LEXINGTON ARCHITECTURAL REVIEW BOARD

Thursday, October 7, 2021 at 4:30 P.M.
Second Floor Conference Room, Lexington City Hall
300 E. Washington Street, Lexington, VA

AGENDA

1. CALL TO ORDER

2. APPROVAL OF AGENDA

3. APPROVAL OF MINUTES:
   A. September 16, 2021 Minutes*

4. NEW BUSINESS:

5. OTHER BUSINESS
   A. Discussion of Small Cell Zoning Text Amendment – addition to Design Guidelines
      1) Staff Report*
      2) Public Comment
      3) Board Discussion & Recommendation

6. ADJOURN

*indicates attachment

Lexington Architectural Review Board
Thursday, September 16, 2021 – 4:30 p.m.
Second Floor Conference Room
Lexington City Hall
MINUTES

Architectural Review Board:
Present: C. Alexander, Chair
A. Bartenstein
R. LeBlanc
E. Teaff

Absent: J. Goyette
C. Honsinger, Alternate A
B. Crawford, Alternate B

City Staff:
Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER:
Chair Alexander called the meeting to order at 4:30 p.m.

AGENDA:
The Agenda was approved unanimously as amended by A. Bartenstein. (R. LeBlanc/E. Teaff)

MINUTES:
Meeting minutes from September 2, 2021 were approved unanimously. (R. LeBlanc/A. Bartenstein)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA:
None.

NEW BUSINESS:

A. COA 2021-26: an application by Diane Myshka for a Certificate of Appropriateness for a new projecting sign and a new window sign at 116 North Main Street, Tax Map # 17-3-B, owned by Investment, LLC.

1) Staff Report - This is an application to approve a Certificate of Appropriateness (COA) for a new projecting sign and new window sign for Next Level Hearing at 116 N. Main Street. The proposed circular projecting sign is 26 inches in diameter and made of a double-sided PVC material with digital decals and painted and sealed edges. It features blue text and graphics on a white background and will hang from a previously approved sign bracket. The sign will not be illuminated. The proposed window sign is a vinyl 24 inch by 28 inch rectangle with a vertical orientation, applied to the lower middle window pane. It features white text and graphics on a clear background. Staff finds the proposal meets zoning criteria.
2) Applicant Statement – Donelle DeWitt, sign designer – was present.

3) Public Comment – None
4) Board Discussion & Decision – **C. Alexander moved to approve the application as presented. E. Teaff seconded and the motion passed unanimously. (4-0)**

B. COA 2021-27: an application by Tommy Stuart for a Certificate of Appropriateness for new signage and exterior painting and improvements at 5 W. Nelson Street, Tax Map # 23-1-83, owned by John Sheridan.

1) Staff Report – This is an application to approve a Certificate of Appropriateness (COA) for exterior improvements and new signage for the Tommy's Arcade business at 5 West Nelson Street. The improvements proposed consist of replacing the awning and repainting the portion of the storefront beneath the awning. The proposed awning is from the Sunnyside Awning Company in "Red Tweed," the trim paint is Benjamin Moore White Dove and the entry door paint is Benjamin Moore Athens Blue. There are three window signs and one internally illuminated sign proposed. The first window sign is to be applied to the storefront glass and is 60" by 6" (2.5 square feet in area). This window sign is to feature "Tommy's Game Center" in katakana font on white vinyl. The second window sign is to be a 20" by 16" white calendar marker board (2.22 square feet in area) to be hung inside the window. The third window sign is to be applied to the door glass and is 18" by 7.2" (0.9 square feet in area). It is to be a vinyl sign with blue and white text on a red background. The internally illuminated neon "Tommy's" sign is to be approximately 36" by 12" (3 square feet in area) and hung inside the street-facing storefront glass. A new projecting sign and sign bracket are also proposed. The sign is to be 40" by 16" double sided, expanded PVC material with laminated digital decals applied to both sides and painted and sealed edges. The projecting sign is to have a white border with blue and white text on a red background. The sign bracket is to be a 40" modular steel bracket with adjustable rings and a 3" steel ball finial. It will have a textured black powder coat finish. Staff finds the proposal meets zoning criteria.
2) Applicant Statement – Tommy Stuart, business owner – clarified how the proposed window calendar would be used. There was discussion regarding the proposed colors to be used in the projecting sign.
3) Public Comment – None
4) Board Discussion & Decision –
    - **E. Teaff moved to approve the proposed paint colors for the trim and door. R. LeBlanc seconded and the motion passed unanimously. (4-0)**
    - **E. Teaff moved to approve the awning replacement as presented. C. Alexander seconded and the motion passed unanimously. (4-0)**
    - **R. LeBlanc moved to approve the proposed projecting sign and armature as presented in the application. E. Teaff seconded and the motion passed unanimously. (4-0)**

    There was discussion about the precedent for the neon window sign in the Downtown Historic District. R. LeBlanc voiced her support for the neon sign and the proposal as a whole**. R. LeBlanc moved to approve the neon sign and the vinyl katakana window sign. E. Teaff seconded and the motion passed**

unanimously. (4-0)

- **R. LeBlanc moved to approve the calendar. C. Alexander seconded and the motion passed unanimously. (4-0)**

OTHER BUSINESS:

A. Discussion of Small Cell Zoning Text Amendment – addition to Design Guidelines

1) Staff Report – A. Glaeser briefly explained the intent of this amendment and reviewed the proposed format. He explained why staff has proposed the Board review and modify language from Middleburg, Virginia's Historic District Design Guidelines to add to the Lexington Historic District Design Guidelines and directed Board Members' attention to the version in the staff report containing mark-ups suggested at the September 2nd meeting. R. LeBlanc voiced concern that, if adopted, the proposed language for small cell facilities would be far more specific than the language applying to most other architectural features. She further noted that some of the specificities concerning color, screening, etc. may not be appropriate in every circumstance. A. Glaeser suggested that staff could provide language from another jurisdiction, perhaps Williamsburg, which is a bit more generic, or the Board could amend the language provided to remove the portions it feels are too specific. After additional discussion, there seemed to be general agreement that the addition to the guidelines should provide a more generic approach to the treatment of technological facilities or "emerging technologies" in general, which would include small cell facilities, but would also include such items as charging stations, solar panels and other as yet unknown technologies. There was then discussion clarifying that the Board would have no authority to review new "structures" added to the public right of way. A. Glaeser noted the state legislation allows for the denial of a small cell application on public property for "aesthetic impact" and suggested that having existing criteria in the Design Guidelines would give staff something on which to base a determination of the aesthetic impact of an administrative review project. A. Glaeser said for the next meeting, staff would provide the Board with the Williamsburg language as well as the Middleburg language in an attempt to come up with something more generic and which would give the Board more latitude.
2) Public Comment – None.

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ADJOURN:

The meeting adjourned unanimously (R. LeBlanc/C. Alexander) at 5:37 p.m.

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A. Bartenstein, Architectural Review Board

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

The Broadcasting or Communication Tower use and design standards will be reviewed first because they include the majority of the limitations imposed by the State in 2017.

Proposed Amendments to the Historic Design Guidelines

Section 15.2-2316.3 of the Code of Virginia also allows the City to require small cell facilities comply with architectural review guidelines in historic districts and revisions to the Lexington Historic District Design Guidelines are proposed.

The Lexington Zoning chapter includes an article for the Historic Downtown Preservation District and another article for the Residential Historic neighborhood Conservation District. Both of these articles include criteria known as considerational factors that shall be contemplated before the issuance of a Certificate of Appropriateness by the Architectural Review Board. With the adoption of design guidelines in 2020, the considerational factors were amended to add any applicable provision of the city's design guidelines in the issuance of a Certificate of Appropriateness. The design guidelines can therefore be amended with new guidelines for small cell facilities, and any future small cell facility application must be in compliance with the adopted small cell design guidelines in order for the Architectural Review Board to approve a Certificate of Appropriateness.

Article VIII. Historic Downtown Preservation District (Lexington Zoning Chapter)

§420-8.6. Certificate of appropriateness.

A. Action by Architectural Review Board.

*B. Considerational factors. Before a certificate of appropriateness is issued by the Board, and upon conferring with the applicant for the certificate of appropriateness, the Board, in addition to other pertinent factors which may be involved in the execution of the purposes and objectives declared in **§420-8.1**, shall consider:*

1. *The historical or architectural value and significance of the building or structure and its relationship to or congruity with the historic value of the land, place or area in the Historic Downtown Preservation District upon which it is proposed to be located, constructed, reconstructed, altered or repaired.*
2. *The appropriateness of the exterior architectural features of such building or structure to such land, place or area and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the Historic Downtown Preservation District and environs.*
3. *The general exterior design, arrangement, textures, materials, planting and color proposed to be used in the location, construction, alteration or repair of the building, structure or improvement and the types of windows, exterior doors, lights, landscaping and parking viewed from a public street, public way or other public place and their relationship to or congruity with the other factors to be considered by the Board under this section.*

4. *Any applicable provisions of the city's design guidelines*
   (Proposal is to add new small cell facility design guidelines to the Lexington Historic District Design Guidelines)

C. *Factors not necessarily considered.*

Article IX. Residential Historic Neighborhood Conservation District (Lexington Zoning Chapter)

§420-9.8. Considerational factors.

Before a certificate of appropriateness is issued by the Board for work within these Residential Historic Neighborhood Conservation Districts, and upon conferring with the applicant for the certificate of appropriateness, the Board, in addition to considering the purposes and objectives specified in ***§420-9.1****, shall consider:*

A. *The appropriateness of the exterior architectural features of the building and its relationship to or congruity with the exterior architectural features of other land, places, areas, buildings or structures in the Residential Historic Neighborhood Conservation District and environs.*

B. *The general exterior design, arrangement, textures, and materials proposed to be used in the construction of the building when viewed from the public street (or streets in the case of a corner lot) along the lot front of said building and its relationship to the other factors to be considered by the Board under this section. Among other things, the Board is to consider the overall architectural design, form and style, including the height, mass, proportion and scale; architectural details, such as the design and style of decorative or functional fixtures, such as lighting, windows and doors; the design and arrangement of buildings on the site; and the texture and materials of a proposal when assessing architectural compatibility.*

C. *Any applicable provisions of the city's design guidelines.*
   (Proposal is to add new small cell facility design guidelines to the Lexington Historic District Design Guidelines)

Lexington, Virginia Historic District Design Guidelines Table of Contents

(The full Lexington Historic District Design Guidelines can be found at http://lexingtonva.gov/civicax/filebank/blobdload.aspx?t=59454.53&BlobID=28194)

F. Site appurtenances
G. Small Cell Facilities

(Proposal is to add new small cell facility design guidelines after the site appurtenances section of the guidelines for site design)

5. Guidelines for existing buildings – elements
6. Guidelines for existing buildings – materials
7. Guidelines for new construction & additions
8. Guidelines for awnings, canopies & marquees
9. Guidelines for signs
10. Guidelines for painting
11. Guidelines for energy conservation
12. Guidelines for accessibility
13. Guidelines for archaeology
14. Guidelines for vacant buildings
15. Moving & demolition

Lexington, Virginia Historic District Design Guidelines

IV. SITE DESIGN

Provided below are examples of design guidelines for small cell facilities from four municipalities: Middleburg, VA, Williamsburg, VA, Hickory, NC, and Beechwood, OH.

Middleburg model

(The following language is from the Town of Middleburg, VA Historic District Design Guidelines for "small cell facilities and other wireless antennas and infrastructure" and was reviewed and discussed during the September 2nd and 9th ARB meetings. Amended language suggested by Lexington ARB Members and staff on September 2nd is in red.)

~~*In 2018, the Federal Communications Commission (FCC) issued guidance and adopted rules to streamline wireless infrastructure siting review processes to facilitate the deployment of nextgeneration wireless facilities.[1] To address the growing demand for wireless technology across the United States, cellular providers propose to increase the capacity of their networks by deploying small cell infrastructure, a new lower-powered antenna technology, to reduce data traffic load on larger cell towers. This new technology requires infrastructure to be installed in closer proximity to the users on the ground and this infrastructure will affect the aesthetics of public spaces.*~~

~~*In its order, the FCC concluded that aesthetics requirements are not preempted if they are (1) reasonable, (2) no more burdensome than those applied to other types of infrastructure deployments, and (3) objective and published in advance.[1] As with other types of antennas and utility facilities providing contemporary functionality, small cell antennas (and its supporting equipment) and other wireless antennas, such as those providing municipal wi-fi, are generally incompatible with*~~

~~*the character of the Downtown and Residential Historic Districts, and their inappropriate location can have a negative visual impact on those Districts.*~~

G. Small Cell Facilities

In concert with the preceding guidelines for ~~site design and elements~~ appurtenances, the following guidelines are provided pertaining to small cell and other wireless antennas and infrastructure (collectively "facilities"):

1. *To the greatest extent practicable, such facilities must be hidden from view.*
2. *Any small cell or other wireless antenna must be as small as possible consistent with the minimal requirements for reception and transmission, but in no case shall any antenna exceed ~~three (3)~~ six (6) cubic feet in volume.*
3. *All other wireless equipment associated with any such facility must also be as small as possible consistent with the minimal requirements for reception and transmission, but in no case shall such equipment have a cumulative volume of more than 28 cubic feet*
4. *If located on or adjacent to a building, such facilities must be located in the most inconspicuous location.*
5. *In no case shall any installation of such facilities directly to a building be done in such a manner that the method of attachment will cause harm or degradation to the building facade, architectural features or any structural element.*
6. *Such facilities should not be ~~mounted on front roofs of buildings~~ ~~because they create visual disruption of the historic streetscape and are difficult to screen effectively. Such facilities shall not disrupt the architectural character of a structure; rather, they should be hidden behind architectural features, such as a parapet. If there is no parapet, they shall be mounted as far back from the roof line as possible and painted to match the predominant color of the roof to limit visibility~~ visible from a public right-of-way.*

   [1] Accelerating Wireless and Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Fed. Reg. Vol. 83, No. 199 (Oct. 15, 2018). Federal Register: The Daily Journal of the United States Government.

7. *Conduit and cabling should not be installed on building facades that may be seen from the public right-of-way. If there is no practicable alternative such as interior cabling or location on a non-visible facade, then any such conduit or cabling must be as minimal in size as possible and of a color compatible with the structure.*
8. *Any facilities collocated on existing utility poles or on new support structures shall be in a matte black finish.*
9. *Aside from antennas and cabling, no other facilities should be collocated on existing utility poles. Any additional required facilities (e.g. equipment cabinet) should be ground mounted.*
10. *Aside from antennas and cabling, no other facilities shall be located on a new support structure. Any additional required facilities (e.g. equipment cabinet) shall be ground mounted.*

11. *Any ground mounted facilities shall be completely enclosed and screened with vegetation. When located adjacent to a building, such ground mounted facilities may alternatively be screened with an enclosure of material and color compatible with the building.*

12. *New support structures (i.e. poles) for such facilities are not appropriate on Main Street between ? Street and ? Street. This core section of the Downtown Historic Preservation is predominantly characterized by buildings sited directly to, and sometimes encroaching into, the public right-of-way. Coupled with often narrow sidewalks and decorative streetlights, this section of Main Street does not offer an appropriate setting for new support structures and facilities. Alternatively, applicants should look to existing utility pole infrastructure located off of, and behind structures along, Main Street for collocation of such facilities.*

13. *If collocation on existing utility pole infrastructure is not feasible, any new support structures for such facilities should be sited alongside existing utility pole infrastructure located off of, and behind structures along, Main Street in existing rights-of-way or utility easements. Location away from existing sidewalks and streets is preferred.*

14. *Any new support structure that must be located along or adjacent to an existing sidewalk or street shall be round, smooth metal in a matte black finish, should be no larger than 6" in diameter and shall provide for interior cabling. The height of any such structure shall be no higher than necessary consistent with the requirements for reception and transmission, but in no case shall exceed 30 feet in height. Deployments needing additional height shall collocate on an existing building or utility pole without increasing its height to exceed 30 feet or on a new support structure located away from existing sidewalks and streets.*

15. *Any new support structure located along an existing sidewalk or street shall align with existing features such as utility poles and trees as to maintain organization and keep out of the pedestrian path.*

16. *New support structures located away from existing sidewalks and streets, ~~and alongside or in line with existing utility poles, may~~ shall match such existing utility poles in design and material. ~~Such new support structures~~ If alongside or in line with existing utility poles, they should be no taller or larger in diameter than such existing utility poles. Cabling along any wood support structure shall be within conduit or otherwise covered, with such conduit or covering to be in a matte black finish.*

17. *In no case shall any new support structure or facilities impede safe and convenient pedestrian circulation or vehicular traffic, to include VDOT standards for sight distances, nor create any conflict with access to and from public or private parking spaces.*

18. *In no case shall any new support structure or facilities violate applicable local, state or federal law, including the Americans with Disabilities Act.*

19. *In no case shall any new support structure or facilities be located within 15 feet from an existing fire hydrant or building's fire department connection.*

20. *Any proposed pruning or removal of trees, shrubs or other landscaping in conjunction with the location or collocation of such facilities must be approved by the City. In all cases, tree "topping" or other improper pruning is prohibited. In no case shall the City be obligated to approve removal of a tree from the public right-of-way or from private property where such tree is required by a site plan governing the property's development.*

(Town of Middleburg, Virginia, adopted 4/11/19)

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Williamsburg model

G. Small Cell Wireless Facilities

(The following language is from the Williamsburg Design Review Guidelines for "small cell wireless facilities" and adjustments will be needed to fit Lexington. There are three Architectural Preservation districts and the singular Corridor Preservation District is split into guidelines for commercial buildings and for residential buildings. The guidelines below apply to the AP-2 District which contains the older neighborhoods surrounding the AP-1 District, such as College Terrace, Burns Lane, etc., the AP-3 District which contains post World War II Colonial Revival and more modern style dwellings such as those located in Pinecrest, Capitol Court, Crispus Attucks, and West Williamsburg Heights, and the Corridor Protection District for commercial and residential buildings)

1. Facilities located on the interior of a building are permitted. Facilities not visible from the Colonial Williamsburg Historic District Area CW or from a public right-of-way may be allowed if appearance and screening requirements are designed as outlined in the Design Review Guidelines.
2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW or a public right-of-way. Facilities shall be painted the same color as the structure for facilities affixed to the exterior of a building. All surfaces must contain a matte finish. Co-location on utility poles on private property must be painted to match the utility pole color. No shiny or reflective surfaces shall be allowed.
3. Screening may be required for facilities. If required, screening shall match the existing building material. If there is no existing building, the facility must be screened with a wooden privacy fence not to exceed six-feet in height. Salt-treated wooden fences must be painted or stained with the finished side of the fence facing the street and/or adjacent properties.

(Note – Williamsburg is in the process of amending their Comprehensive Plan and their Design Guidelines. A draft of their updated Design Guidelines reveals there are no changes proposed to the small cell facility guidelines.)

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Hickory, North Carolina Historic Preservation Commission model

~~2.7~~ *G. Small Cell Wireless Facilities*

~~Small cell wireless facilities are the next generation of broadband infrastructure being deployed by wireless providers to meet a growing demand for faster speed and greater data availability. Small cell facilities use a different radio frequency output, footprint, and range compared to traditional cell towers, also known as, macro cell facilities. Most small cell wireless facilities will be located on utility poles or small towers located within the public street right-of-way to cover small, but densely populated areas. While this infrastructure is necessary to meet the next generation of wireless technology, known at 5G, careful placement of these facilities is necessary to maintain the character of historic districts and landmarks.~~

1. Collocation of small cell wireless facilities on existing buildings and structures, including traffic signals, street lights, utility poles, and flag poles, is preferred over the installation of new stand-alone poles.
2. If new poles are necessary, the alignment, spacing, materials, size, height, and overall appearance should closely match existing pole structures in the area, such as traffic signals, street lights, and utility poles. A decorative base for new metal poles is encouraged.
3. In areas with both metal and wooden pole infrastructure present, new small cell wireless poles using metal are preferred.
4. New small cell wireless poles should function as street lights.
5. Small cell wireless facilities should not be located in a manner that obstructs the direct line of sight between the front of a building and the street. Facilities should be located between building frontages.
6. Antennas necessary for small cell wireless facilities should not exceed the height of the pole structure they are attached to by more than five (5) feet. Antennas should be minimized in overall size and should incorporate stealth measures on new or replacement poles.
7. Equipment associated with small cell wireless facilities, including but not limited to remote radio units (RRUs), cabinets, and cables, should be fully concealed inside new or replacement poles or use other stealth measures. Associated equipment should not excessively protrude in width or height from the pole and should be minimized in overall size. Ground mounted equipment should be limited and when necessary, it should not conflict with existing utilities.
8. If ground or low mounted equipment is necessary, the equipment should be screened thought landscaping of sufficient height or other concealment measures. Locating equipment underground is encouraged.

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Beechwood, Ohio model

G. Small Cell Facilities

~~905.12 HISTORIC DISTRICT REGULATIONS.~~

Except antennas, all Small Cell Equipment to be located in the Right-of-Way in a Historic District shall be located in an underground vault or shall be subject to such reasonable, technologically feasible, and non-discriminatory design or concealment measures as the City may specify, as long as such measures do not have the effect of prohibiting or materially inhibiting the Facilities Operator's provision of service. Such measures are not considered part of the small cell facility for purposes of facility size restrictions in this Chapter or Chapter 903 of the Codified Ordinances. A waiver application submitted pursuant to Section 905.13(d) will be considered if such measures are shown to be technologically infeasible.

(Ord. 2019-85. Passed 8-5-19.)