CITY OF LYNCHBURG
APPLICATION FOR A CHANGE IN
ZONING DISTRICT CLASSIFICATION

FOR OFFICE USE ONLY
RECORDED
SIGNED POSTED
FEE RECEIVED

TO: The Honorable City Council
Council Members:

Pursuant to Article IV, Section 35.1-17 of the Zoning Ordinance for the City of Lynchburg, the undersigned owner of the following described property hereby applies for a change of zoning classification from: R4, R3 and RC
to: B-5 Conditional

1. NAME/ADDRESS OF FEE SIMPLE PROPERTY OWNER OF RECORD:
   Name _____
   Address _____
   Telephone Number (Area Code) _____

   SEE ATTACHE TABLE I

   (If the property is owned by an organization that has its headquarters in another location, written authorization to allow the rezoning must be submitted from the parent organization.)

2. The undersigned owner authorizes the entry onto his property by the Planning Commission Members and/or Planning Division Staff during the normal discharge of their duties in regard to the above application.
   Signed: _____, Owner

   SEE ATTACHED AUTHORIZATI LETTERS

3. The undersigned owner states that no application for substantially the same change in zoning district classification of the above property has been acted upon by City Council within twelve (12) months prior to the date of this application.
   Signed: _____, Owner

   SEE ATTACHED AUTHORIZATION LETTERS

4. APPLICANT
   Owner _____ or Contract Purchaser EE, LLC If Applicant is contract purchaser, written proof of approval by fee simple owner is required. Such proof may be signed statement, copy of purchase agreement stating such condition, or such other instrument as necessary to provide such evidence.
   Name EE, LLC
   Address 615 CHURCH ST. Zip Code 24504
   Telephone Number 841-1956 Area Code 434

RECEIVED
JUN 05 2006
COMMUNITY PLANNING & DEVELOPMENT

5. REPRESENTATIVE
Name English Construction
Address 615 Church ST Zip Code 24504
Telephone Number (434) 841-1956 Fax Number ( )
Date of Filing June 5, 2006 Fee Paid $

6. PROPERTY LOCATION (general locations) - (Example - South line Route 333 approximately 1,000 ft. west of Route 444) Property of the development is bordered by Lakeside Drive, McConville Rd. and the Lynchburg Expressway (U.S. Rte 501)

7. DESCRIPTION OF PROPERTY
Parcel Number (City Assessor's Valuation Map #)
Subdivision Section Block
Lot Source of Title: Deed Book #
Acreage Page #

SEE ATTACHED TABLE II

METES AND BOUNDS DESCRIPTIONS (Provide a separate metes and bounds description for each zone change requested):

SEE ATTACHED DESCRIPTION

8. DEED RESTRICTIONS NONE

9. PROPOSED USE: (if zoned) B-5 conditional (SEE ATTACHED Proffers)

10. VICINITY ZONING PATTERN: THE Property is surrounded by commercial on Lakeside, Residential on McConville, and Commercial on the Expressway

11. VICINITY LAND USE Commercial and Multi family on Lakeside
Residential and Multifamily on McConville
Commercial and Multifamily on Expressway

12. This is to certify that the required sign was posted on the property notifying interested persons that a rezoning application has been filed on

Signed _____, Petitioner

TABLE I

Tax Map #	Owner	Property Address	Mailing Address	Phone #	Current Zone	Current Land Use
23021001	Scott, J.W. & Mary	305 McConville Road	305 McConville Road Lynchburg, VA 24502-4517	Westgate Mobile Park 434-237-1220	R-4, R-C	Residential
23023001	Hunter, Anthony C.	317 McConville Road	2703 High Point Rd., Ste. D Greensboro, NC 27403-3130	336-292-3500	R-4, R-C	Residential
23023002	Nuckols, Lillian H, Life Estate	415 McConville Road	415 McConville Road Lynchburg, VA 24502-4519	434-239-3514	R-3, R-C	Residential
23024001	Scott, J.W. & Mary H.	129 McConville Road	305 McConville Road Lynchburg, VA 24502-4517	Westgate Mobile Park 434-237-1220	R-4, R-C	Mobile Home Park
23024002	Scott, J.W. & Mary H.	129 McConville Road	305 McConville Road Lynchburg, VA 24502-4517	Westgate Mobile Park 434-237-1220	R-4, R-C	Residential
23104001	McConville, John D.	607 McConville Road	509 McConville Road Lynchburg, VA 24502-4521	434-239-9843	R-4, R-3, R-C	Residential / Agricultural
23508006	McConville, John D. & Fay C.	509 McConville Road	509 McConville Road Lynchburg, VA 24502-4521	434-239-9843	R-3	Residential

May 31, 2006

Mr. Tom Martin
City of Lynchburg
Department of Community Development
P. O. Box 9000
Lynchburg, VA 24501

Dear Mr. Martin,

I am the owner of property at 305 McConville Road containing 44.0 acres and have granted a sales option to English Construction Company, Inc. As owner I grant my consent for English Construction Company, Inc. to pursue rezoning of my property to B5 Conditional.

Sincerely,

J. W. Scott

Copy: Ray Booth

May 31, 2006

Mr. Tom Martin
City of Lynchburg
Department of Community Development
P. O. Box 9000
Lynchburg, VA 24501

Dear Mr. Martin,

I am the owner of tax parcels 23104001 and 23508006 containing 60.333 acres and have granted a sales option to English Construction Company, Inc. As owner I grant my consent for English Construction Company, Inc. to pursue rezoning of my property to B5 Conditional.

Sincerely,

J.D. McConville

John D. McConville

Copy: Ray Booth

TABLE II

Tax Map #	Subdivision	Section #	Block #	Lot #	Source	Deed	Acreage	Page #
23021001	Westbrook				J.W. Scott and Mary H. Scott	DB 918	3.895	795
23023001	Coiner			9-A	Anthony Cole Hunter	Instr. 030010553	1.371	
23023002	Coiner				Joseph E. Nuckols Wallace E. Nuckols Betty N. Cooper & Bertha N. Arthur	DB 1014	1.841	785
23024001	NR Nameless				J.W. Scott and Mary H. Scott	DB 426	35.857	578
23024002	NR Nameless				J.W. Scott and Mary H. Scott	DB 664	4.983	220
23104001	N/A				John D. McConville	WB 90	57.99	285
23508006	NR Nameless				John D. McConville and Fay Cyrus McConville	DB 349	0.779	517

English Property on Lakeside Drive, McConville Road, and 501 Expressway
Hurt & Proffitt Inc. project #20050983
06-05-06

Legal description for Overall boundary

Beginning at a point on the northeastern corner of the southern right-of-way of Lakeside Drive also known as Rte. 221; thence leaving said southern right-of-way of Lakeside Drive S 07°58'46" E 830.03' to an iron pin found; thence S 85°36'34" E 507.74' to an iron pin found; thence S 05°46'26" E 15.24' to an iron pin set; thence S 14°01'36" W 338.19' to a point in the centerline of branch; thence S 14°08'37" W 457.60' to a point in the centerline of branch; thence S 07°51'23" E 95.72' to an iron pin found in branch; thence S 16°55'37" W 59.49' to a point in the centerline of branch; thence leaving said centerline of branch S 88°41'25" E 235.99' to an iron pin found; thence S 72°46'51" E 190.00 to an iron pin found on the western right-of-way of McConville Road also known as Rte. 675; thence along said western right-of-way of McConville Road S 17°13'09" W 37.01' to an iron pin found; thence S 09°38'09" W 166.48' to an iron pin set; thence leaving said western right-of-way of McConville Road S 56°18'09" W 430.78' to point in the centerline of branch; thence S 21°29'54" E 357.05' to an iron pin set; thence S 68°41'13" E 271.98' to an iron pin set on the northern right-of-way of McConville Road also known as Rte. 675; thence along said northern right-of-way of McConville Road along a curve to the right having a central angle of 27°02'36", an arc length of 121.77', a radius of 258.00', a chord distance of 120.65', and a chord bearing of S 62°54'52" W to an iron pin set; thence S 76°26'10" W 79.48' to an iron pin set; thence along a curve to the left having a central angle of 21°50'41", an arc length of 272.60', a radius of 715.00', a chord distance of 270.95', and a chord bearing of S 65°30'50" W to an iron pin set; thence along a curve to the right having a central angle of 41°54'08", an arc length of 380.29', a radius of 520.00', a chord distance of 371.87', and a chord bearing of S 75°32'34" W to an iron pin set; thence N 83°30'22" W 143.01' to an iron pin set; thence N 83°17'30" W 178.79' to an iron pin set; thence along a curve to the left having a central angle of 21°49'06", an arc length of 243.71', a radius of 640.00', a chord distance of 242.24', and a chord bearing of S 85°47'57" W to an iron pin set; thence S 74°53'24" W 97.99' to an iron pin set; thence along a curve to the left having a central angle of 8°15'13", an arc length of 204.56', a radius of 1420.00', a chord distance of 204.38', and a chord bearing of S 70°45'47" W to an iron pin set; thence S 66°38'11" W 215.51' to an iron pin set; thence S 68°34'43" W 140.03' to an iron pin set; thence N 15°19'04" W 20.00' to an iron pin set; thence S 85°40'05" W 241.83' to a vdot monument found; thence S 57°55'29" W 76.29' to a vdot monument found; thence S 82°31'56" W 97.63' to a vdot monument found, said corner being a common point on the northern right-of-way of McConville Road and the eastern right-of-way of Rte 501 also known as the Lynchburg Expressway; thence leaving said northern right-of-way of McConville Road and continuing along said eastern right-of-way of Rte 501 N 00°43'20" W 327.61' to a vdot monument found; thence N 02°49'04" E 1426.57' to a vdot monument found; thence S 64°10'28" E 71.77' to a vdot monument found; thence N 11°13'22" E 248.25' to an iron pin found; thence N 09°32'36" E 1004.10' to an iron pin set; said corner being a common

point on the southern right-of-way of Lakeside Drive and the eastern right-of-way of Rte 501; thence leaving said eastern right-of-way of Rte 501 and continuing along said southern right-of-way of Lakeside Drive N 75°40'47" E 419.33' to an iron pin set; thence N 08°39'37" W 10.00' to an iron pin set; thence N 75°40'47" E 822.20' to a to the point of beginning containing 124.630 acres.

Proffers for Lakeside Centre

The following proffers are submitted as conditions to be binding upon the property pursuant to this rezoning request:

1. The following uses allowed in a B-5 zone will be prohibited
   - Auction rooms
   - Armories
   - Automobile and Truck tire sales
   - Rebuilding and Retreading establishment
   - Bottling plants
   - Blacksmith shops
   - Bookbinding
   - Carpentry shops
   - Dairies, pasteurizing plants, or ice cream manufacture
   - Dance Hall
   - Depositories for the storage of office records, microfilm or computer tapes
   - Drive-in theater
   - Exterminators
   - Furniture upholstering and repair shops
   - Custom furniture manufacturing
   - Commercial greenhouses
   - Hiring halls and other places of assembly for the registration or assignment of employment
   - Automobile painting and body repair shops
   - Ice manufacture
   - Commercial kennels for dogs and other pets
   - Monument and gravestone sales
   - Newspaper offices
   - Printing plants
   - Second-hand stores including auction sales
   - Storage warehouses and yards, except sandyards, gravel yards, coal yards, railroad yards, automobile wreck yards, junkyards or the storage of combustibles prohibited by the fire code.
   - Travel trailer sales and rentals
   - Leather products (not to include tanning)
   - Temporary fairs, amusement parks and circuses
   - Arenas, auditoriums or stadiums unlimited in capacity
   - Transient trailer parks
   - Motor freight stations
   - Trucking terminals
   - Commercial swimming pools

2. The developer will provide the city with a traffic impact study of the proposed internal public street to include functionality of the proposed entrances onto the proposed street from the development and agrees to make required internal improvements.

3. The developer agrees to relocate existing sanitary sewer lines impacted by the proposed development and construct other public sewers so that all separate lots within the development will have public sewer.

4. The developer will construct a new water distribution main along the new public street to serve the entire development.

5. The developer agrees to provide property for right of way as well as design and construct a new four lane public road with a landscaped median through the development along with access to the Right-of-way line of the Northwest Expressway.

6. The developer agrees to provide screening in the form of landscaping, graded berms, decorative fences, and or parapet walls to aesthetically screen loading docks, storage areas, HVAC units, and storm water management basins from public streets.

7. The developer agrees to provide vehicular access to parcels fronting on Lakeside Drive by means of a new access road and only allow right-in and right-out onto Lakeside Drive.

8. The new public street will connect to McConville Road. The developer agrees to limit other access points onto McConville Road to those deemed necessary by the traffic impact study.

9. All new utilities will be underground.

10. The developer agrees to comply with storm water quantity and quality requirements of the city. The developer will utilize low impact design features to the extent practical from an economic and functional perspective to achieve compliance.

11. All outside lighting will be directional lighting and or shielded to minimize illumination of adjoining properties.

12. The developer agrees to provide pedestrian sidewalk adjacent to or in close proximity to the store fronts. This sidewalk will provide connectivity to the groups of stores on each side of the proposed public street.

13. The developer agrees to coordinate with the Greater Lynchburg Transit Corporation to provide bus service to the project. The developer agrees to construct up to two public transportation rider access points and shelters within the development.

14. The developer agrees to impose and administer design guidelines for the architectural treatment of buildings within the development, including out parcels. The guidelines will be in keeping with the design of the front of building elevations submitted.

15. The developer agrees to provide remediation for stream bank and wetland impacts per the ratio as determined by the Department of Environmental Quality and Corps of Engineers. The developer agrees to provide this remediation to existing streams and waterways needing remediation within the City limits including College Lake. The developer prefers to provide this remediation to College Lake and will do so to the extent it meets the mitigation requirements of the DEQ and Corp of Engineers.

16. Streams within the project boundary that are not intended to be impacted will be protected during construction. Measures to provide this protection are: delineation of the streams to be protected on the design plans, designing proposed facilities and grading such that a sufficient distance from the stream bank is not disturbed, installing and maintaining adequate delineation measures during construction to identify the protected areas.

17. Tax Parcels 230025004, 230025005, 230025006, 230025007, 230025008, 230025009, 230025010, 23103001, and 23103002 are presently zoned B-5

The developer agrees to impose the same conditions and proffers on these parcels that apply to the parcels included in this rezoning request if project proceeds.

18. The developer agrees to abide by the new proposed landscape ordinance for this entire development.

19. It is understood that the site plan included is an illustrative conceptual site plan that generally describes the project to be built if approved. The developer will work with the City staff to maximize square-footage and number of out-parcels within the property while meeting ordinances and proffers. The developer therefore proffers an approved site plan.

20. The developer understands that offsite road improvements including access to the Northwest Expressway and Lakeside Drive will be done by the City at City expense.

21. While the developer will construct all onsite public improvements, it is understood by the developer that cost sharing on these improvements will be needed based on the economics of the project.