

**LEXINGTON PLANNING COMMISSION**

**September 23, 2021 - 5:00 P.M**  
**Second Floor Conference Room, Lexington City Hall**  
**300 East Washington Street, Lexington, VA 24450**

**AGENDA**

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**  
Minutes from September 9, 2021\*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
  - A. EC COA 2021-07: An application by Brian Torrence for new signs for the Lexington Pancake House business at 465 East Nelson Street, Tax Map # 30-1-9, owned by RBSA, LLC.
    - 1) Staff Report\*
    - 2) Applicant Statement
    - 3) Public Comment
    - 4) Commission Discussion & Decision
  - B. EC COA 2021-08: An application for new signs for the Ugly Doug’s Deli business at 453 East Nelson Street, Tax Map # 30-1-9, owned by RBSA, LLC.
    - 1) Staff Report\*
    - 2) Applicant Statement
    - 3) Public Comment
    - 4) Commission Discussion & Decision
  - C. ZOA 2021-03: Annual Zoning Ordinance Amendments, Small Cell facilities.
    - 1) Continued discussion of Small Cell text amendment\*
    - 2) Public comment
- 6. OTHER BUSINESS**
  - A. Zoning and Planning Report – If applicable

B. Catalyst Project Updates – If applicable

- 1) Bike/Ped Plan: Ongoing
- 2) Increase Sidewalk Connectivity: Ongoing; Green Infrastructure Working Group
- 3) Accessory Dwelling Unit Ordinance: Starting soon
- 4) Jordan’s Point Park Plan Implementation
- 5) Reprogram Traffic Signals Downtown: Complete
- 6) Assess Stormwater Fees: Tabled until next year

C. Key Annual PC Milestones: Ongoing. Remaining items:

- 1) Zoning Text Amendments: Ongoing. Remaining items:
  - a. Small Cell
  - b. Planned Unit Development
  - c. Accessory Dwelling Unit
  - d. Cottage Housing
  - e. What else, if any?
- 2) Comp Plan Review: Ongoing \*

D. Threshold Commission joint session update

E. Green Infrastructure Working Group update\*

**7. CITY COUNCIL REPORT**

**8. ADJOURN**

\*indicates attachment

## MINUTES

**The Lexington Planning Commission  
Thursday, September 9, 2021 – 5:00 p.m.  
Zoom Meeting – City Hall  
300 East Washington Street**

### Planning Commission:

Presiding: Jamie Goodin, Chair,  
Present: Blake Shester, Vice-Chair  
Nicholas Betts  
Pat Bradley  
John Driscoll  
Leslie Straughan, Council Liaison  
Matt Tuchler

### City Staff:

Arne Glaeser, Planning Department  
Kate Beard, Administrative Assistant

### CALL TO ORDER

Chair Goodin called the meeting to order at 5:01 p.m.

### AGENDA

Commissioner Shester noted the new agenda format. The agenda was approved unanimously. (B. Shester/M. Tuchler)

### MINUTES

- A. Minutes from the July 1, 2021 joint work session with City Council were unanimously approved as amended by J. Driscoll. (P. Bradley / J. Driscoll) N. Betts abstained.
- B. Minutes from the August 26, 2021 meeting were unanimously approved as presented. (L. Straughan / N. Betts)

### CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

### NEW BUSINESS

**A. PS 2021-03: Application by Harrell Feldt proposing a preliminary subdivision plat (boundary line adjustment) to add a portion of Tax Parcel #29-1-15 to Tax Parcel #28-1-8.**

- 1) Staff Report – This applicant requests a boundary line adjustment to add a portion of 514 S. Main Street (Tax Map #29-1-15) to 516 S. Main Street (Tax Map #28-1-8) in accordance with the survey provided by Green Forest Surveys, LLC. Both property owners have signed the application. Staff finds the boundary line adjustment, as proposed, meets the zoning requirements for parcels in the R-1 zoning district and recommends its approval.
- 2) Applicant Statement – Harrell Feldt, 516 South Main Street – explained that he has an agreement with the Executor of the Estate of John Doane, owner of 514 South Main Street, to purchase the 5 feet wide strip of the Doane parcel which runs along the northern edge of Mr. Feldt's parcel. He requested it be made a part of his parcel.
- 3) Public Comment – None

- 4) Commission Discussion & Decision – **M. Tuchler moved to approve Preliminary Subdivision Application PS 2021-03 for the adjustment of boundary lines between 516 South Main Street (Tax Map #28-1-8) and 514 South Main Street (Tax Map #29-1-15) in accordance with the Boundary Line Adjustment Survey for 516 South Main St. completed by Green Forest Surveys, LLC as submitted by the applicant. N. Betts seconded, and the motion passed unanimously. (7-0)**
- B. PS 2021-04: An application by the City of Lexington proposing a preliminary subdivision plat to subdivide the 5.8 acre parcel ± owned by the City of Lexington and Adjacent to Spotswood Drive into 4 parcels with Tax Parcel #s 29-1-30, 29-1-31, 29-1-30A, and 29-1-31A.**
- 1) Staff Report/Applicant Statement – The City owns a 5.8 acre parcel ± that was bisected by the construction of Spotswood Drive in 1986. The parcel was not subdivided at that time, and the City is now requesting to subdivide the property into 4 separate parcels with the Spotswood Drive portion remaining as right of way and not a separate tax parcel. The subdivision of the property is necessary for the contracted sale of the old rescue squad building to the Rockbridge Area Relief Association. A. Glaeser provided a brief summary of the property’s history since 1986 and an explanation of the proposed subdivision and the zoning for each of the proposed parcels. He clarified that the small strip in front of 407 Spotswood Drive would not be included in the subdivision – it is currently in the right of way and would continue to be owned by VDOT. He emphasized that the request under consideration is for the subdivision of the property only. The Commission’s recommendation would have no effect on how the property is currently zoned, nor would it determine how the vacant parcel would eventually be used.
  - 2) Public Comment –
 

Brenda Greever, 313 Miller Street – stated her family has lived in Lexington for 5 generations and she has 3 generations of family members interred at the Oak Grove Cemetery. She said that her understanding of the history of the property is that it was conveyed to the City with a deed restriction specifying that the property be used specifically for cemetery purposes. She does not understand how the City was able to build the Rescue Squad Building and extend Spotswood Drive through the property to Taylor Street. She fears the cemetery is reaching capacity and is upset that the property is not being used to expand the cemetery.

David Greever, 2500 Turnpike Road – also expressed a belief that the property is restricted to cemetery use and asked how the City has the authority to sell the property without conveying that restriction.

Charles Aligood, 506 Cavalry Lane – stated that approximately 30 years ago he was told by an employee at the cemetery that the property on the eastern side of Spotswood Drive would be used for the expansion of the cemetery. He then

recounted the history of the Piovano building as he understands it and stated he believed the vacant lot should be set aside for cemetery use.

Mr. Glaeser noted the 1986 deed conveying the property to the City contains no restrictions as to its use and that the City Attorney has reviewed the land records for this parcel on many occasions.

Gary Butler, 106 Houston Street – wanted the Commission to be aware that his sewer line runs out to about the middle of the vacant parcel and requested the Commission research possible land use restrictions.

Paula Steele, 102 Houston Street – indicated she believes she was given inadequate information when she went to City Hall to review the application. Ms. Steele expressed concern about how an apartment complex, if built on the vacant parcel, would affect traffic safety in the neighborhood and said she would be open to having the City purchase her lot to improve traffic safety. She stated she is also concerned about how the property will be zoned as the zoning determines setbacks which are important to her. She requested that if an apartment complex is to be built on the vacant lot, the City require, at the very least, a privacy fence between it and the residential neighboring properties.

- 3) Commission Discussion & Decision - N. Betts asked for clarification as to how and when the property was conveyed to the City. A. Glaeser provided a brief timeline and said Commissioner Betts was welcome to review the deeds in staff's possession. He stated the City Attorney has reviewed the land records multiple times and the City could never have progressed to a contract for the sale of a portion of the property if there was a restriction on its use. He noted there are several indications that there are no deed restrictions. L. Straughan added that multiple City Managers and multiple City Attorneys have reviewed the property over the years. J. Driscoll acknowledged the emotional nature of the issue and asked if the cemetery plan addresses the cemetery's reduced capacity. A. Glaeser said the Cemetery Plan includes 9 or 10 different elements which will significantly increase capacity for non in-ground interments. L. Straughan reminded Commissioners that procedurally, Commission is to make a recommendation for Council to take up and consider. There was discussion of the proposed parcel boundaries. **L. Straughan moved to approve Preliminary Subdivision Application PS 2021-04 for the subdivision of the 5.8 acre parcel on Spotswood Drive owned by the City of Lexington into four parcels with Tax Map Numbers 29-1-30, 29-1-30A, 29-1-31, 29-1-31A in accordance with the plat completed by Trout Land Surveying, Inc. as submitted by the applicant. B. Shester seconded the motion.** Commissioners Bradley and Goodin said they were satisfied with the assurances that the proposal had been thoroughly reviewed by the City Attorney. J. Driscoll concurred and added he believes that subdividing the property so that the sale of the Piovano Building can proceed is a community enterprise and asset and will not limit the discussion about what will happen with the vacant property. There was

additional discussion about the proposed parcel boundaries and their possible future subdivision. Chair Goodin called for a vote and **the motion passed unanimously. (7-0)**

**C. EC COA 2021-03: An application by Tiffany Kidd for new signs for the Trendy Southern Creations business at 125 Walker Street, Tax Map # 30-1-9, owned by RBSA, LLC.**

- 1) Staff Report – This is a request for one wall sign and one freestanding sign at the new Trendy Southern Creations business in the Rockbridge Square Shopping Center. The parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). The proposed wall sign will be 20.5 square feet (10 feet wide and 2.5 feet high) and will replace the Fitness Your Way sign. It will be made of white aluminum with a vinyl weather proof wrap and will feature 8 – 12 inch boutique lettering on a black and white cow print background. The lettering will be white, outlined in black and teal. The sign will be illuminated from above by two 4 ft. long LED lights under an aluminum hood. The applicant also proposes a similar, appropriately scaled panel be placed in the existing multi-tenant free standing sign on E. Nelson Street. Staff finds the proposal meets zoning requirements.
- 2) Applicant Statement – Tiffany Kidd, business owner – said the proposed motif is popular with her clientele’s age group and that she hopes the Commission will find it appropriate given that the location is outside of the Historic Downtown District.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – **L. Straughan moved to approve the Entrance Corridor Certificate of Appropriateness application EC COA 2021-03 for an illuminated freestanding sign panel and for an illuminated wall sign for the Trendy Southern Creations business at 125 Walker Street as proposed by the applicant. P. Bradley seconded, and the motion passed unanimously. (7-0)**

**D. ZOA 2021-03: Annual Zoning Ordinance Amendments, Small Cell facilities**

- 1) Continued discussion of Small Cell text amendment – A. Glaeser explained why staff is recommending a change in the approach to the Zoning Chapter portion of the amendment and noted that the suggested language from Manassas Park very closely adheres to the State Code. He acknowledged that the proposed text is very lengthy, but recommended that it be used in full for the sake of simplicity and to be fully compliant with Virginia law which is quite complicated. L. Straughan said she believed this was an appropriate approach and said that the ARB’s application of the Design Guidelines in the historic districts would likely be the most important regulatory mechanism. A. Glaeser reported that the ARB began working on the small cell amendment to the Design Guidelines at its last meeting and that it would likely be several weeks before the Board has a draft for the Commission to review. He has also communicated with the Director of Public Works and is waiting for his final recommendations for the

Streets & Sidewalks Chapter. L. Straughan suggested that Design Guidelines similar to those being considered for small cell facilities also be applied to other cellular facilities. A. Glaeser said the Commission could anticipate reviewing the language for the Streets & Sidewalks chapter at its next meeting. There was discussion about the distinctions between how the City can regulate small cell facilities on private property in the historic districts and within the public rights of way. J. Driscoll suggested a summary table showing what applies in the historic district downtown, what applies in the right of way downtown, etc. would be a helpful visual aid for the next discussion. A. Glaeser then reviewed and Commission discussed the staff recommended text additions provided in the staff report.

2) Public Comment - None

## **OTHER BUSINESS**

A. Zoning Report – A. Glaeser reported the following:

- Staff inspected a property with a long-term property maintenance remediation plan and reports the property owner has made progress.
- There is a continuing issue with a short-term rental. A Notice of Violation has been mailed, however the property owner’s 30 day response period has not yet expired.
- Nothing has occurred with the Bike/Ped Plan since the Commission last met – the next meeting is scheduled for the week of September 13<sup>th</sup>. Stakeholder interviews should be scheduled in October. A survey will also need to be done and it will be advertised sometime in the near future. A. Glaeser clarified that, to date, only City staff and the consultants hired by the Office of Intermodal Planning and Investment have met to discuss this project. They are scheduled to meet quarterly and the next meeting will be the first such meeting.

B. Catalyst Projects Update – Chair Goodin asked that Commissioners weigh in as to the usefulness of the added agenda items, but explained he felt it would be worthwhile to be briefly reminded of and updated on them at each meeting. A. Glaeser provided the following:

- Assess Stormwater fees – on hold due to pandemic
- Jordan’s Point Park Plan implementation – budgeted
- Bike/Ped Plan – previously discussed
- Increase Sidewalk Connectivity – will be included in the Bike/Ped Plan
- Reprogram Traffic Signals Downtown – recommendations from W&L engineering program’s Nelson Street study have been implemented
- Accessory Dwelling Unit Ordinance – scheduled for future discussion

There was discussion of the above items. J. Driscoll reported he would likely have a proposed agenda for the joint workshop with Threshold to share with the Commission at its next meeting. He also met with Commissioner Bradley to discuss how the Green Infrastructure Working Group may advise on the Bike/Ped Plan and will distribute that information at the next meeting.

C. Key Dates – Chair Goodin suggested this would help to keep the Commission moving in a timely fashion. J. Driscoll noted the annual Comp Plan review schedule and spoke about implementation of the Comp Plan. A. Glaeser commented that the Comp Plan hasn’t been around long enough for him to have identified many issues and asked what would be

helpful to the Commission for issue identification. L. Straughan suggested amending the CIP form to include a Comprehensive Plan line item measurement. A. Glaeser suggested staff would use the chapter spreadsheets included in the Comp Plan to provide Commission with status updates.

- D. Monthly Presentations – Chair Goodin expressed enthusiasm about the upcoming joint workshop with the Threshold Commission and collaborating with the ARB on drafting Design Guidelines for the Small Cell Zoning Amendment. He asked that Commissioners consider other community partners who can enlighten Commission on issues in the Comp Plan.

#### **CITY COUNCIL REPORT**

L. Straughan reported City Council passed the cigarette tax which will go into effect January 1, 2022. It is estimated to generate \$40,000.00 to \$50,000.00 per year which will primarily be budgeted to fund parks. Council reviewed the street naming policy and made no changes. She and Commissioner Aligood have offered to approach residents on Confederate Circle to explain the policy and encourage them to submit an application. City Council has agreed to waive the application fee. She doesn't anticipate any issues, but looks forward to seeing how the process unfolds with a larger number of affected households. There is nothing to report about the Spotswood property as progress has been on hold until the subdivision is completed. Echelon Resources is no longer interested in the Water Tower property. N. Betts asked about a dog park. L. Straughan explained it has been difficult to find enough acreage in the City that also had approval from neighboring property owners. She reported Council will consider the Spotswood subdivision at their meeting on September 16, 2021.

#### **ADJOURN**

The meeting was adjourned at 6:58 pm with unanimous approval (P. Bradley/N. Betts).

---

J. Goodin, Chair, Planning Commission



**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-07 – Lexington Pancake House Signs**

<b>Project Name</b>	Lexington Pancake House Signage
<b>Property Location</b>	465 E. Nelson Walker Street
<b>Zoning</b>	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
<b>Owner/Applicant</b>	RBSA, LLC / Brian Torrence

---

**OVERVIEW OF REQUEST**

This request is for one wall sign and one freestanding sign at the Lexington Pancake House location in the Rockbridge Square Shopping Center. The parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). The proposed wall sign will be a 40 square foot (8 feet wide and 5 feet high) flat panel made of PVC, plastic and metal. An example of the proposed sign graphic is included in the attached application. It will feature blue, black and red type face on a white background. It will not be illuminated. The applicant also proposes a similar, appropriately scaled panel be placed in the existing multi-tenant free standing sign adjacent to E. Nelson Street.

*location map (Rockbridge Square Shopping Center)*



Staff Report & Recommendation  
Entrance Corridor Certificate of Appropriateness  
EC COA 2021-07 – Lexington Pancake House Signs

*photograph of existing storefront*



*photograph of existing freestanding sign*



**Staff Report & Recommendation  
Entrance Corridor Certificate of Appropriateness  
EC COA 2021-07 – Lexington Pancake House Signs**

**APPLICABLE ZONING DISTRICT SECTIONS**

Section 420-3 of the zoning ordinance lists small restaurants as a permitted use by-right in the C-2 zoning district.

**APPLICABLE SIGNAGE REGULATIONS**

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed alterations to the freestanding sign at the shopping center entrance and the new wall sign therefore require review and approval.

Section 420-13.6 of the sign regulations allows any business located within a C-2 zoning district to display 1 wall sign per street frontage with an allowable area of 1 square foot per lineal foot of building frontage; with a 32 square feet minimum and 100 square feet maximum. *The proposed wall sign is 40 square feet in area and the business has 54 lineal feet of frontage.*

Section 420-13.9 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The sign panel proposed for the freestanding, entrance sign will be backlit and this type of lighting is not typically bright enough to cause issues with traffic or create issues with adjacent residences.

**APPLICABLE ENTRANCE CORRIDOR REGULATIONS**

Section 420-6.6.A requires a Certificate of Appropriateness be approved by the Planning Commission prior to 1) building permit issuance for exterior building modifications, 2) site plan approval, and 3) exterior color changes to a building or to a sign.

Section 420-6.7.B allows the Planning Commission to consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

Section 420-6.8 states all applications for an entrance corridor certificates of appropriateness must satisfy the design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage design standards are applicable to this certificate of appropriateness request and the remaining standards are not applicable.

B. Signage.

1. Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size and color scheme for proposed signage.
2. Materials used in signs and their support structures should reflect the building served by the sign.
3. Sign colors should be harmonious with the building which they serve.

**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-07 – Lexington Pancake House Signs**

**STAFF RECOMMENDATION**

Staff finds the proposed improvements meet the zoning criteria.

**SUGGESTED MOTION**

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2021-07 for a wall sign and an illuminated freestanding sign panel for Lexington Pancake House business at 465 East Nelson Street as proposed by the applicant.




www.lexingtonva.gov


Planning & Development Department  
 P.O. Box 922  
 300 East Washington Street  
 Lexington, Virginia 24450  
 Phone: (540) 462-3704 Fax: (540) 463-5310

## SIGN PERMIT APPLICATION

### Applicant<sup>1</sup>

Name: BRIAN D TORRENCE Phone: 540-460-8079  
 Company: BDT Foodservice Management LLC Fax: \_\_\_\_\_  
 Address: 4347 S. LEE HWY NATURAL BRIDGE Email: btorrence@pinkcoddillacva.com  
 Applicant's Signature:  Date: 8/26/2021

### Property Owner

Name: RBSA, LLC Phone: (540) - 353-7561  
 Address: 4909 Starkey Road, Roanoke Email: jfscho@rev.net  
 Owner's Signature:  Date: 8/15/2021

### Sign Contractor

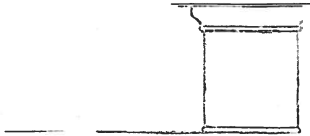
Name: SAV ON SIGNS Phone: 540-344-8406  
 Company: SAV ON SIGNS Fax: \_\_\_\_\_  
 Address: 238 W MADISON VINTON VA 24179 Email: josh@SAVONSIGNS.net

### Proposal Information<sup>2</sup>

Address (or location description): 465 E. NELSON ST  
 Tax Map: \_\_\_\_\_ Deed Book and Page #: \_\_\_\_\_  
 Acreage: \_\_\_\_\_ Zoning (attach any existing conditions or proffers): \_\_\_\_\_  
 Property Doing Business As: LEXINGTON PANCAKE HOUSE  
 Overlay District:

- Historic (requires Architectural Review Board review and approval)  
 Entrance Corridor (requires Planning Commission review and approval)  
 None (requires Planning and Development Department review and approval only)

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.



### Sign Information

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	<u>FLAT Panel</u> <del>LIGHTED</del>	<u>40</u>	<u>~ 8'</u>	<u>5'</u>
Sign 2	<u>Street Panel</u>		<u>~ 7'</u>	<u>1.5'</u>
Sign 3				

Street Frontage (width) of business space in feet 59'

Street Frontage (width) of building in feet \_\_\_\_\_

Are other signs currently displayed on the same building?  Yes  No

If "Yes", please provide the size of each existing building sign that is to remain.

Width \_\_\_\_\_ Height \_\_\_\_\_

Width \_\_\_\_\_ Height \_\_\_\_\_

If a projecting sign, clearance from sidewalk: Ø feet

What materials will be used? PVC / PLASTIC / METAL

Will the sign be illuminated?  Yes  No NOT ILLUMINATED

Please attach a sketch of sign(s) and samples showing the following:

- Dimensions of sign
- Lettering style and size
- How colors will be used
- Photo showing building and adjoining structures
- Exact wording layout of sign
- Paint samples
- Style of bracket, stand, and/or awning

*Lexington*  

---

**PANCAKE HOUSE**

---





*Lexington*  
PANCAKE HOUSE

465

NOW  
OPEN!



**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-08 – Ugly Doug’s Deli Signs**

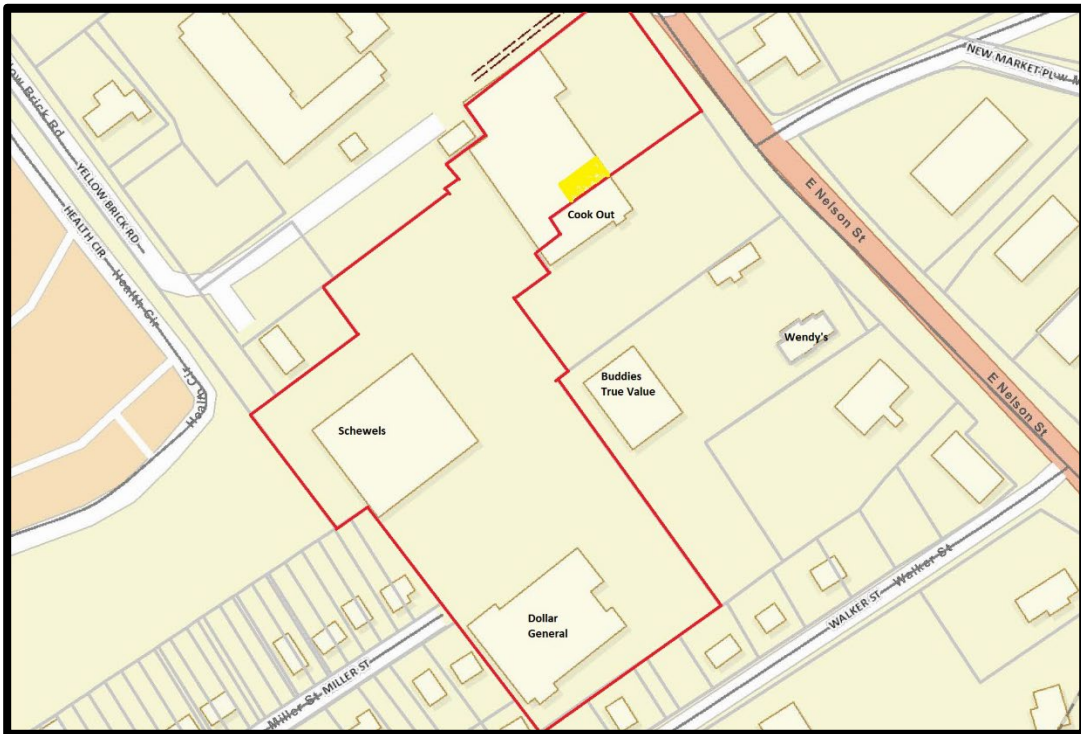
<b>Project Name</b>	Ugly Doug’s Deli Signage
<b>Property Location</b>	453 E. Nelson Walker Street
<b>Zoning</b>	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
<b>Owner/Applicant</b>	RBSA, LLC / Brian Torrence

---

**OVERVIEW OF REQUEST**

This request is for one wall sign and one freestanding sign at the new Ugly Doug’s Deli location in the Rockbridge Square Shopping Center. The parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). Ugly Doug’s Deli will be located in the old Uptown Smoothies storefront between Cookout and Pack and Mail. The proposed wall sign is a 30 square feet (6 feet wide and 5 feet high) internally illuminated panel made of PVC, metal and plastic. The proposed panel for the freestanding multi-tenant sign adjacent to E. Nelson Street is 7.5 square feet (7 feet wide and 1.5 feet high). The proposed graphics for each sign are included in the attached application.

*location map (Rockbridge Square Shopping Center)*



Staff Report & Recommendation  
Entrance Corridor Certificate of Appropriateness  
EC COA 2021-08 – Ugly Doug’s Deli Signs

*photograph of existing storefront*



*photograph of existing freestanding sign*



**Staff Report & Recommendation  
Entrance Corridor Certificate of Appropriateness  
EC COA 2021-08 – Ugly Doug’s Deli Signs**

**APPLICABLE ZONING DISTRICT SECTIONS**

Section 420-3 of the zoning ordinance lists small restaurants as a permitted use by-right in the C-2 zoning district.

**APPLICABLE SIGNAGE REGULATIONS**

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed alterations to the freestanding sign at the shopping center entrance and the new wall sign therefore require review and approval.

Section 420-13.6 of the sign regulations allows any business located within a C-2 zoning district to display 1 wall sign per street frontage with an allowable area of 1 square foot per lineal foot of building frontage; with a 32 square feet minimum and 100 square feet maximum. The proposed wall sign is 30 square feet in area which is less than the minimum 32 square feet allowed.

Section 420-13.9 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The sign panel proposed for the freestanding, entrance sign will be backlit and this type of lighting is not typically bright enough to cause issues with traffic or create issues with adjacent residences. The proposed internally illuminated wall sign is also not expected to cause issues with traffic or adjacent neighbors.

**APPLICABLE ENTRANCE CORRIDOR REGULATIONS**

Section 420-6.6.A requires a Certificate of Appropriateness be approved by the Planning Commission prior to 1) building permit issuance for exterior building modifications, 2) site plan approval, and 3) exterior color changes to a building or to a sign.

Section 420-6.7.B allows the Planning Commission to consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

Section 420-6.8 states all applications for an entrance corridor certificates of appropriateness must satisfy the design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage design standards are applicable to this certificate of appropriateness request and the remaining standards are not applicable.

B. Signage.

1. Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size and color scheme for proposed signage.
2. Materials used in signs and their support structures should reflect the building served by the sign.
3. Sign colors should be harmonious with the building which they serve.

**Staff Report & Recommendation**  
**Entrance Corridor Certificate of Appropriateness**  
**EC COA 2021-08 – Ugly Doug’s Deli Signs**

**STAFF RECOMMENDATION**

Staff finds the proposed improvements meet the zoning criteria.

**SUGGESTED MOTION**

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2021-08 for an illuminated freestanding sign panel and for an illuminated wall sign for the Ugly Doug’s Deli business at 453 East Nelson Street as proposed by the applicant.

## Planning &amp; Development Department

P.O. Box 922

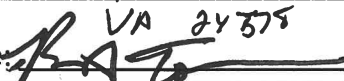
300 East Washington Street

Lexington, Virginia 24450

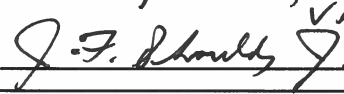
Phone: (540) 462-3704 Fax: (540) 463-5310

www.lexingtonva.gov

## SIGN PERMIT APPLICATION

Applicant<sup>1</sup>Name: BRIAN D TORRENCE Phone: 540-460-8079Company: BOT FOODSERVICE MANAGEMENT LLC Fax: \_\_\_\_\_Address: 4347 S. LEE HWY NATURAL BRIDGE Email: btorrence@pinkeadillacva.comApplicant's Signature:  Date: 8/26/2021

## Property Owner

Name: RBSA, LLC Phone: (540) - 353-7561Address: 4909 StarKey Road Roanoke Email: jfisho@rev.netOwner's Signature:  Date: 8/15/2021

## Sign Contractor

Name: SAV ON SIGNS Phone: 540-344-8406Company: SAV ON SIGNS Fax: \_\_\_\_\_Address: 238 W MADISON VINTON VA 24179 Email: josh@SAVONSIGNS.NETProposal Information<sup>2</sup>Address (or location description): 453 E. NELSON ST

Tax Map: \_\_\_\_\_ Deed Book and Page #: \_\_\_\_\_

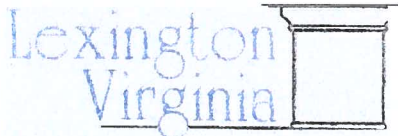
Acreage: \_\_\_\_\_ Zoning (attach any existing conditions or proffers): \_\_\_\_\_

Property Doing Business As: UGLY DOG'S DELI

Overlay District:

- Historic (requires Architectural Review Board review and approval)
- Entrance Corridor (requires Planning Commission review and approval)
- None (requires Planning and Development Department review and approval only)

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.



www.lexingtonva.gov

Planning & Development Department

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

Phone: (540) 462-3704 Fax: (540) 463-5310

### Sign Information

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	<u>ILLUMINATED PANEL</u>	<u>32</u>	<u>~ 6'</u>	<u>5'</u>
Sign 2	<u>Street Panel</u>		<u>~ 7'</u>	<u>1.5'</u>
Sign 3				

Street Frontage (width) of business space in feet 28

Street Frontage (width) of building in feet \_\_\_\_\_

Are other signs currently displayed on the same building?  Yes  No

If "Yes", please provide the size of each existing building sign that is to remain.

Width \_\_\_\_\_ Height \_\_\_\_\_  
 Width \_\_\_\_\_ Height \_\_\_\_\_

If a projecting sign, clearance from sidewalk: \_\_\_\_\_ feet

What materials will be used? METAL/ PLASTIC/ PVC

Will the sign be illuminated?  Yes  No INTERNALLY

Please attach a sketch of sign(s) and samples showing the following:

- Dimensions of sign
- Lettering style and size
- How colors will be used
- Photo showing building and adjoining structures
- Exact wording layout of sign
- Paint samples
- Style of bracket, stand, and/or awning



WALL SIGN 6' w x 5' H  
INTERNALLY ILLUMINATED PANEL





PANEL 7' W X 1.5' H  
FOR FREESTANDING SIGN ALONG E. NELSON ST.

**UGLY DOUG'S DELI**



*Uptown  
Smoothies*

453

FREE REAL ESTATE PREVIEW

FREE

THE ROANOKE TIMES

More than a name

APPLY TODAY

FREE CREDIT CHECK

NO HIDDEN FEES





## Draft amendments for Small Cell Facilities

In their 2017 session, the General Assembly passed SB1282 which impacts how the City assesses and approves wireless facilities both on and off city property. Small cell facility regulations are proposed to be added to a) the Lexington Zoning Chapter, b) to the Historic District Design Guidelines, and c) to the Streets and Sidewalks Chapter in accordance with the state regulations for small cell facilities.

The following report is divided into three sections and the **highlighted** items indicate proposed, amended language. The following table of contents for the Zoning Chapter identifies the two historic districts and the use and design standards for Broadcasting or Communication Tower that are proposed to be amended.

### Chapter 420. Zoning Ordinance Table of Contents

Article I. In General

Article II. Review and Approval Procedures

Article III. Use Matrix.

Article IV. Zoning District Regulations

Article V. Planned Unit Development (PUD)

Article VI. Entrance Corridor Overlay District (EC)

Article VII. Institutional District I-1

Article VIII. **Historic Downtown Preservation District**

Article IX. **Residential Historic Neighborhood Conservation District**

Article X. General Floodplain District FP

Article XI. Use and Design Standards

§420-11.1. Residential Uses

§420-11.2. Civic Uses

§420-11.3. Commercial Uses

§420-11.4. Industrial Uses

§420-11.5. Miscellaneous Uses

1. Parking Facility

2. Portable buildings

3. Portable Storage Container

4. **Broadcasting or Communication Tower**

Article XII. Off-Street Parking and Loading Requirements

Article XIII. Signs

Article XIV. Landscaping

Article XV. Exterior Lighting

Article XVI. Nonconforming Uses

Article XVII. Amendments

Article XVIII. Enforcement

Article XIX. Board of Zoning Appeals

Article XX. Definitions

## A. Proposed Amendments to the Zoning Chapter

The City of Chesapeake, VA updated their use and design standards for communication towers on June 18, 2019 to include the limitations adopted by the State of Virginia in 2017 and 2018, and the following draft is based on the use and design standards from the Chesapeake, VA zoning ordinance. The draft language on the next few pages will require adjustments to fit Lexington.

The drafted language remains unwieldy and staff composed the following summary in an effort to orientate the reader.

### **Structure of the draft Communication Tower use and design standards.**

#### **A. Definitions and Scope**

- ❖ All communication towers (i.e. tower or antenna) shall be classified as an administrative review-eligible or standard process project.
- ❖ All state definitions are included.

#### **B. Conditional Use Permit required**

- ❖ All towers and antennas require a conditional use permit with exceptions for:
  - Administrative review-eligible projects,
  - Temporary portable towers,
  - Small cell facilities, and
  - Micro wireless facilities
- ❖ A pre-application meeting is required prior to the submittal of a conditional use permit application.
- ❖ Additional information is required for a communication tower conditional use permit application.
- ❖ Multiple use of communications towers is required whenever feasible.
- ❖ Additional evaluation criteria are included for communication tower conditional use permits (in addition to the conditions of issuance for conditional use permits in Sec. 420-1.11.C of the zoning ordinance).

#### **C. Setback Requirements**

- ❖ Provides setback requirements for towers and antennas for which a conditional use permit is required

*Article XI. Use and Design Standards (Lexington Zoning Chapter)*

The following additional regulations apply to specific uses as set forth below. These regulations are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply.

*§420-11.5. Miscellaneous Uses.*

*4. ~~Broadcasting or Communication Tower.~~*

*A. ~~Applicability. The requirements set forth in this section shall control all antennas and broadcasting or communication towers except any antenna that is under 75 feet in height and is owned and operated by a federally licensed amateur radio station operator.~~ (Language in blue is deleted here but included elsewhere in this section.)*

*B. ~~General guidelines and requirements.~~*

*1. ~~A different existing use or an existing structure on the same lot shall not preclude the installation of an antenna or towers on that lot. Antennas or towers may be located on leased parcels within such lots. Towers that are constructed, and antennas that are installed, in accordance with the provisions of this section shall not be deemed to constitute the expansion of a nonconforming use or structure.~~*

*2. ~~Inventory of existing sites. Each applicant for an antenna and/or tower shall provide to the City an inventory of its existing facilities that are either within the City or within five miles of the City limits, including specific information about the location, height, and design of each tower. The City may share such information with other applicants applying for approvals or conditional use permits under this section or other organizations seeking to locate antennas within the City; provided, however, that the City is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.~~*

*C. ~~Setbacks. The following setback requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the City may reduce the standard setback requirements if the goals of this section would be better served thereby:~~*

*1. ~~Towers must be set back a distance equal to 200% of the height of the tower from any off-site residential structure and in no case less than 400 feet.~~*

*2. ~~Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.~~*

(The following language is from the Chesapeake, VA zoning supplemental regulations for communication towers and this language will require adjustments to fit Lexington.)

**A. Definitions and Scope**

**1. Communication tower is defined as a tower or antenna which supports communication (broadcasting and/or receiving) equipment utilized by commercial, government or other corporate, public and quasi-public users. Towers include radio, television, cellular telephone, personal communication services (PCS), microwave and other similar communications facilities, satellite earth station and building-supported antennas which are more than twenty-two (22) feet in height, measured from the highest point of the roof of the building to**

~~which the antenna is attached.~~ The towers may be self-supporting or guy-supported. The regulations set out below do not apply to the following: (1) amateur radio communications antennas under 75 feet in height owned and operated by a federally licensed amateur radio station operator; (2) antennas and dishes limited exclusively to home use; and (3) towers owned by the city. All communication towers shall be classified as an administrative review-eligible or standard process project, as defined below.

a. Project means (i) the installation or construction by a wireless services provider or wireless infrastructure provider of a new structure or (ii) the co-location on any existing structure of a wireless facility that is not a small cell facility. "Project" does not include the installation of a small cell facility by a wireless service provider or wireless infrastructure provider on an existing structure to which the provisions of subsection 420-11.5.4.B.2.c of this ordinance apply.

(1) Administrative review-eligible project means a project that provides for:

(a) The installation or construction of a new wireless support structure, as defined below, that is no more than fifty (50) feet above ground level, provided that the structure with attached wireless facilities is (i) not more than ten (10) feet above the tallest existing utility pole located within five hundred (500) feet of the new structure within the same public right-of-way or within the existing line of utility poles; (ii) not located within the boundaries of a local, state, or federal historic district; (iii) not located inside the jurisdictional boundaries of a locality having expended a total amount equal to or greater than thirty-five (35) percent of its general fund operating revenue, as shown in the most recent comprehensive annual financial report, on undergrounding projects since 1980; and (iv) the new wireless support structure is designed to support small cell facilities; or

(b) The co-location on any existing structure of a wireless facility that is not a small cell facility.

(2) Standard process project means any project other than an administrative review-eligible project. All such projects shall require a conditional use permit in accordance with this ordinance.

2. Antenna means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

3. Base station means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

4. Co-locate means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. For purposes of this ordinance, "co-location" shall have the same meaning.

5. Department means the Department of Transportation.

6. Existing structure means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality or the Department of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers. It shall also include the replacement of a structure, located within a six (6) foot perimeter of the original placement of the structure, with structures that are the same size or smaller.
7. Micro-wireless facility is defined as a small cell facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and that has an exterior antenna, if any, no longer than eleven (11) inches.
8. New structure means a wireless support structure that has not been installed or constructed, or approved for installation or construction, at the time a wireless services provider or wireless infrastructure provider applies to a locality for any required zoning approval.
9. Small cell facility means a wireless facility that meets both of the following qualifications:
- a. each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and 2) all other wireless equipment associated with the facility has a cumulative; and
  - b. all other wireless equipment associated with the facility has a cumulative volume of no more than twenty eight (28) cubic feet, or such higher limit as established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume calculation: electric meters, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
10. Utility pole means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.
11. "Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.
12. "Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

13. "Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.
14. "Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.
15. "Wireless services provider" means a provider of wireless services.
16. Wireless support structure means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

**B. Conditional Use Permit required**

1. Except as provided below, all communication towers shall be handled as standard process projects and shall require a conditional use permit, obtained in accordance with the provisions of Article 1 of this ordinance. Standard process projects shall be reviewed pursuant to the criteria put forth in Virginia Code Section 15.2-2316.4:2, as amended. The processing of a standard process project application shall be subject to the following parameters:
- a. Within ten (10) days after receipt of a conditional use permit application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. All such applications shall be approved or denied within the following specified time periods:
- (1) For a new structure, as defined by this ordinance, within the lesser of one hundred and fifty (150) days of receipt of the completed application or the period required by federal law for such approval or disapproval; or
- (2) For the co-location of any wireless facility that is not a small cell facility within the lesser of ninety (90) days of receipt of the completed application or the period required by federal law for such approval or disapproval.
- (3) Any period specified above for the city council to approve or disapprove an application may be extended by mutual agreement between the applicant and the city.
- b. A completed conditional use permit application shall be deemed approved if the city council fails to approve or disapprove the application within the periods specified above or any agreed extension thereof.

- c. Any disapproval of the conditional use permit application shall be in writing and accompanied by an explanation for the disapproval, and the locality shall identify any modifications that could be made to the application which would permit the city to approve the proposed project. City council's action on disapproval of an application submitted under this section shall:
- (1) Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and
  - (2) Be supported by substantial record evidence contained in a written record publicly released within thirty (30) days following the disapproval.
- d. The fee for processing standard process projects shall be five hundred dollars (\$500.00), which shall not exceed the actual direct costs to process the application, including permits and inspection, in accordance with Virginia Code Section 15.2-2316.4:1, as amended.
- e. Nothing in this section shall prohibit the denial of an application because:
- (1) The proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds fifty (50) feet above ground level; provided that such denial does not unreasonably discriminate against the applicant; or
  - (2) The proposed location of the new structure or co-location of a wireless facility is in an area where all cable and public utility facilities are required or encouraged to be placed underground in accordance with Virginia Code Section 15.2-2316.4:2, as amended;
  - (3) The applicant did not provide written notice to adjacent landowners at least 15 days before it applies to locate a new structure, or
  - (4) Existing wireless support structures are available within a reasonable distance that could be used for co-location. The applicant shall be responsible for submitting evidence proving that an existing wireless support structure is incapable of supporting co-location because of unreasonable terms, technical limitations, or other valid criteria as determined by the zoning administrator or designee.
2. Exceptions to conditional use permit requirement.
- a. Administrative review-eligible projects. New communication towers meeting the definition of an administrative-review eligible project, or the co-location of a wireless facility that is not a small cell facility on an existing structure, shall be considered an administrative review-eligible project. All such projects shall be reviewed pursuant to the criteria put forth in Virginia Code Section 15.2-2316.4:2, as amended, and shall be subject to the following requirements:
- (1) The wireless service provider or wireless infrastructure provider either (a) obtains the approval of the City of Lexington by virtue of a franchise agreement and right-of-way permit or lease, as required by law, if a new wireless support structure is proposed to be located in the right-of-way or on city property; or (b) the wireless service provider or wireless infrastructure provider: (i) either has permission from the owner of the



land on which the administrative review-eligible project is proposed or has the permission from the owner of an existing pole, building or structure to co-locate equipment on that pole, building or structure and (ii) notifies and provides evidence of such permission to the locality in which the permitting process occurs; and (cannot find state code for this section)

- (2) The applicant shall submit an application which shall include: (a) photographs or accurate renderings, including correct colors and exact dimensions, of each type of proposed project; (b) a statement signed by a professional engineer licensed in the Commonwealth of Virginia stating that the proposed facilities comply with all applicable Federal Communications Commission regulations, including, without limitation, regulations pertaining to the emission of radio frequency radiation; and (c) such additional information as the planning director may reasonably require in order to determine whether the requirements of this section are met.
- (3) Within ten (10) days after receipt of an application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. All such applications shall be approved or denied within the following specified time periods:
- (a) For a new structure within the lesser of one hundred fifty (150) days of receipt of the completed application or the period required by federal law for such approval or disapproval; or
- (b) For the co-location of any wireless facility that is not a small cell facility, within the lesser of ninety (90) days of receipt of a completed application, or the period required by federal law for such approval.
- (c) Any period specified above for the city to approve or disapprove an application may be extended by mutual agreement between the applicant and the city.
- (4) A completed application shall be deemed approved if the director of planning fails to approve or disapprove the application within the periods specified above or any agreed extension thereof.
- (5) Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval, and the locality must describe any modifications that could be made to the application which would permit the city to approve the proposed project. The director of planning's action on disapproval of an application submitted under this section shall:
- (a) Not unreasonably discriminate between the applicant and other wireless services providers, wireless infrastructure providers, providers of telecommunications services, and other providers of functionally equivalent services; and
- (b) Be supported by substantial record evidence contained in a written record publicly released within thirty (30) days following the disapproval.

- (6) The fee for processing administrative review-eligible projects shall be five hundred dollars (\$500.00) in accordance with Virginia Code Section 15.2-2316.4:1, as amended.
- (7) Nothing in this section shall be interpreted to prohibit the denial of an application if the proposed height of any wireless support structure, wireless facility, or wireless support structure with attached wireless facilities exceeds fifty (50) feet above ground level.
- (8) Nothing in this ordinance shall be interpreted to prohibit the city from limiting the number of new structures or the number of wireless facilities that can be installed within a five hundred foot (500') radius of an existing wireless support structure that could support co-location at that specific location. The applicant shall be responsible for submitting evidence proving that an existing wireless support structure is incapable of supporting co-location because of unreasonable terms, technical limitations, or other valid criteria as determined by the zoning administrator or designee. 15.2-2316.4:3. B.” Nothing in this article shall prohibit a locality from limiting the number of new structures or the number of wireless facilities that can be installed in a specific location.”
- b. Temporary portable towers. Temporary portable towers also known as cells on wheels (COWS), are permitted under the following circumstances:
- (1) For use when a duly authorized communication tower is undergoing maintenance that requires antennas to be disconnected or turned off. A permit shall be obtained from the zoning administrator authorizing the COW for a maximum of sixty (60) days, which period may be extended at the discretion of the zoning administrator.
- (2) For use in an emergency situation during the activation of the city's emergency operations center.
- (3) For special events not to exceed seven (7) days under a special event permit approved in accordance with section 13-1504 of this ordinance.
- c. Small cell facility.
- (1) Small cell facilities installed by a wireless service provider or wireless infrastructure provider on existing structures; provided that the following requirements are met: The wireless service provider or wireless infrastructure provider either
- (a) obtains the approval of the City of Lexington by virtue of a franchise agreement and right-of-way permit or lease, as required by law, if a new small cell facility is proposed to be located in the right-of-way or on city property; or
- (b) the wireless service provider or wireless infrastructure provider: (i) has permission from the owner of an existing pole, building or structure to co-locate equipment on that pole, building or structure and (ii) notifies and provides evidence of such permission to the locality in which the permitting process occurs; and
- (2) The applicant shall submit an application to the department of planning for administrative review and approval by the director of planning and the application

shall include: (a) photographs or accurate renderings, including correct colors and exact dimensions, of each type of proposed small wireless facility; (b) a statement signed by a professional engineer licensed in the Commonwealth of Virginia stating that the proposed facilities comply with all applicable Federal Communications Commission regulations, including, without limitation, regulations pertaining to the emission of radio frequency radiation; and (c) such additional information as the planning director may reasonably require in order to determine whether the requirements of this section are met. An applicant may submit up to thirty-five (35) permit requests on a single application. All such completed applications, as determined by the director of planning, shall be approved or disapproved within sixty (60) days of receipt of the complete application. Within ten (10) days after receipt of an application and a valid electronic mail address for the applicant, the locality shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise, the application shall be deemed complete. The 60-day period may be extended by the locality in writing for a period not to exceed an additional thirty (30) days. The application shall be deemed approved if the locality fails to act within the initial sixty (60) days or an extended 30-day period. Any disapproval of the application shall be in writing and accompanied by an explanation for the disapproval. The fee for processing small cell facility applications shall be one hundred dollars (\$100.00) for each application proposing up to five (5) small cell facilities and fifty dollars (\$50.00) for each additional small cell facility proposed on a permit application. The application for the small cell facility shall be approved only if the following minimum standards are met:

- (a) The small cell facility shall not have the potential to pose a material interference with other pre-existing communication facilities or with future communication facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communication facilities, as determined by the city.
- (b) The small cell facility does not create a public safety concern or inhibit critical public service needs.
- (c) If the communication small cell facility shall be installed on or in publicly owned or publicly controlled property, excluding privately owned structures, the communication small cell facility shall be substantially concealed from view by means of painting or tinting to match the surface of the building or other structure to which they are affixed or by other suitable method, such as by flush-mounting or integration into the design elements of the building or structure.
- (d) Further, electrical power and battery backup cabinets shall be roof-mounted or otherwise located so as not to be visible from a public street or, where not practicable as determined by the director of planning, such equipment shall be appropriately screened by landscaping or other means minimizing visibility from a public street.
- (e) Small cell facilities shall only be permitted in the Lexington Downtown Historic Preservation District or the Residential Neighborhood Conservation District if they meet the standards included in the Lexington Historic District Design Guidelines as amended.

- (f) This section shall not be construed to prohibit or limit an applicant from voluntarily submitting conditions to address visual or aesthetic effects resulting from the placement of small cell facilities on private property.
- (3) At such time that the small cell ceases to be used for communications purposes for three (3) consecutive months, the applicant shall remove the small cell from the property. If the applicant fails to remove the small cell within thirty (30) days of written notice from the zoning administrator, the director of planning, through his or her own agents or employees, shall be authorized to remove the small cell facility and assess all charges incurred in such removal on the applicant or owner.
- d. Micro-wireless facilities. The installation, placement, maintenance or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles shall not require any permit from the city nor shall they be subject to any fee from the city if the applicant provides the director of planning or designee with proof of compliance with all national safety codes.
- e. Nothing herein shall be construed to exempt the applicant from the requirement for a grant of franchise from the city council pursuant to Section 15.2-2100 of the Code of Virginia, 1950, as amended.
3. Preapplication meeting required. Prior to submitting an application for a conditional use permit for a communication tower, the applicant shall meet with the director of planning to discuss the proposed location of the communication tower, the location of all existing and planned communication towers which the applicant owns or operates within the city, the feasibility of locating the communication facilities on existing towers, buildings or structures, or on municipal property and such other issues as deemed relevant by the planning director or designee. Failure to schedule or attend a preapplication meeting shall preclude the acceptance and processing of an application for a conditional use permit for a communication tower.
4. Additional information required for use permits. In addition to the information otherwise required for a conditional use permit application, any application for a conditional use permit for a communication tower shall include the following:
- a. A site plan drawn to scale specifying the location of tower(s), guy anchors (if any), transmission building and other accessory uses, parking, access, landscaped areas, fences ownership and use of adjoining properties.
- b. Certification by the manufacturer or an engineering report by a state-registered structural engineer shall be submitted indicating the communication tower or antenna height, design, structure, installation and total anticipated capacity of the structure, including number and type of antennas which could be accommodated, and demonstrating to the satisfaction of the code compliance manager that all structural requirements and safety specifications set forth in the Virginia Uniform Statewide Building Code, as supplemented and amended, will be met. In addition to the structural and safety specifications in the Virginia Uniform Statewide Building Code, the certification shall indicate that the proposed communication tower will be constructed to withstand 110 mile per hour winds.

- c. A statement from a registered engineer that the NIER (nonionizing electromagnetic radiation) emitted from the communication tower, when measured in conjunction with the emissions from all communication facilities on the tower, does not result in an exposure at any point on or outside such facility which exceeds the lowest applicable exposure standards established by any regulatory agency of the U.S. government or the American National Standards Institute.
- d. In order to assist the city council in determining whether it is feasible to locate the proposed communication facilities on existing communication towers, proposed communication towers which have received all necessary approvals for construction, suitable buildings and suitable structures, including, but not limited to, electric transmission structures, the applicant shall indicate on a map the location of all existing towers, and all buildings and structures suitable for the proposed communication facilities within a two-mile radius of the proposed communication tower site, including specific information about the location, height, and design of each tower.
- e. Verifiable evidence from the applicant, in written form deemed acceptable to the director of planning, of the lack of space on all existing towers within a two-mile radius of the proposed site, and all suitable buildings, and other structures which could accommodate the proposed antenna, and the lack of space on existing tower sites to construct an additional communication tower for the proposed antenna within the service area.
- f. Written confirmation of plans for multiple use of the proposed communication tower.
- g. A visual study depicting all areas the proposed facility would be visible from and what the appearance would be, including photo-simulations. A balloon test at the proposed site may also be required at the discretion of the planning director or designee.

After acceptance of an application as complete, the director of planning may request additional information and documentation relative to land use and safety issues, provided that the director shall not delay processing the conditional use permit application while the provision of such information or documentation is pending. However, in the event that all requested information and documents are not submitted prior to a scheduled public hearing, the planning department will recommend to the planning commission that consideration of the application be continued until such information and documents have been submitted.

5. Multiple use of communication towers required whenever feasible.

- a. In the consideration of applications for the conditional use permits for the construction of communication towers, the multiple use of existing communication towers, proposed communication towers which have received necessary approvals for construction, and suitable buildings and structures, including, but not limited to, electric transmission structures shall be required whenever feasible in order to minimize the proliferation of communication towers throughout the city, to provide for adequate light and air, to facilitate the creation of a convenient, attractive and harmonious community, to preserve the character of zoning districts, and to eliminate the potential for adverse impact on established land uses within the city. However, in no event shall it be deemed a violation of this ordinance to operate a communication tower with a single user if a conditional use permit has been issued without an express stipulation requiring multiple use.

6. Evaluation criteria for conditional use permits. In determining whether a conditional use permit application for a communication tower should be approved, the planning commission and city council shall consider the following factors, in addition to the other evaluation criteria for conditional use permits set out in Article 1 of this ordinance:
- a. Whether the communication tower is consistent with the comprehensive plan as determined by the planning commission in accordance with section 15.2-2232 of the Code of Virginia.
  - b. Whether approval of the communication tower will contravene good planning practices or obstruct the public aims of facilitating the creation of a convenient, attractive community, providing for adequate light and air, preserving the character of zoning districts and eliminating the potential for adverse impact on established land uses within the city.
  - c. Whether the proposed communication tower is to be located in an area where it would be unobtrusive and would not substantially detract from aesthetics or neighborhood character, due either to location, to the nature of surrounding uses (such as industrial uses), or to lack or mitigation of visibility caused by natural growth, stealth design or other factors.
  - d. Whether the applicant has established that collocation on existing and proposed communication towers and suitable buildings and structures is not feasible in accordance with subsection 420-11.5.4.B.5 above, and whether the applicant has agreed to provide collocation opportunities to other users and has specified the number and types of users that could be accommodated on the proposed communication tower.
  - e. Whether the application represents a request for multiple use of a communication tower or site, or use on a site contiguous to an existing communication tower. Where the applicant proposes multiple use of the communication tower, the planning commission and the city council may consider whether the applicant has submitted written confirmation of collocation plans including, but not limited to, agreements, memoranda of agreement or completed forms for multiple use provided by the city.
  - f. Whether the application contains evidence that other potential users of the proposed communication tower have been contacted, and they have no current plans, to the best of their ability to determine, that could be fulfilled by joint use of the proposed communication tower.
  - g. Whether the application shows how the communication tower or site will be designed or laid out to accommodate future multiple users, and if not so designed, the reasons given for failure to do so.

### **C. Setback requirements**

1. The following setback requirements shall apply to all towers and antennas for which a conditional use permit is required; provided, however, that the City may reduce the standard setback requirements if the goals of this section would be better served thereby:

- a. Towers must be set back a distance equal to 200% of the height of the tower from any off-site residential structure and in no case less than 400 feet.
- b. Towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures.

---

The existing Lexington zoning definition for “Broadcasting or Communication Tower” is recommended to be replaced by the Communication Tower definition from the Chesapeake, VA code.

#### **~~BROADCASTING OR COMMUNICATION TOWER~~**

~~Any unstaffed facility for the transmission and/or reception of radio, television, radar, cellular telephone, personal paging device, specialized mobile radio (SMR), and similar services. A broadcasting or communication tower usually consists of an equipment shelter or cabinet, a support tower or other structure used to achieve the necessary elevation, and the transmission or reception devices or antenna. Excluded are amateur radio towers, which are described separately. Also excluded are wireless communication antennas which fit the definition of Utility services, minor.~~

#### **COMMUNICATION TOWER**

A tower or antenna which supports communication (broadcasting and/or receiving) equipment utilized by commercial, government or other corporate, public and quasi-public users. Towers include radio, television, cellular telephone, personal communication services (PCS), microwave and other similar communications facilities, satellite earth station and building-supported. Communication towers may be self-supporting or guy-supported.

The existing zoning definition for “Utility Service, Minor” needs to be amended by removing the second sentence that mentions wireless communications antennas. The utility service minor use is allowed by right in the R-1, R-2, R-LC, C-1 and C-2 zoning district. All of the communications related regulations should be consolidated to the previous (amended) section 420-11.5.4.

#### **UTILITY SERVICE, MINOR**

Service which is necessary to support development within the immediate vicinity and involve only minor structures. Included in this use type are small facilities such as transformers, relay and booster devices, and well, water and sewer pump stations. ~~Also included in this use type are wireless communication antennas which are attached to an existing building or structure, including but not limited to utility poles, signs, broadcasting or communication facilities, and water towers, and which are not greater than 20 feet in length.~~

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
-----------------	------------------------------	---	--------------------------------	---------------------------------	------------------------------------	--	--------------------------------------	--

*B = By-right uses, C = Conditional  
uses*

### Use Types

Miscellaneous								
Amateur radio tower			B	B		B	B	B
Building, Portable	B	B	B <sup>5</sup>	B <sup>5</sup>	B <sup>5</sup>	C <sup>6</sup>	C <sup>6</sup>	C <sup>6</sup>
Broadcasting or communication tower (Standard Process Project)		C	C	C				C
Communication tower (Admin. Review Eligible Project)	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>	B <sup>7</sup>
Cemetery, private						C		
Garage, private			B	B		B	C	C
Parking facility		B			C	C	C	C
Recreation facility, private	B	C	B	B	B	B		
Utility service, major			C	C				C
Utility service, minor			B	B		B	B	B

<sup>1</sup> Second floor and higher

<sup>2</sup> First floor

<sup>3</sup> Bed & Breakfasts only allowed along Main, Washington, and Nelson Streets

<sup>4</sup> Bed & Breakfasts only allowed along S. Main Street

<sup>5</sup> accessory building is by right

<sup>6</sup> temporary construction office and storage sheds are by-right






<sup>7</sup> permitted if requirements of 420-11.5.4 are met








# Implementation

HR = Historic Resources

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	HR 1.1	Work with and support local organizations and institutions to promote the fullest understanding of the entirety of Lexington's history.	Partnerships	City of Lexington, Nonprofit Organizations, Citizens	
	HR 1.2	Coordinate with other City programs, such as affordable housing initiatives, to encourage preservation and support 'aging in place' by providing rehabilitation resources for owners of historic properties.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners	
	HR 1.3	Create thematic walking trails and use green infrastructure linkages to connect historic resources.	Partnerships	Nonprofit Organizations	
	HR 2.1	Encourage rehabilitation and adaptive reuse of historic downtown properties as a means of increasing downtown population and economic vibrancy.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners, Citizens	
	HR 3.1	Ensure that new development within historic districts and conservation areas is sensitive to the historic character and context of those areas and preserves any archeological artifacts found during the construction process.	Ordinance Updates	City of Lexington	Small Cell Zoning Amendment
	HR 3.2	Encourage and support local preservation, rehabilitation, and beautification efforts and the use of green building design as complementary to the values of historic preservation.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners, Citizens	
	HR 3.3	Continue to invest in public infrastructure improvements to further enhance the historic character of the City.	Capital Improvements	City of Lexington	
	HR 4.1	Educate owners of historic properties on appropriate maintenance procedures and requirements and promote Lexington's historic district guidelines as an asset to property owners planning renovation, rehabilitation, new construction, or other substantive changes to historic properties.	Community Education	City of Lexington, Citizens	
	HR 4.2	Provide property owners with information on historic rehabilitations, financial incentives, and context sensitive design.	Community Education	City of Lexington, Local Business Partners, Citizens	
	HR 4.3	Continue to work with, support, and promote incentives for private-sector investment and use of historic properties.	Partnerships	City of Lexington, Local Business Partners	
	HR 4.4	Welcome citizen-initiated requests to rename streets linked to the confederacy and enslavement of people.	Partnerships	City of Lexington, Citizens	Process adopted
	HR 5.1	Continue to work with organizations, such as Main Street Lexington, Lexington & the Rockbridge Area Tourism Development, and Rockbridge Historical Society to promote history and tourism in the City.	Partnerships	City of Lexington, Nonprofit Organizations, Regional and Institutional Partners	
	HR 5.2	Encourage the maintenance of the City's Certified Local Government status with the Virginia Department of Historic Resources by reviewing and managing the City's historic preservation programs.	Programs and Services	City of Lexington, Regional and Institutional Partners	
	HR 5.3	Ensure the City's historic preservation activities are consistent with Virginia's Comprehensive Historic Preservation Plan.	Plans and Studies	City of Lexington	





# Implementation

GI = Green Infrastructure & Natural Resources

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	GI 1.1	Explore opportunities to improve or add public access sites and linkages and increase public access to waterways.	Plans and Studies	City of Lexington, Nonprofit Organizations, Local Business Partners	Jordan's Point Park
	GI 1.2	Enhance access to and connectivity of natural open space in all development, redevelopment, and capital projects.	Plans and Studies	City of Lexington, Local Business Partners	Jordan's Point Park
	GI 1.3	Undertake a city-wide green infrastructure assessment and develop a plan to create a continuous publicly-accessible green infrastructure network that connects neighborhoods, destinations within the City, waterways, and regional assets.	Plans and Studies	City of Lexington, Regional and Institutional Partners	
	GI 1.4	Plan for access to healthy, affordable, locally-grown foods for all neighborhoods by supporting sustainable food initiatives, such as urban agriculture, farmers markets, and composting.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners	
	GI 1.5	Encourage access to energy-efficient transportation options by supporting the siting of e-vehicle charging stations and facilities for bicycles and other micromobility devices.	Programs and Services	City of Lexington, Local Business Partners	Sheetz
	GI 1.6	Support urban wildlife and biodiversity initiatives, such as "Monarch Butterfly City" or "Bee City" designations and citizen-led efforts to install bird houses and bat boxes.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners, Citizens	
	GI 2.1	Encourage green building and green infrastructure in development proposals to increase property values and reduce infrastructure costs.	Programs and Services	City of Lexington, Local Business Partners	
	GI 2.2	Improve energy efficiency of City buildings and operations and assess the feasibility of installing solar panels at Waddell Elementary School.	Capital Improvements	City of Lexington	
	GI 3.1	Develop Jordan's Point Park in accordance with the 2020 Park Master Plan	Plans and Studies	City of Lexington	Budgeted
	GI 3.2	Grow and maintain the City's tree canopy coverage through the existing tree planting program and other grants, as may be available.	Programs and Services	City of Lexington	
	GI 3.3	Continue strengthening zoning and development regulations that address landscaping, tree preservation, and native plants. Consider incentives to promote tree planting and preservation beyond minimum requirements.	Ordinance Updates	City of Lexington	
	GI 3.4	Promote the installation of stormwater best management practices, such as bioswales, pervious surfaces, and rain gardens, including on City property and parking lots.	Programs and Services	City of Lexington	
	GI 3.5	Enhance the protection of streams and natural wetlands by updating development standards and incentives to protect and restore buffer areas and discourage underground piping of streams.	Ordinance Updates	City of Lexington	
	GI 3.6	Limit the extent of impervious surfaces that degrade water quality by considering reductions to minimum parking requirements and encouraging the use of pervious surfaces in development projects.	Ordinance Updates	City of Lexington	Multi-family parking reduction






# Implementation

GI = Green Infrastructure & Natural Resources  
LE = Local Economy

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	GI 4.1	Educate and encourage landowners to install green infrastructure best management practices, plant native trees and vegetation, and reduce fertilizer and pesticide use.	Community Education	City of Lexington, Nonprofit Organizations, Local Business Partners, Citizens	
	GI 4.2	Identify and collaborate with local organizations to educate landowners on installing solar panels.	Partnerships	City of Lexington, Nonprofit Organizations, Local Business Partners, Citizens	
	GI 4.3	Continue to engage the support of local students, volunteers, and non-profit organizations to help the City achieve its environmental and green infrastructure goals.	Community Education	City of Lexington, Nonprofit Organizations	
	GI 5.1	Identify and collaborate with local organizations to promote development and use of green infrastructure sites, linkages, and waterways within the City and the larger region, including sports organizations, the Rockbridge Area Outdoor Partnership, Carilion Hospital, and retail businesses selling outdoor equipment.	Partnerships	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners	
	GI 5.2	Collaborate with regional organizations, such as the Central Shenandoah Planning District Committee and the Natural Bridge Soil & Water Conservation District, to seek funding and resources to implement green infrastructure best management practices to improve local and regional water quality.	Partnerships	City of Lexington, Regional and Institutional Partners	
	GI 5.3	Work with regional stakeholders to develop a comprehensive regional Energy and Climate Action Plan that identifies common issues, agreed upon approaches and principles, joint actions, and individual contributions by each participating locality and the major institutions of higher learning.	Partnerships	City of Lexington, Regional and Institutional Partners	
	LE 1.1	Assess business licensing, permitting, and other regulatory requirements and streamline process, where needed, that might hamper new businesses and "side-gigs".	Programs and Services	City of Lexington	
	LE 1.2	Encourage the development of safe, affordable, quality childcare.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners	
	LE 1.3	Practice "economic gardening" by offering startup loans and low-cost financial advice to small and minority-owned businesses, connecting citizens to federal micro-enterprise loan programs until local programs can be established.	Programs and Services	City of Lexington, Local Business Partners, Regional and Institutional Partners	
	LE 2.1	Actively recruit new businesses and assist expansion of existing businesses poised for growth.	Programs and Services	City of Lexington, Local Business Partners	
	LE 2.2	Aggressively promote local and regional tourism through a variety of means, focusing on history and outdoor recreation.	Programs and Services	City of Lexington, Local Business Partners, Regional and Institutional Partners	
	LE 2.3	Promote economic development incentive programs, such as HUBZONE, Job Tax Credits, and Opportunity Zones, to encourage desirable investments – including start-up businesses, hiring, and affordable dwelling opportunities.	Programs and Services	City of Lexington	
	LE 2.4	Sell, lease, or otherwise leverage under-utilized City-owned properties to strengthen Lexington's tax base and economic strength.	Programs and Services	City of Lexington	R.A.R.A.
	LE 2.5	Continue to invest in broadband and other telecommunication developments that are often cited as important determinants of local and regional economic growth.	Capital Improvements	City of Lexington	







# Implementation

LE = Local Economy  
AC = Arts & Culture

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	LE 3.1	Continue to pursue streetscape improvements associated with the Downtown Improvement Plan, including pedestrian upgrades that make the downtown district safer and more enjoyable for visitors.	Capital Improvements	City of Lexington	
	LE 4.1	Connect developers, real estate professionals, and lenders with resources and educational materials to help them promote Lexington to potential investors and businesses.	Community Education	City of Lexington, Local Business Partners	
	LE 5.1	Recognizing the scarcity of development sites in Lexington, coordinate with Rockbridge County and the City of Buena Vista to promote economic improvement that can improve the regional economy.	Partnerships	City of Lexington, Regional and Institutional Partners	REDI Grant
	LE 5.2	Provide reliable funding to, and partner with, Main Street Lexington to expand downtown improvement strategies that may include branding campaigns, façade grants, business visitation and exit surveys, and business incubation programs.	Partnerships	City of Lexington, Nonprofit Organizations	
	AC 1.1	Improve the accessibility and inclusivity of civic, arts, and cultural facilities, venues, and activities with the goal that they will be more diverse and universally accessible.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners	
	AC 1.2	Support affordable housing, flex live/work spaces, and resources for artists and artisans creating new businesses in Lexington.	Partnerships	Nonprofit Organizations, Local Business Partners, Citizens	
	AC 2.1	Encourage the development or designation of community space(s) as a general arts and culture center for the greater Lexington community, capable of hosting both national and local artists as well as other community events.	Plans and Studies	City of Lexington	
	AC 2.2	Adopt tax incentives for the renovation of underutilized spaces and buildings (e.g., Cultural Enterprise Zones — tax incentives and subsidies to attract cultural organizations and private investors).	Ordinance Updates	City of Lexington	
	AC 2.3	Consider amending the zoning ordinance to create an arts/entertainment overlay district.	Ordinance Updates	City of Lexington	
	AC 2.4	Work with community organizations to promote cultural tours that showcase the arts, culture, and area architecture through coordinated festivals, live music events, and other celebrations of local culture (e.g., host monthly mini-festivals that highlight one particular aspect of arts and culture).	Partnerships	City of Lexington, Nonprofit Organizations, Local Business Partners	
	AC 3.1	Use public art to revitalize, define, and enhance the character of Lexington and its neighborhoods.	Programs and Services	City of Lexington, Citizens	
	AC 3.2	Improve the aesthetic quality of the City's entrance corridors to be more inviting and appealing to visitors and locals alike.	Programs and Services	City of Lexington	
	AC 3.3	Support the temporary re-use of vacant/underutilized building, facades, and sites for art exhibitions, events, and murals.	Partnerships	City of Lexington, Local Business Partners	
	AC 3.4	Include an arts and culture component in development requests for proposals for city-owned sites, when appropriate.	Programs and Services	City of Lexington, Local Business Partners	






# Implementation

AC = Arts & Culture  
HO = Housing

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	AC 4.1	Streamline the public art/mural installation process to promote public art in the City.	Partnerships	City of Lexington, Nonprofit Organizations, Citizens	
	AC 4.2	Examine local regulations related to street festivals (food trucks, arts, music, food, drink, booths, etc.) to more easily accommodate special events.	Ordinance Updates	City of Lexington	
	AC 4.3	Streamline the event registration/permitting application to be more easily accessible and user-friendly.	Ordinance Updates	City of Lexington	
	AC 5.1	Promote partnerships between local and regional government, local businesses, organizations, schools, university art programs, and charitable foundations to enhance event, programming, and facility development.	Partnerships	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners	
	AC 5.2	Establish an independent Arts and Culture Community Council to better facilitate arts and culture programming, initiatives, funding, and promotion between organizations and institutions in Lexington and Rockbridge County.	Programs and Services	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners	
	AC 5.3	Publish an arts and culture directory of programs, services, and funding available in the Lexington area.	Community Education	City of Lexington	
	HO 1.1	Pursue funding strategies such as Community Development Block Grants or local revolving loan funds to finance the rehabilitation of housing on behalf of residents in need.	Programs and Services	City of Lexington, Regional and Institutional Partners, Citizens	
	HO 1.2	Review regulations allowing accessory dwelling units in separate structures in appropriate residential areas.	Ordinance Updates	City of Lexington	Scheduled
	HO 2.1	Encourage energy efficiency and other green principles in the planning, design, construction, and rehabilitation of Lexington housing to reduce long-term ownership costs for residents.	Programs and Services	Local Business Partners, Citizens	
	HO 2.2	Expand provisions of Lexington's Zoning Ordinance allowing density bonuses for the creation of low- and moderate-income affordable housing units.	Ordinance Updates	City of Lexington	
	HO 3.1	Provide housing rehabilitation resources for elderly and low-income residents to support "aging in place" and preservation of neighborhood character.	Ordinance Updates	City of Lexington	
	HO 3.2	Protect existing affordable neighborhoods from losing housing stock to commercial conversions or other non-residential uses.	Ordinance Updates	City of Lexington	
	HO 3.3	Facilitate the redevelopment and expansion of East Nelson Street and South Main Street commercial areas into vibrant mixed-use neighborhoods with higher densities, a mix of housing types and a range of complementary uses.	Capital Improvements	City of Lexington, Local Business Partners	
	HO 3.4	Explore revisions to the zoning and subdivision ordinances to allow lots without street frontage, where appropriate, making additional infill lots possible.	Ordinance Updates	City of Lexington	
	HO 4.1	Conduct outreach to owners of downtown buildings with underutilized upper floors, explaining upper story zoning and building codes.	Community Education	City of Lexington, Local Business Partners, Nonprofit Organizations, Citizens	Upper floor life safety incentive





# Implementation

HO = Housing  
LU = Land Use

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	HO 5.1	Partner with local organizations to educate the public about heating systems, window-repair systems, storm windows, insulation, roof ventilation, and other energy-saving features suitable for existing buildings.	Community Education	City of Lexington, Local Business Partners, Nonprofit Organizations, Citizens	
	HO 5.2	Continue partnership with the Threshold Housing Commission as an affordable housing agency to coordinate and support the work of local housing non-profits. Cooperate with Threshold Housing Commission to organize and facilitate seminars and workshops on housing issues identified in the Comprehensive Plan needs assessment.	Partnerships	City of Lexington, Nonprofit Organizations	Workshop being developed
	HO 5.3	Explore modifying the City's zoning regulations to facilitate the creation of a variety of safe, affordable, and innovative housing options, including the establishment of small lot, attached units, and other housing types that achieve higher densities and a diversity of housing options.	Ordinance Updates	City of Lexington	Cottage Housing scheduled
	HO 5.4	Reevaluate the Rental Housing Inspection Program.	Programs and Services	City of Lexington	
	LU 1.1	Improve ADA, pedestrian, and bicycle access, safety, and connectivity along Neighborhood and Civic Corridors.	Capital Improvements	City of Lexington	Bike/Ped Plan
	LU 1.2	Identify opportunities to connect neighborhoods through sidewalks, shared use paths, and trail improvements and require such connections in new development or redevelopment proposals.	Plans and Studies	City of Lexington	Bike/Ped Plan
	LU 2.1	Collaborate with the private sector to attract investments in Opportunity Areas that increase the City's tax base and offer unique residential, shopping, dining, lodging, and entertainment opportunities.	Partnerships	City of Lexington, Local Business Partners	
	LU 2.2	Promote the economic vitality of Commercial Centers through the coordination of public and private sector investment to enhance their function and attractiveness.	Partnerships	City of Lexington, Local Business Partners	
	LU 2.3	Strongly encourage W&L to program new construction within the present University boundaries to preclude any further loss of local business and industry, as well as the loss of limited taxable land.	Partnerships	City of Lexington, Regional and Institutional Partners	
	LU 3.1	Facilitate creative residential, commercial, and mixed-use development designs that enhance the community's sense of place and character.	Programs and Service	City of Lexington	
	LU 3.2	Prioritize capital improvements such as wayfinding, streetscaping, and undergrounding utilities in designated Gateways, Corridors, and Centers.	Capital Improvements	City of Lexington	Pipe Lining in Providence Hill
	LU 3.3	Create an attractive Gateway along South Main Street near Lee Highway, including redevelopment of the former Virginia Department of Transportation parcel.	Capital Improvements	City of Lexington, Local Business Partners	Negotiating to purchase VDOT
	LU 3.4	Encourage attractive redevelopment along the Civic Corridor at Lee Highway and East Nelson Street, adding pedestrian and bike facilities to this automobile-focused area.	Capital Improvements	City of Lexington, Local Business Partners	
	LU 3.5	Assess the implementation of the Downtown Enhancement Plan to create a more attractive, vibrant, walkable, and bikeable downtown.	Capital Improvements	City of Lexington	Bike/Ped Plan
	LU 4.1	Enhance the City's online GIS tools to incorporate the Future Planning Framework map and additional zoning information, such as land use conditions and proffers.	Programs and Service	City of Lexington	Ongoing
	LU 4.2	Engage the community to identify development goals for Opportunity Areas and assess the need for small area plans for these areas.	Community Education	City of Lexington, Citizens	

# Implementation





LU = Land Use  
TR = Transportation

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	LU 5.1	Evaluate land use applications and capital improvements against the applicable Future Planning Framework design principles and planning objectives.	Ordinance Updates	City of Lexington	
	LU 5.2	Review the impact and implications of Future Planning Framework designations on existing zoning ordinances and procedures and recommend changes necessary to align the City's ordinances with the Plan's concepts.	Ordinance Updates	City of Lexington	
	LU 5.3	Consider developing a Design and Construction Standards Manual to support implementation of the Future Planning Framework and ensure consistent and quality development throughout the City.	Community Education	City of Lexington	
	LU 5.4	Explore the creation of a new Planned Unit Development zoning district focused on unique and flexible mixed residential development.	Ordinance Updates	City of Lexington	Scheduled
	LU 5.5	Continue communication and coordination between City and County planning staff and long-range plans to achieve regional land use goals.	Partnerships	City of Lexington, Regional and Institutional Partners	
	LU 5.6	Continue regular communication and coordination with W&L and VMI leadership to maintain Lexington's engagement in physical and programmatic additions to these institutions of higher learning.	Partnerships	City of Lexington, Regional and Institutional Partners	Ongoing
	TR 1.1	Implement safety and ADA accessibility improvements, including signage, traffic calming, and traffic control devices where appropriate.	Plans and Studies	City of Lexington	
	TR 1.2	Identify and make improvements to the City's busiest intersections to organize traffic and increase safety.	Ordinance Updates	City of Lexington	
	TR 1.3	Develop a comprehensive bicycle and pedestrian plan to retrofit streets to make them safer for bicycles and pedestrians.	Ordinance Updates	City of Lexington	Bike/Ped Plan
	TR 1.4	Support the development of facilities and parking for bicycles and other micromobility devices.	Ordinance Updates	City of Lexington	Bike/Ped Plan
	TR 2.1	Develop and implement design requirements for new construction and redevelopment projects to upgrade sidewalks and improve access management provisions, such as interparcel connections and limitations on curb cuts.	Ordinance Updates	City of Lexington, Local Business Partners	
	TR 2.2	Require identification and mitigation of initial and long-term transportation and parking impacts associated with proposed developments.	Partnerships	Regional & Institutional Partners, City of Lexington	
	TR 2.3	Support the development and siting of e-vehicle charging stations and facilities to assist the transition to lower emission vehicle use.	Plans and Studies	City of Lexington, Local Business Partners	Sheetz
	TR 3.1	Balance and appropriately mitigate impacts to historic, cultural, and natural resources throughout the transportation planning and construction process.	Capital Improvements	City of Lexington, Regional & Institutional Partners	
	TR 3.2	Develop streetscape standards for entrance corridors, such as E and W Nelson Street and N and S Main Street.	Ordinance Updates	City of Lexington	
	TR 3.3	Implement wayfinding for key gateways, corridors, intersections, and parking areas.	Capital Improvements	City of Lexington	
	TR 3.4	Create an interconnected network of pedestrian and bicycle infrastructure to link neighborhoods to downtown, parks, and other historic and green infrastructure amenities. Target bicycle and pedestrian connection and corridor improvements along Neighborhood and Civic Corridors.	Capital Improvements	City of Lexington	Bike/Ped Plan






# Implementation

TR = Transportation  
CF = Community Facilities & Infrastructure

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	TR 4.1	Ensure fairness, equity, and community engagement in the transportation planning process and its nexus with housing, services, health, safety, and livelihood needs of all citizens and groups.	Programs and Services	City of Lexington	
	TR 5.1	Ensure that multimodal improvements, such as sidewalk and bike facilities, are included in the Capital Improvement Plan and street repaving plans, and identify additional funding sources, including public-private partnerships, to complete and maintain projects.	Capital Improvements	City of Lexington	
	TR 5.2	Share planning and costs with other jurisdictions when City road improvements have mutual benefits.	Partnerships	Regional & Institutional Partners, City of Lexington	
	TR 5.3	Support regional efforts to increase ridesharing, carpooling, transit, telecommuting, and public transportation.	Partnerships	Regional & Institutional Partners, City of Lexington	
	CF 1.1	Conduct an ADA accessibility study of City facilities, streets, and walkways and implement recommendations, as appropriate.	Programs and Services	City of Lexington	
	CF 1.2	Integrate accessibility and safety into park facility design to ensure that parks and playgrounds are safe and inclusive for all users.	Capital Improvements	City of Lexington	
	CF 1.3	Ensure equity in service delivery for all of Lexington's neighborhoods and demographics.	Programs and Services	City of Lexington, Citizens	Green Hill water/ sewer upgrades
	CF 1.4	Investigate the need for a community center to provide quality facilities that promote lifelong learning and achievement for all residents.	Programs and Services	City of Lexington, Regional and Institutional Partners	
	CF 2.1	Review the city's building systems and the use of renewable energy sources for upgrades to achieve energy efficiency and potential cost-savings.	Plans and Studies	City of Lexington	
	CF 2.2	Resolve the contingency water supply agreement with Rockbridge County due to the impracticability of piping water from the Moore's Creek Reservoir to the City's water treatment facility.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 2.3	Evaluate the feasibility of implementing a stormwater fee to fund improvements to the City's stormwater management system.	Programs and Services	City of Lexington	On hold
	CF 2.4	Construct water, wastewater, and stormwater system improvements to reclaim capacity and ensure efficient and high-quality service.	Capital Improvements	City of Lexington	Green Hill & Providence Hill
	CF 2.5	Repair and upgrade the City's sewer lines to address inflow and infiltration (I&I) to protect water quality and ensure sewer capacity is maintained.	Capital Improvements	City of Lexington	Green Hill & Providence Hill
	CF 2.6	Implement cemetery improvements that support the financial sustainability and viability of the facilities by increasing burial capacity.	Capital Improvements	City of Lexington	
	CF 2.7	Ensure that new development assesses impacts on public facilities and infrastructure and adequately mitigates impacts specifically attributable to that development.	Ordinance Updates	City of Lexington, Local Business Partners	
	CF 2.8	Regularly evaluate the refuse and recycling program to identify cost-effective improvements and opportunities for program expansion.	Programs and Services	City of Lexington	






# Implementation

CF = Community Facilities & Infrastructure

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	CF 3.1	Evaluate administrative space needs at City Hall and explore options to renovate the existing building or relocate and market the existing building for reuse and historic rehabilitation.	Capital Improvements	City of Lexington	
	CF 3.2	Reconstruct the public works complex to provide safe, functional, and operationally-efficient facilities.	Capital Improvements	City of Lexington	
	CF 3.3	Continue efforts to provide high-quality parks and recreation resources by implementing the Jordan's Point Park master plan, expanding amenities at the Brewbaker Athletic Complex, and maintaining existing parks.	Capital Improvements	City of Lexington	Jordan's Point Park budgeted
	CF 3.4	Support continued investment in the regional library system that improves the Lexington library as a center of community and learning.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 3.5	Ensure that improvements of the public realm (sidewalks, curbs, street trees) are planned and executed in an integrated, coordinated manner when undertaking upgrades to sewer, water, or road infrastructure.	Plans and Studies	City of Lexington	
	CF 4.1	Continue to seek citizen input on service needs and priorities to ensure equitable investment in infrastructure and facilities.	Community Education	City of Lexington, Citizens	
	CF 4.2	Continue public safety engagement and programs, such as volunteer fire and rescue and community risk reduction programs, that encourage cooperation between public safety officials and citizens.	Community Education	City of Lexington, Regional and Institutional Partners, Citizens	
	CF 5.1	Perform periodic studies/surveys of adequacy, quality, effectiveness, and equity of City service delivery, including service expansion.	Plans and Studies	City of Lexington	
	CF 5.2	Coordinate and support internal, local, and regional partnerships for shared services, infrastructure, and facilities that benefit City residents and ensure sustainable and cost-effective services.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 5.3	Include public and private utility providers in the planning stage of all infrastructure and development projects to determine needs and upgrades as part of project development.	Partnerships	City of Lexington, Local Business Partners, Regional and Institutional Partners	
	CF 5.4	Continue partnerships with the Rockbridge Area Recreation Organization and the Rockbridge Area Outdoor Partnership and support implementation of the Rockbridge Area Outdoor Recreation and Trail Plan.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 5.5	Conduct a comprehensive fire and rescue needs assessment and facility plan to address space needs and maximize fire and rescue response times.	Plans and Studies	City of Lexington	
	CF 5.6	Continue partnering with Rockbridge County to provide state-of-the-art education and facilities for Lexington high school students.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 5.7	Enhance the City's disaster preparedness through continued participation in regional Hazard Mitigation Planning through the Central Shenandoah Planning District Commission.	Plans and Studies	City of Lexington, Regional and Institutional Partners	Plan adopted
	CF 5.8	Work with Rockbridge County and Buena Vista to assess and address the long-term needs of the Rockbridge Regional Jail.	Partnerships	City of Lexington, Regional and Institutional Partners	
	CF 5.9	Work with the health system and other health providers to implement the Rockbridge Area Community Health Assessment, where possible.	Partnerships	City of Lexington, Regional and Institutional Partners	

# Implementation

GO = Governance

Value	ID	Strategies	Type of Implementation	Responsible Agency	Status
	GO 1.1	Actively foster diversity in recruiting and appointments to boards and commissions.	Programs and Services	City of Lexington, Citizens	
	GO 1.2	Create a diversity hiring initiative plan for the City and school system workforce.	Programs and Services	City of Lexington	
	GO 2.1	Work with Main Street Lexington, Chamber of Commerce, and other organizations to engage businesses and promote the City's continued economic growth.	Partnerships	City of Lexington, Nonprofit Organizations, Local Business Partners, Regional and Institutional Partners	Walker Program
	GO 3.1	Ensure that the City's land use regulations are reviewed regularly and updated accordingly to reflect the community's vision.	Ordinance Updates	City of Lexington, Citizens	
	GO 3.2	Ensure that the City's land use regulations are applied and enforced in a professional and consistent manner.	Ordinance Updates	City of Lexington	
	GO 4.1	Experiment with civic engagement techniques to create new opportunities for public participation.	Community Education	City of Lexington, Citizens	
	GO 4.2	Improve the transparency and exchange of information, incorporating comprehensive and contemporary communication strategies to engage residents and increase equity in public participation across generations and demographics.	Programs and Services	City of Lexington, Citizens	
	GO 5.1	Maintain and strengthen partnerships, collaboration, and communication between the City and institutions of higher learning.	Partnerships	City of Lexington, Regional and Institutional Partners	
	GO 5.2	Improve coordination with Rockbridge County and the City of Buena Vista on policies including, but not limited to, long-range planning, strategic initiatives, and other regional interests.	Partnerships	City of Lexington, Regional and Institutional Partners	
	GO 5.3	Link the annual budget review and the update of the Capital Improvement Plan (CIP) to the Comprehensive Plan and the Strategic Plan involving all City departments.	Capital Improvements	City of Lexington	Ongoing
	GO 5.4	Conduct an annual review of accomplishments to implement the Comprehensive Plan, including recommendations for budget and work plan priorities, as part of Planning Commission's annual report to City Council.	Plans and Studies	City of Lexington	Ongoing
	GO 5.5	Support the School Board in identifying successful techniques for ensuring all students are successful as defined by measures of best practices.	Programs and Services	City of Lexington	

<ul style="list-style-type: none"> <li>• <b>Blue, existing CIP/Budget process based on Lexington’s budget calendar.</b></li> <li>• <b>Red, additional steps to align the comprehensive plan and the CIP.</b></li> <li>• <b>Brown, additional activities related to City Council</b></li> </ul>	
<b>September</b>	<b>Begin a Comp Plan review (see Annual Review activities)</b>
<b>October</b>	<b>Budget education to include presentation on Budget Process by Finance Director and ongoing Projects Status by Director of Public Works</b> <b>Council identifies goals from the City’s Strategic Plan to be advanced in the next fiscal year (how the Strategic Plan is integrated into the budget and CIP process is at the pleasure of City Council).</b>
<b>November</b>	<b>Staff prepares requests for capital projects--due in early December (see Note 2)</b> <b>Planning Commission reviews the list of <u>new</u> capital projects recommended by staff and nominates/prioritizes new capital projects for the CIP.</b>
<b>December</b>	<b>Planning Commission Annual Report. PC identifies accomplishments from the Comprehensive Plan review and its work plan for the coming year.</b>
<b>January</b>	<b>Planning Commission’s Annual Report is presented to City Council.</b>
<b>February</b>	<b>Council Work Session on CIP</b> <b>The initial review of the CIP by City Council is reported to the Planning Commission.</b>
<b>March</b>	<b>Public Hearing and Adoption of CIP by Council</b>
<b>April</b>	<b>Budget work sessions for City Council</b>
<b>May</b>	<b>Public Hearing on Budget</b>
<b>June</b>	<b>Budget adoption and the appropriations resolution</b>

## Green Infrastructure Working Group

Draft-Sept 9, 2021

### Introduction

The goal of the Green Infrastructure chapter in the Lexington Comprehensive Plan 2040 is to "protect, preserve and promote Lexington's natural ecosystems and green infrastructure as a cornerstone of sustainable development and social, environmental, and economic well-being." The Green Infrastructure Working Group was instrumental in developing this Chapter and provided recommendations incorporated into the Chapter.

Upon completing the Comprehensive Plan, the Planning Commission recommended a series of catalyst projects to the City Manager and the City Council to help launch the Comprehensive Plan. One such project was to reconvene the Green Infrastructure Working Group to review the Green Infrastructure chapter and recommend actions based on the strategies outlined in the Chapter.

The Planning Commission recommends that the reconvened Green Infrastructure Working Group advise the Planning Commission on the two activities below. In addition, the Planning Commission has nominated two members to participate in the working group and serve as liaisons to the Commission, facilitate the discussions and provide support.

### Activities

The working group can undertake two initial activities over an initial six months:

1. Provide advice and practical recommendations during the development of the bicycle-pedestrian plan under the broader theme of enhancing Connectivity, " create a continuous publicly-accessible green infrastructure network that connects neighborhoods, destinations within the City, waterways, and regional assets."(Green Infrastructure Strategy 3.1, p. 50).
  - Lexington's Planning staff successfully submitted a grant application for a citywide bike and pedestrian plan to the Virginia Office of Intermodal Planning and Investment to provide technical assistance in developing a plan. The consultant firm Michael Baker International will undertake the over 9 to 12 months, starting in \_\_\_\_\_, 2021). The project will include public input during stakeholder meetings, an electronic survey, Planning Commission, and City Council public meetings.
2. Review the Green Infrastructure Chapter, advise the Planning Commission and the City Council on implementing the strategies, and consider how the Group can support these initiatives, possibly organizing efforts under a series of themes.

### Membership

The initial working group included fourteen members representing local government, education and health care institutions, businesses, nature center, and several residents. Members contributed their expertise and knowledge of Lexington and Rockbridge County. It is recommended that many of the same members continue; additional members can be considered.

## Green Infrastructure Working Group (To be Confirmed)

Membership of the working group can change based on the theme (s) addressed by the Group. The following names are suggested based on the focus on the pedestrian/bicycle plan. Bolded names participated in the initial working group.

1. **Red Newt's Bike Shop**, Dave Walsh
2. **VMI**, Dale Brown
3. **W&L**, Hugh Latimer
4. **Carilion Clinic**, Community Health Coordinator, Holly Ostby
5. **RACC**, Lee Merrill/Barbara Walsh
6. **Boxerwood**, Elise Sheffield
7. **ABL Landscape Architecture**, Arthur Bartenstein
8. **Planning Commission**, Pat Bradley
9. **Planning Commission**, John Driscoll
10. Friends of Brushy Hills, \_\_\_\_\_
11. Resident, Robin LeBlanc
12. Resident, \_\_\_\_\_
13. Resident Betty Besal (former city arborist and cyclist)
14. Chessie Trail, Chris Wise
15. Running Store, \_\_\_\_\_

## Reporting

The GIWG is an independent advisory group providing advice to the Planning Commission and the City Council. The Planning Commission and the Working Group can review the merits of continuing the advisory activities after this initial six-month engagement.

## Timing

- Initial contact to confirm members (September 2021)
- First meeting (October by Zoom)
- Second meeting, November 2021
- Third meeting, December 2021
- Fourth meeting, January 2022
- Fifth meeting, February 2022,
- Sixth meeting, March 2022

Planning Commission appreciates the willingness of the GIWG to continue its previous efforts in support of developing a Green Infrastructure Chapter in the Comprehensive Plan. We value the time, technical expertise, and vision of all members undertaking this endeavor. Thank you for your work in ensuring the quality of life of Lexington.