

# The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

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**To:** Planning Commission  
**From:** Planning Division  
**Date:** August 10, 2016  
**Re: Rezoning: 630, 634 and 636 Leesville Road – R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional)**

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## I. PETITIONER

Kristie Lynn Napier, 591 Woodland Drive, Madison Heights, Virginia 24572

**Representative:** Trent Warner, Hurt & Proffitt, Inc., 2524 Langhorne Road, Lynchburg, Virginia 24501

## II. LOCATION

The subject property includes two tracts of approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road. 634 Leesville Road is on the same parcel as 636 Leesville Road.

**Property Owner:** Kristie Lynn Napier, 591 Woodland Drive, Madison Heights, Virginia 24572

## III. PURPOSE

The purpose of the petition is to rezone the property from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the reuse of an existing building as a barber shop or other permitted B-1 use.

## IV. SUMMARY

- The *Future Land Use Map (FLUM)* recommends a Community Commercial use for the property.
- The proposed B-1C, Limited Business District (Conditional) is intended to provide office, retail, restaurant and service uses that are compatible with nearby residential areas.
- The submitted proffers ensure that the site will be brought into compliance with the City's Zoning Ordinance
- Rezoning to allow appropriate commercial uses adjacent to neighborhoods is compatible with *Comprehensive Plan 2013-2030* goals.

**The Planning Division recommends approval of the rezoning petition.**

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## V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Future Land Use Map (FLUM)* of the *Comprehensive Plan 2013-2030* recommends Community Commercial use for the subject property. Community Commercial areas contain retail, personal service, entertainment and restaurant uses that draw customers from at least several neighborhoods, the entire City or the region. **(p.75)**

Community Commercial areas on the southern side of the City are typically limited to commercial corridors and large nodes where development is much larger in scale than the properties and building at 630 and 636 Leesville Road. However, Community Commercial districts lend themselves to a variety of business districts, including B-1, Limited Business District, which consists primarily of neighborhood-serving uses. The B-1 district is most appropriate here because of the site's relatively small size and presence within a primarily residential portion of the city. Rezoning this site is a unique opportunity to allow a suburban area of the city to start creating a walkable, neighborhood-serving commercial area.

Applicable policies of the Comprehensive Plan include:

*LU-2.3 Improve access between neighborhoods and neighborhood support services, including public and private services that are compatible with neighborhood character.*

*LU-2.7 Support the revitalization of existing development and new neighborhood-oriented mixed use development in locations where such uses will promote stability and improvement.*

*LU-3.1 Encourage the development of built environments that support the integration of healthy and active living in day-to-day life and foster human interaction.*

2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-3, Medium Density Residential District zoning was established in 1979 with the adoption of the Timberlake Road Study. The commercial building was constructed in 1955 and operated as a nonconforming use under the R-3, Medium Density Residential, zoning district up until when the barber shop and beauty salon closed in 2009. After two years of closure, the site lost its nonconforming status and thus requires a rezoning to be used as a business again.
3. **Proffers.** The petitioner has voluntarily submitted the following proffers:
  1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.
  2. The site will be built in substantial compliance with the future site plans as approved by the City’s Technical Review Committee.
  3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.
4. **Board of Zoning Appeals (BZA).** The Zoning Administrator 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 May 22, 1979, City Council amended the Official Zoning Map as defined by the “Timberlake Road Study, Proposed Zoning, Recommended by the Lynchburg Planning Commission, and further revised by City Council May 22, 1979.”
  - On February 12, 1985, City Council approved Heritage United Methodist Church’s petition for a conditional use permit (CUP) to allow the construction of a new sanctuary, education building and parking lot in an R-3, Two-Family Residential District at 594 Leesville Road.
  - On May 13, 1986, City Council approved Heritage United Methodist Church’s petition for a CUP for a master plan that would allow the construction of a new church complex in an R-1, Low Density Single-Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.
  - On April 9, 1991, City Council approved Heritage United Methodist Church’s petition for a CUP to allow the construction of a pre-school center in an R-1, Low Density Single Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.

- On December 13, 1994, City Council approved Heritage United Methodist Church's petition for a CUP petition to increase the number of children permitted within an existing day care center to one hundred twenty-five (125) at 582 Leesville Road.
  - On November 11, 1997, City Council approved Victory Christian Fellowship's petition for a CUP for a master development plan that would permit the construction of a church and associated uses on approximately thirty-one (31) acres in an R-1, Low Density Single Family Residential District within the 600 block of Leesville Road.
  - On January 8, 2001, City Council approved Heritage United Methodist Church's petition for a CUP to allow the construction of a multi-purpose building in an R-1, Low Density Single-Family Residential District and an R-3, Medium Density Two-Family Residential District at 582 Leesville Road.
  - On July 13, 2004, City Council denied Thomas Brooks, Sr.'s petition for a CUP for the creation of an eighteen (18)-lot planned unit development in an R-1, Low Density Single-Family Residential District at 101 Palmer Drive.
  - On October 12, 2004, City Council approved Victory Christian Fellowship's petition for a conditional use permit (CUP) to amend the master development plan to allow the construction of a single-family home, relocation of a pavilion and the addition of parking in an R-1, Low Density Single-Family Residential District at 615 Leesville Road.
  - On April 13, 2010, City Council approved the petition of SFB, LLC to amend the *Future Land Use Map* from Low Density Residential to Office (now Neighborhood Commercial) and rezone two and eighty-one hundredths (2.81) acres at 623 Leesville Road from R-1 Low Density Residential to B-2C, Neighborhood Business District (Conditional), which was combined with the B-1, Limited Business District by the adoption of the Zoning Ordinance in February 2016.
  - On November 11, 2014, City Council approved the petition of VIP, LLC for a CUP to allow the construction of one hundred and twenty-one (121) townhouses at 542, 552, 554 and 572 Leesville Road.
  - On January 12, 2016, City Council approved the petition of VIP, LLC for a CUP to allow the construction of one hundred and eight (108) townhouses at 572 Leesville Road.
6. **Site Description.** The subject property includes two tracts totaling approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road. The properties contain one fourteen hundred and eighty (1,480) square foot, one-story, masonry and wood frame building that is currently vacant. The building was previously used as both a barber shop and a beauty salon. The site is bounded by a single-household residence to the south, Leesville Road to the east, a vacant R-3 zoned property to the north, and vacant R-1 zoned property to the west. Another B-1, Limited Business District, exists to the north along Leesville Road. The site is generally flat with gradual slopes down to the west.
7. **Proposed Use of Property.** If the rezoning is approved, the existing building will be marketed for reuse as a barber shop or other permitted B-1 uses. Because the site is zoned R-3, Medium Density Residential District, it cannot be used as a business, despite having a commercial building present on the property. Rezoning the property will allow the site to be

put back into use and will bring the site into conformance with the City's Zoning Ordinance in regards to access management, sidewalks, landscaping, parking and bicycle parking.

8. **Traffic, Parking, Public Transit, and Pedestrian Facilities.** Access management standards in the City's Zoning Ordinance require one of the site's two driveway entrances to be closed. The southern entrance is shared by both 636 Leesville Road and the house on 638 Leesville Road and extends in front of both parcels. The concept plan shows that the portion of the entrance in front of 636 Leesville Road will be closed with the installation of new sidewalk and required landscaping. The house at 638 Leesville Road will maintain their ability to access their parcel.

The City's Zoning Ordinance requires two (2) spaces per one thousand (1,000) square feet of floor area plus one (1) per every three (3) employees on duty at any one time for all retail sales and service uses. Five (5) parking spaces are required and are shown on the concept plan.

The area is served by the Greater Lynchburg Transit Company (GLTC) Route 6 Loop. The nearest bus stop is approximately six hundred (600) feet away across Leesville Road and not connected by pedestrian facilities. This is a difficult site to access by bus due to the presence of a Loop route here. Riders must ride the entire loop in order to make a complete trip to and from a destination.

The concept plan does show the installation of sidewalk in front of this business per Zoning Ordinance requirements. It is expected that over time sidewalks will be completed on Leesville Road and this commercial area will be easily accessible for the surrounding neighborhood.

9. **Stormwater Management.** An Erosion & Sediment control plan will be required if disturbed areas exceed one thousand (1,000) square feet. A stormwater management plan addressing quality and quantity will be required if disturbed areas exceed five thousand (5,000) square feet. Quantity will likely be addressed through a reduction in impervious area. Any new concentrated flows will be converted to sheet flow as no channel is present on site. Quality will be addressed through a grass channel, rain garden or other approved best management practice (BMP).
10. **Emergency Services.** The City Fire Marshal and Police Department had no comments of concern regarding the proposed rezoning.
11. **Impact.** This petition is to allow an existing commercial building to be used as a business. The building was legally able to operate as a business for a number of years as a "nonconforming use." A nonconforming use is an entirely lawful use of property where it does not conform to the prevailing zoning ordinance regulations because either a new district was designated or district regulations changed once the use was already established. This property lost its nonconforming status in 2011 when it had been closed for two years. In most instances, a use becomes nonconforming because it is not in the best interest of the neighborhood or the City to have that use continue in perpetuity. Gradually, over time, those nonconforming uses are phased out through attrition. In the case of 636 Leesville Road, its nonconformity was either the result of outdated planning practices of strictly separating land uses or an oversight during the 1979 Timberlake Road Study.

Good planning practices now encourage a mix of appropriate land uses in neighborhoods so that residents have easily accessible services and amenities and are not limited by their ability to drive to access their daily needs. While turning Leesville Road neighborhoods into walkable communities will take a considerable amount of time, money and planning,

rezoning this parcel will be a small step in the right direction. The parcels will be brought into compliance with the City's new Zoning Ordinance by closing one driveway entrance, providing bicycle parking, installing sidewalk across the front of the property and planting the required landscaping. Because the property was previously used as a business, the rezoning is for B-1 appropriate neighborhood-serving uses and the site will meet all Zoning Ordinance requirements, there will be no negative effects of the rezoning. Over time, decisions like this will have a positive impact on the neighborhood and Lynchburg as a whole.

- 12. Technical Review Committee.** The Technical Review Committee (TRC) reviewed the concept plan on July 5, 2016. Comments regarding the petition have or will be addressed prior to final site plan approval.

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## VI. PLANNING DIVISION RECOMMENDATION

**Approval of the petition of Kristie Lynn Napier to rezone approximately nine hundred and seventy-five thousandths (0.975) of an acre located at 630 and 636 Leesville Road from R-3, Medium Density Residential District to B-1C, Limited Business District (Conditional) to allow the use of the property as a business or other permitted uses, subject to the following voluntarily submitted proffers:**

- 1. A future site plan will be submitted to the City for approval prior to use of the building. The drawing submitted for rezoning is a concept intended to show the use of the building for general office use.**
- 2. The site will be built in substantial compliance with the future site plans as approved by the City's Technical Review Committee.**
- 3. The parcel line separating 630 and 636 Leesville Road shall be vacated prior to the development of the site.**

This matter is respectfully offered for your consideration.



William T. Martin, AICP  
City Planner

pc: Ms. Bonnie M. Svrcek, City Manager  
Ms. Margaret Schmitt, Interim 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 Thomas Goode, Fire Marshal  
Mr. Doug Saunders, Building Official  
Mr. Kevin Henry, Zoning Administrator  
Mr. Trent Warner, Hurt & Proffitt  
Ms. Kristie Napier, Property Owner

## **VII. ATTACHMENTS**

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

# Zoning Map

# REZONING TO B-1C

Conditional Use Permit Request

Kristie Napier



### PROPERTY INFORMATION

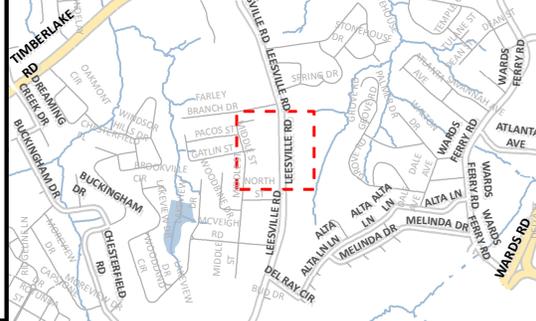
PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

### LEGEND

- Subject Property
- 215' Buffer

<span style="background-color: orange; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> B-1	<span style="background-color: yellow; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> R-1	<span style="background-color: pink; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> I-1	<span style="background-color: lightblue; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> IN-1
<span style="background-color: red; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> B-3	<span style="background-color: lightgreen; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> R-2	<span style="background-color: purple; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> I-2	<span style="background-color: blue; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> IN-2
<span style="background-color: brown; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> B-5	<span style="background-color: mediumgreen; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> R-3	<span style="background-color: grey; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> I-3	<span style="background-color: limegreen; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> R-C
<span style="background-color: tan; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> B-4	<span style="background-color: lightyellow; width: 15px; height: 10px; display: inline-block; margin-right: 5px;"></span> R-4		

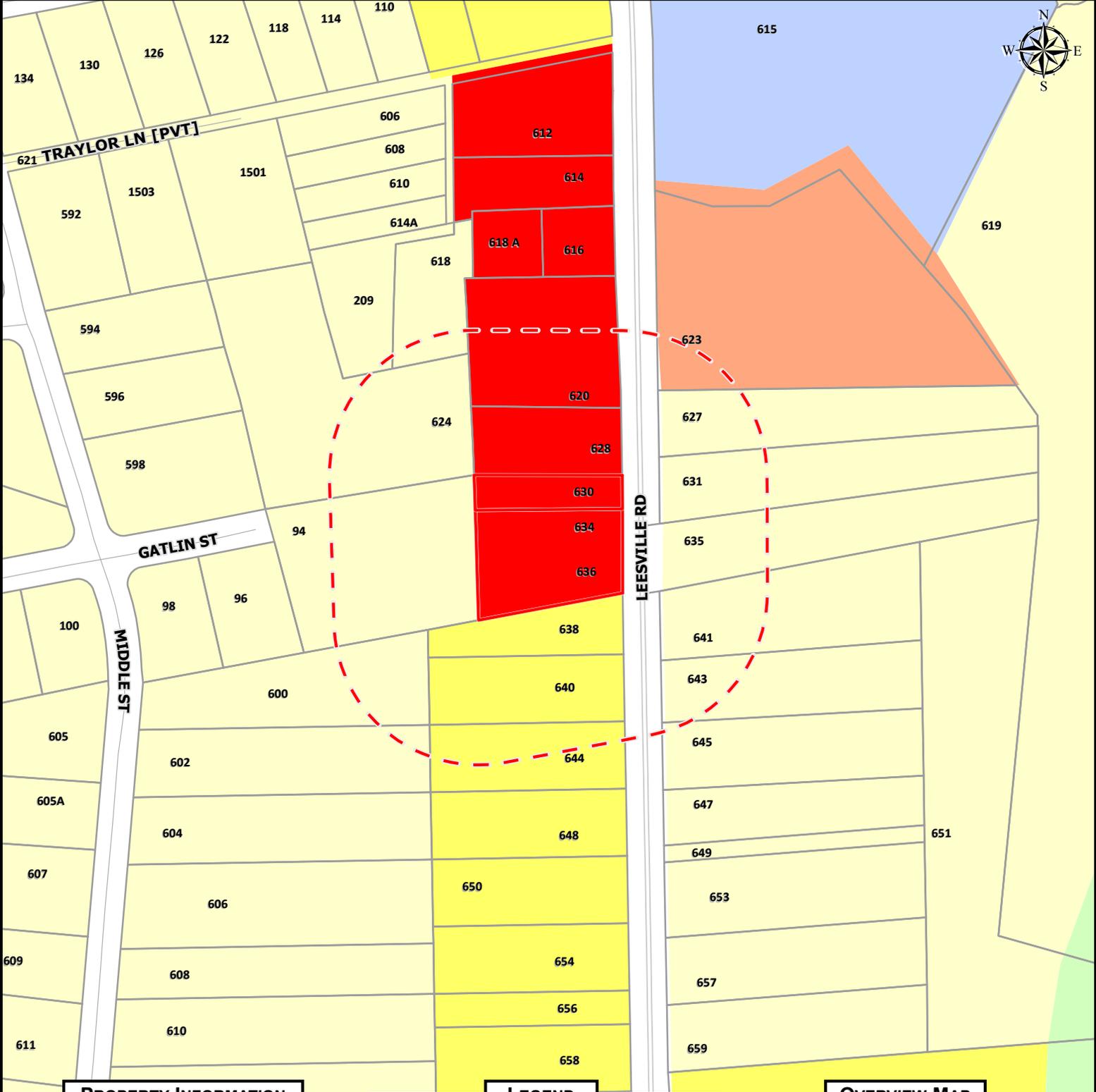
### OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016

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.

<b>Parcel ID</b>	<b>Address</b>	<b>Owner</b>
25506003	644 LEESVILLE RD	BURNETTE, MARSHALL L & ETHEL A
25504009	645 LEESVILLE RD	CAMPBELL, ROY D & BETTY C
25504008	643 LEESVILLE RD	DAVIS, CALVIN C & LINDA C
25504007	641 LEESVILLE RD	DAVIS, MICKEY D
25505017	618 LEESVILLE RD	HAMM, ROGER L & HAZEL S
25506001	638 LEESVILLE RD	HARVEY, MARTHA LOUISE NAPIER
25504005	631 LEESVILLE RD	JACKSON, LOUIS A
25506016	602 MIDDLE ST	JAMERSON, MELVIN D & SHARON H
25506017	600 MIDDLE ST	JAMERSON, MELVIN D & SHARON H
25505008	624 LEESVILLE RD	JOHNSTON, DAVID F
25505022	620 LEESVILLE RD	JOHNSTON, DAVID F
25505024	628 LEESVILLE RD	JOHNSTON, DAVID F
25505007	94 GATLIN ST	MORRIS, THOMAS
25505026	636 LEESVILLE RD	NAPIER, KRISTIE LYNN
25505025	630 LEESVILLE RD	NAPIER, KRISTIE LYNN
25506002	640 LEESVILLE RD	NAPIER, PHILIP R JR
25504001	623 LEESVILLE RD	SFB LLC
25504004	627 LEESVILLE RD	WHITE, GAVIN D & SHARON S
25504006	635 LEESVILLE RD	WILKERSON, SHIRLEY N & RAYMOND L TRS
25505016	209 KESTERSON DR	YOUNG, JAMES J & BERNICE



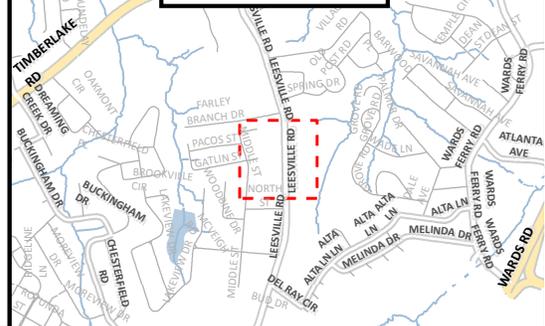
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

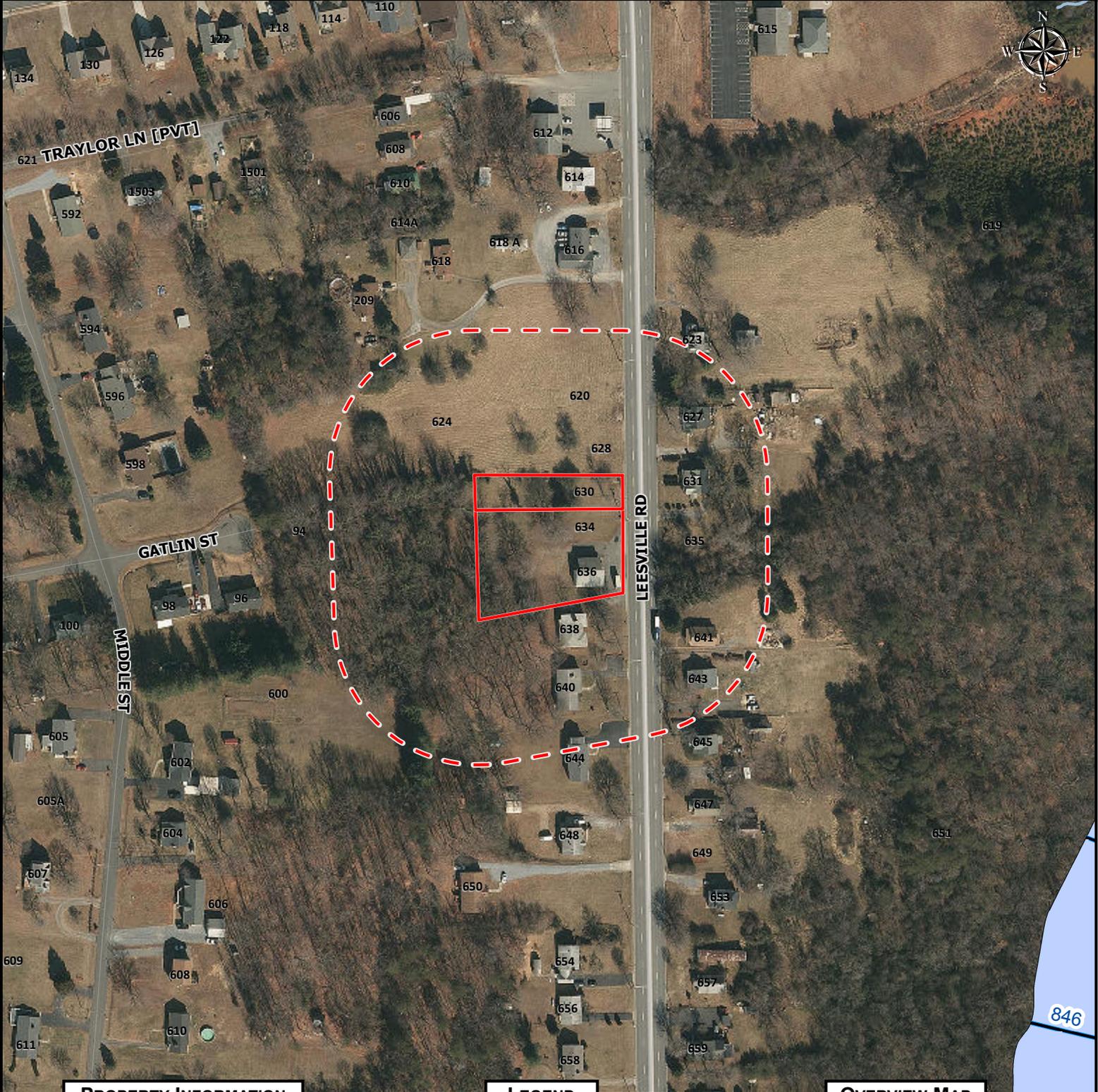
**LEGEND**

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

**OVERVIEW MAP**



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016



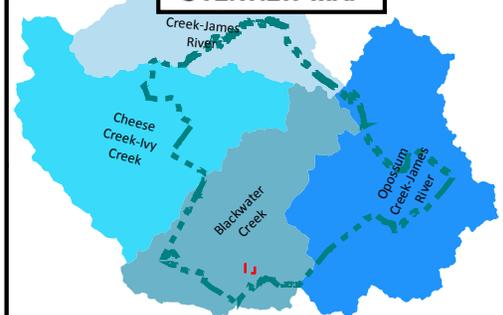
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
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25505025	630 LEESVILLE RD

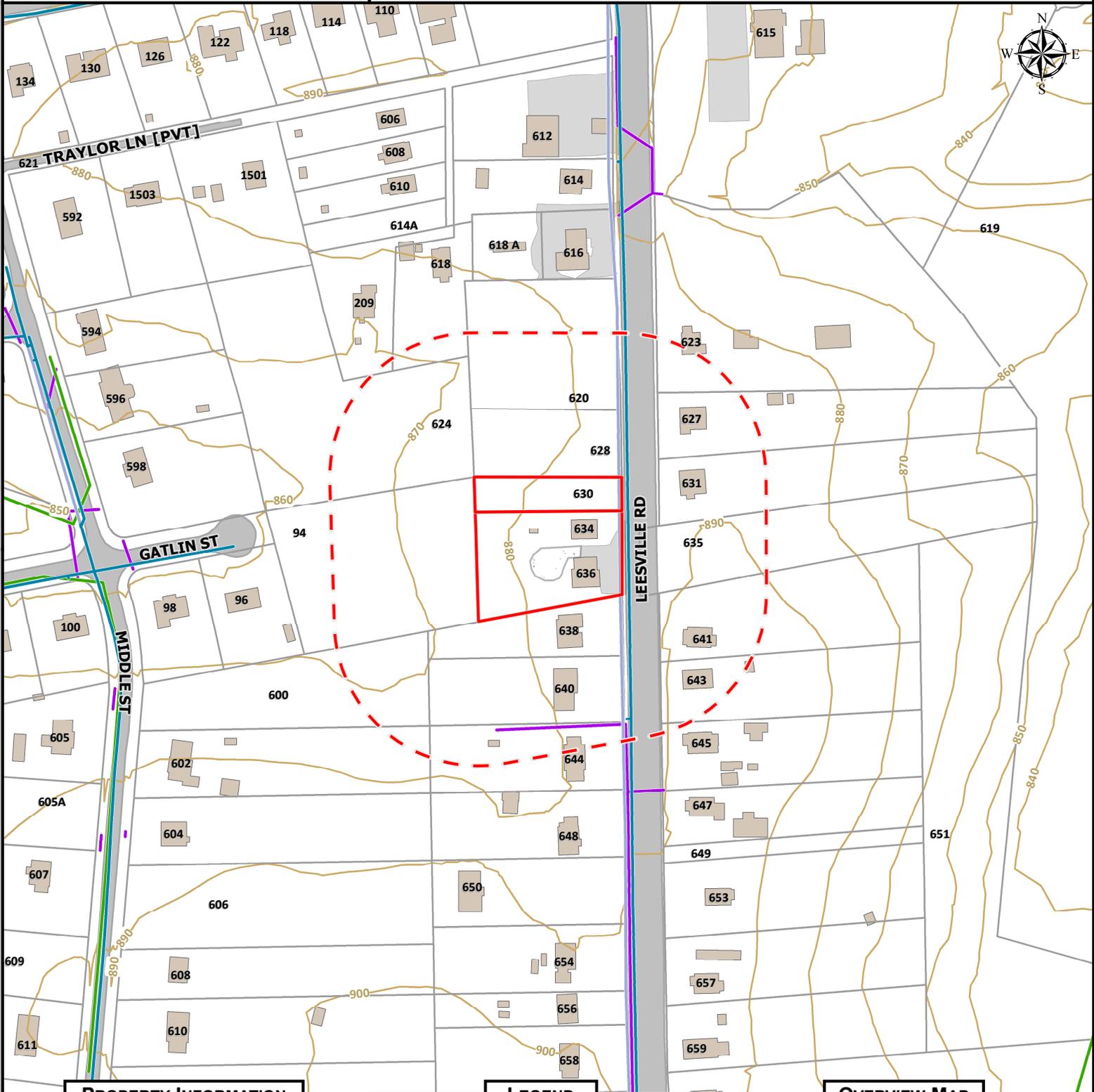
**LEGEND**

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

**OVERVIEW MAP**



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016



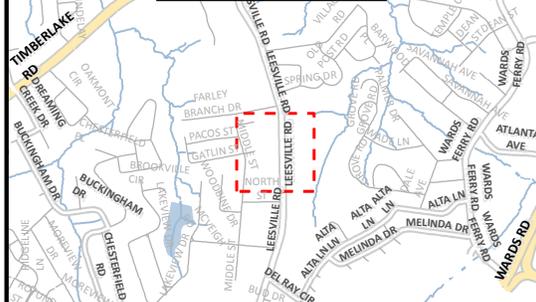
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
25505026	636 LEESVILLE RD
25505025	630 LEESVILLE RD

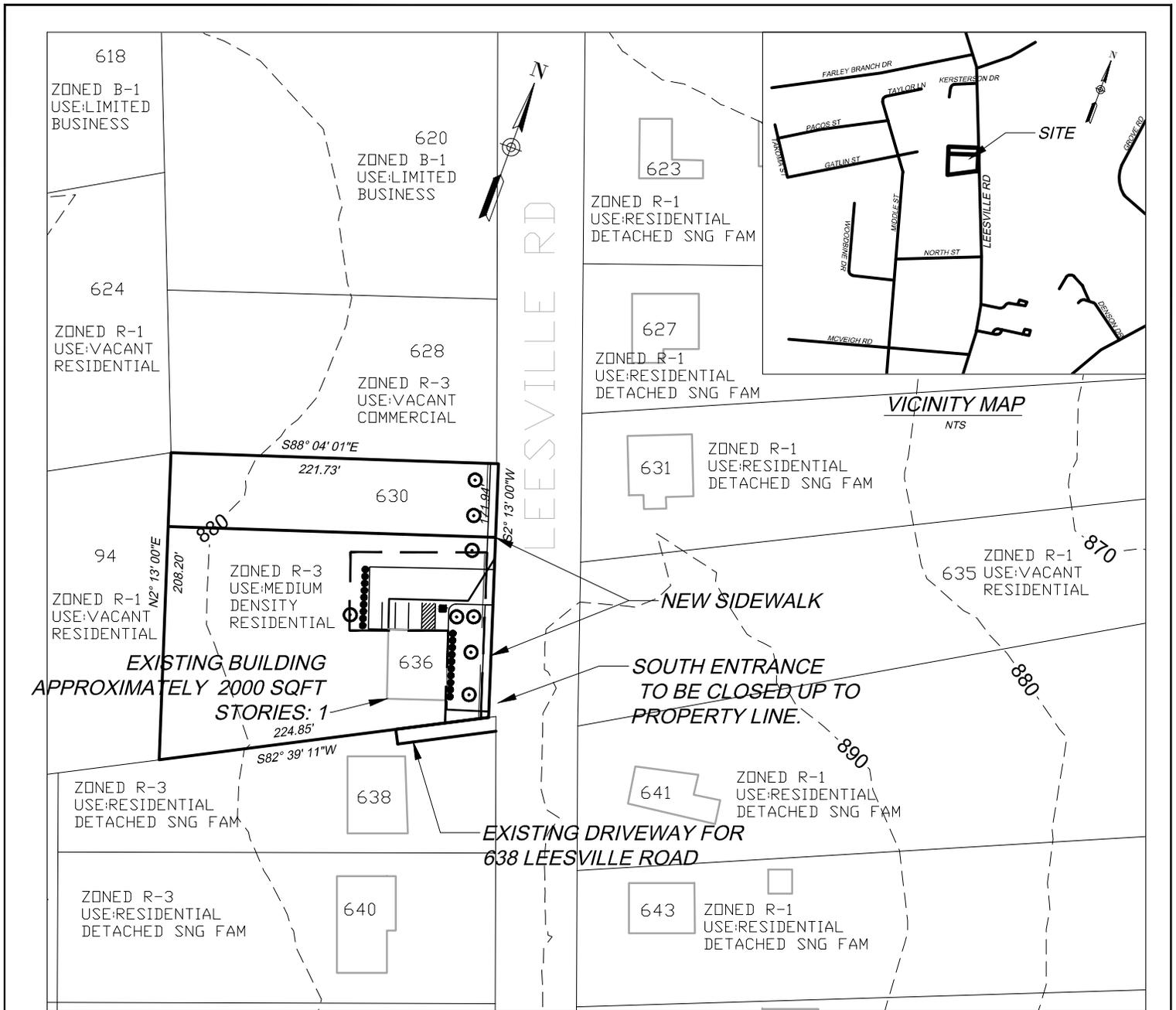
**LEGEND**

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dashed green)	Storm (dashed purple)
Structure	Roadway (solid grey)	Parking (dotted grey)	Sidewalk (dashed grey)
Planimetrics	Driveway (solid grey)	10' (dashed grey)	10' Obs (dotted grey)
Topography	Contour (solid orange)	10' (dashed orange)	Obs (dotted orange)

**OVERVIEW MAP**



MAP SCALE: 1" to 200' DATE PRINTED: 7/27/2016



PROJECT NARRATIVE AND NEW REZONING REQUEST:

THE PURPOSE OF THIS PLAN IS TO REZONE THE SITE FROM R-3 (MEDIUM DENSITY RESIDENTIAL) TO B-1 (LIMITED BUSINESS DISTRICT). THE B-1 ZONING IS REQUESTED BY THE OWNER TO ALLOW THE PROPERTY TO BE USED AS A BUSINESS INTEREST, WHICH IS WHAT IT HAD BEEN HISTORICALLY.

PROJECT NO.	20160796	LAT.	37.3496	DRAWN BY:	THM	<p>GRAPHIC SCALE IN FEET</p>
DATE:	7/26/16	LONG.	-79.2964	CHECKED BY:		

# HURT & PROFFITT



2524 LANGHORNE ROAD  
 LYNCHBURG VA 24501  
 800.242.4906 TOLL FREE  
 434.847.7796 MAIN  
 434.847.0047 FAX

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## CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD

1. **PARKING NOTES:**  
**ZONING SECTION 35.2-62.4**

**INTENDED USE OF SITE IS RETAIL SALES AND SERVICES.**  
**REQUIRED: 2 SPACES PER 1,000 SF OF GROSS FLOOR AREA PLUS 1 PER 3 EMPLOYEES**  
**ON DUTY AT ANY ONE TIME, 2000 SF PLUS 3 EMPLOYEES = 5 SPACES REQUIRED**  
**PROVIDED: 5 SPACES ARE TO BE PAINTED ON SITE**

2. **THE INTERNAL LOT LINES FOR THIS PARCEL ARE TO BE VACATED BY A FUTURE DEED.**

3. **THE DISTURBED AREA FOR THE PROJECT WILL BE APPROXIMATELY 0.2 AC. IT IS ANTICIPATED THAT THE POST-DEVELOPMENT IMPERVIOUS AREA WILL BE EQUIVALENT TO THE PRE-DEVELOPMENT IMPERVIOUS AREA, SUCH THAT STORMWATER MANAGEMENT REQUIREMENTS FOR THE DEVELOPMENT WILL BE MINIMAL. WATER QUALITY TREATMENT MAY BE ACCOMPLISHED BY A RAIN GARDEN, GRASS CHANNEL, OR SIMILAR BMP. THE PROPOSED BMP WILL REDUCE FLOWS TO MEET 1-YEAR TO 10-YEAR QUANTITY REQUIREMENTS AS NECESSARY, AND WILL DISCHARGE RUNOFF AS SHEET FLOW TO THE EXISTING GRASSY RECEIVING AREA ON THE SITE. THERE ARE NO CLEAR CHANNELS ON THE SITE TO RECEIVE SITE RUNOFF.**

4. **THE LIMITS OF CLEARING AND GRADING IS A TOTAL AREA OF 0.15 ACRES**

PROJECT NO. 20160796	LAT. 37.3496	DRAWN BY: THM
DATE: 7/26/16	LONG. -79.2964	CHECKED BY:



**HURT & PROFFITT**



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**CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD**

**SITE AND NEIGHBORHOOD PARCEL INFORMATION**

94 GATLIN ST	TMP 25505007 MORRIS, THOMAS ZONED R-1 USE: VACANT-RESIDENTIAL	631 LEESVILLE RD	TMP 25504005 JACKSON, LOUIS A ZONED R-1 USE: RESIDENTIAL- DETACHED SNG FAM
618 LEESVILLE RD	TMP 25505017 HAMM, ROGER L & HAZEL S ZONED B-1 USE: LIMITED BUSINESS	635 LEESVILLE RD	TMP 25504006 WILKERSON, SHIRLEY N & RAYMOND L ZONED R-1 USE: VACANT- RESIDENTIAL
620 LEESVILLE RD	TMP 25505022 JOHNSTON, DAVID F ZONED B-1 USE: LIMITED BUSINESS	636 LEESVILLE RD	TMP 25505026 NAPIER, KRISTIE LYNN ZONED R-3 USE: COMMERCIAL- GENERAL
623 LEESVILLE RD	TMP 25504001 SFB LLC ZONED B-1 USE: RESIDENTIAL -DETACHED SNG FAM	638 LEESVILLE RD	TMP 25506001 HARVEY, MARTHA LOUISE NAPIER ZONED R-3 USE: RESIDENTIAL- DETACHED SNG FAM
624 LEESVILLE RD	TMP 25505008 JOHNSTON, DAVID F ZONED R-1 USE: VACANT - RESIDENTIAL	640 LEESVILLE RD	TMP 25506002 NAPIER JR, PHILIP R ZONED R-3 USE: RESIDENTIAL-DETACHED SNG FAM
627 LEESVILLE RD	TMP 25504004 WHITE, GAVIN D & SHARON S ZONED R-1 USE: RESIDENTIAL -DETACHED SNG FAM	641 LEESVILLE RD	TMP 25504007 DAVIS, MICKEY D ZONED R-1 USE: RESIDENTIAL-DETACHED SNG FAM
628 LEESVILLE RD	TMP 25505024 JOHNSTON, DAVID F ZONED R-3 USE: VACANT- COMMERCIAL	643 LEESVILLE RD	TMP 25504008 DAVIS, CALVIN C & LINDA C ZONED R-1 USE: RESIDENTIAL-DETACHED SNG FAM

PROJECT NO. 20160796  
DATE: 7/26/16

LAT. 37.3496  
LONG. -79.2964

DRAWN BY: THM  
CHECKED BY:



**HURT & PROFFITT**



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*CONCEPT PLAN FOR REZONING 630/636 LEESVILLE RD*

