

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 9, 2010**

AGENDA ITEM NO.: 1

CONSENT:

REGULAR:

WORK SESSION: **X**

CLOSED SESSION:

(Confidential)

ACTION:

INFORMATION: **X**

ITEM TITLE: **Route 460/29 Corridor Improvements**

RECOMMENDATION: No action required.

SUMMARY: As requested by Council, VDOT District Engineer Rob Cary will attend the work session to explain the proposed improvements to the Route 460/29 corridor between Campbell Avenue and the Madison Heights Bypass.

The area in question has seen a significant increase in both traffic and accidents since the opening of the Madison Heights Bypass. Such a situation was anticipated during the development of the Tyreeanna/Pleasant Valley Master Plan adopted by City Council in 2003. An excerpt from that plan is attached for information. The plan calls for limiting access in the corridor. Since adoption of the plan VDOT has worked to design a project to address the issues in the corridor. Attached are several VDOT documents that discuss that work.

Due to cost constraints VDOT has had to scale back the work proposed for the corridor. The preferred plan, identified as Concept 1 by VDOT, most closely corresponds with the Master Plan. Concept 1, however, is very expensive and VDOT has settled on a reduced concept, #2B on the attached, as an initial project. This concept closes a number of crossovers in the corridor. (See attached Location Map)

Residents and businesses in the corridor have expressed serious concerns about the proposed project. Although some of them were aware of the concept called for in the Master Plan they feel that without the service roads called for in the Master Plan, convenient access and emergency response will be hampered. Some citizens have expressed their concerns to Council members and some may attend the work session.

Route 460/29 is a State highway, not a City road, and as such decisions about the project rest with the Commonwealth Transportation Board. Mr. Cary will be able to provide more information on project purpose and timetable.

PRIOR ACTION(S): Adoption of the Tyreeanna/Pleasant Valley Master Plan, July 8, 2003

FISCAL IMPACT: N/A

CONTACT(S): Kimball Payne, 455-3990; Lee Newland, 455-3947

ATTACHMENT(S): Excerpt from the Tyreeanna/Pleasant Valley Master Plan regarding Rt. 460; VDOT U.S. 460/29 Corridor Improvement Concept Descriptions; VDOT U.S. 460/29 Corridor Citizen Information Meeting II, Improving Safety through Access Management; VDOT Design Public Hearing Brochure; Location map showing proposed improvements.

REVIEWED BY: lkp

Areas for Special Planning

2) The New Route 460

Decisions about the road network in this neighborhood are still being made and will continue to be implemented throughout the 20-year timeframe of this plan. It is essential that City staff continue to monitor and, where appropriate, be involved in decisions made by VDOT regarding roads in this neighborhood.

These decisions may address, among others:

- The route of the Lynchburg Bypass
- Safety improvements to the existing Route 460
- Alternate routes for Route 460 through the neighborhood (similar to the four routes considered in 2001-2)
- Possible widening of Route 460 to six lanes
- Signalization and other possible improvements to the intersection of Tyreeanna Road/Holcomb Path Road and Route 460
- Changes in access points, such as median crossovers and driveways, along Route 460
- Application of the City's Scenic Corridor Overlay District to all or part of Route 460
- The layout of streets in the proposed Village Center area

In addition to working with VDOT, City staff should also refer to and incorporate the recommendations included in the *Final Report: Tyreeanna/Pleasant Valley Access Management Plan (May 23, 2003)*, prepared by Parsons Brinckerhoff under the direction of the Virginia Dept. of Transportation. Many of the recommendations in the report are summarized in this neighborhood plan, but further details and illustrations are included in the report, copies of which are available in the Community Planning and Development Department and the Public Works Department (Engineering).

The new stretch of Route 460 that is the subject of this section stretches from the point where the new Madison Heights Bypass interchange merges into Route 460 to the Campbell Avenue/Route 501 interchange. The new stretch is the only partially controlled access portion of this highway from well south of the City all the way north to the Amherst terminus of the Madison Heights Bypass. The rest of this highway—eight to ten miles on each side—is a limited access freeway.



The point at which the new Route 460 will merge into the existing Route 460 shown when the new highway is still under construction.

The presence of at least one traffic signal, as well as driveways and business entrances along the new Route 460—in the center of a 16-mile stretch of freeway/expressway—raises potential safety issues. As traffic increases when the Madison Heights Bypass opens in late 2005/early 2006, it will be increasingly difficult for local drivers to turn in and out of the neighborhood onto Route 460 and for drivers on Route 460 to turn into and out of businesses on Route 460. Basically, this section of Route 460 was overlooked during the planning for the new Madison Heights Bypass—the connection of the bypass to the existing Route 460 does not adequately address the potential conflicts between through and local traffic, resulting in an increased likelihood of accidents.

To help the City and the neighborhood work with these changes in the road circulation network, the Virginia Department of Transportation (VDOT) funded an access/corridor management study, which was prepared by the consulting firm, Parsons Brinckerhoff Quade & Douglas, Inc. Because the traffic impacts of the bypass on the neighborhood are high, the study is summarized here.

Several tasks were part of the study:

- Secondary data collection and review of present and future traffic volumes, including a projection of additional traffic from possible future development in the area.
- Trip generation and assignment to show how much of this traffic will go in which direction.
- Traffic analysis to identify potential congestion issues.
- Access management recommendations for Route 460.
- An accident analysis was not included in this study.

Traffic Volumes

The consultants calculated average daily trips (ADTs) based on traffic counts in 2002 and 2003, then projected future traffic volumes using background traffic estimates from the regional model both with and without the future development proposed for the neighborhood and shown on the Tyreeanna/Pleasant Valley Future Land Use Map.

For the segment of Route 460 from the end of the merge to the Campbell Avenue interchange (west of the railroad tracks), these volumes are:

Year/Conditions	Average Daily Trips (ADTs)
2003	24,000
2005 (after the Bypass opens)	32,000
2025 (without additional development)	51,000
2025 (with development)	66,500

Areas for Special Planning**Traffic Analysis**

The consultants conducted a traffic analysis to identify potential congestion issues and to determine what traffic improvements to include in a long-term access management program. The primary focus of the traffic analysis was the two intersections on Route 460, since the requirements for adequate and safe conditions at these intersections would drive the overall long-range transportation plan for the neighborhood.

The traffic analysis evaluated the need for traffic signals and studied the capacity at the intersections of:

- New Route 460 and the Concord Turnpike Extension (three legs).
- Existing Route 460 and Holcomb Path Road / Tyreeanna Road (four legs).

The new Route 460 and the Concord Turnpike intersection was analyzed as a three-legged, T-intersection. This was due to the fact that VDOT does not currently plan to extend Concord Turnpike south of Route 460 in the near future.

The intersection of the existing Route 460 and Holcomb Path/Tyreeanna Road was analyzed as a full, four-leg intersection. The majority of traffic generated from planned development south of Route 460 and east of the railroad tracks is anticipated to enter and exit from this location.

The need for traffic signals (called a “Signal Warrant Study”) examines an intersection for eight specific conditions (“warrants”), including:

- 1) Minimum Vehicular Volume
- 2) Four-Hour Volume
- 3) Peak Hour Delay
- 4) Pedestrian Volume
- 5) School Crossing
- 6) Coordinated Signal System
- 7) Crash Experience
- 8) Roadway Network

Once a preliminary determination is made that a signal may be needed based on these warrants, additional field studies (including actual field counts) are necessary to determine if a signal will improve the overall intersection operation.

The warrant analysis for a traffic signal at Route 460 and the Concord Turnpike extension showed clearly that a signal is warranted at this intersection by 2005 without any of the additional development shown on the Tyreeanna/Pleasant Valley Future Land Use Map. In fact, VDOT has included a traffic signal at this intersection as a part of the Madison Heights Bypass interchange construction.

The results of the warrant analysis for a traffic signal at Route 460 and Holcomb Path Road /Tyreeanna Road are more complicated. If the additional development shown in the Future Land Use Map does not occur, the warrant analysis shows that a signal is not needed at this intersection. However, if the proposed development does occur, the analysis shows that a signal would be needed by 2025. This development is not likely to occur prior to the closing of the landfill in approximately 2014, so a signal is unlikely to be called for until after 2014.

The study continues the discussion of a signal at Route 460 and Holcomb Path/Tyreeanna Road with “serious consideration must be given to the appropriateness of providing a second signal on [Route] 460 in the study area.” The problem is not spacing; the two intersections are just over one-half mile apart. However, this area is in the middle of a 16-mile freeway/expressway with no other stops. According to the study, the “appropriateness” of having two signals “must be examined in relationship to future traffic volumes and capacity analysis, as well as safety.”

It should be noted here that the intersection of Holcomb Path Road/Tyreeanna Road and Route 460 is currently underdesigned to accommodate the higher mainline traffic volumes that are projected with the completion of the Madison Heights Bypass in 2005/6. In the short term, intersection modifications should be implemented to make this intersection safer. This may require the short-term closure of the median opening, enabling right-in/right-out operations. If deemed feasible, a directional median opening allowing exclusive left turns onto Holcomb Path Road and Tyreeanna Road could be added in the short-term scenario. Either approach would reduce the number of conflict points accessing the median cross-over and force traffic exiting the side streets to turn right and use signalized or better designed intersections to U-turn, if necessary. However, while this median closure and related changes in traffic flow could be expected to make travel safer for local drivers, these changes will be less convenient. In other words, local drivers would be unable to cross Route 460 from Holcomb Path Road to Tyreeanna Road (or the reverse) if a directional median was installed.

A signal may be installed at this intersection once warranted, but this would require significant improvements to ensure adequate design to accommodate through, crossing, and turning movements safely and efficiently. This signal would be a temporary solution until the ultimate solution, a grade-separated interchange, is in place.

Areas for Special Planning

The intersection of Holcomb Path Road and Route 460, with the East Side Plaza on the right.

Capacity Analysis

This analysis looks at traffic growth, new development, and anticipated changes in traffic patterns resulting from the Madison Heights Bypass. The results of the analysis are shown as levels of service (LOS) for an intersection. LOS is rated from “A,” where there is little or no delay to “F,” which is defined as an “unacceptable delay.”

For a signalized intersection, the level of service is based on the average delay all vehicles passing through the intersection experience due to the signal, including deceleration time and time stopped at the signal. For unsignalized intersections, the LOS is based on delays for traffic turning to/from the minor roadway only. In other words, for the intersection of Holcomb Path Road /Tyreeanna Road, the LOS is based on the delay turning from either local street onto Route 460.

The capacity analysis showed that a signalized intersection at Concord Turnpike extension would operate at acceptable levels until 2025 with the proposed additional development. However, in 2025 with the additional traffic from the proposed development, the LOS would be F. If Route 460 were widened to six lanes, the intersection would operate at LOS C, an acceptable level.

The unsignalized Holcomb Path Road / Tyreeanna Road intersection is now at an unacceptable LOS (E) for traffic from the local roads. This situation will only get worse as traffic increases, both with and without the proposed development. As the access management consultants pointed out in their report,

...the significant delays encountered on the minor street can result in significant queuing and frustration for local drivers. In addition, safety concerns can arise because some drivers will reduce their typical “gap acceptance,” i.e., the driver will become more aggressive and cross with a smaller opening in the approaching traffic. This tendency can result in high speed right angle accidents as the vehicles cross the lanes approaching from the left or a side swipe/rear end accidents with vehicles approaching from the right. (page 13)

With the proposed development, the traffic on Holcomb Path and Tyreeanna roads is significantly higher than without the development. If a signal were installed, the intersection would be improved to handle the additional traffic. However, unless Route 460 is widened to six lanes, even a traffic signal at the intersection would not result in an acceptable LOS, with all the development in place.

In their signal and capacity analyses, the consultants assume that traffic will be able to exit the Village Center area at Holcomb Path Road exclusively. The consultants point out that adding a left turn lane for eastbound Route 460 traffic to turn into the Village Center area could result in accidents caused by traffic exiting the Madison Heights Bypass to Route 460 westbound cutting across three lanes to traffic to reach the left turn lane. Thus, the consultants do not recommend adding a “fourth leg” at the intersection of Concord Turnpike extension and Route 460. Another option may be to allow a fourth leg, but limit the weaving movements by installing barriers until after the Concord Turnpike intersection and providing directional signage for people wanting to access the Village Center. This would physically prevent vehicles from crossing three lanes of westbound traffic to make a left turn at the fourth leg of the Concord Turnpike intersection. (page 16)

Based on this analysis, the consultants concluded that, when the planned development is in place, the trips generated by the development create the need for either additional roadway capacity, a change in access along Route 460, or both. The consultants conclude, “In general, over the long term, it is desirable to convert this section of US 460 to a limited access facility and implement certain access management alternatives and strategies to separate through and local traffic.”

Access Management

The consultants define access management as “an approach aimed at reducing traffic congestion and accidents while appropriately balancing the need for maintaining access to local developments and streets. It involves the provision of certain techniques to reduce potential roadway conflicts that can cause roadway friction as well as potential safety problems. In addition, the application of proper access management techniques can enhance the character of a community and advance economic development goals.”

The six basic principles of access management are:

- 1) Maintaining a hierarchy of roads by function**
- 2) Locating traffic signals to facilitate traffic movement**
- 3) Limiting direct access on higher speed roads**
- 4) Limiting the number of conflict points**
- 5) Separating conflict points**
- 6) Separating turning movements from through traffic**

Areas for Special Planning

The consultants recommend that, in the long term, it will be advantageous for capacity, safety, and route continuity to convert this section of roadway to a controlled access facility with elimination of most at-grade access points. (Page 15) This would require grade separated access—bridges and a new interchange—on Route 460. Land requirements and costs for these facilities have not been estimated. A determination of the feasibility of and a potential design for this long-term approach will be necessary.

The study also makes recommendations for access management for new development. The consultants state, “As an area develops, it is often a concern to get the most value from each parcel of land. Direct access to a critical roadway adds ‘value’ to a parcel. However, poor access management can cause an inefficient and congested major roadway, more accidents, and excessive queuing that can block critical access points. Property is more ‘valuable’ if driveway locations are well planned and designed on a roadway.”

The consultants recommend the City adopt the following policies to ensure “valuable” development in the Route 460 corridor:

- Minimize/eliminate signals to facilitate conversion of the road to continuous controlled access.
- Provide design consistent with the roadway hierarchy by upgrading this section of the road to the same freeway/expressway as the sections before and after it.
- Provide controlled access to improve capacity.
- Driveway spacing/shared access roads can be used to limit the number of direct access points onto Route 460.
- Internal site design during the planning for future development can result in the consolidation of driveways and a more efficient local road network.
 - Access to the employment area west of the railroad tracks and north of Route 460 (Truck Body area) should be provided via an access road from Florida Avenue or Brown Haven Lane that runs parallel to Route 460.
 - Access to the employment area west of the railroad tracks and south of Route 460 (Falwell Airport area) should be provided from Campbell Avenue, with the connection to Campbell Avenue at least 1,000 feet from the intersection with Route 460.
 - Local circulator roads should be provided that tie into the primary loop road concept based on Holcomb Path Road/Tyreeanna Road and Concord Turnpike. As the area develops, buildings should be reoriented from Route 460 to an internal emphasis. New building designs would orient their fronts to the internal, local roads and their backs to Route 460. *(See the final report on access management prepared by Parsons Brinckerhoff for further details.)*
 - A key component missing from the current circulatory system is a second access point to the south (the Village Center area).
 - In the short term, the local roadway network will be missing a critical component. There is currently no plan to bridge across Route 460 or to provide ramps at the intersection of Holcomb Path Road/Tyreeanna Road. This crossover point is not currently in a condition to allow crossing movements from the minor streets, although the number of existing crossing movements is estimated to be small. The median crossover should be reviewed to determine the safest pattern for turning and crossing movements.

- Starting now, no new access to Route 460 should be permitted. New development should be encouraged to develop frontage or access road systems and access locations on secondary roads, such as Campbell Avenue and Florida Avenue.
- Development approvals and conditions can be used to regulate access onto Route 460 by requiring that no development be approved that is not in compliance with the neighborhood plan.
- Building setbacks need to be maintained and right-of-way preserved throughout the study area in the event that Route 460 is widened to six lanes. Further, the area around the two intersections—Concord Turnpike extension and Holcomb Path Road/Tyreeanna Road—needs to be preserved in the event that an interchange and/or bridge is built.

The consultants provided a series of possible designs for a long-term limited access section. These designs were evaluated based on three criteria: 1) limiting impacts to the proposed land uses shown in the Future Land Use Map, 2) providing a limited access section on Route 460, and 3) providing a design that could be developed in the study area. These designs were also reviewed by Sympoetica, land use consultants for this plan. One design, as adjusted by Sympoetica, met the three criteria and is now shown in the Tyreeanna/Pleasant Valley Village Center Area: Proposed Long-Term Road Network illustration in the back of this plan.

3) The “Village Center”: A Mixed Use/Planned Development Area

The proposed location of the Village Center is the largely undeveloped area south of Route 460 between Holcomb Path Road and Poston Street. The area covers 48 acres and all or part of 20 parcels. It is intended to be a mixed use area where retail, offices, other small businesses, and residences can be located. At this time, a few single family homes and Templeton’s Market are located in the area. The market for the commercial uses will be both the traveling public and the neighborhood. In addition, residents of nearby areas in Campbell and Amherst counties may patronize businesses in the Village Center.

Sewer Service

At this time, the Village Center area is not served by the City sewer system. In discussions with both the City’s Office of Economic Development and the Utilities Division, it is clear that very few types of business could locate successfully in the Village Center without sewer service. It has not been City policy to extend the sewer to encourage economic development. However, because this area may not develop without sewer service and because it represents such an opportunity for economic development, the City may reconsider this policy. In addition, residents of the neighborhood have requested that, if sewer service is extended to serve the Village Center commercial area, sewer service should also be made available to residential areas.

RIGHT OF WAY:

Land Acquisition and Utilities

The safety improvements to the Route 460/Route 29 Corridor may require the acquisition of property and/or easements for the portion of the corridor from Route 29 Bypass (Monacan Parkway) to Route 501 (Campbell Avenue).

Dependent upon on the concept chosen, as many as 34 dwellings and 2 businesses may be required to be purchased for construction right-of-way. As the project further develops and is finalized, additional easements for maintenance, construction and utility relocations may be required. Property owners will be informed of the exact location of these easements during the right of way acquisition process prior to construction. The land acquisition program will be conducted in accordance with the Uniform Relocation and Real Estate Property Acquisition Act of 1970, as amended. This project is being developed in accordance with Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations. No low income or minority populations have been identified in the study area and therefore, none will be disproportionately impacted by this project.

Information about property purchases is discussed in VDOT's brochure entitled, "Right of Way and Utilities: A Guide for Property Owners and Tenants." Copies of this brochure are available from a VDOT right of way agent.

If you require further information regarding property considerations, please contact:

Lynchburg District Right of Way Manager
Virginia Department of Transportation
P.O. Box 11649
Lynchburg, VA 24506
(434) 856-8235
Please call prior to visiting to ensure the availability of staff to assist you.

What's Next?

The public comment period will close in 10 days after this informational meeting on December 22, 2008. At that time, VDOT will review and evaluate any information received as a result of the meeting. Additional public meetings and a public hearing will be held as project designs move forward.

Comments received will be evaluated and a report along with refined concepts based on input received at this meeting will be developed.

Location & Design
Lynchburg District Office
P.O. Box 11649
4219 Campbell Ave.
Lynchburg, VA 24506
(434) 856-8176

ADDITIONAL INFORMATION

Project information shared here is available for review after the informational meeting at the following office:

Lynchburg District Office
4219 Campbell Ave. (Route 501)
Lynchburg, VA 24501
(434) 947-6559
TDD/TTY: 711

Written comments and other exhibits relative to the proposed concepts may be submitted in place of or in addition to statements made at the informational meeting. Such information must be postmarked or delivered to VDOT on or before December 22, 2008.

Please send written comments to:

Brian Casto, P.E.
Location & Design Manager
Lynchburg District
P.O. Box 11649
Lynchburg, VA 24506
(434) 856-8276



CITIZEN INFORMATION MEETING II

U.S. 460/29 Corridor CITY OF LYNCHBURG

Improving Safety through Access Management

www.VirginiaDOT.org
lynchburginfo@VDOT.Virginia.gov

Thursday, December 11, 2008/3:30 p.m. to 7:00 p.m.
VDOT Lynchburg District Auditorium Building
4303 Campbell Ave. (Route 501) Lynchburg, VA

Welcome to the second Citizen Information Meeting

and Workshop on the Route 460/29 Corridor in the City of Lynchburg. This meeting will focus primarily on the area of Route 460 / Route 29 between Route 501 (Campbell Avenue) and the Route 29 Bypass (Monacan Parkway).

VDOT would like to receive input from interested citizens on the concepts that have been developed since the first Citizen Information Meeting (CIM) held on July 29, 2008.

This meeting is being held to provide interested citizens an opportunity to informally review, discuss and provide input on several concepts to convert Route 460/29 to a limited access facility between Route 501 and the Route 29 Bypass that were developed from input received at the first CIM.

Due to current funding availability, the cost of completely reconstructing the corridor as studied in 2001 is not feasible.

Increased traffic volumes on this roadway have impacted safety. VDOT is investigating ways in which a project or series of projects may be completed in a phased approach as funding becomes available and would result in Route 460/29 being a limited access facility.

All comments received, both oral and written, will be reviewed by VDOT personnel. Questions and concerns raised as a result of this meeting will be considered by VDOT in the development of future improvement concepts for this roadway corridor. A comment sheet is included and your oral or written comments and input are encouraged.

PROJECT INFORMATION:

Route 460/29
Project # 6460-118-104, PE101
Project Limits:
From: Route 501 Campbell Avenue
To: Route 29 Bypass (Monacan Parkway)
Length: 1.67 Miles
City/County: City of Lynchburg
Federal Project #: STP-5118(178)

Representatives from the Virginia Department of Transportation (VDOT) and RK&K Engineers are present to discuss the project and answer your questions. It is the responsibility of VDOT to ensure that all members of the community are afforded the opportunity to participate in public discussions on transportation systems and projects affecting them.

VDOT ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964. For further information contact:

VDOT
Lynchburg District Civil Rights Office
4219 Campbell Avenue (Route 501)
P.O. Box 11649
Lynchburg, VA 24501
(434) 856-8168
TDD/TTY: 711

Safety: Why a Limited Access Highway?

The Route 460 / Route 29 Corridor from Route 501 to the Route 29 Bypass is a critical link in the local transportation network. This four-lane roadway is the link between two limited access highways.

Limited access routes are those that restrict the number and location of intersecting streets or entrances. Limited access highways provide a high level of safety, especially when traffic volumes are high, and allow traffic to flow safely at higher speeds. These facilities nearly eliminate the types of incidents (rear-end and broadside) usually found near intersections and entrances. Interstates and freeways are examples of limited access facilities.

Safety: Corridor Traffic and Accident Data

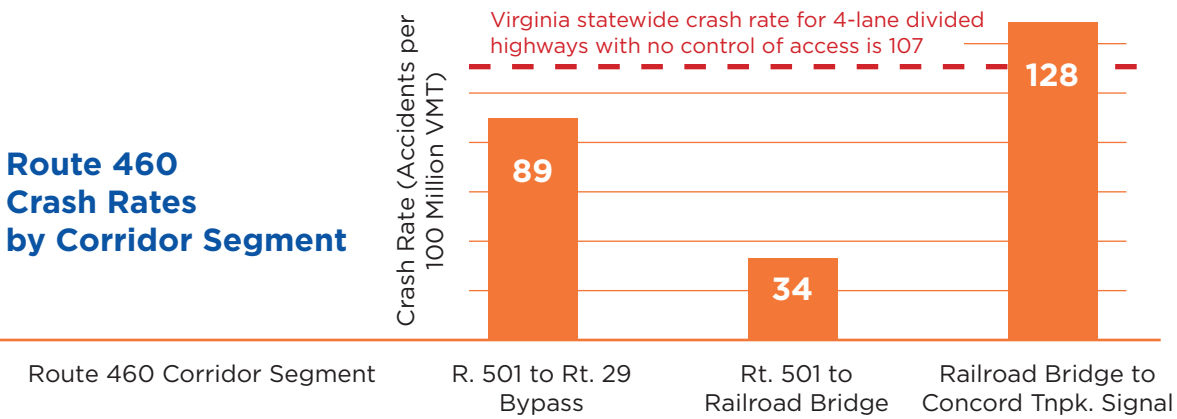
As expected, since the opening of the Route 29 Bypass, traffic on this section of Route 460 / Route 29 has increased substantially, with a significant percentage of the vehicles being large trucks. In addition, this roadway is utilized daily by many of the employees of some of the largest businesses in the Lynchburg area. Traffic growth in the corridor can be seen as follows:

YEAR	VEHICLES PER DAY
2005 (pre-Bypass)	24,000
2007	35,000
2025 (projected)	51,000 - 66,000

Traffic from numerous driveways, commercial entrances, crossovers and street intersections interrupts the current flow of traffic. These features, along with the increase in traffic volume, have been major factors in the increase in the number of incidents in this corridor:

Incidents From: Rte. 29-460/501 Interchange To: Rte. 29/460 Interchange	April 1, '04 to Oct. 6, '05 (18 Months Prior to Opening of Rte. 29 By-Pass)	Oct. 6, '05 to June 12, '07 (18 Months After Opening of Rte. 29 By-Pass)
Number of Incidents	5	35
Persons Killed	0	1
Persons Injured	2	22
Property Damage	\$16,700	\$295,975
Incidents by Type		
Rear-End Type	1	13
Fixed Object/Off Road Type	0	12
Angle Type	3	5
Sideswipe/Same Direction Type	1	3
Deer	0	2

Route 460
Crash Rates
by Corridor Segment



In summary, the overall study corridor crash rate is slightly less (17%) than the Virginia statewide average for a similar type of roadway (four-lane divided highway with no control of access). However, in analyzing the eastern and western segments separately, it is found that the eastern segment has a crash rate that is 20% above the statewide average while the western segment has a crash rate 68% below the statewide average for similar roadway type. This difference can be attributed to the higher concentration of private driveways and entrances located east of the railroad bridge and additional turning traffic

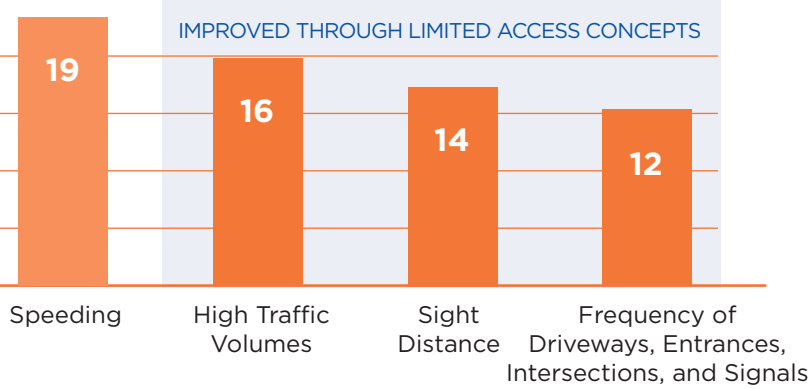
accessing Route 460/29 from side streets.

With increasing traffic volumes projected along the Route 460/29 corridor over the next 10 to 20 years, a high accident occurrence is likely to occur if no safety improvements are made. The Tyreeanna Road / Holcomb Path Road intersection is of critical concern since this particular intersection has the highest concentration of crashes along the entire corridor. The existing configuration is a narrow median crossover with insufficient turn lane distances and limited sight distances.

The following tables are based upon comments from the general public at the first Citizen Information Meeting held on July 29, 2008.

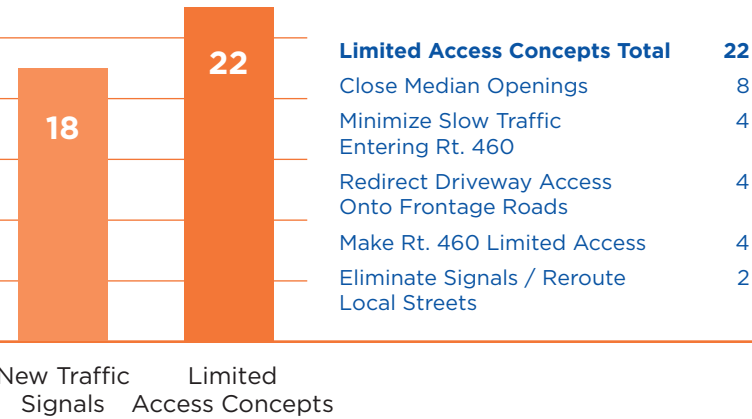
Factors Contributing
to Safety Issues
Along Rt. 460 Corridor

(Based on July 2008 Meeting Comments)



Most Beneficial
Improvements to
Implement Along
Rt. 460

(Based on July 2008 Meeting Comments)



U.S. 460/29 Corridor

CITY OF LYNCHBURG

IMPROVEMENT CONCEPT DESCRIPTIONS

Background

In 2001, VDOT studied and developed four potential options for connecting the Route 29 Bypass with the Route 460 limited access facility west of this corridor. Each option had considerable impact to the surrounding community and each was too costly (ranging from approx. \$50-70 million in 2001 dollars for each alternative) to build. Therefore, Concept 1 described as follows was developed by VDOT and presented at the first citizen information meeting on July 29, 2008.

However, given late-2008 economic issues, recent statewide budget constraints, and escalating construction costs, VDOT has revised the available budget for the U.S. 460 / 29 improvement project to under \$30 million, making Concept 1 presented at the first public meeting in July too expensive to construct in the near term. Therefore, in response to public comments, VDOT and the consultant team have developed additional concept alternatives (1A, 2, 2A, and 2B) so incremental improvements can be made in the near future, thereby improving safety in the corridor.

CONCEPT 1

Route 460/29 Full Limited Access – Rt. 501 to Rt. 29 Bypass

Concept 1 would change existing Route 460/29 from the Route 29 Bypass to the Route 501 interchange, into a full limited access facility. All center median breaks along the entire corridor would be closed. All existing Route 460/29 entrances (including private driveways) fronting Route 460/29 would be closed. New access roads would be built on the north and south side of Route 460/29 to provide access to residences and businesses from the “back side” of the properties. Merge and exit ramps would provide access to and from Route 460/29. A new bridge overpass would cross Route 460/29 replacing the existing Concord Turnpike traffic signal. Right-of-way acquisition would displace as many as 20 residences. **Total estimated project cost for Concept 1 is \$50-60 million.**

CONCEPT 1A

(Route 460/29 Limited Access – Norfolk Southern R.R. to Rt. 29 Bypass)

Concept 1A is identical to Concept 1 for the eastern segment of the corridor changing Route 460/29 into limited access from the Norfolk Southern railroad bridge to the Route 29 Bypass. (See Concept 1 description for additional details.) The western segment would have no new access roads built. West of the railroad bridge, the only changes made would be closure of the median breaks at the trailer park and Falwell Airport / Truck Body Co. and access to Route 460/29 in the western segment would become right-in and right-out only. Right-of-way acquisition would displace as many as 18 residences. **Total estimated project cost for Concept 1A is \$35-45 million.**

CONCEPT 2

Route 460/29 Center Median / Entrance Closures

Concept 2 would be a low cost, lower impact alternative for the Route 460/29 corridor. Concept 2 would change Route 460/29 by closing four center median breaks along the corridor and constructing one of two options to allow for westbound traffic to turn around from eastbound Route 460/29. Eastbound traffic from points north of Route 460/29 would use the Route 501 interchange. No new access roads would be built either north or south of Route 460/29. Existing Route 460/29 entrances (including private driveways) would remain open with direct access to Route 460/29; however, turns into and out of these locations would be right turns only. Three Route 460/29 entrances would be closed and include 1) strip mall on south side of Route 460/29, 2) Virginia Department of Agriculture building, and 3) Tyreeanna Road. Tyreeanna Road access to Route 460/29 would be rerouted via Concord Turnpike. The existing traffic signal at Concord Turnpike and Route 460/29 would remain in operation. Right-of-way acquisition may displace as many as 4 residences. **Total estimated project cost for Concept 2 is \$1-3 million.**

CONCEPT 2A

Route 460/29 Center Median / Entrance Closures and Minor Turn Lane Improvements

Similar to Concept 2, Concept 2A would be a low cost, but low-to-moderate impact alternative for the Route 460/29 corridor. Concept 2A would change Route 460/29 by closing four center median breaks along the corridor and constructing one of two options to allow for westbound traffic to turn around from eastbound Route 460/29. Eastbound traffic from points north of Route 460/29 would utilize the Route 501 interchange. No new access roads would be built either north or south of Route 460/29. Three Route 460/29 entrances would be closed and would include 1) strip mall on south side of Route 460/29, 2) Virginia Department of Agriculture building, and 3) Tyreeanna Road. Tyreeanna Road access to Route 460/29 would be rerouted via Concord Turnpike. The existing traffic signal at Concord Turnpike and Route 460/29 would remain in operation. In addition to Concept 2, Concept 2A would add new

or upgrade acceleration and deceleration lanes at Holcomb Path Road, Templeton's Market, and Poston Street. Private driveway access between the Norfolk Southern railroad tracks and Poston Street would be closed for multiple residences. Right-of-way acquisition would displace as many as 15 residences and 1 business (Jumbo's restaurant). **Total estimated project cost for Concept 2A is \$3-5 million.**

CONCEPT 2B

Route 460/29 Center Median / Entrance Closures with Acceleration and Deceleration Lanes

Similar to Concept 2A, Concept 2B would be a lower cost, but low-to-moderate impact alternative for the Route 460/29 corridor. Concept 2B would change Route 460/29 by closing four center median breaks along the corridor and constructing one of two options to allow westbound traffic to turn around from eastbound Route 460/29. Eastbound traffic from points north of Route 460/29 would utilize the Route 501 interchange. No new access roads would be built either north or south of Route 460/29. Four Route 460/29 entrances become closed and include 1) strip mall on south side of Route 460/29, 2) Virginia Department of Agriculture building, and 3) Tyreeanna Road. Tyreeanna Road access to Route 460/29 would be rerouted via Concord Turnpike. The existing traffic signal at Concord Turnpike and Route 460/29 would remain in operation. Concept 2B would add new or upgraded acceleration and deceleration lanes at Falwell Airport, Holcomb Path Road, Templeton's Market, Poston Street, and Truck Body Co. Private driveway access between the Route 501 interchange and Concord Turnpike traffic signal would be closed for multiple residences. Right-of-way acquisition would displace as many as 34 residences and 2 businesses (Jumbo's Restaurant and the trailer park). **Total estimated project cost for Concept 2B is \$7-9 million.**

VDOT would like your comments and thoughts on these concepts to convert Route 460/29 to a limited access facility and any other concepts you believe should be considered in efforts to improve safety on this corridor.



www.VirginiaDOT.org
Lynchburginfo@VDOT.Virginia.gov

Design Public Hearing

Route 460/29

(Richmond Highway)

City of Lynchburg

Thursday, December 10, 2009, 5-7 p.m.

(Snow date: Tuesday, December 15, 2009)

VDOT Lynchburg District

Ramey Memorial Auditorium, 4303 Campbell Avenue

Lynchburg, VA 24501

Public Meeting

The Virginia Department of Transportation (VDOT) welcomes you to the design public hearing for the proposed safety improvements for Route 460/29 (Richmond Highway) in the City of Lynchburg. These improvements will begin at Route 501 (Campbell Avenue) and end at the intersection with Route 29 (Monacan Parkway).

This public hearing is held to provide an opportunity for any person, acting on his/her own behalf or representing a group or governing agency, to give the department his or her comments and/or suggestions concerning the proposed project after reviewing the project information. VDOT representatives are present to discuss the project

and answer your questions.

A comment sheet is included in the handouts for this meeting, and your input is encouraged. All oral and written comments received on this project will be included in a transcript for review by VDOT personnel, citizens and other interested parties.

VDOT staff will consider questions and concerns raised as a result of this meeting before the project is presented to VDOT's chief engineer for consideration.

Project Overview



Route 460 / 29 Safety Improvement Project
Closure of Tyreanna Road Crossover, Lynchburg, Va.

Anticipated Cost – \$1,666,000

Purpose – Improve safety through the use of access management

From – Route 501 (Campbell Avenue)

To – Route 29 (Monacan Parkway)

Total length – 1.688 mi

Improvements – Remove median crossovers, close the Tyreanna Road intersection with Route 460/29 and modify the Concord Turnpike intersection to allow for easier left and U-turns by vehicles traveling east on Route 460/29.

Anticipated Schedule –

Advertise - September 2010

Construction begin - December 2010

Construction complete - 2011

PROJECT DESCRIPTION

The primary purpose of this project is to provide safety improvements on Route 460/29 (Richmond Highway) from Route 501 (Campbell Avenue) to Route 29 (Monacan Parkway) through the implementation of access management. A review of traffic data shows a significant increase in vehicular accidents after the opening of the Madison Heights Bypass. To address the increase of traffic accidents, the four crossovers and the Tyreeanna Road Intersection would be closed and accommodations for westbound U-turns from the eastbound lane at the intersection with Concord Turnpike provided by means of a "jughandle". The jughandle provides for U-turns and left turns at Concord Turnpike.

The center median crossovers at Truck Body Corp./Falwell Airport, the trailer park entrance west of the railroad bridge, the Tyreeanna/Holcomb Path Road intersection and the median crossover at Templeton's Market would be closed. The median crossover at the Concord Turnpike traffic signal would remain open. The Tyreeanna Road access to Route 460/29 would close and all traffic to and from Tyreeanna Road would access Route 460/29 via Concord Turnpike.

The existing traffic signal at Concord Turnpike and Route 460 would remain in operation and a new jughandle approach to the signal would be constructed to allow eastbound traffic to turn onto Concord Turnpike and also to U-turn westbound on Route 460.

This section of Route 460/29 carries approximately 35,000 vehicles per day (2007 count).

This project would be the first phase of improvements to significantly improve safety on this corridor and was presented as Option 2B at the citizen information meeting held on December 11, 2008.

Future phases of improvements to this corridor will require all access onto and off of Route 460/29 to use auxiliary lanes for acceleration and deceleration resulting in vehicles in all travel lanes operating at highway speed; thereby improving roadway safety.

Project Graphic



Estimated Project Cost

Total Cost:

\$1,666,000

Engineering of Roadway Plans:

\$250,000

Construction:

\$1,408,000

This cost is subject to change as the design is finalized.

The project will be financed using federal funds.

Environmental Review

VDOT performed environmental reviews and coordination to obtain information about environmental resources in the project vicinity; to provide natural and historic resource agencies an opportunity to review and comment on the project during its development; and to identify opportunities for avoidance, minimization and mitigation of potential environmental impacts.

The National Environmental Policy Act (NEPA) is applicable to this project and a NEPA document Programmatic Categorical Exclusion has been developed in cooperation with the Federal Highway Administration and in accordance with federal guidelines. The NEPA document includes information from various technical reviews including those related to natural resources, water quality, threatened and endangered species, air quality, noise, etc. In compliance with the National Historic Preservation Act, Section 106 and 36 CFR Part 800, information concerning the potential effects of the proposed project on properties listed in or eligible for listing in the National Register of Historic Places is also provided in the environmental documentation.

The project will continue to be coordinated with the appropriate federal, state, and local agencies as part of environmental review and approval processes required throughout project development and construction. All required environmental clearances and permits will be obtained prior to commencement of construction. Strict compliance with all environmental conditions and commitments resulting from regulatory approvals, and implementation of VDOT's specifications and standard best management practices will protect the environment during construction.

The NEPA document and the results of other environmental studies are available at today's meeting. Representatives from VDOT's Environmental Section are available to discuss this information and to answer questions.

Anticipated Schedule

The following schedule has been proposed:

Citizen information meeting and comment period –
held July 2008

Public Hearing – December 10, 2009

Final Design – Spring 2010

Construction – December 2010

Civil Rights

Representatives from VDOT are present to discuss the project and answer your questions. It is the responsibility of VDOT to ensure that all members of the community are afforded the opportunity to participate in public decisions on transportation systems and projects affecting them. VDOT ensures nondiscrimination in all programs and activities in accordance with Title VI of the Civil Rights Act of 1964.

Right of Way

This phase of improvements will not require acquisition of any new right of way. All work involved with this project will occur within VDOT right of way.

Future projects to improve the corridor may require the acquisition of additional right of way.

Get Involved

The public comment period will close 10 days after this Design Public Hearing (December 20, 2009). VDOT representatives will review and evaluate the information received as a result of the citizen information meeting.

Project information shared at the public hearing is also available for review at VDOT's Lynchburg District Office located at 4219 Campbell Avenue, Lynchburg, VA 24501, at VDOT's Appomattox Residency Office located at 331 Ferguson Street, Appomattox, VA 24522 or on VDOT's website at www.virginiadot.org/projects.

All comments should be submitted to:

Robert H. Cary, PE, LS
Lynchburg District Administrator
P. O. Box 11649
Lynchburg, VA 24506

Comments can also be submitted by e-mail to lynchburginfo@vdot.virginia.gov. Information must be postmarked, e-mailed or delivered to VDOT within 10 calendar days of today's meeting (December 20, 2009) in order to be included in the hearing record.

Additional project information can be obtained from:

Contact Information

Primary Contact:
Brian Casto, P.E.

Location and Design
Manager

4219 Campbell Avenue
Lynchburg, VA 24501

434-856-8276

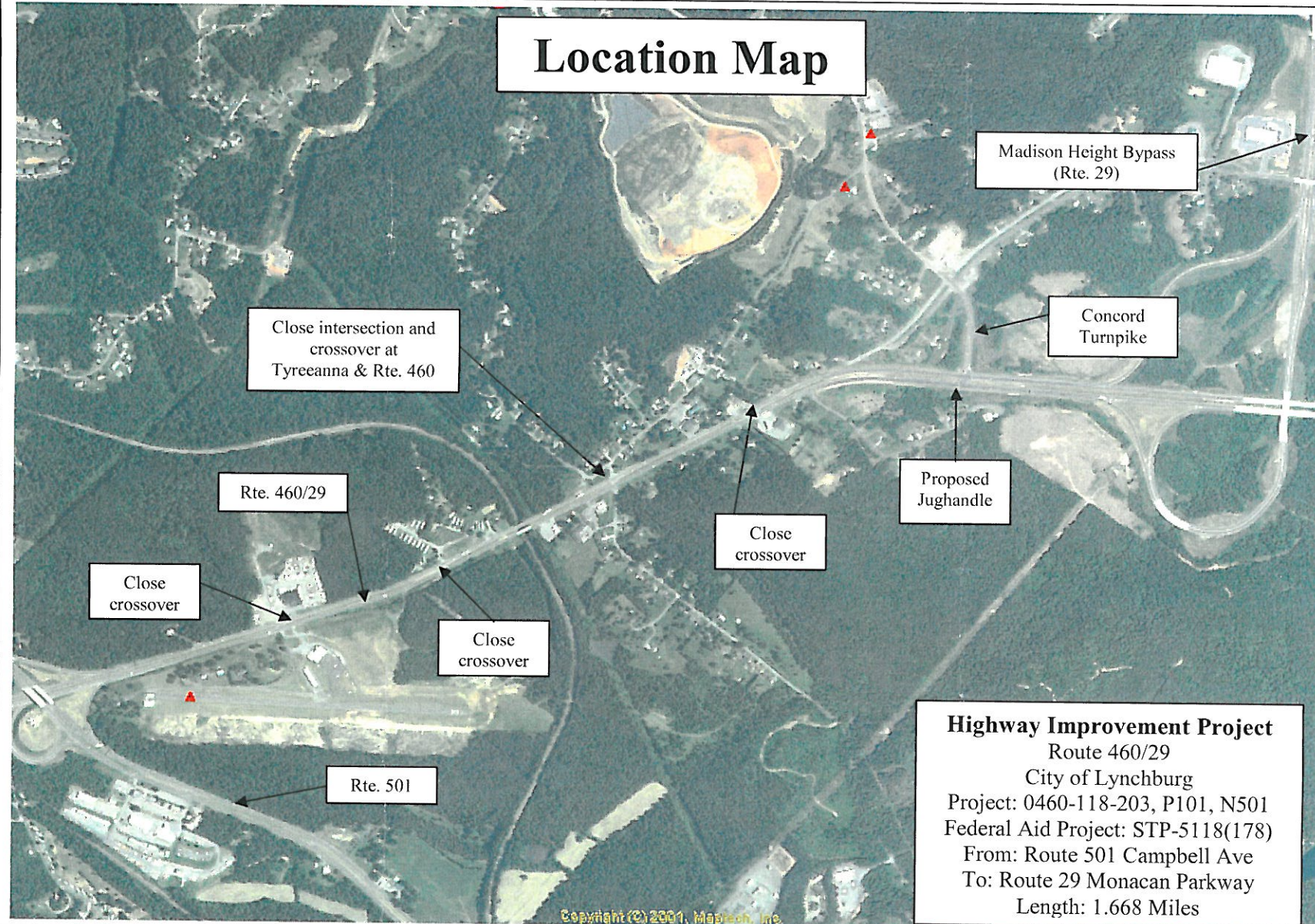
Lori Snider

Regional
Right of Way
Manager

731 Harrison Ave.
Salem, VA 24153

540-387-5366

Location Map





MEMORANDUM

TO: City Council

FROM: L. Kimball Payne, III, City Manager 

DATE: March 4, 2010

SUBJ: Proposed FY 2011 Budget

The Proposed FY 2011 Budget will be presented to Council on Tuesday, March 9th during work session. Afterward, Human Resources Director Margaret Schmitt will provide her annual Workforce Overview.

Budget notebooks and Margaret's presentation will be distributed during the meeting.

// A regular meeting of the Council of the City of Lynchburg was held on the 23rd day of February, 2010, at 5:00 P.M. in the Council Chamber, City Hall, Joan F. Foster, President, presiding. The following Members were present:

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

Absent: 0

// Mayor Foster made the following statement at the beginning of the meeting regarding the proposal to relocate the Precinct 304 polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene on Wards Ferry Road. Mayor Foster stated that the suggestion to relocate the polling place was initiated by Liberty University and Council has since been advised that, because of various concerns, Liberty does not support the relocation of the polling place to the First Church of the Nazarene.

// Director of Utilities Tim Mitchell gave a brief overview of the Utility Rate Study Report. Mr. Mitchell stated that a statistical and financial information section of key measures are routinely tracked to help enhance performance and track various trends such as water consumption, so that we can be more responsive to changing conditions. Mr. Mitchell explained the following rate study:

The utility rate strategy developed for this year continues with the goals to:

1. Equitable sharing of water and sewer costs based on service provided.
2. Ensure rates promote sustainable water and sewer operations and infrastructure.
3. Minimize future rate spikes.
4. Meet the financial obligations related to the CSO Special Order.
5. Ensure compliance with Council's financial policies.

Mr. Mitchell stated that the recommendations include a 4 % increase in water volume rate to \$2.22 per h.c.f.; and increases in various other fees to more closely reflect the actual cost of providing the associated services. Mr. Mitchell went on to say that there would be no increase in the sewer rate proposed for FY 2011. As a result, the composite water and sewer bill for the typical residential customer increases by slightly over 1%. Council Member Perrow made a motion to proceed with a public hearing, seconded by Council Member Johnson. Council by the following recorded vote passed the motion:

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

Noes: 0

// City Manager Kimball Payne gave a brief summary of the 2010 Low Income Housing Credit Projects. Mr. Payne stated that he received letters of support provided for 2010 Low Income Housing Tax Credit Program (LIHTC) projects in Lynchburg. Mr. Payne went on to say unless Council directs otherwise, letters of support will be sent under the City Manager's signature. Mr. Payne stated that the Tax Reform Act of 1986 established the LIHTC Program to encourage private investment in affordable housing. Mr. Payne stated more specifically, the LIHTC is a dollar-for-dollar reduction in tax liability to the owner of qualified low-income housing development for the acquisition, rehabilitation, or construction of low-income rental housing units. Mr. Payne went on to say that the amount of credits allocated is based directly on the number of qualified low-income units that meet federal rent and income targeting requirements. Mr. Payne stated that the Virginia Housing Development Authority is responsible for allocating the credits to

developments within Virginia and has established several tax credit pools and a scoring system to determine the allocation through a competitive process and the tax credits apply to the owner's federal tax return. Mr. Payne explained to qualify for tax credits, a development must meet a number of conditions set forth in Section 42 of the Internal Revenue Code. In particular, the development must provide low-income housing units that meet certain occupancy and rent requirements and must provide localities with an opportunity to comment on the developments under consideration. The specific requirement regarding occupancy can be satisfied in two ways: either at least 20% of the tenants must have an income less than 50% of the Area Median Gross Income (AMGI), adjusted for family size; or, at least 40% of the tenants must have an income less than 60% of the AMGI, adjusted for family size. An applicant or project receiving a letter of support from the locality will qualify for 50 points. If an opposition letter stating that the development is inconsistent with 1) current zoning or, 2) other applicable land use regulations is written, the development will receive no points. Additionally, if a locality provides no comments or if the letter does not meet the support or opposition criteria required, the application will receive a score of 25 points. The maximum number of points available differs based on the type of tax credit the developer is seeking. Mr. Payne stated that the City has received five notices of potential applicants for the tax credits, as follows:

1. Frank Roane Apartments: 26 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project);
2. Lynchburg High Apartments: 74 units; rehabilitation of an existing project owned and managed by Lynchburg Covenant Fellowship (a letter of support has already been submitted for this project);
3. Fort Ave. Lofts: 66 units; development of a former industrial building at 2730 & 2734 Fort Ave.; this project is subject to a rezoning request that will be heard by Council in April or later. It is suggested that no letter of support be provided unless and until the rezoning is approved by Council.
4. Jobbers Overall Apartments: 50 units (16 in an existing building and 34 in new construction); adaptive reuse and new construction at 1421 Kemper Street.
5. Village Oak Townhomes: 100 units; rehabilitation of the existing property by LNDF.

Council Member Helgeson made a motion to recommend denial of the five programs, there was no second and the motion failed. Council Member Gillette asked if it was necessary for a motion. Mr. Payne stated that he does not need any action or any motion after his intentions are stated. If Council disagrees, then Council would give direction. Council Member Nelson stated that he has been very closely involved with Lynchburg Covenant Fellowship through the years and therefore would have a conflict and would have to have no involvement with this decision. Council Members discussed the project and followed the recommendation by the City Manager and thought it to be an excellent opportunity to continue the downtown revitalization project. There was no motion required and Council asked the City Manager to proceed with his recommendation.

// Director of Economic Development Marjette Upshur gave a brief summary regarding the proposal to establish an ordinance to create an Arts and Cultural District. Ms. Upshur stated that the State Code permits localities to create Arts and Cultural Districts to provide incentives to attract and grow arts and

cultural organizations. Ms. Upshur explained that the attraction and growth of artists and cultural organizations will further revitalize Lynchburg's historic downtown, creating an "entertainment cluster", add jobs and increase an important element in community livability. Ms. Upshur went on to say that estimated Amusement Tax collected from existing "qualified arts organizations" in 2009 was \$18,000.00. City Manager Kimball Payne stated that he wanted to draw attention to the fact that there are some permits and assistance that can be provided and suggested it would be included as well. After discussion from Council, Ms. Upshur stated that this is just an outline of the ordinance and explained that It would just be like an overlay district where you may decide to either not charge the amusement tax for that particular area or to take the amusement tax as collected and use that for either promotion or capital projects. Council Member Perrow made a motion to accept the boundaries as proposed and to provide BOPL and admissions tax incentives inside the boundary, seconded by Council Member Gillette. Council Member Johnson made a friendly amendment to the motion to add the Legacy Museum and the Old City Cemetery into the Arts and Cultural Boundary, seconded by Council Member Gillette. Council Member Perrow made a motion to proceed with a public hearing, seconded by Council Member Johnson. Council by the following recorded vote passed the motion:

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

Noes: 0

// During roll call Council Member Johnson wanted to congratulate the publisher of a new magazine "434".

Vice Mayor Dodson wanted to congratulate Heritage High School and E. C. Glass High School for making the basketball tournament.

// City Council recessed the meeting at 6:32 p.m.

// City Council reconvened the meeting at 7:30 p.m. Council Member Nelson gave the Invocation, followed by the Pledge of Allegiance.

// Copies of the minutes of the February 6, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the February 9, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// Copies of the minutes of the February 16, 2010 meeting, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Gillette seconded by Council Member Nelson, Council by the following recorded vote approved the minutes as presented:

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

Noes: 0

// In the matter of Commonwealth's Attorney, Resolution #R-10-010 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$90,253, with \$67,683 reimbursement, to support the Domestic Violence Prosecution Unit, laid over from the February 9, 2010 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Fire-General, Resolution #R-10-011 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$38,579, with \$19,289 reimbursement, to purchase a Physio LifePak 15 cardiac monitor/defibrillator and a 24 7 Now CentreLearn Learning Management System for the Fire Department, laid over from the February 9, 2010 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Juvenile Services, Resolution #R-10-012 amending the FY 2010 City/Federal/State Aid Fund budget and appropriating \$16,801, with 16,351 reimbursement, to provide support to localities in their efforts to strengthen the local juvenile justice system, laid over from the February 9, 2010 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Juvenile Services, Resolution #R-10-015 amending the FY 2010 Comprehensive Services Act (CSA) Fund budget and appropriating \$370,570, with \$269,182 reimbursement, to increase the amount of local resources, laid over from the February 9, 2010 meeting, was again presented and read, and on motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// In the matter of Police - General, City Council Report # 12 was considered. On motion of Council Member Gillette, seconded by Council Member Nelson, Council by the following recorded vote adopted Resolution #R-10-016, as presented, approving the Certified Crime Prevention Community Recertification for the Police Department:

Ayes: Dodson, Gillette, Helgeson, Johnson, Nelson, Perrow, Foster	7
Noes:	0

// Mayor Foster recognized Derek Gale a member of the Mayor's Youth Council

// In the matter of Registrar, City Council Report #13 was considered regarding citizen input on the possible relocation of the polling place for the Fourth Precinct of the Third Ward from Heritage Elementary School to the Lynchburg First Church of the Nazarene. City Manager Kimball Payne stated that during City Council's January 26 work session it was suggested that the Heritage Elementary School polling place be relocated to accommodate the large number of Liberty University students that registered to vote in the 2008 and 2009 elections. City Council agreed to schedule the matter for discussion at its February 9th work session. Mr. Payne stated that at the February 9th work session Council voted to advertise and hold a public hearing to receive citizen input on the possible relocation of the polling place from Heritage Elementary School to the Lynchburg First Church of the Nazarene. City Council also requested that representatives of the Lynchburg Electoral Board and the Lynchburg Area Center for Independent Living (LACIL) visit and inspect the First Church of the Nazarene to determine if the proposed location meets the accessibility and other requirements for a polling place. Mr. Payne explained that the notice of the public hearing was duly advertised in the *News & Advance* once a week for two successive weeks.

There were several citizens that spoke in opposition to moving the polling place for the following reasons: safety issues of the students, GLTC buses bottom out when leaving the church parking lot, standing in long lines to vote, school will be in session, students want their voices heard, impact traffic problem, consider Lynchburg as home, our civil rights to vote in Lynchburg, opportunity to be involved, increased accessible, freedom to vote, discrimination, rights to vote, second class citizens, pay taxes and other sites are Central Virginia Community College (CVCC), Circuit City and Liberty University.

There were several citizens that spoke in favor of leaving the polling place at Heritage Elementary School for the following reasons: No problem with polling place at Heritage Elementary School, it will be disrespectful to residents in the area if polling place is moved, privilege and equal rights. There was no one else present who wished to speak to this item, and the public hearing was closed.

After the discussion from Council, Council Member Perrow made a motion that the existing polling location remain unchanged, seconded by Council Member Gillette. After further discussion Vice Mayor Dodson wanted to add a friendly amendment to the motion that Council ask the School Board to change their date of April 30th to May 4th as far as the day for Teacher Retreat Day or Teacher Work Day, for the whole school system. Council Member Perrow did not accept the friendly amendment and after restating his motion, seconded by Council Member Gillette, Council by the following recorded vote left the existing polling location at Heritage Elementary School unchanged:

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

7

Noes:

0

// The meeting was adjourned at 10:34 P.M.

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 9, 2010**

AGENDA ITEM NO.: 6

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: Department of Homeland Security Grant to Upgrade a Plymovent System and a Fire Alarm System

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$33,500 with resources of \$26,800 from the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) National Preparedness Directorate's FY 2009 Assistance to Firefighters Grant (AFG) in the Operations and Safety category and resources of \$6,700 from the General Fund Reserve for Contingencies to purchase an upgrade to the Plymovent system for Station No. 2 on Grace Street and a fire alarm system for Station No. 6 on Fort Avenue near Miller Park.

SUMMARY: DHS/FEMA awards grant funding through the Assistance to Firefighters Grant (AFG) program with the primary goal of meeting the firefighting and emergency response needs of fire departments and other agencies by assisting with the purchase of critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel from fire and related hazards.

The Fire and EMS Department applied for and has been awarded a grant under the AFG FY 2009 in the category of Operations and Safety to purchase an upgrade to the Plymovent system for Station No. 2 on Grace Street and a fire alarm system for Station No. 6 on Fort Avenue near Miller Park. The total cost for both systems is \$33,500 (\$17,500 for the Plymovent and \$16,000 for the fire alarm system); therefore, the 20 percent required local match would be \$6,700.

The upgraded Plymovent system at Station No. 2 will automatically release vehicle exhaust from the bay area for all of the apparatus currently housed at that station. Exhausting emissions from the bay area also keeps them from seeping into the living quarters of the station. The fire alarm system at Station No. 6 will alert firefighters to smoke or fire within the station via a horn and a strobe light. This is vital for firefighter safety since the living quarters of the station are located in the upstairs section above the apparatus, which are parked below.

PRIOR ACTION(S):

Finance Committee, May 26, 2009

Finance Committee, February 23, 2010

FISCAL IMPACT: A non-recurring appropriation of \$6,700 from the General Fund Reserve for Contingencies will be needed to cover the local match requirement. Additionally, future funds may be needed for periodic maintenance of the systems.

CONTACT(S):

Fire Chief S. Brad Ferguson, 455-6340

Captain Ronald Sanders, 455-6362

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

ATTACHMENT(S):

Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED That the FY 2010 City/Federal/State Aid Fund budget is amended and \$33,500 is appropriated with resources of \$26,800 from the Department of Homeland Security Federal Emergency Management Agency's (DHS/FEMA) National Preparedness Directorate's FY 2009 Assistance to Firefighters Grant (AFG) in the Operations and Safety category and resources of \$6,700 from the General Fund Reserve for Contingencies to purchase an upgrade to the Plymovent system for Station No. 2 on Grace Street and a fire alarm system for Station No. 6 on Fort Avenue near Miller Park.

Introduced:

Adopted:

Certified:

Clerk of Council

026L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 9, 2010**

AGENDA ITEM NO.: 7

CONSENT: **X**

REGULAR:

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **U. S. Department of Energy, Energy Efficiency and Conservation Block Grant Project**

RECOMMENDATION: Adopt a resolution to amend the FY 2010 City/Federal/State Aid Fund budget and appropriate \$298,000 with resources of \$240,000 from the U. S. Department of Energy, Energy Efficiency and Conservation Block Grant and \$58,000 of in-kind services to convert traffic signals, message boards, and some street lights to energy efficient light-emitting diode (LED) technology.

SUMMARY: The City has applied for three different energy initiatives through the U. S. Department of Energy (DOE) Energy Efficiency and Conservation Block Grant (EECBG) Program, which is funded by the American Recovery and Reinvestment Act. The three initiatives are: 1) HVAC replacement at the Library, 2) building energy audits/energy efficiency upgrades, and 3) conversion of traffic signals, message boards, and some street lights to LED technology. The City has received a \$240,000 award for the third initiative; the other two have yet to be awarded by the DOE.

The current award includes \$190,000 for the light-emitting diode (LED) conversion of traffic control devices: pedestrian signal heads (at 28 intersections), downtown mast arm mounted traffic signal heads (at 9 intersections), and span wire mounted traffic signal heads (at 27 intersections). In many cases the conversions will include upgrading traffic signal heads from the smaller 8 inch heads to the larger 12 inch heads to increase visibility as recommended by the Manual of Uniform Traffic Control Devices (MUTCD). In addition to these conversions, funding will be used to replace up to four inefficient and non-functioning stationary message boards with LED stationary boards. The City has budgeted approximately \$58,000 of in-house labor as a match to this portion of the grant.

This initiative also includes \$50,000 to convert an area of 25-75 streetlights to new LED technology. These light upgrades would produce at least a 10-20% energy savings and allow them to be operated by an intelligent management system to monitor and record the savings. The City has been asked to partner with the Center for Advanced Engineering and Research (CAER), American Electric Power Company (APCO), Innovative Wireless Technologies (IWT), and some of the educational institutions in the area to test the energy saving potential for a "Smart Light" Program. This program would use the test area in the City to monitor, research, and record reduction in energy and maintenance costs. The test area has not been finalized but needs to be an area using cobra head style lights with a good line of sight. The City is not required to have an in-house match for this portion of the grant.

PRIOR ACTION(S): Finance Committee, February 23, 2010

FISCAL IMPACT: The local match is supported by current personnel costs; therefore, no additional funds must be appropriated to cover the match. It is anticipated energy costs will be reduced due to the increased efficiency of the LED lights. Data will be kept regarding the energy cost savings associated with this component of the grant.

CONTACT(S): Gaynelle Hart, Deputy Director of Public Works, 455-4406
Lee Newland, City Engineer, 455-3947
Gerry Harter, Traffic Engineer, 455-3935

ATTACHMENT(S): Resolution

REVIEWED BY: lkp

RESOLUTION:

BE IT RESOLVED that the FY 2010 City/Federal/State Aid Fund budget is amended and \$298,000 is appropriated with resources of \$240,000 from the U. S. Department of Energy, Energy Efficiency and Conservation Block Grant and \$58,000 of in-kind services to convert traffic signals, message boards, and some street lights to energy efficient light-emitting diode (LED) technology.

Introduced:

Adopted:

Certified:

Clerk of Council

027L

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **March 9, 2010**

AGENDA ITEM NO.: 8

CONSENT: REGULAR: **X**

WORK SESSION:

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Conditional Use Permit (CUP): Cole Brothers Circus, Inc., 150 Linden Avenue**

RECOMMENDATION: Approval of the CUP petition.

SUMMARY: Cole Brothers Circus is petitioning to allow the operation of a temporary circus at 150 Linden Avenue on April 26th and April 27th, 2010. The petitioner would hire off-duty police, as well as provide on-site staffing to manage traffic and parking for the event. The concept plan indicates that the closest single-family residence is located more than seven hundred and fifty (750) feet from the proposed tent location and approximately five hundred (500) feet from the proposed primary parking area. The circus would be required to obtain all applicable permits and insurance, as well as provide for measures to limit light and noise pollution in accordance with *City Code*. Trash collection and grounds care will be handled by on-site staff and *City Code* would require that "all grounds used ... be restored to their condition" upon completion of the event. Planning Commission also added a condition that would limit vehicle access to the event, except for emergency vehicles, from the portion of Linden Avenue that originates at Peakland Place.

The Planning Commission recommended approval of the CUP petition because:

- The petition agrees with the *Comprehensive Plan* which recommends an Institutional land use for the subject property.
- The petition agrees with the *Zoning Ordinance* in that temporary fairs, carnivals and circuses are allowed in an R-1, Low Density Single-Family Residential District, with approval of a CUP by City Council.
- All events, storage and parking would be located outside of the designated Resource Conservation area.
- The Presbyterian Homes and Family Services organization has hosted a number of large events on its Lynchburg campus.
- Traffic, parking, public safety comments have been addressed to the satisfaction of City staff and Planning Commission.
- The proposed circus would be a temporary, two (2)-day event.

PRIOR ACTION(S):

February 10, 2010: Planning Division recommended approval of the CUP petition.

Planning Commission recommended approval of the CUP petition (4-1, with one member absent, Oglesby and one vacancy) subject to the following conditions, including the addition of condition sixteen (16) regarding access from Linden Avenue:

1. A certificate of fire resistance rating for the tent must be submitted for approval. This certificate must have been issued within the last twelve (12) months.
2. A diagram must be submitted showing the layout of the tent, location of seating, aisles, maximum occupancy, and fire extinguishers.
3. 'No smoking' and 'Exit' signs must be posted within the interior of the tent.
4. Approval must be obtained from the City for the electric power hookup and lighting within the tent.
5. Adequate on-site parking spaces must be provided.

6. Complete insurance coverage must be provided for the lot and for any person on it during its temporary use.
7. A building permit must be obtained from the Building Commissioner for the erection of the tent(s). Also issuance of a certificate of occupancy must be obtained prior to occupancy of the tent(s).
8. A place of assembly permit must be obtained from the Fire Marshal's Office prior to the occupancy of the tent(s).
9. During the proposed event, the grounds shall be kept orderly, and after its duration they shall be restored to their original conditions.
10. The petitioner will supply adequate temporary restroom facilities for the duration of the event.
11. The sponsor shall provide a minimum of two (2) off-duty Fire Marshals for spectator control.
12. The petitioner shall provide off-duty police officers for off-site traffic control.
13. Adequate access (fire lanes) must be provided to the tent for use by emergency vehicles.
14. The show times shall be coordinated to minimize the impacts on the public road system.
15. Queuing and parking must be handled on-site, not on the public road system.
16. The Linden Avenue entrance to the Presbyterian Home (originating at Peakland Place) will be used only for emergency purposes.

FISCAL IMPACT: None

CONTACT(S): Tom Martin, City Planner - 455-3900; Bonnie Svrcek, Deputy City Manager/Acting Director of Community Development - 455-3900

ATTACHMENT(S):

- Resolution
- Planning Commission Report
- Planning Commission Minutes
- Vicinity Map
- Vicinity Proposed Land Use Map
- Watershed Location Map
- Concept Plan
- Presbyterian Homes and Family Services Event Listing
- Speaker Sign Up Sheet

REVIEWED BY: lkp

RESOLUTION:

A RESOLUTION GRANTING A CONDITIONAL USE PERMIT TO COLE BROTHERS CIRCUS TO ALLOW THE OPERATION OF A TEMPORARY CIRCUS ON THE GROUNDS OF THE PRESBYTERIAN HOME AND FAMILY SERVICES AT 150 LINDEN AVENUE IN AN R-1, LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT ON APRIL 26 AND 27, 2010.

RECITALS

- R-1. Cole Brothers Circus has petitioned for a permit to allow the operation of a temporary circus on the grounds of the Presbyterian Home and Family Services at 150 Linden Avenue in an R-1, Low Density Single-Family Residential District on April 26 and 27, 2010.
- R-2. The Zoning Administrator made a determination on January 21, 2010 that the use specified in the Cole Brothers Circus petition was permitted by a Conditional Use Permit in accord with the development standards defined in Zoning Ordinance § 35.1-52 for Temporary Carnivals and Fairs. No person has appealed that determination to the Board of Zoning Appeals.
- R-3. After published notice and a public hearing, on February 10, 2010, the Planning Commission recommended that City Council approve the Conditional Use Permit petition with specific conditions. The Zoning Administrator's January 21, 2010 determination was discussed as part of the public consideration of the Planning Commission.
- R-4. The Council has approved permits for temporary circuses pursuant to Zoning Ordinance § 35.1-52 in past years in various zoning districts.
- R-5. The provisions of the Zoning Ordinance relating to the effect of § 35.1-52 are ambiguous.
- R-6. The Council's action to approve the petition of Cole Brothers Circus is consistent with the legislative actions of the Council in past years and consistent with the prior administration of § 35.1-52.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNCHBURG that the petition of Cole Brothers Circus to allow the operation of a temporary circus on the grounds of the Presbyterian Homes and Family Services at 150 Linden Avenue in an R-1, Low Density Single-Family Residential District, on April 26 and 27, 2010 be, and the same is hereby approved subject to the following conditions:

- 1. A certificate of fire resistance rating for the tent must be submitted for approval. This certificate must have been issued within the last twelve (12) months.
- 2. A diagram must be submitted showing the layout of the tent, location of seating, aisles, maximum occupancy, and fire extinguishers.
- 3. 'No smoking' and 'Exit' signs must be posted within the interior of the tent.
- 4. Approval must be obtained from the City for the electric power hookup and lighting within the tent.
- 5. Adequate on-site parking spaces must be provided.
- 6. Complete insurance coverage must be provided for the lot and for any person on it during its temporary use.
- 7. A building permit must be obtained from the Building Commissioner for the erection of the tent(s). Also issuance of a certificate of occupancy must be obtained prior to occupancy of the tent(s).
- 8. A place of assembly permit must be obtained from the Fire Marshal's Office prior to the occupancy of the tent(s).
- 9. During the proposed event, the grounds shall be kept orderly, and after its duration they shall be restored to their original conditions.

10. The petitioner will supply adequate temporary restroom facilities for the duration of the event.
11. The sponsor shall provide a minimum of two (2) off-duty Fire Marshals for spectator control.
12. The petitioner shall provide off-duty police officers for off-site traffic control.
13. Adequate access (fire lanes) must be provided to the tent for use by emergency vehicles.
14. The show times shall be coordinated to minimize the impacts on the public road system.
15. Queuing and parking must be handled on-site, not on the public road system.
16. The Linden Avenue entrance to the Presbyterian Home (originating at Peakland Place) will be used only for emergency purposes.

Adopted:

Certified: _____
Clerk of Council

028L

The Department of Community Development

City Hall, Lynchburg, VA 24504

434-455-3900

To: Planning Commission
From: Planning Division
Date: February 10, 2010
Re: Conditional Use Permit [CUP]: Cole Brothers Circus, Inc., 150 Linden Avenue

I. PETITIONER

Cole Bros Circus, P.O. Box 127 DeLand, FL 32721

Representative: Timothy J. OrrIs, Cole Bros Circus, P.O. Box 127 DeLand, FL 32721

II. LOCATION

The subject property includes a tract of approximately one hundred eight (108) acres located at 150 Linden Avenue.

Property Owner: Presbyterian Homes and Family Services, Lynchburg, VA 24502

III. PURPOSE

The purpose of the petition is to allow the operation of a temporary circus at Linden Avenue on April 26th and April 27th, 2010.

IV. SUMMARY

- Petition agrees with the *Comprehensive Plan* which recommends an Institutional land use for the subject property.
- Petition agrees with the *Zoning Ordinance* in that temporary fairs, carnivals and circuses are allowed in an R-1, Low Density Single-Family Residential District, with approval of a CUP by City Council.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan 2002-2020 Future Land Use Map* recommends Institutional and Resource Conservation uses within this area. Institutions are the religious, educational and other nonprofit entities in the City and include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. **(page 5.3)** Resource Conservation Areas “encompass lands with special natural characteristics that make their preservation in open space particularly important to the City’s environmental health. The mapped Resource Conservation Areas include ... steep slopes of greater than twenty-five percent (25%) as well as the City’s stream valleys (including streams and rivers, their one hundred (100)-year floodplains, connected wetlands and adjacent steep slopes).” **(page 5.2)**

The proposed property is also located in a Resource Conservation Area, as designated on the *Comprehensive Plan 2002-2020 Plan Framework Map*. These areas include public parklands, rivers, streams, wetlands, floodplains and/or steep slopes which serve a range of important functions – wildlife habitat, natural stormwater control, active and passive recreation – and are counted among the City’s primary assets. The *Comprehensive Plan 2002-2020* recommends that “if a property [that includes] a Resource Conservation Area is proposed for rezoning ...

the City will seek proffers that protect a reasonable area for resource conservation.” The plan further defines protection as the “maintenance of the natural topographic and vegetative conditions with limitations on most development.” (page 4.5)

The proposal would allow the temporary operation of the circus on the subject property for two (2) days in April. All events, storage and parking would be located outside of the designated Resource Conservation area.

2. **Zoning.** The majority of the subject property was annexed into the City in 1926, with the balance annexed in 1958. The existing R-1, Low Density Single-Family Residential District zoning was established on December 12, 1978 with the adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
4. **Surrounding Area.** There have been several items requiring City Council approval in the immediate area:
 - On January 14, 2003, City Council approved John Paul and Alice Jones’s CUP petition to allow the use of an existing structure as a guest home in an R-1, Low Density Single-Family Residential District at 711 Old Trents Ferry Road.
 - On January 9, 2001, City Council approved Westminster Canterbury’s CUP petition to allow the construction of building and parking additions in an R-4, Medium-High Density Multi-Family Residential District at 501 VES Road.
 - On October 10, 2000, City Council approved Peakland Baptist Church’s CUP petition to allow the construction of a columbarium in an R-1, Low Density Single-Family Residential District at 4018 Peakland Place.
 - On July 13, 1999, City Council approved Westminster Canterbury’s CUP petition to allow the construction of an addition to the wellness center and a swimming pool in an R-4, Medium-High Density Multi-Family Residential District at 501 VES Road.
 - On August 11, 1998, City Council approved Presbyterian Homes and Family Services’ CUP petition to allow the construction of a student activity center and associated parking area in an R-1, Low Density Single-Family Residential District at 150 Linden Avenue.
 - On June 10, 1997, City Council approved First Presbyterian Church’s CUP petition to allow the construction of an office addition, columbarium and parking addition in an R-1, Low Density Single-Family Residential District at 400 VES Road.
 - On October 9, 1990, City Council approved Virginia Episcopal School’s CUP petition for a revision to the school’s master plan in an R-1, Low Density Single-Family Residential District at 1215 VES Road.
 - On September 25, 1990, City Council approved Presbyterian Homes and Family Services’ CUP petition to allow the construction of the “Genesis House” project in an R-1, Low Density Single-Family Residential District at 150 Linden Avenue.
 - On June 12, 1990, City Council approved Westminster Canterbury’s CUP petition to allow the construction of a building and parking addition in an R-4, Medium-High Density Multi-Family Residential District at 501 VES Road.
 - On April 10, 1990, City Council approved Virginia Episcopal School’s CUP petition to allow the construction of a maintenance building and for driveway repairs in an R-1, Low Density Single-Family Residential District at 400 VES Road.
 - On June 14, 1988, City Council approved Peakland Baptist Church’s CUP petition to allow the construction of an education and administration building in an R-1, Low Density Single-Family Residential District at 4018 Peakland Place.

- On May 13, 1986, City Council approved Virginia Episcopal School's CUP petition to allow the construction of a new dormitory with two entrance drives in an R-1, Low Density Single-Family Residential District at 400 VES Road.
 - On December 10, 1985, City Council approved Virginia Episcopal School's CUP petition to allow the construction of an athletic field in an R-1, Low Density Single-Family Residential District at 340 and 500 VES Road.
 - On October 8, 1985, City Council approved Virginia Episcopal School's CUP petition to allow the construction of a gymnasium addition in an R-1, Low Density Single-Family Residential District at 400 VES Road.
 - On June 10, 1980, City Council approved Virginia Episcopal School's CUP petition to allow the approval of the school's master plan in an R-1, Low Density Single-Family Residential District at 400 VES Road.
 - On November 13, 1979, City Council approved Bear Run's CUP petition to allow the construction of apartments in an R-3, Medium Density Two-Family Residential District at 600 Reusens Road.
5. **Site Description.** The subject property is bound to the north by Virginia Episcopal School and single-family homes; to the east by Westminster Canterbury, vacant forestal land and single-family homes; to the south by single-family homes and to the west by additional property owned by the Presbyterian Homes and Family Services and single-family homes.
6. **Proposed Use of Property.** The petition would allow the operation of a temporary circus on April 26th and 27th, 2010. The event would be sponsored by Presbyterian Homes and Family Services and include two (2) shows each day at 4:30 p.m. and 7:30 p.m., respectively. The *Zoning Ordinance* requires that exterior lights for the circus be shielded from any adjacent residential areas and amplified music or other noise shall cease between the hours of 10:00 p.m. and 9:00 a.m. In addition, *City Code Section 26-56* provides that the maximum sound pressure levels permitted in a residential district between the hours of 10 p.m. and 7 a.m. shall not exceed fifty-two (52) decibels. The petitioner has provided that 4:30 show patrons would leave by 6:15 p.m. with the 7:30 show patrons exiting by 9:15 p.m. In addition, the petitioner has provided that the noise rating for the facility generators is fifty (50) decibels and the generators' motor would be directed towards the concession trailer to further muffle the sound.

The *Zoning Ordinance* also requires "all grounds used ... be restored to their condition" noting that "it shall be the responsibility of the sponsoring organization to perform such restoration." Presbyterian Homes and Family Services is aware of the requirement and provides that it regularly host events on their Lynchburg campus, including a June 5K race for approximately one thousand (1000) runners and spectators (which winds through Peakland Place and Linden Avenue) and the December Toy Run for more than two hundred (200) motorcyclists.

7. **Traffic, Parking and Public Transit.** The City's *Zoning Ordinance* requires that the event have direct access to an arterial or collector road. The Virginia Department of Transportation's Maintenance Fund classifies VES Road as a collector road. In addition, the City's Transportation Engineer recommended that all directional signs, if any, should direct traffic to VES Road. The petitioner has noted that ingress and egress from the circus shall be through VES Road and off-duty Lynchburg Police Officers will be stationed at the intersection of Linden Avenue and VES Road to direct traffic.

The City's *Zoning Ordinance* requires that "off-street parking ... shall be provided in sodded areas, parking lots ordinarily used for other purposes, or in such other ways that muddy conditions and erosion shall be minimized." The concept plan indicates the location of all parking on existing grassed or athletic fields located throughout the property. The petitioner has provided that typical attendance for the 4:30 program is about eight hundred (800) individuals increasing to up to one thousand four hundred (1,400) people for the 7:30 program. The circus has provided traffic estimates for the 4:30 show at two hundred (200) cars, doubling to approximately four hundred (400) cars for the 7:30 performance. The *Zoning Ordinance* requires one (1) parking

space for each four (4) persons of the rated capacity of the buildings that clubs, lodges and other recreational facilities. The concept plan indicates that the seating capacity of the circus tent is rated as two thousand one hundred and sixty (2160) patrons, which would require five hundred and forty (540) parking spaces. The concept plan includes a parking layout for six hundred and forty-eight (648) vehicles and circus staff would be provided to direct parking on site.

Public Transit is accessible through the Greater Lynchburg Transit Company's Route 3 with a stop approximately seven hundred (700) feet from the subject property.

8. **Storm Water Management.** The temporary event will not result in an increase in impervious surface that exceeds one thousand (1000) square feet. As such, a stormwater management plan is not required for this project. The proposed event would not be located within the limits of the one hundred (100)-year floodplain.
9. **Emergency Services.** The City's Fire Marshal had no comments about the proposed temporary operation of the circus. City and State code will require a "Place of Assembly permit" for the event. In addition, a minimum of two (2) Fire Marshals must be on duty during the operation of the circus and the private insurance coverage must insure the "City of Lynchburg, its employees and its agents."

The City Police Department noted that a police officer may be needed to direct traffic during peak times and the use of an electronic sign could help facilitate directions for the event may be helpful. In addition, the areas for parking and around the portable toilets should be well lighted. The petitioner has contacted the City Police Department to coordinate off-duty police officers and signage for the event. In addition, lighting will be provided in and around the tent area for the safety of the patrons.

10. **Impact.** The proposed two (2)-day temporary circus would have a limited impact on the surrounding area. The Presbyterian Homes and Family Services organization has hosted a number of large events on its Lynchburg campus. In addition to these regular events, the applicant notes that Virginia Episcopal School has hosted the Connection Trade Show for the Greater Lynchburg Chamber of Commerce which draws hundreds of participants who use VES Road as their primary ingress and egress route. The petitioner would hire off-duty police and provide on-site staffing to manage traffic and parking for the event.

The concept plan indicates that the closest single-family residence is located more than seven hundred and fifty (750) feet from the proposed tent location and approximately five hundred (500) feet from the proposed primary parking area. The circus would be required to obtain all applicable permits and insurance, as well as provide for measures to limit light and noise pollution in accordance with *City Code*. Trash collection and grounds care will be handled by on site staff and *City Code* would require that "all grounds used ... be restored to their condition" upon completion of the event.

Traffic, parking, public safety comments have been addressed to the satisfaction of City staff and the result is a project that would allow for a temporary entertainment event and fundraiser in the City.

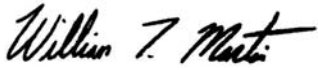
11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on January 19, 2010. Comments related to the proposed use were minor in nature and have or will be addressed by the petitioner prior to plan approval.
-

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the conditional use permit petition of Cole Bros Circus for the operation of a temporary circus on the grounds of Presbyterian Homes and Family Services at 150 Linden Avenue in an R-1, Low Density Single-Family Residential District, on April 26 and 27, 2010, subject to the following conditions:

1. A certificate of fire resistance rating for the tent must be submitted for approval. This certificate must have been issued within the last twelve (12) months.
2. A diagram must be submitted showing the layout of the tent, location of seating, aisles, maximum occupancy, and fire extinguishers.
3. 'No smoking' and 'Exit' signs must be posted within the interior of the tent.
4. Approval must be obtained from the City for the electric power hookup and lighting within the tent.
5. Adequate on-site parking spaces must be provided.
6. Complete insurance coverage must be provided for the lot and for any person on it during its temporary use.
7. A building permit must be obtained from the Building Commissioner for the erection of the tent(s). Also issuance of a certificate of occupancy must be obtained prior to occupancy of the tent(s).
8. A place of assembly permit must be obtained from the Fire Marshal's Office prior to the occupancy of the tent(s).
9. During the proposed event, the grounds shall be kept orderly, and after its duration they shall be restored to their original conditions.
10. The petitioner will supply adequate temporary restroom facilities for the duration of the event.
11. The sponsor shall provide a minimum of two (2) off-duty Fire Marshals for spectator control.
12. The petitioner shall provide off-duty police officers for off-site traffic control.
13. Adequate access (fire lanes) must be provided to the tent for use by emergency vehicles.
14. The show times shall be coordinated to minimize the impacts on the public road system.
15. Queuing and parking must be handled on-site, not on the public road system.

This matter is respectfully offered for your consideration.



William T. Martin, AICP
City Planner

Cc: Mr. L. Kimball Payne, III, City Manager
Ms. Bonnie M. Svrcek, Deputy City Manager/Acting Director of Community Development
Mr. Walter C. Erwin, City Attorney
Mr. J. Lee Newland, City Engineer
Ms. Cynthia Kozerow, Lynchburg Police Department
Battalion Chief Greg Wormser, Fire Marshal
Mr. Gerry Harter, Transportation Engineer
Mr. Robert Drane, Building Commissioner
Mr. Robert Fowler, Zoning Administrator
Mr. Kent L. White, Senior Planner
Ms. Erin Hawkins, Environmental Reviewer
Mr. Robert S. Dendy, Jr., President/CEO, Presbyterian Homes and Family Services
Mr. Timothy J. Orris, Petitioner, Cole Bros Circus

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
- 2. Vicinity Proposed Land Use**
- 3. Watershed Location Map**
- 4. Concept Plan**
- 5. Presbyterian Homes and Family Services Event Listing**

MINUTES FROM THE FEBRUARY 10, 2010 PLANNING COMMISSION MEETING (MINUTES HAVE NOT BEEN APPROVED):

b. Petition of Tim Orris for a conditional use permit to allow the operation of a temporary circus for Presbyterian Homes & Family Services on April 26 and 27, 2010 in an R-1, Low Density Single-Family Residential District at 150 Linden Avenue.

Mr. White summarized the petition and Planning Commission report. The proposal is to have two shows each day at 4:30 and 7:30 p.m. Estimated attendance at the 4:30 show will be 800 people. Estimated attendance at the 7:30 show will be 1,400 people. Maximum seating capacity for the circus tent is 2,160 patrons. Vehicle trips are estimated at 200 for the 4:30 show and 400 for the 7:30 show. VDOT classifies VES Road as a collector road, which is a requirement for this petition. The Transportation Engineer has recommended that all vehicles be directed to VES Road by signage and off-duty police officers. There is a traffic signal at the intersection of VES Road and Rivermont Avenue. Ample vehicle parking is indicated within the sodded areas on the grounds. The proposed circus is essentially in the center of the 166-acre campus, and the nearest residence is approximately 700 feet from the proposed circus tent and approximately 500 feet from the closest parking area. The City's *Comprehensive Plan* recommends an Institutional use and the Presbyterian Home holds numerous events throughout the year. The Planning Division recommends approval of the temporary conditional use permit with the conditions outlined in the report.

Mr. Bob Dendy, the President of Presbyterian Homes & Family Services came forward as the representative for the petition. He lives at 102 Woodland Avenue. The Presbyterian Home was founded as an orphanage in 1903. Since their humble beginnings, they have charitably provided food, clothing, safe homes, education and cultural opportunities to more than 10,000 children, saving the City, the Commonwealth and the taxpayers millions of dollars. The Presbyterian Home provides \$1 million in local uncompensated care through their emergency shelter, long-term residences, education services and higher education assistance to their alumni. Fundraising is quite challenging in this economy and they have become more creative in their efforts to raise awareness and increase friends and funds for their services. The Presbyterian Home has always been supportive of the other organizations in the area, as well as their events--Westminster Canterbury, First Presbyterian Church, Peakland Baptist Church and VES. The Presbyterian Home does not list their property as private or post "No Trespassing" signs and allows hundreds of people to use their fields and trails. Their campus was also used as the site for large equipment and supplies when the City did the CSO project in the area.

Mr. Dendy listed the many events that the Presbyterian Home hosts each year. He mentioned that although there is a small financial incentive to hosting the circus, it is the exposure the facility will receive that is priceless. As a private property owner, the facility has the right to hold self-contained events on their site. They have taken all measures to address the Technical Review Committee's comments regarding traffic, noise, parking, safety and security. Mr. Dendy sent out over 350 letters regarding the event to neighbors and received a few phone calls from people voicing concerns. There have been far more calls of support. There will be off-duty officers directing traffic and Linden Avenue and Peakland Place will only be open to residential traffic.

Mr. Dendy remarked that the residents are very excited about the circus coming to their home and school. Most come from environments that do not foster many positive experiences and this will create a memory that will last a lifetime.

Mr. Tim Orris of the Cole Brothers Circus came forward to speak in favor of the petition. The Cole Brothers Circus has been coming to Lynchburg for 53 years. It is a family-friendly organization. There is no alcohol served, games of chance or mechanical rides. The circus will be held on a Monday and Tuesday night and will not go late into the evening, as they are school nights. There are children who travel with the circus and these are school days for them as well. The circus would like to be a good neighbor and make this a positive experience for everyone. They would like to be invited back year after year.

Mr. Hunsdon Cary of 3701 Manton Drive came forward to speak in favor of the petition. He is President and CEO of Westminster Canterbury. He and Mr. Dendy met about a month ago and Mr. Dendy answered a number of questions to the satisfaction of Westminster Canterbury. Mr. Cary mentioned that the Presbyterian Home's entrance road has an easement over Westminster Canterbury's property. Mr. Cary feels that the Presbyterian Home has made adequate plans for the issues that the circus will present. Westminster Canterbury is very supportive of this petition.

Mr. Hunt Asbury of 1516 Linden Avenue came forward to speak in favor of the petition. He has lived at the address for a number of years and has dealt with the Presbyterian Home's events over the years. He does not feel that the circus

will have any effect on the residents of Linden Avenue because the Presbyterian Home has taken the necessary measures to address the issues it will create. He and his four children look forward to walking across the street to attend the circus.

Chair Hamilton asked for anyone else who wished to speak in favor of the petition. No one came forward. She asked for anyone who wished to speak in opposition to the petition. Mr. Joey Sanzone came forward as the representative for 96 people who have signed a petition against the circus. He has lived on Trents Ferry Road for 22 years. This is an established neighborhood. Many of the residents have lived there for a great number of years. Those that signed the petition support the Presbyterian Home but not the circus.

Mr. Sanzone stated that this is a use that is not allowed in an R-1 district. Mr. Sanzone does not think that the Presbyterian Home is legally allowed to hold this type of a self-contained event under the City's zoning law because this is erecting a structure for trade. This is also a commercial lease; the circus will be making a profit. Section 35.1.15 of the City code says that no other permits shall be granted except for those included in the code. A conditional use permit of the type that the facility wants is not allowed under the City's law. The law allows an institution to get a permit for a public or community or recreational facility not operated for profit. Section 35.1-52, which deals with temporary fairs and carnivals, is in addition to the R-1 restrictions found in Section 35.1-29. Those restrictions do not allow for a conditional use permit to be given for this type of use.

Mr. Sanzone commented that there has not been a vote by the board of the Presbyterian Home to accept the contract. Mr. Sanzone did not think that the board of Westminster Canterbury has voted on this either.

Mr. Sanzone also stated that there is not complete insurance coverage, which is one of the conditions of the conditional use permit. There is a strict liability policy in all 50 states governing dangerous activities, such as the handling of wild animals. Mr. Sanzone does not think that anyone will issue a strict liability policy for wild animals to be in an R-1 district. The *Comprehensive Plan* calls for there to be places in the City to have these types of activities. There are other sites in the City that would be better suited for the circus, such as the riverfront.

Mr. John Bruce of 1111 VES Road came forward to speak in opposition to the petition. He does not feel that a circus is an attractive entity to have in a residential neighborhood. All the entrance roads are two-lane roads and this neighborhood is not centrally located to the City. The emergency response time to the residents will be reduced. There will be unwanted lights, sounds and smells. The *Comprehensive Plan* calls for the protection of the quality and character of the City's neighborhoods. The circus will do just the opposite. The *Comprehensive Plan* also calls for the Boonsboro Corridor to have strategies to calm or channel traffic especially in areas where pedestrian crossings are concentrated. The circus will channel traffic to where there are nine pedestrian crossings. There will be a lot of people out walking up and down all the roads around VES Road at this time of year creating a safety concern.

VES Road has a lot of hills, curves, hidden driveways and blind side streets. All these issues make it very difficult for residents to pull out of their driveways and dangerous for pedestrians. School bus and after work traffic will also add to the problems with circus traffic. He also pointed that this will likely be more of a four or five-day event because of setup and tear down and feels that it will be an event the neighborhood will have to deal with year after year if this is a success.

Mr. Bruce also feels that there could be problems with rain in April causing problems with water runoff into the streams and make the parking of the vehicles difficult. Mr. Bruce feels that there is a clear conflict between what the *Comprehensive Plan* calls for as the property's land use and the issuing of this conditional use permit.

Ms. Laura Feinman of 3909 Peakland Place came forward to speak in opposition of the petition. She has lived there 12 years. She is concerned with the traffic. She normally has to sit through three cycles of the light at Virginia Baptist Hospital and again at VES Road on a typical school day. She would like to request an official traffic study. She feels that the traffic study needs to be done anyway.

Ms. Marueen Bendall of 116 Linden Avenue came forward to speak in opposition of the petition. She has lived there 30 years. When she first moved there, the Presbyterian Home was a working farm and did not cause any significant concerns for the neighborhood. She is very concerned about the impact of the circus on the neighborhood. She also pointed out that there is some feeling in the neighborhood that there was insensitivity about how this would affect the neighborhood. The notification signs were not visible to her and she heard about it by word of mouth.

Mr. Dendy commented that he appreciates all the concerns that have been expressed. He reiterated that off-duty police have been secured to direct traffic and there will be signage that will help redirect people away from Linden Avenue and Peakland Place. He believes that VES and Westminster Canterbury have held activities that have created traffic and he appreciates the relationship that the Presbyterian Home has with both of these organizations. Mr. Dendy assured the commission that he has the authority to sign this type of a contract. The full board has been informed and has been entirely in support of the petition.

Mr. Sanzone does not feel that there is 100 percent support of this petition by the Presbyterian Home board and that could be easily demonstrated by a vote. He does not think that would be too much to ask. The circus was allowed in a B-5 district when it was held at Liberty, but it is not allowed in an R-1 district. He feels that this will set a precedent for the Presbyterian Home to lease its property for commercial purposes as much as it would like to in the future. The statute states that this can only be done if it is for a not-for-profit endeavor.

Chair Hamilton closed the public hearing portion of the petition. She wondered if the City Attorney could be contacted for an opinion. Mr. White was not sure but stated that he has a written opinion from Mr. Rob Fowler, the Zoning Administrator, stating that this is a permitted use under Section 35.1-52. It has been the zoning office's position in the past that the development standards in this section are more restrictive and supersede the individual zoning district requirements. Mr. Martin stated that Mr. Erwin was consulted and agreed with the Zoning Administrator.

Mr. Tim Orris spoke to the issue of insurance. The circus has a \$5 million per occurrence insurance policy that names the circus, the stable, the City of Lynchburg and the Presbyterian Home. Chair Hamilton asked him why they chose this location rather than a commercial location. Mr. Orris said the riverfront could not be used because of the requirement of a fire lane around the tent. There are not a lot of areas wide enough and flat enough in the City for the circus. There was another site that he considered but it is under construction for a city facility. The Liberty site is no longer available because something is being built there as well. River Ridge Mall did not want anything with animals or the driving of stakes in the ground. Mr. Orris said that in other cities where they hold the circus, they are very close to residences, sometimes as close as 200 feet.

Mr. Orris said there have been incidences where an animal escaped, but there have never been any accidents as a result. Mr. Orris said the trucks will arrive on Sunday night, the circus will be set up on Monday morning and be gone Tuesday evening after the second show. There are 26 semis and 27 RVs. There are steps taken to reduce the noise at night. In other cities, they hold the circus on hospital grounds, nursing home grounds, colleges and city parks and they do not have any problems with noise complaints. In most other cities, the circus is held in residential areas because people like the family friendly event close to them.

Mr. Gerry Harter was consulted for his opinion on traffic. He stated that when they looked at this event, it was looked at from a quantitative approach rather than qualitative. Most of the traffic will arrive before the 4:00 – 5:00 peak hour. The end time of the first show should put traffic leaving after the 5:00 – 6:00 peak hour. The 7:30 show should not affect traffic at all. It has been his experience that the circus show times have worked very well when it was held in other locations. Commissioner Swienton asked if any thought had been given to adding barricades at the entrance to the Presbyterian Home and at the other end of Linden Avenue. Mr. Harter thought that the City would be amenable to that idea but pointed out that people will only use Linden Avenue if they know the area very well. Most of the people will use VES Road.

in response to Chair Hamilton's question about the possibility of a traffic study, Mr. Harter said that there is a small traffic study being done by a developer of the area of the Oakwood Country Club, which includes the VES signal. It will be a matter of public record.

Mr. Orris stated that in addition to the off-duty police, they have five people who help direct traffic in and out of the parking lots between shows.

In response to Commissioner Barnes' question about how they might handle muddy conditions, Mr. Orris said they return the site to the way it was before the circus arrived. They have techniques to handle the parking of vehicles during muddy conditions to minimize any damage. Mr. Orris said they can use silt fences, but the area at the Presbyterian Home is pretty heavily grassed. If there is any damage, the first thing they try is to roll the property and they reseed if necessary. Most of their sponsors have been sponsors for years. They would not allow the circus back if it were tearing up their property. A marketing director stays for two and a half weeks before the circus until two days after the circus to oversee any issues and make sure that everything meets the satisfaction of the Presbyterian Home.

In response to a question from Commissioner Sale, Mr. Parker Lee of VES came forward to talk about their events. Mr. Lee said the school has 185 students. All of their events would be relatively small. The school has been very careful to avoid large events. Mr. Lee said the trade show they hold for the Chamber of Commerce does not generate a lot of traffic because the patrons are not there all at once. The trade show was also held during spring break for the safety of the students. The last time it was held, it rained and there was damage to their property, so VES has decided not to hold the trade show again.

In response to a question from Commissioner Sale, Mr. Cary said there are 477 residents at Westminster Canterbury. Commissioner Sale said he was trying to get a feel for how much traffic there is there on a normal day.

In response to a question from Commissioner Swienton, Mr. Dendy said there are between 30 and 45 children residing at the Presbyterian Home. There is a preschool on campus with another 25 children. They will be taking measures for additional security to protect the children by providing additional staff to supervise them. They take these same measures when other events are held on the campus as well. Mr. Dendy also mentioned that all of their staff is at least 21 years old.

In response to a question from Commissioner Hannon, Mr. Dendy said they have no concern about the effect the circus will have on their grounds. When the City used the property, a new dirt road was created without any problems and has been restored to grass. It was a large staging ground for a long period of time without any significant problems.

Commissioner Swienton asked Commissioner Hannon if he had any opinion on the legality of this petition from a zoning standpoint. He said he really did not and thought that the Zoning Administrator has been through this before, as well as the City Attorney, and feels comfortable relying on their judgment.

Commissioner Swienton said that he looks at this situation differently because it is not a permanent event. He thinks this is definitely a land use decision and does not see it as a detriment to the neighborhood. He would rather see it somewhere else but thinks the petitioner makes a case to have it at this location. The police have decibel monitors and can be contacted by the neighbors if they feel the noise level needs to be checked. He cautioned the circus management to be sure they were strictly adhering to all ordinances because this event will be watched closely if passed by City Council.

Commissioner Sale commented that he also looks at this as a 48-hour event and that his traffic concerns have been addressed. There have been other events held there that have not raised the same reactions from the neighbors. Commissioner Sale thinks there is enough caution and concern being shown that this will be done well and with minimal impact on the neighborhood.

Commissioner Barnes said his concerns are traffic and damage to the land. He feels they have been addressed and we will need to see how the event works out. He would prefer to see the circus held downtown but understands why that is not an option. If this were a request for a permanent circus, he would not be in favor of it.

Commissioner Hannon thinks that the circus will benefit the community and is the sort of activity that we need to have in Lynchburg once in a while. The property owner has no concerns and the circus is a reliable, civic-minded organization. They are a professional organization and he feels they will take every precaution.

Chair Hamilton is going to vote against the petition because it is a land use decision. The negative externalities outweigh the benefits. R-1 is not the appropriate district for this land use.

Commissioner Swienton made a motion, which was seconded by Commissioner Sale, to add a condition to the petition that the Linden Avenue entrance to the Presbyterian Home be used only for emergency purposes. Commissioner Hannon thought there may need to be a barricade at the beginning of Linden Avenue so that people will not try to go down it. The commissioners voted on the petition, including the following conditions, as well as the added condition suggested by Commissioner Swienton above:

"That the Planning Commission recommends to City Council approval of the conditional use permit petition of Cole Bros Circus for the operation of a temporary circus on the grounds of Presbyterian Homes and Family Services at 150 Linden Avenue in an R-1, Low Density Single-Family Residential District, on April 26 and 27, 2010, subject to the following conditions:

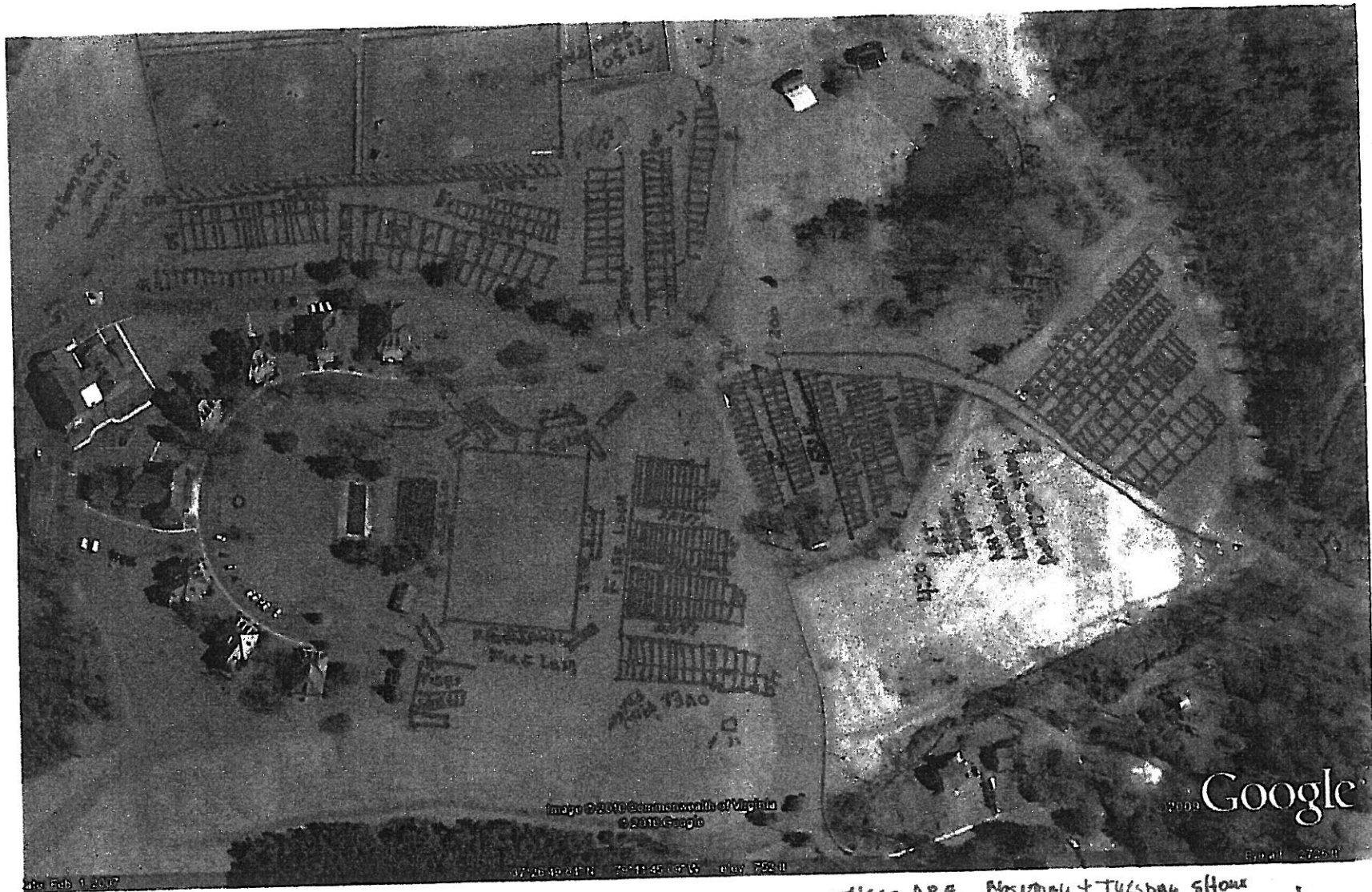
1. A certificate of fire resistance rating for the tent must be submitted for approval. This certificate must have been issued within the last twelve (12) months.
2. A diagram must be submitted showing the layout of the tent, location of seating, aisles, maximum occupancy, and fire extinguishers.
3. 'No smoking' and 'Exit' signs must be posted within the interior of the tent.
4. Approval must be obtained from the City for the electric power hookup and lighting within the tent.
5. Adequate on-site parking spaces must be provided.
6. Complete insurance coverage must be provided for the lot and for any person on it during its temporary use.
7. A building permit must be obtained from the Building Commissioner for the erection of the tent(s). Also issuance of a certificate of occupancy must be obtained prior to occupancy of the tent(s).
8. A place of assembly permit must be obtained from the Fire Marshal's Office prior to the occupancy of the tent(s).
9. During the proposed event, the grounds shall be kept orderly, and after its duration they shall be restored to their original conditions.
10. The petitioner will supply adequate temporary restroom facilities for the duration of the event.
11. The sponsor shall provide a minimum of two (2) off-duty Fire Marshals for spectator control.
12. The petitioner shall provide off-duty police officers for off-site traffic control.
13. Adequate access (fire lanes) must be provided to the tent for use by emergency vehicles.
14. The show times shall be coordinated to minimize the impacts on the public road system.
15. Queuing and parking must be handled on-site, not on the public road system.

AYES:	Barnes, Hannon, Sale and Swienton	4
NOES:	Hamilton	1
ABSTENTIONS:		0
ABSENT:	Oglesby	1
VACANCY:		1

Presbyterian Homes & Family Services Property = 166 acres



Area proposed for Conditional Use permit = approximately 6 acres

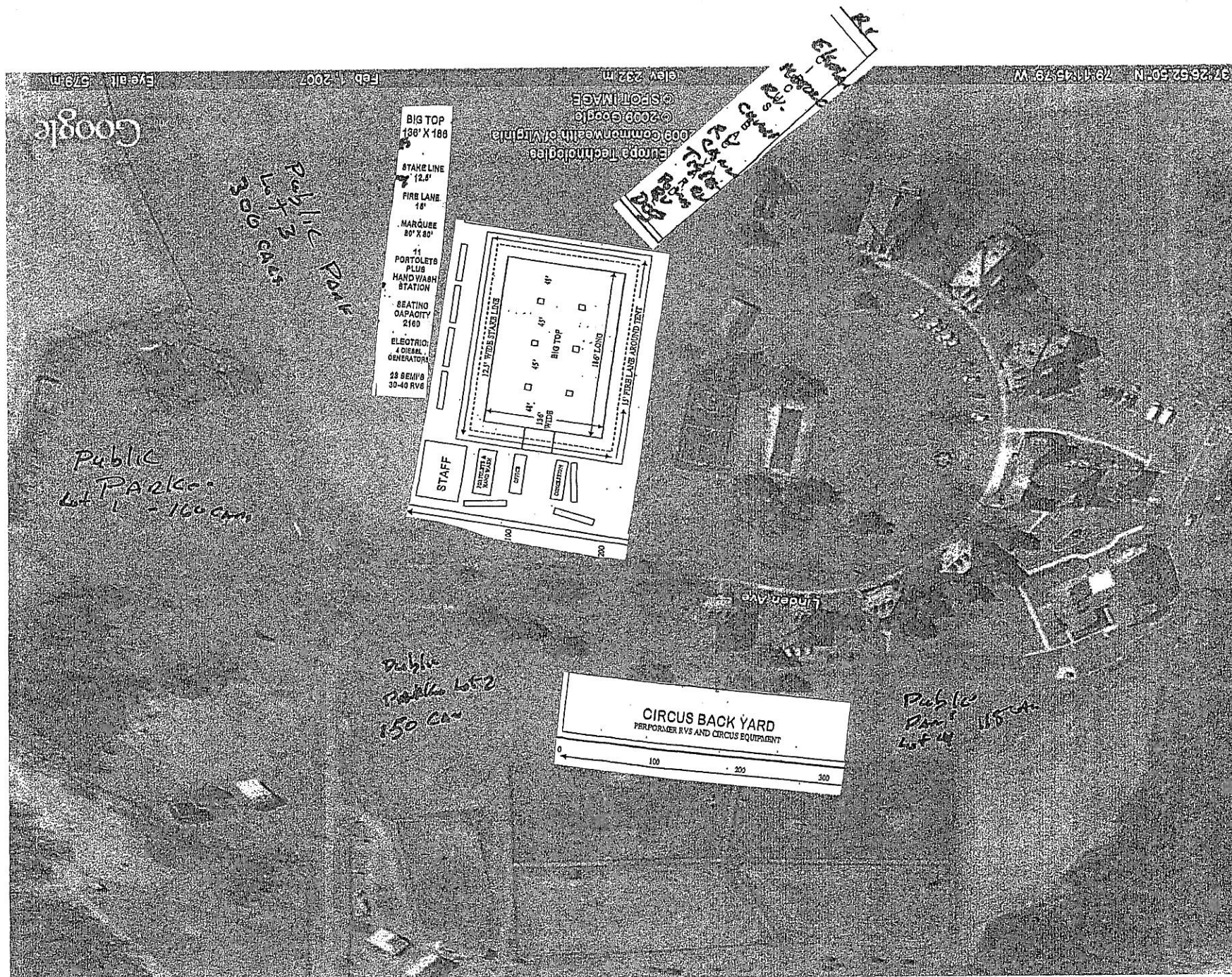


CIRCUS LOT PARKING PLAN
 Public PARKING PLAN
 ALL SPACES 10FT WIDE BY 20FT LONG
 LOT "A" 200 SPACES 4:30 SHOW
 LOT "B" 116 SPACES 4:30 SHOW
 LOT "C" 212 SPACES 7:30 SHOW
 LOT "D" 120 SPACES AREA A, B, C FILLED
 THIS ALLOWS A+B TO FLOW OUT WITH OUT STOPPING INCOMING 7:30 SHOW

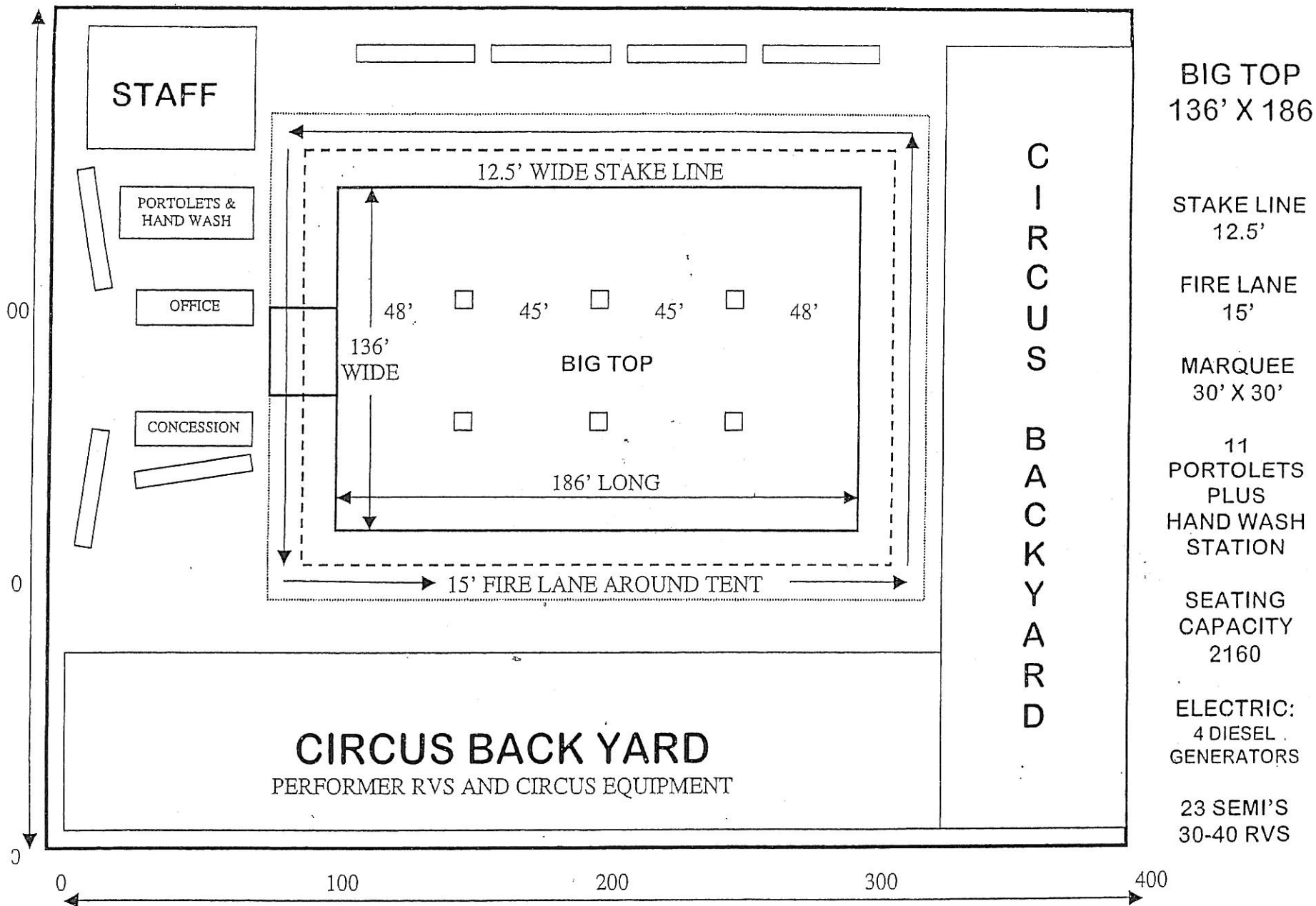
Lunch Burg VA

SINCE THESE ARE MONDAY + TUESDAY SHOW
 ESTIMATE 4:30 SHOW APPROX 800 (ABOUT 200 CARS)
 ESTIMATE 7:30 SHOW ATTENDEE 1,000 TO 1,400 ABOUT 400 CARS

GENERATOR BARRIER NOISE
 AIMED AT BIG TOP TO
 CUT NOISE



Circles Average 115 - 250 Cars Per Show
Full House would Bring 400²⁵⁰ Cars
All Traffic in + out Linton Ave



COLE BROS. CIRCUS LOT PLAN

Presbyterian Homes & Family Services

A Ministry of Nurture, Healing and Encouragement Since 1903

January 22, 2010

Mr. William T. Martin, AICP
City Planner
The City of Lynchburg, Virginia
900 Church Street
Lynchburg, VA 24504

Dear Tom,

Thank you and your team for your time during this week's TRC evaluation of our application for a conditional use permit to host Cole Brothers Circus on the Presbyterian Homes and Family Services' Lynchburg campus. We appreciated the feedback from your team and were pleased to hear how well the circus staff has worked with City staff over many years.

Per your request, please find below a partial list of the regular events we host for the community on our Lynchburg campus. You will note the diversity of the events and the number of community groups and citizens involved. Our charity has flourished for more than 100 years by serving children and families in our community and by collaborating closely with churches and other non-profit organizations with the common goal of improving the lives of those we serve.

- June 5K race – approximately 1000 runners and spectators from around the state join us to raise awareness and funds for our mission (the route winds through Peakland Place and Linden)
- December Toy Run – 200+ motorcyclists from around the region provide fellowship and gifts to our youth residents and others from Miller Home and SPARC House
- Fall – cross country meets for schools around the region – hundreds of children and youth participate and family members attend from Region 2000 public and private schools
- Throughout the year – equestrian shows and demonstrations hosted by our tenant Mane Top Stables

ADMINISTRATIVE OFFICES

150 Linden Avenue
Lynchburg, VA 24503-2009
Phone: (434) 384-3131
Fax: (434) 384-7379

Admissions & Referrals:
1 (800) 881-0087
www.phfs.org

SERVICE LOCATIONS

150 Linden Avenue
Lynchburg, VA 24503
Phone: (434) 384-3131

57 Basil Lane
Lexington, VA 24450
Phone: (540) 464-8260

1007 Oakwood Street
Fredericksburg, VA 22401
Phone: (540) 373-1237

205 Smith Street
South Hill, VA 23970
Phone: (434) 447-2791

150 Linden Avenue
Lynchburg, VA 24503
Phone: (434) 384-3131

1035 Fairfax Avenue
Waynesboro, VA 22980
Phone: (540) 949-8791

5279 Homegrown Lane
Zuni, VA 23898
Phone: (757) 242-6131

Zuni Gourmet Peanut Shop
To Order: 1 (800) 965-4550
www.zunipecanuts.org

- Throughout the year – Lynchburg Kiwanis Club meets monthly in our chapel
- Throughout the year – gymnasium use by Tree of Life Ministries, Boys and Girls Club, Highland Heights Baptist Church, Dominion Sports, etc.
- Summer – PHFS Alumni Homecoming Weekend (alumni from around the country join for fellowship and celebration)
- Summer – softball field use by Boys and Girls Club and several adult club teams from around the area
- Summer – pool use by Camp Timothy, Special Needs Boy Scouts, Fresh Air Fund, local Boy Scout Troops, etc.

In addition to these regular events, our close neighbor Virginia Episcopal School has hosted the Connection Trade Show for the Greater Lynchburg Chamber of Commerce, drawing hundreds of exhibitors, participants, and vehicles to their campus, using VES road as the primary thoroughfare.

Finally, you may be aware that Coleman-Adams Construction has been engaged in a major historic renovation project on our campus for the last two years, utilizing heavy equipment, hundreds of contractors, again using VES Road as the primary ingress and egress route to and from the project site. You are likely aware that our campus served as a significant CSO staging ground for several years with heavy equipment moved in and out as needed.

To our knowledge, none of the above activities has raised any concern amongst our neighbors, be they other non-profit entities such as Westminster Canterbury Lynchburg, or private residential citizens.

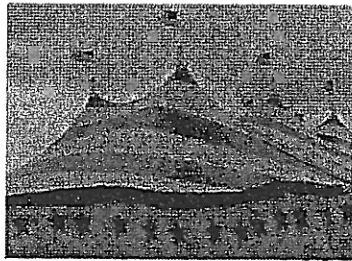
As long time stewards of our land and facilities, we intend to continue a tradition of service and caring by hosting the circus for two days this April, providing a safe venue to offer some excitement and wholesome family entertainment for the children and families of Lynchburg and the surrounding areas.

Sincerely,



Mark Varah
Chief Financial Officer

LOGISTICS



CIRCUS BIG TOP: 136 FEET BY 186 FEET

Stake Lines extend 12.5 feet; the standard fire lane is 15 feet wide.

SEATING CAPACITY: 2,060

Two Bleacher Wagons Seat 480; Reserved & VIP Chairs seat 1,580

ELECTRICITY:

Four diesel-powered generator plants provide electricity for circus needs. Each of two 350 KW Generators provides 900 Amp Service. In addition, one 125 KW Generator and one 100 KW Generator provide 600 Amp Service.

RESTROOMS: 11

Eleven self-contained units, serviced daily, plus hand washing station.

VEHICLES:

23 diesel-powered tractor-trailers and 30 private RV units.

SAFETY:

Chemical and water fire extinguishers are strategically located in the Big Top. Additional safety equipment is located in the generator trailer and each show vehicle. Trained personnel monitor safety on the show grounds and within the Big Top. No Smoking observed in Big Top.

AREA REQUIREMENTS:

Circus requires minimum dimensions of 300 feet by 400 feet for placement of Big Top, seating, animals, semis, RVs, and other show equipment. In addition to the area occupied by the circus and circus equipment, the show grounds must have a suitable patron parking area.



SANITATION

PUBLIC RESTROOMS

The Circus provides eleven portable, self-contained restrooms for use by the public, with five units for men, five units for women, and one unit reserved for people with disabilities. The Circus also maintains a large hand washing station. The Circus contracts with a local company to have the restroom units emptied and sanitized daily.

RV UNITS HOUSING CIRCUS PERFORMERS AND STAFF

All units housing staff and performers are fully self-contained, with sufficiently large gray water and black water holding tanks. RV Unit owners properly dispose of waste from holding tanks using the sanitation company contracted by Circus or designated "dump stations" en route.

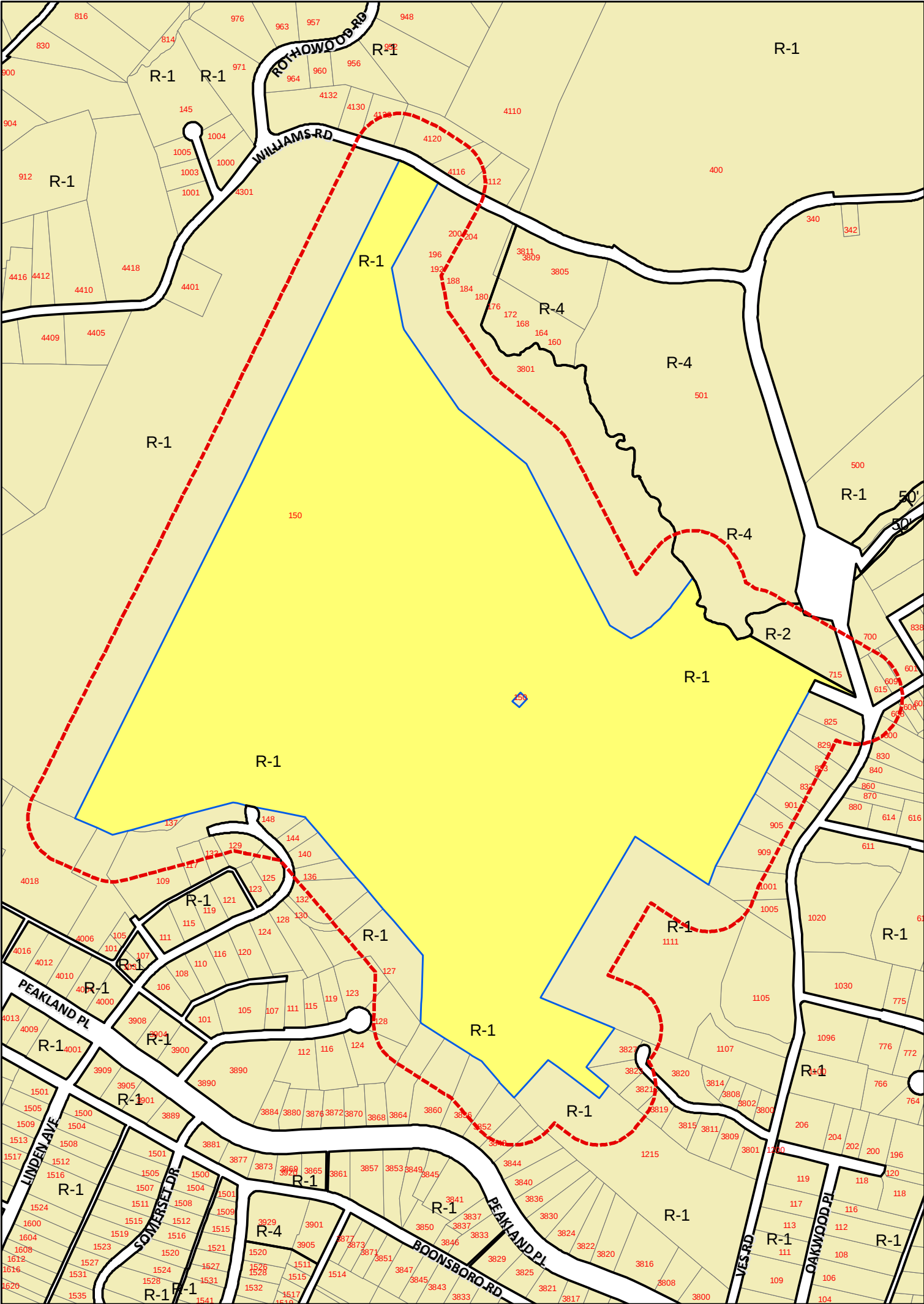
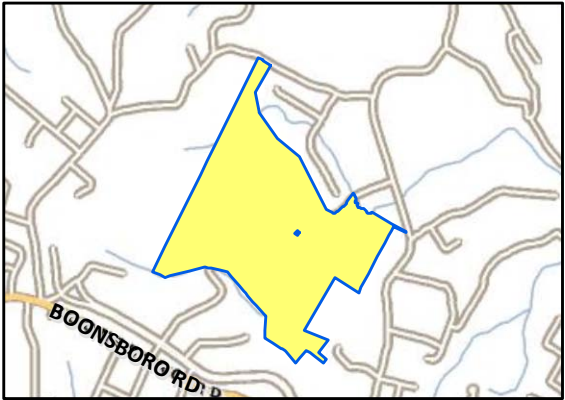
GARBAGE/TRASH REMOVAL

The Circus or its local sponsor contracts with a local dumpster company to provide a minimum of one 20-yard dumpster for collection and removal of refuse from the show grounds. Circus personnel collect garbage in plastic bags, depositing bagged garbage in the dumpster. In order to maintain a first-class appearance both inside and outside the circus Big Top, employees police the tent area and show grounds between performances. A final cleaning of the show grounds follows the last performance of the engagement, with workers bagging and placing in the dumpster any trash, such as soda cups or popcorn boxes that patrons may have dropped.

COLE BROTHERS CIRCUS

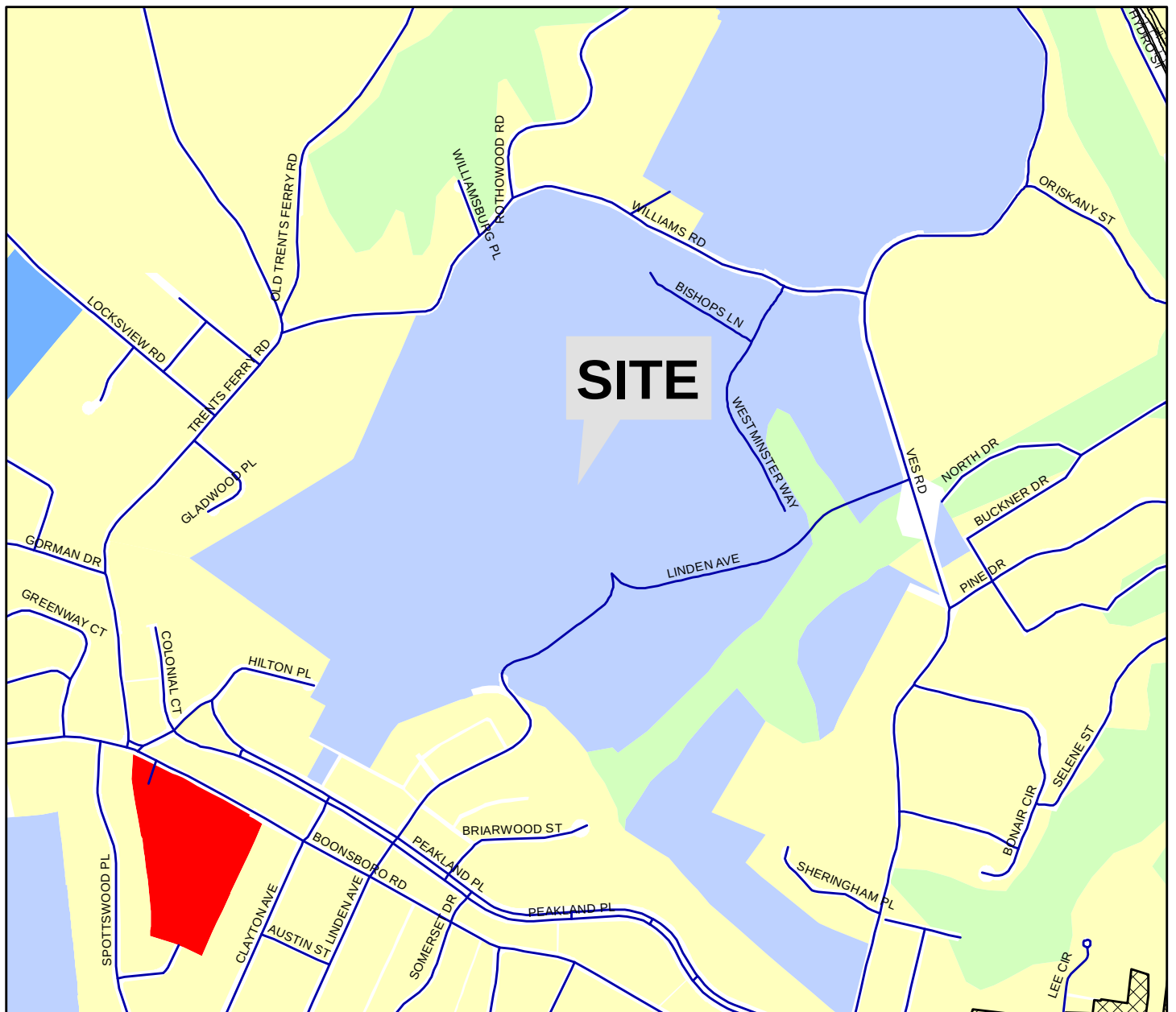
150 Linden Avenue
PIN# 06801005
Conditional Use Permit Request
Petitioner-Tim Orris

-  Subject Property
-  200FT Buffer



COLE BROS CIRCUS ADJOINING OWNERS

PIN	Owner	LocAddr
06702002	APPALACHIAN ELECTRIC POWER C/O JAY DIVERS	130 LINDEN AVE
06901023	ATAMAN VEDAT T & MINE	3819 SHERINGHAM PL
06702029	BARKER S CASEY & CREAMER SARAH E	148 LINDEN AVE
06702028	BARKER STEPHEN C & CREAMER SARAH E	144 LINDEN AVE
06901027	BATT LEWIS T III & VIRGINIA M	3821 SHERINGHAM PL
07009034	BOLTON JOHN A	601 PINE DR
06801011	BOYD GERALD L & DONNA M	905 VES RD
06801006	BRUCE JOHN T & MARGARET H	1111 VES RD
06901004	CARTER BEATRICE	3827 SHERINGHAM PL
06901003	CARTER BEATRICE J	3823 SHERINGHAM PL
06904005	CARTER CHERYL A	800 VES RD
06801008	CATEL JAMES M & LOIS I	1005 VES RD
06702045	CITY OF LYNCHBURG C/O STEVE LAWSON	3864 PEAKLAND PL
06801013	CLEMENTS FRED A & ALICE J	837 VES RD
06702003	CONNORS THOMAS N & JOCELYN P	3856 PEAKLAND PL
06701004	COURSEY WILLIAM S III & NANCY S	133 LINDEN AVE
07009038	CROUCH DEBRA S	609 PINE DR
06801012	DEACON THOMAS T	901 VES RD
10001039	FARMER JAMES S	4116 WILLIAMS RD
10001038	FARMER MARION L	4112 WILLIAMS RD
06901002	FIRST PRESBYTERIAN CHURCH OF LYBG TRUSTEES	1215 VES RD
06701005	GARNER THOMAS G	129 LINDEN AVE
06702004	GILES DONALD M & FRANCES J	3852 PEAKLAND PL
06901014	GUILL LARRY W & LINDA L	3820 SHERINGHAM PL
06801014	HAGSTROM JAMES B & MONA C	833 VES RD
06801015	HAGSTROM JAMES B & MONA C	829 VES RD
06801016	HAGSTROM JAMES B & MONA C	825 VES RD
06702027	HAZLEGROVE DAVID W JR	140 LINDEN AVE
06904004	HUNTER CURTIS M & HUNTER MARK D	830 VES RD
06702026	JENNINGS WILLIAM R JR & SHARON G	136 LINDEN AVE
06701007	JORDAN DONNA R & JORDAN DARLENE R	125 LINDEN AVE
06702001	LANGSETH STEPHEN C & KAREN M	3860 PEAKLAND PL
06702006	LESLIE ROBERT M & SARAH E	3844 PEAKLAND PL
06701003	LIPPARD MARGARET K	117 LINDEN AVE
06701001	MCGUINN J WILLIAM III & ESTER S	109 LINDEN AVE
06801009	MOSLEY MICHAEL S	1001 VES RD
06702025	OLEINIK STANLEY J SR & DEBORAH R & OLEINIK STANLEY J SR&OLEINIK JOHN J	132 LINDEN AVE
18603023	PALMER LARRY B	4128 WILLIAMS RD
06701023	PEAKLAND BAPTIST CHURCH TR	4006 PEAKLAND PL
06701016	PEAKLAND BAPTIST CHURCH TRS	4018 PEAKLAND PL
06702005	PERROW MOSBY G III & HOLLY W	3848 PEAKLAND PL
06801004	PHILLIPS JAMES I JR	715 VES RD
06801005	PRESBYTERIAN HOME	150 LINDEN AVE
06701002	PRESBYTERIAN ORPHANS HOME	137 LINDEN AVE
18507001	PRESBYTERIAN ORPHANS HOME	4301 WILLIAMS RD
06801800	PRESBYTERIAN ORPHANS HOME ACCT DEPT C/O PRESBYTERIAN HOME & FAMILY	150 LINDEN AVE
18506012	PUGH JOHN R III & PATRICIA Q	4130 WILLIAMS RD
06801010	SHUWARGER DONALD	909 VES RD
06702034	SIMPSON MARGARET H	128 BRIARWOOD ST
06702033	SIMPSON MARGARET H	123 BRIARWOOD ST
06702024	SIMPSON MARGARET H	127 BRIARWOOD ST
07008019	SNOW S P JR	608 PINE DR
07008021	SNOW S P JR	606 PINE DR
07009040	THOMPSON JAMES W	615 PINE DR
07009044	VIRGINIA EPISCOPAL SCHOOL	700 VES RD
10001040	VIRGINIA EPISCOPAL SCHOOL	4120 WILLIAMS RD
06702035	WALKER GEORGE C JR & LYNNE R FLLLP & WILLIAM M WALKER	124 BRIARWOOD ST
06801003	WESTMINSTER CANTERBURY OF LYNCHBURG	501 VES RD
06801018	WESTMINSTER CANTERBURY OF LYNCHBURG	3801 WILLIAMS RD
Owner	PRESBYTERIAN HOME	
Petitioner	TIM ORRIS/COLE BROS CIRCUS	
Representative	TIM ORRIS/COLE BROS CIRCUS	



-  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
-  Residential Mixed Use
-  General Mixed Use
-  Employment Mixed Use

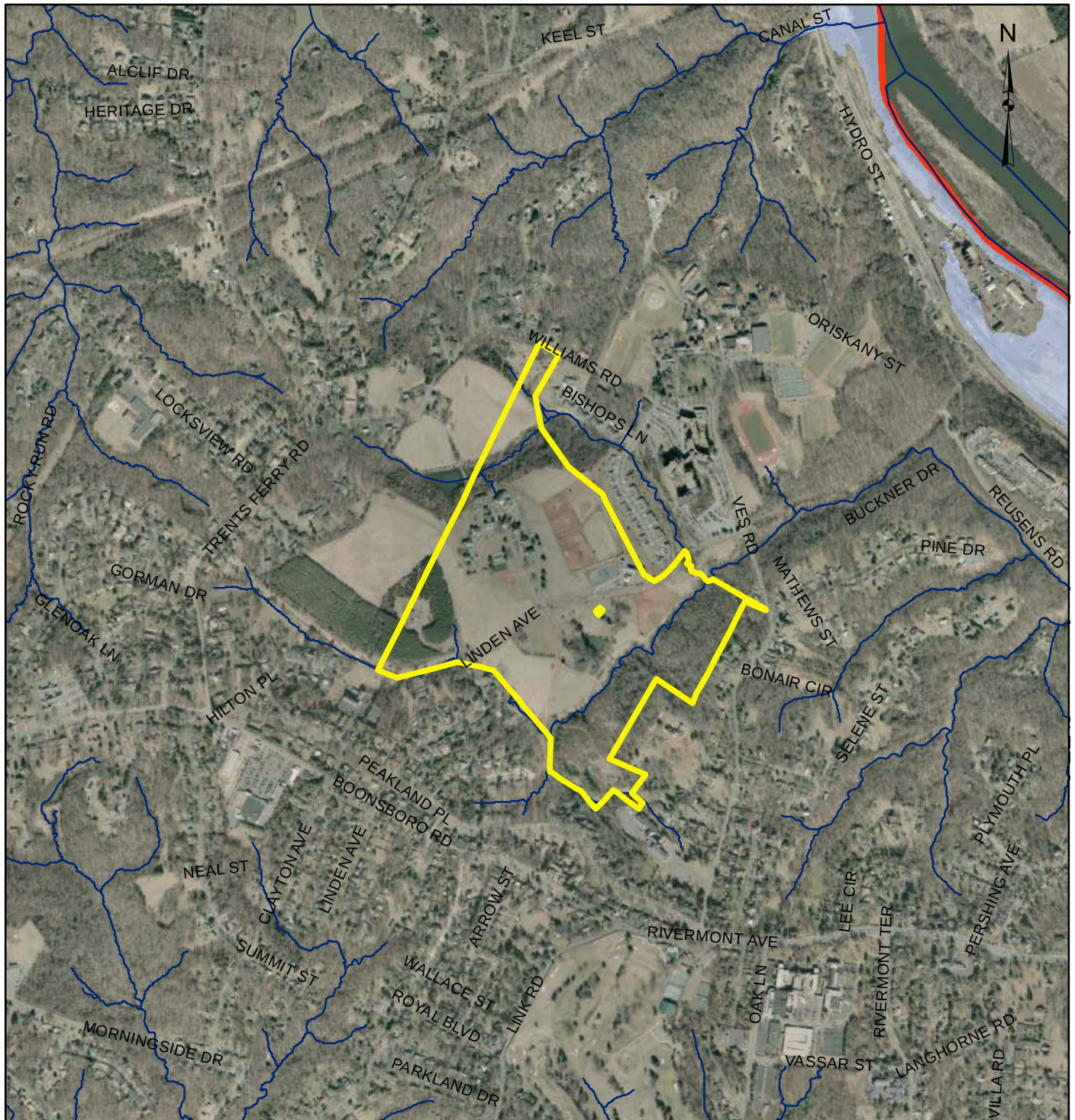
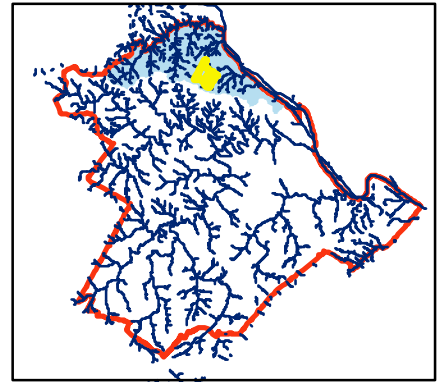
COLE BROS CIRCUS 150 LINDEN AVENUE LAND USE PLAN



Cole Bros. Circus

Watershed Location Map

-  Project Site
-  FloodzoneAE
-  Judith Creek
-  Corporate Limit



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AGENDA ITEM # 9

RECEIVED
MAR - 1 2010
CITY OF LYNCHBURG

February 23, 2010

Ms. Valeria P. Chambers

Interim Clerk of Council

Lynchburg, VA 24501

Ms. Chambers:

I am requesting to come before City Council on March 9, 2010 regarding the 460/29 Safety Improvement Project: State Project – 0460-118-203-N501-UPC94632 and Federal Project SPP5118 (178) to discuss our concerns regarding this project.

Sincerely,



Lorenzo Megginson

6022 Pleasant Valley Road

Lynchburg, VA 24504

434-941-3165

RECEIVED
MAR - 1 2010
CITY OF LYNCHBURG

.....