

**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 27, 2014  
**Re:** **Conditional Use Permit: Fill in the 100-year floodplain - 1971 University Boulevard and 751 Mountain View Road**

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**I. PETITIONER**

Liberty University Inc, 1971 University Boulevard, Lynchburg, VA 24501  
**Representative:** Mr. Russ Orrison, Perkins & Orrison, 17 W. Nelson Street, Lexington, VA 24450

**II. LOCATION**

The subject area is a portion of Liberty’s campus between Regents Parkway and the Norfolk and Southern Railroad, spanning 1971 University Boulevard and 751 Mountain View Road.

**Property Owners:**

Liberty University Inc, 1971 University Boulevard, Lynchburg, VA 24501

**III. PURPOSE**

The purpose of the conditional use permit petition is to allow for the floodplain to be filled so that a usable building pad can be created. No specific use for the site is being proposed, but due to its proximity to other facilities on campus, it will likely be for expansion of the university.

**IV. SUMMARY**

- The *Future Land Use Map (FLUM)* recommends an Institutional use for this property. Institutional uses include religious, educational, and other nonprofit entities in the City.
- The property is zoned B-5C, General Business District (Conditional).
- This floodplain has a drainage area of less than one square mile; an area not normally mapped as floodplain by current standards, and is more a backwater condition of the 3’ x 3’ railroad culvert than a floodplain, hydraulically connected to the floodplain along Rock Castle Creek.

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

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**V. FINDINGS OF FACT**

1. **Comprehensive Plan.** The *FLUM* of the *Comprehensive Plan 2013-2030* recommends an Institutional 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.

Goal NS-1.4 is to “Promote responsible management and development of lands adjacent to important natural resources that provide a pleasant, healthy and safe environment for human activities by:

- Minimizing fill or development within the 100-year floodplains and wetlands, except as required for water resources management and passive recreational projects;

- Limiting development of steep slopes adjacent to streams, floodplains, and wetlands;
- Protecting unique and critical habitats;
- Protecting and enhancing scenic resources, such as City parks and trails, the old City Cemetery, the riverfront and Point of Honor; and
- Eradicating invasive plant species.”

It is important to minimize fill in floodplains across the city when the mapped floodplain provides important protection for people and property downstream. In this instance, the floodplain was created because from a backwater condition of a 3' x 3' culvert and this is not a natural floodplain. Capacity can be accommodated by a proposed upstream detention pond.

2. **Zoning.** Portions of the subject property were annexed into the City in 1958 and 1976. The existing B-5C, General Business District (Conditional) zoning was established in 2003 with the approval of the rezoning petition of Jerry Falwell Ministries.
3. **Proffers.** No proffers have been submitted.
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 February 10, 1981, Council approved the petition of Granville Graham to rezone the property at 3400 Wards Road from B-3, Community Business District to B-5C, General Business District (Conditional) to allow for the construction of a warehouse.
  - On June 14, 1988, Council approved the petition of Barry E. Dotson & Associates to rezone the property at 3900 Wards Road from I-2, Light Industrial District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of a shopping center.
  - On March 14, 1989, Council approved the petition of Vito DeMonte to rezone the property at 3725 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the expansion of an existing auto body.
  - On March 14, 1989, Council approved the CUP petition of Old Time Gospel Hour to construct a football stadium and basketball arena at 3765 Candler's Mountain Road.
  - On September 11, 1990, Council approved the petition of Vito DeMonte to rezone the property at 3717 Wards Road from I-2, Light Industrial District to B-5C, General Business District (Conditional) to allow for the construction of an automobile showroom and service shop.
  - On July 14, 1992, Council approved the petition of Sam's Club to rezone the property at 3900 Wards Road to B-3C, Community Business District (Conditional) to B-3C, Community Business District (Conditional) to allow for a retail store and modification to the proffered site plan.
  - On April 8, 1997, Council approved the CUP petition of Wal-Mart Stores, Inc. to fill in the floodplain in order to allow for a retail store at 3900 Wards Road.

- On January 26, 1999, Council approved the rezoning petition of Faison/Trammel Crow Company to rezone the property at 100 Atlanta Avenue from R-3, Medium Density, Two-Family Residential District, R-4, Medium-High Density, Multi-Family Residential District, R-5, High Density, Multi-Family Residential District and B-5, General Business District to B-5C, General Business District (Conditional) to allow for the construction of a shopping center.
  - On July 13, 1999, Council approved the petition of Rocky Bottom Realty, LLC to rezone the property at 3700 Wards Road from I-2, Light Industrial District and R-C, Resource Conservation District to B-3C, Community Business District (Conditional) and receive a CUP to fill-in the floodplain to allow for the construction of retail and restaurant uses.
  - On May 9, 2000, Council approved the CUP petition of Old Time Gospel Hour to fill in the floodplain to facilitate the development of a restaurant at 3920 Wards Road.
  - On July 10, 2001, Council approved the CUP petition of EHI Properties to fill in the floodplain to facilitate the development of a restaurant at 3805 Wards Road.
  - On November 13, 2001, Council approved the CUP petition of Liberty University to amend the Master Plan at 1971 University Boulevard.
  - On December 16, 2003, Council approved the petition of Jerry Falwell Ministries to rezone the property at 100 Mountain View Road from I-2, Light Industrial District, B-5, General Business District, and B-3C, Community Business District (Conditional) to B-5C, General Business District (Conditional) and receive a CUP to allow for modifications to the vegetation disturbance on the property.
  - On June 10, 2008, Council approved the CUP petition of Liberty University to allow for a consolidated sign plan at 100 Mountain View Road, 100 and 300 Liberty Mountain and 3501 Wards Road.
  - On May 13, 2014, Council approved the petition of B & H Holding, LLC to rezone the property at 3801 and 3805 Wards Road from B-5C, General Business District (Conditional) and I-2, Light Industrial District, to B-5C, General Business District (Conditional) to allow the construction of a car wash and associated parking. Council also approved their CUP petition to allow fill in the floodplain at 3801 and 3805 Wards Road.
6. **Site Description.** The subject property proposed for fill consists of approximately two and seventy-two hundredths (2.72) acres located adjacent to the Norfolk & Southern Railroad, north of the Liberty University vehicular tunnels and west of Regents Parkway. The property is part of the much larger Liberty University campus, is wooded and is approximately twenty (20) feet below the grade of Regents Parkway.
7. **Proposed Use of Property.** If the CUP petition is approved, the property will be filled in to create a pad site for Liberty University expansion.
8. **Traffic, Parking and Public Transit.** As no development is proposed, the petition did not warrant a Traffic Impact Study (TIS) or create any traffic concerns.
9. **Stormwater Management.** The proposed project is required to treat stormwater runoff for quantity and quality. Capacity of the floodplain will be provided by a detention facility upstream.

10. **Emergency Services.** The City Fire Marshal and The City’s Police Department did not have any concerns with filling of the floodplain.
11. **Impact.** The CUP petition proposes filling in the floodplain to allow for the expansion of Liberty University onto a previously unbuildable site. This floodplain has a drainage area of less than one square mile; an area not normally mapped as floodplain by current standards, and is more a backwater condition of the three foot (3’) x three foot (3’) railroad culvert than a floodplain, hydraulically connected to the floodplain along Rock Castle Creek. The petitioner has submitted information documenting that the proposed fill would not result in a net rise of the floodplain elevation. Although caution should be taken when altering the floodplain, the impact from this proposal should be minimal.
12. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on August 5, 2014. Comments related to the proposed use have or will be addressed by the petitioner prior to final site plan approval.

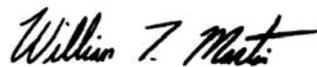
**VI. PLANNING DIVISION RECOMMENDATION**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Liberty University Inc.:**

**Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the conditional use permit petition of Liberty University Inc, to allow filling in the floodplain at 1971 University Boulevard and 751 Mountain View Road in accordance with the following conditions:**

1. **The developer shall not cause any detrimental effects to the Rock Castle Creek Tributary outside of the area designated for filling in the flood plain on the subject property.**
2. **An engineered site plan is required and shall provide for the determination of an “adequate conveyance and downstream receiving channel.”**
3. **A Letter of Map Revision (LOMR) will be filed with the Federal Emergency Management Association (FEMA).**

This matter is respectfully offered for your consideration.

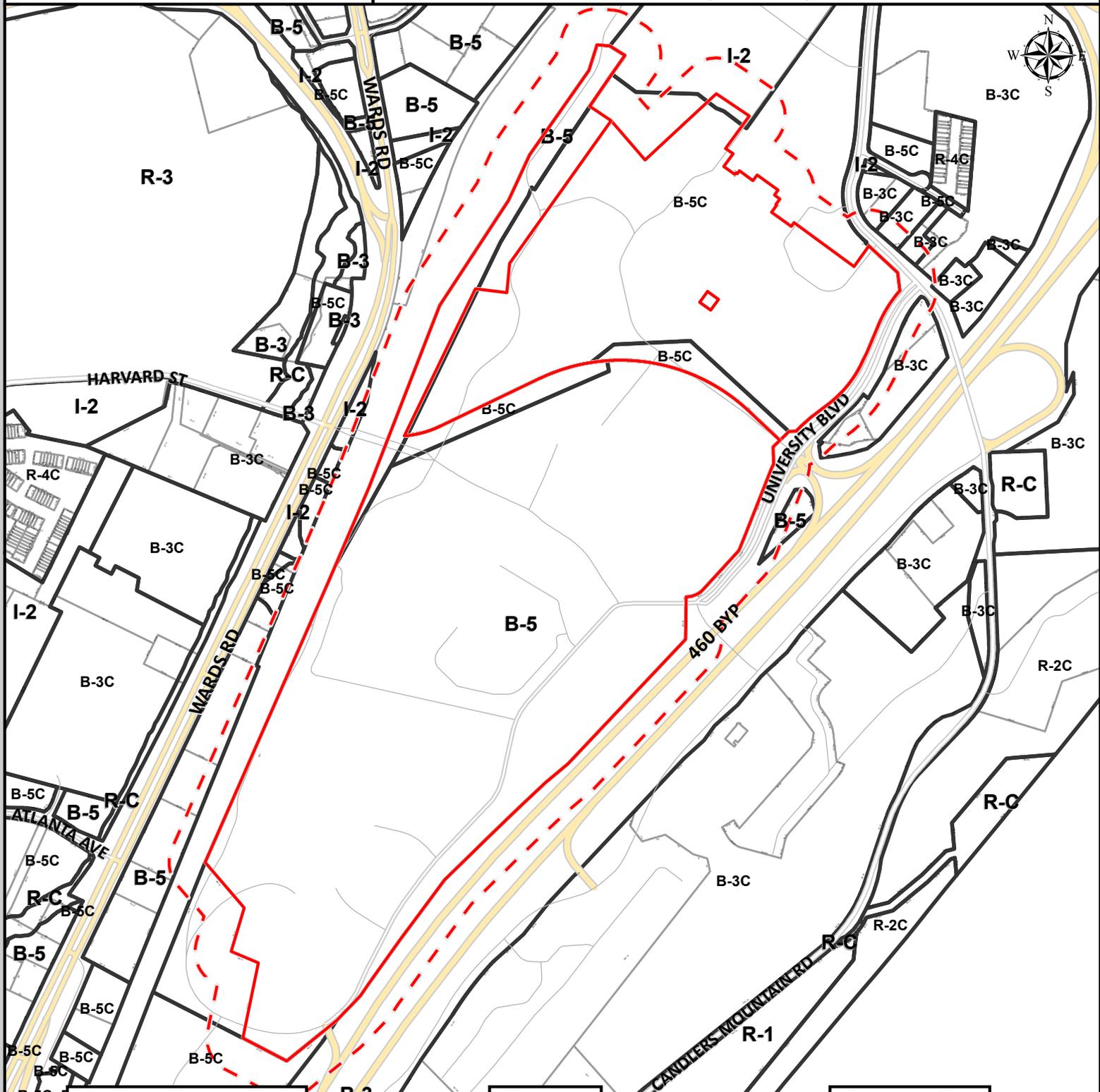


William T. Martin, AICP  
City Planner

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. E. Rick Lee, Jet Express Car Wash  
Mr. Bill Hinton, B & H Holdings

## **VII. ATTACHMENTS**

- 1. Vicinity Zoning Pattern Map**
- 2. Vicinity Proposed Land Use Map**
- 3. Watershed Location Map**
- 4. Planimetric and Topographic Map**
- 5. Conditional Use Permit Plan**
- 6. Property Photograph**
- 7. Project Narrative**



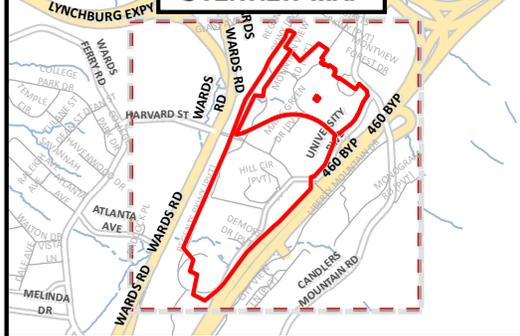
**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

**LEGEND**

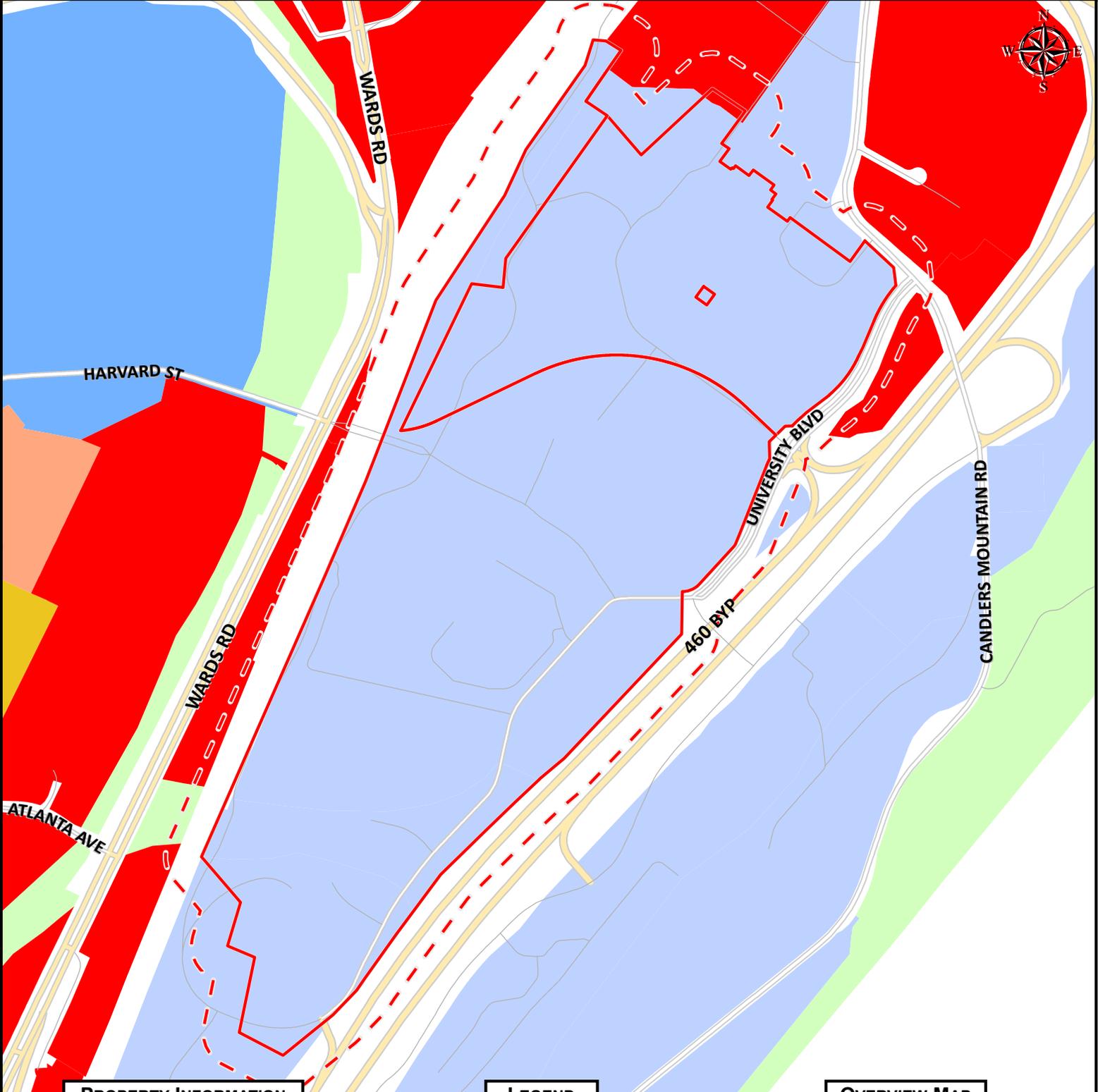
- Subject Property
- 200' Buffer
- Zoning Boundary

**OVERVIEW MAP**



MAP SCALE: 1" to 750' DATE PRINTED: 8/15/2014

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.



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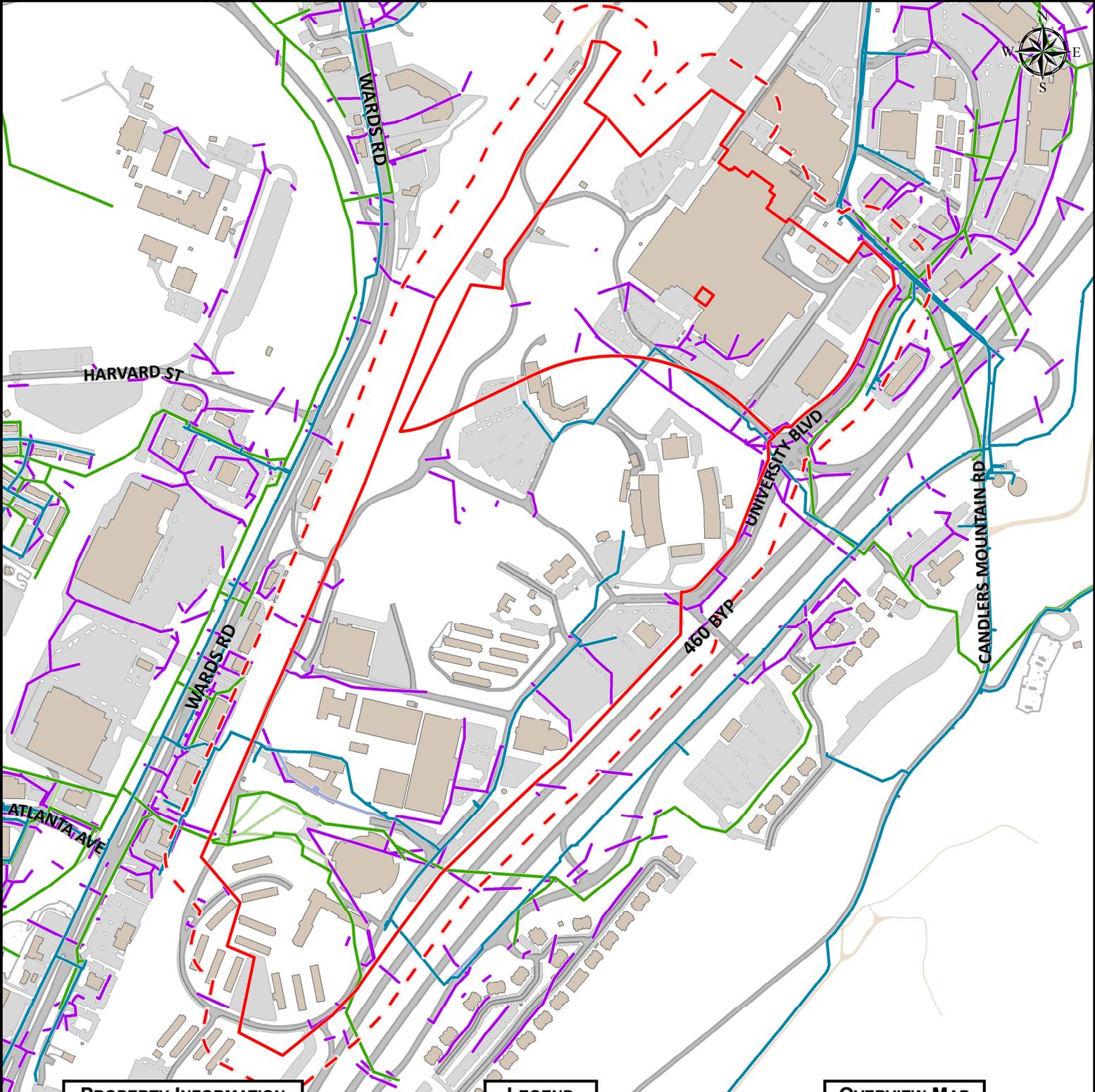
**LEGEND**

- 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 750' DATE PRINTED: 8/15/2014



**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

**LEGEND**

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

**OVERVIEW MAP**



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**PROPERTY INFORMATION**

PARCEL ID	ADDRESS
25701001	1971 UNIVERSITY BLVD
13001002	751 MOUNTAIN VIEW RD

**LEGEND**

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

**OVERVIEW MAP**



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SITE INFORMATION:  
 PARCEL ID: 25701001, 13001002  
 DEED BOOK#774 PAGE#350, INGT#100008756  
 OWNER/DEVELOPER: LIBERTY UNIVERSITY INC.  
 ATTN: MAGGIE COSSMAN  
 1971 UNIVERSITY BLVD  
 LYNCHBURG, VA 24515  
 ZONING: B-5C, B-5C  
 SETBACKS:  
 FRONT: N/A  
 SIDE: N/A ABUTS OTHER B-5 ZONING  
 REAR: N/A ABUTS OTHER B-5 ZONING  
 ACRES: 147.59  
 USE: UNIVERSITY BUILDING  
 DESIGNER: RUSSELL ORRISON  
 PERKINS & ORRISON  
 P.O. BOX 1567 17 W. NELSON STREET  
 LEXINGTON, VA 24450

GENERAL NOTES:  
 G1.) THE EXISTING UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON AVAILABLE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND FOR ANY DAMAGES THAT OCCUR BY HIS/HER FAILURE TO LOCATE OR PRESERVE THESE UTILITIES. IF, DURING CONSTRUCTION, THE CONTRACTOR SHOULD ENCOUNTER UTILITIES OTHER THAN THOSE SHOWN ON THE PLANS HE/SHE SHOULD NOTIFY THE ENGINEER AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE FACILITY AND ASSURE THE CONTINUANCE OF SERVICE.  
 G2.) ANY DISCREPANCIES FOUND BETWEEN THE DRAWINGS AND SITE CONDITIONS OR ANY DISCREPANCIES OR AMBIGUITIES IN THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ENGINEER. WORK DONE BY THE CONTRACTOR WITHOUT DIRECTION AFTER THE DISCOVERY OF SUCH INCONSISTENCIES SHALL BE DONE AT THE CONTRACTOR'S RISK.  
 G3.) ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF LYNCHBURG AND THE VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS. CONSTRUCTION OF SANITARY SEWER AND WATER SERVICES SHALL CONFORM TO THE VIRGINIA DEPARTMENT OF HEALTH STANDARDS AND SPECIFICATIONS.  
 G4.) ALL CONSTRUCTION SHALL COMPLY WITH THE AMERICANS WITH DISABILITIES ACT (ADA) REQUIREMENTS & WITH THE 2009 UNIFORM STATEWIDE BUILDING CODE (USBC) AND ICC/ANSI A117.1 2003.  
 G5.) CONSTRUCTION LIMITS SHALL BE PROPERTY LINES OR AS INDICATED ON THE PLAN.  
 G6.) ALL FINAL GRADINGS, SEEDING, SODDING AND/OR PAVING SHALL BE DONE IN SUCH A MANNER TO PRECLUDE FLOODING OF WATER ON THE SITE.  
 G7.) THE CONTRACTOR SHALL BE RESPONSIBLE FOR ACQUIRING ALL NECESSARY PERMITS BEFORE THE START OF CONSTRUCTION.  
 G8.) THE CONTRACTOR SHALL NOTIFY M&S UTILITY (1-800-552-7001) 48 HOURS PRIOR TO EXCAVATION.  
 G9.) THE CONTRACTOR SHALL COORDINATE INSTALLATION OF ELECTRICAL, TELEPHONE AND CATV SERVICES.  
 G10.) DISPOSE OF TREES, STUMPS AND OTHER DEBRIS OFF SITE.  
 G11.) ALL MATERIALS USED FOR FILL SHALL BE FREE OF UNSUITABLE MATERIALS SUCH AS WOOD, ROOTS, FROZEN MATERIAL, ROCKS OR BOULDERS OF UNACCEPTABLE SIZE OR ANY OTHER NON-COMPACTING SOIL MATERIALS.  
 G12.) A PERMIT MUST BE SECURED FROM THE VIRGINIA DEPARTMENT OF TRANSPORTATION BEFORE ANY WORK IS PERFORMED IN A STATE RIGHT-OF-WAY.  
 G13.) THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT OF MUD PRIOR TO TRAVELING ON A PUBLIC RIGHT-OF-WAY. IT IS THE CONTRACTOR'S RESPONSIBILITY TO CLEAN STREETS AND TO ALLAY DUST AND TAKE ALL MEASURES NECESSARY TO ENSURE THAT THE ROAD IS MAINTAINED IN A CLEAN, MUD AND DUST FREE CONDITION AT ALL TIMES DURING CONSTRUCTION.  
 G14.) DIMENSIONS ARE FROM THE FACE OF CURB UNLESS OTHERWISE NOTED.  
 G15.) PAINT HANDICAPPED SYMBOL ON PARKING SPACES WHERE SHOWN ON DRAWINGS. TRAFFIC MARKINGS FOR HANDICAP PARKING SPACES AND ACCESSIBLES SHALL BE BLUE. TRAFFIC MARKINGS SHALL BE IN CONFORMANCE WITH THE LATEST VIRGINIA DEPARTMENT OF TRANSPORTATION AND THE MANUAL FOR UNIFORM TRAFFIC CONTROL DEVICES STANDARDS AND SPECIFICATIONS.  
 G16.) TRAFFIC CONTROL SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH THE LATEST EDITIONS OF THE VIRGINIA WORK AREA PROTECTION MANUAL AND THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.  
 G17.) ALL FILLS TO BE COMPACTED IN 6" LOOSE LIFTS TO 98% STD. PROCTOR.  
 G18.) EXISTING SLOPES GREATER THAN 4:1 SHALL BE BENCHED PRIOR TO PLACEMENT OF FILL.  
 G19.) CONTRACTOR WILL COMPLETE ALL SITE WORK: FINAL GRADING, LANDSCAPING, SEEDING, PAVING, AND REMOVAL OF DEBRIS.  
 G20.) THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.  
 G21.) ARCHITECTURAL PLANS, SIGNAGE PLANS, AND LIGHTING PLANS SHALL BE SUBMITTED BY OTHERS UNDER SEPARATE COVER. ALL ARCHITECTURAL, SIGNAGE, AND LIGHTING INFORMATION SHOWN ON THIS PLAN IS PROVIDED FOR INFORMATIONAL PURPOSES ONLY.  
 G22.) BOUNDARY INFORMATION FROM RECORDS.  
 G23.) TOPOGRAPHIC INFORMATION FROM A FIELD SURVEY BY PERKINS & ORRISON & AVAILABLE RECORDS.  
 G24.) PIPE BEDDING SHALL BE PER APPLICABLE VDOT STANDARDS UNLESS OTHERWISE NOTED.  
 G25.) HDPE PIPE SHALL BE DOUBLE WALL TYPE "B" WITH SMOOTH INTERIOR AND MEET AASHTO REQUIREMENTS M294. HDPE PIPE BEDDING SHALL BE PER MANUFACTURER'S SPECIFICATION.

# LIBERTY UNIVERSITY

## CONDITIONAL USE PERMIT PLAN FOR FLOOD PLAIN FILL

### CITY OF LYNCHBURG, VIRGINIA

#### CONDITIONAL USE PERMIT NARRATIVE

THERE IS A FEMA MAPPED FLOOD PLAIN ON A PORTION OF LIBERTY'S CAMPUS BETWEEN REGENTS PARKWAY AND THE NORFOLK AND SOUTHERN RAILROAD THAT HAS A DRAINAGE AREA OF APPROXIMATELY 91 ACRES, AND IS THE BACKWATER CONDITION OF A 3' X 3' CULVERT UNDER THE RAILROAD. IT IS UNUSUAL FOR FEMA TO MAP FLOOD PLAINS WITH A DRAINAGE AREA OF LESS THAN ONE SQUARE MILE (640 ACRES), AND IT IS LIKELY THAT THIS AREA WOULD HAVE BEEN "CLIPPED" BY FEMA IN THEIR NEXT ROUND OF FLOOD MAP REVISIONS, IF NO LOMR (LETTER OF MAP REVISION) HAD BEEN COMPLETED AND IF THEY HAD NOTED THE RELATIVELY SMALL DRAINAGE AREA AND THE FACT THAT THE FLOOD PLAIN IS NOT HYDRAULICALLY CONNECTED TO THAT OF ROCK CASTLE CREEK. WHILE FEMA PERSONNEL WITH WHOM WE HAVE SPOKEN ARE SYMPATHETIC, THEY DO NOT HAVE A PROCESS WHEREBY UNNECESSARILY MAPPED AREAS ARE REMOVED, EXCEPT WITH A MAP UPDATE.

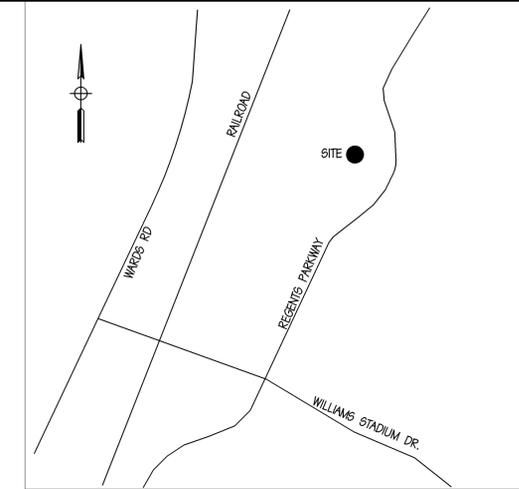
IN 2009, LIBERTY FILED A LETTER OF MAP REVISION WITH FEMA, BASED ON ENGINEERING CALCULATIONS PREPARED BY A PRIVATE FIRM FOR LIBERTY. THIS RESULTED IN A REDUCTION IN THE MAPPED FLOOD PLAIN, WITH THE CALCULATED 100 YEAR WATER SURFACE BEING REDUCED BY SOME 35 FEET IN ELEVATION. (THE FEMA STUDY IS NECESSARILY CRUDE COMPARED TO A DETAILED STUDY, AND THE FEMA MAP HAD SIMPLY ASSUMED THAT RUNOFF WOULD RISE BEHIND THE RAILROAD EMBANKMENT UNTIL IT OVERTOPPED THE RAILROAD ITSELF - THIS WAS PROVEN TO BE AN INCORRECT ASSUMPTION).

NOW, LIBERTY HAS IDENTIFIED THE AREA OF THIS FLOOD PLAIN AS AN IMPORTANT EXPANSION AREA, DUE TO ITS PROXIMITY TO OTHER FACILITIES AND PEDESTRIAN AND BUS TRANSPORTATION, AND IS HEREBY REQUESTING A CONDITIONAL USE PERMIT TO FILL THE 100 YEAR FLOOD PLAIN. THIS APPLICATION IS FOR THE PLACEMENT OF FILL IN THE FLOOD PLAIN TO CONSTRUCTION A USEABLE BUILDING PAD AS SHOWN. WE FULLY EXPECT TO PROPOSE A SPECIFIC BUILDING FOR THIS SITE IN THE FUTURE; HOWEVER, NO BUILDING IS PROPOSED AT THIS TIME.

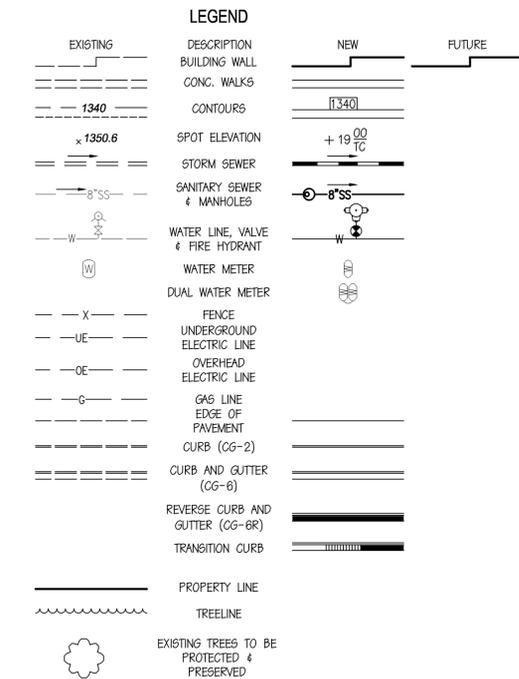
IN ORDER TO OBTAIN A CONDITIONAL USE PERMIT, THE APPLICANT MUST RIGHTLY SHOW THAT THE PROPOSED FILL WILL NOT INCREASE FLOODING AT THE LOCATION OF THE FILL, AND THAT IT WILL NOT INCREASE FLOODING FOR DOWNSTREAM PROPERTY OWNERS. IN ORDER TO ACCOMPLISH THIS (AND FEASIBLE ONLY BECAUSE THE DRAINAGE AREA IS A RELATIVELY SMALL 91 ACRES), THE CONDITIONAL USE PERMIT PLAN PROPOSES TO PROVIDE STORAGE OF THE RUNOFF FROM THE 100 YEAR EVENT SUCH THAT THE PEAK RATE OF RUNOFF TO THE FLOOD PLAIN IS REDUCED, WITH AN ATTENDANT REDUCTION IN THE 100 YEAR WATER SURFACE ELEVATION. WITH A LOWER WATER SURFACE ELEVATION PROVIDING HEAD ON THE RAILROAD CULVERT, THE CULVERT WILL FLOW AT A LESSER RATE, THUS REDUCING THE FLOODING DOWNSTREAM (TO BE CLEAR, THE REDUCTION IS TINY COMPARED TO THE TOTAL FLOW, AS THE DRAINAGE AREA OF THIS WATERSHED IS SMALL COMPARED TO THE TOTAL WATERSHED). TEMPORARY STORAGE OF PEAK FLOWS IS ACCOMPLISHED IN A DETENTION POND ABOVE REGENTS PARKWAY AS SHOWN, AND STORAGE DURING A 100 YEAR EVENT IS APPROXIMATELY 600,000 CUBIC FEET. THE POND DRAINS DOWN COMPLETELY BETWEEN STORM EVENTS, WITH NO PONDED AREAS EXCEPT DURING RAINFALL EVENTS (A "DRY POND").

ALL OF THE FLOOD PLAIN THAT IS PROPOSED TO BE FILLED IS A BACKWATER CONDITION, THEREFORE, NONE OF THE AREA IS SHOWN BY FEMA AS FLOODWAY. THE AREA HAS BEEN EVALUATED FOR JURISDICTIONAL WATERS AND WETLANDS, AND MITIGATION WILL BE REQUIRED IN ORDER TO OBTAIN PERMITTING FROM THE STATE FOR PLACEMENT OF THE FILL. ALL PERMITS MUST BE IN PLACE PRIOR TO ANY LAND DISTURBANCE.

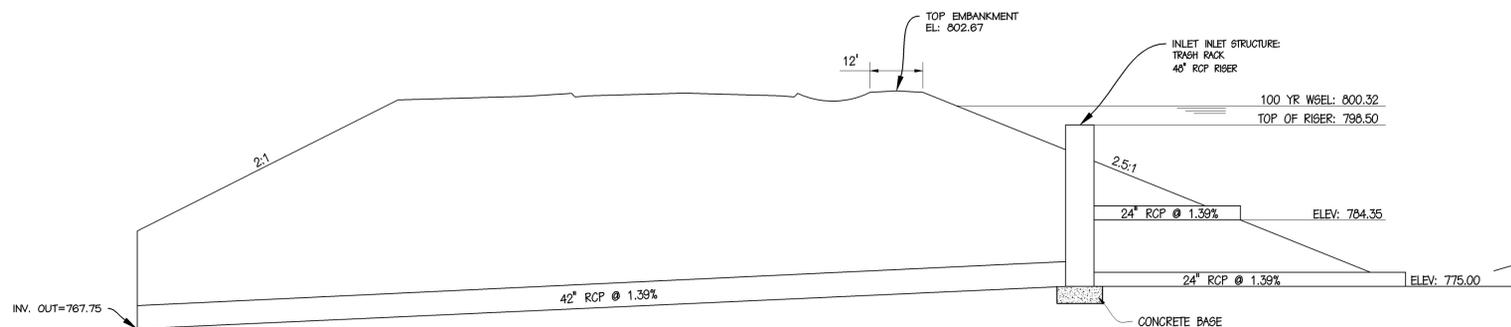
ASSUMING THAT THE CUP IS GRANTED, THEN FULL CONSTRUCTION DRAWINGS AND CALCULATIONS WILL BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL. PRELIMINARY EARTHWORK INDICATES A CUT VOLUME OF 22,000 CUBIC YARDS AND A FILL VOLUME OF 106,000 CUBIC YARDS FOR A NET FILL OF 84,000 CUBIC YARDS WHICH IS BEING GENERATED AT OTHER PERMITTED SITES AT LIBERTY. DURING THE PREPARATION AND REVIEW OF THE OF THE CONSTRUCTION DRAWINGS, COMPLIANCE WITH APPLICABLE STORMWATER QUANTITY AND QUALITY REGULATIONS WILL BE DEMONSTRATED. WHILE THE PROPOSED STORMWATER MANAGEMENT FACILITY IS PRIMARILY FOR THE ATTENUATION OF THE 100-YEAR STORM EVENT, THE 1-YEAR, 2-YEAR, AND 10-YEAR STORM EVENTS WILL BE ATTENUATED TO PROVIDE STORMWATER MANAGEMENT FOR THE FUTURE DEVELOPMENT OF THE PAD. ONCE A FINAL DESIGN OF THE STORMWATER MANAGEMENT FACILITY IS COMPLETE AND THE ULTIMATE LAYOUT OF THE DEVELOPMENT KNOWN, A CHANNEL ADEQUACY ANALYSIS WILL BE PREPARED AND SUBMITTED FOR REVIEW AND APPROVAL. WHILE THE DETAILS OF THE PIPING NETWORK OR SIMILAR MAY BE REVISED DURING THE DETAILED ENGINEERING PHASE, THE OVERALL REDUCTION OF THE 100 YEAR WATER SURFACE ELEVATION WILL BE REQUIRED PER THE CUP, AND NO INCREASE CAN BE PROPOSED OR APPROVED.



VICINITY MAP  
NO SCALE



STORM WATER DETENTION  
POND DETAIL  
NO SCALE



SHEET INDEX  
 1 OF 3 COVER  
 2 OF 3 SITE PLAN.  
 3 OF 3 LOMR# 09031318P

#### ABBREVIATIONS

AB	ANCHOR BLOCK	MECH	MECHANICAL
BLDG	BUILDING	MH	MANHOLE
BC	BOTTOM FACE OF CURB	MIN	MINIMUM
BM	BENCHMARK	MON	MONUMENT
CL	CENTERLINE	OC	ON CENTER
CL	CLASS	PVC	BEGIN VERTICAL CURVE
CMP	CORRUGATED METAL PIPE	PVC	POLYVINYL CHLORIDE
CO	CLEANOUT	PVT	END VERTICAL CURVE
CONC	CONCRETE	RCP	REINFORCED CONCRETE PIPE
DI	DROP INLET	SD	STORM DRAINAGE
DIA	DIAMETER	SHT	SHEET
DIP	DUCTILE IRON PIPE	STR	STRUCTURE
EA	EACH	SW	SIDEWALK
EC	EROSION CONTROL	TAN	TANGENT
ELEV	ELEVATION	TB	CONCRETE THRUST BLOCK
EP	EDGE OF PAVEMENT	TBM	TEMPORARY BENCH MARK
ES	END SECTION	TBR	TO BE REMOVED
EX	EXISTING	TBR*	TO BE REMOVED OR RELOCATED
FB	FACE OF BUILDING	TO	TOP
FF	FINISHED FLOOR ELEVATION	TOC	TOP OF CURB
FH	FIRE HYDRANT	TOW	TOP OF WALL
GV	GATE VALVE	TP	TELEPHONE POLE
HB	HORIZONTAL BEND	TR	TOP OF RIM
HD	HEAVY DUTY	TYP	TYPICAL
HDPE	HIGH DENSITY POLYETHYLENE PIPE	VB	VERTICAL BEND
HPT	HIGH POINT	VDOT	VIRGINIA DEPARTMENT OF TRANSPORTATION
HOR	HORIZONTAL	WL	WATER LINE
INV	INVERT	WM	WATER METER
IN	INVERT IN	WWF	WELDED WIRE FABRIC
IO	INVERT OUT	WWM	WELDED WIRE MESH
LPT	LOW POINT	W/	WITH
MAX	MAXIMUM	WV	WATER VALVE

**PERKINS & ORRISON**  
 ENGINEERS ▲ PLANNERS ▲ SURVEYORS

27 GREEN HILL DRIVE, FOREST, VIRGINIA 24551  
 PHONE: 434-525-5985 FAX: 434-525-5986  
 EMAIL: pro@perkins-orrison.com

PO BOX 1567 17 W. NELSON STREET LEXINGTON, VIRGINIA 24450  
 PHONE: 540-464-9001 FAX: 540-464-5009  
 EMAIL: pro@perkins-orrison.com

CONSULTANTS

SEAL:

JOB:  
 LIBERTY UNIVERSITY CONDITIONAL  
 USE PERMIT PLAN FOR FILL  
 CITY OF LYNCHBURG, VIRGINIA

CLIENT:  
 LIBERTY UNIVERSITY  
 ATTN: MAGGIE COSSMAN

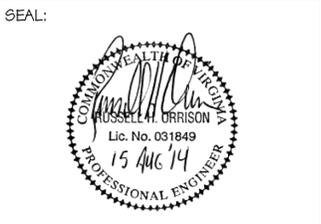
1	08/14/14	PER TRC COMMENTS
MARK	DATE	DESCRIPTION
ISSUE:	07/22/2014	
CONTOUR INTERVAL:	-	
DESIGNED BY:	RHO/GW	
DRAWN BY:	PWS	
CHECKED BY:	RHO	

SHEET TITLE

COVER SHEET

SHEET NO. 13426 SHEET NO. 1 OF 3

CONSULTANTS



JOB:  
**LIBERTY UNIVERSITY CONDITIONAL  
 USE PERMIT PLAN FOR FILL  
 CITY OF LYNCHBURG, VIRGINIA**

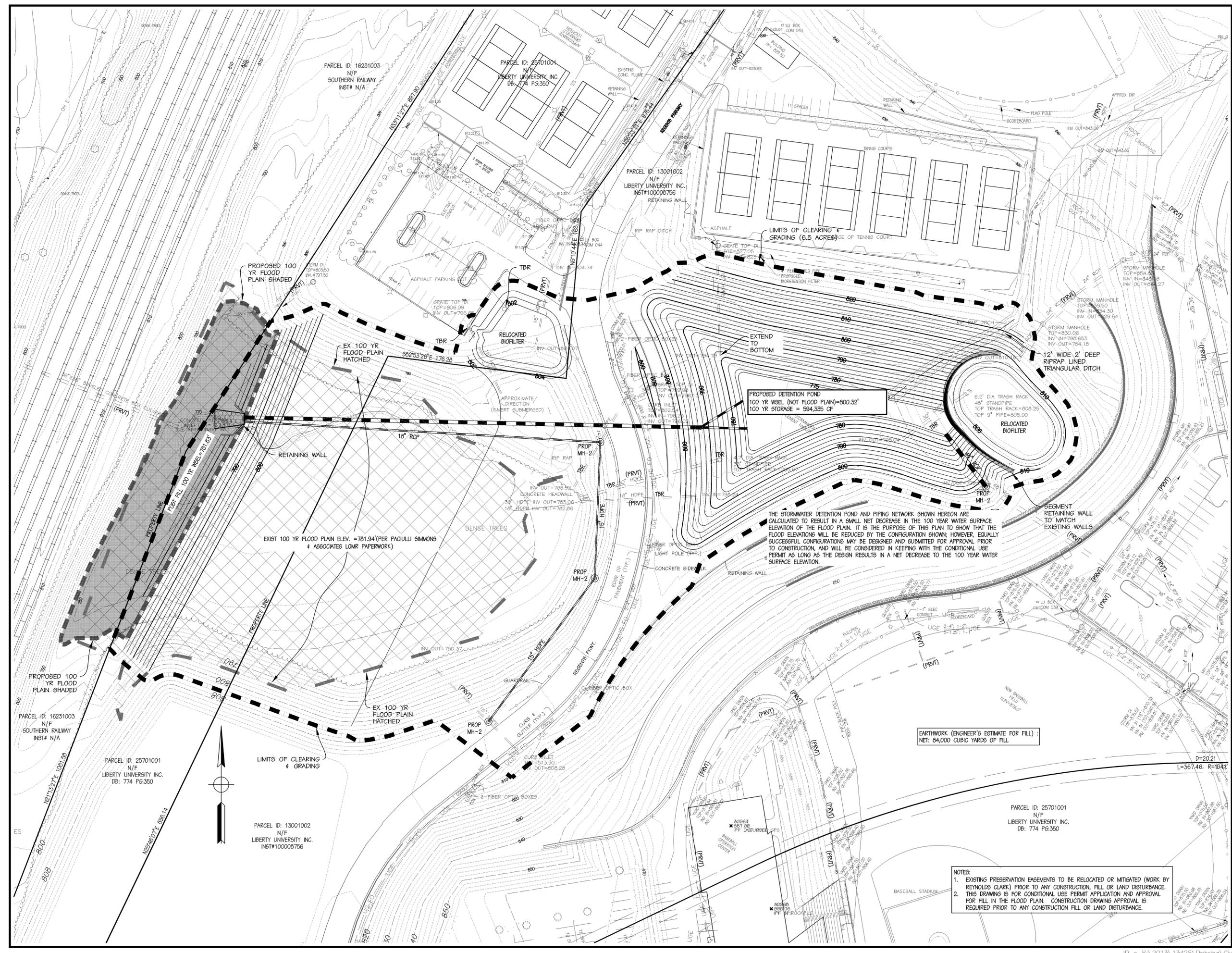
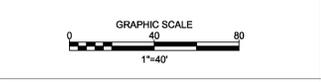
CLIENT:  
**LIBERTY UNIVERSITY  
 ATTN: MAGGIE COSSMAN**

MARK	DATE	DESCRIPTION
1	06/14/14	PER TRC COMMENTS

ISSUE: 07/22/2014  
 CONTOUR INTERVAL: 2'  
 DESIGNED BY: RHO/GW  
 DRAWN BY: PWS  
 CHECKED BY: RHO

SHEET TITLE

**SITE PLAN**



Page 1 of 4 Issue Date: December 31, 2009 Effective Date: December 31, 2009 Case No.: 09-03-1318P LOMR APP

**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION DETERMINATION DOCUMENT**

COMMUNITY AND REVISION INFORMATION	PROJECT DESCRIPTION	BASIS OF REQUEST
<b>COMMUNITY</b> City of Lynchburg (Independent City) Virginia COMMUNITY NO.: 51093	NO PROJECT HYDRAULIC ANALYSIS HYDROLOGIC ANALYSIS NEW TOPOGRAPHIC DATA	
<b>IDENTIFIER</b> Rock Castle Creek Tributary No. 4	APPROXIMATE LATITUDE & LONGITUDE: 37.266, -79.181 SOURCE: Precision Mapping Street DATE: MAY 03	
ANNOTATED MAPPING ENCLOSURES		
TYPE: FIRM* NO.: 5109301980 DATE: June 3, 2008	DATE OF EFFECTIVE FLOOD INSURANCE STUDY: June 3, 2008 PROFILE(S): 25P SUMMARY OF DISCHARGES TABLE: 3	
* FIRM: Flood Insurance Rate Map ** FIRM: Flood Boundary and Floodway Map *** FIRM: Flood Hazard Boundary Map		
FLOODING SOURCE(S) & REVISED REACH(S) Rock Castle Creek Tributary No. 4 -- from the confluence with Rock Castle Creek to approximately 1,800 feet upstream of Wards Road/U.S. Route 29		
SUMMARY OF REVISIONS		
Flooding Source Rock Castle Creek Tributary No. 4	Effective Flooding Zone AE BFEs*	Revised Flooding Zone AE BFEs
	Increases NONE YES	Decreases YES NONE
* BFEs = Base Flood Elevations		
<b>DETERMINATION</b> This document provides the determination from the Department of Homeland Security's Federal Emergency Management Agency (FEMA) regarding a request for a Letter of Map Revision (LOMR) for the area described above. Using the information submitted, we have determined that a revision to the flood hazards depicted in the Flood Insurance Study (FIS) report and/or National Flood Insurance Program (NFIP) map is warranted. This document revises the effective NFIP map, as indicated in the attached documentation. Please use the enclosed annotated map panels revised by this LOMR for floodplain management purposes and for all flood insurance policies and renewals in your community.		
This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2672 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elridge, MD 21075. Additional information about the NFIP is available on our website at http://www.fema.gov/fip.		
Jonathan E. Westcott, P.E., Program Specialist Engineering Management Branch Mitigation Directorate 112553 10.3.1.06031318 102-D-A		

Page 2 of 4 Issue Date: December 31, 2009 Effective Date: December 31, 2009 Case No.: 09-03-1318P LOMR APP

**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)**

**COMMUNITY INFORMATION**

**APPLICABLE NFIP REGULATIONS/COMMUNITY OBLIGATION**  
 We have made this determination pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (P.L. 93-234) and in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, P.L. 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria, including adoption of the FIS report and FIRM, and the modifications made by this LOMR, are the minimum requirements for continued NFIP participation and do not supersede more stringent State/Commonwealth or local requirements to which the regulations apply.

**COMMUNITY REMINDERS**  
 We based this determination on the 1-percent-annual-chance discharges computed in the submitted hydrologic model. Future development of projects upstream could cause increased discharges, which could cause increased flood hazards. A comprehensive study of your community's flood hazards would consider the cumulative effects of development on discharges and could, therefore, indicate that greater flood hazards exist in this area.

Your community must regulate all proposed floodplain development and ensure that permits required by Federal and/or State/Commonwealth law have been obtained. State/Commonwealth or community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction or may limit development in floodplain areas. If your State/Commonwealth or community has adopted more restrictive or comprehensive floodplain management criteria, those criteria take precedence over the minimum NFIP requirements.

We will not print and distribute this LOMR to primary users, such as local insurance agents or mortgage lenders; instead, the community will serve as a repository for the new data. We encourage you to disseminate the information in this LOMR by preparing a news release for publication in your community's newspaper that describes the revision and explains how your community will provide the data and help interpret the NFIP maps. In that way, interested persons, such as property owners, insurance agents, and mortgage lenders, can benefit from the information.

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2672 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elridge, MD 21075. Additional information about the NFIP is available on our website at http://www.fema.gov/fip.

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 Engineering Management Branch  
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Page 3 of 4 Issue Date: December 31, 2009 Effective Date: December 31, 2009 Case No.: 09-03-1318P LOMR APP

**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)**

**PUBLIC NOTIFICATION OF REVISION**

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Eugene K. Gruber  
 Director, Mitigation Division  
 Federal Emergency Management Agency, Region III  
 One Independence Mall, Sixth Floor  
 615 Chestnut Street  
 Philadelphia, PA 19106-4404  
 (215) 931-5512

**STATUS OF THE COMMUNITY NFIP MAPS**  
 We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

**PUBLIC NOTIFICATION**

FLOODING SOURCE	LOCATION OF REFERENCED ELEVATION	BFE (FEET NAVD 88)		MAP PANEL NUMBER(S)
		EFFECTIVE	REVISED	
Rock Castle Creek Tributary No. 4	Just upstream of Wards Road/U.S. Route 29	770	762	510930106D
	Approximately 500 feet upstream of railway culvert	810	783	510930106D

Within 90 days of the second publication in the local newspaper, any interested party may request that we reconsider this determination. Any request for reconsideration must be based on scientific or technical data. This revision is effective as of the date of this letter. However, until the 90-day period has elapsed, the revised BFEs presented in this LOMR may be changed.

A notice of changes will be published in the *Federal Register*. This information also will be published in your local newspaper on or about the dates listed below. Please refer to FEMA's website at [https://www.floodmaps.fema.gov/firm/scripts/bfe\\_main.asp](https://www.floodmaps.fema.gov/firm/scripts/bfe_main.asp) for a more detailed description of proposed BFE changes, which will be posted approximately within a week of the date of this letter.

**LOCAL NEWSPAPER** Name: *Lynchburg News & Advance*  
 Dates: 01/15/2010 and 01/22/2010

This determination is based on the flood data presently available. The enclosed documents provide additional information regarding this determination. If you have any questions about this document, please contact the FEMA Map Assistance Center toll free at 1-877-336-2672 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 6730 Santa Barbara Court, Elridge, MD 21075. Additional information about the NFIP is available on our website at http://www.fema.gov/fip.

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 Engineering Management Branch  
 Mitigation Directorate 112553 10.3.1.06031318 102-D-A

Page 4 of 4 Issue Date: December 31, 2009 Effective Date: December 31, 2009 Case No.: 09-03-1318P LOMR APP

**Federal Emergency Management Agency**  
Washington, D.C. 20472

**LETTER OF MAP REVISION DETERMINATION DOCUMENT (CONTINUED)**

**PUBLIC NOTIFICATION OF REVISION**

**PUBLIC NOTIFICATION**

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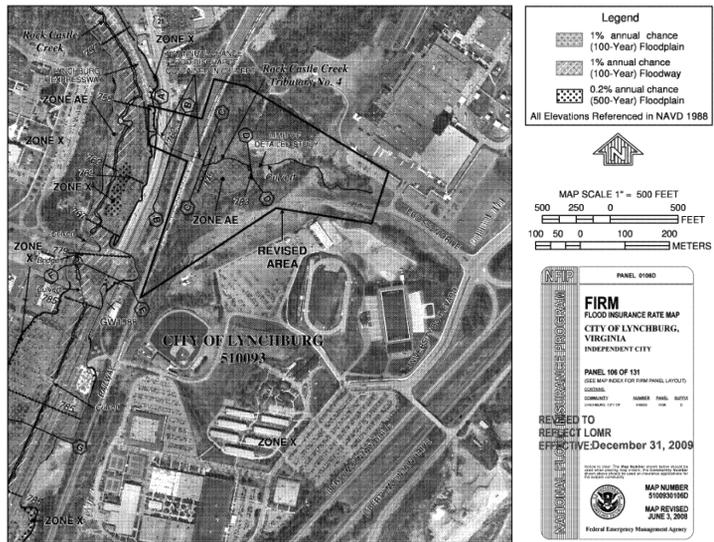
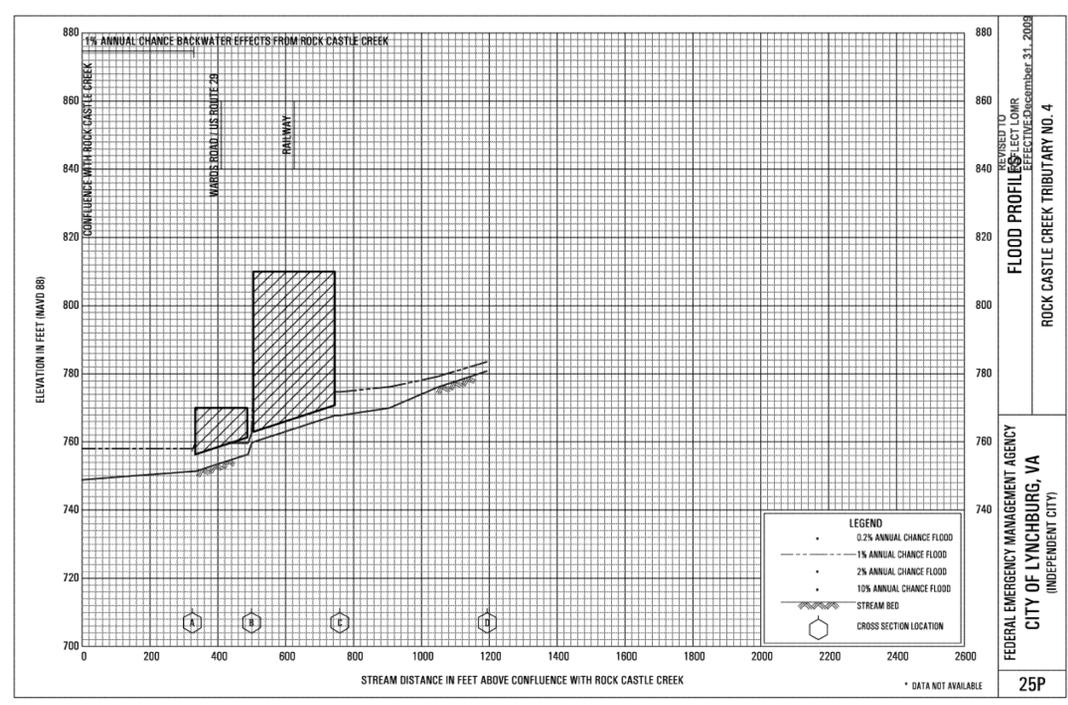
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Jonathan E. Westcott, P.E., Program Specialist  
 Engineering Management Branch  
 Mitigation Directorate 112553 10.3.1.06031318 102-D-A

FLOODING SOURCE AND LOCATION	DRAINAGE AREA (sq. miles)	PEAK DISCHARGES (cubic feet per second)			
		10-Percent Annual-Chance	2-Percent Annual-Chance	1-Percent Annual-Chance	0.2-Percent Annual-Chance
<b>ROCK CASTLE CREEK</b>					
At confluence with Burton Creek	3.6	2,810	3,970	4,900	6,890
Confluence of Rock Castle Creek Tributary No. 5	3.3	2,530	3,840	4,710	6,520
Upstream of Rock Castle Creek Tributary No. 5	3.2	2,490	3,780	4,620	6,380
At Lynchburg Expressway	3.0	2,640	4,100	4,720	6,370
At confluence of Rock Castle Creek Tributary No. 4	2.6	2,400	3,680	4,230	5,670
Just upstream of Rock Castle Creek Tributary No. 4	2.4	2,330	3,570	4,110	5,500
Approximately 400 feet downstream of Atlanta Avenue	2.2	2,240	3,410	3,910	5,230
Just upstream of Wards Crossing Entrance	1.9	1,940	2,950	3,390	4,530
Approximately 725 feet downstream of Wards Ferry Road	1.7	1,790	2,690	3,080	4,080
Just upstream of Wards Ferry Road	1.6	840	1,300	1,500	2,070
<b>ROCK CASTLE CREEK TRIBUTARY NO. 4</b>					
At confluence with Rock Castle Creek	0.2	*	*	630	*
<b>ROCK CASTLE CREEK TRIBUTARY NO. 5</b>					
At confluence with Rock Castle Creek	0.1	*	*	360	*
<b>ROCK CASTLE CREEK TRIBUTARY NO. 6</b>					
At confluence with Rock Castle Creek	0.2	*	*	530	*
<b>TOMAHAWK CREEK</b>					
At confluence with Blackwater Creek	8.25	1,300	3,400	4,750	9,600

REVISOR TO REFLECT LOMR EFFECTIVE: December 31, 2009

11



**PERKINS & ORRISON**  
**ENGINEERS ▲ PLANNERS ▲ SURVEYORS**

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 EMAIL: pro@perkins-orrison.com

CONSULTANTS

SEAL:

JOB:  
**LIBERTY UNIVERSITY CONDITIONAL USE PERMIT PLAN FOR FILL CITY OF LYNCHBURG, VIRGINIA**

CLIENT:  
**LIBERTY UNIVERSITY  
 ATTN: MAGGIE COSSMAN**

MARK	DATE	PER TRC COMMENTS	DESCRIPTION
1	08/14/14	PER TRC COMMENTS	

ISSUE: 07/22/2014  
 CONTOUR INTERVAL: 2'  
 DESIGNED BY: RHO/GGW  
 DRAWN BY: PWS  
 CHECKED BY: RHO

SHEET TITLE  
**LOMR# 09031318P**

**Conditional Use Permit Narrative**  
**Liberty University Conditional Use Permit Plan for Fill**  
**City of Lynchburg, Virginia**

August 15, 2014

Job # 13426

Page 2 of 3

There is a FEMA mapped flood plain on a portion of Liberty's campus between Regents Parkway and the Norfolk and Southern Railroad that has a drainage area of approximately 91 acres, and is the backwater condition of a 3' x 3' culvert under the railroad. It is unusual for FEMA to map flood plains with a drainage area of less than one square mile (640 acres), and it is likely that this area would have been "clipped" by FEMA in their next round of flood map revisions, if no LOMR (Letter of Map Revision) had been completed and if they had noted the relatively small drainage area and the fact that the flood plain is not hydraulically connected to that of Rock Castle Creek. While FEMA personnel with whom we have spoken are sympathetic, they do not have a process whereby unnecessarily mapped areas are removed, except with a map update.

In 2009, Liberty filed a Letter of Map Revision with FEMA, based on engineering calculations prepared by a private firm for Liberty. This resulted in a reduction in the mapped flood plain, with the calculated 100 year water surface being reduced by some 35 feet in elevation. (The FEMA study is necessarily crude compared to a detailed study, and the FEMA map had simply assumed that runoff would rise behind the railroad embankment until it overtopped the railroad itself – this was proven to be an incorrect assumption).

Now, Liberty has identified the area of this flood plain as an important expansion area, due to its proximity to other facilities and pedestrian and bus transportation, and is hereby requesting a Conditional Use Permit to fill the 100 year flood plain. This application is for the placement of fill in the flood plain to construction a useable building pad as shown. We fully expect to propose a specific building for this site in the future; however, no building is proposed at this time.

In order to obtain a Conditional Use Permit, the applicant must rightly show that the proposed fill will not increase flooding at the location of the fill, and that it will not increase flooding for downstream property owners. In order to accomplish this (and feasible only because the drainage area is a relatively small 91 acres), the Conditional Use Permit plan proposes to provide storage of the runoff from the 100 year event such that the peak rate of runoff to the flood plain is reduced, with an attendant reduction in the 100 year water surface elevation. With a lower water surface elevation providing head on the railroad culvert, the culvert will flow at a lesser rate, thus reducing the flooding downstream (to be clear, the reduction is tiny compared to the total flow, as the drainage area of this watershed is small compared to the total watershed). Temporary storage of peak flows is accomplished in a detention pond above Regents Parkway as shown, and storage during a 100 year event is approximately 600,000 cubic feet. The pond drains down completely between storm events, with no ponded areas except during rainfall events (a "dry pond").

All of the flood plain that is proposed to be filled is a backwater condition, therefore, none of the area is shown by FEMA as floodway. The area has been evaluated for jurisdictional waters and wetlands, and mitigation will be required in order to obtain permitting from the state for placement of the fill. All permits must be in place prior to any land disturbance.

Assuming that the CUP is granted, then full construction drawings and calculations will be submitted to the City for review and approval. Preliminary earthwork indicates a cut volume of 22,000 cubic yards and a fill volume of 106,000 cubic yards for a net fill of 84,000 cubic yards which is being generated at other permitted sites at Liberty. During the preparation and review of the of the construction drawings, compliance with applicable stormwater quantity and quality regulations will be demonstrated. While the proposed stormwater management facility is primarily for the attenuation of the 100-year storm event, the 1-year, 2-year, and 10-year storm events will be attenuated to provide stormwater management for the

## **Conditional Use Permit Narrative**

### **Liberty University Conditional Use Permit Plan for Fill City of Lynchburg, Virginia**

August 15, 2014

Job # 13426

Page 3 of 3

future development of the pad. Once a final design of the stormwater management facility is complete and the ultimate layout of the development known, a channel adequacy analysis will be prepared and submitted for review and approval. While the details of the piping network or similar may be revised during the detailed engineering phase, the overall reduction of the 100 year water surface elevation will be required per the CUP, and no increase can be proposed or approved.

O:\2014\13426 CUP Narrative 2014-08-14.doc

**Liberty University Conditional Use Permit Plan for Fill**  
**City of Lynchburg, Virginia**

August 15, 2014  
Job # 13426

NOTICE  
NECESSARY FOR A CONDITIONAL USE PERMIT  
NAME OF APPLICANT: LIBERTY ENERGY, INC.  
TELEPHONE NUMBER: 424-562-4504  
ADDRESS OF PROPERTY: 101 WILSON RD., FARMINGDALE, VA 23042  
PROPOSED ZONING: R-1C  
PROPOSED USE OF PROPERTY: FILL  
EXISTING WORKSHEET CALL PLANNING DIVISION, DEPARTMENT OF  
COMMUNITY DEVELOPMENT, 442-2900