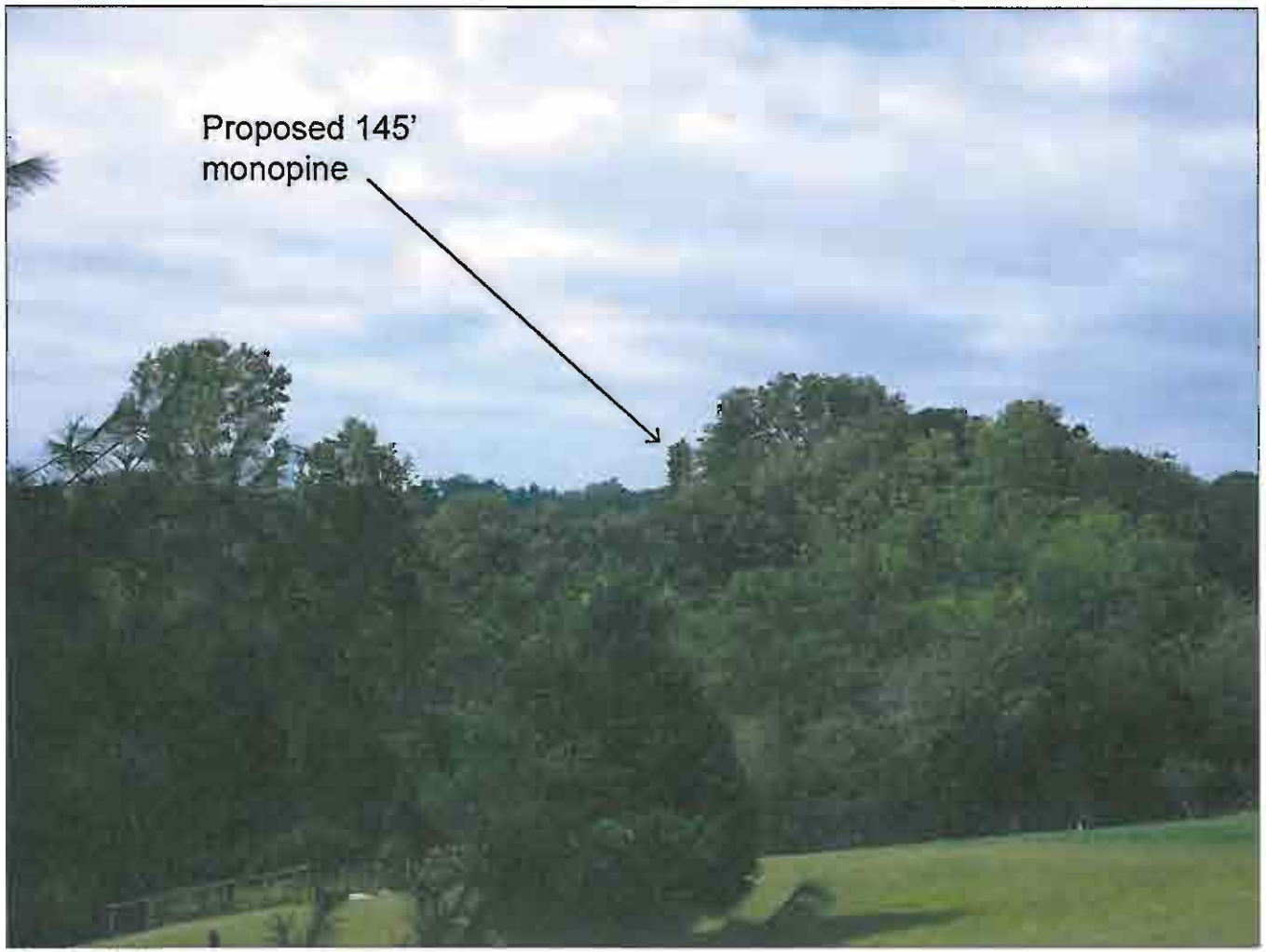
velocitel
complete wireless solutions

View from #3 3423 Landon Street (not visible)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation



after installation

at&t

velocitel
complete wireless solutions

View from #4 Btwn. 1533 Langhorne & 3317 Dorchester

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation

after installation

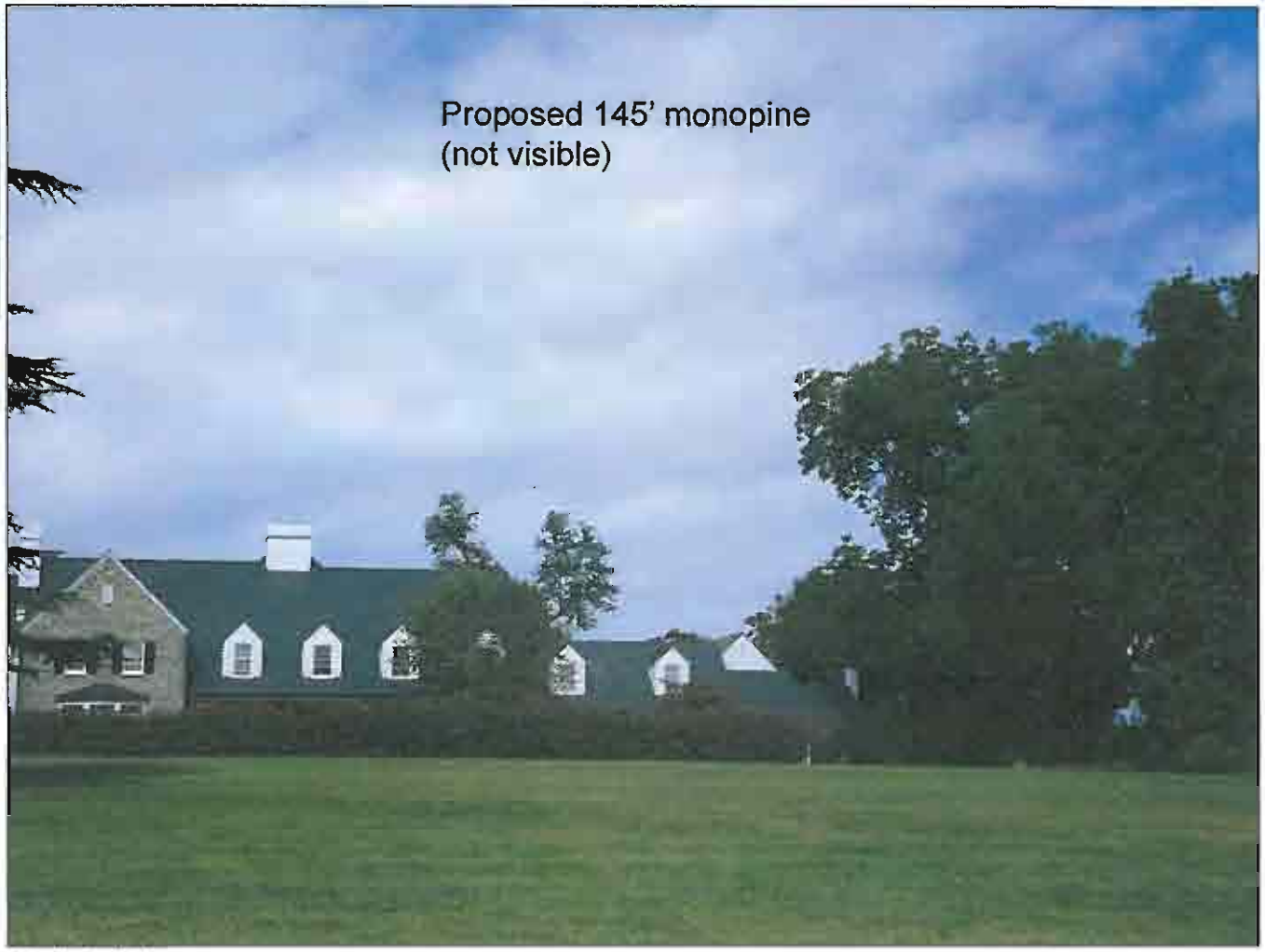
at&t velocitel complete wireless solutions

View from #5 3320 Dorchester (not visible)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

before installation



after installation

at&t

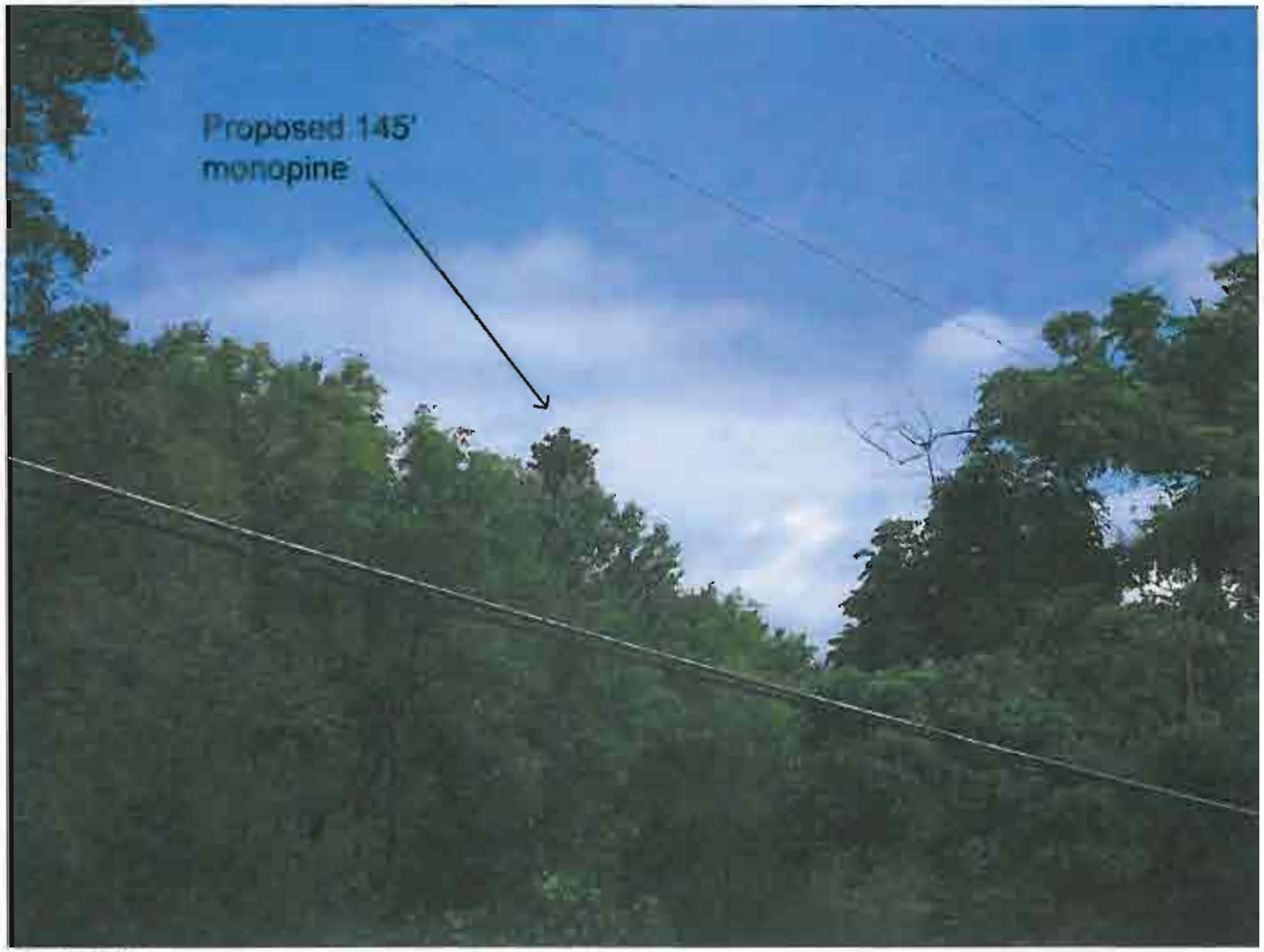
velocitel
complete wireless solutions

View from #6 1603 Langhorne (not visible)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation



after installation

at&t velocitel complete wireless solutions

View from #7 2216 Oriole Place

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

before installation

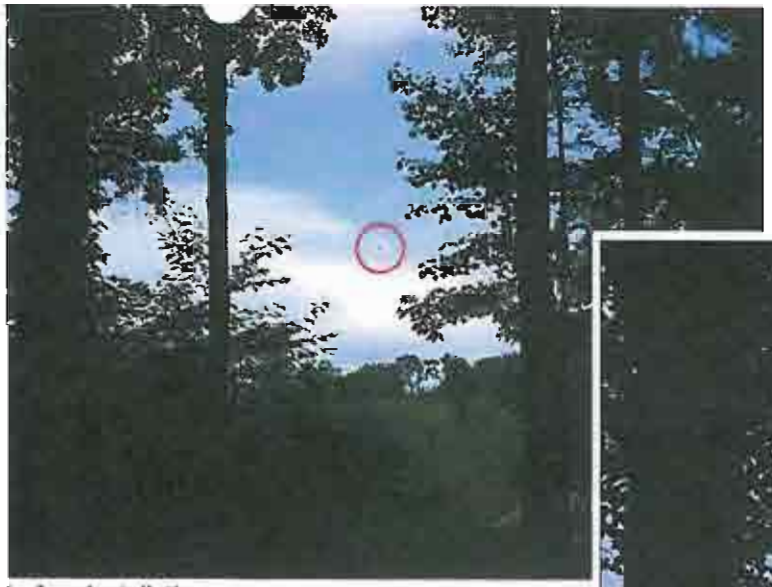
after installation

at&t velocitel complete wireless solutions

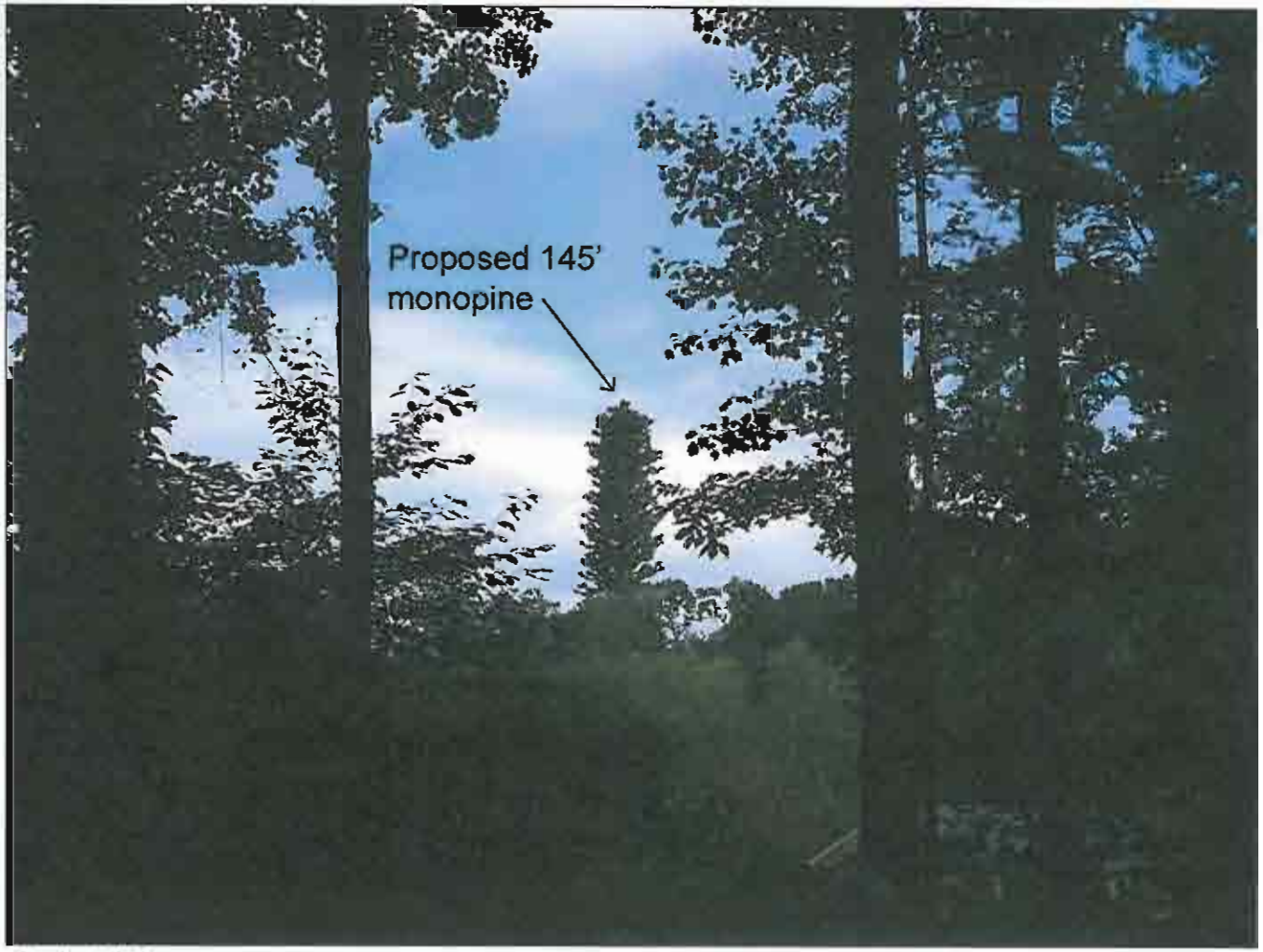
View from #8 2204 Oriole Place

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates



before installation



after installation

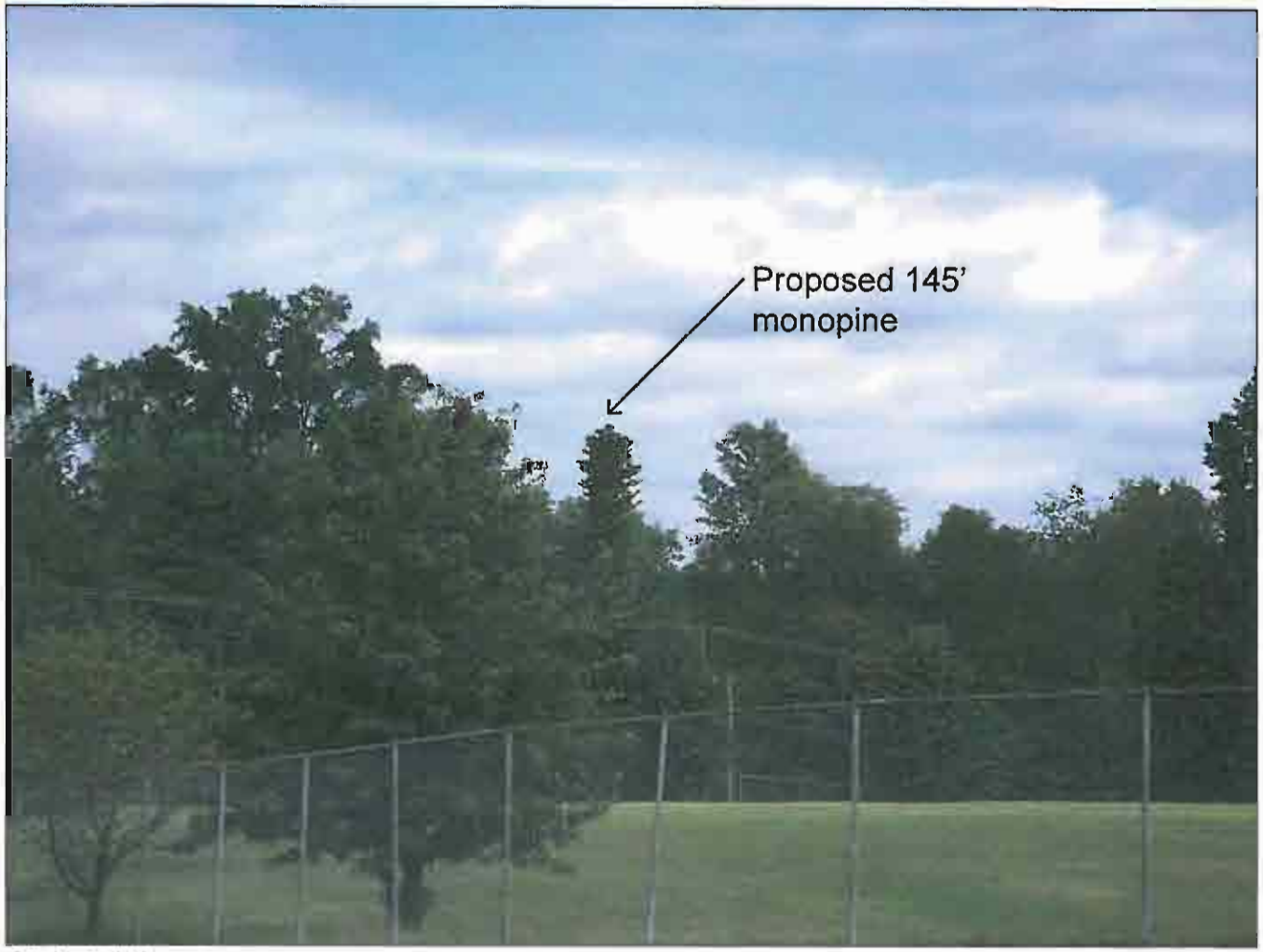
at&t velocitel complete wireless solutions

View from #9 Cranehill Drive

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

before installation



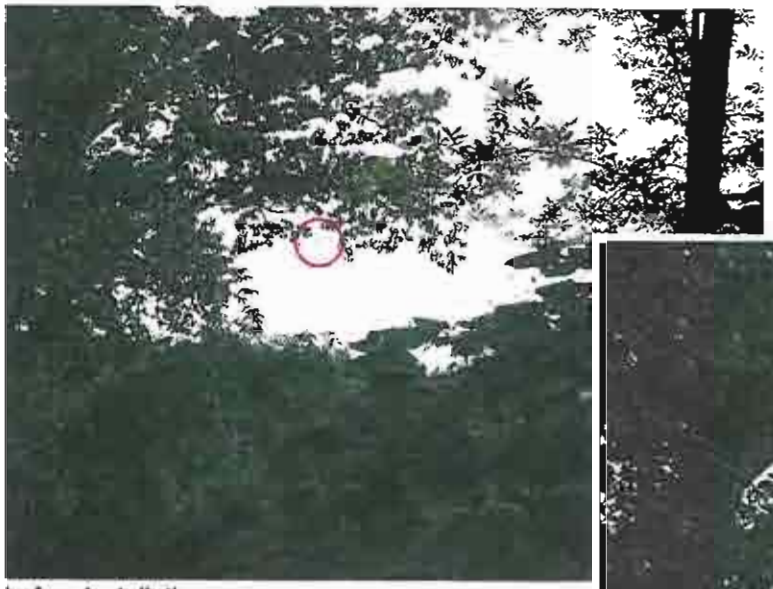
after installation

at&t velocitel complete wireless solutions

View from #10 Linkhorne Middle School

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates



before installation

after installation

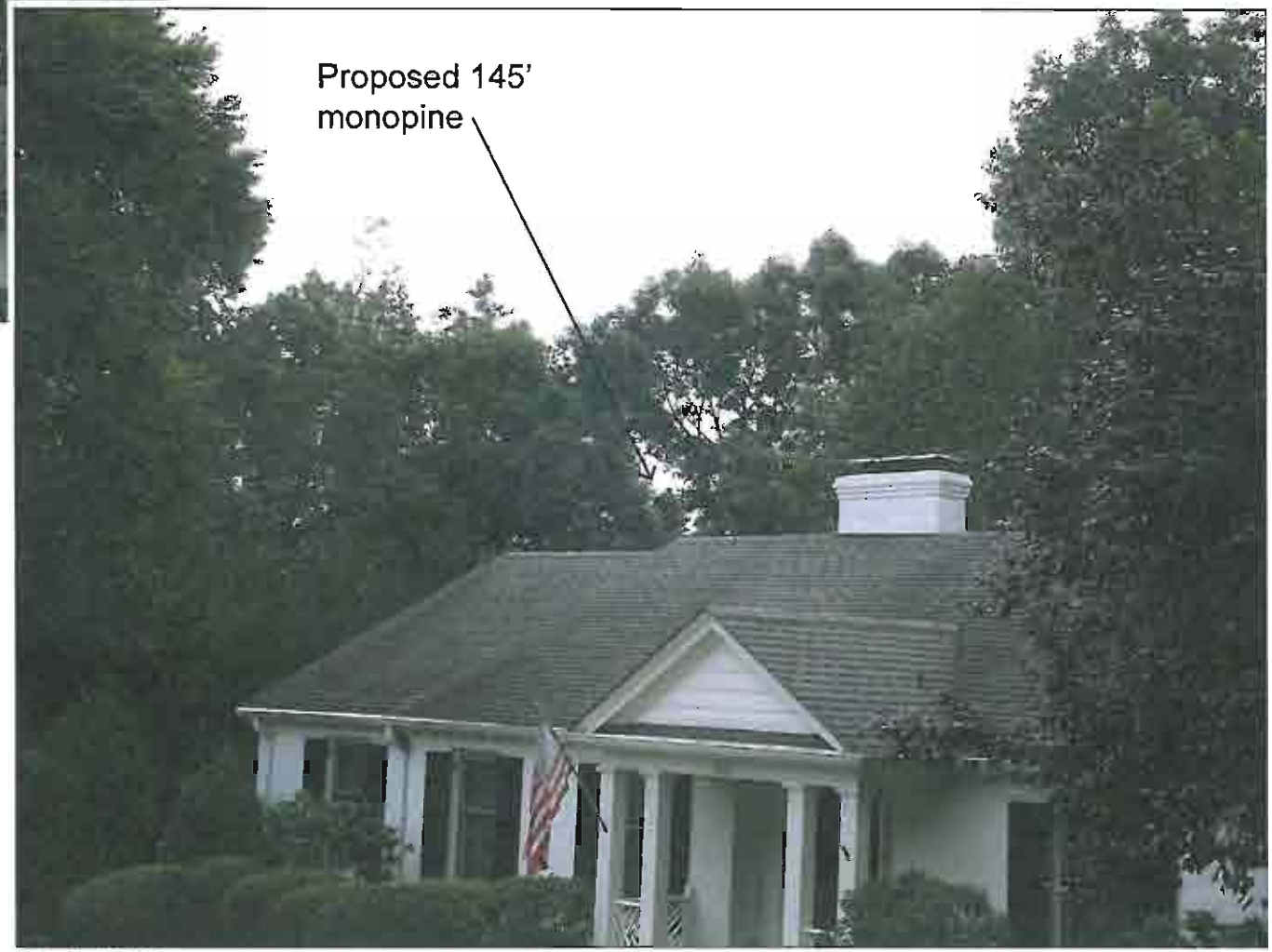
at&t velocitel complete wireless solutions

View from #11 2863 Sedgewick Drive

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

before installation



after installation

at&t

velocitel
complete wireless solutions

View from #12 2813 Sedgewick Drive

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

before installation

Proposed 145' monopine
(not visible)

after installation

at&t velocitel compute wireless solutions

View from #13 2700 Sedgewick Drive

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

before installation

after installation

at&t velocitel complete wireless solutions

View from #14 Intersection of Sedgewick & Falcon Hill

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

NOTICE
REQUEST FOR CONDITIONAL USE PERMIT
APPLICANT OR OWNER: AT&T MOBILITY
PHONE NO.: 804-271-7000 EXT. 39
ADDRESS: 1721 LANDMARK RD
PRESENT ZONING: R-1 & R-C
PROPOSED USE: COMMUNICATIONS FACILITY & MONO-PINE
ADDITIONAL INFORMATION: CELL PLANNING COORDIN. DEPT.
OF COMMUNITY DEVELOPMENT, 455-3100
10/22/2013 22:33

NOTICE
10/22/2013 22:32

1721 Langhorne Road
Conditional Use Permit
December 11, 2013

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
MAX WIEGARD	10 Franklin Rd., S.E. Roanoke VA 24011	540-983-9350	✓		
Jurgen Pest	2805 Sedgewick	434-384-8244			
Steve Selby	1672 Langhorne Rd	384-6780			
[illegible]	2209 Falcon Hill	384-5728			
[illegible]	3316 Dorchester				
Barbara Mayer					
[illegible]					
Carmen Huckaby	2204 Falcon Hill Pl	384-2348			
FRED MAYER	2210 SEDGEWICK				
Stuart Brust	2812 Sedgewick	384 7242			
[illegible]	1533 Langhorne	384 2860			

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **August 13, 2013** AGENDA ITEM NO.: 6

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Milestone Communications – 409 and 459 Perrymont Avenue**

RECOMMENDATION: Hold a public hearing and consider approval of the CUP petition.

SUMMARY: Milestone Communications is petitioning for a CUP to allow the construction of a one hundred thirty-five (135)-foot "monopine" (a communications tower designed to look like a pine tree) and associated equipment cabinets at 409 and 459 Perrymont Avenue. The property is zoned R-2, Low-Medium Density, Single-Family Residential District and contains approximately thirty-three and one half (33.5) acres. The Lynchburg City School Board reviewed the proposal on May 21, 2013 and approved it by unanimous vote. The Planning Commission recommended approval of the CUP because:

- The *Zoning Ordinance* permits telecommunications towers and associated facilities in R-2, Low-Medium Density, Single-Family Residential districts upon approval of a CUP by Council.
- The *Comprehensive Plan 2002-2020's Future Land Use Map* (FLUM) recommends Institutional and Public Park uses for the property.
- The proposed telecommunication facility will be designed to blend into the natural landscape.

PRIOR ACTION(S):
July 10, 2013: The Planning Division recommended approval of the CUP petition.

The Planning Commission recommended approval unanimously (5-0 with two absent; Hannon and Barnes).

FISCAL IMPACT: City Council is scheduled to consider a franchise agreement with Milestone Communications in September. Terms of the agreement are under development; it is anticipated that the City will receive a one-time fee for locating the tower on City property, a one-time fee for each carrier that co-locates on the tower, and a portion of the monthly revenue that is received by Milestone for leasing to carriers.

CONTACT(S): Tom Martin, City Planner - 455-3900
Kent White, Director of Community Development – 455-3900

ATTACHMENT(S):
- Resolution
- Planning Commission Report – July 10, 2013
- Planning Commission Minutes – July 10, 2013
- Vicinity Zoning Pattern Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Planimetric and Topographic Map
- Concept Plan
- Photo Simulations
- Property Photograph
- Speaker Signup Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO MILESTONE COMMUNICATIONS TO ALLOW A ONE HUNDRED THIRTY-FIVE (135) FOOT MONOPINE AND ASSOCIATED EQUIPMENT CABINETS AT 409 AND 459 PERRYMONT AVENUE IN AN R-2. LOW-MEDIUM DENSITY, SINGLE FAMILY RESIDENTIAL DISTRICT.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Milestone Communications for a conditional use permit to allow the construction of a one hundred thirty-five (135)-foot monopine and associated cabinets is hereby approved subject to the following conditions:

1. The property shall be developed in substantial compliance with the site plan.
2. All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.
3. The tower shall be constructed as a “monopine” as indicated in the submitted photo simulations.
4. Future collocations on the tower shall be permitted provided the “monopine” construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.

Adopted:

Certified: _____
Clerk of Council

106K

The Department of Community Development

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

To: Planning Commission
From: Planning Division
Date: July 10, 2013
Re: **Conditional Use Permit (CUP) – Milestone Communications – 409 and 459 Perrymont Avenue**

I. PETITIONER

Milestone Communications, 12110 Sunset Hills Road, Suite 100, Reston, Virginia 20190
Representative: Mr. Herschel Keller, Petty Livingston, Dawson & Richards, P.C., P.O. Box 1080, Lynchburg, Virginia 24505

II. LOCATION

The subject property is a tract of approximately thirty-three and one half (33.5) acres located at 409 and 459 Perrymont Avenue.
Property Owner: City of Lynchburg, 900 Church Street, Lynchburg, Virginia 24504

III. PURPOSE

The purpose of the petition is to allow the construction of a one hundred thirty-five (135)-foot monopine (cell tower designed to look like a pine tree) and associated equipment cabinets.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map* (*FLUM*) recommends Institutional and Public Park uses for the property.
- Telecommunication facilities are permitted within R-2, Low-Medium Density, Single-Family Residential Districts upon approval of a CUP by Council.
- The proposed telecommunication facility will be of a stealth design and should blend into the natural landscape.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends an Institutional and Public Park use for the property. Institutional uses include religious, educational and other nonprofit entities in the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (***pg. 5.3***) Public Park uses include lands owned by the City of Lynchburg or other governmental agencies and are intended to be open for public recreational use. (***pg. 5.2***)

2. **Zoning.** The subject property was annexed into the City in 1926. The existing R-2, Low-Medium Density, Single-Family Residential District was established in 1978 upon adoption of the *Zoning Ordinance*.

3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:

   - On August 9, 1983, Council denied the CUP petition of Old Time Gospel Hour to allow classrooms at 311, 312 & 320 Biltmore Avenue.
   - On May 12, 1987, Council approved the CUP petition of Memorial Christian Church to allow a parking expansion at 615 Perrymont Avenue.
   - On September 11, 1990, Council approved the CUP petition of Lynchburg City Schools to allow the installation of three (3) modular classrooms at 409 Perrymont Avenue.
   - On October 8, 1991, Council approved the CUP petition of Lynchburg City Schools to allow the continued use of three (3) modular classrooms at 409 Perrymont Avenue.
   - On February 9, 1993, Council approved the CUP petition of Lynchburg City Schools to allow the construction of a three story school addition at 409 Perrymont Avenue.
   - On April 10, 2001, Council approved the CUP petition of Memorial Christian Church to allow a child care facility at 615 Perrymont Avenue.

5. **Site Description.** The subject property is a tract of approximately thirty-three and one-half (33.5) acres located at 409 and 459 Perrymont Avenue. The property contains Perrymont Elementary School, which was constructed in 1955 and other associated athletic fields and parking areas. Over three-quarters of the property are wooded. The property is boarded to the north, east and south by residential uses and to the west by vacant land.

6. **Proposed Use of Property.** The purpose of the petition is to allow the construction of a one hundred thirty-five (135)-foot monopine (cell tower designed to look like a pine tree) and associated equipment cabinets.

7. **Traffic, Parking and Public Transit.** The City's Transportation Engineer had no comments of concern regarding the proposed telecommunications facility.

8. **Stormwater Management.** A stormwater management plan will not be required due to the limited scope of the proposed project. As indicated on the submitted site plan and narrative, the petitioner will address erosion issues associated with the existing gravel access road.

9. **Emergency Services:** The City Fire Marshal and Police Department had no comments of concern regarding the proposal.

10. **Impact.** The telecommunications facility would be located behind the backstop of the existing baseball field. The fenced compound will be screened with evergreen trees and will be located two hundred seventy (270) feet from the northern property line, four hundred sixty (460) feet from the southern property line and seven hundred (700) feet from the western property line. Appearance of telecommunication facilities would normally be the primary concern when proposed in residential areas. The petitioner has proposed constructing the tower as a "monopine" as shown in the submitted photo simulations, which should blend into the existing tree line. As indicated by the petitioner, the proposed telecommunications facility is needed to improve internet and voice connectivity within the area. The petitioner created a web page for informational purposes at www.perrymontwirelesspole.com.

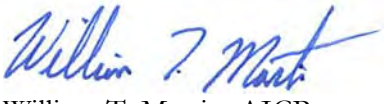
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on June 18, 2013. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Milestone Communications to allow the installation of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment at 409 and 459 Perrymont Avenue subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan.**
2. **All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**
3. **The tower shall be constructed as a "monopine" as indicated in the submitted photo simulations.**
4. **Future collocations on the tower shall be permitted provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager
Mr. Walter C. Erwin, City Attorney
Mr. Kent L. White, Director of Community Development
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Captain Thomas Mack, Acting Fire Marshal
Mr. Doug Saunders, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Mr. Herschel Keller, Petty, Livingston, Dawson & Richards, P.C.
Mr. Leonard Forkas, Milestone Communications

VII. ATTACHMENTS

1. **Zoning Map**
2. **Future Land Use Map**
3. **Watershed Map**
4. **Planimetric and Topographic Map**
6. **Concept Plan**
7. **Photo Simulations**
8. **Property Photograph**

MINUTES FROM THE JULY 10, 2013 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED. THERE WAS NO MEETING ON JULY 24, 2013):

Petition of Milestone Tower Limited Partnership for a Conditional Use Permit at 409 and 459 Perrymont Avenue to allow the construction of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment cabinets that will exceed seventy-two (72) cubic feet in an R-2, Low-Medium Density, Single-Family Residential District:

Mr. Martin explained that this cell tower is an innovative design called a "monopine" that will look like a pine tree and blend in with the existing tree line. The *Future Land Use Map* recommends Institutional and Public Park uses for the property. The property is owned by the City and there will be a lease agreement between the City and Milestone Communications. Mr. Martin explained that the cell tower will be located quite a distance from the school, 275 feet from the side property line and approximately 400 feet from the rear property line. The photo renderings provided by the petitioner indicate how the monopole will look from different views.

Mr. Martin explained that the petitioner set up a website for the public to be able to view the plans and renderings and leave comments. They also held a community meeting. Mr. Martin pointed out that the conditional use permit, if approved, would permit future collocations on the tower provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan. The Planning Division recommends approval of the conditional use permit petition.

Mr. Hershel Keller came forward to represent the petition. Mr. Keller explained that Milestone Communications partners with public owners to erect cell towers on public properties and then enter into revenue sharing agreements with the public owners. This project has been unanimously approved by the Lynchburg City School Board and an agreement is currently being negotiated. There will be a master marketing agreement with the City to market all the City properties for cell tower communications. They will have to enter into a franchise agreement with City Council that will be approved in parallel with this petition. When potential sites are identified and approved by City staff, the City will enter into 40-year lease agreements with Milestone Communications for each site. The City will receive an upfront fee and then receive 40 percent of the revenue from the tower.

Chair Sale asked if there was anyone else present who wished to speak in favor of the petition. No one came forward. He asked if there was anyone who wished to speak in opposition to the petition. No one came forward. He closed the public hearing portion of the petition.

Commissioner Swienton asked if there was any language in the ordinance regarding a required "fall zone" from the baseball fields or the playground or is that mainly for structures. Mr. Martin stated that the "fall zone" is mainly for structures. Mr. Keller explained that the cell towers are designed so that in the event that they do fall, that they collapse into themselves.

Commissioner Hooper asked if the access to the facility will be through the existing gravel road. Mr. Keller explained that the road will be minimally enlarged and improved for stormwater purposes.

Commissioner Hooper asked if the tower and equipment will be enclosed in order to keep children from climbing it or retrieving balls that might accidentally end up in the area. Mr. Keller indicated that there will be an eight-foot fence as well as heavy landscaping. Mr. Keller also mentioned that the structure is low voltage and emits very low levels of radiation, less than a standard wireless router for your home.

Chair Sale asked how many more cell towers they might be doing in the near future. Mr. Keller said there is the possibility for three to six more towers by the middle of next year. The specifics of how the revenue will be shared will be determined by City Council and the City Manager.

Commissioner Swienton asked what it means to collocate and Mr. Keller explained that it is adding antennas to an existing tower. He mentioned that the City's ordinance requires that communication companies attempt to collocate on an existing tower before erecting a new one.

Commissioner Coleman made the following motion, which was seconded by Commissioner Swienton and passed by the following vote:

"That the Planning Commission recommends to City Council approval of the petition of Milestone Communications to allow the installation of a one hundred thirty-five (135)-foot telecommunications tower and associated equipment at 409 and 459 Perrymont Avenue subject to the following conditions:

1. **The property shall be developed in substantial compliance with the site plan.**
2. **All lighting shall be glared shielded and non-directional to prevent illumination beyond the property line.**
3. **The tower shall be constructed as a "monopine" as indicated in the submitted photo simulations.**
4. **Future collocations on the tower shall be permitted provided the "monopine" construction is maintained and equipment cabinets are contained within the compound indicated on the submitted site plan."**

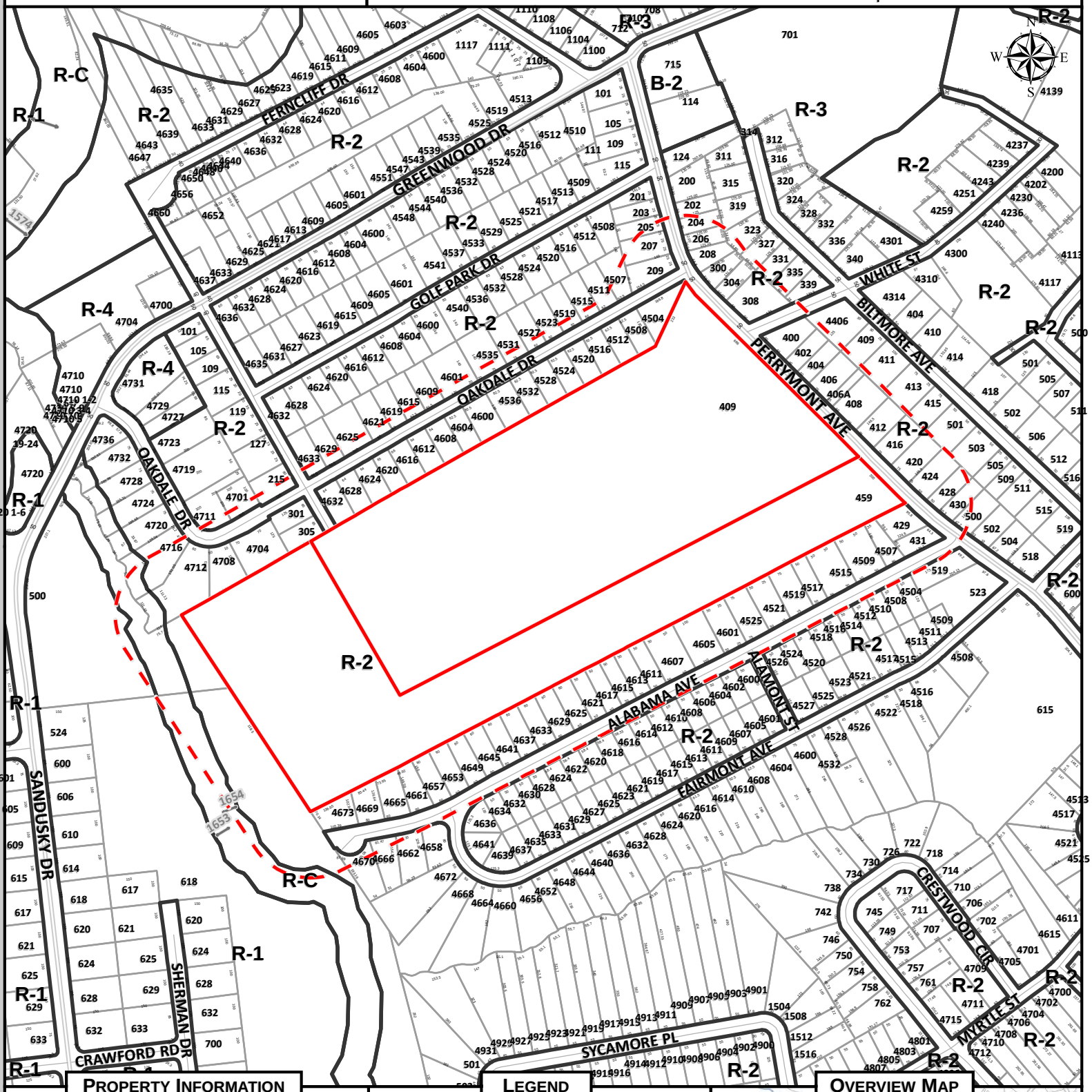
AYES:	Coleman, Hooper, Johnston, Sale and Swienton	5
NOES:		0
ABSTENTIONS:		0
ABSENT:	Barnes and Hannon	2

Zoning Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



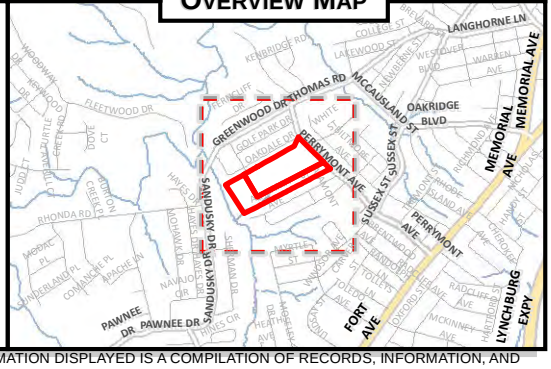
Property Information

Parcel ID	Address
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

Legend

- Subject Property
- 200' Buffer
- Zoning Boundary

Overview Map



Map Scale: 1 " to 400 ' **Date Printed:** 06/28/2013

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Parcel ID	Local Address	Owner
05613026	4633 ALABAMA AVE	UNROE, CHRISTY G
15811019	618 SHERMAN DR	CITY OF LYNCHBURG
05613025	4629 ALABAMA AVE	BRIDGETT, RUTH L
05613036	4673 ALABAMA AVE	YEATTS, SAMUEL W & KIMBERLY C
05611022	4670 ALABAMA AVE	HELM, RYAN L & JILL L
05611023	4666 ALABAMA AVE	BEASLEY, LAWRENCE E & DEBORAH
05611024	4662 ALABAMA AVE	ARTHUR, BRANDON S
05611086	4658 ALABAMA AVE	BYARD, JUSTIN N &
05613035	4669 ALABAMA AVE	LYNCH, DANIELA A
05613034	4665 ALABAMA AVE	JOYNER, ROGER L & TARSHA M
05613033	4661 ALABAMA AVE	POLLARD, STACY R
05613032	4657 ALABAMA AVE	EWERS, JEFFREY W & RACHEL B
05613031	4653 ALABAMA AVE	BAUER, BRIAN E
05613030	4649 ALABAMA AVE	IRBY, DONALD W
05613029	4645 ALABAMA AVE	JOHNSEN, JAMES R & CLAUDIA J
05613028	4641 ALABAMA AVE	BERMUDEZ, CECILIA T
05613027	4637 ALABAMA AVE	BROWN, CHRISTOPHER D & TONA M
05613024	4625 ALABAMA AVE	PROCO, DAVID J & DOROTHY W
05613023	4621 ALABAMA AVE	COLLINS, EARL B & HEATHER R
05613022	4617 ALABAMA AVE	JOHNSON, JACQUELINE S
05613021	4615 ALABAMA AVE	ARAGON, REBECCA L
05613020	4613 ALABAMA AVE	S & J INVESTMENTS LLC
05613019	4611 ALABAMA AVE	S & J INVESTMENTS LLC
05613009	4517 ALABAMA AVE	JOHNSEN, JAMES R & CLAUDIA J
05613017	4607 ALABAMA AVE	HOFF, DENZIL W III & HEATHER L
05613016	4605 ALABAMA AVE	MEADOWS, LAURA L
05613014	4601 ALABAMA AVE	WILLIAMS, GARY K & WILLIAMS, GLENN E
05612060	4510 ALABAMA AVE	KOLB, RACHEL L
05613013	4525 ALABAMA AVE	SUTTON, CASSANDRA N
05612061	4508 ALABAMA AVE	JUPIN, RICHARD M
05612062	4504 ALABAMA AVE	JUPIN, RICHARD M
05613011	4521 ALABAMA AVE	LOVE, SAMUEL G & JAMEY E
05613010	4519 ALABAMA AVE	LANDOLFI, PAUL D & LANDOLFI, PATRICK
05612001	519 PERRYMONT AVE	HEDRICK, JOHN W & JANIS M
05718008	4708 OAKDALE DR	ASHWORTH, TERRY L & MARILYN S
05718007	4712 OAKDALE DR	WALKER, BOYD J & JUDITH M
05613007	4515 ALABAMA AVE	CALDWELL, DOROTHY
05710025	4604 OAKDALE DR	ROBINSON PROPERTIES INC
05711027	4531 OAKDALE DR	KEE, PAUL L & SYLVIA R
05710002	4508 OAKDALE DR	LANGLEY, WENDY F & FREMD, HARRY L &
05613004	431 PERRYMONT AVE	HAMILTON, CURTIS H & JOANN B
05718006	4716 OAKDALE DR	CASH, RONNIE M & WENDY A
05613005	4509 ALABAMA AVE	HIENKLE, RONALD L & BETH B
05718009	4704 OAKDALE DR	CALLOWAY, MARCUS L III & EVA C
05613037	4507 ALABAMA AVE	VAN DUYNE, MARY E

05714027	305 MEADOW VIEW DR	ALBERTSON, ELMER A & DORIS
05613003	429 PERRYMONT AVE	GOODEN, JACQUELINE V
05714024	301 MEADOW VIEW DR	B & R PROPERTIES INC
05607022	500 PERRYMONT AVE	JOHNSON, WAYNE L & MARY L
05710043	4632 OAKDALE DR	MAWYER, DAVID W
05607023	430 PERRYMONT AVE	RUMSMOKE, DALE C & JACQUELINE J
15811018	500 SANDUSKY DR	CITY OF LYNCHBURG
05717007	4701 OAKDALE DR	BURGE, JEFFERY D & TANYA B
05717006	4711 OAKDALE DR	BURGE, JEFFERY D & TANYA B
05710040	4628 OAKDALE DR	SLOAN, WILLIAM M
05607024	428 PERRYMONT AVE	STALLING, JOHN B & JONES, LAURA E
05714021	215 MEADOW VIEW DR	HOLMES, VALERIE R
05710037	4624 OAKDALE DR	DAILEY, TIANA C
05613001	459 PERRYMONT AVE	CITY OF LYNCHBURG
05607025	424 PERRYMONT AVE	KLACYNSKI, CHAD & MILDRED
05710035	4620 OAKDALE DR	JONES, GWENDOLYN L M
05710032	4616 OAKDALE DR	WRIGHT, LAWTON B & SHARON B
05607027	420 PERRYMONT AVE	CLARK, SHAUN K SR & VENITA J
05710030	4612 OAKDALE DR	MEGGINSON, DAVID L SR LIFE
05715022	4633 OAKDALE DR	HUSTON, WENDY J
05607008	503 BILTMORE AVE	VAN DER STELT, TAMMY S
05710007	4516 OAKDALE DR	ROARK, R R & ANCY T
05711030	4535 OAKDALE DR	LEWIS, DOROTHY H
05607041	409 BILTMORE AVE	WATSON, APRIL L
05715020	4629 OAKDALE DR	HOWARD, CHRISTOPHER P
05710027	4608 OAKDALE DR	CHAMBERS, TRISTIN D & EMILEE E
05607028	416 PERRYMONT AVE	FORTUNE, LAYARD T JR & GLORIA
05711025	4527 OAKDALE DR	ELAM, WILLIAM E & MILDRED C
05607039	4406 WHITE ST	DAVIS, IRVIN N & RUBY L H
05607006	501 BILTMORE AVE	CANDLER, JENNIFER C & RONALD J
05715016	4625 OAKDALE DR	LOGAN, RONNIE D
05607030	412 PERRYMONT AVE	LEON, LAUREL G
05710022	4600 OAKDALE DR	MARTIN, JOHN S SR & KATHLEEN B
05715013	4621 OAKDALE DR	ACKERMAN, OLIVE B TRS
05607005	415 BILTMORE AVE	FLORES, CARLITO L
05715011	4619 OAKDALE DR	ROSE, JOSHUA K & LINDSEY D
05710020	4536 OAKDALE DR	SATTLER, BENJAMIN M & ABIGAIL R
05607031	408 PERRYMONT AVE	MILLER, BOBBY L JR & ADANIVIIA
05715008	4615 OAKDALE DR	GIFFORD, JOSIAH D & SARAH R
05710017	4532 OAKDALE DR	TOLER, M WAYNE
05607033	406 A PERRYMONT AVE	TILLER, THOMAS C JR & MARY F
05607003	413 BILTMORE AVE	STOLVOORT, JASON
05715006	4609 OAKDALE DR	SEAL, RALPH W & LISA M
05710015	4528 OAKDALE DR	BIS PROPERTIES LLC
05607034	406 PERRYMONT AVE	TILLER, THOMAS C JR & MARY F
05710012	4524 OAKDALE DR	MCVEY, JOSEPH W & SHEILA P

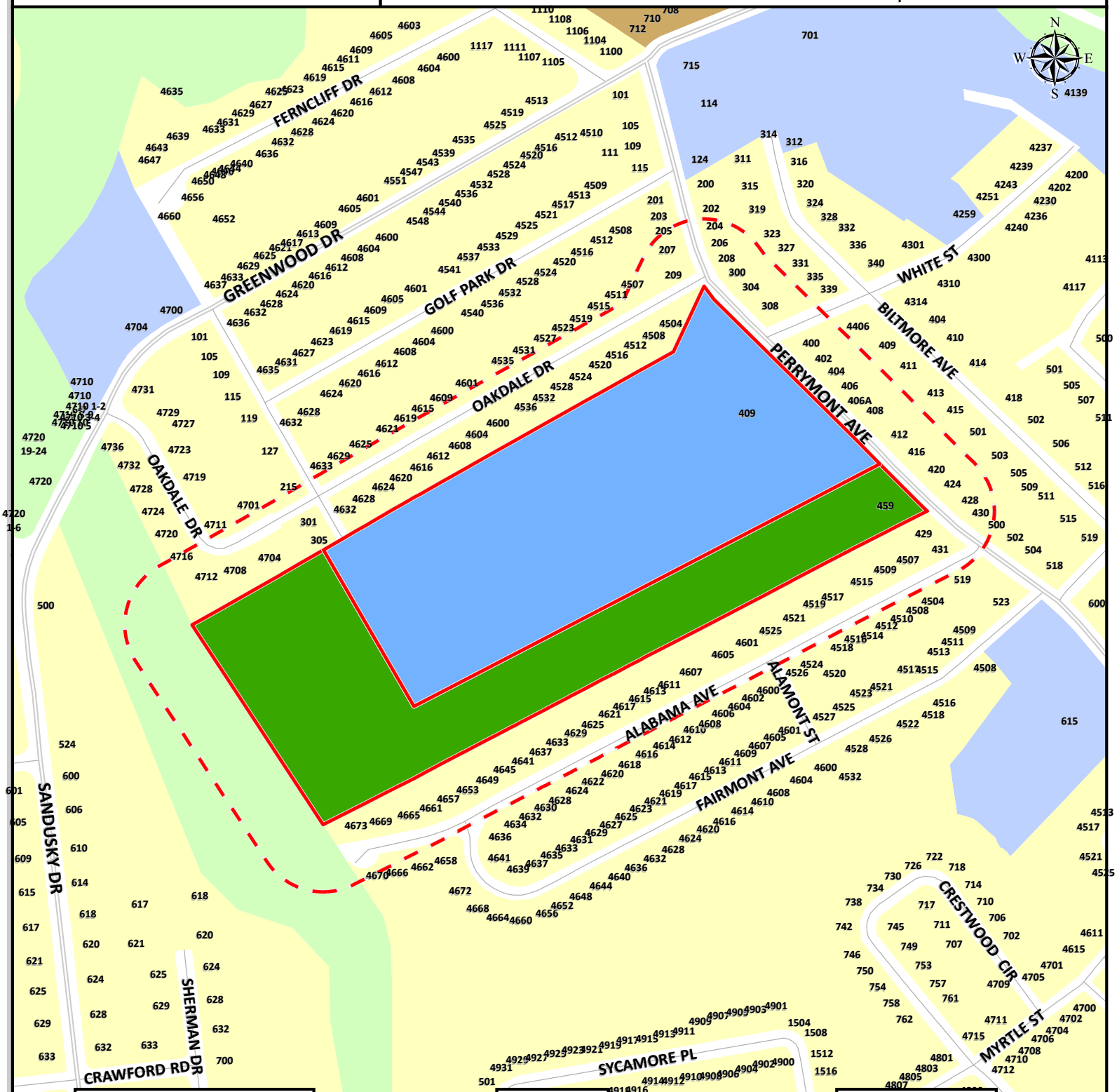
05715002	4601 OAKDALE DR	ACKERMAN, OLIVE B TRS
05607035	404 PERRYMONT AVE	ASBURY, MILDRED P
05607001	411 BILTMORE AVE	MATTHEWS, BRETT T & POORE, JENNIFER
05710010	4520 OAKDALE DR	KINNEY, DEREK A & TAMMY M
05607036	402 PERRYMONT AVE	REEVES, BERNARD A
05710004	4512 OAKDALE DR	THOMPSON, L E & DORIS W
05607037	400 PERRYMONT AVE	PICKERING, TAMMIE C
05711022	4523 OAKDALE DR	JENKINS, BERTA M
05613002	409 PERRYMONT AVE	CITY OF LYNCHBURG
05711019	4519 OAKDALE DR	WEIGERT, LAURA L
05710001	4504 OAKDALE DR	SIMPSON, KEVIN SCOTT
05711017	4515 OAKDALE DR	COLEMAN, ROYAL M & CLEO R
05711014	4511 OAKDALE DR	BURRIS, RICHARD M
05711010	209 PERRYMONT AVE	TALBERT, MICHAEL B
05711012	4507 OAKDALE DR	DANTAS, TIMOTEO B & TALITA C
05711007	207 PERRYMONT AVE	MELTON, DWAYNE K & REBEKAH B
05711005	205 PERRYMONT AVE	WALTON, NELSON J & DIANA L TRS
05708016	339 BILTMORE AVE	ELLENFIELD, CRAIG F
05708017	335 BILTMORE AVE	MENG, AARON P & BRITTANY A
05708019	331 BILTMORE AVE	HURSTON, BARBARA J &
05708020	327 BILTMORE AVE	JONES, STEVEN F
05708021	323 BILTMORE AVE	MUKHERJEE, UDAY & TIMBY A
05708023	319 BILTMORE AVE	STINSON, RALPH G JR & DONNA R
05708030	206 PERRYMONT AVE	HOGAN, JESSICA C
05708029	204 PERRYMONT AVE	DOC JOHNSON PROPERTIES LLC
05708028	202 PERRYMONT AVE	TUCK, RICKY E & LYNITA F
05708033	304 PERRYMONT AVE	COLE, ELISE N
05708034	308 PERRYMONT AVE	CAITHNESS, GARY & ALISSA M
05708032	300 PERRYMONT AVE	EMERY, BENJAMIN R & CORNELIA G
05708031	208 PERRYMONT AVE	ROSKELLEY, SAMUEL K & JANIS B

FLUM Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



Property Information

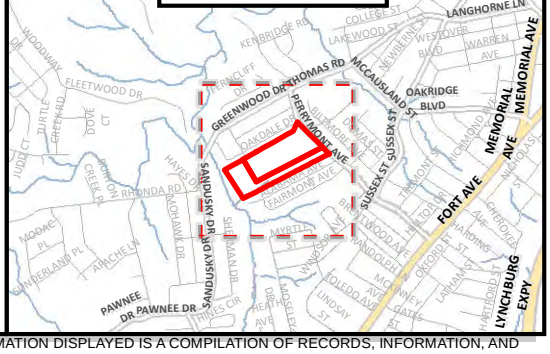
Parcel ID	Address
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

Legend

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

Map Scale: 1 " to 400 ' **Date Printed:** 06/28/2013

Overview Map



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Watershed Map	MILESTONE COMMUNICATIONS CELL TOWER
Conditional Use Permit	Milestone Tower Limited Partnership

Property Information

Parcel ID	Address
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

Legend

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

Overview Map

Blackwater Creek

Map Scale: 1 " to 400 ' **Date Printed:** 06/28/2013

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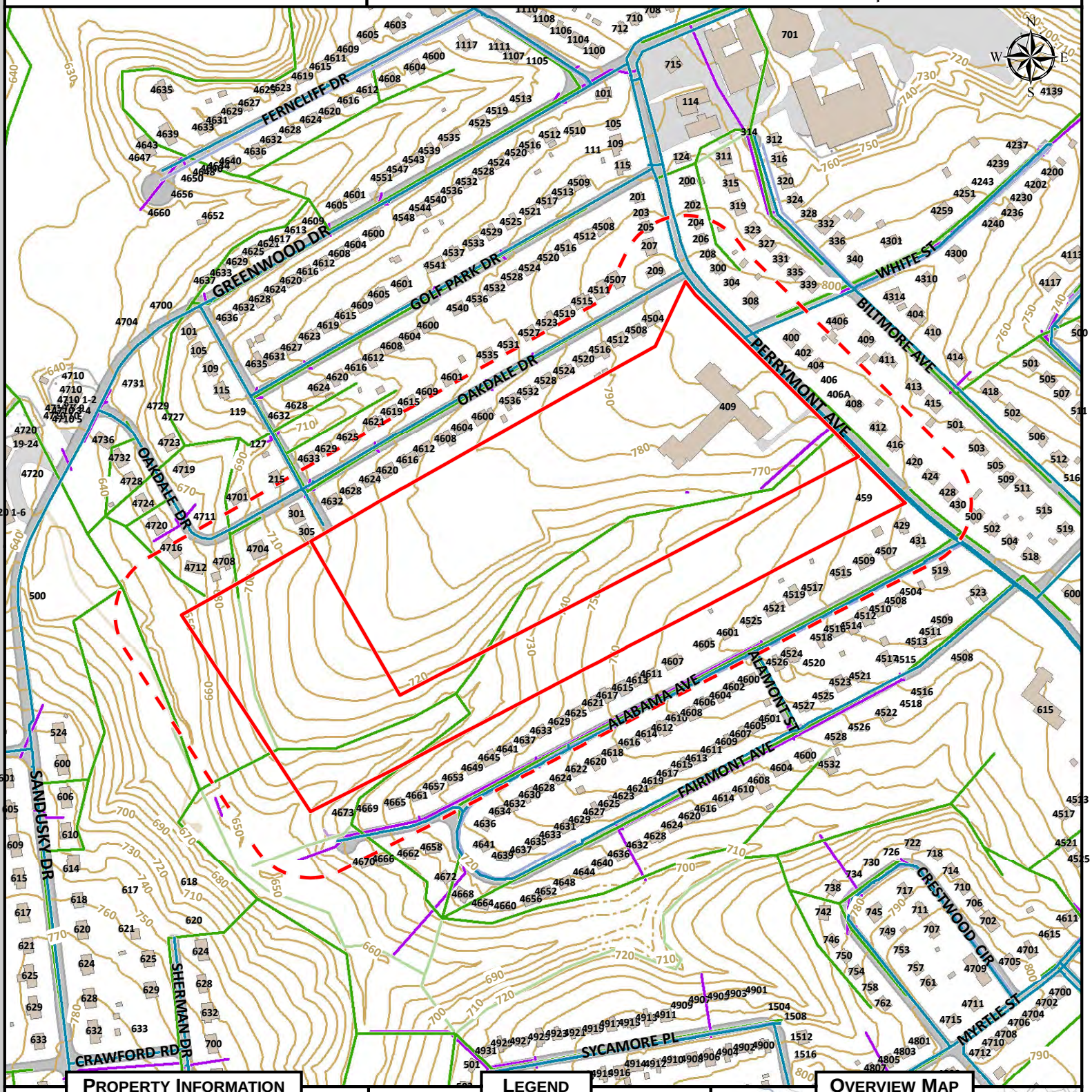
Planimetric and Topographic Map

MILESTONE COMMUNICATIONS CELL TOWER

Conditional Use Permit

Milestone Tower Limited Partnership



Property Information

Parcel ID	Address
05613001	459 PERRYMONT AVE
05613002	409 PERRYMONT AVE

Legend

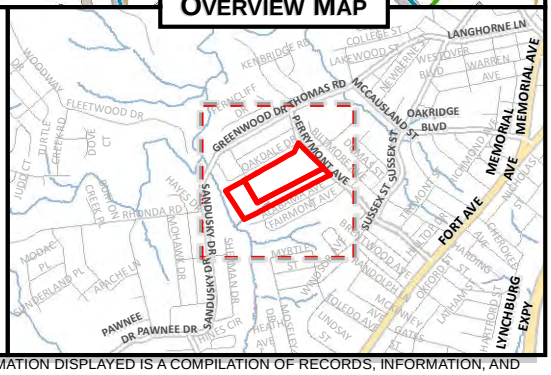
		Active	Proposed	Abandoned
Utilities	Water			
	Sanitary			
	Storm			

		Paved	Unpaved	Other
Planimetrics	Structure	-	-	
	Roadway			-
	Parking			-
	Sidewalk		-	-
	Driveway	-	-	

		10'	10' Obs
Topography	Contour		

Map Scale: 1 " to 400 ' **Date Printed:** 06/28/2013

Overview Map



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Milestone COMMUNICATIONS

SITE NAME: PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

Know what's **below.**
Call before you dig.

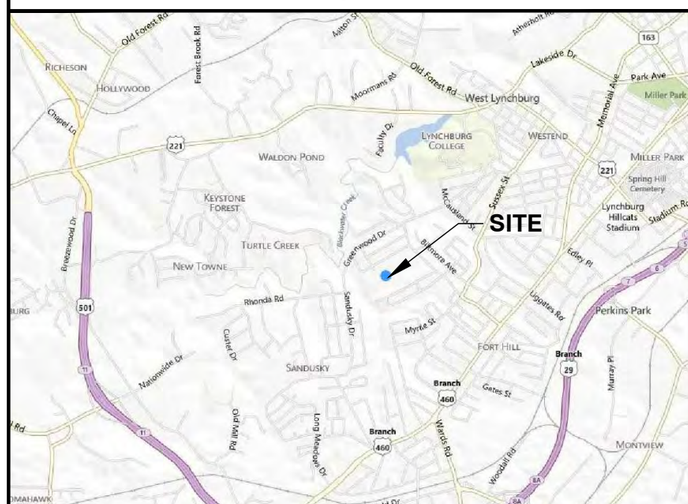
SITE INFORMATION

SCOPE OF WORK:	MILESTONE COMMUNICATIONS PROPOSED TO BUILD A TELECOMMUNICATIONS FACILITY ON THE PROPERTY LISTED BELOW. THE FACILITY CONSISTS OF A 135' MONOPINE AND SPACE FOR MULTIPLE CARRIERS IN A FENCED-IN COMPOUND.
SITE ADDRESS:	409 & 459 PERRYMONT AVENUE LYNCHBURG, VA 24502
PROPERTY OWNER: ADDRESS:	CITY OF LYNCHBURG 900 CHURCH STREET LYNCHBURG, VA 24504
PARCEL ID: PARCEL AREA:	05613001 & 05613002 33.5± ACRES
LATITUDE (NAD 83): LONGITUDE (NAD 83):	37.388056° -79.191194°
JURISDICTION:	CITY OF LYNCHBURG
ZONING:	R2 (RESIDENTIAL)
PROPOSED USE:	TELECOMMUNICATIONS FACILITY
GROUND ELEVATION:	760.0' (AMSL)
STRUCTURE TYPE:	MONOPINE
STRUCTURE HEIGHT:	135.0' (AGL)
HANDICAP REQUIREMENTS:	FACILITY IS UN-MANNED AND NOT FOR HUMAN HABITATION. DISABLED ACCESS NOT REQUIRED

PROJECT TEAM

APPLICANT:	MILESTONE COMMUNICATIONS 12110 SUNSET HILLS ROAD, SUITE 100 RESTON, VA 20190 (703) 620-2555
PROJECT MANAGEMENT FIRM:	NETWORK BUILDING & CONSULTING, LLC. 7380 COCA COLA DRIVE, SUITE 106 HANOVER, MD 21076 (410) 712-7092
ENGINEERING FIRM:	NB&C ENGINEERING SERVICES, LLC. 7380 COCA COLA DRIVE, SUITE 106 HANOVER, MD 21076 (410) 712-7092

VICINITY MAP



DIRECTIONS

FROM MILESTONE OFFICE:
TAKE VA-267 W (PARTIAL TOLL ROAD). TAKE EXIT 9A FOR VA-28 S TOWARD CENTREVILLE/MANASSAS (TOLL ROAD). MERGE ONTO VIRGINIA 28 S/SULLY RD. TAKE THE INTERSTATE 66 W RAMP TO FRONT ROYAL. MERGE ONTO I-66 W. TAKE EXIT 43A TO MERGE ONTO US-29 S. CONTINUE STRAIGHT ONTO US-15 S/US-29 S (SIGNS FOR U.S. 17 S/CULPEPER/FREDERICKSBURG). CONTINUE TO FOLLOW US-29 S. MERGE ONTO US-250 W/I/US-29 S VIA THE RAMP TO I-64/LYNCHBURG/STAUNTON/RICHMOND. CONTINUE TO FOLLOW US-29 S. TAKE THE EXIT TOWARD US-29 S/US-460 W/LYNCHBURG/DANVILLE. MERGE ONTO US-29 S/US-460 W. TAKE THE U.S. 501 N/CANDLERS MOUNTAIN ROAD EXIT TOWARD BUENA VISTA. MERGE ONTO US-501 N/CANDLERS MOUNTAIN RD. TURN RIGHT ONTO WARDS RD. SLIGHT RIGHT ONTO FORT AVE. TURN LEFT ONTO PERRYMONT AVE. SITE IS LOCATED ON THE LEFT.

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2009 INTERNATIONAL BUILDING CODE
- 2008 NATIONAL ELECTRICAL CODE
- 2009 NFPA 101, LIFE SAFETY CODE
- 2009 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- ANSI/TIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSI/T 311

DRAWING INDEX

T-1	TITLE SHEET
Z-1	SITE PLAN
Z-2	ABUTTER INFO
Z-3	ABUTTER INFO
A-1	COMPOUND PLAN

DO NOT SCALE DRAWINGS

THESE DRAWINGS ARE FORMATTED TO BE FULL-SIZE AT 24"X36". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

SIGNATURE BLOCK

PROJECT MANAGER	DATE
LEASING	DATE
ZONING	DATE
CONSTRUCTION	DATE
UTILITIES	DATE
NET OPS	DATE
LANDLORD	DATE
RF ENGINEER	DATE

ENGINEER

NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

APPLICANT

Milestone COMMUNICATIONS
12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

DESIGN RECORD

REVISIONS

REV	DATE	DESCRIPTION	BY
E	06/25/13	REVISED PER TRC COMMENTS	DRG
D	05/24/13	SITE PLAN REVISED	DRG
C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

PROFESSIONAL STAMP

ENGINEER

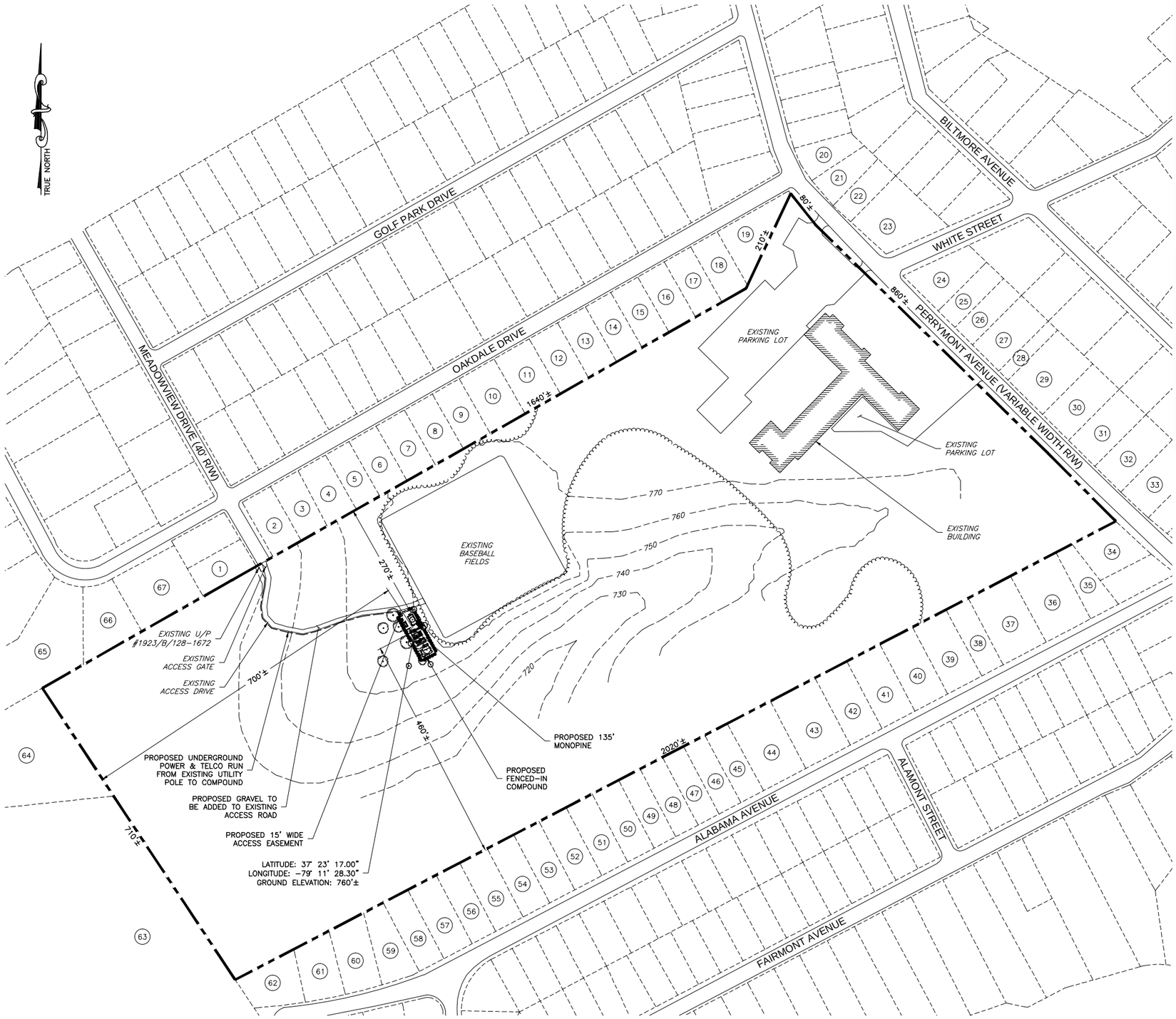
PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

TITLE SHEET

SHEET NUMBER

T-1



1 / Z-1 SITE PLAN
SCALE: 1" = 100'

ZONING INFORMATION

JURISDICTION: CITY OF LYNCHBURG

ZONING: R2 (RESIDENTIAL)

DIMENSION	REQUIRED	PROPOSED ±
FRONT YARD SETBACK:	40'	270'
SIDE YARD SETBACK:	8'	700'
REAR YARD SETBACK:	35'	460'

LOT AREA: 33.5± ACRES

(ALL MEASUREMENTS ARE IN FEET ± UNLESS OTHERWISE NOTED)

NOTES:

1. SITE PLAN IS NOT THE RESULT OF A SURVEY. IT IS BASED ON FIELD MEASUREMENTS AND SCALED ASSESSORS MAPS AVAILABLE. ALL INFORMATION SHOWN IS APPROXIMATE ONLY AND SUBJECT TO ANY CONDITION THAT A SURVEY MAY REVEAL.
2. ALL SETBACKS SHOWN ARE FROM PROPOSED TOWER TO EXISTING PROPERTY LINES.
3. BY GRAPHIC SCALING ONLY, THIS PROPERTY IS LOCATED IN ZONE "X" (NOT IN A DESIGNATED SPECIAL FLOOD HAZARD AREA) AS SHOWN ON THE FEMA MAP (#5100930039D) FOR THE CITY OF LYNCHBURG, VIRGINIA, DATED JUNE 3, 2008. NO FIELD SURVEYING HAS BEEN PERFORMED TO MAKE THIS DETERMINATION.

LEGEND

- PROPERTY LINE – SUBJECT PARCEL
- PROPERTY LINE – ABUTTERS
- XXX CONTOUR LINE
- EXISTING ROAD
- EXISTING TREE LINE
- EXISTING BUILDING

SUBJECT PARCEL INFORMATION
CITY OF LYNCHBURG
900 CHURCH STREET
LYNCHBURG, VA 24504
PARCEL ID: 05613001 & 05613002
ZONING: R2 (RESIDENTIAL)
AREA: 33.5± ACRES
DEED BOOK/PAGE: 258/583

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 INCH = 100 FEET

ENGINEER

NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

APPLICANT

Milestone COMMUNICATIONS
12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

DESIGN RECORD

REVISIONS

REV	DATE	DESCRIPTION	BY
E	06/25/13	REVISED PER TRC COMMENTS	DRG
D	05/24/13	SITE PLAN REVISED	DRG
C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

PROFESSIONAL STAMP

ENGINEER

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

SITE PLAN

SHEET NUMBER

Z-1

(1)
ALBERTSON, ELMER A & DORIS
305 MEADOWVIEW DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05714027
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 030011880

(2)
MAWYER, DAVID W
70 WHITE OAK DRIVE
PALMYRA, VA 22963
PARCEL ID: 05710043
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 100008300

(3)
SLOAN, WILLIAM M
4628 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710040
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120001765

(4)
DAILEY, TIANA C
4624 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710037
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 060007015

(5)
JONES, GWENDOLYN L M
4620 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710035
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 010009555

(6)
WRIGHT, LAWTON B & SHARON B
4616 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710032
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 529/468

(7)
MEGGINSON, DAVID L SR LIFE REMAINDERMAN: ETALS
4612 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710030
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 090005057

(8)
CHAMBERS, TRISTIN D & EMILEE E
4608 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710027
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 110001252

(9)
ROBINSON PROPERTIES INC
16045 PENDIO DRIVE
MONTVERDE, FL 34756
PARCEL ID: 05710025
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120002698

(10)
MARTIN, JOHN S SR & KATHLEEN B
4600 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710022
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 100007531

(11)
SATTLER, BENJAMIN M & ABIGAIL R
4536 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710020
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 060010261

(12)
TOLER, M WAYNE
4532 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710017
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 050003764

(13)
BIS PROPERTIES LLC
1031 GARDEN CIRCLE
FOREST, VA 24551
PARCEL ID: 05710015
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120008093

(14)
MCVEY, JOSEPH W & SHEILA P
7 DILTON COURT
RICHMOND, VA 23238
PARCEL ID: 05710012
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 110003835

(15)
KINNEY, DEREK A & TAMMY M
4520 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710010
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 1067/760

(16)
ROARK, R R & ANCY T C/O CYNTHIA ALLEN
1253 OLD FARM ROAD
LYNCHBURG, VA 24503
PARCEL ID: 05710007
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 299/139

(17)
THOMPSON, L E & DORIS W
4512 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710004
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 298/326

(18)
LANGLEY, WENDY F & FREMD, HARRY L & DOROTHY C
4508 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710002
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 080003662

(19)
SIMPSON, KEVIN SCOTT
4504 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05710001
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 100000196

(20)
ROSKELLEY, SAMUEL K & JANIS B
3604 SHERWOOD PLACE
LYNCHBURG, VA 24503
PARCEL ID: 05708031
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120003027

(21)
EMERY, BENJAMIN R & CORNELIA G
5704 KANAWHA ROAD
LYNCHBURG, VA 24502
PARCEL ID: 05708032
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 050012335

(22)
COLE, ELISE N
304 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05708033
ZONING: R2 (RESIDENTIAL)
AREA: 0.1± ACRES
DOCUMENT NO.: 120002468

(23)
CAITHNESS, GARY & ALISSA M
308 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05708034
ZONING: R2 (RESIDENTIAL)
AREA: 0.4± ACRES
DOCUMENT NO.: 010002803

(24)
PICKERING, TAMMIE C C/O STONEGATE PROPERTIES
PO BOX 32
GRAYSON, GA 30017
PARCEL ID: 05607037
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 080008980

(25)
REEVES, BERNARD A
402 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05607036
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 030002543

(26)
ASBURY, MILDRED P
207 SUNNYMEADE ROAD
RUSTBURG, VA 24588
PARCEL ID: 05607035
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 526/102

(27)
TILLER, THOMAS C JR & MARY F
1614 BELFIELD PLACE
LYNCHBURG, VA 24503
PARCEL ID: 05607034
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 995/300

(28)
TILLER, THOMAS C JR & MARY F
1614 BELFIELD PLACE
LYNCHBURG, VA 24503
PARCEL ID: 05607033
ZONING: R2 (RESIDENTIAL)
AREA: 0.1± ACRES
DEED BOOK/PAGE: 995/300

(29)
MILLER, BOBBY L JR & ADANIVIIA
408 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05607031
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DEED BOOK/PAGE: 781/87

(30)
LEON, LAUREL G
412 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05607030
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 130001409

(31)
FORTUNE, LAYARD T JR & GLORIA
416 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05607028
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 435/670

(32)
CLARK, SHAUN K SR & VENITA J
420 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 0560727
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 080009259

(33)
KLACYNSKI, CHAD & MILDRED
263 GADDY ROAD
LYNCHBURG, VA 24502
PARCEL ID: 05607025
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DEED BOOK/PAGE: 661/302

(34)
GOODEN, JACQUELINE V
429 PERRYMONT AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613003
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 130001968

(35)
VAN DUYNE, MARY E
4507 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613037
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 020005682

(36)
HIENKLE, RONALD L & BETH B
4509 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613005
ZONING: R2 (RESIDENTIAL)
AREA: 0.4± ACRES
DOCUMENT NO.: 060004354

(37)
CALDWELL, DOROTHY
4515 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613007
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 050002843

(38)
JOHNSEN, JAMES R & CLAUDIA J
8147 DURHAM CIRCLE
JOHNSON, IA 50131
PARCEL ID: 05607030
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 020007362

(39)
LANDOLFI, PAUL D & LANDOLFI, PATRICK
4519 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613010
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 070005699

(40)
LOVE, SAMUEL G & JAMEY E
4521 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613011
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 010007247

(41)
SUTTON, CASSANDRA N
4525 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613013
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 120002867

(42)
WILLIAMS, GARY K & WILLIAMS, GLENN E
4601 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613014
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DEED BOOK/PAGE: 1084/457

(43)
MEADOWS, LAURA L
4605 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613016
ZONING: R2 (RESIDENTIAL)
AREA: 0.4± ACRES
DOCUMENT NO.: 130002734

(44)
HOFF, DENZIL W III & HEATHER L
4607 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613017
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DOCUMENT NO.: 060007853

(45)
S & J INVESTMENTS LLC
501 LAKE VISTA DRIVE
FOREST, VA 24551
PARCEL ID: 05613019
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 1135/177

(46)
S & J INVESTMENTS LLC
501 LAKE VISTA DRIVE
FOREST, VA 24551
PARCEL ID: 05613020
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 010002975

(47)
ARAGON, REBECCA L
4615 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613021
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 070010959

(48)
JOHNSON, JACQUELINE S
4617 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613022
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 834/224

ENGINEER

NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

APPLICANT

Milestone COMMUNICATIONS
12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

DESIGN RECORD

REVISIONS

REV	DATE	DESCRIPTION	BY
E	06/25/13	REVISED PER TRC COMMENTS	DRG
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C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

PROFESSIONAL STAMP

ENGINEER

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

ABUTTER INFO

SHEET NUMBER

Z-2

(49)

COLLINS, EARL B & HEATHER R
1675 FARMINGTON DRIVE
FOREST, VA 24551
PARCEL ID: 05613023
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 060002728

(50)

PROCO, DAVID J & DOROTHY W
4625 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613024
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 370/258

(51)

BRIDGETT, RUTH L
4629 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613025
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 477/381

(52)

UNROE, CHRISTY G
304 PENINSULAR STREET
LYNCHBURG, VA 24501
PARCEL ID: 05613026
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120002660

(53)

BROWN, CHRISTOPHER D & TONA M
4637 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613027
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 1068/640

(54)

BERMUDEZ, CECILIA T
643 SAVORY PLACE
LAKE MARY, FL 32746
PARCEL ID: 05613028
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 060010507

(55)

JOHNSEN, JAMES R & CLAUDIA J
8147 DURHAM CIRCLE
JOHNSTON, IA 50131
PARCEL ID: 05613029
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 040005470

(56)

IRBY, DONALD W
52 FNB DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05613030
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 050012715

(57)

BAUER, BRIAN E
4653 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613031
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 120005289

(58)

EWERS, JEFFREY W & RACHEL B
4657 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613032
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 936/650

(59)

POLLARD, STACY R
4661 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613033
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 030006469

(60)

JOYNER, ROGER L & TARSHA M
4665 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613034
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 1009/260

(61)

LYNCH, DANIELA A
825 GEORGE STREET
LYNCHBURG, VA 24502
PARCEL ID: 05613035
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DOCUMENT NO.: 050009264

(62)

YEATTS, SAMUEL W & KIMBERLY C
4673 ALABAMA AVENUE
LYNCHBURG, VA 24502
PARCEL ID: 05613036
ZONING: R2 (RESIDENTIAL)
AREA: 0.2± ACRES
DEED BOOK/PAGE: 911/6

(63)

CITY OF LYNCHBURG
CITY MANAGER'S OFFICE
900 CHURCH STREET
LYNCHBURG, VA 24504
PARCEL ID: 15811019
ZONING: R1/R2/RC (RESIDENTIAL/CONSERVATION)
AREA: 26.2± ACRES
DEED BOOK/PAGE: 1054/673

(64)

CITY OF LYNCHBURG
CITY MANAGER'S OFFICE
900 CHURCH STREET
LYNCHBURG, VA 24504
PARCEL ID: 15811018
ZONING: R1/R2/RC (RESIDENTIAL/CONSERVATION)
AREA: 4.8± ACRES
DOCUMENT NO.: 010008443

(65)

WALKER, BOYD J & JUDITH M
4712 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05718007
ZONING: R2/RC (RESIDENTIAL/CONSERVATION)
AREA: 0.7± ACRES
DEED BOOK/PAGE: 480/539

(66)

ASHWORTH, TERRY L & MARILYN S
4708 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05718008
ZONING: R2 (RESIDENTIAL)
AREA: 0.3± ACRES
DEED BOOK/PAGE: 830/695

(67)

CALLOWAY, MARCUS L III & EVA C
4704 OAKDALE DRIVE
LYNCHBURG, VA 24502
PARCEL ID: 05718009
ZONING: R2 (RESIDENTIAL)
AREA: 0.4± ACRES
DOCUMENT NO.: 100005810

ENGINEER

NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

APPLICANT

Milestone COMMUNICATIONS

12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

DESIGN RECORD

REVISIONS

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C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

PROFESSIONAL STAMP

ENGINEER

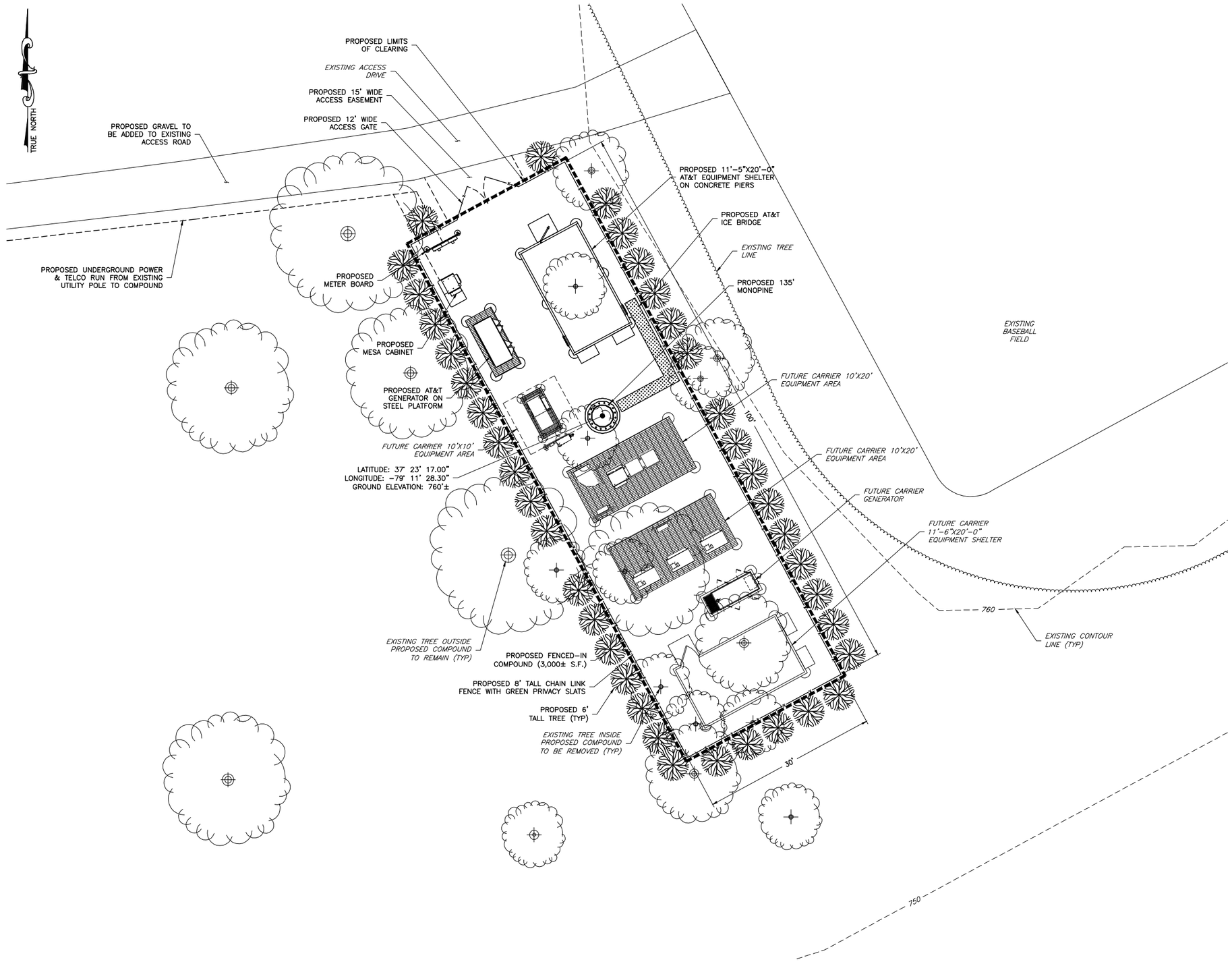
PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

ABUTTER INFO

SHEET NUMBER

Z-3



1 / A-1 COMPOUND PLAN
SCALE: 1/8" = 1'-0"

GRAPHIC SCALE
8 0 4 8 16 32
(IN FEET)
1 INCH = 8 FEET

ENGINEER

NB&C ENGINEERING SERVICES, LLC.
7380 COCA COLA DRIVE, SUITE 106
HANOVER, MD 21076

APPLICANT

Milestone COMMUNICATIONS
12110 SUNSET HILLS ROAD, SUITE 100
RESTON, VA 20190
TEL. (703) 620-2555
FAX. (703) 620-8889

SITE INFORMATION

PERRYMONT PARK
409 & 459 PERRYMONT AVENUE
LYNCHBURG, VA 24502

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REVISIONS

REV	DATE	DESCRIPTION	BY
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C	05/22/13	COMPOUND REVISED	DRG
B	04/30/13	REVISED PER COMMENTS	DRG
A	04/23/13	CONCEPTUAL PLAN	DRG

PROFESSIONAL STAMP

ENGINEER

PHILIP BURTNER, P.E.
VA PROFESSIONAL ENGINEER LIC. #022023

SHEET TITLE

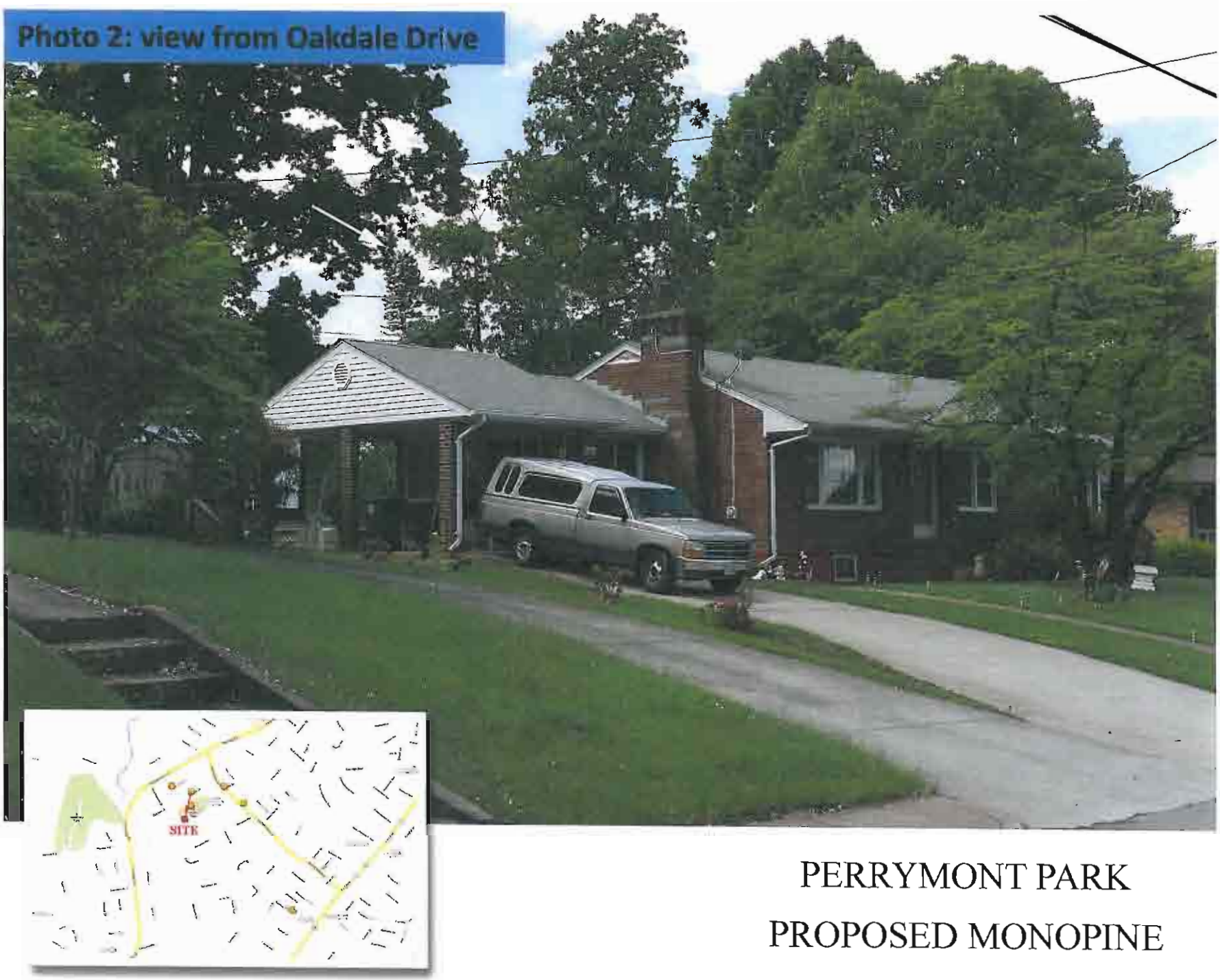
COMPOUND PLAN

SHEET NUMBER

A-1

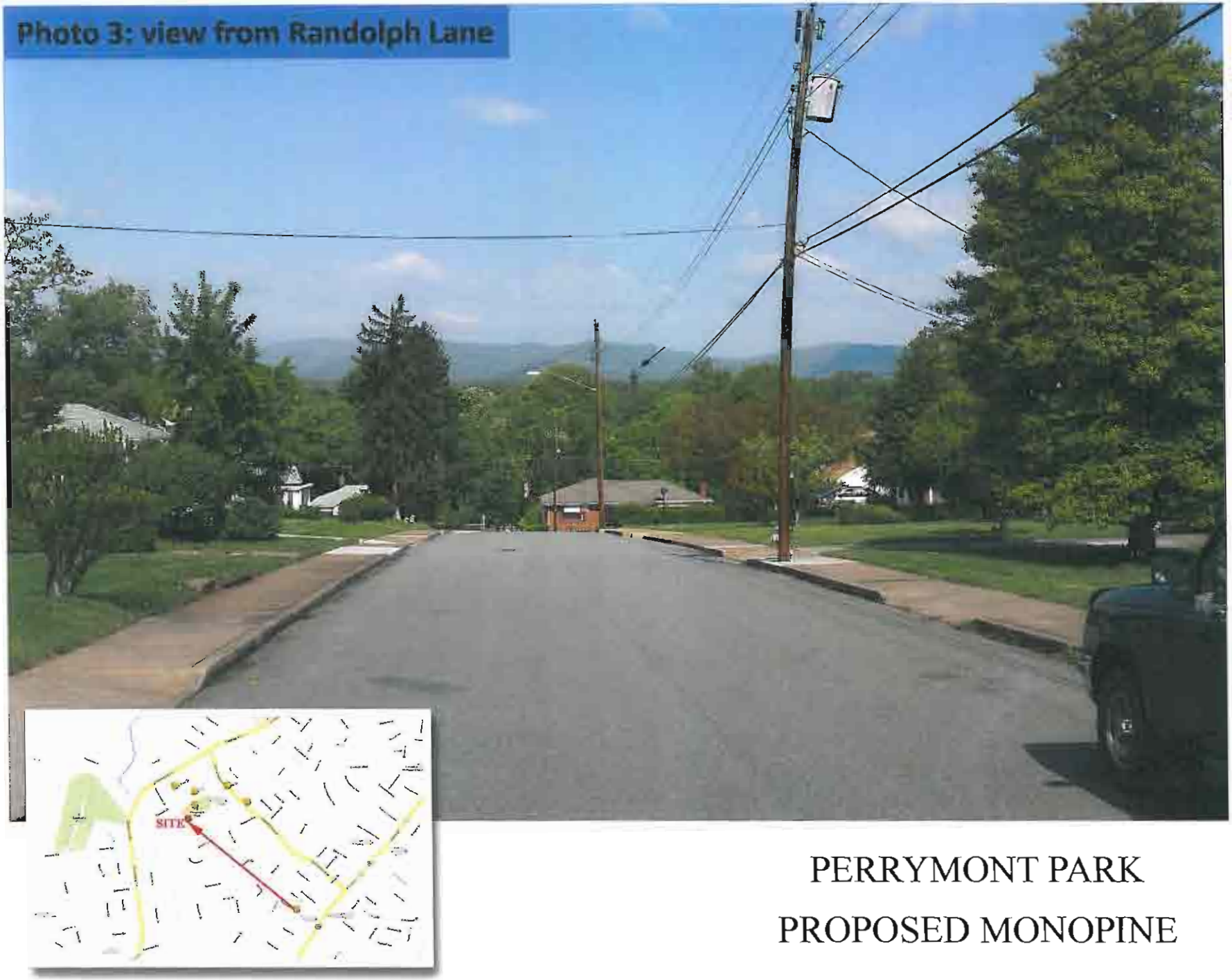
PERRYMONT PARK

PROPOSED MONOPINE



PERRYMONT PARK

PROPOSED MONOPINE

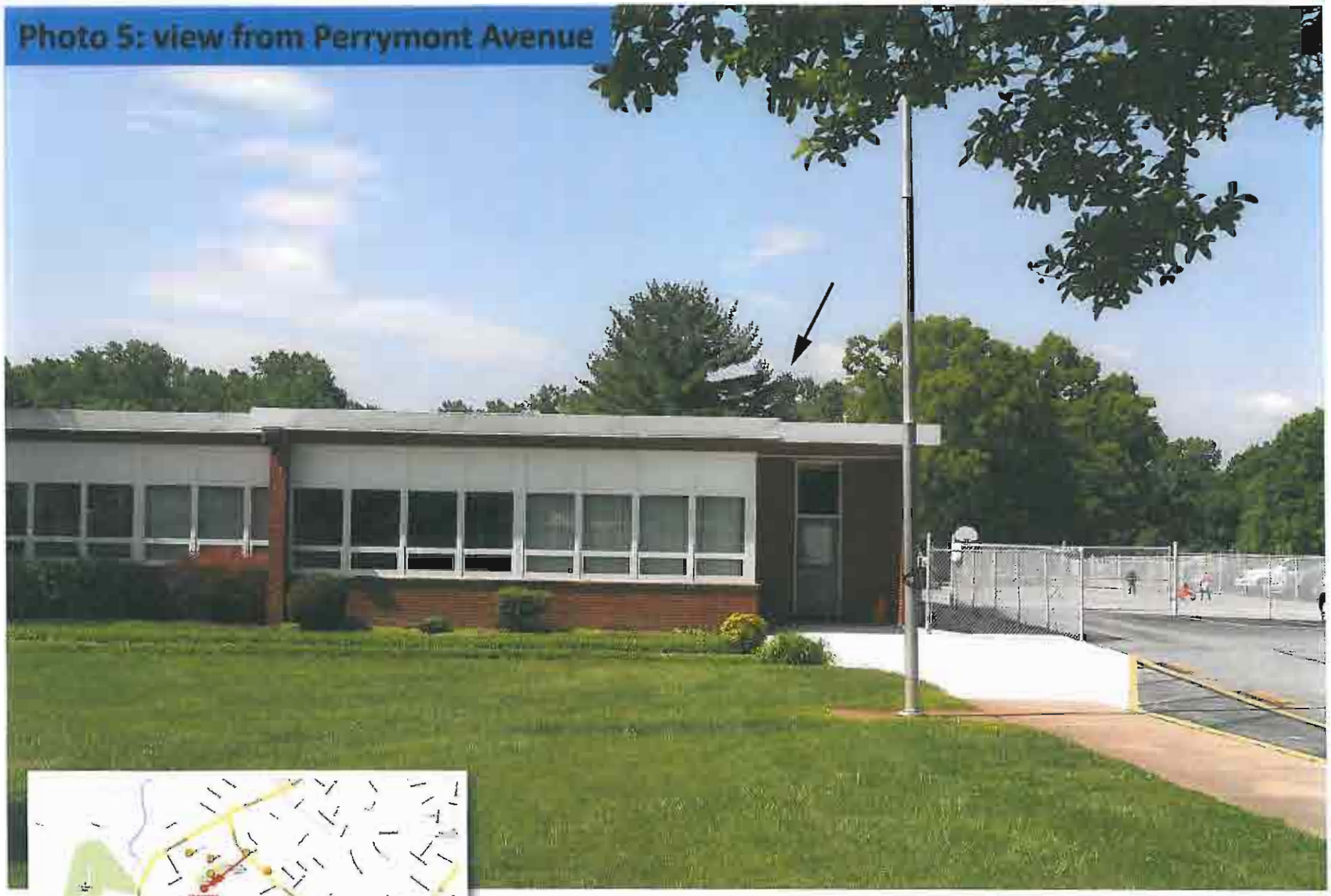


PERRYMONT PARK

PROPOSED MONOPINE

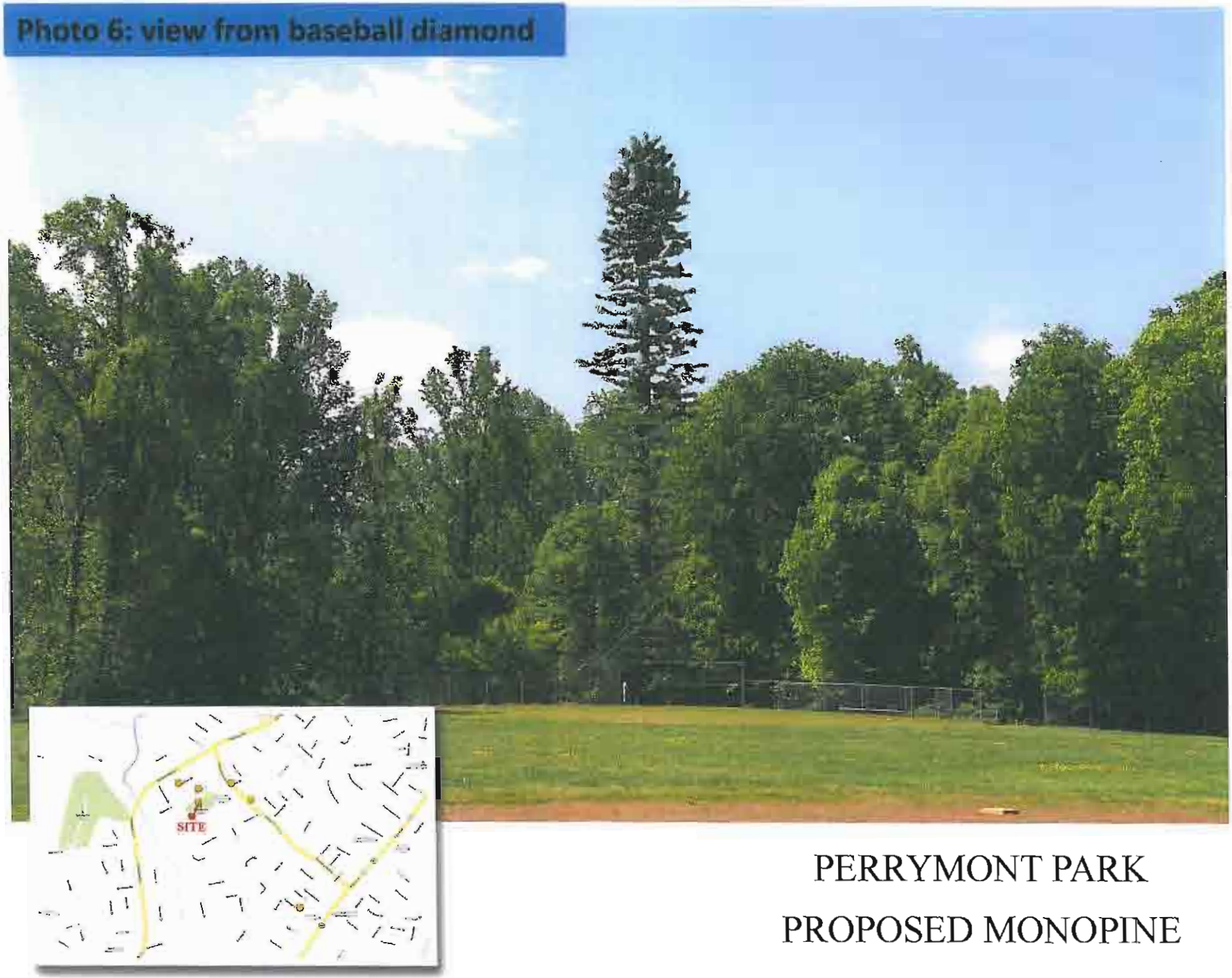
PERRYMONT PARK

PROPOSED MONOPINE



PERRYMONT PARK

PROPOSED MONOPINE



PERRYMONT PARK

PROPOSED MONOPINE

409 Perrymont Avenue

409 and 459 Perrymont Avenue
Conditional Use Permit
July 10, 2013

PLEASE PRINT

NAME	ADDRESS	PHONE	IN FAVOR	IN OPPOSITION	NEUTRAL
Hansella Kelly	P.O. Box 1010	434-755-5[illegible]	YES		

AT&T Mobility
Virginia/West Virginia Market Office
4801 Cox Road
Suite 300
Glen Allen, Virginia 23060

CUP Project number: CUP1311-003
Proposed Communication Facility at 1721 Langhorne Road LY732

On 1/14/14 Lynchburg City council considered AT&T Mobility's CUP application to locate a communication facility at 1721 Langhorne Road. The members of the City Council requested that AT&T investigate and provide the following information:

1. **Determine whether a Tower at the Eastern end of the Linkhorne Middle School property is a viable alternative to the proposed tower on Mr. Adams property.**

   AT&T Mobility Radio Frequency Engineers have examined 2 locations along the eastern side of the Linkhorne Middle School Property. The approximate locations are shown on the attached aerial photo included with the propagation maps. The locations are labeled School Site and School 2 site. Tower heights of 150 feet and 180 feet were examined at both of these locations. Propagation maps were generated for both of these locations using tower heights of 150 feet and 180 feet and are included in this report. As the propagation maps indicate the coverage achieved from the school sites is significantly less than from the proposed site located at 1721 Langhorne road. AT&T Mobility Radio Frequency engineers have determined the school sites fail to meet the coverage objective whether using a height of 150 feet or 180 feet.

2. **Determine whether AT&T can meet its coverage objective by Collocating antennas on the existing ALLTEL tower located at Langhorne road and Halsey Road if granted permission to increase the height of the tower.**

   AT&T Mobility Radio Frequency Engineers have examined the Alltel tower site located at Langhorne road and Halsey road. The coverage resulting from 150 foot and 180 foot heights were examined and propagation maps generated. AT&T Radio Frequency engineers have determined that a tower achieving a 150 foot or 180 foot height at this location fails to meet the coverage objective.

3. **Determine the scope of AT&T obligation to maintain the proposed tower.**

   AT&T Mobility is committed to maintaining it's communications facilities. The Monopine design is engineered to be durable and should require little maintenance. In the event of damage or weathering of the Monopine tower repairs will be undertaken.

4. **Determine how many Collocation opportunities the zoning Ordinance and the City Council will require AT&T to provide.**

   Section 35.1-83 (d) specifies that "No new tower shall be built, constructed, or erected in the city unless such tower, including the ground area for the associated

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telecommunications facilities, is capable of supporting another person's operating telecommunications facilities of comparable weight, size, and surface area to the applicant's telecommunication facilities. For the purposed of this section, the "applicant's facilities" shall mean those installed within six months of completion of tower construction.

5. **Provide a summary of DAS systems, including how they work, where they typically are used, and whether such a system is appropriate for this neighborhood in the city of Lynchburg.**

Distributed Antenna Systems (DAS) consist of primarily three components. In a DAS network a number of remote communications nodes, each including one antenna which transmits and receives the wireless service providers radio frequency signals, are connected via a high capacity signal transport medium (usually fiber optic cable) which connects the DAS Node back to the central communications Hub site. The Hub site contains radio transceivers and other head-end equipment that propagates and / or converts processes or controls, the communication signals transmitted and received through the DAS Nodes and to the provider's network. Basically RF to optical fiber cable to Hub site to optic fiber cable to RF.

DAS systems are most typically employed inside buildings, at colleges and universities, at venues such as stadiums and theme parks, in densely populated areas characterized by small coverage holes, and in areas where network capacity is an issue. DAS systems are not commonly used to provide coverage over large outdoor areas.

That being said, outdoor DAS systems have been employed in some locations to provide coverage. However, these applications are few and are limited by the constraints of the DAS system and high cost of building the network. Among other issues, the installation of outdoor DAS systems requires multiple support structures (Power Poles as an example) located a short distance apart. Cell technology is line of sight so each antenna must see the antennas surrounding it in order for there to be seamless coverage. Topography, trees, and buildings can significantly affect the location and number of Nodes required in the network. Each of the Nodes is typically connected to Fiber Optic Cable. Installation of DAS systems to provide coverage over large areas may involve the installation of miles of fiber optic cables. These fiber cables must then be connected to a central communications Hub site which interacts with the Carriers network.

The Characteristics of this neighborhood and coverage area make this location a poor candidate for a DAS system. Topography, trees, distance between roads, and curving roads lined with trees would make the construction of a seamless DAS system challenging. Further, the cost associated with construction of a DAS system in this area would likely be so large that construction of a DAS system to provide coverage to the area would not be practical and thus such a system would likely never be built.

6. **Determine whether AT&T can meet its coverage objective using a lower tower height (135 feet or 125 feet) on the Adams Property.**

   AT&T Mobility Radio Frequency Engineers have examined the proposed location and determined that 135 foot tall Mono-pine style tower is capable of achieving the coverage objective. AT&T Mobility is therefore requesting that its application be amended reducing the proposed height from 145 feet to 135 feet.

7. **Whether the definition of "Stealth" in the Lynchburg City Zoning Ordinance is broad enough to justify using some design other than a Monopine.**

   It is AT&T Mobility's experience that, in some cases, a flush mount style tower may be preferred over a Monopine Style tower. On a flush mount style tower the antennas are not hidden thus the tower does not meet the traditional definition of "Stealth". AT&T has completed photo simulations of a flush mount style tower at the proposed site and they are included in this submission to the city council.

The City Council members also asked AT&T Mobility to undertake the following actions:

1. **Schedule another Balloon test.**
2. **Schedule a neighborhood meeting to answer the neighbors questions and address the neighbors' concerns.**

On 2/26/14 a second Balloon Test was conducted at the site location at 1721 Langhorne road between 9:00 and 10:00 AM. Notification of the Balloon test was mailed to the neighborhood on 2/14/14. The mailed notification included an invitation to visit the site and AT&T representatives were on site to meet with any visitors and attempt to answer any questions. The Balloon was flown at 145 Feet in height. There were also several visitors to the site. Photos required to generate additional photo simulations were also taken from several locations. A copy of the photo simulations is included with this submission. The photo simulations represent both Monopine and Flush mount style towers. The structures in the Photo Simulation represent a 135 foot tower height.

On 4/2/14 AT&T Mobility representatives conducted a community meeting between 6:30 and 9:00 PM at the Lynchburg Public Library. Approximately 30 people attended the meeting. AT&T presented a general discussion of how communication sites have become an important part of modern infrastructure, the need for a site at this location, and how the site location process is undertaken. AT&T also presented photo simulations of a 135 foot tall Monopine and Flush Mount style towers, propagation maps for the current site and alternative sites, and drawings of the proposed site. A significant amount of time was also spent in a question and answer session.

Proposed changes to AT&T Mobility's CUP application as a result of the above studies and community meeting.

1. In response to the Lynchburg City Council's request, and in an effort to mitigate the visual impact of the proposed tower, AT&T Mobility proposes to reduce the height of the Monopine style tower from 145 feet to 135 feet. This height will allow at least one additional collocation opportunity as called for in the city code.

2. In an effort to mitigate the visual impact of the ground equipment AT&T Mobility has undertaken a redesign of the equipment shelter. AT&T proposes to reduce the size of the proposed equipment shelter from 12 feet by 28 feet to 11.5 feet by 12 feet on a 12 foot by 20 foot pad. The additional pad space outside the shelter will accommodate the emergency generator.

BY: Paul Robnett site acq specialist.

Paul Robnett
Site Acquisition Specialist
(804) 217-7088 ext. 119
(208) 660-6010 mobile
P.Robnett@Velocitel.com

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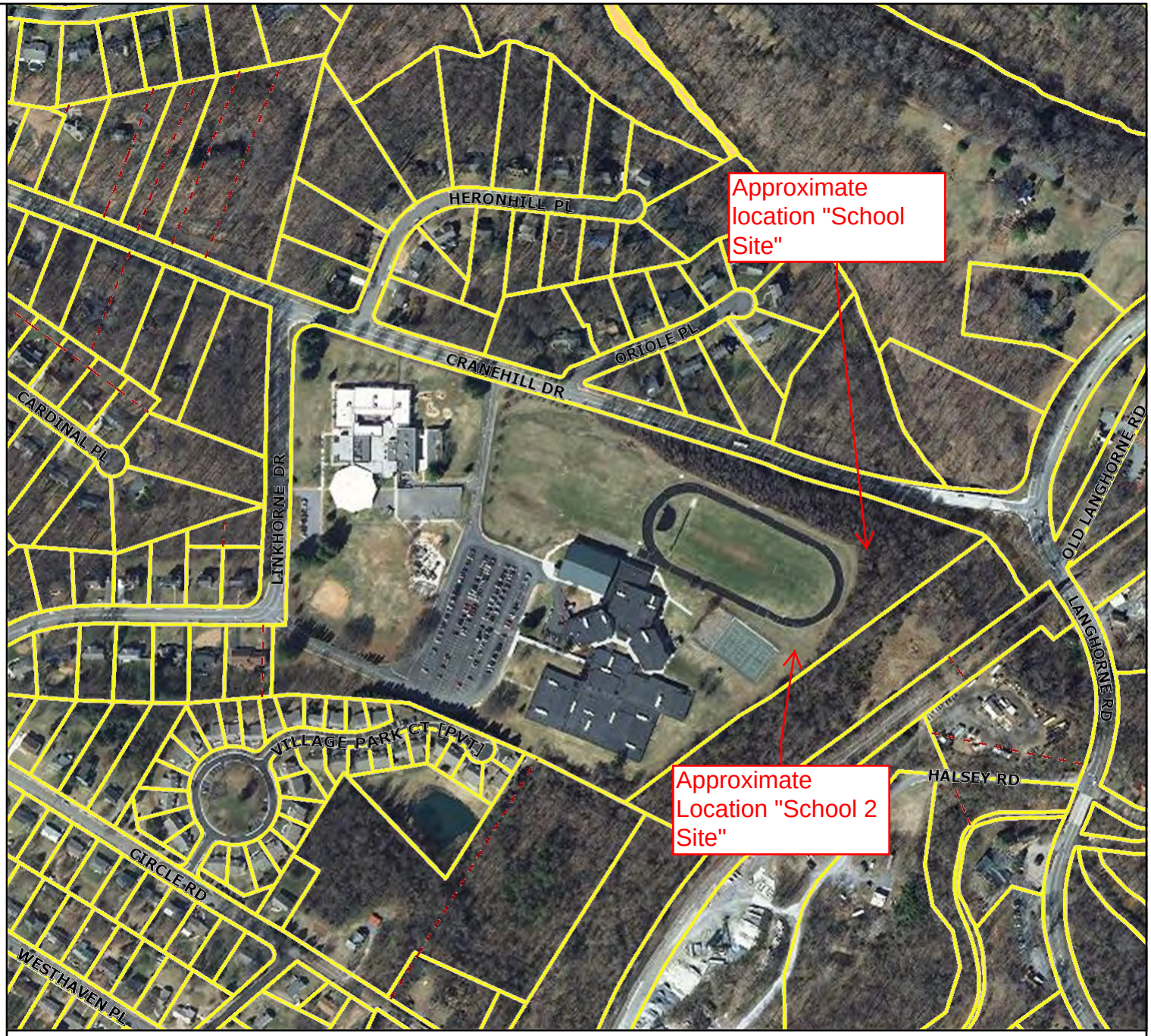
The City of Lynchburg, VA

Legend

- Street Labels
- Legal Lot Lines
- Vacated Right of Way
- Parcels
- Owner Unknown
- Survey Gap



Feet

0 100 200 300 400

1:4,800 / 1"=400 Feet

4/18/2014

DISCLAIMER:This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. The information displayed is a compilation of records,information, and data obtained from various sources, and the City of Lynchburg is not responsible for its accuracy or how current it may be.

N W E S

Coverage LY732

Candidate Predictions

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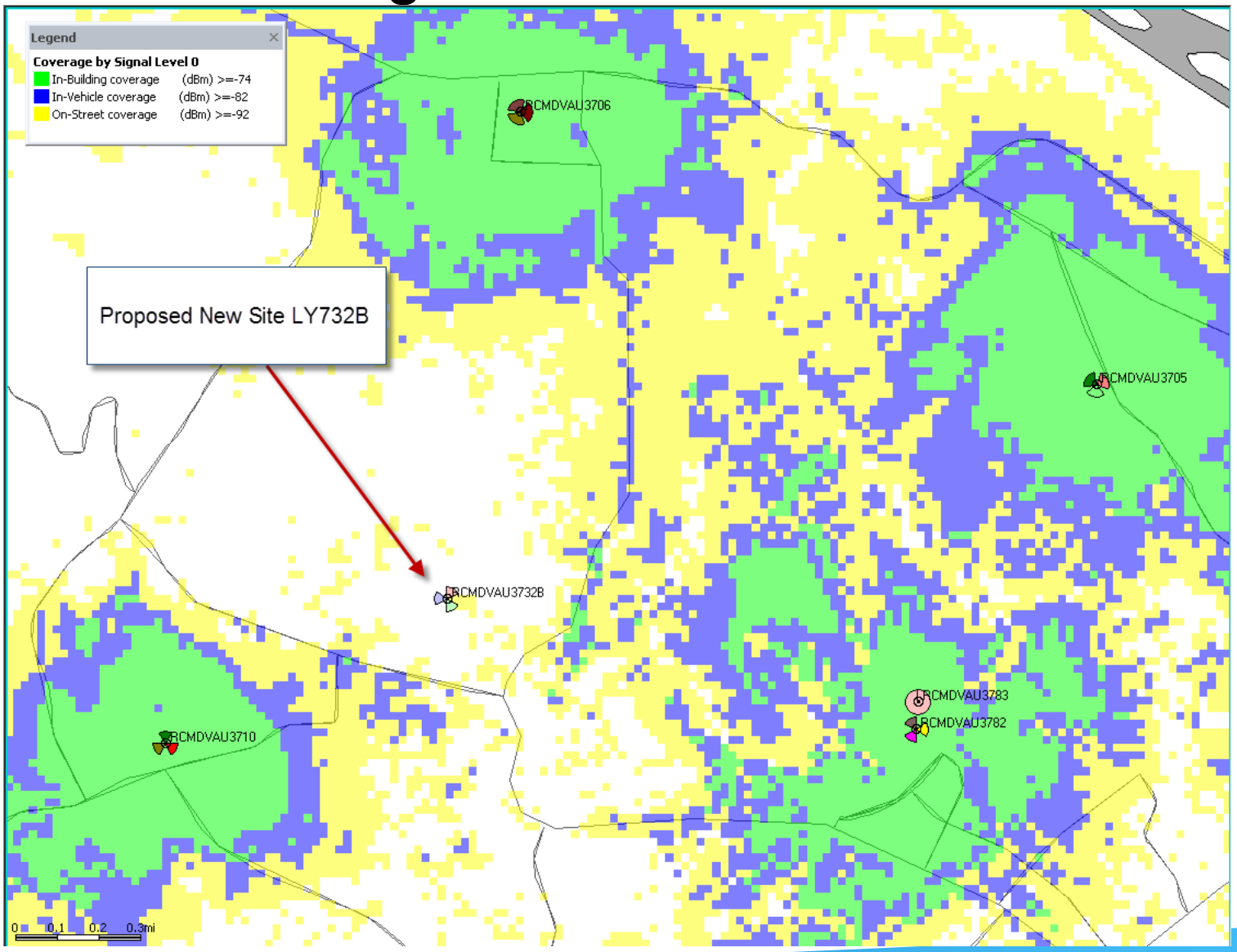
Current Coverage



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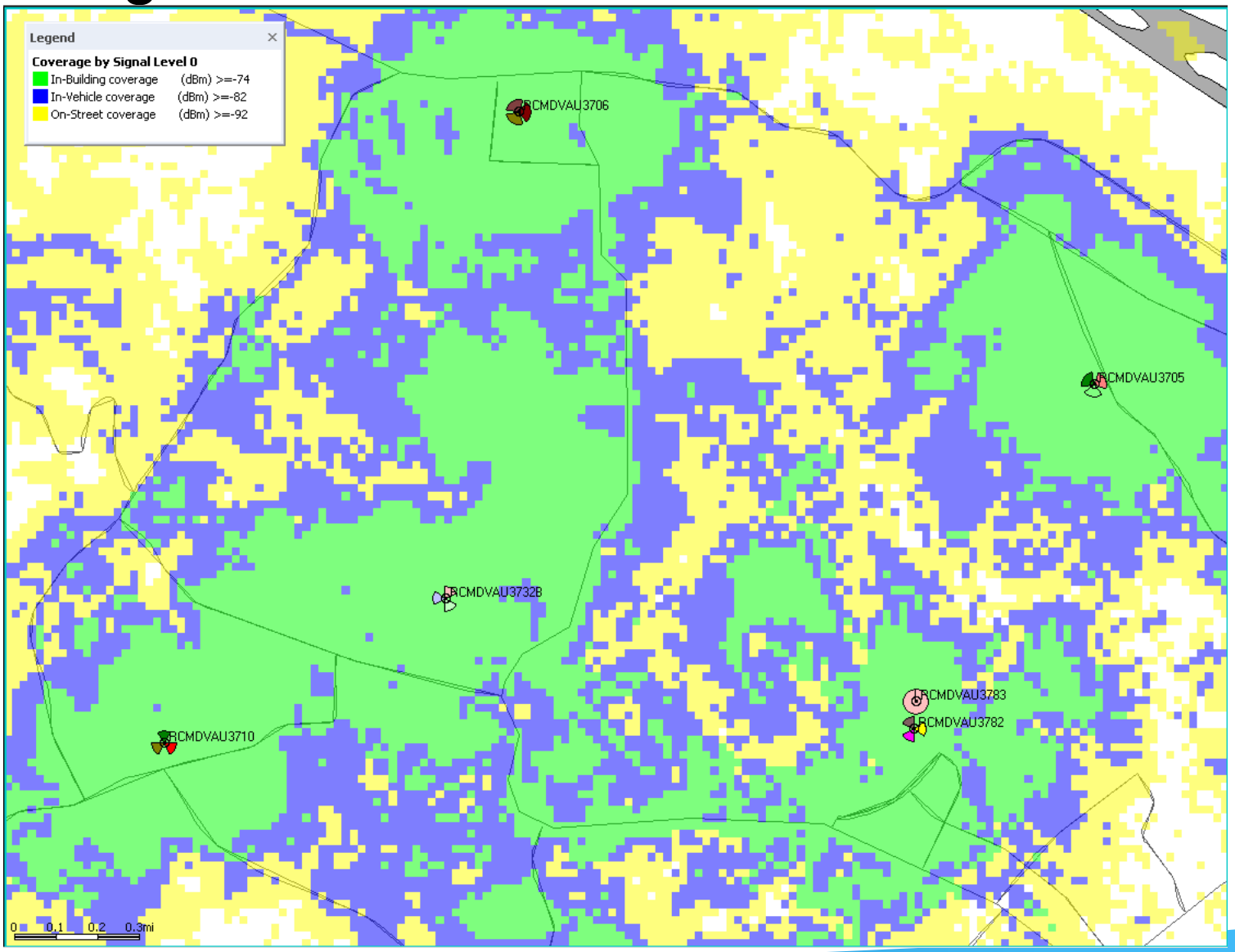
Coverage With LY732 at 135’



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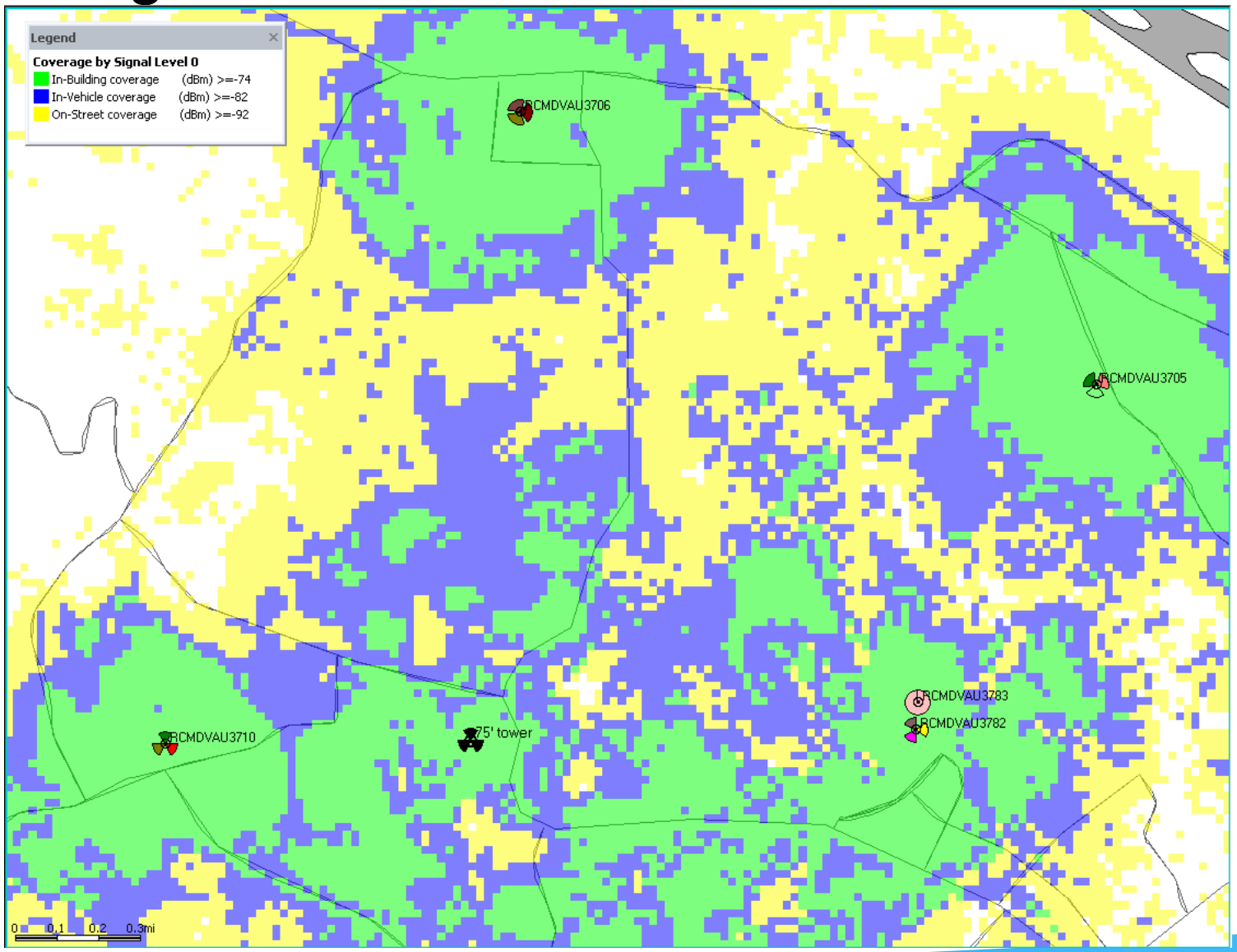
Coverage With Alltel tower at 180’



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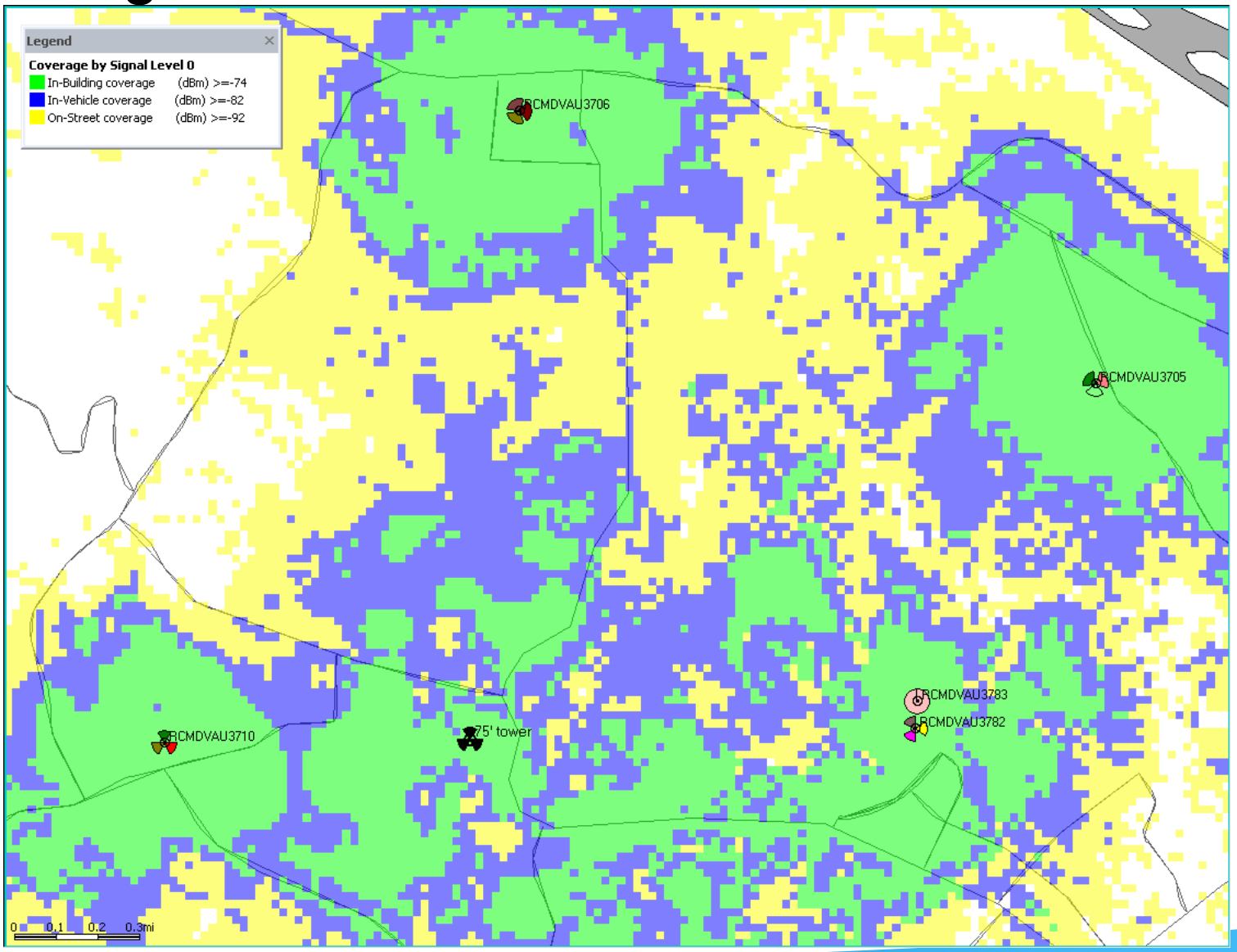
Coverage With Alltel tower at 150’



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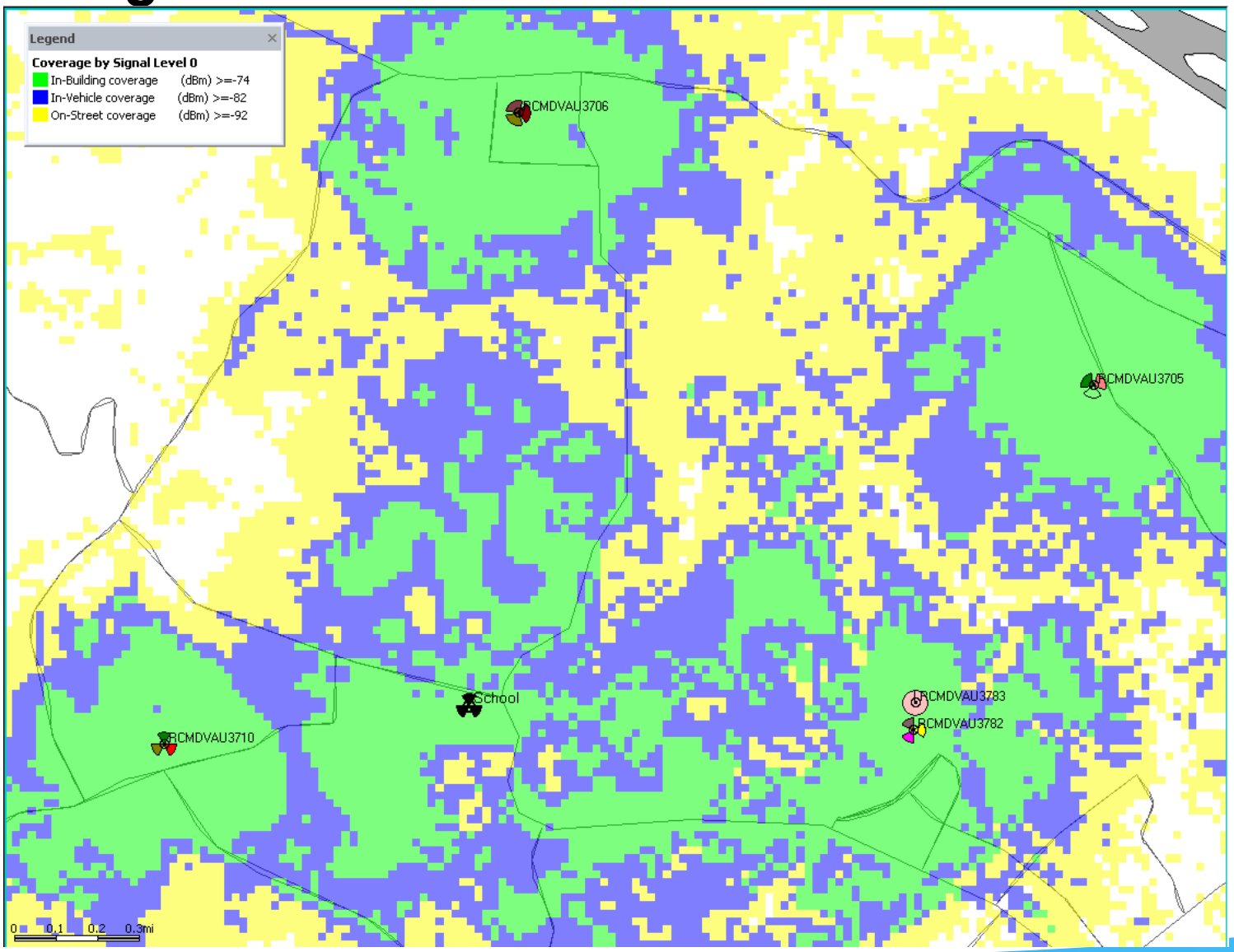
Coverage With School site at 180 ’



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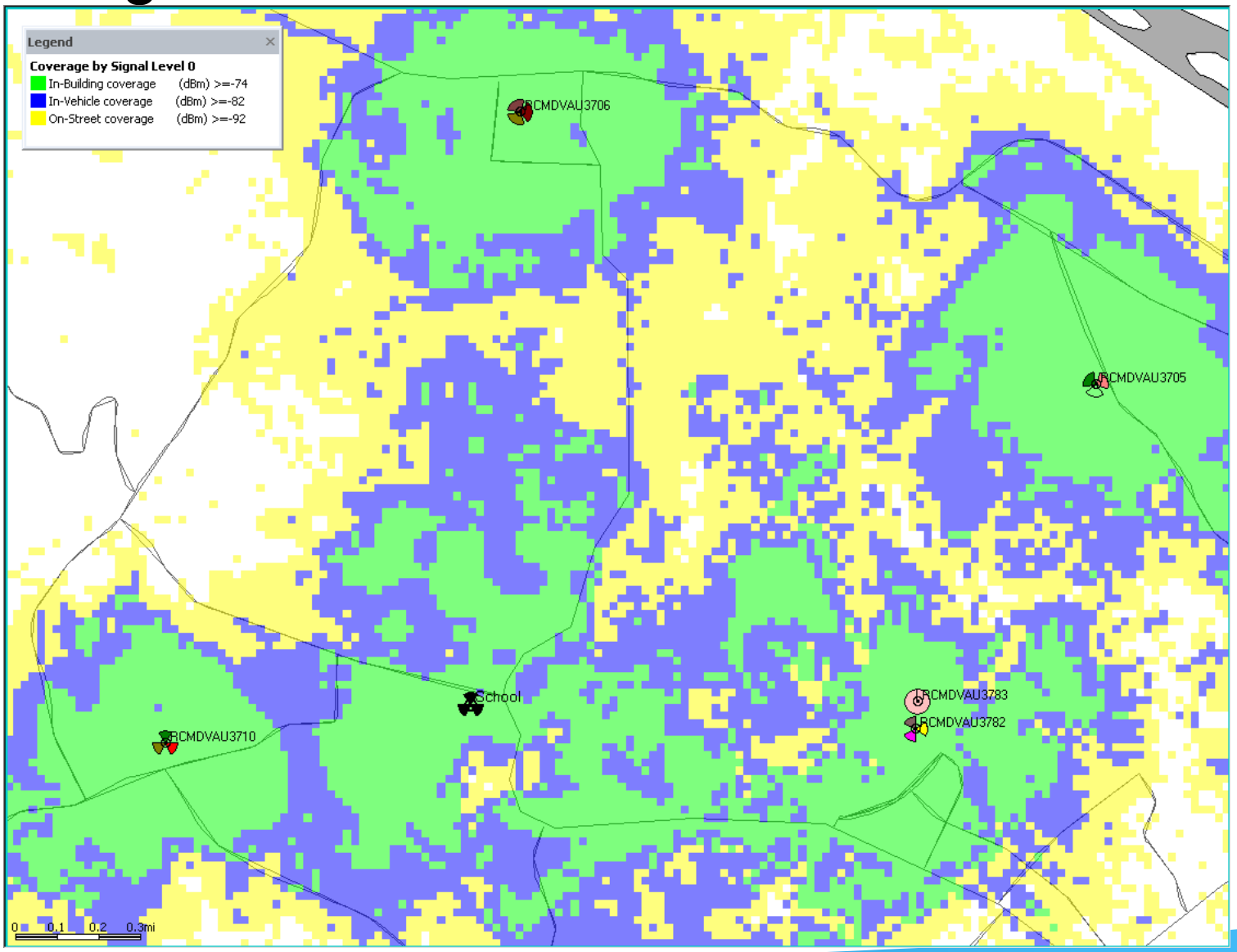
Coverage With School site at 150 ’



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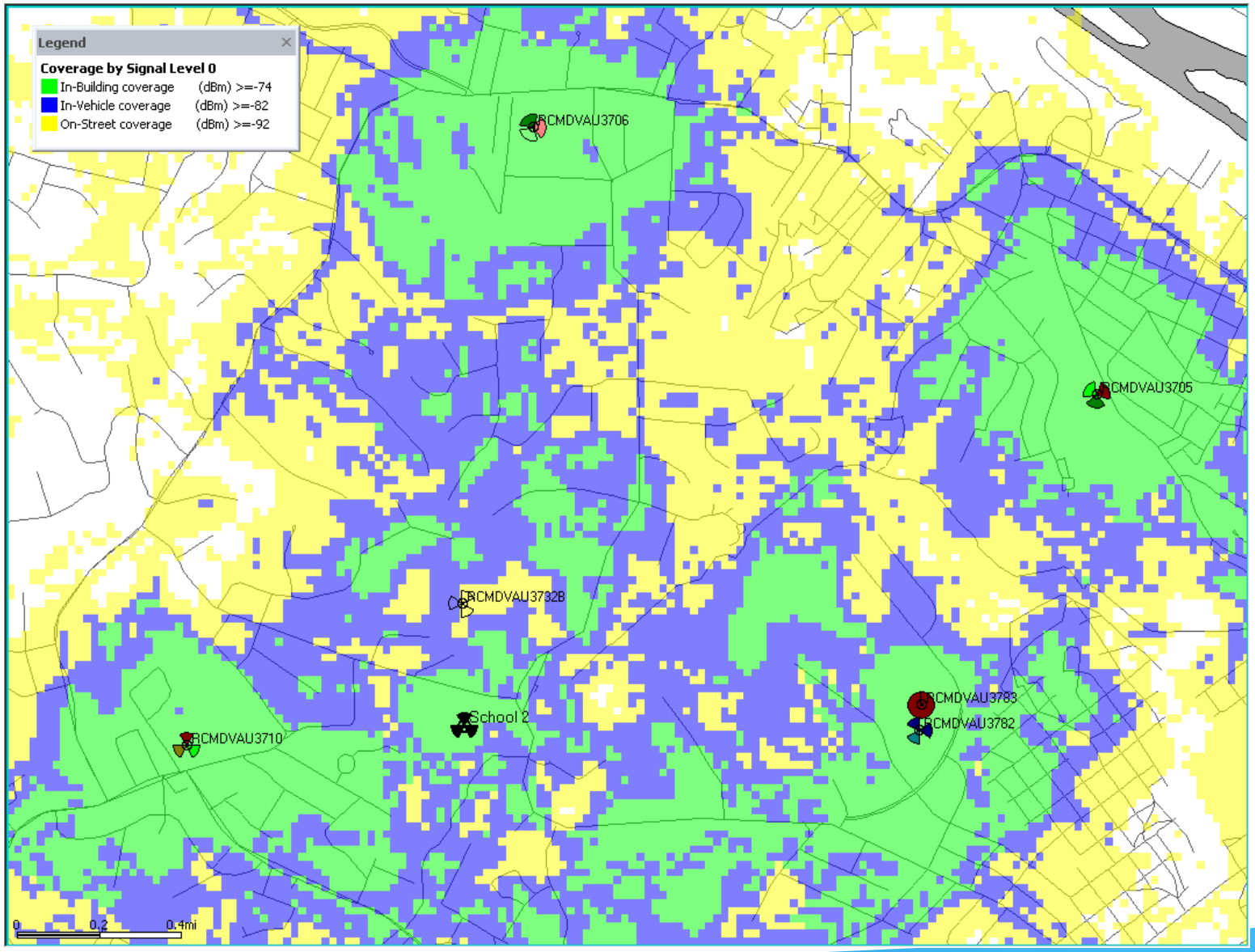
Coverage With School 2 site at 180 ’



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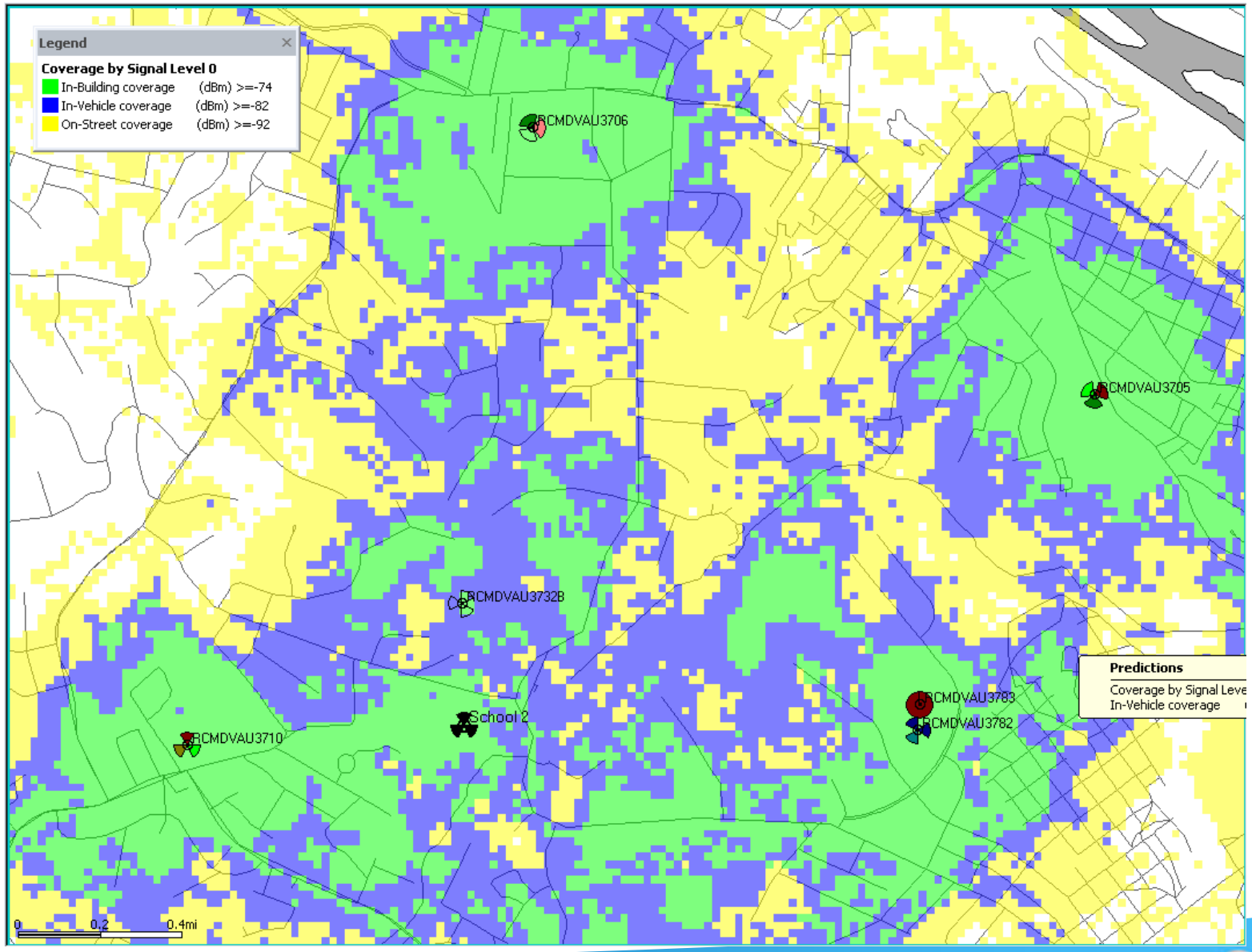
Coverage With School 2 site at 150 ’



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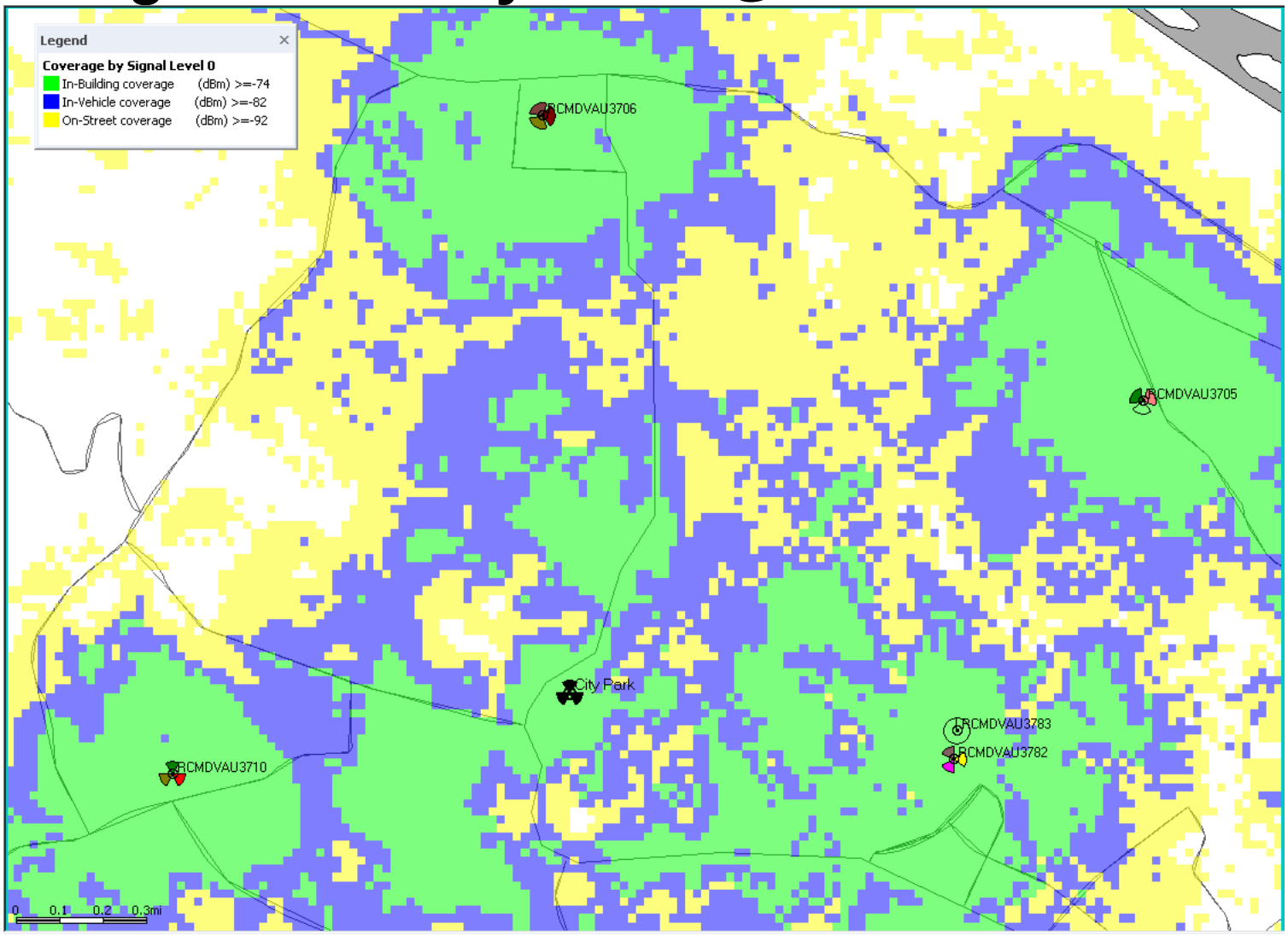
Coverage With City Park @ 180 ’



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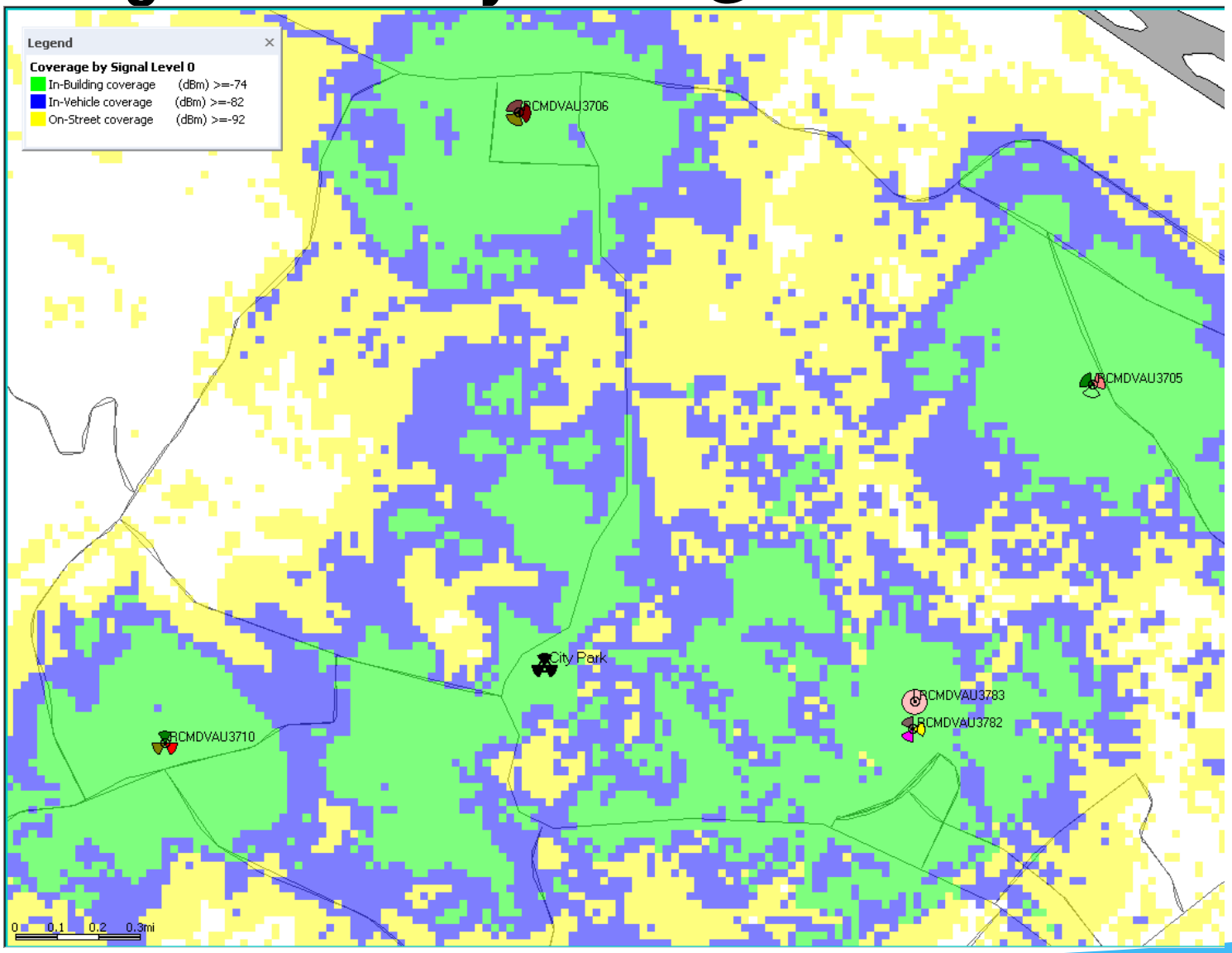
Coverage With City Park @ 150 ’



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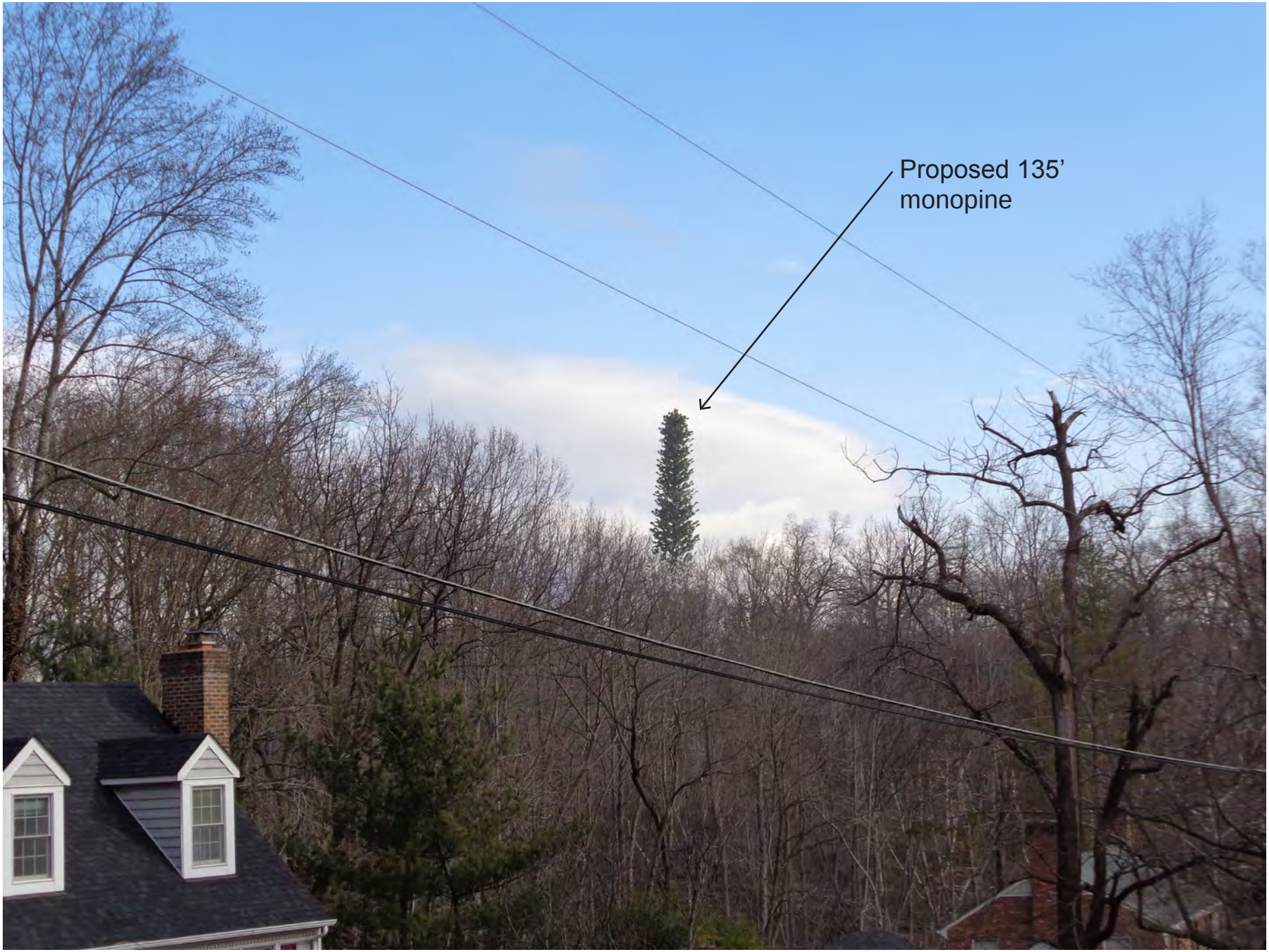
velocitel
complete wireless solutions

View from 2216 Oriole Place (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates



View from 2216 Oriole Place (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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complete wireless solutions

View from Linkhorne Middle School (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from Linkhorne Middle School (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

View from 2304 Herron Hill (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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velocitel complete wireless solutions

WW&A warren williams & associates

View from 2304 Herron Hill (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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complete wireless solutions

View from Myers' back porch (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from Myers' back porch (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

View from Old Langhorne (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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complete wireless solutions

View from Old Langhorne (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from Dorchester (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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View from Dorchester (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from 1611 Langhorne Rd. (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

View from 1611 Langhorne Rd. (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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View from 2216 Oriole Place (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

at&t

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complete wireless solutions

View from 2216 Oriole Place (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

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View from Linkhorne Middle School (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from Linkhorne Middle School (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

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View from 2304 Herron Hill (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

at&t velocitel complete wireless solutions

View from 2304 Herron Hill (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

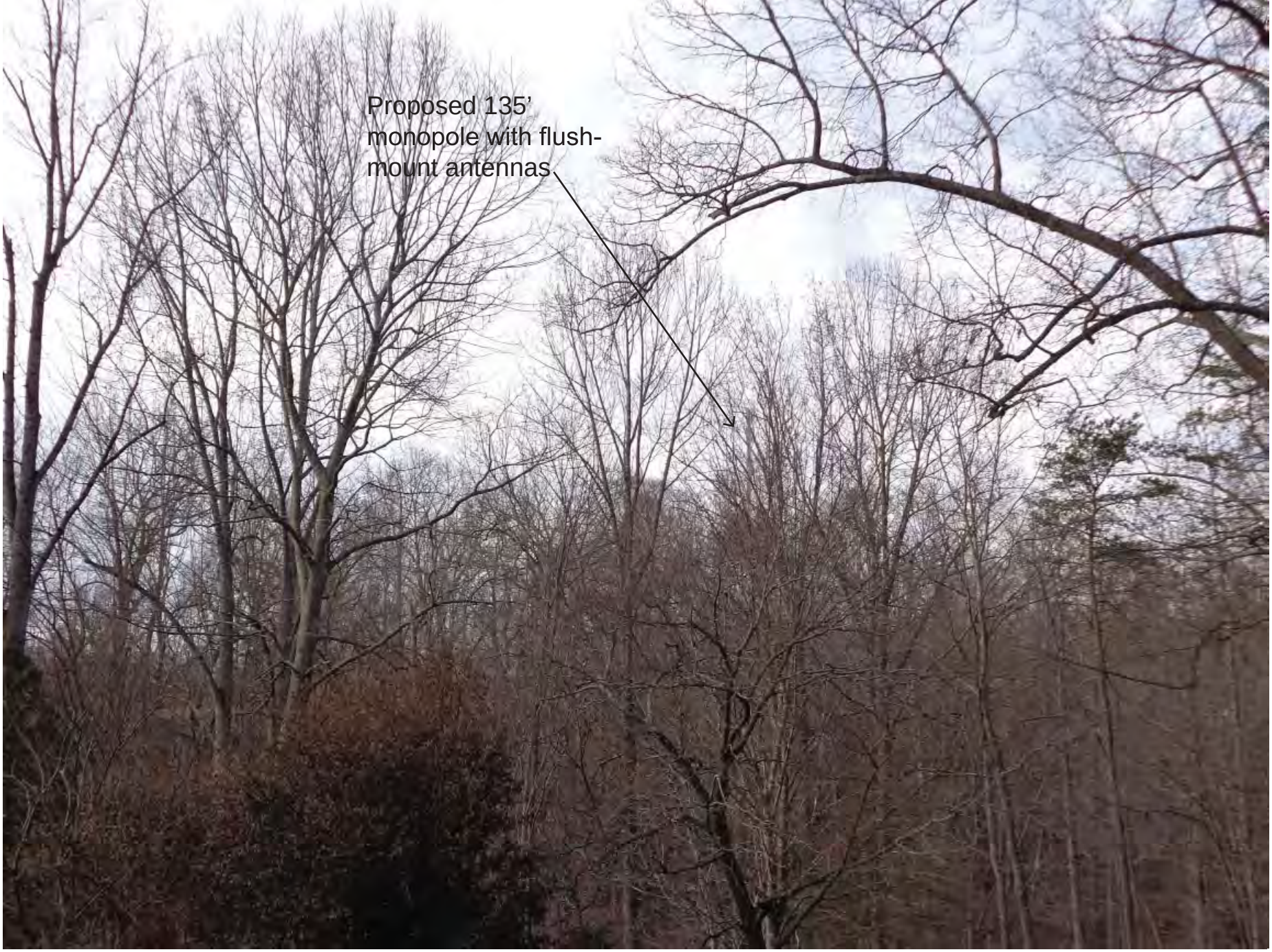
WW&A warren williams & associates

at&t velocitel complete wireless solutions

View from Myers' back porch (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates



View from Myers' back porch (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

at&t

velocitel
complete wireless solutions

View from Old Langhorne (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

at&t velocitel complete wireless solutions

View from Old Langhorne (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A warren williams & associates

View from Dorchester (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

View from Dorchester (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

at&t

velocitel
complete wireless solutions

View from 1611 Langhorne Rd. (before)

LY732 - 1721 Langhorne Road, Lynchburg, VA

WW&A
warren williams & associates

View from 1611 Langhorne Rd. (with tower)

LY732 - 1721 Langhorne Road, Lynchburg, VA

AT&T Mobility
Virginia/West Virginia Market Office
4801 Cox Road
Suite 300
Glen Allen, Virginia 23060

You are invited to attend a Community Meeting

Virginians rely on wireless phone and mobile broadband service more each day. Families want to stay connected to each other all the time and from wherever they are. Small businesses need reliable coverage to stay in touch with customers – and grow their businesses. Residents want to be able to connect with public safety officials when they need them. Indeed, fast and reliable wireless coverage is important to almost every sector of the local economy.

As you may already be aware, AT&T Mobility has submitted an application for a Conditional Use Permit to construct a 145-foot tall mono-pine style cell site and supporting equipment on a portion of the 24.35 acre property located at 1721 Langhorne Road.

This proposal is part of AT&T's commitment to provide state-of-the art wireless communication services to you and your community. The use of wireless devices has grown significantly over the last several years. In fact, since 2007, data traffic on the AT&T wireless network has increased **by 50,000 percent.**

Increases like this have made cell sites a vital part of Virginia's infrastructure, which is why AT&T has invested more than $900 million in its best-in-class wireless and wired networks in Virginia from 2011 through 2013, driving a wide range of upgrades to enhance speed, reliability, coverage and performance for residents and business customers.
The proposed site is a part of this ongoing effort and is designed to address a significant gap in wireless coverage. Once operational, the proposed site would provide faster and reliable mobile phone and mobile broadband service to you and your community.

AT&T works with communities across the Commonwealth to answer any questions they may have about the importance of new communications sites and how the locations are selected. As a part of this effort **you are invited to attend a community meeting scheduled to start at 6:30 PM on 4/2/14 at the Lynchburg Public Library located at 2315 Memorial Ave, Lynchburg VA. 24501.** AT&T will have a presentation at this meeting explaining many of the details associated with this site. We will also have the results of the most recent balloon test and photo simulations available. AT&T representatives will also be available to answer any question you may have.

Please feel free to contact me with any questions you may have. We look forward to seeing you at the meeting.

Paul Robnett
Site Acquisition Specialist
(804) 217-7088 ext. 119
(208) 660-6010 mobile
P.Robnett@Velocitel.com

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name	address	state	zip
ANN K PETTIGREW	1517 LANGHORNE RD	LYNCHBURG, VA	24503-3127
ARMAND P & HELEN L GUILLERMIN	3324 DORCHESTER CT	LYNCHBURG, VA	24503-3100
ARTHUR B & MARY A CLARK	2312 HERONHILL PL	LYNCHBURG, VA	24503-3312
ASHBY L & JUANITA H MILSTEAD	2201 ORIOLE PL	LYNCHBURG, VA	24503-3323
BARBARA B MAYER	2700 SEDGEWICK DR	LYNCHBURG, VA	24503-3341
BERTRAM F JR & THERESA DODSON	3332 DORCHESTER CT	LYNCHBURG, VA	24503-3100
BRYAN LEWIS FIELDING	2209 ORIOLE PL	LYNCHBURG, VA	24503-3323
C DAVID & BETTY T BLUE	2205 ORIOLE PL	LYNCHBURG, VA	24503-3323
Carmon Huckabee	2204 Falcon Hill PL	LYNCHBURG, VA	24503
CHARLE5 R & CATHERINE R JOSEPH	3336 DORCHESTER CT	LYNCHBURG, VA	24503-3100
CHARLES W & ANITA S FALLS	2809 SEDGEWICK DR	LYNCHBURG, VA	24503-3329
CHRISTOPHER J & CHARLENE BEGLEY	2800 SEDGEWICK DR	LYNCHBURG, VA	24503-3330
CHRISTOPHER M BOSWELL	1417 N MAGNOLIA AVE	OCALA, FL	34475-9078
CHRISTOPHER P & MARTHA J F MITCHELL	2313 HERONHILL PL	LYNCHBURG, VA	24503-3311
CONCEPT DESIGN AND DEVELOPMENT	3023 RAVENWOOD DR	LYNCHBURG, VA	24503-3327
DARYL H & WANDA L YODER	2901 SEDGEWICK DR	LYNCHBURG, VA	24503-3331
DAVID A & JANE C VAUGHAN	3331 DORCHESTER CT	LYNCHBURG, VA	24503-3128
DAVID K & CHRISTINA M JOHNSON	1709 LANGHORNE RD	LYNCHBURG, VA	24503-3119
DAVID L & VICTORIA B SHACKELFORD	2321 HERONHILL PL	LYNCHBURG, VA	24503-3311
DEBORAH J ROSENBERGER	1623 LANGHORNE RD	LYNCHBURG, VA	24503-3117
ELLEN S GROSS	3433 IVYLINK PL	LYNCHBURG, VA	24503-3003
EUGENE D & PATRICIA J LYNCH	2217 ORIOLE PL	LYNCHBURG, VA	24503-3323
EVELYN F DISTELHURST	2813 SEDGEWICK DR	LYNCHBURG, VA	24503-3329
Fred Meyer	2700 SEDGEWICK DR	LYNCHBURG, VA	24503
GARY S & ALLISON J RUBERG	2329 HERONHILL PL	LYNCHBURG, VA	24503-3311
GILLIAM M & IRENE C COBBS	3316 DORCHESTER CT	LYNCHBURG, VA	24503-3100
GLENN D FLINT	2917 SEDGEWICK DR	LYNCHBURG, VA	24503-3331
GUY F & TERRESA J SUTULA	2821 SEDGEWICK DR	LYNCHBURG, VA	24503-3339
H DAVID & BETTY B OLIVER	2212 ORIOLE PL	LYNCHBURG, VA	24503-3324
HALLIE S BOWMAN	203 ARCHWAY CT STE B	LYNCHBURG, VA	24502-3159
HAN KYU & SOON BOCK KIM SONG	2801 SEDGEWICK DR	LYNCHBURG, VA	24503-3329
HARRY C & SHARON E SOWERS	2300 HERONHILL PL	LYNCHBURG, VA	24503-3312
JAMES A & SHIRLEE D RAINES	2216 ORIOLE PL	LYNCHBURG, VA	24503-3324
JAMES A WEBSTER	2320 HERONHILL PL	LYNCHBURG, VA	24503-3312
JAMES F JR & NANCY M MCCABE	3327 DORCHESTER CT	LYNCHBURG, VA	24503-3128
JAMES L & ANDREA STUTESMAN	3335 DORCHESTER CT	LYNCHBURG, VA	24503-3128
JAMES W & CATHERINE ROBERTSON	1519 LANGHORNE RD	LYNCHBURG, VA	24503-3127
JAY G & MARY A M BARTON	2200 ORIOLE PL	LYNCHBURG, VA	24503-3324
JERRY E & DORIS M BRAMMER	2221 ORIOLE PL	LYNCHBURG, VA	24503-3323
Joan Joyce	2209 Falcon Hill PL	LYNCHBURG, VA	24503
JOHN M & LYNN M FOX	2905 SEDGEWICK DR	LYNCHBURG, VA	24503-3331
JOHN M III & ILONA H SALMON	1108 RUNNING CEDAR WAY	LYNCHBURG, VA	24503-1961
JOHN P & WENDY R COUNTS	3320 DORCHESTER CT	LYNCHBURG, VA	24S03-3100
JOHN T & BETTY L BLANKS	1603 LANGHORNE RD	LYNCHBURG, VA	24503-3117
JOHN U DANIELS	2316 HERONHILL PL	LYNCHBURG, VA	24503-3312
JOSEPH M & ERIN M BAIRD	2333 HERONHILL PL	LYNCHBURG, VA	24503-3311

JURGEN & GISELA N PEST	2805 SEDGEWICK DR	LYNCHBURG, VA	24503-3329
LARRY G JR & BERNADINE WEATHERFORD	2808 SEDGEWICK DR	LYNCHBURG, VA	24503-3330
LINDA G GILES	1533 LANGHORNE RD	LYNCHBURG, VA	24503-3127
MARK D & CYLKE, VIRGINIA A DOWNEY	2302 HERONHILL PL	LYNCHBURG, VA	24503-3312
MARTHA B STOKES	1615 LANGHORNE RD	LYNCHBURG, VA	24503-3117
MARY E ANDERSON & RICHARD ANDERSON	3010 SEDGEWICK DR	LYNCHBURG, VA	24503-3334
MILTON C & CHERYL J RITCHIE	2208 ORIOLE PL	LYNCHBURG, VA	24503-3324
NATHAN D MCCLURE	2308 HERONHILL PL	LYNCHBURG, VA	24503-3312
NORMA BRANDSBERG	200 HUNTING LN	GOODE, VA	24556-1017
PATRICIA S GOWEN	3328 DORCHESTER CT	LYNCHBURG, VA	24503-3100
PAUL M & HELEN E MORRISON	1725 LANGHORNE RD	LYNCHBURG, VA	24503-3119
RALPH S OGLESBY	2309 HERONHILL PL	LYNCHBURG, VA	24503-3311
RAYMOND C BAKER	3317 DORCHESTER CT	LYNCHBURG, VA	24503-3128
RAYMOND L & KATHERINE HATCHER	2301 HERONHILL PL	LYNCHBURG, VA	24503-3311
REBECCA S WHITE	3031 RAVENWOOD DR	LYNCHBURG, VA	24503-3327
ROLAND M CALDWELL	2324 HERONHILL PL	LYNCHBURG, VA	24503-3312
SCOTT C & LAURA M ROBERT	2804 SEDGEWICK DR	LYNCHBURG, VA	24503-3330
SCOTT T & CAROL D F ROBERTSON	2907 SEDGEWICK DR	LYNCHBURG, VA	24503-3331
STEPHEN A & BLAKE T ROYER	2204 ORIOLE PL	LYNCHBURG, VA	24503-3324
Steve Selby	1672 Langhorne road	LYNCHBURG, VA	24503
STEWART C & NATALIE LANGLEY	1601 LANGHORNE RD	LYNCHBURG, VA	24503-3117
STUART W & MARY L BRUST	2812 SEDGEWICK DR	LYNCHBURG, VA	24503-3330
SUSAN S DUPUIS	2825 SEDGEWICK DR	LYNCHBURG, VA	24503-3339
THOMAS C & DENISE S GILLETT	2248 TIMBERLAKE RD	LYNCHBURG, VA	24502-6948
VIRGINIA E LOWE	PO BOX 3058	LYNCHBURG, VA	24503-0058
VIRGINIA W ESTATE SETTLE	2529 LINK RD	LYNCHBURG, VA	24503-3009
WACA LLC	1515 LANGHORNE RD	LYNCHBURG, VA	24503-3127
WILLIAM C SR & JANE B WINGFIELD	3001 SEDGEWICK DR	LYNCHBURG, VA	24503-3333
WILLIAM R JR & SHARON G JENNINGS	2304 HERONHILL PL	LYNCHBURG, VA	24503-3312
ST Georges Orthodox Church TRS	1724 LANGHORNE RD	LYNCHBURG, VA	24503
Martin and Betty Miller	1710 LANGHORNE RD	LYNCHBURG,VA	24503
Phyllis Gay	1714 LANGHORNE RD	LYNCHBURG,VA	24503
City Council Member Cary Hunsdon	900 Church Street	LYNCHBURG,VA	24504
City Council Member Joan Foster	900 Church Street	LYNCHBURG,VA	24504
Mayor Michael A Gillette	900 Church Street	LYNCHBURG,VA	24504
City Council Member Jeff Helgeson	900 Church Street	LYNCHBURG,VA	24504
Vice Mayor Ceason T. Johnson	900 Church Street	LYNCHBURG,VA	24504
City Council Member Randolph Nelson	900 Church Street	LYNCHBURG,VA	24504
City Council Member Edgar J. T, Perrow Jr	900 Church Street	LYNCHBURG,VA	24504

The Forum

Writer: Don't violate sanctity of R-1 zoning

Early in the fourth quarter of 2013, there appeared an application for a Conditional Use Permit (CUP) on the residential property of former Lynchburg Mayor Julian Adams, at 1721 Langhorne Road, to allow a 145-foot tall telecommunications tower to be built by AT&T.

What? A cell tower in the middle of a residential area; homeowners shouted "No way!" There was widespread opposition from the beginning. No residential neighborhood should lose its integrity and attractiveness to such an unwanted and questionably needed structure.

The request came before the Lynchburg Planning Commission on Dec. 11 and sparked a two-hour plus debate. The Planning Commission voted to deny the permit.

The matter came before the City Council on Jan. 14. By that time the crescendo of opposition had increased. A string of speakers expressed their opposition at the public hearing phase of the meeting. Once the decision was before City Council, members Jeff Helgeson and Mayor Michael Gillette seemed ready to support it and in no way expressed an inviting attitude to concerned citizens. Council members Randy Nelson, H. Cary, Joan Foster, Turner Perrow and Vice Mayor Ceasor Johnson appeared to be unconvinced that approval was the right thing to do. So rather than a vote to approve or deny, the vote was to require AT&T to look at other options, to hold a meeting with neighborhood residents and to report back to council.

The matter again comes up for vote at the June 10 council meeting that begins at 7:30 p.m.

Do we want to keep Lynchburg beautiful? Literally hundreds of residents will lose their coveted view of the Blue Ridge Mountains. Another concern is the loss in property values. Why should taxpaying citizens lose money to increase AT&T's market share, and why should we sacrifice to increase their net worth? Finally, why should we lose property values so that one local person can make money?

Council would do well to unanimously reject this application. Neighborhoods zoned R-1 throughout the city should pay attention to this matter because your neighborhood could be the next on AT&T's list.

GILLIAM M. COBBS
Lynchburg

To:
Cc:
Bcc:
Subject: Fw: New Info in W&L Law Review about Cell Towers and City's Rights

From: Kimball Payne/CityHall/COL
To: Walter C Erwin/CityHall/COL@col, Kent L White/CityHall/COL@col, Bonnie M Svrcek/CityHall/COL@col
Date: 06/02/2014 05:13 AM
Subject: Fwd: New Info in W&L Law Review about Cell Towers and City's Rights

FYI

Begin forwarded message:

From: "Steve Selby" <spselby@gmail.com>
Date: June 1, 2014 at 11:28:27 PM EDT
To: "Stuart Brust" <sb1035@gmail.com>,"cCaryH" <h.cary@lynchburgva.gov>,"cJohnsonCeasor" <ceasor.johnson@lynchburgva.gov>, "cNelsonRandy" <randy.nelson@lynchburgva.gov>,"cPerrowTurner" <turner.perrow@lynchburgva.gov>
Cc: "cPayneKimball" <kpayne@lynchburgva.gov>,"PestJurgen" <Jurgenpest@comcast.net>, "barbara mayer" <barbalin@comcast.net>,"GilesRichardLinda" <lindagiles@comcast.net>, "BakerRay" <drraybaker@comcast.net>,"John Healy" <johnhealyva@yahoo.com>, "Jon White" <wwatertap@gmail.com>,"gilfield" <gilfield@comcast.net>,"Richard Giles" <dickgiles@comcast.net>, "willneverforget911@comcast.net" <willneverforget911@comcast.net>,"apg36@aol.com" <apg36@aol.com>, "Laura Huckabee" <lqhuckabee@gmail.com>
Subject: New Info in W&L Law Review about Cell Towers and City's Rights

Greetings Council Members,

The city's right to reject cell towers is much broader than council was led to believe in the January 14th council meeting. I have attached a document from the Washington and Lee Law Review that describes the Federal 4th Circuit (our federal circuit) Court's decisions involving rejection of cell towers by localities. In cases in Albemarle county, Fairfax county and Virginia Beach, the 4th Circuit upheld the right of localities to reject inappropriate cell towers. The Law Review says the following about the 4th Circuit's rulings: **"the court has stated that a provider complaining of a single denial has the "heavy burden" of proving that this is "tantamount to a prohibition of service."**AT&T has not met this burden**.** Our city attorney was negligent when he failed to mention any of the 4th Circuit Court rulings when advising council during the January

meeting.

In addition, AT&T has been misleading us about the extent of the coverage problem. The AT&T engineer told us that the objective is to provide service for vehicles traveling on Langhorne and Link Roads. They have presented coverage maps to council and in the neighborhood meeting that do not agree with AT&T's advertised coverage. AT&T's website shows that AT&T's service is at the "Best" or "Good" level along most of the length of these roads. Please see the AT&T coverage map that I have attached to this email. The only places where coverage on these roads is "Moderate" are in the low areas of the Ivy Creek valley.

The "Moderate" coverage portion of Link Road is as far from the proposed tower location as it is from the existing tower at the Comcast office on Linkhorne Road. Note that the Comcast office tower would have greater range than the proposed tower because it is at a higher elevation. The dense foliage and severe terrain of the Ivy Creek valley make it very unlikely that the proposed tower will cover the bottom area of Link Road. However, one or two small antennas located on power poles (look at the left side of Link as you come up from the creek going towards Old Forest Road) could easily cover the small portion of Link Road that now has "Moderate" coverage.

The "Moderate" coverage portion of Langhorne Road is very close to the existing Halsey Road tower. If the Halsey Road tower were used by AT&T, this part of Langhorne Road would achieve the "Best" level of service. The proposed new tower certainly isn't needed to cover this part of Langhorne Road, and the rest of Langhorne Road already has "Good" or "Best" service according to AT&T's own advertised coverage.

I have also attached a description of an outdoor Distributed Antenna System (oDAS) that AT&T proposed for Beverly Hills, California. The document describes how the oDAS network will fill gaps in coverage caused by severe terrain. Beverly Hills has completed a lease agreement with AT&T to deploy this oDAS network. oDAS is an unobtrusive alternative that AT&T is using to fill coverage gaps in other localities, and this technology could be used here as well.

AT&T's competitors don't have a problem with coverage in our neighborhood because they bought spectrum in the 900 MHz band. AT&T bought spectrum in the 1900 MHz band. Radio links at lower frequency simply go farther, and so we have very good coverage throughout the area provided by other carriers. In

the future, all of AT&T's towers in the area will add 4G service which will use the new 700 MHz frequency band, and AT&T's technology will no longer be inferior to its competitors. Our neighborhoods have excellent cellular coverage now, and with no new tower, we will continue to receive the most advanced cellular communications in the future.

In summary, our federal circuit court's rulings give Lynchburg the right to reject inappropriate cell towers when less intrusive alternatives are available. AT&T has not met the heavy burden of proof that this tower is needed. The proposed tower is not needed now or in the future to provide the most advanced service.

Please reject the new cell tower on Langhorne Road because

- It will reduce the value of neighboring properties.
- It is not needed in order to have high quality cell service throughout the area.
- Less intrusive alternatives are available to obtain the same or better coverage.

Please call me if you have any questions about this material.

Thank you for your consideration.

Steve Selby

1672 Langhorne Road

[attachment "AT&T Coverage Map.pdf" deleted by Kent L WhiteCityHallCOL] [attachment "AT&T DAS network for Beverly Hills.pdf" deleted by Kent L WhiteCityHallCOL] [attachment "Untangling the Circuit Splits RegardingCell Tower Siting Policy.pdf" deleted by Kent L WhiteCityHallCOL]

RECEIVED
MAY 30 2014
Council/Manager
Offices

FROM THE DESK OF
DR. RAYMOND C. BAKER, JR.
3317 Dorchester Ct.
Lynchburg, VA 24503

5/29/14

Mayor Michael A. Gillette
Lynchburg City Council
900 Church Street
Lynchburg, Virginia 24504

Dear Mayor Gillette:

I urge you to vote against the application for a CUP for an AT&T cell tower at 1721 Langhorne Road. Such a large commercial structure on private property in an R-1 neighborhood would: (1) reduce property values for all homes in the vicinity, (2) degrade the scenic view-shed that the City promotes as one of Lynchburg's unique qualities, (3) set an unprecedented change in land use in an R-1 neighborhood, and (4) encourage the future construction of such eyesores in the city.

There is no compelling need for a tower at this site. AT&T's one-sided presentation has been disputed by engineers familiar with the technology of wireless communication. There are other more appropriate sites and technologies available. AT&T has yet to provide an adequate explanation why such alternatives haven't been pursued.

In reviewing the video of the 1/14/14, Council meeting, it is apparent a misimpression of the legal standards under which Council should consider this application was created. AT&T's attorney spoke of the "spirit of the Telecommunications Act of 1996" as if the initial approval by the FCC should be determinative and that Council was all but powerless to reject this proposal. This is incorrect, as the Act specifically acknowledges that the final authority remains with local government. Your statement that "the burden of proof is on me to show why I won't allow the tower, not on AT&T to show why we should allow the tower" is based on a faulty interpretation of the relevant law. The only requirement imposed by the Telecommunications Act of 1996 is that "any decision by a State or local government or instrumentality thereof to deny a request…shall be in writing and supported by substantial evidence contained in a written record." This does not change the standard of review under which City Council makes land use decisions. The U.S. Supreme Court has defined substantial evidence as "less than a preponderance of the evidence but more than

a mere scintilla." Thus, City Council would be on solid legal ground in finding that the evidence presented in opposition to AT&T's application constitutes substantial evidence for rejection. Additionally, the Planning Commission's recommendation by a 4-2 vote to reject AT&T's application is further evidence that this proposal should be denied.

You further stated "I have trouble seeing why I could vote against it" after concluding that (1) "Aesthetics out-illegal", (2) "Rezoning-it isn't, so that's out", and (3) "Petition-prohibited by law from relying on a majority vote". There is no law that the majority and aesthetics cannot be part of the decision-making process, they just can't be the sole reason for Council's rejection of the application. There is no argument about rezoning. This tower is a zoning and land-use issue since it proposes an unprecedented commercial structure in a residential neighborhood.

At the meeting, it was suggested that the tower at Perrymont Elementary School was justification for AT&T's application. The tower off Perrymont Road is an entirely different case - on city property designated for institutional and park use rather than on private property in a residential neighborhood. At the 8/13/13 meeting on the Perrymont tower, no presentation was made by the applicant, no one spoke for or against the proposal, and no one on council asked a question. Neighborhood apathy or unawareness of the issue resulted in quick approval. The City will now receive significant financial income from the Perrymont tower.

Former Mayor Julian Adams justifies the application for a tower on his private residential property that will give him a significant financial income each month with the claim that "I'm only trying to help my neighbors." However, the strong neighborhood opposition evidenced by speakers at the City Council meeting and signatures on petitions should refute the notion that this tower is helping his neighbors at all. Allowing such a tower would in fact be harmful to the citizens of this and all other city neighborhoods.

In this case, the diminution of property values, the resultant harm to a scenic view-shed important to the character of our city, overwhelming opposition by the community, unprecedented and far- reaching land use change, questionable benefit from such a large commercial structure when other sites and technologies are available, all compel a vote to deny AT&T's application. Frankly, I have trouble seeing why you or any council member could vote for it.

Respectfully,

Raymond C. Baker, Jr.

Fw: R1 value dilution from zoning study & cell tower issues

Kimball Payne to: Kent L White, Tom Martin 05/30/2014 01:06 PM
Cc: Bonnie M Svrcek

----- Forwarded by Kimball Payne/CityHall/COL on 05/30/2014 01:06 PM -----

From: Stuart Brust <sb1035@gmail.com>
To: cCaryH <h.cary@lynchburgva.gov>, cFosterJoan <joan.foster@lynchburgva.gov>, cGilletteMichael <michael.gillette@lynchburgva.gov>, cHelgesonJeff <jeff@jeffhelgeson.com>, cJohnsonCeasor <ceasor.johnson@lynchburgva.gov>, cNelsonRandy <randy.nelson@lynchburgva.gov>, cPayneKimball <kpayne@lynchburgva.gov>, cPerrowTurner <turner.perrow@lynchburgva.gov>, BakerRay <drraybaker@comcast.net>, CobbsGil <gilfield@comcast.net>, GilesLInda <lindagiles@comcast.net>, HealyJohn <johnhealyVa@yahoo.com>, huckabee <lqhuckabee@gmail.com>, MayerBarbara <barbalin@comcast.net>, PestJurgen <Jurgenpest@comcast.net>, SelbySTeve <spselby@gmail.com>
Date: 05/30/2014 10:58 AM
Subject: R1 value dilution from zoning study & cell tower issues

Lynchburg City Council Members 5.30.2014
re: Cell towers and zoning changes

There are two processes working their way through the city government that seem to dilute the value of R1 property.

The first is the CUP regarding the Langhorne Road cell tower in a R1 zoned area

The second is a current zoning study to blend R1 and R2 regarding housing density. It would appear that a empty area of 1 acre in a R1 could be used for 4 housing units if this zoning change is allowed.

Lynchburg's tax base may increase with higher density housing and cell towers. But why do this at the expense of those who chose and invested in R1 property and have paid those higher taxes over the years. Stability is a better long term investment principle to maintain Lynchburg's qualities.

The city reaps the rewards of charitable donations and fine neighborhoods that come from individuals who have invested in the qualities that Lynchburg has to offer.

Lynchburg has invested in upgrading the downtown and adjacent residential areas. Those are examples of positive projects. Diluting R1 residential value is a backward step.

Respectfully submitted

Stuart Brust
2812 Sedgewick Dr.
Lynchburg 24503

cc Langhorne Road Neighborhoods Group

FROM THE DESK OF
DR. RAYMOND C. BAKER, JR.
3317 Dorchester Ct.
Lynchburg, VA 24503

4/2/14

Mayor Michael A. Gillette
Lynchburg City Council
900 Church Street
Lynchburg, VA 24504

RECEIVED
APR - 2 2014
Council/Manager
Offices

Dear Mayor Gillette:

I ask that you read this final letter from me summarizing the position of the majority of residents in the area of the proposed cell tower to be constructed on former mayor Julian Adams' Langhorne Road residential property:

1. We have no objection to AT&T wanting to improve wireless service to their customers. We object to a commercial structure being placed on R-1 zoned residential property. AT&T has other options - there are already cell towers in the area on commercial property that could be used by AT&T as well as other technologies available to AT&T to improve their service.
2. Other wireless carriers, such as my service with Verizon Wireless, have excellent service in this area without placing large towers in residential neighborhoods.
3. Neighborhood residents who bought houses in this area for the beautiful scenery the area offers could now have a massive tower structure marring the landscape. These residents pay significant property taxes for the privilege to enjoy the beautiful scenery and will find their property values negatively affected by a large tower in the neighborhood.
4. We are skeptical of former mayor Adams' statement that he is only trying to help his neighbors get better wireless

service. Rumors have him being paid as much as $96,000 per year by AT&T when this tower on his property is completed. Financial gain is more likely driving his efforts than any concern for his neighbors.

5. The Planning Commission voted 4-2 to reject this project and nearly two hundred neighborhood residents signed a petition asking City Council to reject AT&T's application for a CUP for the tower. Listen to the people. They are telling City Council that cell towers should not be put in residential neighborhoods.

I have heard that the late Lynchburg mayor, "Coach" Jimmie Bryan began each Council meeting with: "It's a great day to be alive in Lynchburg, Virginia." He personified for many Lynchburg residents the type of person we want representing us in local government – someone unselfish, humble, and optimistic who will always put the rights of the residents of Lynchburg above any other interests. Would former mayor Jimmie Bryan have thought it appropriate to put a 145' cell tower in his back yard if it had 24 acres? Would you think it appropriate for you to put a cell tower in your backyard? R-1 neighborhoods are not appropriate locations for large commercial structures. It's just that simple.

Sincerely,

Raymond C. Baker, Jr.

Fwd: Alternative to Residential Cell Tower on Langhorne Rd
Tom Martin
to:
Kevin T Henry
03/30/2014 09:13 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col

Sent from my iPhone

Begin forwarded message:

> **From:** "Kimball Payne" <kpayne@lynchburgva.gov>
> **Date:** March 30, 2014 at 1:42:55 PM EDT
> **To:** "Kent L White" <Kent.White@lynchburgva.gov>,"Tom Martin" <tom.martin@lynchburgva.gov>
> **Cc:** "Bonnie M Svrcek" <bonnie.svrcek@lynchburgva.gov>
> **Subject: Fwd: Alternative to Residential Cell Tower on Langhorne Rd**

> FYI

> Begin forwarded message:

> **From:** "Steve Selby" <spselby@gmail.com>
> **Date:** March 30, 2014 at 12:18:37 PM EDT
> **To:** "Stuart Brust" <sb1035@gmail.com>
> **Cc:** "cHelgesonJeff" <jeff@jeffhelgeson.com>,"cCaryH" <h.cary@lynchburgva.gov>, "cFosterJoan" <joan.foster@lynchburgva.gov>,"cJohnsonCeasor" <ceasor.johnson@lynchburgva.gov>, "cNelsonRandy"

<randy.nelson@lynchburgva.gov>,"cPerrowTurner"
<turner.perrow@lynchburgva.gov>, "cPayneKimball"
<kpayne@lynchburgva.gov>,"cGilletteMichael"
<michael.gillette@lynchburgva.gov>, "PestJurgen"
<Jurgenpest@comcast.net>,"barbara mayer" <barbalin@comcast.net>,
"GilesRichardLinda" <lindagiles@comcast.net>,"BakerRay"
<drraybaker@comcast.net>
Subject: Alternative to Residential Cell Tower on Langhorne Rd

Dear Council Members and Neighbors,

I want to make you aware of another option to provide high quality cellular coverage throughout the Ivy Creek valley that requires no additional cell towers.

You can get a better understanding of the coverage issues by looking at the maps on AT&T's website at this link.
http://www.att.com/maps/wireless-coverage.html#fbid=QEIdbFApJW3.
You can zoom right in from the whole U.S. to Lynchburg and Langhorne Road to clearly see the service level along each street in the area. I have to wonder why the maps that AT&T has provided to council are so bad.

The map on the website shows a region of "Moderate" coverage extending along the Ivy Creek valley from Langhorne Road to near Peaksview Park. Councilman Cary found that living in this zone of "Moderated" coverage meant that he had AT&T service outside but not inside his house. That's really good because AT&T has a low cost solution to provide coverage inside residential houses. They sell an in-home microcell for about $200 that brings inside signal level to 5 bars. You can see more about this device at this link,
http://www.att.com/standalone/3gmicrocell/?fbid=TOw66kD0fEB.
AT&T could provide this microcell to every home in the Moderate coverage area at much lower cost than building a new tower. In other cities, AT&T has provided these microcells without charge to customers living in areas where additional cell towers are not appropriate.

You can see a review of the AT&T microcell at this link.
http://geekbeat.tv/review-att-3g-microcell/.
This reviewer tries it and is quite happy. The microcell is a good solution for AT&T customers who live in our "Moderate" coverage area.

Looking at the map in more detail, the zone of "Moderate" coverage is divided into roughly equal areas on each side of Link Road. If the proposed tower coverage has similar to the coverage to the tower at the Comcast office on Linkhorne Road, it will not improve the "Moderate" zone on the west side of Link Road. Counting houses on Google map shows that the proposed tower on residential property would leave approximately 200 houses with "Moderate"

coverage. If existing towers were fully utilized instead, approximately 50 additional houses would remain in "Moderate" coverage zones. This isn't a big difference. The proposed tower on residential property requires a major departure from existing zoning regulations, and yet it doesn't significantly change the number of houses that will remain in "Moderate" coverage zones. On the other hand, both the in-home microcell option and the DAS network option would provide 5 bar coverage to every home in the area with no change in zoning.

Residents do not pay premium prices to live in the secluded Ivy Creek valley because it has the best cell phone coverage. They choose it because of the pleasant, remote, residential character of its neighborhoods. There are options that will provide excellent cell service for everyone without towers in residential areas. Please preserve the character of these neighborhoods by rejecting the zoning waiver for the proposed tower.

Thank you for your consideration,

Steve Selby

On Thu, Mar 20, 2014 at 3:06 PM, Stuart Brust <sb1035@gmail.com> wrote:
Jeff:
As per your suggestion I drove by Perrymont School. The tower shaft is up, but the service antennas apparently have not been hung yet.
As it stands now (or even when decorated with antennas and lodgepole branches), it is a visually satisfactory result when viewed from the school parking lot. Currently a nice bank of mature trees essentially obscures the tower.

The proposed Langhorne road location presents a different setting. Dorchester court and especially the houses at the end of Oriole place really get an eyeful. Other homes a also impacted. The topography of this area presents a tree canopy that is in a different ballpark visually from Perrymont. The Langhorne Road area sells at premium prices in part because it has the spacious scenic vistas and it's R-1. The tranquility of the homeowners is augmented by this scenery. It is why they chose and paid the price for the house along with the yearly taxes.

The proposed cell tower would be the defining feature above the tree canopy. Stealth will not hide it.

Respectfully submitted

Stuart Brust
2812 Sedgewick Drive
Linkhorne Forest

Fwd: Linkhorne area cell tower
Tom Martin
to:
Kevin T Henry
03/28/2014 01:22 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col

Sent from my iPhone

Begin forwarded message:

From: "Kimball Payne" <kpayne@lynchburgva.gov>
Date: March 28, 2014 at 12:59:13 PM EDT
To: "Kent L White" <Kent.White@lynchburgva.gov>,"Tom Martin" <tom.martin@lynchburgva.gov>
Cc: "Bonnie M Svrcek" <bonnie.svrcek@lynchburgva.gov>
Subject: Fwd: Linkhorne area cell tower

FYI

Begin forwarded message:

From: "H Cary III" <H.Cary@lynchburgva.gov>
Date: March 28, 2014 10:30:29 AM EDT
To: "cmwing@comcast.net" <cmwing@comcast.net>
Cc: "Michael A Gillette" <Michael.Gillette@lynchburgva.gov>,"Ceasor T Johnson" <Ceasor.Johnson@lynchburgva.gov>, "PE Edgar J. T. Perrow" <tperrow@wwassociates.net>,"Jeff Helgeson" <mail@jeffhelgeson.com>, "Randy Nelson" <Randy.Nelson@lynchburgva.gov>,"Joan F Foster"

<Joan.Foster@lynchburgva.gov>, "Kimball Payne" <kpayne@lynchburgva.gov>
Subject: Fwd: Linkhorne area cell tower

Dear Mr. & Mrs. Wingfield:
Thank you for your email. Please see my email to Mrs. Raines below. I stand with you in opposition to the AT&T proposed cell tower!
"H" Cary

Subject: Re: Linkhorne area cell tower

Dear Mrs. Raines:
Thank you for your email regarding AR&T's proposed cell tower. I didn't like the plan when it first was broached and even less after seeing the balloon @ 140 feet!
You are correct, there are other alternative sites available which would not negatively impact one of Lynchburg's nicest residential neighborhoods.
I stand with you and so many of your neighbors in opposing the cell tower!
Thanks for writing!
"H"

Hunsdon "H" Cary
Lynchburg City Councilman (At-Large)

Please vote Cary on May 6th!

Sent from my iPhone in Lynchburg VA.

On Mar 27, 2014, at 2:19 PM, JIMSHIR@aol.com wrote:
Dear Mr. Cary,

Please do not vote for AT&T to be permitted to build a cell tower in the Linkhorne Forest area. There are several places nearby where similar commercial structures are already in place. Surely AT&T could find a satisfactory space in one of these areas and leave our beautiful neighbor as it is. If this construction is allowed, then what other future invasions might we have to avoid?

Thank you for your service to the Lynchburg community. I fervently hope you can understand this neighborhood's concern.

Sincerely,
Shirlee D. Raines

Fwd: Langhorne Rd. cell tower
Tom Martin
to:
Kevin T Henry
02/26/2014 08:50 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col

FYI

Sent from my iPhone

Begin forwarded message:

From: "Kimball Payne" <kpayne@lynchburgva.gov>
Date: February 26, 2014 at 8:31:41 PM EST
To: "Kent L White" <Kent.White@lynchburgva.gov>,"Tom Martin" <tom.martin@lynchburgva.gov>
Cc: "Bonnie M Svrcek" <bonnie.svrcek@lynchburgva.gov>
Subject: Fwd: Langhorne Rd. cell tower

FYI

Begin forwarded message:

From: "H Cary III" <H.Cary@lynchburgva.gov>
Date: February 26, 2014 8:24:54 PM EST
To: "Kara Rooney" <doctorroo@comcast.net>
Cc: "Michael A Gillette" <Michael.Gillette@lynchburgva.gov>,"Ceasor T Johnson" <Ceasor.Johnson@lynchburgva.gov>, "P.E. Edgar J. T. Perrow" <tperrow@wwassociates.net>,"J. Randolph Nelson" <jrnelsonlaw@aol.com>, "Joan F Foster" <Joan.Foster@lynchburgva.gov>,"Jeff Helgeson" <mail@jeffhelgeson.com>, "Kimball Payne" <kpayne@lynchburgva.gov>

Subject: Re: Langhorne Rd. cell tower

Dr. Rooney:
I saw the abloom this morning and share your concern!
Thanks for sharing your opinion with me.
Best Wishes,
"H"

Hunsdon "H" Cary
Lynchburg City Councilman
At-Large

Sent from my iPhone in Lynchburg VA.

> On Feb 26, 2014, at 7:57 PM, "Kara Rooney" <doctorroo@comcast.net> wrote:
>
> Dear City Council,
> I want to express my deep concern for the proposed cell tower on Langhorne Rd. I observed the balloon floated today and I am appalled at the height of the tower. It is behemoth! This tower is going to be a visual blight in a very scenic part of this city. In my research, AT&T does not have a sufficient lack of coverage to warrant such an intrusion.
>
> I grew up in this city and returned to raise my family here, amidst natural beauty, heritage and good neighbors. Cell phone towers don't make good neighbors.
>
> Please take my concerns into consideration.
>
> Sincerely,
> Kara Rooney, MD

Fwd: cell tower conversation
Tom Martin
to:
Kevin T Henry
02/24/2014 09:45 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col

Sent from my iPad

Begin forwarded message:

From: "Kimball Payne" <kpayne@lynchburgva.gov>
Date: February 24, 2014 at 9:29:19 PM EST
To: "Kent L White" <Kent.White@lynchburgva.gov>,"Tom Martin" <tom.martin@lynchburgva.gov>
Cc: "Bonnie M Svrcek" <bonnie.svrcek@lynchburgva.gov>
Subject: Fwd: cell tower conversation

FYI

Begin forwarded message:

From: "Stuart Brust" <sb1035@gmail.com>
Date: February 24, 2014 7:06:01 PM EST
To: "SelbySTeve" <spselby@gmail.com>,"BakerRay" <drraybaker@comcast.net>,"GilesRichardLinda" <lindagiles@comcast.net>, "barbara mayer" <barbalin@comcast.net>,"PestJurgen" <Jurgenpest@comcast.net>, "cPerrowTurner" <turner.perrow@lynchburgva.gov>,"cCaryH" <h.cary@lynchburgva.gov>,

Fwd: Conditional Use Permit Application by AT&T Mobility for 1721 Langhorne Road
Tom Martin
to:
Kevin T Henry
01/14/2014 02:33 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col

Security:

To ensure privacy, images from remote sites were prevented from downloading. Show Images

FYI

Sent from my iPhone

Begin forwarded message:

> **From:** "Kimball Payne" <kpayne@lynchburgva.gov>
> **Date:** January 14, 2014 at 2:32:17 PM EST
> **To:** "Wiegard, Maxwell H." <MWiegard@gentrylocke.com>
> **Cc:** "Walter C Erwin" <walter.erwin@lynchburgva.gov>,"Paul Robnett (P.Robnett@velocitel.com)" <P.Robnett@velocitel.com>, "Tom Martin" <tom.martin@lynchburgva.gov>,"Kent L White" <Kent.White@lynchburgva.gov>
> **Subject: Re: Conditional Use Permit Application by AT&T Mobility for 1721 Langhorne Road**
>
> Thank you. I have forwarded your email to City Council.
>
> On Jan 14, 2014, at 2:19 PM, "Wiegard, Maxwell H." <MWiegard@gentrylocke.com> wrote:
>
> Mr. Payne,
>
> My name is Max Wiegard. My firm represents AT&T Mobility in connection with the

Gmail by Google

Lynchburg Cell tower Balloon test on Langhorne Rd.

Stuart Brust <sb1035@gmail.com> Thu, Feb 20, 2014 at 6:32 PM
To: p.robnett@velocitel.com

Mr Robnett:
It wasn't clear in your letter of 2.14.2014 the actual location of "the meeting". Hopefully Julian Adams has a carport in case of inclement weather. Would you consider having the balloon test from 9:00 Am to 10:00am. This could be followed by a meeting then or at a later date in a setting conducive to group communication, perhaps out of the weather? This will also lead to better understanding and meaningful communications with our Council Members.

Appreciate your efforts.

Stuart Brust

Stuart Brust <sb1035@gmail.com> Thu, Feb 20, 2014 at 6:33 PM
To: SelbySTeve <spselby@gmail.com>, GilesRichardLinda <lindagiles@comcast.net>, BakerRay <drraybaker@comcast.net>, PestJurgen <Jurgenpest@comcast.net>, barbalin@comcast.net

[Quoted text hidden]

---

barbara mayer <barbalin@comcast.net> Fri, Feb 21, 2014 at 12:07 AM
To: Stuart Brust <sb1035@gmail.com>
Cc: Steve Selby <spselby@gmail.com>

I don't know why we are to meet at Adam's "site" unless it's a convergence point. Isn't the time a bit constrained between 9AM and 10AM? Or is that just the initial float? Nevertheless, I'm inviting everyone to get in a van or two, or three, and come down to my house at 2700 Sedgewick Dr., where we can see what a 145" tower would look like from here, then leave from here to view other affected sites. Also, we should visit the other proposed alternative tower sites. IE: Langhorne Rd. ,etc. The designated neighborhood meeting should be held later. Barbara Mayer P.S could you please forward this to the appropriate people, and cCouncil if you have their addresses. If not, let me know so I can do so. Thanks for what you're doing.! We could use you two on Council. B

[Quoted text hidden]

Questions for ATT 17.2014

The majority of concerns are now from an engineering and options standpoint. This is not an area of expertise for the lawyer who presented at the hearing. Council would benefit from an engineer's expertise and presentation.

*****A lot of the resident anxiety is due to concern of the unknown. Please advise line of sight residents of the proposed day for the balloon demonstration during the winter when the leaves are off. They will be able to see for themselves what impact 145 feet represents from the setting of their homes.

Another concern would be the proposed Langhorne Rd. site becoming a telecommunications center with multiple installations.

Granted the conditional use permit is not a rezoneing attempt, but for the line of sight and adjacent homes it is a degradation of what R-1 implies with regards to housing values.

There is a need to clarify the location of access and construction roads. How much of the area will be disturbed for site preparation and will adequate measures be in place to minimize impacts on the Ivy Creek flood plane and water shed.

How reliable is desktop engineering for signal reception when it is the basis for ATT's tower location requests.

What have other companies done to serve the area? Certainly ATT has the expertise equal to their competitors.. ATT's information regarding options is tailored to use this site which may not be the only option to best serve all interested parties.

Having your own tower provides income when space is subleased to other providers. .If ATT has the problem, can a single skinny straight up pole (like the one behind the church on Timberlake Rd) be used with out the battery of side mounted antennas?

Fully resolve the lighting issue before the permit is issued.

If revision of the proposal can address the concerns of the nearby residents, then similar installations through the city will face less opposition

This is not a emergency request. Taking an appropriate amount of time to study the alternatives including 'DOS' distribution technology will give Lynchburg the best result that we will have to live with in multiple locations.

Stuart Brust

Lyn Comm. Dev.

1/18/14

Mayor Michael A. Gillette:

In retort to the Lynchburg City attorney's opinion that the AT&T application for construction of a cell tower in the Langhorne Road residential area could not be rejected, please review FCC Section 332(c)(7) of the Communications Act, which states clearly that the Act "preserves State and local authority over zoning and land use decisions for personal wireless service facilities". Local authorities may not discriminate among providers and the Act preempts "local decisions premised directly or indirectly on the environmental effect of radio frequency emissions". There is no wording by the FCC that prevents City Council from rejecting this proposed cell tower because it: (1) is unaesthetic in an established residential neighborhood, (2) will lower property values in the area, (3) doesn't solve AT&T reception/transmission difficulties, (4) will only benefit a small number of people, (5) is opposed by the majority of area residents, (6) other less invasive alternatives are available to AT&T to solve their problem that is not a problem for other cell phone companies, (7) adjoins a potential future nature trail/bike-walk path at Ivy Creek, etc.

cc: Ms. Payne
W. Ewing

The FCC also allows AT&T to partner with other mobile service companies to use already existing structures. Whatever the financial benefit former Councilman Adams will receive from this venture is in total disregard to the wishes of the residents he formerly agreed to serve.

Do what is best for the Langhorne Road residents and supported by the vast majority of those residents – REJECT THIS PROPOSAL.

Respectfully,

Raymond C. Baker, Jr.
3317 Dorchester Court

RECEIVED
JAN 24 2014
Council/Manager Offices

Fwd: Corrections from January 14th Council Meeting on Langhorne Rd Cell Tower
Tom Martin
to:
Kevin T Henry, Robin E Craig, Anne Leslie Nygaard
01/26/2014 05:57 PM
Hide Details
From: Tom Martin/CityHall/COL

To: Kevin T Henry/CityHall/COL@col, Robin E Craig/CityHall/COL@col, Anne Leslie Nygaard/CityHall/COL@col

Robin please check property owner notifications

Sent from my iPhone

Begin forwarded message:

> **From:** "Kimball Payne" <kpayne@lynchburgva.gov>
> **Date:** January 26, 2014 at 1:06:53 PM EST
> **To:** "Kent L White" <Kent.White@lynchburgva.gov>,"Walter C Erwin" <walter.erwin@lynchburgva.gov>, "Tom Martin" <tom.martin@lynchburgva.gov>
> **Subject: Fwd: Corrections from January 14th Council Meeting on Langhorne Rd Cell Tower**
>
> FYI
>
> Begin forwarded message:
>
> **From:** "Steve Selby" <spselby@gmail.com>
> **Date:** January 26, 2014 10:38:48 AM EST
> **To:** H.Cary@lynchburgva.gov
> **Cc:**
> Joan.Foster@lynchburgva.gov,Michael.Gillette@lynchburgva.gov,"cHelgesonJeff" <jeff@jeffhelgeson.com>, "cJohnsonCeasor" <cwasor.johnson@lynchburgva.gov>,Randy.Nelson@lynchburgva.gov, Turner.Perrow@lynchburgva.gov,kpayne@lynchburgva.gov,"PestJurgen"

<Jurgenpest@comcast.net>, "barbalin@comcast.net"
<barbalin@comcast.net>,"BakerRay" <drraybaker@comcast.net>,
"lindagiles@comcast.net" <lindagiles@comcast.net>
Subject: Corrections from January 14th Council Meeting on Langhorne Rd Cell Tower

It was disconcerting to hear inaccurate information provided to council after the public portion of the January 14th meeting closed. I'm sure that council wants to make decisions based on accurate information. I have listed corrections for several important issues for which the information presented created a false impression.

The city has authority to reject cell towers in residential areas. There is a requirement to allow a cellular service company to provide coverage. This is not the same as a requirement to allow a tower to be built on residential property. The city attorney did not make this distinction clear. Because there are viable alternatives that can provide coverage of the residential area, rejecting the tower will not deny the ability to provide coverage. Many cities and towns have successfully rejected cell towers. This link provides a list of some of them.
http://www.nobriarlaketower.org/links#SuccessfulTowerOpposition

Distributed Antenna Technology (DAS) can provide the very best residential cell coverage possible. There is no question that DAS technology can provide the highest capacity cellular coverage with much less visual impact on our neighborhoods. DAS is the next step in an ongoing industry trend toward higher capacity using more, smaller sites. DAS networks are currently installed in residential areas around the country where towers have been rejected. DAS networks currently cost more to deploy in low density areas; however, the cost of property value degradations caused by large cell towers in residential areas offsets the installation cost difference. Also, the cost of DAS equipment is falling rapidly. DAS is a legally viable alternative to large towers in residential areas.

A 145 ft tall cell tower is not stealth. In the meeting, it was correctly established that putting artificial tree branches on a large tower does not make it stealthy. The property owner then described an undecorated cell tower as a "single pole". Unfortunately, a cell tower is a single pole with a massive antenna array on top. With antennas for multiple providers, the antenna array is about 10 feet wide by 40 feet long. The city strictly regulates bill boards in commercial areas that are much smaller and lower than this. Such a redefinition of the word stealth would be dubious from a legal perspective.

Pictures provided by AT&T are misleading. The city planning office employee told council that he had verified that the pictures provide to council by AT&T are good representations taken from "the high ground". I don't know why he said this, but I can show you that this is not true for either of the pictures on Langhorne Road. The picture of 1721 Langhorne Road is from well below the level of every house on the street except one. It does not represent the high ground. The picture of 1603 Langhorne Road is not even facing in the direction of the proposed tower. Both these pictures from my street are misleading. I am surprised that a city employee would become such an advocated for one side in a disagreement between citizens. It does not serve council's need for accurate information well.

In addition to the corrections from the meeting, I have the following requests.

Improve notification of neighbors about zoning related activities. Even though I look directly out of my front door at the front door of 1721 Langhorne Road, I have received no information from AT&T or the city about the cell tower project. The area required for notification is too small for construction that will be 145 ft tall. Please change the rule for the distance for notification to be proportional the height of the proposed construction.

Require information on all towers in a network upfront. The proposed tower on Langhorne Road is likely to cover less than half of the hole in coverage along Ivy Creek. As was suggested in the meeting, additional towers will be needed to cover the full area. It is easier for AT&T to fight one neighborhood at a time, but the citizens of Lynchburg deserve to know the whole plan before individual sites are approved.

Thank you for your time.

Steve Selby

1672 Langhorne Road

384-6780

On Thu, Jan 23, 2014 at 8:10 PM, <H.Cary@lynchburgva.gov> wrote:
Dr. Burst:

Thank you for your cover letter and the attached listing of questions regarding the Langhorne Rd site proposed. AT&T does have a coverage problem in that area - I know from personal experience! - but I question whether this location is optimal. Other carriers have good coverage w/o having a tower in the middle of an R-1 area.

It was good to see you in the audience on 1/14 and thanks for your comments then and now.

Sincerely,
"H"

"H" Cary
Lynchburg City Councilman (At-Large)

Sent from my iPhone in Lynchburg VA.

On Jan 21, 2014, at 8:42 AM, "Stuart Brust" <sb1035@gmail.com> wrote:

Please see attachments

Stuart Brust
<cell tower cover letter v1.6.pdf>
<cell tower ATT questions for Council v1.5.pdf>

Memorandum

To: Kevin Henry, Community Planning and Development

From: Klaus Schreiber

Date: 5/30/2014

Re: Tree height

Tree heights at 1721 Langhorne Rd.

As Urban Forester for the City of Lynchburg, I have looked at the trees in the back of this property around the mowed area where AT&T proposes to construct its cell tower and estimate that the height of the trees that make up the dominant canopy does not exceed ninety (90) feet.

If you need further information, please let me know.

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Everyday unlimited DOUBLE manufacturer's coupons (with Kroger Plus Card) up to 50c in face value.

Pre-Registration for Kindergarten LCS Lynchburg City Schools Wednesday, April 23rd • 9:00am-3:00pm

Balloon test redone for controversial cell tower proposal in Lynchburg

Parker Michels-Boyce

A balloon sears the sky that will be above a proposed cell tower off Langhorne Road in Lynchburg

Parker Michels-Boyce

Posted: Wednesday, February 26, 2014 11:15 pm

Alicia Petska

A little red balloon bobbed in the air over Langhorne Road on Wednesday — a small symbol of a big point of contention brewing in the neighborhood.

The balloon, which hung in the air for about an hour, is connected to the proposal

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Chicago

AT&T attorney Max Wiegard (left) and nearby resident Steve Selby look up at a balloon marking the location of a proposed cell tower off Langhorne Road.

View all 2 images in gallery.

to build a new AT&T cell tower in the woods behind 1721 Langhorne Road.

The proposal, pending before City Council, is drawing opposition from neighbors who say a tower would mar the landscape and clash with the area's residential setting.

AT&T said the 145-foot tower would allow it to shrink a coverage gap and better serve the city. The company said it reviewed several sites, and selected this one because it's in a wooded area set back from neighbors.

The balloon test, which was requested by council, was meant to illustrate how tall the tower would be and how visible it'd be to others.

The balloon was flown up to 145 feet and used as a marker for photos taken from around the neighborhood. AT&T later will superimpose the image of a tower into the photos to create a simulation of how it will appear from other properties.

This test was done once before, but at a time when the trees were green with leaves. Council requested current photos without the shield of foliage. It also asked for photos taken directly from neighbors' property. Earlier photos were taken from public property only.

AT&T invited the neighborhood to come see the test and meet with representatives onsite.

Gill Cobbs, one of those against the tower, said the demonstration just proved how noticeable the structure would be.

"The height was even greater than I thought and more visible than I thought it would be," said Cobbs, who also is a former city councilman.

"It just stands out like a sore thumb, and a lot of people built in this area because of the viewshed and the view of the mountains. I'm hoping something can be done where it's either drastically lowered or maybe moved to a more suitable place that is already zoned for industrial-commercial."

The tower, if approved, would be built in the backyard of Julian Adams, owner of 1721 Langhorne Road.

Adams, a former city mayor, said he put AT&T through the wringer before agreeing to the idea.

"I wanted to make sure it could be done in a way that minimizes the effect on my neighbors and on me," he said. "I'm the closest one to it."

Adams said he was satisfied the tower won't be intrusive, and said he wouldn't be able

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Current Conditions

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Your Extended Forecast

Today — WINDY — High 40°/Low 15° — Windy with a mix of sun and clouds

Tomorrow — High 38°/Low 26° — More sun than clouds

Saturday — High 49°/Low 32° — Rain and snow showers

Sunday — High 63°/Low 41° — Cloudy

7 Day Forecast

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Click here

to see it unless he stood on his rear driveway and looked for it.

Cell towers aren't necessarily popular, he said, but they are necessary to the way people live today.

"I've got a telephone pole out there in my front yard," he said. "But I like having electricity. This is a part of living with all of the conveniences of modern civilization."

Other neighbors asked why AT&T can't co-locate equipment on one of the existing towers serving the area. Towers often can accommodate more than one provider.

In addition to the balloon test, council also asked AT&T to consider a short list of other sites or possibly a different, smaller type of infrastructure suggested by one neighbor in a public hearing.

Council also asked the company to hold a neighborhood meeting, which it had not done before.

Max Wiegard, a Roanoke attorney representing AT&T, said the company is working to complete its analysis of the alternate locations and ideas raised by council.

Once that is complete, a neighborhood meeting will be scheduled, he said.

Contact Alicia Petska at (434) 385-5542 or apetska@newsadvance.com.
Follow her on Twitter: @AliciaPetska

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Print

Posted in Local on *Wednesday, February 26, 2014 11:15 pm.*

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"I've got a telephone pole out there in my front yard," he said. "But I like having electricity. The TELEPHONE POLE is NEVER as tall as a cell tower. What an idiot the lawyer is. Stand up to these people before they run us over. I bet the lawyer does NOT have a tower in his neighborhood and never will because he would go to court to prevent iL

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LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 11

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Strategic Prevention Framework State Incentive Grant (SPF-SIG)**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City/Federal/State Aid Fund budget and appropriate $139,332 with resources from the Virginia Commonwealth University (VCU) Strategic Prevention Framework State Incentive Grant (SPF-SIG) to help reduce the number of alcohol-related crashed involving drivers between the ages of 15 and 24.

SUMMARY: Funding for SPF-SIG has been continued through June 30, 2015. This grant provides funding for a full-time Prevention Specialist who coordinates and/or provides programs, services and activities to: 1) prevent the onset and reduce the progression of substance abuse, including childhood and underage drinking; 2) reduce substance-related problems in communities; and 3) build prevention capacity and infrastructure at the local level. Funding from the grant has been used for various activities, such as awareness campaigns, training for local bartenders and additional DUI checkpoints. The total number of crashes in the City of Lynchburg in 2013 decreased by about 250. Additionally, crashes with property damage fell from 970 to 801. Grant funding will allow these efforts to continue.

PRIOR ACTION(S): January 24, 2012 Finance Committee
March 13, 2012 City Council Meeting
May 27, 2014 Finance Committee

FISCAL IMPACT: None, no local match is required

CONTACT(S): Tamara Rosser, Director of Human Services, 455-5794; Frank Diaz, Prevention Specialist/Grant Coordinator

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2014 City/Federal/State Aid Fund budget is amended and $139,332 is appropriated with resources from the Virginia Commonwealth University (VCU) Strategic Prevention Framework State Incentive Grant (SPF-SIG) to help reduce the number of alcohol-related vehicle crashes involving drivers who are between 15 and 24 years of age.

Introduced: May 27, 2014 Adopted:

Certified: _____
Clerk of Council

074K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 12

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Appropriation of Additional Social Services Funding**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City/Federal/State Aid Fund budget and appropriate $15,000 with resources from State Department of Social Services to address the backlog of Medicaid applications.

SUMMARY: The Virginia Department of Social Services allocated one-time funding in FY 2014 to pay for overtime to address the backlog of Medicaid/FAMIS applications local departments of social services are currently experiencing. The City of Lynchburg had 300 overdue Medicaid applications.

PRIOR ACTION(S): May 27, 2014, Finance Committee

FISCAL IMPACT: None, no local match is required

CONTACT(S): Tamara Rosser, Director of Human Services, 455-5794; Robin Mamola, Accountant, 455-5769

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2014 City/Federal/State Aid Fund budget is amended and $15,000 is appropriated with resources from the State Department of Social Services to address the backlog of Medicaid applications.

Introduced: June 10, 2014 Adopted:

Certified: _____
Clerk of Council

075K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 13

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **WebEOC Expansion Project**

RECOMMENDATION: Adopt a resolution to amend the FY 2014 City/Federal/State Aid Fund budget and appropriate $77,876, with resources of $20,938 reimbursable from the Virginia Department of Emergency Management FY2013 Emergency Management Performance Grant (EMPG) and $56,938 from the Capital Improvement Projects Miscellaneous Radio Replacement Fund, to purchase, install, configure and oversee operation of the WebEOC® *Professional* incident management system. Furthermore, approve the conversion of the part-time Watch Officer position to full-time.

SUMMARY: In 2013 Council authorized the purchase of WebEOC® *Town Square*™ incident management system. WebEOC *Town Square* came ready to use with status boards, ICS forms, and FEMA forms to help manage emergencies and special events. The WebEOC *Town Square* license only allows for up to 50 named users and does not allow existing boards to be altered or new information sharing boards to be configured. Even with its limitations, WebEOC *Town Square* has proven to be an invaluable tool for sharing information throughout City departments during a critical incident.

WebEOC® *Professional* is a web-enabled and locally-configurable incident and event management system. With access to the Internet, authorized emergency managers and first responders, regardless of location, can enter and view incident information in WebEOC status boards. WebEOC *Professional* includes a license for unlimited users and the ability to reconfigure existing and create new information sharing boards. With the added features of WebEOC *Professional* the City will be able to expand the information sharing process during critical incidents from just City departments to other response partner organizations within the City such as the American Red Cross, hospitals, local schools and institutions of higher learning. The vastly improved methods of sharing critical incident information will greatly improve this community's ability to react to and recover from disaster situations.

Up until last year, the City's Emergency Management function was accomplished primarily through additional duties being assigned to existing staffing. Beginning last year, EMPG funds were used to establish a part-time Emergency Management staff position (the Watch Officer). This position has been responsible for maintenance and upkeep on the existing WebEOC *Town Square* along with a variety of additional tasks (see attachment). With the expansion of the Emergency Management program in general and more specifically the expanded use of WebEOC, the need to have trained staff capable of configuring and maintaining the more complex system becomes more critical to the overall success of the program. As such, it is time to consider converting the existing part time position to a full time position. EMPG funds will still be utilized to partially fund the position, however $16,000 in additional funding is included in this request to fully cover funding for the position through FY 2015. The additional funds necessary to maintain the position in future years would be included in the Emergency Services General Fund budget.

PRIOR ACTION(S): Finance Committee May 27, 2014

FISCAL IMPACT: There is a 50% match on the grant obtained for the licensing costs of the product ($20,938). There is an additional installation, setup and training cost of $20,000, and additional money to increase the Watch Officer position from part time to full time ($16,000) for a total Lynchburg City cost of $56,938. Initial funding will come from capital funds previously set aside for radio replacements. Funding for the Watch Officer

position will be included in future Emergency Services budgets.

CONTACT(S): William A. Aldrich, Director, Department of Emergency Services, 455-4285, william.aldrich@lynchburgva.gov

ATTACHMENT(S): VDEM Award Notification Email, Watch Officer Duties & Responsibilities

REVIEWED BY: lkp

RESOLUTION

BE IT RESOLVED THAT the FY 2014 City/Federal/State Aid Fund budget is amended and $77,876 is appropriated with resources of $20,938 reimbursable from the Virginia Department of Emergency Management FY 2013 Emergency Management Performance Grant and $56,938 from the Capital Improvement Projects Miscellaneous Radio Replacement Fund, to purchase, install, configure and oversee operation of the WebEOC® *Professional* incident management system.

AND, BE IT FURTHER RESOLVED THAT the Watch Officer position, that is currently part-time, is authorized to be converted to full-time.

Introduced: Adopted:

Certified: _____
Clerk of Council

072K

"Foutz, Debra M." <Debra.Foutz@vdem.virginia.gov>
03/20/2014 08:00 AM

To "Payne, Kimball" <kpayne@lynchburgva.gov>,
cc "Aldrich, William A." <william.aldrich@lynchburgva.gov>, <elizabeth.slaughter@lynchburgva.gov>
bcc
Subject 2013 Supplemental EMPG - Award

History: This message has been forwarded.

2 attachments

Subgrantee_Quarterly_Progress_Report2-11-09.xls Lynchburg_Grant_Agreement.pdf

Mr. L. Kimball Payne, III
City Manager
City of Lynchburg
900 Church Street
Lynchburg, Virginia 24504

Mr. Payne:

I am pleased to inform you that the Virginia Department of Emergency Management Grants Office has approved the application for funding under the FY2013 Emergency Management Performance Grant (EMPG), CFDA# 97.042, in the amount of $20,938.00. The City of Lynchburg will use this grant funding to support the WebEOC Upgrades.

Enclosed you will find the Grant Award and Special Conditions documents. Please return this executed Grant Agreement and Special Conditions within **30 days** from the receipt of this letter. This award is *subject* to all administrative and financial requirements, including the timely submission of all financial and programmatic reports, resolution of all interim audit findings, and the maintenance of a minimum level of cash-on-hand. Should you not adhere to these requirements, you will be in violation of the terms of this agreement, and the award will be subject to termination for cause or other administrative action as appropriate.

The Commonwealth will send grant funds to a sub-grantee on a reimbursement basis for allowable expenditures. To accomplish this, you will be required to enter all financial documentation, which includes request for funds in the VDEM Electronic Grants Management System (EGMS). This process has already been initiated with the on-line budget development for this project and your **Grant Award ID is 6605**. Any changes to the budget will require preapproval by the VDEM Grants Office and must be requested through the system.

The end of the program period is **March 30, 2015**, for obligation purposes and **April 30, 2015**, to complete expenditures and finalize the close out reporting process. During this program period, all subgrantees are required to submit quarterly progress reports. This form can be found at http://www.vaemergency.gov/em/grants and is also attached.

If you have questions regarding this award, please contact Debbie Foutz at the VDEM Grants Management Office at (804) 897-9767. Congratulations, and we look forward to working with you.

Respectfully,

Debbie Foutz

Debra M. Foutz | Grant Administrator
Virginia Department of Emergency Management
10501 Trade Court | Richmond, VA 23236-3713
tel: (804) 897-6500 | dir:(804) 897-9767 | fax: (804) 897-6613 | cell: (804) 239-8544
www.vaemergency.gov

EOC Watch Officer Job Responsibilities

During Incidents/Planned Events

- The Watch Officer fills a vital role in staffing the EOC during incidents, both planned and unplanned. A primary responsibility is to gather incident information and update key decision makers about the incidents and the status of operations outside the scope of the incident.

- After an incident occurs, the Watch Officer is responsible for standing-up the EOC. This includes the following items; alerting the City's Leadership Team that an incident has occurred and WebEOC is being updated with current information; setting up the EOC phone system to begin receiving incoming and to begin placing outgoing calls; notification of ESF Leaders about the incident and instructing them to begin monitoring WebEOC for information and resource requests; and lastly, to begin updating WebEOC with the City's response and recovery operations.

- The City is required to submit periodic situation reports to the Virginia Department of Emergency Management when an incident occurs. The Watch Officer is responsible for submitting these reports when the DES Director or Deputy Director instructs that the report be submitted. The report reflects the current operations of the City and is the base for situation reports provided to the Governor.

- When resource request begin flowing into the EOC, the Watch Officer is responsible for filtering the requests. This requires gathering additional information, if needed, and assigning the request to the correct ESF for fulfillment.

- Information flowing into the EOC is to be gathered and input into WebEOC for event record keeping and situational awareness. The Watch Officer gathers this information in WebEOC and determines what information is necessary for a particular group (Operations, Command, the City as a whole, etc.) to conduct response and recovery operations.

- When incidents require, the Watch Officer serves as a relief member for the Planning Team. This requires an understanding of ICS, Command and Planning principles.

- Brief incoming personnel on the incident and current operations.

Day-to-Day & Project Responsibilities

- The Watch Officer provides a lot of administrative support to DES through meeting logistics. These meetings range from Emergency Policy Team to After Action Review. Logistics provided include: scheduling the meeting with all stakeholders; acting as a scribe for the meeting; gathering information and disseminating the information to participates; and lastly, acting as a point of contact for future meetings.

- The Watch Officer is responsible for the development of checklists and other tactics which help operations flow smoothly during incidents. One example of a checklist developed, is the Command checklist which identifies critical City operations and their status. Two additional examples include a checklist for the Planning Team and the ESF 5 (Emergency Management) support staff.

- The Watch Officer works with various organizations to improve the City's response to emergency incidents. In May 2014, the Watch Officer attended a training session on how the City would open a Family Assistance Center (FAC). The FAC is responsible for developing methods to assist with family representatives after a mass causality incident. The Watch Officer will be assisting with the development of a FAC plan for Lynchburg. Another option to improve emergency preparedness, explored has been the possible development of a Community Emergency Response Team (CERT) in Lynchburg. The CERT would allow DES to educate citizens on personnel preparedness.

- Works on identifying external funding sources to expand emergency operations in the City. Obtained a grant to fund the upgrade for the WebEOC license.

- Coordinated the installation and configuration of WebEOC Town Square within Lynchburg. Setup permission levels, tested operations, and trained emergency response and recovery personnel on the operation of WebEOC.

- Assisted with the development of exercises to test the City emergency management capabilities. Examples of exercises include: Command Training in September of 2013 where personnel, who historically have worked command, tested their response to a tornado touchdown within the City; various training sessions for ESF #5 (Emergency Management) personnel to develop better operational tactics; June 10, 2014 where City Command and LCS Command will have to work together through an incident; and lastly, the 2014 VDEM Regional exercise where representatives from Lynchburg, Campbell, Bedford and Amherst will practice their response to an incident.

- The Watch Officer completed an update to the Lynchburg Emergency Operations Plan. This update included administrative changes which reflect the current operations in Lynchburg. Included in the update was receiving approval from various stakeholders and working with Communications and Marketing to get the document ready to print.

- Created a word template which serves as the Lynchburg Incident Action Plan (IAP). The IAP template uses NIMS principles and simplifies the IAP development. This has greatly increased the efficiently of the Planning Team during major incidents.

- Working with GIS and the owners of dams, in and around Lynchburg, to develop a centralized location for information during a dam emergency. A layer for the GIS system is currently being developed; which will allow for the properties impacted by a dam emergency to be identified quickly.

- Monitoring situations which could impact the City. This includes weather and other disruptions. When there is a possibility of weather impacting the City, the Watch Officer is monitoring the radar composites and weather forecasts for the region. Information on social media and various news agencies is also monitored for any possibility of City operations being impacted. During major events, (i.e. CSX train derailment 4/30/14) the Watch Officer is monitoring the weather and notifying Command when weather could impact operations.

- Working with State representatives on ways to improve the State WebEOC system. This includes meeting in the Virginia EOC and teleconference meetings. New changes to the State system should be in place before hurricane season 2014.

- Conducting an annual review of the City's NIMS completion progress. This includes reviewing NIMS courses and noting any changes. The Watch Officer must work with numerous City departments to gather NIMS completion information. That information is then compiled and an annual NIMS Status Report is completed and submitted to the Director of DES.

- Quarterly meeting with local colleges about various emergency management issues is coordinated by the EOC Watch Officer. This includes developing contact with the colleges' and universities' emergency management staff; developing agendas; scheduling meetings; and providing minutes for the meetings.

Preparedness Outreach

- During FY 2014, eighteen different outreach presentations were conducted with various community and civic organizations. These presentations had various formats. Several of the preparedness outreach programs were held during Neighborhood Watch meetings. Two presentations were standalone during major community events. Numerous community and civic organizations came to the Department of Emergency Services for tours and briefing on emergency preparedness and emergency management in Lynchburg.

- Social Media monitoring and outreach was conducted. Facebook and Twitter accounts were monitored and emergency preparedness information was pushed out to the department's followers.

- Working with the Lynchburg Area Council on Independent Living (LACIL) to address ways of increasing preparedness for citizens with disabilities. Citizens with disabilities pose a unique challenge for emergency management. They often require resources to divert from situations to assist with day-to-day living. Increasing preparedness within the community will hopefully decrease the strain on the system during incidents.

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 14

CONSENT: REGULAR: X WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Virginia Wireless E-911 Services Board Grant**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget to appropriate $22,000 with funding from the Virginia Wireless E-911 Services Board FY15 PSAP Grant Program to replace aging computer equipment for 12 Computer Aided Dispatch (CAD) workstations at the Department of Emergency Services Emergency Communications Center.

SUMMARY: The CAD workstations are 5 years old and are using the Windows XP operating system which will no longer be supported after April 2014. This replacement will include all 8 workstations at the Emergency Communications Center as well as 4 workstations at the backup center.

A grant application was submitted to the Virginia Wireless E-911 Services Board to replace the equipment and notification was received that the grant has been awarded and the funds will be available on July 1, 2014.

PRIOR ACTION(S): Finance Committee May 27, 2014

FISCAL IMPACT: None, no local match is required.

CONTACT(S): William A. Aldrich, Director of Emergency Services, 455-4285
Melissa D. Foster, Deputy Director of Emergency Services, 455-4149

ATTACHMENT(S): Grant Award Letter
Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY2015 City/Federal/State Aid Fund budget is amended and $22,000 is appropriated with the resources from the Virginia Wireless E-911 Services Board FY15 Grant Program to replace the CAD workstations located in the Department of Emergency Services Emergency Communications Center.

Introduced: June 10, 2014 Adopted:

Certified: _____
Clerk of Council

cc: W. Aldrich
D. Witt
M. White

071K

COMMONWEALTH of VIRGINIA

Virginia E-911 Services Board

Dorothy Spears-Dean
PSC Coordinator
(804) 416-6201

Terry D. Mayo
Board Administrative Assistant
(804) 416-6197

Michael M. Cline
Chairman
VDEM

David A. Von Moll
Treasurer
Comptroller

J.D. Diggs
York County

Danny Garrison
Richmond Ambulance Authority

Diane Harding
Sprint

Pokey Harris
Washington County

Jim Junkins
Harrisonburg-Rockingham ECC

Lt. Colonel Robert Kemmler
Virginia State Police

Robert Layman
AT & T

Chief Anthony McDowell
Henrico County

Chief Doug Middleton
Henrico County

Sam Nixon
VITA

David Ogburn
Verizon

Athena Plummer
City of Virginia Beach

Kathleen Seay
Hanover County

January 15, 2014

Mr. William Aldrich, Director
Lynchburg ECC
3621 Candlers Mountain Road
Lynchburg, VA 24502

Dear Mr. Aldrich:

This letter is in reference to your grant application for consideration under the FY15 PSAP Grant Program for a CAD project, Grant ID 100. I am pleased to advise you that the Virginia E-911 Services Board has approved your request. You have been awarded $22,000. This award does not require a match of local funds.

Funding for this grant award will be available for payment reimbursement beginning July 1, 2014. The PSAP Grant Program has a grant cash disbursement policy of reimbursement. All funding requests must be submitted on the Public Safety Grant Payment Request Form, which is available on the ISP website. The invoice(s) that substantiates the amount requested must be attached to the request form when submitted for funding payment.

An annual Financial and Programmatic Report will be required for this grant award until the project is complete. Upon project completion, you will need to close out the grant award with a final Financial and Programmatic Report.

Finally, in order for a funding request to be processed, the PSAP must have already submitted any required financial and grant progress reports for any previous fiscal years by the identified deadline, unless an exception has been granted by the PSC Coordinator. This includes required submission of any true-ups and supporting documentation.

If you have any questions, please do not hesitate to contact your Regional Coordinator or me via email.

Congratulations on your grant award!

Sincerely,

Lisa Nicholson

Lisa Nicholson
Public Safety Program Manager

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 15

CONSENT: REGULAR: X WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **Taser Replacement for the Police Department**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 General Fund budget and appropriate $115,713 with resources from the FY 2015 General Fund Reserve for Contingencies to purchase 170 tasers, accessories, and the first year of Taser Assurance Plan coverage.

SUMMARY: The Police Department's current taser model has been discontinued and will no longer be supported by the manufacturer after calendar year 2014. Total cost to replace 170 tasers including holsters, battery packs, and the first year of device replacement coverage in a five-year Taser Assurance Plan (TAP) is $170,313. The department's FY 2015 budget includes $20,500 for taser replacement. It is also anticipated the department will have $34,100 remaining in its FY 2014 budget to carry forward to assist with this cost. The Police Department is requesting the remaining $115,713 from the General Fund Reserve for Contingencies.

Generally, the TAP coverage cost is $185 per taser per year ($31,450 total per year); however, in year one the cost is $3,400 for coverage based on trading in the department's existing tasers and receiving a trade-in value of $165 per taser ($28,050). For years 2-5 the coverage plan cost is $31,450, which will be included as part of the department's General Fund annual budget request for fiscal years 2016 through 2019. Currently taser replacement is already included as a regular budget item; therefore, the annual TAP coverage payment will not require any additional funding in the budget.

The TAP coverage plan will replace any malfunctioning or broken taser at no additional cost during the five year coverage plan. At the end of five years (in FY 2020) the plan will replace the 170 tasers with then-current model tasers at no additional cost.

PRIOR ACTION(S): May 27, 2014 Finance Committee

FISCAL IMPACT: One-time funding of $115,713 is needed from the General Fund Reserve for Contingencies

CONTACT(S): Police Chief Parks Snead, 455-6104; Captain K.R.Edwards Police Department, 455-6119

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2015 General Fund budget is amended and $115,713 is appropriated with resources from the FY 2015 General Fund Reserve for Contingencies to purchase 170 tasers, accessories, and the first year of Taser Assurance Plan coverage.

Introduced: Adopted:

Certified: _____
Clerk of Council

076K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 16

CONSENT: REGULAR: X WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: **X** INFORMATION:

ITEM TITLE: **2014/2015 School Resource Officer Grant Program Department of Criminal Justice Services**

RECOMMENDATION: Adopt a resolution to amend the FY 2015 City/Federal/State Aid Fund budget and appropriate $227,860 with resources of $94,095 from the 2014/15 School Resource Officer Department of Criminal Justice Services Grant Program, $50,000 from Lynchburg City Schools annually and $83,765 from the FY 2015 General Fund Reserve for Contingencies to create three Middle School Resource Officer positions and provide vehicles, training, and equipment associated with these positions.

SUMMARY: The Police Department is eligible for $94,095 in Department of Criminal Justice Services (DCJS) grant funding to add School Resource Officer (SRO) positions to serve the three City middle schools. This grant requires a 37.27% local match in the amount of $55,905 for a total grant award of $150,000. Funding will be used to hire three additional police officer positions, which will allow the Police Department to place an SRO in each of the City's middle schools. This grant only pays for the salaries and benefits of the officers; it does not fund the equipment or training necessary for these positions. The cost to provide vehicles, training, and equipment is $77,860.

This grant is renewable for 4 years; although, the amount of the grant award is reduced each year. Also, based on pay structure, in subsequent years, salary and benefit costs for the 3 positions total $166,584, which is $16,584 more than the $150,000 base grant award. A breakdown of cost by year follows:

	Allowable Grant Award	Reduction from $150,000	37.27% Local Match	Additional Personnel Costs	LCS Contribution	**Total City Cost**
Year 2	$135,000	$15,000	$50,315	$16,584	$50,000	**$31,899**
Year 3	$127,500	$22,500	$47,520	$16,584	$50,000	**$36,604**
Year 4	$112,500	$37,500	$41,929	$16,584	$50,000	**$46,013**

PRIOR ACTION(S): January 28, 2014 – Council approval to submit application; May 27, 2014 Finance Committee

FISCAL IMPACT: The grant requires a 37.27% local match of $55,905; an additional $77,860 is needed for vehicles, training, and equipment not covered by the grant. Funds totaling $83,765 are needed from the General Fund Reserve for Contingencies. Schools has agreed to provide $50,000 annually in support of the positions.

CONTACT(S): Police Chief Parks Snead, 455-6104; Captain K.R.Edwards, 455-6119

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2015 City/Federal/State Aid Fund budget is amended and $227,860 is appropriated with resources of $94,095 from the 2014/15 School Resource Officer Department of Criminal Justice Services Grant Program, $50,000 from LCS annually and $83,765 from the FY 2015 General Fund Reserve for Contingencies to create three School Resource Officer positions and provide vehicles, training, and equipment associated with these positions.

Introduced: Adopted:

Certified: _____
Clerk of Council

077K

LYNCHBURG CITY COUNCIL
Agenda Item Summary

MEETING DATE: **June 10, 2014** AGENDA ITEM NO.: 17

CONSENT: REGULAR: **X** WORK SESSION: CLOSED SESSION: (Confidential)

ACTION: X INFORMATION:

ITEM TITLE: **FY15-16 VRS Contribution Rate**

RECOMMENDATION: Adopt the attached Resolution to formally elect a 20.80% VRS contribution rate for the FY2015-2016 biennium, as included in the proposed FY2015 City budget.

SUMMARY: The 2014-16 Appropriations Act, Item 467 (I), requires localities and school divisions to formally elect VRS contribution rates effective July 1, 2014. The rate options include a "Certified" rate of 20.80% or an "Alternate" rate of 18.14%.

The legislative options include the rate certified by the Virginia Retirement System Board of Trustees or an alternate rate which is the higher of the rate certified by the VRS Board for FY2012 or 80 percent of the VRS Board certified rate for FY15-16.

While the intent of the Appropriation Act was to offer localities and schools some budget relief, we believe that the negative consequences of choosing a lower than certified contribution rate outweigh the short term benefits. Issues cited by VRS include: a reduced contribution rate will also reduce earnings that might be generated, a lower funded ratio will result in higher contributions in the future and the City, under GASB standards, would be required to include the Net Pension Obligation in the City's financial statements.

The resolution must be passed prior to July 1, 2014 and received by VRS no later than July 10, 2014.

PRIOR ACTION(S): Proposed FY15 Budget

FISCAL IMPACT: No impact. The FY 2015 Budget was based on the certified rate of 20.80%.

CONTACT(S): Kimball Payne, 455-3990; Margaret Schmitt, 455-4208

ATTACHMENT(S): Resolution:

REVIEWED BY: lkp

Employer Contribution Rates for Counties, Cities,
Towns, School Divisions and Other Political Subdivisions
(In accordance with the 2014 Appropriation Act Item 467(I))

Resolution

BE IT RESOLVED that the City of Lynchburg, 5-5210, does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2012, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED that the City of Lynchburg, 5-5210 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

(Check only one box)

X The Certified Rate of 20.80% ☐ The Alternate Rate of _____%; and

BE IT ALSO RESOLVED, that the City of Lynchburg, 5-5210, does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

NOW, THEREFORE, the officers of the City of Lynchburg, 5-5210, are hereby authorized and directed in the name of the City of Lynchburg to carry out the provisions of this resolution, and said officers of the City of Lynchburg are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the City of Lynchburg for this purpose.

_____
Mayor

CERTIFICATE

I, Valeria Chambers, Clerk of the City of Lynchburg, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the City of Lynchburg held at Lynchburg, Virginia at 7:30 p.m. o'clock on June 10, 2014. Given under my hand and seal of the City of Lynchburg this 11th day of June, 2014.

_____
Clerk

073K