

LEXINGTON PLANNING COMMISSION

April 14, 2022 - 5:00 P.M
Lylburn Downing Middle School Cafeteria
302 Diamond Street, Lexington, VA 24450

AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF THE AGENDA**
3. **APPROVAL OF MINUTES**
Minutes from March 24, 2022*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
 - A. CPA 2022-01: An Application by Washington & Lee to amend the future land use designation for 12 Lee Avenue be changed from "Downtown Center" to "Civic/Campus/Post"
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - 5)
 - B. RZ 2022-02: An application by Washington & Lee to rezone multiple properties owned by the University to the I-1 Institutional Overlay District
 - 1) Staff Report
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - C. MPA 2022-01: Washington & Lee Campus Master Plan Update
 - 1) Staff Report
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
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
- 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
- 7) Green Infrastructure Group

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

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

The Lexington Planning Commission
Thursday, March 24, 2022 – 5:00 p.m.
Lylburn Downing Middle School Cafeteria
302 Diamond Street, Lexington, VA 24450

Planning Commission:

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

City Staff:

Arne Glaeser, Planning Director
 Kate Beard, Administrative Assistant

Washington & Lee Representatives:

Tom Kalasky
 Hugh Latimer

WORK SESSION

CALL TO ORDER

Chair Goodin called the meeting to order at 5:03 p.m.

Campus Master Plan presentation and discussion by Washington & Lee University

P. Bradley made the following statement and then left the dais and joined the public:
My wife is a W&L employee. By law, this means that I have a personal interest in the application by W&L for an update to their master plan and for rezoning of several of their properties. W&L is the sole entity coming before the Planning Commission with these applications. While many residents of Lexington are interested in the outcome of these proceedings, the properties in question belong solely to W&L. Therefore, a conflict of interest exists for me. In Lexington, this has customarily been sufficient cause for recusal. I do not see why that should change now. I did not address this before the hearing on February 24th because we had not received guidance from the City attorney's office on the matter until late that afternoon, and did not receive a formal opinion from that office until after the meeting. I have since studied carefully the relevant state statutes and the city's code of ethics, which itself leaves no doubt as to the proper course of action. Now I am taking the lead of my fellow Planning Commissioner and members of City Council who have recused themselves due to similar conflicts of interest, I have decided that I will abstain from further Planning Commission discussion about and voting on the W&L Master Plan business.

Tom Kalasky, Executive Director of Facilities Management and Planning at W&L, prefaced the presentation by saying that, in response to comments made during the February 24, 2022 public hearing, W&L resubmitted its rezoning and Master Plan applications to remove its properties in the McLaughlin Street "Triangle." He said the University was no longer requesting those properties be included in the Institutional Overlay or Campus Master Plan and pointed to the fact that the color of those parcels on the proposed map had be changed from blue to white to indicate that change. He said the properties would continue to be used as faculty and staff rental housing under the current R-1 zoning. He then led the Commission through a slide show presentation of the Campus Master Plan capital projects by zone.

He began with the projects proposed for the Academic Core along Stemmons Plaza and across Washington Street. He noted the Science Center renovation and addition, the completed Harte Center at Leyburn Library, a proposed expansion of dining capabilities at Elrod Commons, and the proposed Williams School expansion across Washington Street on the site of the existing Davis and Baker buildings. He said, “The Campus Master Plan is our vision for our built environment. Approval of the master plan is not approval for all of these projects, it is approval of the conceptual strategy for the built environment.” He noted each project would require various, additional approvals from the City - each building would require a building permit, some would require site plans, others would require Conditional Use Permits (CUPs). He then provided conceptual elevation drawings of the proposed Williams School arguing it would fit in well with the campus architecture around it.

In response to a question from M. Tuchler, Mr. Kalasky explained that the Planning Commission should be aware of all projects contemplated in the Campus Master Plan so as to understand the University’s thoughtful approach to the campus as a whole. J. Driscoll sought confirmation that, if accepted, the master plan would legally become a part of the City’s land use plan. A. Glaeser confirmed that was the case. He said that projects in the center of campus needed approval to become part of the land use control and approval process. Using the Elrod Commons project as an example, he explained that, while no site plan would be required for the project, it could not receive a building permit from the Planning Department if it were not approved through the Master Plan process. J. Driscoll then asked for and received confirmation that the Master Plan and the Institutional Overlay do not necessarily share the same boundaries.

Mr. Kalasky then outlined the Washington Street Entrance proposals which included reprioritizing traffic on Washington Street such that traffic would become one-way from the corner of Washington St. and Lee Ave. to the entrance to the service tunnel; burying all overhead utilities; installing new lighting; and facilitating better pedestrian crossings. The additional proposed improvements were intended to calm the automobile traffic in the area and to provide easier access to the main campus and additional bike lanes. He claimed Grace Episcopal was receptive and supportive of the proposal. He noted the other proposed projects in the district included the admissions/financial building and museum with 3 deck parking garage on Lee Avenue.

Responding to a question from B. Shester, Mr. Kalasky confirmed Washington Street is owned and maintained by the City. He suggested the City would continue to maintain the street, and the University would make the undergrounding and lighting improvements and maintain any speed table of other traffic calming features. M. Tuchler voiced concern that the benefits of the proposed traffic calming/redirection would be felt by the University but not as much by the community as a whole. Mr. Kalasky said W&L had engaged a traffic consulting engineer over a year ago. He said that Phase 1 traffic counts and data collection had already been conducted and Phase 2 confirmation of the data’s accuracy was underway. B. Shester asked where the traffic adjustment would fall in the sequence of the proposals for the area. Mr. Kalasky responded that the only project with a hard timeline was the Williams School - a 2 year project slated to start in the summer of 2023. He said the other projects were slated for after the construction of the admissions building and had no timeline. There was discussion about the current level of pedestrian traffic and its likely increase with the various proposed projects. A. Glaeser proposed the Commission would likely formulate a recommendation on a project-by-project basis and confirmed a recommendation for approval could be contingent upon a positive traffic analysis report. Mr. Kalasky added that W&L has submitted a proffer to the City to update the traffic

engineering studies as site plans and CUP applications are submitted. J. Driscoll said he hoped the traffic analysis would include Nelson Street.

Beth Belmont, 107 Myers Street – asked what W&L anticipates would happen to traffic that ventures into the northern part of W. Washington Street if the one-way traffic change is made and what area was included in the traffic study. She expressed concern about how the proposed traffic change would impact businesses on Washington Street. Mr. Latimer said the traffic study focused on Washington Street and extended to Jefferson Street, while the parking study extended to Main Street. He indicated the study could be expanded if needed.

B. Shester pointed out that students often use the existing raised traffic table on W. Washington Street for temporary parking and asked if there was data concerning accidents in the area. Mr. Kalasky said he was not aware of increased accidents and believed it had cut down on automotive traffic. J. Goodin asked for clarification of allowable building height. A. Glaeser explained that, unless building standards are specifically addressed in the approved master plan, building height would be determined by the underlying zoning. Mr. Latimer noted that the recently submitted Master Plan application included a proffer acknowledging that four of the proposed projects would require either a site plan or CUP approval. He added that the Williams school extension was the only project with hard details and he did not anticipate it exceeding the R-1 maximum building height. Responding to a question from N. Betts, Mr. Kalasky said the estimated height of the proposed museum on Lee Avenue was 54 feet and that W&L would seek a CUP for the project.

Mr. Kalasky stated the only project proposed in the McLaughlin Street District was the addition to Wilson Hall which would require a CUP due to its setback from the street. He then provided information about projects on Back Campus. He acknowledged prior comments and questions about access to Woods Creek Trail and said that though it is University property, W&L was working with VMI and the City to look at the trail holistically.

Elizabeth Boetsch, 410 Honeysuckle Hill – asked for clarification of the configuration of the parking decks for the proposed garage, which Mr. Kalasky provided. Ms. Boetsch then asked if construction of the garage would require the elimination of on-street parking on Lee Avenue. Mr. Latimer replied that would almost certainly be the case and indicated the intention was to work out a sharing arrangement to allow some form of public access to the garage. Ms. Boetsch commented that she did not believe there was such an arrangement for other W&L parking areas. She then pointed out that the initial phase of the traffic study was conducted during a period with less than normal traffic due to the pandemic. She questioned the safety of the proposed location of the Williams School extension given that it would lead to a tremendous increase in pedestrians crossing Washington Street. At J. Goodin's request, Mr. Kalasky clarified that none of the three proposed parking decks would be above street level.

During discussion about the proposed addition to Wilson Hall, Mr. Latimer shared that, in response to public comment, W&L submitted a proffer committing to relocate the aerial dance performances so that closing McLaughlin Street would not be necessary.

J. Driscoll suggested adding the City/County boundary line to the Master Plan map would enhance clarity. He observed that City Zoning asks for an overall parking framework, but that the Master Plan does not clearly describe all of the parking that currently exists. He also requested that the Master Plan map make clear that the conceptual boundaries are not the formal, legal boundaries. He noted the Institutional Overlay, as shown on the City's GIS, contained inaccuracies – an observation Director Glaeser acknowledged needed to be fixed.

N. Betts commented that if the majority of the Master Plan were approved, he believed it would make sense to also approve the proposed one-way traffic change for safety reasons.

At 6:09 p.m., Chair Goodin thanked Mr. Kalasky and Mr. Latimer for the presentation and announced the Commission would reconvene for its regular meeting after a 5 minute break.

REGULAR MEETING

CALL TO ORDER

Commissioners Bradley and Straughan returned to the dais and Chair Goodin called to order the regular meeting at 6:15 p.m.

AGENDA

The agenda was unanimously accepted as presented. (N. Betts / B. Shester)

MINUTES

Minutes from the March 10, 2022 meeting were unanimously approved as presented. (B. Shester /J. Driscoll)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. Discussion of Board of Zoning Appeals meeting on March 21, 2022 and the BZA recommendation to address the inconsistency between *accessory dwelling* in the use matrix and the definition of *accessory apartment*.

A. Glaeser explained the basis of the appeal heard by the BZA on March 21st and reported the Board had recommended correcting the inconsistency. After discussion of the issue, **J. Goodin moved to direct staff to make the definition and the use matrix consistent for accessory use. N. Betts seconded and the motion passed unanimously.** (7-0) Director Glaeser said he would provide language for the Commission to review at its next meeting.

B. ZOA 2021-04: Annual Zoning Ordinance Amendments. Planned Unit Development

- 1) Continued discussion of PUD text amendment – A. Glaeser reviewed the changes made to the draft text since the Commission’s last meeting and provided information about County building standards on Route 60, just east of the City. L. Straughan suggested considering whether there is a simpler way to accomplish mixed-use than what is being discussed. She requested Commissioners read the existing PUD language and think about what they are hoping to accomplish with the amendment that is not possible currently. J. Goodin requested that staff provide the Code section for Commissioners to review.
- 2) Public Comment – None

OTHER BUSINESS - None

A. Zoning and Planning Report – Director Glaeser reported the following:

- Sigma Nu mailed a courtesy notice to adjacent property owners announcing start of construction of the Center for Excellence.

- The monthly meeting with the Bide/Ped Plan consultants was rescheduled to the week of March 28th.
 - He notified the sign company for Lewis Gale at 539 E. Nelson Street that the temporary sign has expired.
 - He was out of the office for the week of March 14th and apologized for the delay in forwarding the packet for this evening's meeting.
 - The Building Official and the Fire Marshall have spent many hours assisting W&L with life safety compliance for this weekend's Fancy Dress Event.
 - W&L submitted a building permit application for 101 N. Jefferson Street to convert it to office use; they were made aware that a Conditional Use Permit would be required.
 - Threshold Housing Commission met on March 23rd and staff is still trying to contact DHCD to schedule another joint educational session.
 - He spoke with Chris Slaydon at Rockbridge County and learned the County will submit a Smart Scale application for 3 projects in the Rout 11 pedestrian study and is not interested in a joint application for Rout 60 in this round. Therefore there are no discussion topics for a joint meeting.
- B. Catalyst Projects Update –
- 1) Green Infrastructure Group: J. Driscoll reported the Green Infrastructure Group has begun working on its final report.
- C. Key Annual PC Milestones –
- 1) Cottage Housing – A. Glaeser reported the Planning Department received plans for a cottage housing development. He indicated the developer will likely file a Zoning Amendment application to make the development possible.

CITY COUNCIL REPORT

L. Straughan reported that City Council held a work session on March 15th to discuss criteria for choosing a developer for the Spotswood property. There will be a public hearing on April 7th. At its regular meeting, Council discussed a proposed amendment to the Sidewalk Snow Removal Ordinance, improvements to Evergreen Cemetery, and alternatives for determining Personal Property Tax.

ADJOURN

The meeting was adjourned at 6:59 pm with unanimous approval. (P. Bradley / B. Shester)

J. Goodin, Chair, Planning Commission

**Staff Report & Recommendation
Rezoning and Master Plan Amendment
CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan
update**

Project Name	Washington & Lee Campus Master Plan Update 2022
Property Location	W&L campus (Tax Parcel #s NM19, NM15, NM16, NM17, 17-1-4, 16-1-2, 15-1-38, 15-1-39, 15-1-40, 16-1-3, NM57, NM13, NM7, NM19, NM6, NM8, NM57, NM4, NM3, NM2, NM12, NM14, NM11, 8-1-1, 16-3-B, 16-3-A, NM58, 16-1-64, 16-1-63, 16-1-65, 16-1-62, 16-1-61, 16-1-44, 16-1-16, 16-1-17, 16-1-13, 16-1-40#, 16-1-37, 16-1-31, 16-1-30, 16-1-29, 16-1-28, 16-1-32, 16-1-36, 16-1-35, 16-1-34, 16-1-33, 15-1-36, 16-5-1, 16-1-11, 16-1-6, 16-1-5, 16-1-4, 24-1-55A, 24-1-54, 24-1-55A#, 24-1-56, 24-1-57, 24-1-59, 24-1-62, 24-1-63, 24-1-58, 16-1-43, 16-1-42, 16-1-41, 16-1-26, 16-1-25, 16-1-24, 16-1-21, 16-1-20, 16-1-19, 16-1-18, 16-1-15, 16-1-14, 16-1-12, 16-1-7, 16-1-38), and 6 parcels requested to be rezoned: a) Tax Parcel 16-1-41; b) Tax Parcel 16-1-33, 16-1-34, 16-1-35, 16-1-36; and c) a portion of Tax Parcel 15-1-36, and a comprehensive plan amendment requested for Tax Parcel 16-1-41.
Current Zoning	R-1 (General Residential District), C-1 (Commercial Central Business), R-LC (Residential-Light Commercial), R-M (Multifamily Residential), I-1 (Institutional Overlay), and, where applicable, FP (Floodplain Overlay)
Owner/Applicant	Washington & Lee University / Hugh Latimer, W & L University
Applicant's Intent	Washington and Lee University submitted a request for the approval of an updated master plan for the W&L campus including a request to amend the Comprehensive Plan to change the future land use designation for 12 Lee Avenue from <i>Downtown Center</i> to <i>Civic/Campus/Post</i> and to rezone 6 parcels to the I-1 zoning district because these parcels were not part of previous campus master plan approvals for W&L and must be rezoned to I-1 Institution overlay district in order to be considered with the proposed Campus Master Plan.

PC RECOMMENDATION: PENDING

STAFF RECOMMENDATION: **CPA 2022-01**- Approval, if it is determined 12 Lee Avenue is unlikely to be developed by a non-institutional entity.
 RZ 2022-02 - Approval
 MPA 2022-02 - Approval with conditions

W&L CAMPUS MASTER PLAN, GENERAL LOCATION MAP (not to scale)



OVERVIEW OF REQUEST

The subject applications request to amend the City's Zoning Map to rezone six (6) properties (see *table beginning of page 6*) to the I-1 (Institutional [Overlay] District), while retaining the existing underlying zoning districts as well as the FP (General Floodplain [Overlay] District) zoning as it applies to the properties. Additionally, the applicant is seeking to amend the University's Campus Master Plan, required for institutional uses within the I-1 zoning district, to incorporate the uses of the properties, both existing and proposed. Finally, the applicant is seeking to amend the Comprehensive Plan to change the Future Land Use designation from *Downtown Center* to *Civic/Campus/Post* for the property located at 12 Lee Avenue so that the requested rezoning of this parcel is in compliance with the Future Land Use Designation.

The submitted Campus Master Plan establishes a decade-long vision and provides recommendations for integrating ten capital projects in support of the Strategic Plan for W&L. These include:

1. the Center for Academic Resources and Pedagogical Excellence (Harte Center) in the Leyburn Library,

2. expansion of the Science Center,
3. the Williams School expansion,
4. renovation and expansion of Elrod Commons,
5. the Institutional Museum,
6. a parking deck on Lee Avenue,
7. a new Admission and Financial Center,
8. expansion of Wilson Hall,
9. a Softball complex, and
10. two potential sites for Upper Division Housing.

WASHINGTON & LEE UNIVERSITY MASTER PLAN HISTORY

The University's first Campus Master Plan was approved by City Council on August 22, 1985 and since that time there have been a number of amendments to the Campus Master Plan, as well as a number of conditional use permits and site plans approved. We believe the most current Campus Master Plan update that provided a master plan map for the entire campus was adopted in 1998. Detailed files cannot be found for the submittal in 1998, and specifically there is no application that indicates whether additional properties were rezoned to the I-1 zoning district at that time. Staff, therefore, makes the assumption that all of the parcels within the red boundary line shown on the "Campus Master Plan" map dated February 1998 and denoted Job Number 15-3859 are a) zoned to the I-1 overlay zoning district, and b) included in the 1998 Campus Master Plan approval (see map in Appendix B). From this baseline assumption we can determine what has been added to the W&L Campus Master Plan through rezoning, amendment, conditional use permit, and what has been approved through the site plan review process. After significant research, staff compiled a timeline of land use approvals beginning in 1985 for W&L and that timeline can also be found in Appendix B.

A comparison of the parcels contained in the 1998 approval and of the parcels contained in the Master Plan submittal was conducted to determine whether all of the parcels added since 1998 have been rezoned to the I-1 overlay zoning district and included in an amendment to the Master Plan. This comparison also took into account land use approvals that occurred since the approval of Master Plan in 1998 as shown on the aforementioned timeline. This comparison was needed because the records of past approvals is poor and a number of conflicts are evident on the City's Institutional Overlay map particularly at it applies to the W&L campus.

INSTITUTIONAL DISTRICT I-1 - INTENT AND CONCEPT

In 1985 Lexington amended the city's zoning ordinance by adding a new overlay zoning district. The Institutional District (I-1) (Article VII of the Zoning Ordinance) was designed to allow larger scale institutional uses such as universities and medical campuses to

**Staff Report & Recommendation
Rezoning and Master Plan Amendment**

**CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan
update**

develop in accord with master plans approved by the City Council. By approval of a master plan, Council pre-authorizes various land uses that are described and located within the area incorporated within the master plan. Land uses not shown and described in the master plan can only be approved through the issuance of a conditional use permit by City Council, after review and recommendation by the Planning Commission.

Also outlined in Article VII, the intent behind the concept of the I-1 zoning district is that it function as an *overlay district*, meaning that the application of the overlay district on property does not result in a change of the underlying zoning district (or other overlay districts, such as the General Floodplain District) or the regulations that may be derived from the underlying or base zoning district. For example, a property can be zoned R-1 as the underlying zoning district, and have an institutional overlay that is implemented with an approved master plan. Uses allowed on the hypothetical subject parcel are the uses permitted in the R-1 zoning district (and, if applicable, the conditional uses via the approval of a conditional use permit), and the parcel specific approval(s) contained in the approved master plan. A building permit cannot be issued by the City in this instance for any uses that are not a) permitted in the R-1 zoning district, or b) specifically approved for the parcel in an adopted master plan.

Development standards (building height, lot area, lot width, setback, parking, etc.) may be proposed as part of a submitted master plan request. If development standards are not proposed as a part of a master plan, the development standards applicable to the underlying zoning districts shall apply (Section 420-7.5 of the Zoning Ordinance). Site plans are required for new development approved within a master plan, and if the new development is within 200 feet of a public street or within 200 feet of a boundary of the area included within the master plan, City Council must approve the site plan (Section 420-7.8 of the Zoning Ordinance).

The *Campus Master Plan Proffer Statement* included with the Master Plan Amendment application proposes a limited number of development standards for four of the proposed capital projects. The Williams School expansion building is proposed to be 75 feet in height while the maximum height allowed in the underlying R-1 zoning district is 45 feet. The new Admission and Financial Center building is proposed to be 50 feet in height while the maximum height allowed in the underlying R-1 zoning district is 45 feet. The Institutional Museum and parking deck on Lee Avenue are proposed to be 54 feet in height while the maximum height allowed in the underlying C-1 zoning district is 45 feet. The expansion of Wilson Hall is proposed to be six feet from the front property boundary along McLaughlin Street while the minimum front yard setback in the R-LC zoning district is 25 feet.

With the exception of the proffered development standards, the capital projects must adhere to the remaining development standards found in the underlying zoning

district(s). Projects must meet either the proffered development standards or the underlying zoning district standards to be issued building permits. Deviation from the proffered development standards or from the underlying zoning district standards requires a master plan amendment or conditional use permit approval.

The *Campus Master Plan Proffer Statement* acknowledges the removal of the 12 University owned properties bordered by McLaughlin Street, Glasgow Street and W. Nelson Street from the request to rezone properties to the I-1 zoning district. These properties will continue to be used by the University in conformance with the R-1 zoning district provisions. The previous request to close McLaughlin Street for aerial dance performances has also been withdrawn and the Proffer Statement commits the University to undertaking a traffic engineering study. This engineering study includes vehicular traffic, pedestrian movement, street layouts, and crosswalks and safety features. The findings from the engineering study will be updated/validated as conditional use permits or site plans are prepared and submitted for the a) new Williams School building, b) new Admission and Financial Aid Center, c) Institutional Museum and parking deck, and d) addition to Wilson Hall.

MASTER PLAN AMENDMENT APPLICABLE ZONING ORDINANCE SECTIONS

Article VII. Institutional District I-1

Section 420-7.3., Permitted uses (in part)

A building and/or land shall be used for the following purposes:

- A. Insofar as uses are generally consistent with the base district, public and private schools, colleges, universities, medical campuses and other educational or research institutions which have been approved as part of a master plan as set forth herein below, and including hospitals and other medically related facilities, dormitory or other student housing, university-administered fraternity and sorority houses, other fraternity and sorority houses with conditional use permits, staff and faculty housing, classroom, library, religious, administrative, recreational, athletic, alumni, parking and service facilities, signs and other accessory uses owned by or operated under the control of such institution.*
- B. Facilities such as those set forth in Subsection A of this section, but which have not been approved as a part of a master plan as set forth below, shall require a conditional use permit.*

Pursuant to Article VII, uses are allowed as prescribed by an approved master plan, with the focus on institutional uses and associated accessory uses. Facilities that are allowed in the Institutional Overlay, but have not been approved through a master plan, can seek approval through the conditional use permit.

Section 420-7.6., Master plan.

B. Action by Planning Commission; amendments.

- (1) The Planning Commission shall approve the master plan when it finds, after reviewing a report from the Zoning Administrator and after holding a public hearing thereon, that the development shown on the master plan is in compliance with the requirements of the Institutional District I-1 and other applicable provisions of this chapter; that such development will not be detrimental to the public health, safety and welfare or unduly injurious to property values or improvements in the neighborhood and will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan; and that adequate public services are or reasonably will be available. Otherwise, the Commission shall disapprove the plan.*

- (2) The action of the Commission shall be based upon a finding of fact, which shall be reduced to writing and preserved among its records. The Commission shall submit to the Council a copy of its finding and a copy of the master plan, together with its recommendations.*

- (3) Amendments to the master plan may be accomplished by the same procedure as for an original application.*

Staff finds that the proposed uses generally comply with the requirements of the Institutional District (see specific project recommendations beginning on page 9) and other applicable provisions of the Zoning Ordinance, are not detrimental to the public health, safety and welfare or unduly injurious to property values or improvements in the neighborhood, are not in conflict with the policies and principles of the City's adopted Comprehensive Plan, and that adequate public services are available. One noted caveat is the guidance provided in the Comprehensive Plan encouraging W&L to look within its present holdings for future growth rather than acquiring additional land, and how this guidance should be applied to the vacant parcel at 12 Lee Avenue (see recommendation on page 15).

ZONING MAP AMENDMENT, VIRGINIA FACTORS TO CONSIDER

Code of Virginia, Title 15.2, Counties, Cities and Towns, Chapter 22, Planning, Subdivision of Land and Zoning, §15.2-2284, Matters to be considered in drawing and applying zoning ordinances and districts

Zoning ordinances and districts shall be drawn and applied with reasonable consideration for the existing use and character of property, the comprehensive plan, the suitability of property for various uses, the trends of growth or change, the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies, the transportation

**Staff Report & Recommendation
Rezoning and Master Plan Amendment**

**CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan
update**

requirements of the community, the requirements for airports, housing, schools, parks, playgrounds, recreation areas and other public services, the conservation of natural resources, the preservation of flood plains, the protection of life and property from impounding structure failures, the preservation of agricultural and forestal land, the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the locality.

ZONING MAP AMENDMENT, LEXINGTON FACTORS TO CONSIDER

To determine the appropriate use and development form for a specific parcel, property owners should refer to the Future Land Use Map and the corresponding planning objectives and design principles in the Lexington Comprehensive Plan 2040. Ultimately, the specific use and zoning of an individual parcel will be reviewed by the City using the Comprehensive Plan as a guide. The following table lists the 6 properties proposed to be rezoned to the Institutional Overlay zoning district as well as the Comprehensive Plan designation for each.

SUBJECT PROPERTIES PROPOSED FOR REZONING TO INSTITUTIONAL OVERLAY (I-1)						
Property	Tax Map #	Area	Existing Zoning	Existing Use	Proposed Use	Comp Plan
12 Lee Avenue	16-1-41	+/- 0.147 ac	C-1	Vacant-Commercial	Institutional History Museum and Parking Deck	Downtown Center
0 W. Washington Street	16-1-33	+/- 0.19 ac	R-1	Open Green Space	Continued Open Green Space	Civic/Campus/Post
220 W. Washington Street	16-1-34	+/- 0.14 ac	R-1	Open Green Space	Continued Open Green Space	Civic/Campus/Post
218 W. Washington Street	16-1-35	+/- 0.14 ac	R-1	Open Green Space	Continued Open Green Space	Civic/Campus/Post
216 W. Washington Street	16-1-36	+/- 0.22 ac	R-1	Open Green Space	Continued Open Green Space	Civic/Campus/Post
223 McLaughlin St.	15-1-36	+/- 0.82 ac	R-LC & FP	Partially occupied	Expansion of Wilson Hall	Civic/Campus/Post & Mixed Use Neighborhood

In order to assist with the evaluation of each zoning request, the following sections include the Future Land Use Map from the Comprehensive Plan as well as statements and strategies regarding W&L that are included in the Lexington Comprehensive Plan 2040.

COMPREHENSIVE PLAN

The Comprehensive Plan contains the following statements and strategies regarding W&L, the subject properties and the rezoning request:

- *Institutional uses also make up a major part of Lexington. The two institutions of higher learning that help define the City are found north and east of the downtown. Importantly, while Virginia Military Institute (VMI) is a branch of state government and therefore exempt from local zoning and other land use regulations, Washington and Lee (W&L) is a private institution whose land use is governed by a university master plan approved by the City. (page 79)*
- *W&L is a private institution and is therefore subject to City land use authority. All parcels that make up the University are zoned, and most university properties are covered by the City's Institutional Overlay zone. (page 82)*
- *W&L is currently undertaking a significant campus master planning effort, the adoption of which is subject to City review and approval. In considering such proposals, the City will continue to encourage W&L to look within its present holdings for future growth rather than acquiring additional land. Not only would additional expansion further erode the City's tax base, removal of viable commercial activities from an already limited downtown is harmful to the health and vigor of this vital commercial district. (page 83)*
- *The University owns most, but not all, of the houses in the block bounded by Glasgow, Nelson, and McLaughlin Streets and adjacent to the University's Lenfest Center for the Arts and Gaines hall. Any proposed redevelopment of this block should mimic the scale and architecture of adjacent historic homes. (page 83)*
- *Because of W&L's proximity to Lexington's historic downtown, it is paramount that new or expanded buildings complement the scale and architectural quality of surrounding buildings. The City should also ensure that any campus master plan proposal evaluate and mitigate current and anticipated parking, transportation, and economic impacts. (page 97)*

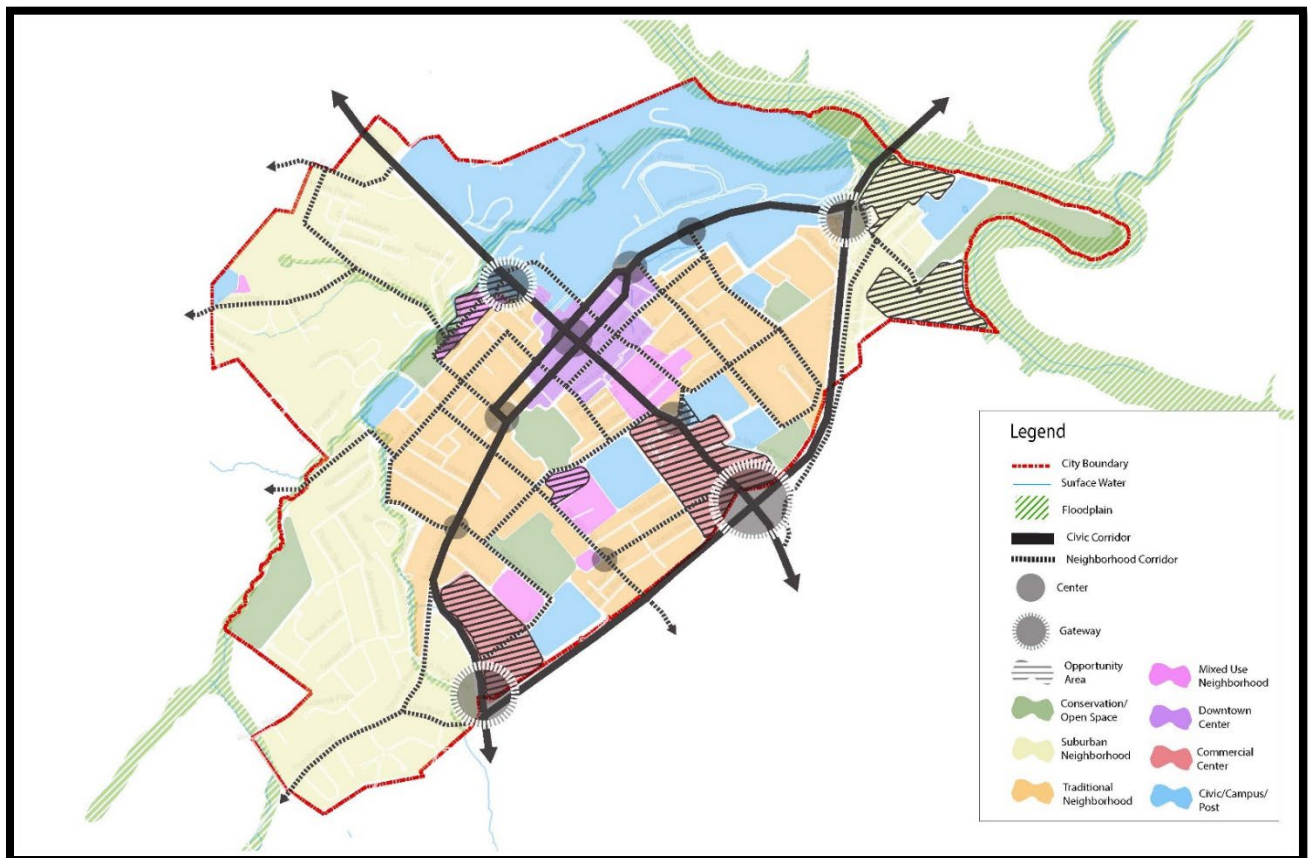
Strategy LU 2.3

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 table land.

Strategy 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.

FUTURE LAND USE MAP FROM COMPREHENSIVE PLAN



REVIEW OF PROPOSED CAMPUS MASTER PLAN CAPITAL PROJECTS

- 1) Center for Academic Resources and Pedagogical Excellence (Harte Center)**
The Harte Center is a proposed state-of-the-art Teaching and Learning Center to support faculty development and to support student learning. The Harte Center

program is fully contained within the footprint and volume of the existing Leyburn Library located in the center of the academic core along Stemmons Plaza. Negative community impacts are not expected from the proposed internal renovations to the Leyburn Library.

Plan element requiring City approval:

- ▶ Partial conversion of the Leyburn Library to a teaching and learning center.

2) Science Center expansion

The Science Center, comprised of Parmly, Howe, and the Science Center addition, is planned for comprehensive renovation along with two additions to include adaptable teaching and laboratory space, and an expansion of the IQ Center. This building is located within the academic core along Stemmons Plaza and negative community impacts are not expected from the proposed renovations and expansion of the Science Center.

Plan element requiring City approval:

- ▶ Expansion of the Science Center and IQ Center.

3) Williams School renovation and expansion

The proposed master plan includes two major facility initiatives for the Williams School of Commerce, Economics, and Politics. Huntly Hall, the current home of the Williams School, and the adjacent Holekamp Hall are the focus of significant upgrades and renovation. The second facility is a new faculty office and classroom building to be located on the Baker-Davis site, just south of W. Washington Street. The current proposal also incorporates a new student health center in this building, however, the University is continuing to evaluate the appropriate location for the health center and it is possible it will not ultimately be located within the new faculty office and classroom building. The Campus Master Plan Proffer Statement specifies a maximum building height of 75 feet for the new Williams School expansion building while the underlying zoning of R-1 limits height to 45 feet.

The Williams School expansion building is distinctive because it will be the first academic building south of W. Washington Street, and the Campus Master Plan explores options for W. Washington Street and Lee Avenue including re-prioritization of traffic patterns, a number of additional pedestrian crossings, and additional right-of-way improvements. These are also the only improvements proposed for property that is owned by the City and not by the University, and staff therefore recommends a separate discussion be held apart from this master plan amendment to consider improvements in the City's right-of-way for W. Washington Street and Lee Avenue. Another distinguishing characteristic of the proposed improvements in the City's right-of-way is that approval will likely be obtained through a written agreement rather than through the site plan, building permit, and possible conditional use permit

approvals required for the capital improvements planned for University property. At most, staff recommends City Council agree to further discuss options for W. Washington Street and Lee Avenue after the impacts of the Williams School expansion building are clarified through the offered traffic impact analysis.

Huntley and Holekamp Halls are located in the academic core and the renovation of these buildings is not expected to cause negative community impacts. The proposed expansion building for the Williams School is not located within the academic core and will impact travel along W. Washington Street. Further review and approval of the Williams School expansion building will benefit from the University's offer to conduct a traffic impact analysis to be submitted with any conditional use permit application or site plan application for the proposed expansion building.

Plan element requiring City approval:

- ▶ Renovation of Huntley and Holekamp Halls.

- ▶ Site for the Williams School expansion building on the south side of W. Washington Street up to 75 feet in height.

- ▶ Re-prioritization of traffic patterns, additional pedestrian crossings along W. Washington Street and Lee Avenue, and additional right-of-way improvements.

4) Elrod Commons renovation and expansion

The 100,000 square foot Elrod Commons, completed in 2003, serves as the center for student life and activities. A portion of the existing space within the Elrod Commons building will be repurposed while two additions are proposed to the Marketplace Level to provide additional dining seating capacity. This building is located within the academic core along Stemmons Plaza and negative community impacts are not expected from the proposed renovations and expansion of the Elrod Commons.

Plan element requiring City approval:

- ▶ Renovation of Elrod Commons.

- ▶ Additions to the Marketplace level for additional dining seating capacity.

5) Institutional History Museum and 6) Parking Deck

A modern museum is included in the Campus Master Plan to present W&L's history comprehensively and accurately. The Museum is planned on the street level of the proposed Lee Avenue Parking Deck on the site of the existing Chavis House and Casa Hispanica, both of which are planned for demolition. The adjacent Mattingly House may become part of the Museum pending future architectural programming

and design studies. The Campus Master Plan Proffer Statement provides a maximum building height of 54 feet for the new Institutional History Museum and Lee Avenue Parking deck while the underlying zoning of C-1 limits height to 45 feet.

The conceptual design for the Museum illustrates a three-story building over a two-story parking garage that extends past the eastern boundary of the museum building and occupies a significant portion of the middle of the block bounded by Nelson, Jefferson, and Washington Streets, as well as by Lee Avenue. The location of the parking garage in the middle of this block requires additional, privately owned parcels be acquired, in conflict with the Comprehensive Plan policy encouraging W&L to stay within its present holdings for future growth rather than acquiring additional land. The addition of the Museum and the Parking Deck to the Campus Master Plan necessitates the submittal of a traffic impact study prior to or concurrent with the required site plan submittal and a conditional use permit is required for a parking facility located in the C-1 zoning district.

There are four existing parcels to be utilized for the museum/parking structure in addition to the aforementioned privately owned parcels to potentially be acquired. This entire block is located in the C-1 zoning district which coincides with the boundaries of the Downtown Historic Preservation District. This signifies the proposed demolition of the Chavis House, Casa Hispanica, and Mattingly House structures must be reviewed and approved by the Lexington Architectural Review Board prior to demolition. A fourth parcel that is currently vacant and already owned by W&L comprises the last parcel along Lee Avenue that is to accommodate the proposed museum/parking deck. While the other three parcels were included in the 1998 Campus Master Plan, this fourth parcel at 12 Lee Avenue was not, and needs to first be rezoned to the I-1 overlay district in order to be considered for inclusion in the current Campus Master Plan amendment. A rezoning to the I-1 overlay district, however, is not in compliance with the Lexington Comprehensive Plan. The University is therefore, also requesting a comprehensive plan amendment to change the Future Land Use Designation from *Downtown Center* to the *Civic/Campus/Post* designation to support the request for the rezoning of 12 Lee Avenue to the I-1 overlay district. The proposed museum/parking deck is not located in the academic core and will impact travel along Lee Avenue. Further review and approval of the proposed Institutional History Museum and Lee Avenue Parking Deck will benefit from the University's offer to conduct a traffic impact analysis to be submitted with any conditional use permit application or site plan application for the proposed Museum and Parking Deck.

Plan element requiring City approval:

- ▶ Comprehensive Plan amendment for 12 Lee Avenue from *Downtown Center* designation to the *Civic/Campus/Post* designation.

- ▶ Rezoning of 12 Lee Avenue to the I-1 Institutional Overlay district.
- ▶ Demolition of a) Casa Hispanica at 4 Lee Avenue, b) Chavis House at 10 Lee Avenue, or c) Mattingly House at 2 Lee Avenue.
- ▶ New site for the Institutional History Museum and Lee Avenue Parking Deck up to 54 feet in height.
- ▶ Expansion of Campus Master Plan boundary into the middle of the block bounded by Washington, Jefferson, Nelson Streets and Lee Avenue to accommodate the parking deck.

7) Admission and Financial Center

The existing Early-Fielding building is proposed to be replaced with a new Admission and Financial Center encompassing approximately 28,600 square feet. The east portion of the building at Lee Avenue would house welcome, meeting and assembly functions, and the portion along Washington Street would house the Admission and Financial Aid programs. In contrast to the parcels on the south side of Lee Avenue, the Early-Fielding building is located in the R-1 zoning district (with the I-1 overlay) and does not require the Architectural Review Board's approval for demolition. The Campus Master Plan Proffer Statement provides a maximum building height of 50 feet for the new Admission and Financial Center building while the underlying zoning of R-1 limits height to 45 feet.

The proposed Admission and Financial Center is not located in the academic core and will impact travel along Lee Avenue and W. Washington Street. Further review and approval of the proposed Admission and Financial Center will benefit from the University's offer to conduct a traffic impact analysis to be submitted with any conditional use permit application or site plan application for the proposed Admission and Financial Center.

Plan element requiring City approval:

- ▶ Demolition of the Early-Fielding building and construction of a new Admission and Financial Center up to 50 feet in height.

8) Wilson Hall expansion

The Campus Master Plan provides a conceptual strategy for expanding Wilson Hall to accommodate additional rehearsal space needs, and the proposed layout includes rehearsal space for the Department of Music, Choir, and Orchestral groups. The Campus Master Plan illustrates an addition to the McLaughlin Street side of Wilson Hall with the rehearsal spaces at street level and supplemental large equipment storage located on the below-grade, lower level. The Campus Master Plan Proffer Statement provides a front yard setback of 6 feet from the front property

line along McLaughlin Street while the underlying zoning of R-LC requires a minimum 25 foot front yard setback.

Generally the proposed expansion of Wilson Hall is not expected to cause negative community impacts in an area the City already considers to be an arts and culture district. Locating the proposed addition to Wilson Hall as close as 6 feet from the front property line along McLaughlin Street may impede sight distances along McLaughlin Street, and any impacts from the proposed addition will be revealed in the traffic impact analysis. Further review and approval of the proposed addition to Wilson Hall will benefit from the University's offer to conduct a traffic impact analysis to be submitted with any conditional use permit application or site plan application for the proposed addition to Wilson Hall.

Plan element requiring City approval:

- ▶ Expansion of Wilson Hall up to 6 feet from the front property line along McLaughlin Street.

9) Upper Division Housing

In support of future housing needs, the Campus Master Plan identifies two potential sites for upper division housing on back campus. The first site is located south of the W&L Turf Field and is located within the City of Lexington. The second site is located to the northeast of Lewis Hall and located in Rockbridge County. The additional housing is intended to provide upper division on-campus living options for students who are not engaged with Greek organizations. Negative community impacts are not expected from either proposed location for addition upper division housing.

Plan element requiring City approval:

- ▶ Site for additional upper division housing on back campus.

10) Softball Field

The proposed softball field is in the back campus area in Rockbridge County and is not expected to create any negative community impacts.

11) Pedestrian Bridge over Woods Creek

Another project mentioned for the back campus area is the Woods Creek Green Link that is intended to link the existing back campus facilities to the established academic core of the front campus. This Link provides a clear route back to the central campus and includes a proposed pedestrian bridge over Woods Creek to a lower level of the Leyburn Library. The proposed bridge is intentionally mentioned in this report because a building permit will be required for this new structure. Building permits can only be issued for projects included in a master plan and staff desires a specific approval of this smaller capital improvement.

Plan element requiring City approval:

- ▶ New pedestrian bridge over Woods Creek.

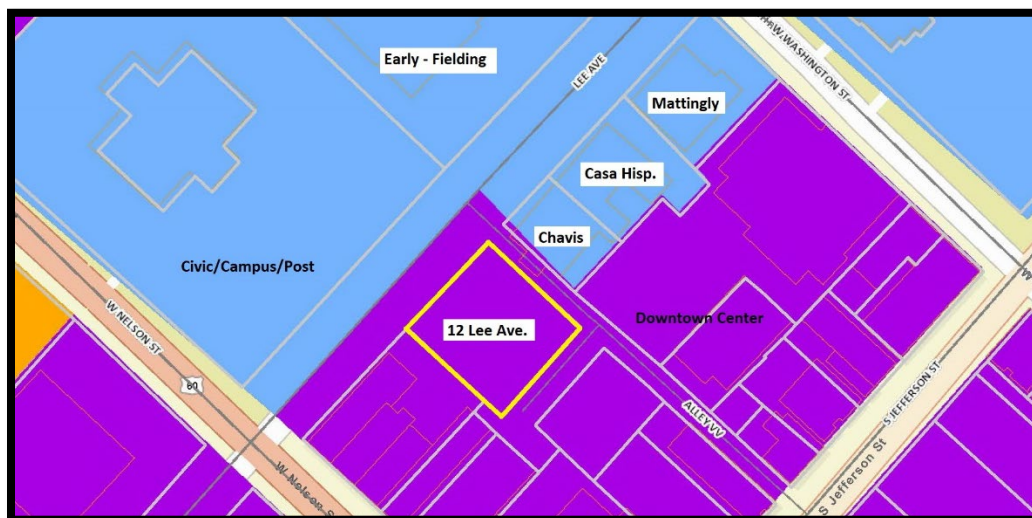
REVIEW OF PROPOSED REZONING & COMPREHENSIVE PLAN AMENDMENT REQUESTS

1) 12 Lee Avenue Parcel

The parcel located at 12 Lee Avenue is requested to be rezoned to the I-1 Institutional Overlay district while retaining the C-1 base zoning district. This parcel is currently vacant and is proposed to be integrated into the Institutional History Museum/Parking Deck proposal. All rezonings must be consistent with a parcel's future land use designation and the current *Downtown Center* future land use designation is not consistent with the request to rezone to the I-1 Institutional Overlay district. The rezoning request is supported by an application to also change the future land use designation of 12 Lee Avenue to the *Civic/Campus/Post* designation for consistency with the rezoning request.

The Comprehensive Plan 2040 encourages W&L to look within its present holdings for future growth rather than acquiring additional land because further expansion of the University erodes the City's tax base, and removes viable commercial activities from an already limited downtown. The parcel in question has been vacant for a significant period of time and redevelopment will require substantial investment. Consideration should be given to the subject parcel's redevelopment potential by a non-institutional use prior to the approval of a comprehensive plan amendment and rezoning to the I-1 Institutional Overlay district.

12 Lee Avenue Future Land Use



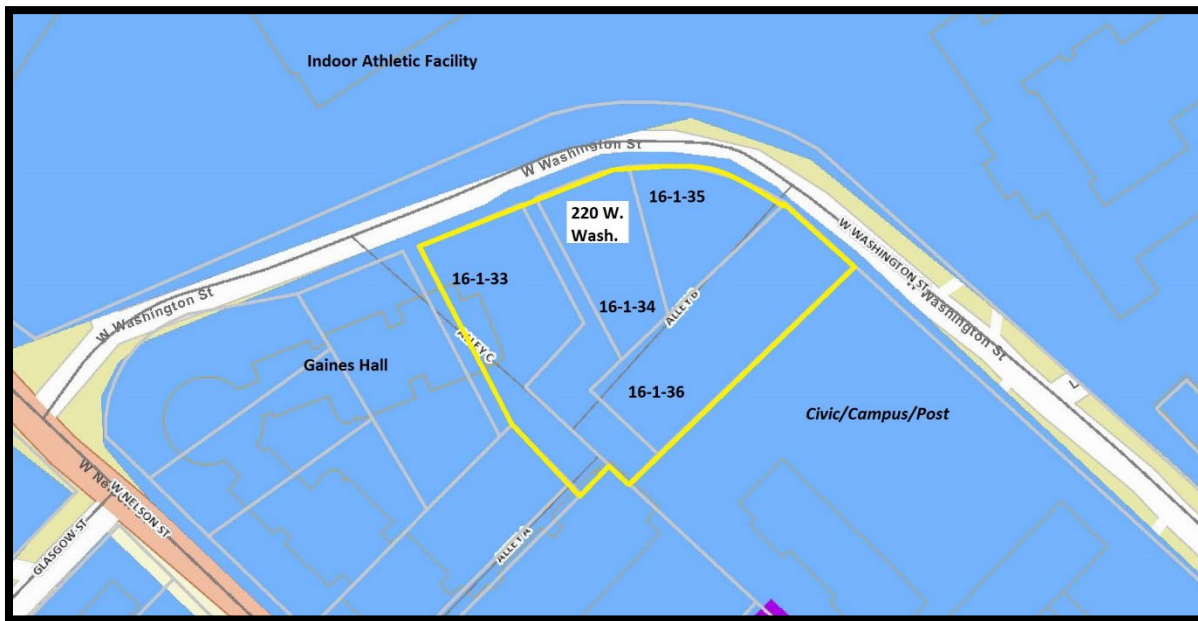
Comprehensive Plan and Zoning Map Amendments requiring City approval:

- ▶ Amend the future land use designation for 12 Lee Avenue from the *Downtown Center* designation to the *Civic/Campus/Post* designation.
- ▶ Amend the zoning map to add the I-1 Institutional Overlay district.

2) Parcels located on W. Washington Street

The parcels located at 220, 218, and 216 W. Washington Street, as well as one, unaddressed and adjacent parcel, are requested to be rezoned to the I-1 Institutional Overlay district while retaining the R-1 base zoning district. Curiously, the 1998 Campus Master Plan shows the 220 W. Washington Street parcel to be within the approved Campus Master Plan while the three adjacent properties were not included in the 1998 approval. All four parcels have been included in “central” campus for decades and staff therefore recommends all four parcels outlined in yellow on the following map be rezoned to the I-1 Institutional Overlay district and included in the Campus Master Plan approval.

220 W. Washington Street Future Land Use



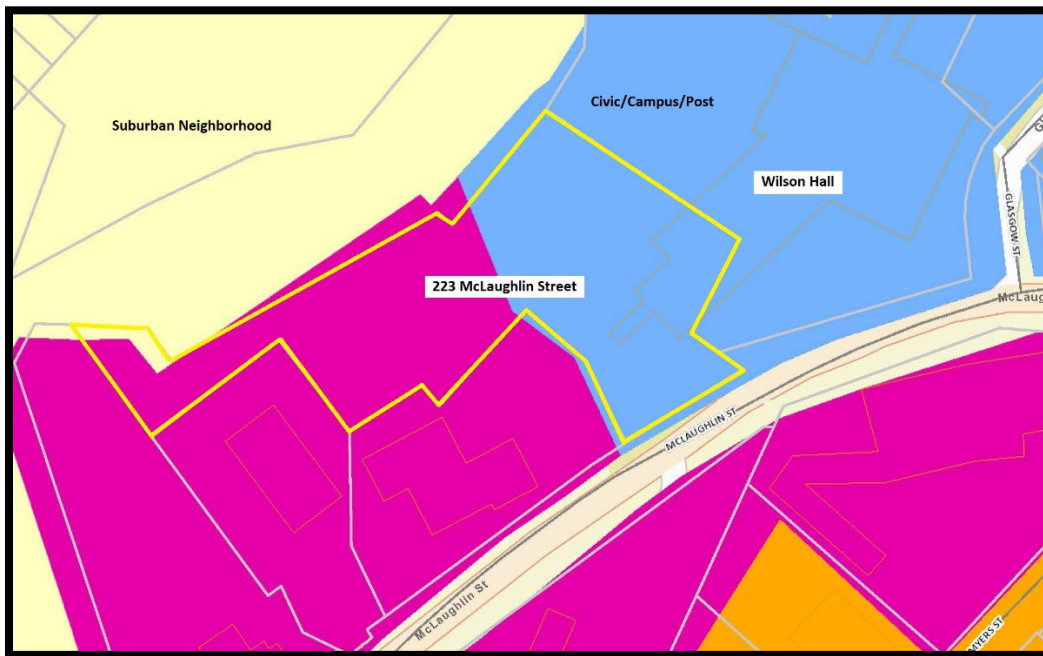
Zoning Map Amendments requiring City approval:

- ▶ Amend the zoning map to add the I-1 Institutional Overlay district to all four subject parcels.

223 McLaughlin Street Parcel

The parcel located at 223 McLaughlin Street is requested to be rezoned to the I-1 Institutional Overlay district (while retaining the R-LC base district), and curiously the rear portion of the existing Wilson Hall is constructed on the eastern portion of the subject parcel. This parcel has a split future land use designation with the eastern portion designated Civic/Campus/Post and the western portion designated Mixed Use Neighborhood. Staff therefore recommends only the eastern portion of the subject parcel be rezoned to the I-1 zoning overlay district in conformance with the Comprehensive Plan's split future land use designations. Staff considers this rezoning request a housekeeping measure given that the existing Wilson Hall structure occupying a portion of the parcel.

223 McLaughlin Street Future Land Use



Zoning Map Amendments requiring City approval:

- ▶ Amend the zoning map to add the I-1 Institutional Overlay district only to the eastern portion of the subject parcel in conformance with the Comprehensive Plan's split future land use designations for 223 McLaughlin Street.

ADDITIONAL CONSIDERATIONS

Building Official Comments:

All demo, rehab and new construction must follow the current Virginia Uniform Statewide Building Code.

Fire Marshall Comments:

Ensure adequate fire protection and fire vehicle access. Design and install traffic calming devices with minimal impact to emergency vehicles.

Public Works Director Comments:

The Master Plan shows many bike/ped improvements in the City's right-of-way, and during design of these improvements, the City and W&L must candidly decide what can be permitted and who will own and maintain these infrastructure improvements. The City should not permit any additional alterations to the water system on campus until a new Master Meter MOU is finalized.

Police Department Comments:

No Comments

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

CPA 2022-01:

Approval of the comprehensive plan amendment for 12 Lee Avenue from the *Downtown Center* future land use designation to the *Civic/Campus/Post* designation if it is determined 12 Lee Avenue is unlikely to be developed by a non-institutional entity.

RZ 2022-02:

- a. Approval of the rezoning of 12 Lee Avenue to the I-1 Institutional Overlay district while retaining the C-1 base zoning district if it is determined 12 Lee Avenue is unlikely to be developed by a non-institutional entity.
- b. Approval of the rezoning of 0, 220, 218 & 216 West Washington Streets to the I-1 Institutional Overlay district while retaining the R-1 base zoning district.
- c. Approval of the rezoning of the easterly portion of 223 McLaughlin Street to the I-1 Institutional Overlay district while retaining the R-LC base zoning district.

MPA 2022-01: Based on the aforementioned opinions, staff recommends that the request to amend the University's Institutional [Overlay] District Campus Master Plan be **APPROVED WITH CONDITIONS*** as follows:

1. The uses and layout of the subject properties shall be in substantial compliance with the Campus Master Plan by Sasaki date stamped March 18, 2022, with the rezoning and comprehensive plan applications submitted by the applicant, as well as with the Campus Master Plan Proffer Statement.
2. This Master Plan Amendment does not authorize the exterior alteration of buildings, structures, or properties.

**Note: Staff cannot recommend any alterations to the water system on the W&L campus until a new Master Meter M.O.U. is finalized between W&L and the City of Lexington.*

**Appendix A – Comprehensive Plan Amendment, Rezoning and Master Plan
Amendment Applications**

Applications

W&L parcel ownership map

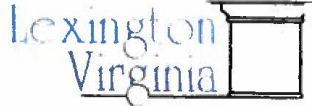
Appendix B – Previous Approvals for W&L

W&L land use approval timeline

1998 Campus Master Plan Map

Appendix C – Public Comment

APPENDIX A



www.lexingtonva.gov

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

APPLICATION FOR ZONING ORDINANCE/COMP PLAN AMENDMENT

Applicant¹	
Name: <u>Hugh Latimer</u>	Phone: <u>540-458-8959</u>
Company: <u>Washington and Lee University</u> Fax: _____	
Address: <u>204 W. Washington St.</u>	Email: <u>hlatimer@wlu.edu</u>
Applicant's Signature: <u>[Signature]</u>	Date: <u>2/24/22</u>
Proposal Information²	
Code/Plan Section(s) to be Amended ³ : <u>420-7.6 Master Plan under Article VII Institutional District I-1.</u>	
Proposed Text/Amendment (attach additional sheets if necessary): <u>For 12 Lee Avenue requesting future land use designation be changed from "Downtown Center" to the "Civic/Campus/Post" future land use designation.</u>	
<ol style="list-style-type: none"> 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. 3. If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section. 	
THIS SECTION TO BE COMPLETED BY STAFF ONLY	
Application Fee: \$350 Amount Paid: <u>\$350.00</u> Case Number: <u>ZFA/CPA-2022 - 01</u>	
Date Received: <u>3-16-2022</u> Received By: <u>Kate Beard</u>	
Public Hearings	
Planning Commission	City Council
Legal Ad Dates: _____	Legal Ad Dates: _____
Public Hearing Date: _____	Public Hearing Date: _____
Action: _____	Action: _____





www.lexingtonva.gov

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

APPLICATION FOR REZONINGS and OVERLAY DISTRICTS

Applicant¹	
Name: <u>Hugh Latimer</u>	Phone: <u>540.458-8959</u>
Company: <u>Washington and Lee University</u>	Fax: _____
Address: <u>204 W. Washington St.</u>	Email: <u>hlatimer@wlu.edu</u>
Applicant's Signature: <u>[Signature]</u>	Date: <u>2/24/22</u>
Property Owner	
Name: <u>Hugh Latimer for</u>	Phone: <u>540.458.8959</u>
Address: <u>Washington and Lee University</u> <u>204 W. Washington St.</u>	Email: <u>hlatimer@wlu.edu</u>
Owner's Signature: <u>[Signature]</u>	Date: <u>2/24/22</u>
Proposal Information² (attach list of properties if request includes multiple properties)	
Address (or location description): <u>list attached</u>	
Tax Map: <u>list attached</u>	Deed Book and Page #: <u>list attached</u>
Acreage: <u>list attached</u> Current Zoning (attach any existing conditions or proffers): <u>list attached</u>	
Proposed Zoning (or Overlay District) ³ : <u>Institutional Overlay District I-1</u>	
Description of Proposal: <u>Multiple properties acquired by university since last university master plan (1999) incorporated into City Comprehensive Plan.</u> <u>Request each property be rezoned under university's Institutional Overlay District.</u>	
<ol style="list-style-type: none"> 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. 3. For conditional rezoning requests including proffered conditions, please see additional submittal requirements on page 3 of this application. If not specifically required in the zoning ordinance, submitting a sketch plan or other visual detail of your request is highly encouraged. 	



Staff Report & Recommendation³⁰
 Rezoning and Master Plan Amendment
 CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan
 update

CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan update

Washington and Lee University Facilities

3/14/2022

Washington and Lee Properties aquired after 1999
 Master Plan and submitted for rezoning into the
 Institutional Overlay District I-1

Street Address	Acquired Date	Tax map	Acerage	Deed Book	Existing Zoning	Notes
12 Lee Ave. (parking lot)	1/2016	16 1 41	0.147	17	C-1	"Downtown Center" to "Civic/Campus Post"
220 W. Washington St.	8/2008	16 1 33	0.19	0	R-1	
220 W. Washington St.	8/2008	16 1 35	0.14	304	R-1	
220 W. Washington St.	8/2008	16 1 36	0.22	0	R-1	
223 McLaughlin St.		15 1 36			R-LC	

Staff Report & Recommendation
Rezoning and Master Plan Amendment

CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan update



RECEIVED
3-16-22

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

www.lexingtonva.gov

MASTER PLAN AMENDMENT

APPLICATION FOR ZONING ORDINANCE/COMP PLAN AMENDMENT

Applicant¹	
Name: <u>Hugh Latimer</u>	Phone: <u>540-855-8359</u>
Company: <u>Washington and Lee</u>	Fax: _____
Address: <u>204 W. Washington St.</u>	Email: <u>hlatimer@wlu.edu</u>
Applicant's Signature: <u>[Signature]</u>	Date: <u>3-13-22</u>
Proposal Information²	
Code/Plan Section(s) to be Amended ³ : <u>420-7.6 Master Plan under Article VII Institutional District I-1.</u>	
Proposed Text/Amendment (attach additional sheets if necessary): <u>Washington and Lee Master Plan Report 2021</u>	
<ol style="list-style-type: none"> 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. 3. If the amendment proposes to replace existing text, please provide a full copy of the existing text for the affected section. 	
THIS SECTION TO BE COMPLETED BY STAFF ONLY	
Application Fee: \$350 Amount Paid: <u>\$350.00</u> Case Number: <u>2022-0222 - 22</u>	
Date Received: <u>3-16-2022</u> Received By: <u>Kate Board</u>	
Public Hearings	
Planning Commission	City Council
Legal Ad Dates: _____	Legal Ad Dates: _____
Public Hearing Date: _____	Public Hearing Date: _____
Action: _____	Action: _____

Washington and Lee University

Campus Master Plan Proffer Statement

Institutional District I-1 Zoning

Within the I-1 Institutional Overlay Zoning district, four projects are located within 200 feet of the campus (property) boundary or a public street. Each of the four will require a Site Plan (per Article VII. 420-7.8 Site Plan Required). Two of these projects will also require a Conditional Use Permit (per Article XVII. Amendments 420-17.3 Conditional Zoning).

1. The New Williams School Building on Washington Street is within 120 feet or so of Washington Street and will require a Site Plan to be submitted. The underlying Zoning District is R-1. The Building Height (front door entry to top of roof) is expected to be about 75'. With the side yards over 30' allowing 45' height plus a setback of 85', the proposed 75' is within the maximum building height. Side and rear yards far exceed the minimum requirements.
2. At the site of the current Early Fielding building, the Admission and Financial Aid Center on the corner of Washington and Lee Streets is within 28' or so of Washington Street and will require a Site Plan to be submitted. The underlying Zoning District is R-1. The Building Height (front door entry to top of roof) is expected to be about 50'. With the side yards over 30' allowing 45' height plus a setback of 40', the proposed 50' is within the maximum building height. Side and rear yards far exceed the minimum requirements. For information, the existing height of the Early Fielding Building high roof is over 37'.
3. To be located at the sites of Casa Hispania and Chavis House, the Institutional Museum on Lee Street is within 10' or so of Lee Street and will require a Site Plan to be submitted. The underlying Zoning District is C-1. The Building Height (front door entry to top of roof) is expected to be about 54'. With the Building Height allowing up to 45' in height, a Conditional Use Permit will be required. Side and rear yards far exceed the minimum requirements. For information, the existing height of the Chavis House roof is over 33'.
4. At the side of Wilson Hall at McLaughlin Street a Wilson Hall music practice addition is within 6' or so of its closest projection to McLaughlin Street and will require a Site Plan to be submitted. The underlying Zoning District is R-1. The Building Height (entry to top of roof) is expected to be about 35', within the allowable height of 45'. With the front yard required setback of 15' and a 6' minimum setback expected, a Conditional Use Permit will be required. Side yard far exceed the minimum requirements. For information, the existing height of the Wilson Hall roof is 35'.

The twelve (12) houses the University owns within the site bordered by McLaughlin Street, Glasgow Street and W. Nelson Street have been removed from the Institutional Overlay District I-1 and will continue to be used by the university in conformance with R-1 zoning provisions.

Washington and Lee University

Campus Master Plan Proffer Statement

Institutional District I-1 Zoning

McLaughlin Street Event Closing

The vertical ballet and dance events which occur on the exterior façade of Wilson Hall will be relocated to another exterior location within the campus that will not involve the closing of a public street to hold the event (reference page 90).

Traffic Engineering Study

The university has contacted with Whitney, Bailey, Cox and Magnani (WBCM), a full-service, multidisciplinary engineering and construction firm with offices throughout the Mid-Atlantic with an office in Lexington, to undertake a Traffic Engineering Study for the neighborhood within and extending beyond Washington Street, Lee Avenue, and W. Nelson Street. This engineering study includes vehicular traffic, pedestrian movement, street layouts and crosswalks and safety features. To date existing conditions and data have been surveyed and evaluated. Moving forward, the Traffic Study will revalidate existing data, comprise future Traffic Projections and future Traffic Operations for the complete neighborhood described above, specifically including impacts of the four building projects included in the Campus Master Plan within this neighborhood. As Conditional Use Permit applications and/or Site Plans are prepared for each of the four building projects, the traffic findings will be updated/validated.

APPENDIX B

Timeline for Washington & Lee Master Plan amendment, rezoning, CUP and site plan approvals

- April 4, 1985: City adopts the Institutional Overlay District
- August 22, 1985: City Council approves W&L Master Plan with conditions
- March 15, 1990: Council holds public hearing on amendment to Master Plan to allow fraternities in the I-1 District
- March 29, 1990: Joint Council/Planning Commission public hearing on extending the I-1 District to include the Neikirk property near Liberty Hall, the property on the southeast corner of Lee Ave. intersection with Washington St, the Red Square area, and Davidson Park bounded by Nelson, Washington, Varner and Estill
- July 18, 1991: Council holds public hearing to amend the Master Plan for the following:
1. Addition to the Reeves Center
 2. Build 2 fraternities in Davidson Park area
 3. Sororities in Davidson Park “put on hold”
 4. Proposed areas for off-street parking
- August 1, 1991: Council approves the Master Plan Amendment with modifications proposed in paragraph 4 of the Planning Commission report.
- April 16, 1998: Council approves the Campus Master Plan and Supplement with the condition (?) that W&L obtain permission before demolishing any building
- February 3, 2000: Council approves a Conditional Use Permit to allow 106 Lee Avenue to be used as student housing
- October 3, 2002: Council approves a Conditional Use Permit to allow 4 modular buildings on Denny Circle
- November 20, 2003: Council approves W&L’s applications to extend the Institutional Overlay District and amend its Master Plan to rezone the Mann property to I-1 and to add Wilson Hall to the plan.
- February 19, 2004: Council approves a site plan to move the train station
- January 26, 2006: Presentation to the Planning Commission by Tom Contos, University Architect, concerning the Washington and Lee Master Plan (presentation only)
- May 4, 2006: Council approves extending a Conditional Use Permit for 4 modular buildings on Denny Circle for 18 months
- November 16, 2006: Council approves a Conditional Use Permit to allow 224 McLaughlin Street (train station) to be used as offices
- January 11, 2007: Representatives from W&L gave a power point presentation on the proposed Master Plan to the Planning Commission. Meeting minutes indicate the University had already held a series of public meetings on the topic.
- November 26, 2007: W&L submits an application for a Master Plan Amendment and rezoning (?)

**Staff Report & Recommendation
Rezoning and Master Plan Amendment**

CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan update

- October 18, 2007: Council approves a site plan for Phase I of Wilson Field reconstruction
- December 13, 2007: A portion of the Staff Report in the Planning Commission meeting minutes reads “City Staff met with W&L representatives and it was decided the W&L Master Plan was not ready for Planning Commission review. It will come at a later meeting.”
- February 7, 2008: Council approves the W&L’s lighting request for Wilson Field
- July 24, 2008: Planning Commission recommends approval of a Conditional Use Permit to allow Baker Dormitory to be used as offices (Council minutes for April – December 2008 could not be found)
- September 4, 2008: Council approves a CUP to allow W&L to use Baker Dormitory as office space
- September 3, 2009: Council approves site plans for Hillel House and Washington & Lee sixth sorority house
- June 3, 2010: Council approves the W&L Master Plan amendment to authorize the construction of a center for Jewish Life at 117 W. Washington Street
- June 21, 2012: Council approves applications to amend the Master Plan to allow 106 Lee Avenue to be used as group residence with academic theme and to include a commercial kitchen and to rezone the property I-1
- September 20, 2012: Council approves Master Plan amendment to allow the Lee-Jackson house to be used for university related office or residential uses (not simultaneously)
- February 21, 2013: Council approves W&L’s applications to amend its Master Plan to allow the 116 Liberty Hall Road to be used as a university-oriented bed and breakfast inn, 112 Liberty Hall Road and 106 Liberty Hall Road to be used as university-oriented SFD, 2 Dold Place to be used as a school/preschool, and the property at the corner of Nelson Street and Liberty Hall Road to be used as university-oriented parking and to rezone those 5 parcels to I-1
- December 19, 2013: Council approves a Master Plan amendment to reconfigure and expand DuPont Hall
- November 20, 2014: Council approves a Master Plan amendment for various renovations and improvements to the W&L campus

Staff Report & Recommendation
Rezoning and Master Plan Amendment
CPA 2022-01 / RZ 2022-02 / MPA 2022-02 - Washington & Lee Campus Master Plan update



APPENDIX C

February 2, 2022

VIA PLANNING DIRECTOR GLAESER

Dear Members of the Lexington Planning Commission and City Council Member Straughan:

The purpose of this letter is to provide public input on amendments to the Washington and Lee University (W&L) master plan, scheduled for consideration at your February 24 meeting. I am providing written input in advance because I am not able to attend that meeting. These comments represent my personal thoughts only, although I suspect that what I have to say may well be representative of others' views.

My main comments are three-fold and specifically relate to those aspects of the amendments dealing with the so-called "triangle" bounded by Nelson, Glasgow, and McLaughlin streets. I am aware of the proposed amendments from reading about them in the January 26, 2022, edition of *The News-Gazette* and from the W&L master plan document posted on the City's web site. The main elements of the amended master plan that draw attention include 1) expansion of Wilson Hall toward McLaughlin, 2) showing the triangle property as completely owned by W&L and used for student housing, and 3) closing McLaughlin Street and possibly other near-by thoroughfares during certain Wilson Hall events ("...the McLaughlin Street District will need to be temporarily closed during the events in order to provide space for spectators.").

First, I wish to raise awareness that McLaughlin Street is a main traffic artery for accessing surrounding neighborhoods, and that current traffic patterns and flows are under stress. Driving on McLaughlin now involves navigating two sharp curves, on a very narrow roadway, often complicated by street parking and, in inclement weather, by snow and ice. Speaking personally, but possibly reflecting the experience of others, this traffic arrangement is fraught and "not fun." The City should prioritize traffic and pedestrian safety and convenience in considering the W&L plan amendments.

Second, the notion of closing streets in the triangle area for school events does not seem reasonable or appropriate, especially as stated in the amendments to the W&L master plan. Such closures would disrupt both automobile and commercial truck traffic that use area streets daily. Further, the way W&L presents the case for street closures ("...will need to be temporarily closed...in order to provide space for spectators.") does not reflect awareness of or sensitivity to public impacts. The City should prioritize public needs in considering changes to this area.

Third, and taking the W&L drawings at face value, there may be opportunity for the City and W&L to "think big thoughts" together in order to best meet public and W&L needs. For example, if W&L is indeed the sole owner of the properties on both sides of Glasgow Street, then the City could consider deeding Glasgow to W&L in return for material support for street and traffic flow improvements along McLaughlin. For example, McLaughlin could be straightened and widened using some of the triangle land.

Thank you for considering these comments.

Sincerely,

Bruce J. Summers
320 Sunrise Ridge Circle
Lexington, VA 24450

Shannon Spencer
512 Taylor St.
Lexington, VA 24450

February 11, 2022

Re: W&L Master Plan Zoning Change Request

Dear Members of Lexington Planning Commission and Lexington City Council:

I've just moved back to Lexington after many years away, but I've spent my life involved with the town through my parents and friends (and very frequent and lengthy visits). My father, Edgar Spencer, was a W&L alumnus who went on to teach at the college for 44 years and continued working there as a professor emeritus until just a few months before he passed away in 2020. He cared deeply for Washington and Lee and he passed that on to his family.

I'm coming to this issue of the WLU master plan with that family history, but additionally, I studied planning at UVA's master of urban and environmental planning program. And I just resigned after my fourth year as a member of the planning commission where I've been living in Pennsylvania, where I also served for four years on our local town council (I held a parallel position to Leslie Straughn's on city council and the PC in Lexington).

Here are my comments for consideration regarding the WLU Master Plan:

First I would like to note that Washington and Lee University (WLU) is a fine institution and we are fortunate to have it located in our community. They provide jobs, cultural events, education and much more to our community. At the same time, WLU is a very wealthy institution that owns a great deal of property in our city. As stewards of the city, it is the Planning Commission's and the City Council's duty to use their collective foresight to determine what will be the best course of action for current and future citizens of the city.

As a taxpayer, I ask you to consider my concerns before you vote on the proposed zoning changes requested by WLU to accommodate their new master plan.

Because I have a lot of comments, I have separated them into sections: my requests are up front, but I ask that you read the rest of my comments as they provide the rationale for my requests.

My requests:

- I believe that this zoning change request is premature. As such, I strongly urge you to **entirely** deny the request for rezoning of the McLaughlin St. area properties and the properties at or near the intersection of Lee Ave and Washington St until you have specific development plans that are being considered. It is the city's duty to guide the development on properties that will impact the daily lives of Lexington residents and

visitors to the city, and this zoning change would hamstring the city's ability to do this job.

- I ask that the City require/advise WLU to hold a well advertised series of public meetings at which the public is able to make comment and have input into the changes that are being proposed would also be very appropriate.
- And even after those meetings, I ask that the City carefully consider the disadvantages and advantages associated with giving away its ability to regulate the streetscape.
- For any future development plans, including the ones proposed by WLU, I urge the City to require traffic studies and environmental impact statements before recommending zoning changes. And for these particular zoning change requests, I would strongly suggest getting input from the fire department on the impacts such changes would have on the ability of our fire engines to access these areas and any affected areas in the event of an emergency.

The rationale for my concerns about the WLU proposed zoning changes, by area:

Broad Zoning Changes:

First, I think that a broad zoning change to the institutional overlay zone (IOZ) for the proposed areas would not serve the Lexington community well. The city's zoning ordinance is there to provide the city with a measure of control over its streetscape (setback, building height, etc) and the location of different uses. This proposed approach to zoning (applying for an overlay for multiple **areas** with little in common and substantially different challenges, all in advance of having very specific plans for each site attached to each location) puts the city at a great disadvantage for maintaining control over the streetscapes that represents our history and our future.

It would be as if I asked the city to rezone my property on Taylor St. to Commercial while providing only a vague idea of what I might build there or whether or not I would tear down my home, all while providing you with a 5-10 year window for any action. It would require a leap of faith on the PC's/Council's part that I would not build something that would be considered a nuisance by my neighbors, and by allowing the **zoning** change, you would give me (and any business that I sold the property to in the future) the right to change the setback on my property, the height of the building, the street lighting, etc. without coming back to the PC to ask permission because those possibilities would be allowed by virtue of the **zoning**.... And all of these changes would be granted on a permanent basis in the absence of even an initial clear proposed plan.

Concerns with WLU's requested broad zoning change to IOZ:

- These sites are NOT located internal to the WLU campus: they are on city owned streets and in city neighborhoods.
- This zoning change request would allow WLU to build a wide variety of structures on the properties without regard for the zoning requirements that are in effect for the adjacent areas.

- The zoning changes would mean that, in perpetuity, WLU would not have to ask permission to make changes that are allowed by the IOZ. And if the university sold those properties at some point in the future, it would mean that the future owner could likewise do the same. The ability to make those changes would be written into the zoning and would go with the property.

Lee Avenue/Washington St:

- New Buildings: The master plan shows a proposal for replacing/adding to existing buildings to end up with much larger buildings along Lee Avenue. These buildings could have very small setbacks and could be taller than the surrounding buildings. Combined with the narrow streets and sidewalks, I believe that these changes would make this area feel uninviting to residents because the buildings would not be at the same scale as the surrounding buildings, they would not have any connection to the community, and the current design creates a physical and psychological barrier to people not affiliated with the university in some way.
- Historic Buildings: Lee Avenue also has some remaining historic buildings that are on University property and appear to be planned for demolition.
- Street: This street is busy, narrow and heavily traveled by cars and pedestrians. The intersection of Lee Ave. and Washington St is a particularly challenging spot because there are cars parked close to the intersection and there are pedestrians walking across in multiple directions.
- Traffic: the new uses for these buildings would increase car and pedestrian traffic on this challenging street
- Parking: why is a parking lot expansion of the existing parking lot accessed via Jefferson St. not being considered? This is already an area with Parking, it is below grade at least near the Washington St. intersection, and it could have a single additional level of parking that could exit onto Washington St.

Wilson Hall Expansion

- Woods Creek Impacts: I strongly encourage the city to require an environmental impact statement for this and any other properties that WLU (or anyone else) proposes to “improve” that abut or impact the Woods Creek area. The Wilson Hall expansion is above Woods Creek and any runoff from construction and beyond would go directly into the creek without substantial mitigation.
- If this building site is also in the zoning change area (which I cannot tell from the WLU plan), I would have the same concerns about extending the IOZ to this site because of the permanence of zoning changes.

The McLaughlin St./Nelson St./Glasgow St. “triangle” of properties:

- Affordable City Housing Option: The city needs affordable housing, as evidenced by the interest in developing some sort of affordable housing options near the hospital and cemetery, it seems that these triangle area houses might be considered by the city for this type of use before signing it over to institutional zoning that would almost ensure its inclusion in the WLU campus. I would point out here that steering affordable housing to areas that other people may find objectionable (hospital and cemetery) only further stigmatizes those communities.
- Community owned rental units: changing the zoning and having WLU buy out remaining non-university owners of these homes (which they clearly intend to do) also removes an opportunity for landlords to rent these properties to students or other people.
- Tax Burden: Since WLU is a non-profit organization, changing the zoning of this area and the subsequent buyout of property owners by WLU would lead to the removal of additional properties from the tax rolls. This would increase the financial burden of maintaining the city budget on the rest of the City taxpayers.
- Historic Value of Existing Houses: These are historic, if not necessarily well-maintained homes. They have a great deal of character and reflect the historic nature of the city. They provide a community-flavored entrance to the western entrance to the city.
- Buffering: They are at the fringe of the WLU campus and as such provide a buffer between a city neighborhood and the campus. Having larger institutional housing here might provide shiny new buildings, but it would also irrevocably reduce the neighborhood small town neighborhood feeling for the adjacent houses.
- Ambiguity of the WLU Plan: WLU's plan indicates that changing to the institutional overlay zoning would "provide additional flexibility" with regard to the number of units it could put there (as opposed to the current 47 units). This is extraordinarily vague.
- Busy Streets: The streets around the triangle are already busy and dangerous because of the almost blind intersection going from McLaughlin onto Nelson St, and also because the streets there are not the most clearly marked or laid out, are wide in places and include sharp curves. In addition, there are pedestrians crossing Nelson street from the Catholic Church as well as residents from the neighborhood (including from those houses) walking in the area. The entire area seems a dangerous place to house even more students, who have been known at times to be focused on things other than street safety.
- Future opportunities: looking forward in time, I would be surprised if the old hardware store property across McLaughlin isn't being viewed as a potential location for further expansion of the WLU campus; particularly if the triangle were zoned institutional in addition to the Wilson Hall area; it would be an obvious location for additional housing or other campus buildings.
- WLU Expansion: While I appreciate that the University would like to provide on-campus housing for students who are not part of the Greek system, I question why WLU needs to expand its property holdings and change zoning in non-campus areas in the city in order to do this. The University owns a great deal of property on which it could build additional housing without expanding into city neighborhoods. Changing the zoning of the "triangle" area to institutional would further encourage the transition of that land to WLU ownership.
- Promises to Hold the Line: It is my understanding that the university pledged to not expand further into the city at the time of the last campus master plan, that seems like a pledge worth keeping (particularly given their ownership of a great deal of land further to

the west where they intend to pursue development of the campus (including additional housing)).

Thank you for allowing me to submit my comments to the Planning Commission and City Council.

Shannon Spencer

512 Taylor St.
Lexington, VA 24450

Arne Glaeser

From: Wise, Chris <JWise@wlu.edu>
Sent: Wednesday, February 2, 2022 11:35 AM
To: Arne Glaeser
Cc: merrill@rockbridge.net
Subject: ZONING - MISSING MAP LINK, WLU ZONING & WOODS CREEK TRAIL

'Morning Arne,

The Conservation Council's Land Conservation Committee met last night and we talked about the proposed W&L Master Plan. The LCC is concerned about a number of issues but in particular is concerned about the 'plans' for development in the Woods Creek area. Building and land disturbance in this steep wooded area - some of which is fill material - will be a challenge, but our concern is that the effects of the removal of the trees / vegetation and the changes to the hydrology will impact the health of Woods Creek and the ecosystem.

The other issue not addressed at all in the narrative of the plan is the 'status' of the Wood's Creek Trail through the W&L campus. Unfortunately, there is NO policy on the status of the WCT, that I am aware of, from the three entities that the Trail runs through. I personally feel that the Trail, as part of the Brushy Blue Trail system, needs some sort of permanent protection of public access through the three properties. As with the other segments of the BB Trail system, the owners of each segment have the ability to name their segment, post rules and exercise other rights but there needs to be a permanent dedication for public through access.

I have been advocating that the Trails Committee of the RAOP (and the City, W&L & VMI reps) could work on this matter. Hopefully, the three WCT owners could work together to establish a set of common standards for the trail, as well as owner specific names and standards as well as dedicating permanent public access, so that there could be clarity about the status of Trail.

The RACC LCC will make a more formal statement for the consideration of the Planning Commission and City Council later but this a 'heads up'.

ALSO - At [Maps | Lexington, VA \(lexingtonva.gov\)](https://www.lexingtonva.gov/Maps) the link to the Zoning map is not working and on the Z map at [637692134524570000 \(lexingtonva.gov\)](https://www.lexingtonva.gov/637692134524570000) the W&L property is listed as R1 - I do not believe this is correct - PLEASE advise if it is. THANKS!

Thanks! Chris

Mayor and City Councilmembers

2/22/2022

Re: the W&L Master Plan

The primary question is: When will the campus expansion end?

There have been numerous “understandings” in the past. But then the leadership and staff change at both the city and W&L. The “understandings” are undocumented, current leadership are not initially aware but then once told, they are not committed to these understandings.

What's next? I predict 10 years from now the old hardware store will be owned by W&L. Likely other nearby properties.

Kind and generous alumni will buy and donate properties. Just as has happened in the past 15 years.

And once they own it, well, gosh it's just a small parcel or area, and so reasonable that it (they) should be used by the university, after all, they own it.

You can see this pattern with the “triangle” and that odd parcel behind Blue Sky. Others probably as well.

RE the details: I both like and dislike the improvements on Lee Avenue and Washington.

The design is attractive and nice to have the improved bike and walking areas. BUT, its design screams CAMPUS, rather than city downtown business district. Also, will the businesses on that part of Washington between Lee and Jefferson be perceived as being on campus, and will access (and shop success) be impeded by the street design/direction changes?

One last issue: student parking on downtown streets. W&L has that great garage. Yet students park on Washington street between Main and Lee and on Nelson Street between Jefferson and Lee to walk to campus. Maybe W&L staff can hang out on the corner during common student arrival times and watch who parks on the street and walks to campus, and stop them. Task W&L on finding a solution and require them to report back on the effectiveness of their effort.

Whatever your ultimate action, please get every “understanding” in writing and part of a firm agreement.

Thank you for considering my comments.

Gail MacLeod
604 Jackson Ave
Lexington

Letter to the Editor:
The Law, Lawyers, and Conflicts of Interest

In relation to Washington & Lee's proposed Master Plan submitted to the City of Lexington, there seems to be a conflict of interest amongst the lawyers from the firm that counsels the City government and private citizens serving on City committees.

Two council members were advised by the firm when Washington and Lee submitted their last strategic plan that they couldn't participate because their spouses worked at the university. When the City Council considered the removal of the City owned dam at Jordan's Point on the Maury River, two city council members were counseled by the firm they could not vote or speak on the proposal because they were affiliated with Virginia Military Institute who opposed removal of the dam—advising the Council members might have a personal interest in relation Virginia Law § 2.2-3112—Prohibited Conduct Concerning Personal Interest. Another Council member was advised he couldn't vote on the grade school playground because he was a teacher at the middle school. A council member and the Mayor were advised to recuse from the Kendal expansion because they sat on Kendal's board.

According to the current City Planner, a W&L alumnus, and the Mayor, the now City lawyer from the same law firm is advising that no member serving on the Planning Committee or City Council has a conflict of interest involving a material interest regarding decisions to be made by them relating to the Master Plan. I won't bore you with Virginia law § 2.2-3112, but it doesn't say anything about "material interest." The law explicitly articulates "personal interest" nine times. No doubt there is a personal interest when the applicant is who signs your paychecks.

Again, the current City lawyer is from the same law firm that legally advised the City Council on all the above mentioned recusals, but now the firm presents an alternate interpretation of the law very contrary to its previous historical legal council to the City.

So what is it? Based on the firm's previous interpretations of the law, five out of the seven planning committee members and three sitting City Council members would have to recuse themselves when it comes to the W&L's master plan. But Presto—now none of them do! Did Virginia change the Law, or did one local lawyer change it? It looks like what any one lawyer says at any time is an end all to be all to our City government officials. They just buy whatever is legally counseled at the moment.

As a taxpayer, I'm not buying it. This law firm has long advised the City and historically has had its own conflicts of interest when it comes to property holdings connected to W&L expansions. Ironically, the figurehead of this law firm, an alumnus of W&L, is said to have previously suggested to Council members that a conflict of interest exists if it could be perceived to exist. That's a long, long way from material interest (whatever that really is).

The arbitrary and capricious history of the legal advise of this law firm's varying interpretations of Virginia's Personal Interest Law suggests to me the law firm should recuse itself from further representing the City of Lexington in that our City government isn't canny enough to fire them.

One of the nice things about living in this town is that when you don't know what you are doing, someone else does.

Thomas Jefferson Tremmel
Lexington 2/22/22

2.24.2022

To the Editor:

W&L's rezoning requests involve a tale of two cities, one public and one private, equal in theory but with very different missions and constituencies. W&L is able to expand its footprint, and expects to do so; its host, the City, cannot. W&L's population is transient; Lexington's is deeply rooted. W&L has contributed greatly to the city's identity, in ways that have been mutually beneficial until now.

But this symbiotic relationship has reached a tipping point where W&L's ambitions would adversely affect the City's identity and navigability. Rather than expand its County acreage, it seeks to dominate the primary entrance to the City (the area adjacent to and south of the Washington-Jefferson intersection) with its latest rezoning requests and its pattern of acquisition. W&L could have cooperated in developing Lexington's Comprehensive Plan: instead, it has chosen to pursue its usual patient, piecemeal strategy independently.

As W&L's institutional footprint expands into our City, Lexington's uniqueness and viability – its historic public sphere – diminishes. Lexington needs to just say no, and send the applicants back to their drawing board.

Respectfully,

Molly McCluer

Lexington

2/24/2022

I am writing as a Lexington citizen concerned about the proposed changes by Washington and Lee University as outlined in its 2021 Master Plan Report.

Having read the Master Plan Report, I do not believe approval should be granted for much of the rezoning that is necessary to support the development outlined in the report. At the core of my concerns is that these proposals come with no benefits to Lexington and the citizens of Lexington, while introducing permanent deleterious impacts.

It is clear that many of the proposed changes will result in a denser and more congested downtown, and a more imposing presence of W&L in Historic Lexington and downtown neighborhoods. With these changes our community will increasingly be shaped by W&L and its brand. For these reasons alone, I ask that the requested changes not be approved.

However I believe that there is another more important reason not to approve these changes: the precedence that the current decision sets for future W&L growth. Our community and downtown face the danger of W&L geographic sprawl, which is poised to continue unabated; my understanding is that W&L's acquisition of Lexington properties continues on several downtown properties on which W&L has lease-to-own options and on additional current residential properties in downtown neighborhoods that are privately held but are already planned to be long-term donations to W&L.

Any acquisition of new property by W&L within the city limits will create adverse economic impacts on all Lexington citizens in several ways:

1. A larger W&L footprint creates a higher tax burden on the citizens of Lexington. Despite contributions that it makes to the community, W&L is exempt from taxes and it can limit - or sever - any contributions that it does make to the community at any time. W&L's increasing footprint results in a higher proportion of non taxable land, resulting in a greater tax burden on Lexington citizens.
2. W&L's acquisition of so much property, including residential properties in Lexington neighborhoods, creates further strain on our housing by lessening the supply available; as inventories tighten, real estate prices rise which results in the decrease of affordable housing options, one of the top planning issues Lexington claims it seeks to address as part of its comprehensive plan (Lexington Comprehensive Plan 2040).

I have spent time in major cities and have experienced the negative aspects of development. The pattern is that larger, more affluent landowners move in, disrupt and displace existing communities, and bring construction and changes that ultimately render the neighborhoods themselves as unrecognizable. While I thought this was unthinkable in Lexington, I have begun to see subtle but visible - and unmistakable - signs of this type of change here.

I live on Lee Avenue, the residential front line of Washington and Lee's growth. When I grew up here, my house was part of a vibrant neighborhood filled with families; today, the same neighborhood is composed of a number of vacant houses (the owners of which are non-resident

W&L alumni), empty and dark except for just a few days of the year. At the end of the block behind my house is the McGlaughlin Street District, which W&L seeks to reshape to build student housing, sure to carry the W&L architectural style, bringing the campus feel into existing residential neighborhoods and certain to be empty half of the year when W&L is not in session. Just behind that, the Wilson Hall extension of the Lenfest Center will be built on land where once stood residential homes of my childhood friends.

While we may not be able to control W&L's slow but steady acquisition of additional Lexington property, at least we can limit what W&L can build where; hopefully with limitations imposed, W&L will instead make more efficient use of their already massive existing footprint within Lexington. Unless Lexington actively and definitively takes a stand against W&L development - specifically downtown - W&L will have no reason not to continue its geographic sprawl, over time transitioning what we know today as Historic Lexington into a college campus.

Washington and Lee has the funds and support of an alumni network that ensure W&L's growth in Lexington will continue, and in such a way that no single resident is individually able to contest or slow the sprawl. For this reason, as a community we need to protect our home and we must use this as an opportunity to set our boundaries on what is acceptable; if we fail to do so, one day W&L will no longer be a part of Lexington, downtown Lexington will be part of W&L.

Andrew Cox

*Lisa Tracy/ Rockbridge County/ response to
W&L presentation*

I said it a year and a half ago:

There was a time when Washington and Lee University was very much a part of Lexington in innumerable ways. No longer, for those of us for whom Lexington is the center of our daily lives.

Once again, Washington and Lee is angling to take over Lee Avenue and Washington Street and to enact its long-planned “redevelopment” – doubtless for “the greater good” – of the so-called TRIANGLE: That is to say, THREE STREETS that are part of OUR actual community.

Some years ago, W&L promised the city that it would NOT extend its in-town boundaries beyond their then-current form. So what has happened to that promise?

And I might add, what has happened to the city’s spine, if it allows Washington and Lee to continue gobbling up neighborhoods and totally disrupting an already very delicate traffic flow that all of **us** must navigate on a daily basis?

What are we all THINKING? Do you Washington and Lee people even LIVE here? Do you know what it’s like to try to get from downtown Lexington out to the neighborhoods on West Route 60, a k a Midland Trail, a k a NELSON STREET?

Nelson Street is difficult in the best of times. Have you looked lately at the traffic jams that routinely accumulate between Lee and Jefferson on Nelson Street?

Do you realize that WASHINGTON Street is the ONLY OTHER street that completely traverses our city from east to west? And do you realize that it is the one we all rely on to avoid Nelson Street? What is the university thinking? Does it even CARE about the town that hosts, supports, and shelters it?

I haven’t even mentioned our shopkeepers, those brave souls who despite all economic uncertainty continue to give our downtown its true character. There was a time when the students and the rest of W&L were a part of that too. The more of the downtown you gobble up, the less room for shopkeepers and their

shoppers. Not to mention losing even a dozen of the downtown's precious parking places.

And once you've instituted a bunch more bricks and mortar in the so-called Triangle, full of students who know and care progressively less about our city as time goes by, we will see not only the loss of potential affordable housing but also a much bigger traffic mess.

Don't even bother to tell me that oh, no, it'll all be all right. That you'll manage it to everyone's satisfaction. Don't bother, because I LIVE here. I have SEEN what W&L has done in the past 20 years.

Washington Street and Lee Avenue are central parts of our downtown area. Just because they happen to abut your campus does not mean that they are PART of your campus. They are NOT.

They are city streets, and they belong to our city. We use them. We drive on them, we park on them, and some of us own businesses on them that depend on the rest of us and on out-of-town visitors to be able to move around freely throughout the downtown area.

I was a lot more polite the last time I made this plea. I'm now much more concerned for our future. We LIVE here. We drive, park, shop, eat and go to church here. Please, I beg of Washington and Lee, rejoin our community. Stop eating it up. Turn that Triangle into the good affordable housing it deserves to be and leave Washington Street and Lee Avenue alone.

Thank you.

Date: February 24, 2022
To: Lexington Planning Commission

The Rockbridge Area Conservation Council has been involved in promoting better land use planning since 1976. On behalf of the RACC Land Conservation Committee, we would like to offer the following comments on Washington and Lee University's recent request for approval of a new master plan for the campus, and rezoning land into the Institution Overlay Zone.

If the new master plan concepts and re-zonings proposed by the University go forward, it will have a major impact on the fabric of the community. It is unfortunate that the University, an institution in our community that we value and appreciate, did not ask for public input on the requested changes to their 2007 Master Plan as described in the City's Comprehensive Plan (p. 71) (nor made the 2007 Plan and changes to it available to the public), before applying for approval of this application. By skipping the small-area planning process, the City is forced to react to the application as received in a 100-day period but without adequate data or community input.

Although we are including some general questions and observations on the Master Plan *Report* that has been presented so far and previous comments on the concept of expansion into the City (Attachments 1 and 2), major development projects such as this, and Master Plans, need to provide parking, traffic, bike/pedestrian, public safety, landscaping and environmental analyses so that the city and public have accurate information as a basis for evaluating the proposals. Without these analyses, all the criteria for a complete Master Plan are not met (Lexington Zoning §420-7.6). More importantly, without these analyses, neither we, nor the rest of the public, can give adequate informed input, and the City cannot make good decisions in the best interests of the whole community.

We urge the Planning Commission to find the Master Plan Report incomplete, return it to the applicant, and work with the University, its neighbors, community groups, the business community, and planning professionals as the Comprehensive Plan prescribes, to implement a holistic and inclusive small-area planning process that is appropriate for "significant revitalization or development [that] may impact surrounding neighborhoods or vary from the underlying pattern area principles" (Lexington 2040 Comprehensive Plan, p.71).

Sincerely,

Lee Merrill and Chris Wise
Co-Chairs of RACC Land Conservation Committee

2 Attachments

Attachment 1 - Observations and Examples of Master Plan Report and Rezoning Questions and Issues (to be revised when a complete Master Plan and rezoning application, and supporting information, is available):

- The scale and the set back of the proposed new buildings along the west side of Lee Avenue would, if built as proposed, create an ‘urban canyon’ feel to that street and be less inviting to the general public, pedestrians and cyclists.
- One issue not addressed at all in the narrative of the proposed Master Plan Report, is the 'status' of the Wood's Creek Trail (WCT) through the W&L campus. As part of the regional Brushy Blue Trail system, this vital pedestrian connection and recreational asset needs permanent recognition of public access and publicly available policy for the WCT from the three entities through which Trail passes.
- An environmental impact analysis of the effect of the proposed construction should be done before any of the proposed or future build outs in the Woods Creek valley as Woods Creek is listed by Virginia D.E.Q. as ‘impaired.’
- If the concepts in the present WLU Master Plan Report go forward there are a number of community impacts requiring further study to adequately evaluate including reduced tax revenue and declining value of payments-in-lieu-of-taxes; decreased affordable housing opportunities; loss of historic, residential-scale urban landscapes and green space; higher traffic volumes and related safety, congestion, and air quality issues as well as competition for downtown and neighborhood public parking spaces; increased stormwater runoff and water quality impacts; buffers and landscaping; setbacks, heights, and mass of buildings; noise, lighting, and hours of operation conflicts with adjacent residential properties and neighborhoods; existing and future public rights-of-way; institutional practices and requirements such as dumpsters, commercial-scale HVAC systems, diesel generator testing, 24/7 safety lighting, alarms; public infrastructure capacity; and more. The University owns a lot of undeveloped land on the west campus and should consider development there as previously identified as its planning direction, and as an approach that can both achieve the University’s goals and minimize impacts on the City, its historic business district, and residential neighborhoods.

Attachment 2 – Previous Comments

Lexington City Council CP2040 Public Hearing Remarks, November 5, 2020

Greetings Mr. Mayor and City Council,

As Lexington moves to approval of the CP2040 in full tonight, RACC's Land Conservation Committee (LCC) asks Council to make two amendments within two paragraphs of the Partnerships and Initiatives section (pg. 90), regarding the Master Planning process and Institutional Zoning Overlay for Washington and Lee University.

The first paragraph as proposed reads: "W&L is currently undertaking a significant campus master planning effort, the adoption of which is subject to City review and approval. In considering such proposals, the City will continue to encourage W&L to look within its present holdings for future growth rather than acquiring additional land. Not only would additional expansion further erode the City's tax base, removal of viable commercial activities from an already limited downtown is harmful to the health and vigor of this vital commercial district."

This first paragraph attempts to reflect previously agreed principles to locate future University growth within the existing Institutional Overlay, halting sprawl, erosion of the City's tax base, and intrusion of institutional uses into the commercial and residential neighborhoods of the City. However, the draft language is inaccurate to that previously agreed policy in using the word "holdings" and we propose correcting this error by substituting "Institutional Overlay" so the amended sentence in the Comp Plan will read: "In considering such proposals, the City will continue to encourage W&L to look within its Institutional Overlay for future growth rather than acquiring additional land."

The second paragraph of the section reads "The University owns most, but not all, of the houses in a block bounded by Glasgow, Nelson, and McLaughlin Streets and adjacent to the University's Lenfest Center for the Arts and Gaines Hall. Any proposed redevelopment of this block should mimic the scale and architecture of adjacent historic homes"

The Land Conservation Committee believes this second paragraph inappropriately signals the possibility of demolition of existing affordable housing in a residential neighborhood zoned R-1, green-lights redevelopment for institutional uses, and imposes arbitrary design guidelines. RACC asks that the second paragraph be deleted, leaving the agreed upon statement of general principles in the first paragraph and the City's established zoning to guide the City and University in considering any potential future amendments and approval of W&L's Master Plan.

As drafted, the second paragraph may bias future City Council and the Planning Commission reviews and put pressure on the City to look favorably upon on Master Plan proposals for expansion. Its inclusion is contrary to current zoning which W&L could, with reason, interpret as an endorsement of continued "creep." It also gives sole recognition to the least "green" approach, "redevelopment" (implied demolition) over rehabilitation or renovation, and eliminates an opportunity for the City to support its goals ensuring affordable housing and social justice values.

This second paragraph should be deleted and better addressed in further amendments.

Relevant to future planning for this neighborhood, our Committee applauds the CompPlan 2040's new planning tool called Opportunity Zones (found on page 98.) utilizing a well-conceived small area planning process. "The planning process should begin with a community discussion to identify specific development goals for each area and assess the need for additional guidance on planning, design, and investment. The small area planning process will be most appropriate for those areas where significant revitalization or development may impact surrounding neighborhoods or vary from the underlying pattern area principles. The small area planning process will examine these areas holistically with full engagement of the public, elected and appointed officials, and planning professionals".

Specifically describing the McLaughlin Street Opportunity zone, CompPlan2040 states a project opportunity vision as "the McLaughlin Street area is poised to create a unique live-work arts district as an expansion of downtown." RACC's Land Conservation Committee is willing to be a part of and contribute its experience and expertise to any community-involved small area planning processes here and throughout the City.

In conclusion, thank you for your attention to and full consideration for adopting these two editorial Amendments: substituting "Institutional Overlay" for "holdings" in paragraph one and deleting paragraph two of the Partnerships and Initiatives section.

Sincerely,

Lee Merrill and Chris Wise – Co-Chairs of RACC Land Conservation Committee

*Lisa Tracy/ Rockbridge County/ response to
W&L presentation*

I said it a year and a half ago:

There was a time when Washington and Lee University was very much a part of Lexington in innumerable ways. No longer, for those of us for whom Lexington is the center of our daily lives.

Once again, Washington and Lee is angling to take over Lee Avenue and Washington Street and to enact its long-planned “redevelopment” – doubtless for “the greater good” – of the so-called TRIANGLE: That is to say, THREE STREETS that are part of OUR actual community.

Some years ago, W&L promised the city that it would NOT extend its in-town boundaries beyond their then-current form. So what has happened to that promise?

And I might add, what has happened to the city’s spine, if it allows Washington and Lee to continue gobbling up neighborhoods and totally disrupting an already very delicate traffic flow that all of **us** must navigate on a daily basis?

What are we all THINKING? Do you Washington and Lee people even LIVE here? Do you know what it’s like to try to get from downtown Lexington out to the neighborhoods on West Route 60, a k a Midland Trail, a k a NELSON STREET?

Nelson Street is difficult in the best of times. Have you looked lately at the traffic jams that routinely accumulate between Lee and Jefferson on Nelson Street?

Do you realize that WASHINGTON Street is the ONLY OTHER street that completely traverses our city from east to west? And do you realize that it is the one we all rely on to avoid Nelson Street? What is the university thinking? Does it even CARE about the town that hosts, supports, and shelters it?

I haven’t even mentioned our shopkeepers, those brave souls who despite all economic uncertainty continue to give our downtown its true character. There was a time when the students and the rest of W&L were a part of that too. The more of the downtown you gobble up, the less room for shopkeepers and their

shoppers. Not to mention losing even a dozen of the downtown's precious parking places.

And once you've instituted a bunch more bricks and mortar in the so-called Triangle, full of students who know and care progressively less about our city as time goes by, we will see not only the loss of potential affordable housing but also a much bigger traffic mess.

Don't even bother to tell me that oh, no, it'll all be all right. That you'll manage it to everyone's satisfaction. Don't bother, because I LIVE here. I have SEEN what W&L has done in the past 20 years.

Washington Street and Lee Avenue are central parts of our downtown area. Just because they happen to abut your campus does not mean that they are PART of your campus. They are NOT.

They are city streets, and they belong to our city. We use them. We drive on them, we park on them, and some of us own businesses on them that depend on the rest of us and on out-of-town visitors to be able to move around freely throughout the downtown area.

I was a lot more polite the last time I made this plea. I'm now much more concerned for our future. We LIVE here. We drive, park, shop, eat and go to church here. Please, I beg of Washington and Lee, rejoin our community. Stop eating it up. Turn that Triangle into the good affordable housing it deserves to be and leave Washington Street and Lee Avenue alone.

Thank you.

March 23, 2022

Dear Members of the Lexington Planning Commission,

Apologies for the late comments on the WLU updated strategic plan that will be discussed at tomorrow's (March 24) Lexington Planning Commission meeting.

I have expressed my concerns at past meetings regarding the expansion of the Institutional Overlay Zone to properties that are external to the WLU campus. I appreciate that the updated strategic plan appears to have removed the triangle properties (bounded by McLaughlin St., Glasgow St. and Nelson St.) from their immediate plans, but I have continued concerns about the plan, as follows:

- Various Pages: Triangle Properties.
 - The triangle properties are still highlighted in the WLU master plan as if they are part of the zoning area on the following pages: 6-7, 29, 46-47 (refers to the McLaughlin St. District”), 90-91 (shows the triangle inside the WLU zone), 108-109, 110-111
- Page 68: One way streets
 - I cannot quite tell whether there is a suggestion to make some part of Lee Ave. one-way, but I am very concerned about changing **either** of these streets to one-way. I do understand that there are a lot of people in this area, but the interests of the Lexington community in the directionality of the city-owned streets must take precedence over the convenience of visitors to WLU.
 - If extending the Institutional overlay across either of these streets decreases the ability of the City of Lexington to make decisions about these streets, then I urge you to vote against this extension.
- Page 126: Paths.
 - Are these paths going to be available to the Lexington community to use?
 - Will there be environmental impact assessments of the paths, building upgrades, and landscaping changes on Woods Creek?
- Page 173: Utilities Upgrades.
 - The plan provides a map that shows upgrades required for plan implementation. This map doesn't provide a key, so I'm not sure what utilities are being expanded. However, it does show an extension of upgraded utilities in three colors (blue, purple and green) across Nelson Street toward the top of the triangle where McLaughlin St. and Nelson St. meet.
 - If this area is not in expansion plans then I am concerned about why they are extending upgraded utilities. Utilities are often a first step toward expansion and lead to development.

I would like to reiterate my deep concern about rezoning any part of the city that is not currently in the WLU-related institutional zoning overlay. There is no benefit to the citizens of Lexington (present or future) to giving away the ability to oversee the appropriate development of the

City's streets or streetscapes that are used by residents and visitors to the city. This includes the extension of the overlay district across Washington St.

Thank you for your service to our community.

Sincerely,

Shannon Spencer
512 Taylor St.
Lexington, VA 24450

kshannonspencer@gmail.com

Shannon Spencer
512 Taylor St.
Lexington, VA 24450

April 7, 2022

Re: WLU Master Plan Zoning Change Request

Lexington Planning Commission Members
Lexington City Council Members
300 E. Washington St.
Lexington, VA 24450

Dear Members of Lexington Planning Commission and Lexington City Council:

I respectfully submit my comments for consideration regarding the second iteration of the Washington and Lee University (WLU) Master Plan. I submitted comments on the previous iteration of this request, and I reference that letter here to continue to note my affection for the institution and my lifelong connection to it. My comments are as follows:

WLU is a very wealthy institution that owns a great deal of property in our city. As stewards of the city, it is the Planning Commission's and the City Council's duty to use their collective foresight to determine what will be the best course of action for current and future citizens of the city.

I am very pleased to see that WLU has included a traffic study of the Lee Ave/Washington St areas in question. I strongly recommend that the resulting report be submitted to and reviewed by an engineering firm contracted by the City of Lexington.

Some of the changes that are indicated by the WLU master plan report, including replacing historic buildings on Lee Ave, building a parking garage, and expanding the Early Fielding building (on the corner of Lee and Washington) with a substantially more imposing structure, are concerning. While I appreciate and understand that W&L would like to have more presence on the streets of Lexington and that having their admissions office literally at the corner of Washington and Lee (St and Ave, respectively) has an immense appeal to their constituency, these are CITY streets. It is the role of Lexington's Planning Commission and City Council to preserve the character of the town and the accessibility of the streets for use by the residents of the town and its visitors.

As a city taxpayer, I ask you to consider my concerns before you vote on the proposed zoning changes requested by WLU to accommodate their new master plan.

Because I have a lot of comments, I have separated them into sections: my requests are up front, but I ask that you read the rest of my comments as they provide the rationale for my requests.

My requests:

- **Engineering Firm:** I ask the City of Lexington to contract with an engineering firm that can verify the appropriateness of plans submitted to the City going forward and including the current requested zoning changes. This is good planning practice and is in no way any statement about the abilities of our staff; engineers and planners have different skill sets.
- **Recommend Against:** This zoning change request is unnecessary: As such, I strongly urge you to **recommend against/deny** the request for rezoning of the properties at or near the intersection of Lee Ave and Washington St.
 - It is the city's duty to guide the development on properties that will impact the daily lives of Lexington residents and visitors to the city, and this zoning change would hamstring the city's ability to do this job.
 - There is no need for the expanded institutional overlay zone and if the City grants the request to WLU, the City will be giving away control over development of part of the downtown center. The City will never be able to regain that control, regardless of how much future circumstances might warrant it.
 - The City's elected officials owe their allegiance in this matter to the current and future citizens and taxpayers of the city: residents who voted for them; those who voted against them; those who didn't vote; those who have not yet even been born.
- **Consider:** I ask that the City carefully consider the disadvantages associated with giving away its ability to regulate the streetscape: they are multitudinous.

The rationale for my concerns about the WLU proposed zoning changes from Downtown Center Zone to Civic-Campus-Post Zone:

Zoning Changes:

The city's zoning ordinance exists to provide the city with a measure of control over its streetscape (setback, building height, etc) and the location of different uses. The current proposed approach to development (applying for a zoning change rather than simply requesting variances required by the *current* zoning) puts the city at a great disadvantage for maintaining control over the streetscapes that represents our history and our future. In my opinion, a broad zoning change to the institutional overlay zone (IOZ) for the proposed areas would not serve the Lexington community well and is inappropriate for this situation.

Please draw a line in the sand and say no to this request.

My concerns with WLU's requested broad zoning change to IOZ:

- These sites are NOT located internal to the WLU campus: they are on city owned streets and in city neighborhoods.
- This zoning change request would allow WLU to build a wide variety of structures on the properties without regard for the zoning requirements that are in effect for the adjacent areas.
- The zoning changes would mean that, in perpetuity, WLU would not have to ask permission to make changes that are allowed by the IOZ. And if the university sold those properties at some point in the future, it would mean that the future owner could likewise do the same. The ability to make those changes would be written into the zoning and would go with the property.

For example: It would be as if I asked the city to rezone my property on Taylor St. to Commercial while providing only a vague idea of what I might build there or whether or not I would tear down my home, all while providing you with a 5-10 year window for any action. It would require a leap of faith on the PC's/Council's part that I would not build something that would be considered a nuisance by my neighbors, and by allowing the **zoning** change, you would give me (and any business that I sold the property to in the future) the right to change the setback on my property, the height of the building, the street lighting, etc. without coming back to the PC to ask permission because those possibilities would be allowed by virtue of the **zoning**.... And all of these changes would be granted on a permanent basis in the absence of even an initial clear proposed plan.

Lee Avenue/Washington St:

- New Buildings: The master plan shows a proposal for replacing/adding to existing buildings to end up with much larger buildings along Lee Avenue. These buildings could have very small setbacks and could be taller than the surrounding buildings. Combined with the narrow streets and sidewalks, I believe that these changes would make this area feel uninviting to residents because the buildings would not be at the same scale as the surrounding buildings, they would not have any connection to the community, and the current design creates a physical and psychological barrier to people not affiliated with the university in some way.
- Historic Buildings: Lee Avenue also has some remaining historic buildings that are on University property and appear to be planned for demolition. This is of great concern because it changes the feel of the street.
- Street: This street is busy, narrow and heavily traveled by cars and pedestrians. The intersection of Lee Ave and Washington St is a particularly challenging spot because there are cars parked close to the intersection and there are pedestrians walking across in multiple directions.
- Car traffic: the new uses for these buildings would increase car traffic on this already challenging street. Based on my experience of using parking garages, access to and egress from a parking garage would have the impact of creating traffic backups during events and other times of heavy use. It would also create a hazard of cars entering the street without looking carefully (based on the fact that insurance rates for young drivers

are much higher, I think it's fair to say that college students are not the most careful group of drivers and would occasionally exhibit the behavior to which I refer).

- Pedestrian traffic: by moving the commerce school across the street from campus, the University is creating a nuisance scenario where city traffic will be held up and slowed to a crawl to accommodate students who are crossing Lee Ave or Washington St. A large percentage of W&L students major in one of the areas of study that fall under the Commerce School, which means that there would be MANY students who would need to cross the street (either Lee Ave. or Washington St.) throughout the day.
- Traffic snarl: This particular location is a terrible location for creating the snarl that would result from parking garage access/egress, admissions and museum traffic, and students attending classes. This is a city street. The risk is that traffic could back up onto our other streets (Jefferson and even Main) as a result of the slowdowns.

Wilson Hall Expansion

- Woods Creek Impacts: I strongly encourage the city to require an environmental impact statement for this and any other properties or projects that WLU (or anyone else) proposes to "improve" that abut or impact the Woods Creek area. The Wilson Hall expansion is above Woods Creek and any runoff from construction and beyond would go directly into the creek without substantial mitigation.
- I have the same concerns about extending the Institutional Overlay Zone to this site because of the permanence of zoning changes and the potential for streetscape changes that the city has no control over.

Woods Creek & Woods Creek Trail

- The plan offers no protection of or permanent public access to Woods Creek Trail.
- There is no protection of Woods Creek built into the plan. There's no discussion of granting permanent access to residents and visitors to to part of the Woods Creek Trail that runs through W&L property.

General Concerns

- WLU Expansion: While I appreciate that the University would like to move its campus toward Lexington's lovely downtown, that does not make it the best course of action for ALL parties involved. Lexington is a city with residents who live here year-round, visitors who travel through year-round. Just because the University has purchased (or been gifted properties) properties outside of the campus zone does NOT mean that those properties should become part of the institutional overlay zone.
- Footprint: W&L owns a great deal of property, which expands out into the county; they have plenty of room to expand. Lexington's footprint, on the other hand, is set: once the city cedes the ability to control the type of development that takes place in an area of town, any ability to control how those streets are developed is lost forever.

- Fairness: It's fine for the University to own those properties, but they should be subject to the same restrictions and processes that everyone else is who owns property in those areas.
- Promises to Hold the Line: It is my understanding that the university pledged to not expand further into the city at the time of the last campus master plan, that seems like a pledge worth keeping (particularly given their ownership of a great deal of land further to the west where they intend to pursue development of the campus (including additional housing)).

Thank you for allowing me to submit my comments to the Planning Commission and City Council.

Shannon Spencer

512 Taylor St.
Lexington, VA 24450