

LEXINGTON PLANNING COMMISSION

April 22, 2021 - 5:00 P.M
Distance Meeting held through ZOOM
300 East Washington Street, Lexington, VA 24450

AGENDA

- 1. CALL TO ORDER**
 - A. statement of emergency and authority to proceed
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
 - A. Minutes from April 8, 2021*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. SP 2021-01: Application by Huger Food Services, Inc., for a site plan review for the Southern Inn restaurant at 37 S. Main Street, Tax Map #: 23-1-80, & 23-1-79.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion
 - B. Annual Zoning Ordinance Amendments.
 - 1) Discussion of 3 proposed text amendments**
 - 2) Public comment
 - 3) Schedule for proposed additional amendments*
 - 4) Public comment
- 6. OTHER BUSINESS**
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, April 8, 2021 – 5:00 p.m.
Zoom Meeting – City Hall
300 East Washington Street**

Planning Commission:

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

City Staff:

Arne Glaeser, Planning Department

Absent: Matt Tuchler
Pat Bradley, Vice-Chair

CALL TO ORDER

Chair Driscoll called the meeting to order at 5:00 p.m. A. Glaeser read a statement saying that due to the COVID-19 pandemic the City of Lexington is taking action to limit attendance at public meetings. The City Council has approved an emergency ordinance allowing all meetings to be held as real time electronic meetings streamed to the City's Facebook page and uploaded to Youtube the following day.

AGENDA

The agenda was approved unanimously (B. Shester/L. Straughan).

MINUTES

Minutes from the March 25, 2021 meeting were approved unanimously, with edits suggested by J. Driscoll (J. Goodin/B. Shester)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. Annual Zoning Text Amendments

- 1) Entrance Structures – A. Glaeser asked Commission to consider any specific questions for Mez Welch on the structure he would like to erect at the entrance to his business. J. Driscoll asked what height Mr. Welch was asking for and how that measured up with the current code, as well as Mr. Welch's options should the Commission decide against changing the ordinance. A. Glaeser said the proposed standards allowed for a height of 16 feet, but Mr. Welch was requesting a height of 21 feet. He also said Mr. Welch could request a variance from the Board of Zoning Appeals if the ordinance was not changed.
- 2) Public Comment – Lee Merrill, 2 S. Randolph Street, said he is supportive of Mr. Welch's entryway; however, he is understanding that the ordinance

shouldn't be changed just to benefit one person. He did not have any particular opinion on which way the Commission should vote.

- 3) Discussion – L. Straughan said that she knew Mr. Welch would do a lovely job on the entryway, but she was not comfortable changing the ordinance so much for one instance. B. Shester said that he likes the idea of the entryway, and he felt that as long as all safety precautions were taken to protect line of sight and access for emergency vehicles and neighbors, that it would be ok. He did agree with L. Straughan that it could also turn out to be a one-off ordinance. A. Glaeser suggested that the Commission consider making this a Conditional Use Permit for the R-LC district, and include the design standards with it. J. Goodin said he liked that idea as it blended what L. Straughan and B. Shester were pointing out. He also asked how many CUPs would be too many. A. Glaeser said that this, being the first instance, would not be too many CUPs, and that once the Commission felt comfortable with the standards, they could transition it into a by-right use. L. Straughan said her concern was that she did not want the Commission judging designs so much, and J. Goodin agreed. L. Straughan suggested naming specific streets that structures like this could be allowed on. A. Glaeser said that could be done. B. Shester said that he does think this street is special and could handle the structure. L. Straughan asked if A. Glaeser had talked to the fire department about access, and A. Glaeser said he would and that he would ask Mr. Welch about the height of the structure. He asked if he should move it forward for a public hearing or wait for the absent members of the Commission to look at it. J. Goodin said he would like to wait for the other members to look at this.
- 4) Parking Calculations for Multifamily Dwellings – J. Driscoll asked if this was something that could be looked at in the future for other changes to bring it closer in line with the Comprehensive Plan. J. Goodin said he would like to revisit the process for the annual update of Zoning Text Amendments to see if the process could be improved in anyway.
- 5) Public Comment – None
- 6) Planned Unit Development – L. Straughan asked if the flexibility would be greater for the PUD being its own district or as an overlay. A. Glaeser said that the flexibility would be good either way. He also pointed out that all the zoning districts in the City match up 1 for 1 with the future land use designations. J. Driscoll clarified that the underlying zoning will inform the density and standards for the PUD zoning.
- 7) Public Comment – Lee Merrill – said that the zones have been built up to reflect the expectations of the people who live in those zones, so he would be considerate of the fact that these possible exceptions could get pushback. He encouraged the Commission to be aware of the underlying zoning intention.
- 8) Discussion – L. Straughan would like to prevent PUDs from being allowed in the neighborhoods, traditional or suburban. She said that it was most often the affordable neighborhoods that are hit by this. A. Glaeser said that could require

an amendment to the Comprehensive Plan as he believes there is a table in the Plan that allows PUDs in four land use designations including traditional and suburban neighborhood. J. Driscoll said he felt the inclusion of “opportunity areas” was confusing as those aren’t actual zoning districts, just areas. A. Glaeser said that all the opportunity areas are already inside districts where PUDs are automatically allowed, so the term could be removed. He also confirmed with the Commission that the overlay was preferred to the zoning district. A. Glaeser also pointed out that PUDs do have to be compatible and consistent with the land used surrounding it, so a proposed PUD should meld with residential areas. The Commission said they would like to see a reworking of the initial code for PUDs in Lexington. L. Straughan recommended removing sections A, B, C, and modify section D from “in this sections” to “in the underlying district.” A. Glaeser said he would create some draft regulations for density and height. J. Driscoll asked what Opportunity Zone means, and L. Straughan said it meant that developers who invest here will be able to use capital gains for tax breaks.

B. Green Infrastructure

The Commission discussed some Green Infrastructure project ideas. Lee Merrill – 2 S. Randolph Street – recommend Rockbridge Outfitters and including Chris Wise. He also suggested splitting the list into subgroups.

OTHER BUSINESS

J. Goodin mentioned that the Commission is down a member.

CITY COUNCIL REPORT

L. Straughan said Council met and had a presentation from Interim-Police Chief Frost for their annual report and Lexington is the third safest city in Virginia. The Council also met the new Police Chief, Angela Greene. There was also a hearing on the request from Rockbridge Historical Society which was approved, and there was a hearing on the street renaming policy and on the budget. There was also discussion on the proposals for the Spotswood site. There was also a request from the Miller’s House to do a project to get water near the end of the tailrace.

ADJOURN

The meeting was adjourned at 7:00 pm with unanimous approval (B. Shester/L. Straughan).

J. Driscoll, Chair, Planning Commission

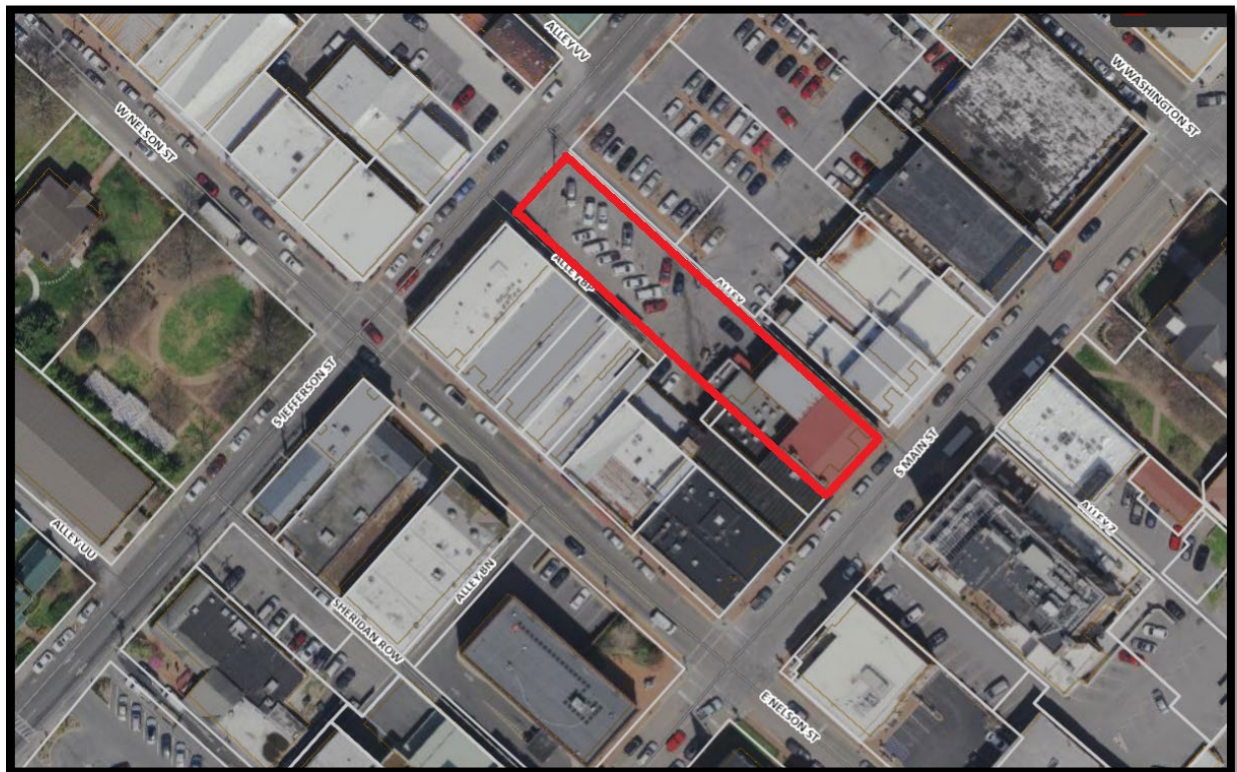
Project Name	Outdoor dining improvements for the Southern Inn Restaurant
Property Location	37 S. Main Street
Zoning	C-1 (Commercial District (Central Business)) and Historic Downtown Preservation District
Owner/Applicant	Four M Properties LLC / Huger Food Services, Inc.

Background

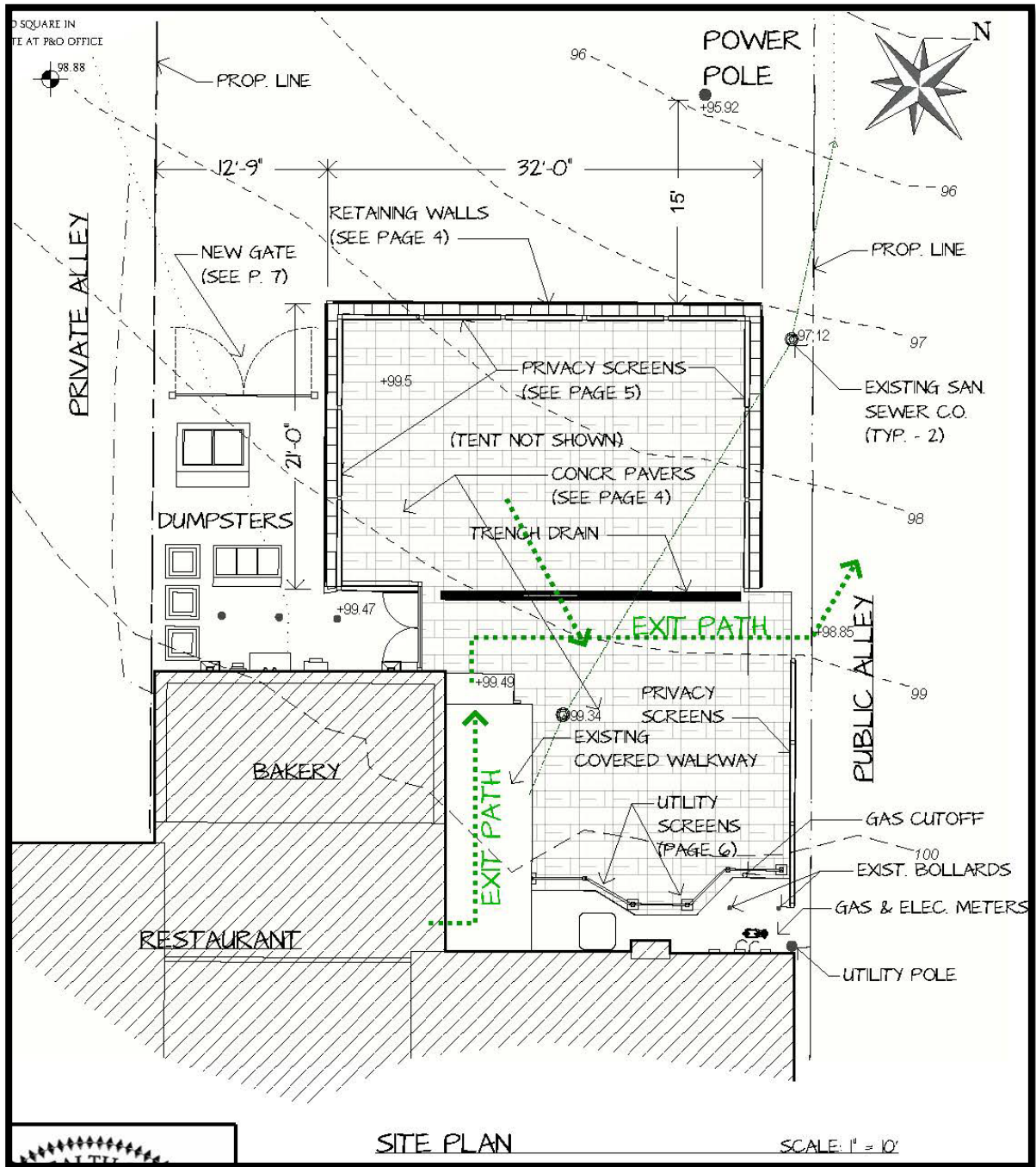
A temporary outdoor dining facility was installed for the Southern Inn Restaurant adjacent to the McCrums’s parking during the Covid-19 pandemic. That facility has been removed and the applicant requests permanent improvements to the site to enhance the capability of outdoor dining activities.

The site plan on the following page shows an outdoor patio and covered dining area. Privacy screens border the facility and the dumpsters are also screened. All of the proposed improvements are all located exterior to the existing restaurant building footprint.

location map



Site plan



Zoning Authority and Requirements

The Planning Commission has the authority and responsibility to review all site plans required by the zoning ordinance. Site plans are required and shall be submitted for all new structures, all renovated structures and all additions to existing structures (§420-2.4).

Yard Setbacks

The building footprint will not expand and there are no setback requirements in the C-1 zoning district unless the parcel abuts a residential zoning district. All of the adjacent parcels are zoned C-1 and structures can therefore be located up to the property lines.

Parking

Buildings in the Historic Downtown Preservation District are exempt from the parking requirements.

Screening

Screening is required (§420-14.6.A) for large waste receptacles and a 4'6" tall dumpster screening gate is included in the site plan application submittal.

Landscaping

Landscape buffering is only required where a commercially zoned development abuts a residential zoning district or where multi-family residential development abuts any property zoned R-1 or R-2. The subject parcel does not abut residential zoning.

Fire Protection

The Fire Marshal had no comments regarding the submitted site plan.

Section 420-2.7.B of the Lexington Zoning Ordinance

The site plan shall be approved by the Planning Commission if it is found to be adequate with respect to:

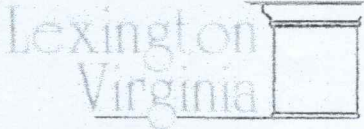
- (1) Locations and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
- (2) Locations and adequacy of automobile parking areas.
- (3) Adequate provision for traffic circulation and control within the site and provision for access to adjoining property.
- (4) Compliance with the requirements for setback and screening.
- (5) Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
- (6) Compliance with applicable established design criteria, construction standards and specifications for all improvements.
- (7) Approval by the City Health Officer or his agents if septic tank and other sewage disposal facilities other than sanitary sewers are involved.
- (8) Adequacy of proposed landscaping for softening the harsh visual effects of parking lots and for providing screening between the development and the street and surrounding lots.

Staff Conclusions and Recommendations

The proposed site plan complies with all zoning requirements pertaining to site design and use, and staff recommends approval of the site plan for 37 S. Main Street.

Suggested Motion

I move to approve Site Plan number SP 2021-01 and find the submitted site plan to be in compliance with the zoning ordinance.



www.lexingtonva.gov

Planning & Development Department

P.O. Box 922

300 East Washington Street

Lexington, Virginia 24450

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

SITE PLAN APPLICATION AND CHECKLIST

Applicant¹
 Name: Huger Food Services, Inc Phone: 540-463-3612
 Company: George Huger Fax: _____
 Address: 37 South Main Street Email: george@southernhp.com
 Applicant's Signature: [Signature] Date: 3-5-21

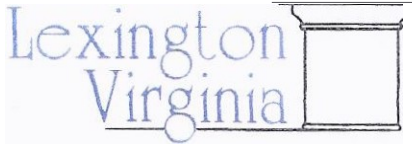
Site Plan Preparer
 Name: H.E. Ravenhorst Phone: 540-460-3184
 Company: H.E. Ravenhorst, AIA Fax: _____
 Address: PO Box 904, Lexington, VA 24450 Email: ravnhrst@rockbridge.net

Property Owner
 Name: FOUR M PROPERTIES LLC Phone: 804-360-1627
 Address: 5228 BELVA RD, GLEN ALLEN, VA 23059 Email: pgmacheras@gmail.com
 Owner's Signature: Peter S Macheras Date: 3/9/21

Proposal Information² (attach list of properties if request includes multiple properties)
 Address (or location description): _____
 Tax Map: _____ Deed Book and Page #: _____
 Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

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.

*Fees Non Refundable



www.lexingtonva.gov

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P.O. Box 922
300 East Washington Street
Lexington, Virginia 24450
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Notice to Adjacent Property Owners

Per § 420-222-B(1) of the Lexington City Code, the City shall give written notice to those persons who own property any portion of which abuts the subject property and all property which is across the street from any portion of the subject property as determined by the City's real property tax records. This notice shall give the date, time and place of the Planning Commission meeting at which the site plan is being reviewed, identify the property which is the subject of the application and give a brief description of the proposed action. This notice shall be mailed a minimum of 10 days prior to the date of the meeting of the Planning Commission at which the site plan is first considered.

Posting of the Property

Per § 420-222-B(2) of the Lexington City Code, the City will place a sign provided on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$300+\$25/acre Amount Paid: _____
Case Number: SP- _____ - _____

Date Received: _____ Received By: _____

Staff Review

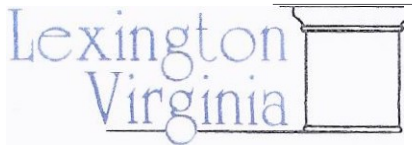
Planning: _____ Public Works: _____
Police: _____ Fire/Rescue: _____

Approvals

Planning Commission

Administrator

Adj. Property Notifications: _____ Action: _____
Meeting Date: _____ Action Date: _____
Action: _____ Signature: _____



Site Plan Checklist

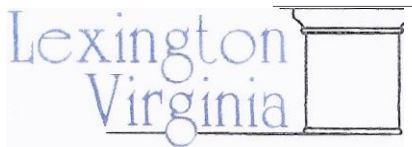
Contents

Every site plan prepared and submitted in accordance with Article XXII of the Lexington City Code shall contain the following information:

- A boundary survey of the tract.
- A certificate, signed by the surveyor or engineer, setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
- All existing and proposed streets and easements, their names, numbers and widths, existing and proposed utilities, owners, zoning and present use of adjoining property.
- Location, type and size of vehicular entrances to the site.
- Locations, types, sizes and heights of fencing, retaining walls and screen planting where required.
- All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article XX.
- Number of floors, floor area, height and location of each building and proposed general use for each building. If a multifamily residential building, the number, size and type of dwelling units.
- All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made.
- Provisions for the adequate disposition of natural and storm water, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.
- Existing topography, with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
- Proposed finished grading by contours, supplemented where necessary by spot elevations.
- A landscape plan if requested by the City Manager, his authorized agent or the Planning Commission.

Preparation and Submission

- Site plans, or any portion thereof, involving engineering, architecture, landscape architecture or land surveying shall be prepared and certified respectively by an engineer, architect, landscape architect or land surveyor duly authorized by the state to practice as such.
- Site plans shall be prepared on a scale of one inch equals 50 feet or larger.



- A clear, legible, blue or black line copy of the site plan shall be submitted to the Zoning Administrator. The Zoning Administrator shall be responsible for checking the site plan for general completeness and compliance with such administrative requirements as may be established prior to routing copies thereof for review.

Planning Commission Review

All site plans which are appropriately submitted and conform to the standards and requirements set forth in Article XXII of the Lexington City Code shall be forwarded to the Planning Commission for approval.

The site plan shall be approved by the Planning Commission if it is found to be adequate with respect to:

- Locations and design of vehicular entrances and exits in relation to streets giving access to the site and in relation to pedestrian traffic.
- Locations and adequacy of automobile parking areas.
- Adequate provision for traffic circulation and control within the site and provision for access to adjoining property.
- Compliance with the requirements for setback and screening.
- Adequacy of drainage, water supply, fire protection and sanitary sewer facilities.
- Compliance with applicable established design criteria, construction standards, and specifications for all improvements.
- Approval by the City Health Officer or his agents if septic tank and other sewage disposal facilities other than sanitary sewers are involved.
- Adequacy of proposed landscaping for softening the harsh visual effects of parking lots and for providing screening between the development and the street and surrounding lots.

Required Improvements

- Screening, fences, walls, curbs and gutters as required.
- Easements of rights-of-way for all facilities to be publicly maintained. Such easements shall be clearly defined for the purpose intended.
- Curbs and gutters for travel lanes or driveways that provide vehicular travel to and from adjacent parking areas or adjacent property for the purpose of separating such areas or property from parking areas and walkways.
- Adequate "no parking" signs along such travel lanes or driveways to prohibit parking on such.
- An adequate drainage system for the disposition of storm and natural waters.
- Landscaping sufficient to soften the visual effects of parking lots and to provide screening between the development, the street and surrounding lots.

H. E. RAVENHORST, AIA ARCHITECT

19 South Main St. ~ PO Box 904 ~ Lexington, VA 24450 ~ Phone (540) 463-3205 ~ ravnhrst@rockbridge.net

March 9, 2021

NARRATIVE FOR SITE PLAN APPLICATION SOUTHERN INN RESTAURANT

Upon the onset of the pandemic last year, the Southern Inn erected a temporary tent behind the restaurant to allow outdoor dining. That has since been removed, but the decision has been made to make improvements to the site to enhance the capability of outdoor activities.

The existing site has several obstacles that needed to be addressed. The site begins to slope soon after leaving the rear of the building; there is a well-occupied electrical power pole in the lot; and the dumpsters, a necessary part of a restaurant function, are also in that area. The entire area is currently covered with asphalt paving.

The proposed solution to these issues is described on the pages attached. The first step is to create a nearly level spot for a tent. The tent used last year was 20' x 40'; the one proposed is 20' x 30' in order to maintain clearance from the utility pole. (It will still be necessary to use caution in keeping a safe distance from the overhead lines in the area).

The "flat place" will be created with a low retaining wall of weathered concrete block and surfaced with concrete pavers. These pavers will also be used to create a patio area extending back to the building from the tent location. A trench drain (with grates that meet ADA requirements in terms of the size of openings) will be installed between the patio and tent to intercept groundwater and divert it around the tent plateau; the discharge will be to the parking lot below.

As a certain amount of lighting is required (both as a matter of practicality and by ABC rules), LED string lighting will be installed around the perimeter of the patio and tent. In the tent, the lighting will be above the edge of the canopy, concealing the luminaires from view outside. That won't be possible at the patio area, but the light level of the string lights is quite low: it uses bulbs spaced approximately 16 inches apart, and each bulb emits only 55 lumens (for comparison, a 25 watt incandescent bulb emits 250 lumens). This low level of perimeter lighting will be enough to define the space and provide minimal lighting for patrons. The patio area will be largely concealed from adjacent properties by the tent and surrounding buildings.

The plans include privacy screens around the perimeter of the tent area and patio, utility screens to conceal the existing utilities on the rear of the building, and gates to shield the dumpster area from public view. These items are detailed in the enclosure.



PROJECT AS VIEWED FROM THE NORTHWEST (JEFFERSON STREET)

PROPOSED SITE IMPROVEMENTS

SOUTHERN INN RESTAURANT

Table of Contents

1. Overall Site Plan; Location Diagram
2. Immediate Site Plan
3. Aerial Perspective Views
4. Details: Retaining Wall and Paving Materials
5. Details: Privacy Screens
6. Details: Utilities Screen Assembly
7. Details: Dumpster Screening Gate



H. E. RAVENHORST, AIA
ARCHITECT

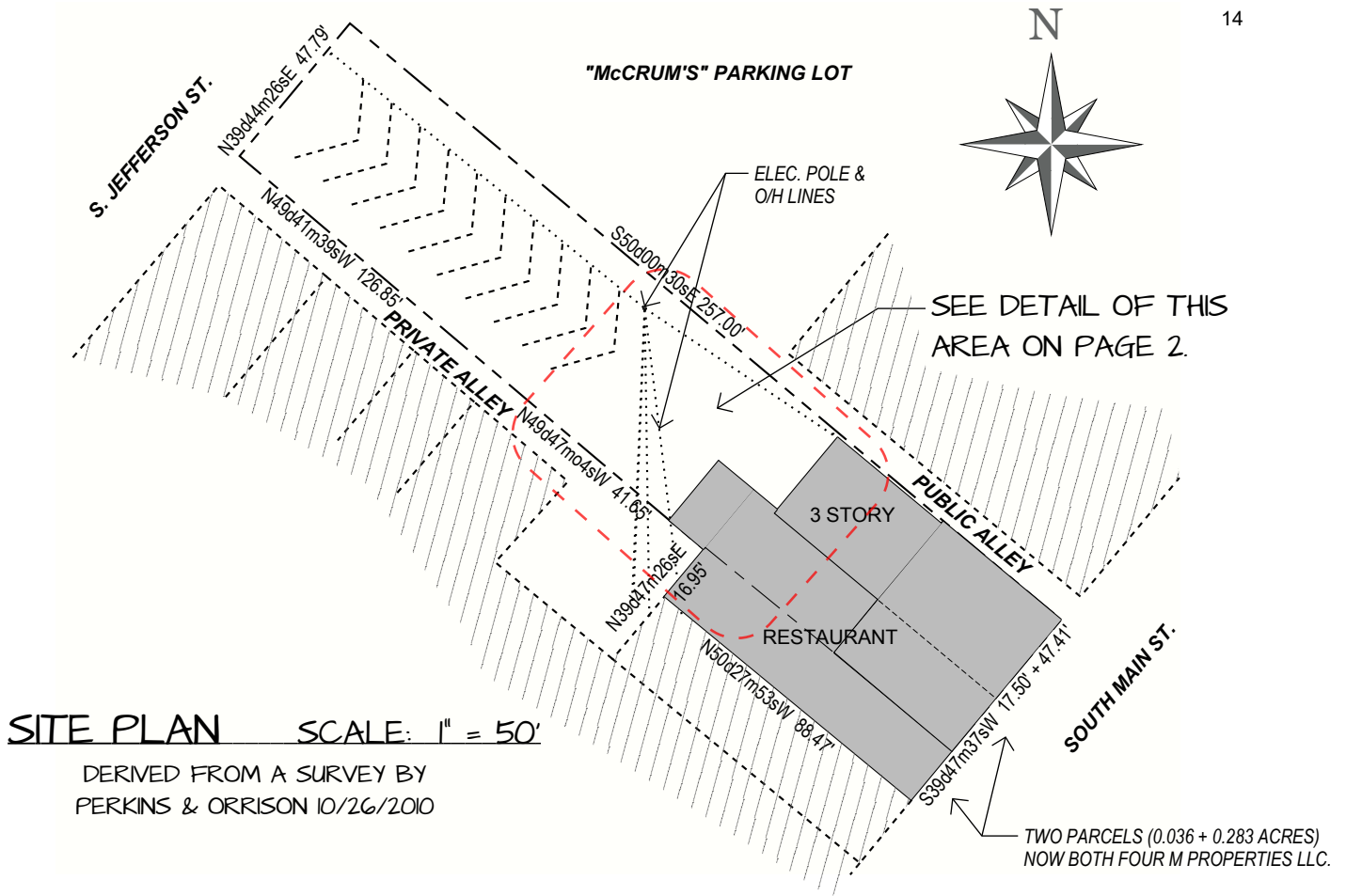
19 South Main Street, Lexington, Virginia 24450
 ravnhrst@rockbridge.net 540.463.3205

JOB #: 852

DATE: 03/9/2021

COVER PAGE

PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
 37 SOUTH MAIN STREET
 LEXINGTON, VIRGINIA



SITE PLAN SCALE: 1" = 50'

DERIVED FROM A SURVEY BY PERKINS & ORRISON 10/26/2010



PARCEL BOUNDED BY BLUE LINE IS THE SUBJECT PARCEL, OWNED BY FOUR M PROPERTIES LLC.



H. E. RAVENHORST, AIA ARCHITECT

19 South Main Street, Lexington, Virginia 24450
ravnhorst@rockbridge.net 540.463.3205

JOB #: 852 DATE: 03/9/2021 PAGE 1

**PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
37 SOUTH MAIN STREET
LEXINGTON, VIRGINIA**

BENCHMARK:
CHISELED SQUARE IN
CONCRETE AT P&O OFFICE

98.88

PROP. LINE

96

POWER
POLE

+95.92

15



96

PROP. LINE

PRIVATE ALLEY

NEW GATE
(SEE P. 7)

12'-9"

32'-0"

15'

RETAINING WALLS
(SEE PAGE 4)

97

97.12

EXISTING SAN
SEWER C.O.
(TYP. - 2)

PRIVACY SCREENS
(SEE PAGE 5)

(TENT NOT SHOWN)

CONCR. PAVERS
(SEE PAGE 4)

98

DUMPSTERS

2'-0"

TRENCH DRAIN

EXIT PATH

+98.85

99

PUBLIC ALLEY

+99.47

+99.49

PRIVACY
SCREENS

EXISTING
COVERED WALKWAY

BAKERY

EXIT PATH

UTILITY
SCREENS
(PAGE 6)

GAS CUTOFF

100
EXIST. BOLLARDS

GAS & ELEC. METERS

RESTAURANT

UTILITY POLE

SITE PLAN

SCALE: 1" = 10'

EXISTING CONTOURS SHOWN DERIVED FROM TOPOGRAPHIC
SURVEY BY PERKINS & ORRISON DATED 10/21/2010.
SPOT ELEVATIONS WERE VERIFIED ON SITE 3/6/2021.
ASSUMED CONTOUR 100.0 = APPROX. 1042 ELEVATION



**H. E. RAVENHORST, AIA
ARCHITECT**

19 South Main Street, Lexington, Virginia 24450
ravnrst@rockbridge.net 540.463.3205

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DATE: 03/9/2021

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PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
37 SOUTH MAIN STREET
LEXINGTON, VIRGINIA



PERSPECTIVE VIEW WITH 20' X 30' TENT IN PLACE



AERIAL PERSPECTIVE VIEW WITHOUT TENT



H. E. RAVENHORST, AIA
ARCHITECT

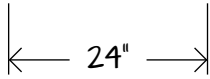
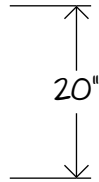
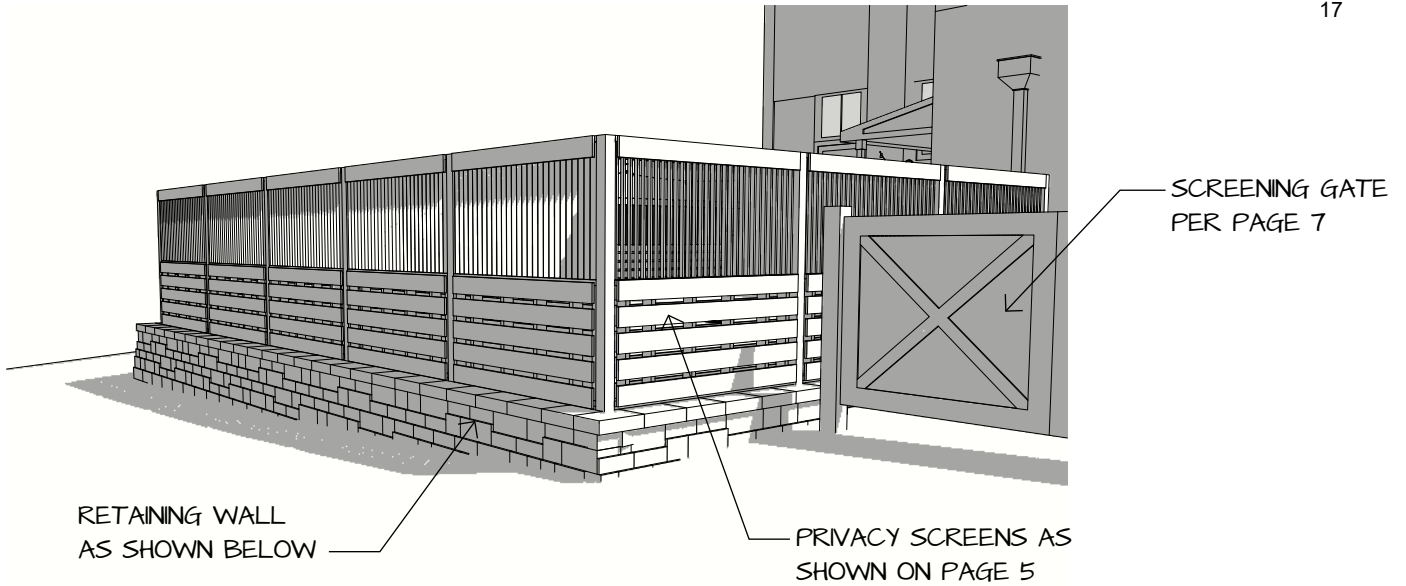
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PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
 37 SOUTH MAIN STREET
 LEXINGTON, VIRGINIA



VERSA-LOK MOSAIC RETAINING WALL SYSTEM
 SHOWN: WEATHERED SERIES COMPOSED OF THREE COLORS:
 CHESTNUT, HICKORY, AND WALNUT BLENDS.



SHOWN: 8" X 8" CHESTNUT BLEND

VERSA-LOK WEATHERED ESTATE PAVING STONE



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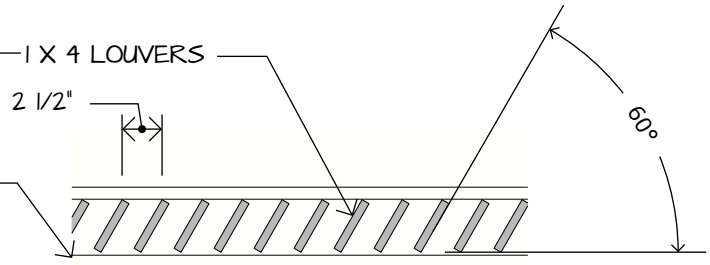
DATE: 03/9/2021

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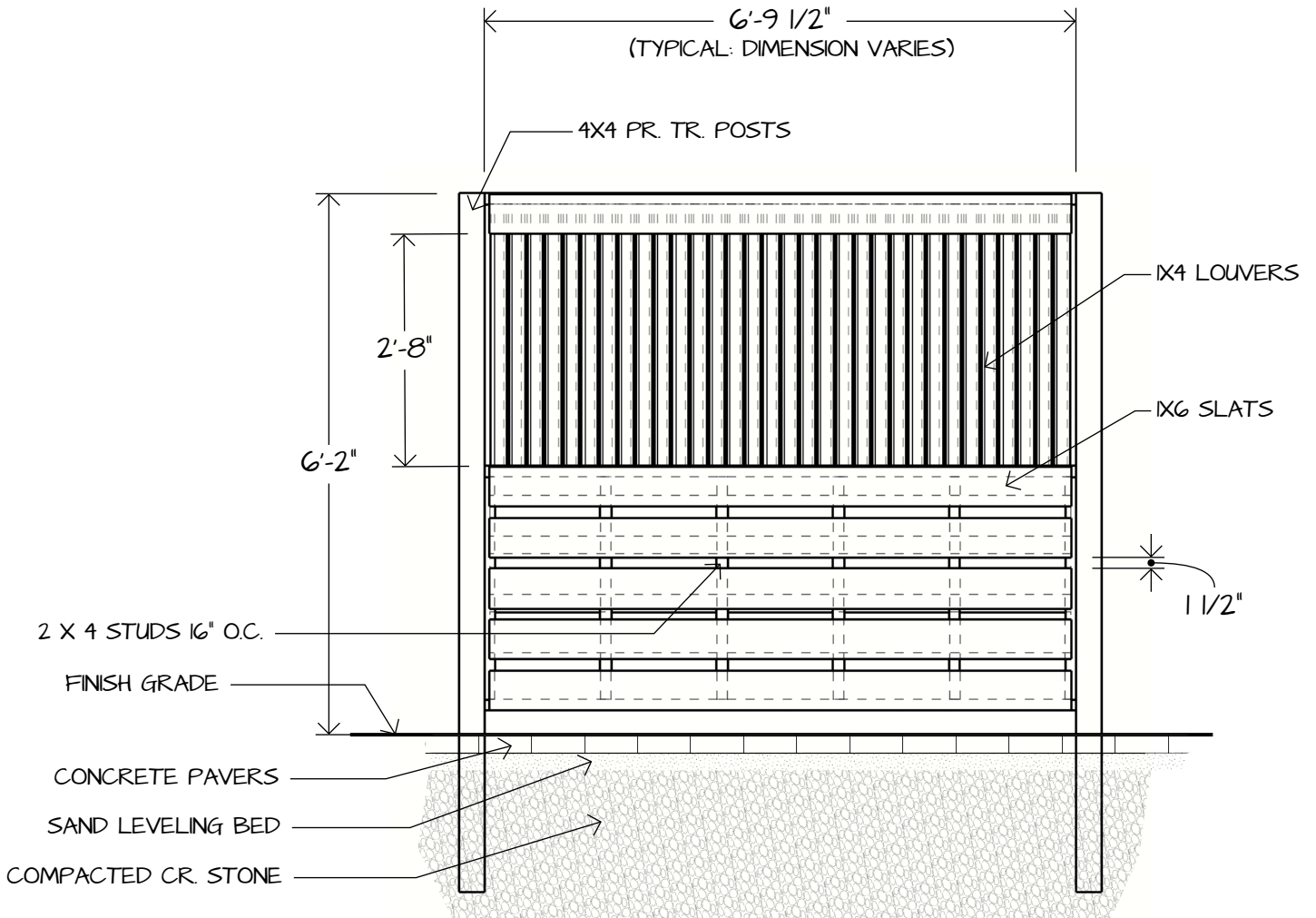
PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
 37 SOUTH MAIN STREET
 LEXINGTON, VIRGINIA



PERSPECTIVE VIEW: PRIVACY SCREEN
(NO SCALE)



PARTIAL PLAN SECTION: PRIVACY SCREEN
SCALE: 1" = 1'-0"



ELEVATION: TYPICAL PRIVACY SCREEN SCALE: 1/2" = 1'-0"



H. E. RAVENHORST, AIA
ARCHITECT

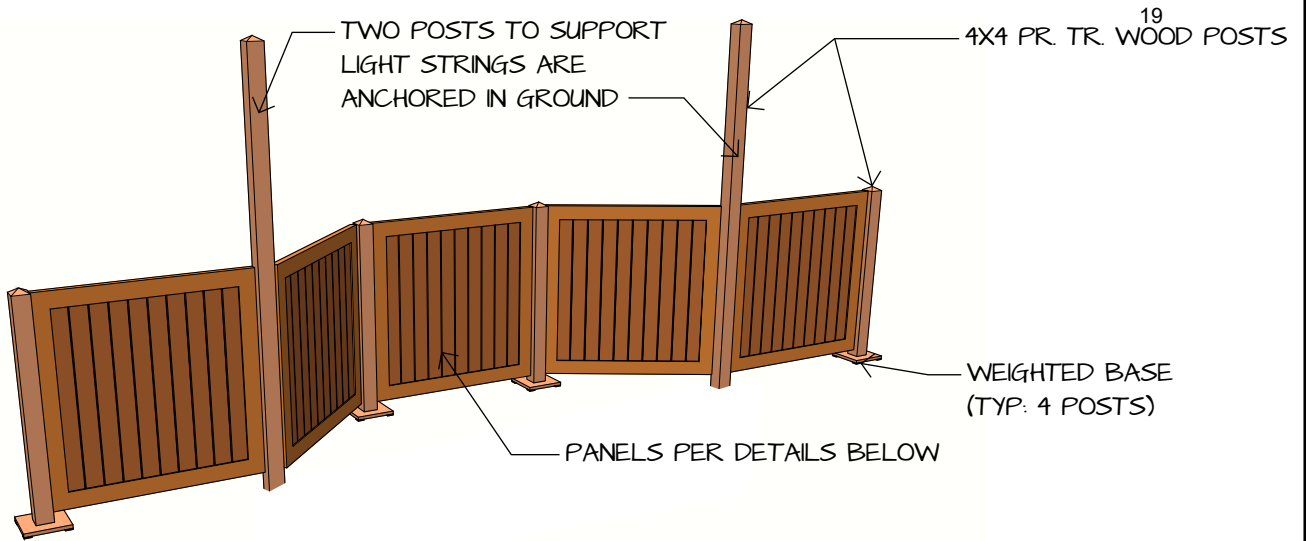
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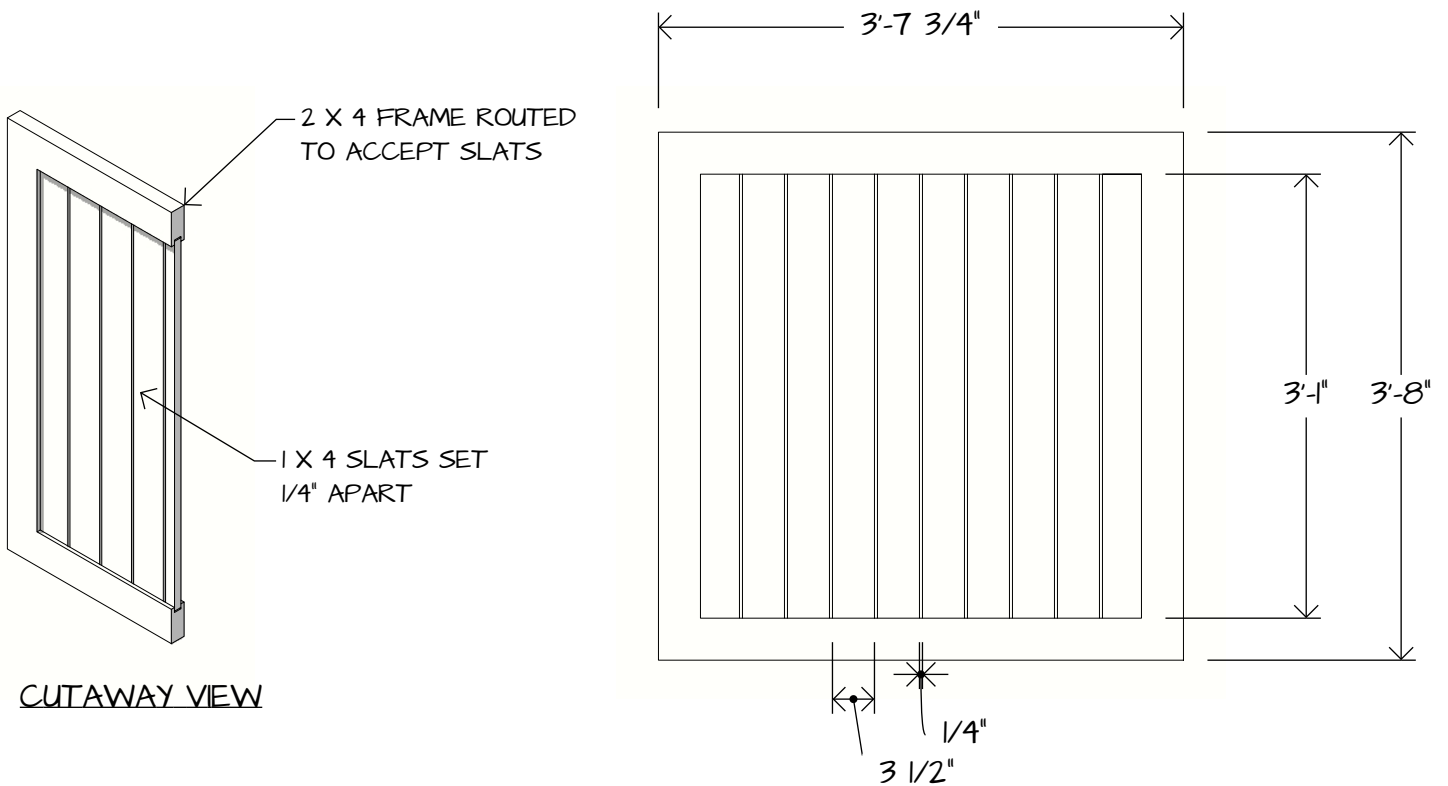
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PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
37 SOUTH MAIN STREET
LEXINGTON, VIRGINIA



PERSPECTIVE VIEW: UTILITY SCREEN ASSEMBLY NO SCALE



ELEVATION: UTILITY SCREEN PANEL SCALE: 3/4" = 1'-0"



H. E. RAVENHORST, AIA
ARCHITECT

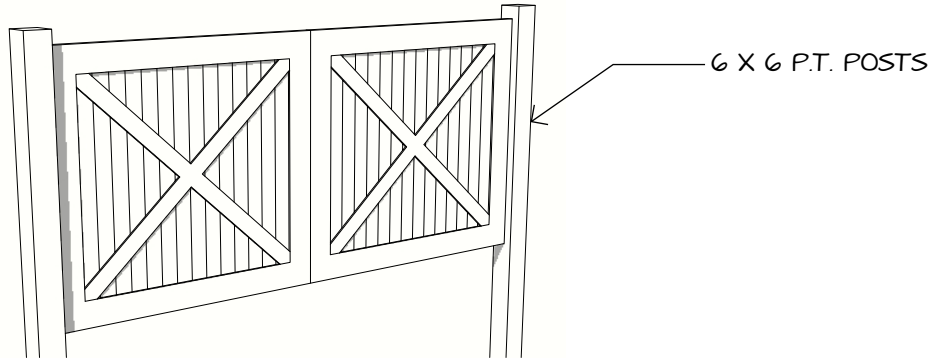
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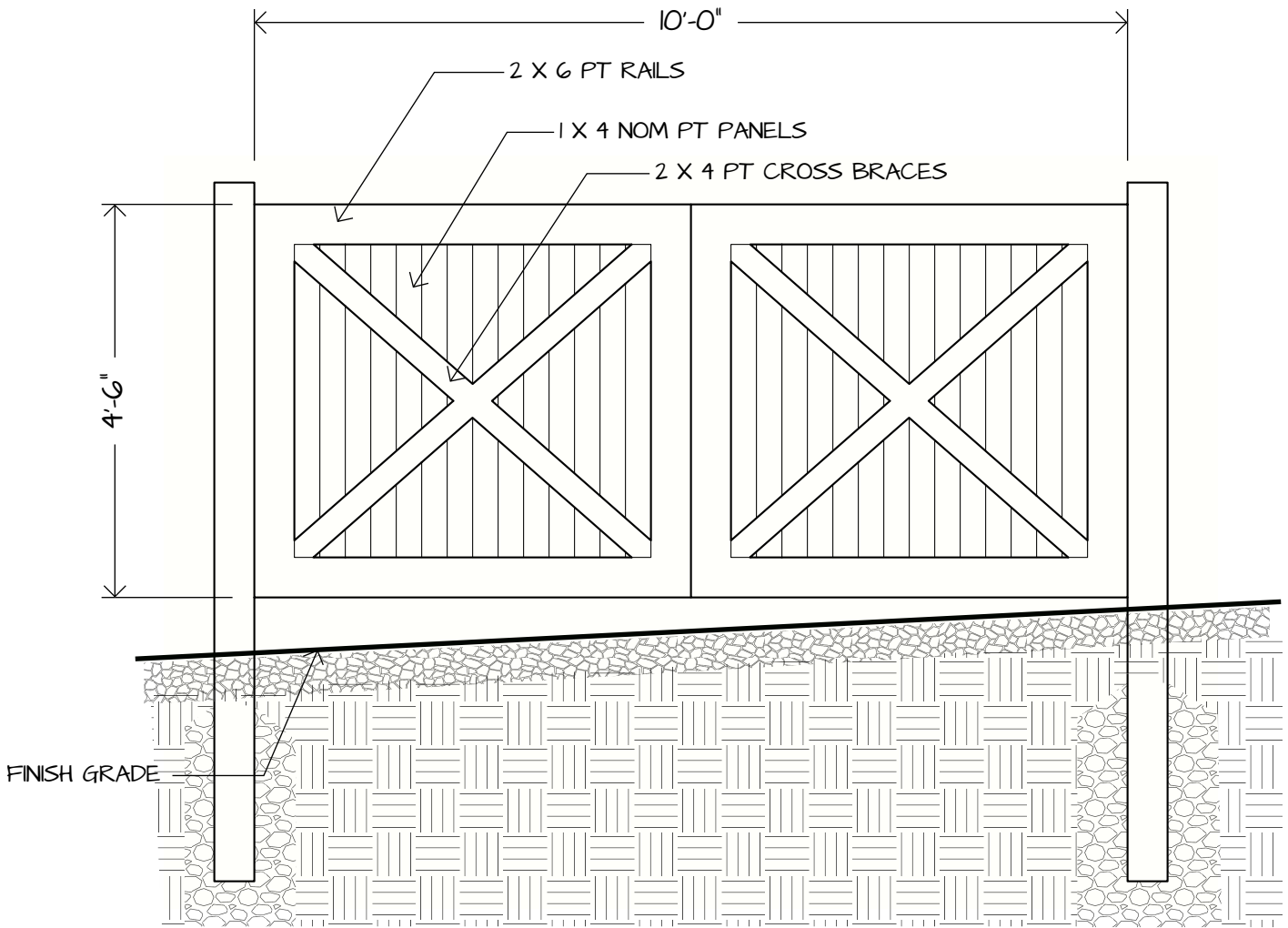
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PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
37 SOUTH MAIN STREET
LEXINGTON, VIRGINIA



PERSPECTIVE VIEW: DUMPSTER SCREENING GATE NO SCALE



ELEVATION: DUMPSTER SCREENING GATE SCALE: 1/2" = 1'-0



H. E. RAVENHORST, AIA
ARCHITECT

19 South Main Street, Lexington, Virginia 24450
ravnhorst@rockbridge.net 540.463.3205

JOB #: 852

DATE: 03/9/2021

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PROPOSED BACKLOT IMPROVEMENTS:
SOUTHERN INN RESTAURANT
37 SOUTH MAIN STREET
LEXINGTON, VIRGINIA



Planning Commission

LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS 2021

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ITEM #1 – Entry structure

ISSUE:

A property owner along McLaughlin Street requested the City consider modifications to front yard setback requirements to allow an entry structure for properties in the R-LC zoning district. This type of structure would provide a unique entry to their property that contains a timber framing business and the structure itself would display their timber framing craftsmanship. The owner envisions a tall, entry structure that can be driven under and is similar to a ranch entry gate.

PROPOSED LANGUAGE:

§420-4.7. Lot Requirements.

Zoning District	Lot Area	Lot Width	Building Height	Front Yard	Side Yard	Rear Yard
R-LC	Residential use: 8,000 sq. ft.; Two-family dwellings-12,000 sq. ft.; Multi-family-10,000 sq. ft. plus 1,500 sq. ft. for each unit in excess of 4; Townhouses - 2,400 sq. ft. per unit; Non-residential: 8,000 s.f.	Residential uses: 60 feet; Two-family dwellings-80 feet; Townhouses-20 feet each unit; Multi-family-50 feet plus 10 feet for each unit above 4; Non-residential: 60 feet	35 feet, except dwellings may be increased up to 45 feet, provided that each side yard is 20 feet, plus at least one foot for each additional foot of building height over 35 feet.	25 feet, <u>except entry structures</u>	Residential uses: 10 feet, or 20 feet for multi-family Non-residential: 10 feet	Residential uses: 25 feet, or 40 feet for multi-family Non-residential: 25 feet

§420-20.1 Definitions.

ENTRY STRUCTURE

A continuous wall, gate, fence or combination thereof, located contiguous to and on both sides of the main access (driveway) to the property which is designed and intended to control and/or demarcate the access to the property. A gate of the same height and materials as the adjoining fence is not an entry structure. An "entry structure" includes all walls, buttresses, guy wires, integral signs and decorative features attached thereto up to a maximum width of 30 feet on either side of the driveway centerline. (Napa County Code)

Use and Design Standards for Entry Structure

§420-11.3. Commercial Uses.

9. *Entry Structures shall be subject to the following minimum standards:*
 1. One entry structure may be permitted in the R-LC zoning district in connection with the primary vehicular entry.
 2. No portion may be constructed within the public road right-of-way unless an encroachment permit is approved by Public Works.
 3. No portion may exceed 21 feet in height.
 4. On a corner lot, no portion of an entry structure may be erected or placed in such a manner as to impede vision between a height of 2 ½ feet and 10 feet above the center lines of such corner lots

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on April 22, 2021

and a line joining points along such street lines 50 feet from the point of the intersection. (Lex Z.O.)

5. Open gates and vehicles waiting for gates to open may not physically obstruct any public road.
6. It shall not be designed so that it causes a vehicle to back onto a roadway if the entry structure is closed.
7. The turnaround area associated with the entry structure shall not include any part of a public right-of-way.
8. An entry structure is differentiated from a gate in that an entry structure is greater than 7 feet high.
9. In R-LC, Entry Structures may only be located along McLaughlin Street.

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

Use Types

Commercial								
Entry Structure						C ⁵		

⁵only along McLaughlin Street

STAFF RECOMMENDATION:

Consider amendments to the R-LC zoning district requirements to allow an entry structure.

PLANNING COMMISSION RECOMMENDATION:

Should an entry structure be allowed in the front yard setback for properties zoned R-LC? Y / N

Should the proposed definition of an entry structure be adopted? Y / N

Should the proposed use and design standards for an entry structure be adopted for a conditional use? Y / N

Other:

2/11/2021 Planning Commission desired a better description of the proposed structure from Mez Welch. Staff contacted Mez and requested he provide a sketch and attend the next PC meeting on 2.25. 2021. Mez quickly provided the sketch on the following page.

4/8/2021 Yes R-LC, yes McLaughlin Street, yes CUP

Response from the Fire Marshall, Trent Roberts:

The fire department has no objection to this project.

One FD concern is that the structure may diminish tactical use of the aerial apparatus when operational at the two commercial properties, and the large residential structure. Again, only a “tactical thought,” not an objection.

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The fire code requires 20 ft. horizontal (width) clearance.

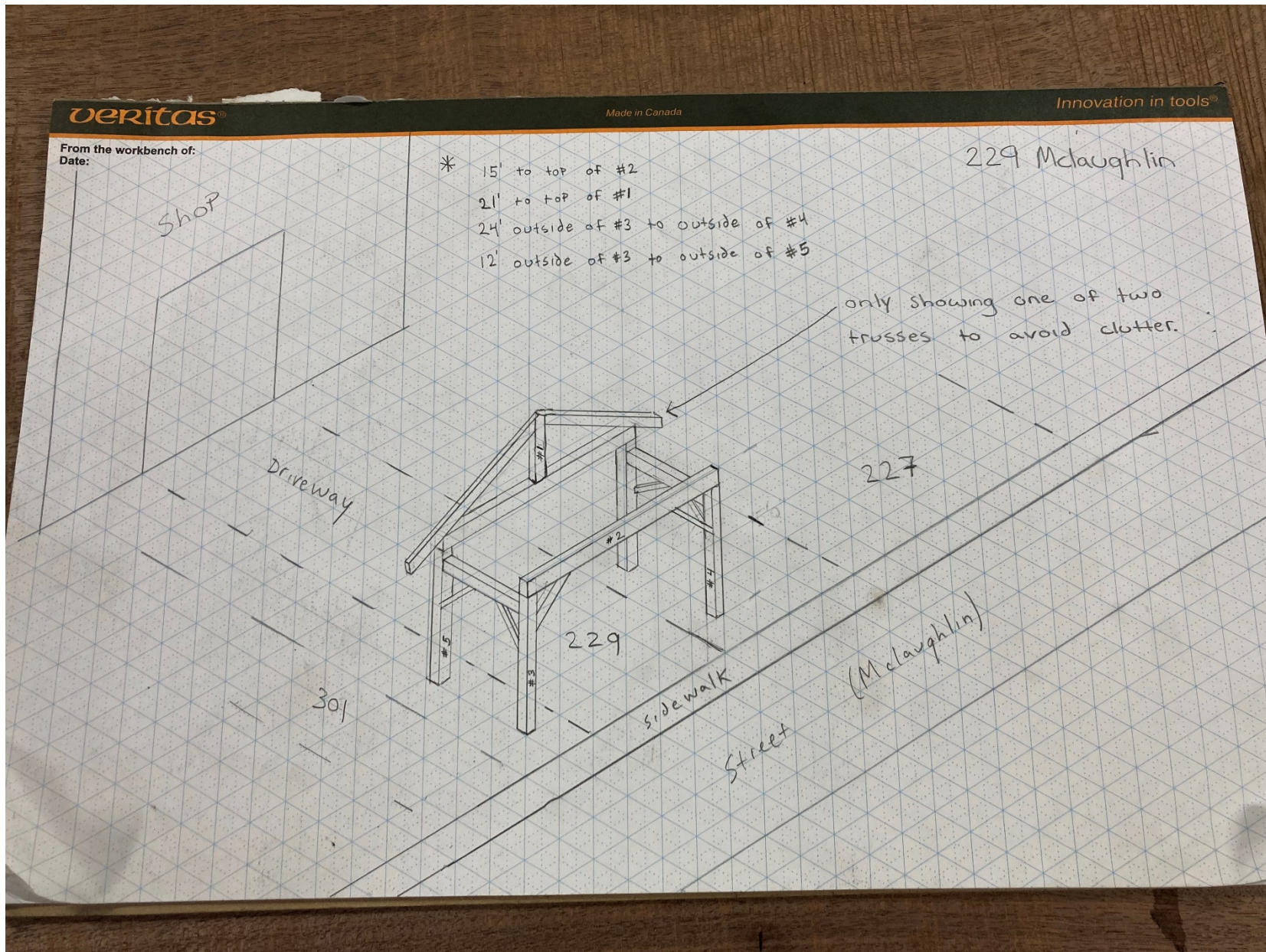
The fire code requires 13 ft-6 in vertical (height) clearance.

The plans shown Outside Dimension of the structure, not the Inside Dimension.

For instance: the height in Mez's diagram is shown as "15' to top of #2 without stating the width of the lumber of beam #2. The height clearance shall be a minimum of 13'- 6" to the bottom of #2 (the ID). The width between #3 and #4, #5 and (assumed) #6 shall be 20' clear width ID. There is one concern with the width at the 45 degree supports at #2, 3, 4. The 45 degree supports must also meet the 20' width, 13'6" height, and cannot encroach into that space requirement.

Setback for the swing from McLaughlin Street is difficult to determine. I think the current required setback will be adequate. The Engine apparatus should be able to swing from McLaughlin Street into a 20' width hole. The aerial apparatus possibly not, however, the FD will tactically work around that dilemma.

The Fire Marshall's comments were provided to Mez Welch with questions about height and design flexibility for the proposed entry structure.



Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on April 22, 2021

ITEM #2 – Multifamily parking calculation

ISSUE:

The parking requirement for multi-family dwellings, large capacity dwellings, and group homes is “2 for each dwelling unit or 1 per bedroom, whichever is greater.” Should a one bedroom dwelling unit be required to provide 2 off street parking spaces?

EXISTING LANGUAGE:

Article XII. Off-Street Parking and Loading Requirements

§420-12.8. Schedule of required spaces.

<i>Use</i>	<i>Parking Spaces Required</i>
Multi-family dwelling, large capacity dwelling, and group home	<i>2 for each dwelling unit or 1 per bedroom, whichever is greater</i>

STAFF RECOMMENDATION:

Consider amendment to the multi-family dwelling parking requirement to provide only one off-street parking space for a one bedroom dwelling unit.

Staff notes a zoning text amendment application was submitted on 2/3/2021 to consider a more comprehensive amendment to the multi-family parking requirement separate from the annual text amendments. Staff recommends the Planning Commission continue with consideration of the amendment for 1 bedroom dwellings and track progress of the separate amendment. The 1 bedroom amendment can be withdrawn if the separate amendment that is on a faster review and approval schedule addresses the 1 bedroom parking penalty.

PLANNING COMMISSION RECOMMENDATION:

Should the multi-family parking requirement be reduced to require only one off-street parking space for a one bedroom dwelling? Y / N

Other:

A separate zoning ordinance amendment submitted by Russ Orrison to amend the multifamily parking calculation was considered by the Planning Commission on March 25, 2021 and the Planning Commission recommended to change the multifamily parking requirement to 1.25 spaces per efficiency/studio & one bedroom units, 1.5 spaces per two bedroom units, and 2 spaces per three or more bedroom units. City Council held a public hearing on April 15, 2021 and approved the PC recommended multifamily parking calculations. Staff recommends the current amendment to resolve the one bedroom parking penalty since a new multifamily parking calculation was adopted on April 15, 2021 addressing the one bedroom parking penalty.

Should the proposed annual zoning text amendment be eliminated from the list of proposed amendments? Y / N

ITEM #3 – Planned Unit Development

ISSUE:

The PUD zoning district is relatively outdated and could benefit from a review and possible rewrite in order to be a more useful and flexible zoning district. Traffic studies and environmental studies for example could apply to PUDs over 5 acres in size and not to PUDs that are between 3 and 5 acres for example. Parking and residential densities could potentially be more flexible and mixed use encouraged.

PROPOSED LANGUAGE:

(See entire PUD zoning district regulations with proposed amendments beginning on the next page.)

STAFF RECOMMENDATION:

Consider a review and update of the PUD zoning district. (Staff was not able to timely amend the portions of the PUD text requested by the PC during their April 8, 2021 meeting. The effort to quickly amend the PUD text has not been successful and staff recommends the proposed PUD amendment be place in category “b” with the other longer range amendments to provide adequate time for a closer examination of the PUD regulations.)

PLANNING COMMISSION RECOMMENDATION:

Should the Planned Unit Development zoning district be updated with a “minor” update?	Y / N
Should the Planned Unit Development zoning district receive a wholesale rewrite?	Y / N
Should the Planned Unit Development zoning district remain as written?	Y / N

Other:

HISTORY

The Planning Commission discussed the staff proposed “minor” revisions to the PUD regulations on March 11, 2021 and language amended in response to the Planning Commission discussion is shown in green in this report.

4/8/2021 Planning Commission

Article I. In General

§420-1.6. Establishment of Districts.

For the purposes of this chapter, the area within the incorporated City, as it exists at the time of the enactment of this chapter, is hereby divided into classes of districts, which are established as follows:

Planned Unit Development (PUD)

The planned unit development (PUD) concept encourages and permits variation in residential developments, clustering of buildings, common open space, and a mix of building types and land uses. Its intent is to permit greater flexibility in order to allow more creative, innovative, imaginative, and, where possible, environmentally sensitive development than may be possible in the other zoning districts. A PUD is intended to allow the use of diversified development techniques for larger parcels. Planned Unit Developments shall be developed with appropriate site design, landscaping, and buffering practices to ensure compatibility with surrounding developed properties.

Article V. Planned Unit Development (PUD)

§420-5.1. Intent and purpose.

Planned Unit Development Districts are intended to provide for variety and flexibility in design necessary to implement the varied goals of the City as set forth in the comprehensive plan. Through a Planned Unit Development District approach, the regulations of this division are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. Additionally, planned unit development districts are intended to implement the specific goals enunciated by the comprehensive plan.

It is intended that the Planned Unit Development Districts overlay be established in areas designated as Suburban Neighborhood, Traditional Neighborhood, ~~Mixed Use~~ Neighborhood, ~~Commercial use Center~~, or ~~special planning areas~~ on the future land use map, generally be consistent with the design principles noted in the applicable Future Land Use designation, and be established in areas with adequate infrastructure including roadway, water, sewer, etc. Planned district master plans should demonstrate a unified development with an interconnected system of internal roads, sidewalks, and paths as well as manage access points along existing roads in order to maximize safety and the efficiency of existing roads. Pavement widths of internal and external roads shall minimize paving requirements as described in the comprehensive plan while accommodating projected traffic generated from the district. Planned developments allow for a higher density of development for a more efficient use of the land. Other benefits of a planned development include less infrastructure costs, more efficient provision of public safety services, less environmental impact, and through the provision of affordable housing achieve significant economic and social integration.

§420-5.2. Character of development.

The goal of a Planned Unit Development District is to encourage a development form and character that is aesthetically pleasing and is different from conventional suburban development by providing the following characteristics:

- A. Pedestrian orientation;*
- B. Neighborhood friendly streets and paths;*

- C. *Interconnected streets and transportation networks;*
- D. *Parks and open space as amenities;*
- E. *Neighborhood centers;*
- F. *Buildings and spaces of appropriate scale;*
- G. *Relegated parking;*
- H. *Mixture of uses and use types;*
- I. *Mixture of housing types and affordability;*
- J. *Environmentally sensitive design; and*
- K. ~~*Clear boundaries with any surrounding rural areas.*~~

An application is not necessarily required to possess every characteristic of the planned unit development district as delineated in §420-5.1 in order to be approved. The size of the proposed district, its integration with surrounding districts, or other similar factors may prevent the application from possessing every characteristic

§420-5.3. Permitted uses- generally.

In the Planned Unit Development Overlay District, all uses permitted by-right in the residential, and commercial, ~~and industrial~~ districts may be permitted. Additional uses specifically enumerated in the final master plan may be permitted by-right at the discretion of the City Council. Specific uses may also be excluded.

§420-5.4. Permitted uses- with conditional use permit.

One or more uses permitted by conditional use permit in any zoning districts may be permitted in the Planned Unit Development District, if documented in the master plan. Any use desired but not documented in the approved master plan requires an application to amend the master plan.

§420-5.5. Mixture of uses.

A variety of housing types and non-residential uses are strongly encouraged. The mixture of uses shall be based upon the uses recommended in the comprehensive plan. This mixture may be obtained with different uses in different buildings or a mixture of uses within the same building.

§420-5.6. Minimum area for a Planned Unit Development.

Minimum area required for the establishment of a Planned Unit Development District shall be three (3) acres.

Additional area may be added to an established Planned Unit Development District if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the Planned Unit Development District shall be the same as if an original application was filed and all requirements shall apply except the minimum lot area requirement as set forth above.

§420-5.7. Open Space.

Open space promotes attractive and unique developments that are also environmentally conscious. Planned unit developments ~~shall~~ are strongly encouraged to include the following:

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- A. Not less than thirty percent (30%) of total acreage shall be open space, whether dedicated to public use or retained privately;
- B. ~~If fifty percent (50%) or more of the total acreage is open space, then a thirty percent (30%) increase in density shall be permitted. If seventy five percent (75%) or more of the total acreage is open space, then a fifty percent (50%) increase in density shall be permitted;~~
- C. ~~A minimum usable area of five thousand square feet every 5 acres shall be provided for active or passive recreational activities;~~
- D. Open space shall be dedicated in a logical relationship to the site and in accordance with any guidance from the comprehensive plan regarding significant open space;
- E. Improvements shall be configured to accommodate permitted, accessory and conditional uses in an orderly relationship with one another, with the greatest amount of open area and with the least disturbance to natural features.

§420-5.8. Densities.

Residential density shall be established by the City Council as part of the PUD zoning of a parcel taking into consideration the uses proposed, the size of the parcel being rezoned, the impact on public services, available parking, maximum height of the structure permitted, and an analysis of the Comprehensive Plan standards. The gross and net residential densities shall be shown on the approved final master plan by area and for the development as a whole in dwelling units per acre, and shall be binding upon its approval. ~~The overall gross density so approved shall be determined by the City Council with reference to the comprehensive plan, but shall not exceed twenty (20) dwelling units per acre, unless the density is increased with the provisions of §420-5.7-B.~~

Non-residential density should be expressed in terms of total square footage by area and for the development as a whole. There is no maximum square footage for non-residential uses but the proposed uses should be in proportion to the overall intent and functionality of the planned district concept.

§420-5.9. Setback regulations.

Within the Planned Unit Development District, minimum setback ranges shall be specifically established during the review and approval of the concept plan. Specific setbacks may be approved administratively in the site plan process if they are in conformance with the established ranges, or a modification to the master plan will be required if the provided setbacks are not within the established ranges. The following guidelines shall be used in establishing the building spacing and setbacks:

- A. Areas between buildings used as service yards, storage of trash, or other utility purposes should be designed so as to be compatible with adjoining buildings;
- B. Building spacing and design shall incorporate privacy for outdoor activity areas (patios, decks, etc.) associated with individual dwelling units whenever feasible; and
- C. Yards located at the perimeter of the planned unit development district shall conform to the setback requirements of the adjoining district, or to the setback requirements of the planned district, whichever is greater.

In no case shall setbacks interfere with public safety issues such as sight lines and utilities, including other public infrastructure such as sidewalks, open space, etc.

§420-5.10. Height of buildings.

In the Planned Unit Development District, the height regulations shall be:

- A. Single-family residences: 45 feet (maximum).*
- B. Banks, office buildings and hotels: 60 feet (maximum).*
- C. Apartments, shopping centers, and other permitted buildings: 60 feet (maximum).*
- D. Conditional use permits are required for structures exceeding the maximums listed in this section.*
- E. These limitations shall not apply to church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennas and radio aerials.*
- F. All accessory buildings shall generally be less than the main building in height.*

§420-5.11. Parking.

Within the Planned Unit Development District, the applicant shall establish parking regulations for consideration by the City Council. The proposed regulations should be based on a parking needs study or equivalent data. Such regulations shall reflect the intent of the comprehensive plan to decrease impervious cover by reducing parking requirements, considering alternative transportation modes and using pervious surfaces for spillover parking areas. Shared parking areas, especially with non-residential uses is encouraged.

§420-5.12. Utilities.

All new utility lines, electric, telephone, cable television lines, etc., shall be placed underground.

§420-5.13. Application for rezoning.

- A. The applicant shall file an application for rezoning with the Zoning Administrator. The application shall consist of three primary sections: a narrative, an existing conditions map, and a master plan.*
 - 1. Narrative*
 - i. A general statement of objectives to be achieved by the planned district including a description of the character of the proposed development and the market for which the development is oriented;*
 - ii. A list of all adjacent property owners;*
 - iii. Site development standards including, but not limited to density, setbacks, maximum heights, and lot coverage;*
 - iv. Utilities requirement and implementation plan;*
 - v. Phased implementation plan;*
 - vi. Comprehensive sign plan;*

- vii. *Statements pertaining to any architectural and community design guidelines shall be submitted in sufficient detail to provide information on building designs, orientations, styles, lighting plans, etc.*
- viii. *List of exceptions or variances from the requirements of the Zoning chapter, if any are being requested.*

2. *Existing Conditions Map*

- i. *Topography, including steep slopes (>15%);*
- ii. *Water features;*
- iii. *Roadways;*
- iv. *Structures;*
- v. *Tree lines;*
- vi. *Major utilities;*
- vii. *Significant environmental features;*
- viii. *Existing and proposed ownership of the site along with all adjacent property owners;*

3. *Master Plan*

The preliminary master plan shall be of sufficient clarity and scale to accurately identify the location, nature, and character of the proposed Planned Unit Development District. At a minimum, the preliminary master plan, shall include the following:

- i. *Proposed layout of the Planned Unit Development District including the general building locations of uses, setbacks, building heights, building square footage of non-residential structures, number of dwelling units, types of uses, and gross density range of uses;*
- ii. *Methods of access from existing ~~state~~publicly-maintained roads to proposed areas of development;*
- iii. *General road alignments;*
- iv. *General alignments of sidewalks, bicycle and pedestrian facilities;*
- v. *A general water layout plan indicating the intended size and location of primary lines and the general location of fire hydrants (e.g., one every two blocks, etc.);*
- vi. *A general sanitary sewer layout indicating the size and location of primary lines, and the location of pump stations; ~~and~~*
- vii. *A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas; and*

- viii. A general storm sewer layout indicating the size and location of primary lines, and proposed retention/detention facilities.
 - ix. Proposed landscaping and screening,
 - x. Proposed location and area of common and public open spaces
 - xi. A statement on the guarantees and assurances to be provided for the maintenance of open space, recreation areas, sidewalks, parking, streets and alleys, and other privately-owned but common facilities serving the project.
- B. A community impact statement (CIS) shall be submitted with the application which describes the probable effects of the proposed development upon the community. At a minimum, it shall address the following:
- 1. Adequacy of existing public facilities and services to meet the demands of the development. Analysis shall be made of sewer, water, schools, parks, fire and rescue, and other major public facilities and utilities.
 - 2. Additional on-site and off-site public facilities or services that would be required as a result of the development.
- ~~Additionally, an environmental impact study and a traffic study are also required to be submitted as part of the application package. The~~ 3. An environmental impact study shall be prepared by a qualified individual or firm in a manner and form acceptable to the City and should detail any project impacts on FEMA identified flood area and slopes greater than 25%, and should provide a stormwater management plan detailing both stormwater quantity and quality mitigation measures and best practices.
- 4. ~~The~~ A traffic study impact analysis should quantify existing and projected traffic levels on all adjacent streets, and at all proposed entrances. The traffic impact analysis shall be prepared by a qualified individual or firm in a manner and form acceptable to the City.
- C. *The City Attorney shall review any property owner's or other association's charter and regulations prior to final site plan approval.*
- D. *The Planning Commission shall review the preliminary master plan for the proposed Planned Unit Development District in light of the goals enumerated in the comprehensive plan, consider it at a scheduled public hearing, and forward its recommendation along with the preliminary master plan to the City Council for consideration. The City Council shall hold a public hearing thereon, pursuant to public notice as required by the Code of Virginia, 15.2-2204, after which the City Council may make appropriate changes or corrections in the ordinance or proposed amendment. However, no land may be zoned to a more intensive use classification than was contained in the public notice without an additional public hearing after notice required by the Code of Virginia, 15.2-2204. Such ordinances shall be enacted in the same manner as all other ordinances. The plan approved by the City Council shall constitute the final master plan for the Planned Unit Development District.*

- E. *Once the City Council has approved the final master plan, all accepted conditions and elements of the plan shall constitute proffers, enforceable by the Zoning Administrator.*
- F. *The Zoning Administrator shall approve or disapprove a final site plan within sixty days from the receipt of such plan. The plan shall be in substantial conformance with the approved final master plan. Such final site plan may include one or more sections of the overall Planned Unit Development District, and shall meet all applicable federal, state, and City regulations.*

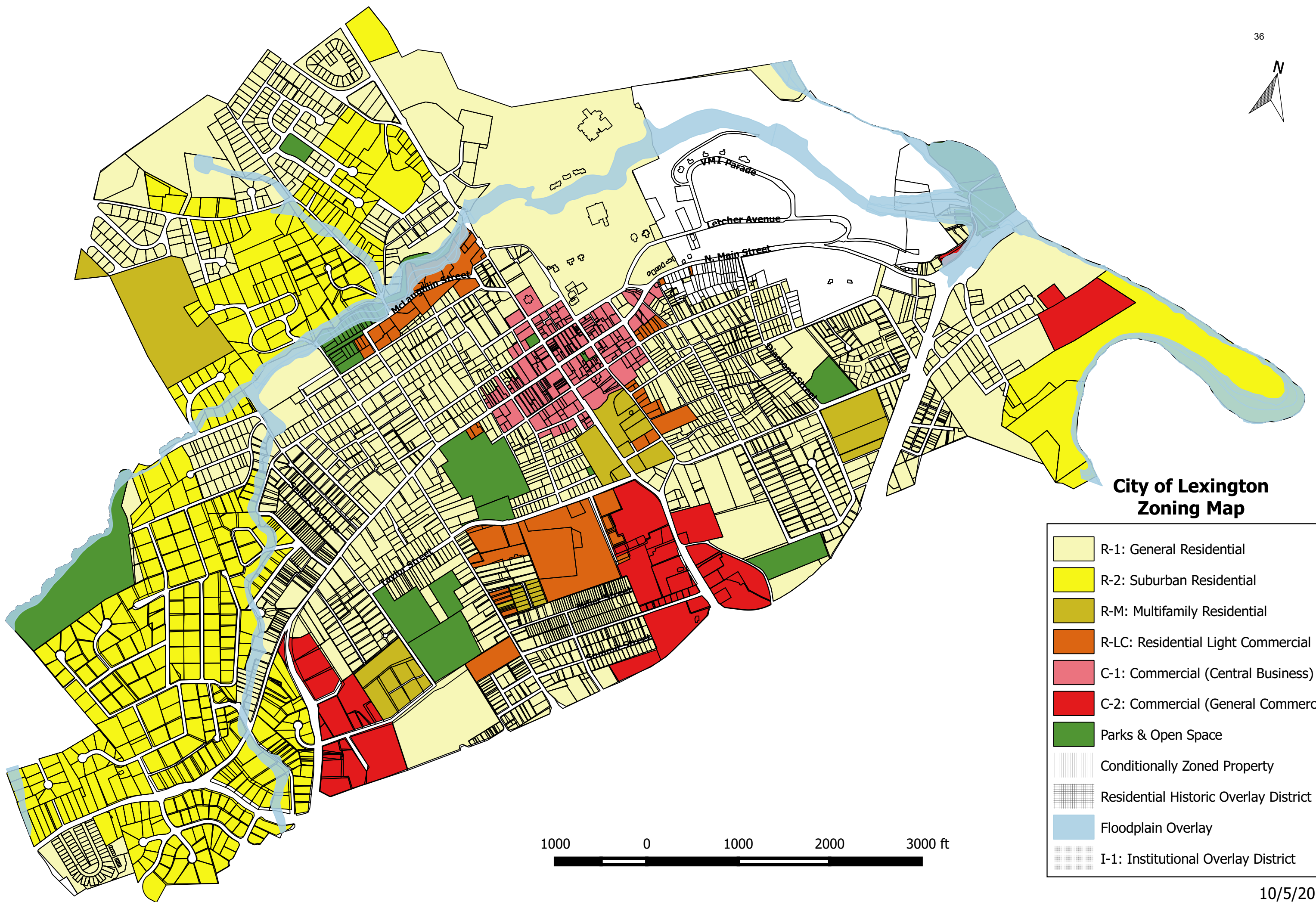
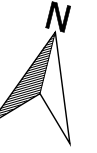
§420-5.14. Waivers and Modifications.

Where sections of the Zoning or Subdivision Ordinance are deemed to be in conflict with the goals of the final master plan, the rezoning application shall be considered a waiver or modification to these sections if specified in the final master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the final master plan, demonstrate that the public's health, safety and welfare will not be compromised, and request the specific waivers or modifications to be considered by the City Council after a public hearing. (modify the last sentence in any way for clarity?)

Background Documents for the April 8, 2021 Planning Commission discussion regarding proposed Zoning Text Amendments (or you may refer to your copy of the Lexington Zoning Ordinance)

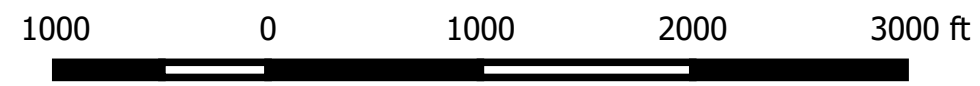
Zoning Districts Map can be found at

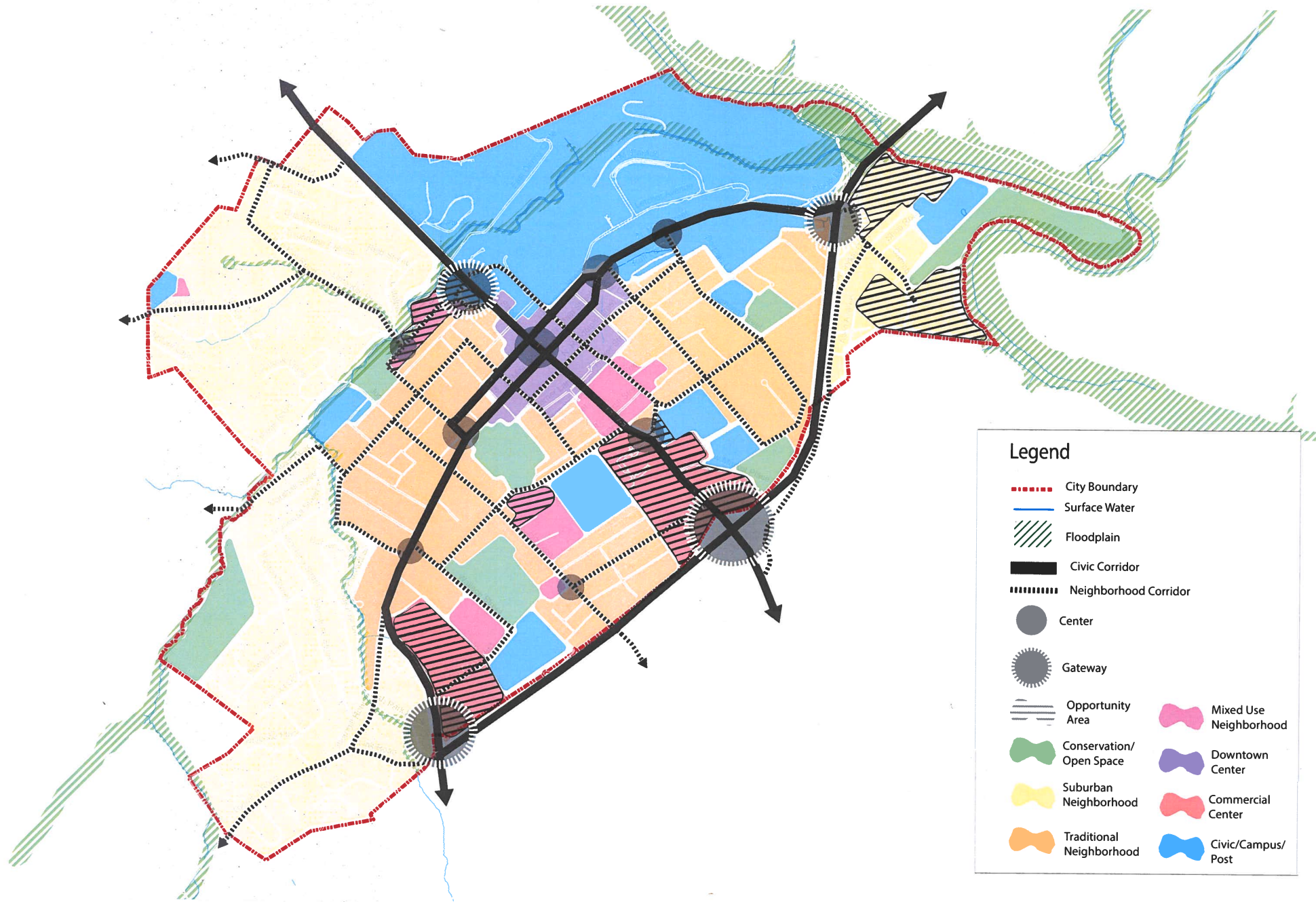
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City of Lexington Zoning Map

	R-1: General Residential
	R-2: Suburban Residential
	R-M: Multifamily Residential
	R-LC: Residential Light Commercial
	C-1: Commercial (Central Business)
	C-2: Commercial (General Commerce)
	Parks & Open Space
	Conditionally Zoned Property
	Residential Historic Overlay District
	Floodplain Overlay
	I-1: Institutional Overlay District





Legend

- City Boundary
- Surface Water
- Floodplain
- Civic Corridor
- Neighborhood Corridor
- Center
- Gateway
- Opportunity Area
- Conservation/Open Space
- Suburban Neighborhood
- Traditional Neighborhood
- Mixed Use Neighborhood
- Downtown Center
- Commercial Center
- Civic/Campus/Post

To: Arne Glasser and Members of the Lexington Planning Commission

From: John Driscoll

Re: PUD Amendment Discussion

Date: March 10, 2021

Introduction

The Planning Commission is considering amendments to Lexington's Zoning code for Planned Unit Developments (PUDs). The review and amendment to the 2017 Zoning require careful consideration given the recent adoption of the Comprehensive Plan 2040 in November 2020.

The implication of the 2017 PUD and the proposed amendments is that a PUD, with its conditions cited in the master plan, can be designated for significant areas of Lexington with little reference to the underlying zoning or adjoining uses. In effect, this approach for PUDs could undermine the zoning established in the 2017 update.

I ask that the Planning Commission consider the following questions in their review.

1. How should a PUD be framed? As a separate district governed by its own and negotiated conditions, or should the underlying zoning inform the allowable requirements for the PUD?
2. What should be guiding the location of a PUD?
3. How should the Lexington Comprehensive Plan 2040, its future land uses, and the design principles outlined for each land use section inform the PUD zoning regarding uses and location?
4. What conditions guide the applicant's proposal, and how much discretion/flexibility should be in place? This question is also related to the review and approval process.

As a background for the PC discussion, the following briefing note is organized around these questions. It is a complicated topic; I learned a lot in doing the research, there is more to understand, and I look forward to our discussion.

1. The intent of a PUD and the Framing Approach

The Code of Virginia, § 15.2-2201, defines PUDs as: "a form of development characterized by unified site design for a variety of housing types and densities, clustering of buildings, common open space, and a mix of building types and land uses in which project planning and density calculation are performed for the entire development rather than on an individual lot basis."

Also, PUDs encourage innovative site development that supports the values of a jurisdiction's Comprehensive Plan. For example, in Lexington's PUD, there are characteristics such as pedestrian orientation, a mixture of housing types and affordability, buildings and spaces of appropriate scale, and environmentally sensitive design.

In consideration of PUDs, we are fortunate to take advantage of a review of the state of the practice undertaken for Loudoun County in [a memorandum](#) dated January 29, 2021 by the Kindig Keast Collaborative. The following are key points from the memo:

1. "A Planned Unit Development (PUD) is typically a **development** and a **regulatory** process. Definitions vary, but the purpose of a PUD is generally to allow development flexibility beyond

the standard zoning code requirements. The intent of PUDs is to encourage unified plans that provide a more holistic and innovative package over conventional development.

2. "Many communities across the nation are updating their zoning ordinances to either eliminate or reduce the use of PUDs. A key intent is to reduce or eliminate the reliance on conventional PUDs by replacing them with robustly defined development standards.
3. "Many communities have shifted to a form-based approach in their downtown commercial districts and maintained their stringent use-based approach within their residential districts.
4. "The development type option avoids relying upon a discretionary review process for PUDs by including calibrated densities, percentages of open space, and other design criteria as standard options within the existing zoning district structure to achieve the intended character of a place.
5. "This alternative means of achieving development reduces uncertainty, improves development outcomes, and accommodates the needs of both the development community and a jurisdiction's citizenry.
6. "Ordinances that integrate development type options within individual zoning districts have review and approval procedures that are more streamlined because of the by-right approach. The creation of development type options, such as planned and cluster, within a local jurisdiction's existing zoning ordinance structure on a "by right" basis has increasingly developed into a practical alternative to individual PUDs.
7. "Reducing the number of PUD districts in the Zoning Ordinance and applying them as standard base zoning districts is a critical step for reducing the County's reliance on the negotiated, discretionary PUD process. Alternative approaches that can be imbedded in the updated base zoning districts to implement the Place Types as needed. These alternative approaches should include practices that are predictable for developers, as well as respond to planned community character. The memo includes alternative approaches for the County to consider as methods to decrease the dependence on PUD districts during a legislative rezoning."

In *A Legal Guide to Urban and Sustainable Development*,¹ the authors note that Planned Unit Development introduced a different process that needed to be incorporated into existing zoning ordinances.

"It was more difficult to adapt PUDs into local zoning ordinances, given the adherence of those zoning ordinances to the concepts and procedures tied to the Euclidean¹ form of zoning. Based on this difficulty and differences in state enabling laws for planned unit developments, local communities followed a variety of approaches.

1. "Include a PUD district as a 'floating zone'. The PUD standards and procedures would be included in the district in the zoning ordinance text. Individual PUDs would not be mapped until the PUD is approved.

¹ A system of zoning whereby a town or community is divided into areas in which specific uses of land are permitted from *Village of Euclid, Ohio et al. v. Ambler Realty Co.*, 272 U.S. 365 (1926), case in which the Supreme Court upheld the right of a locality to enforce such a system. From <https://www.merriam-webster.com/legal/Euclidean%20zoning>

2. "Treat PUDs as a special exception or conditional use in certain districts identified in the ordinance. Appropriate conditions could then be added to the PUD.
3. "Map the PUD and treat it as an 'overlay district', providing some flexibility over the underline traditional Euclidean zoning districts.

2. What guides the PUD process? A fundamental issue is does underlying zoning guide development standards regarding uses, density, dimensions etc. or does the PUD become in effect its own district?

The current Lexington PUD, introduced in 2017 as part of the major updating of the Zoning Code, seems to adopt the second approach noted above, the PUD is an exception in designated districts with its own conditions as identified in the ordinance. The existing code set conditions such as location (s), Minimum Area (3 acres), Open Space (not less than 30%), Density (max of 20 dwelling units/acre with additional density allowed based on open space bonus), and Heights ranging from 45 to 60 feet. Proposed parking is based on the applicant establishing parking regulations for consideration by City Council.

Before the 2017 update, the PUD code in Lexington incorporated aspects of the first and third options' floating zone' and "overlay district', in effect using the underlying zoning for residential districts to guide uses and conditions yet allowing flexibility to promote:

more creative, innovative, imaginative and, where possible, environmentally sensitive development'. The PUD was intended for residential development 'to provide both for development flexibility of undersized parcels and to allow the use of diversified development techniques for larger parcels. The PUD overlay was intended to expand housing opportunities for persons of all income levels.'

Any use permitted in the particular district in which the PUD is overlaid is allowed. Housing types authorized in any of the City's residential districts may be considered but the project's density shall be no greater than that specified in the underlying district. Nonresidential uses of public or semipublic, cultural or recreational character shall be permitted uses, provided such nonresidential uses shall be compatible with and secondary to the primary residential use.

In other jurisdictions such as Staunton and Blacksburg, the PUD zoning is also based on the overlay district approach for residential PUDs. For example, in Staunton, the code reads as follows:

The uses permitted in a planned residential development shall only be those uses permitted in the particular zoning district wherein the planned residential development is located, and the intensity of use for the planned residential development must not exceed the intensity of use for the particular zoning district involved.

Blacksburg's PUD zoning is based on the overlay district approach and divides the PUD districts into residential, commercial, and industrial.

The regulations established herein are designed to supplement or "overlay" the requirements and provisions established for the zoning district in which located. All requirements of the underlying zoning district shall remain applicable unless specifically modified by the provision established herein.

In summary, PUDs in Staunton, Blacksburg and the pre-2017 code for Lexington are guided by the underlying zoning of the zoning district in which the PUD can be located. In the case of Staunton and

Blacksburg, residential, commercial, and industrial areas have differentiated PUDs where the permitted uses reflect the land use categories (see appendix). In the older Lexington code, the intent was only to use PUDs in residential areas.

Permitted Uses

It is important to note that all uses permitted by right in Residential, Commercial, and Industrial districts can be permitted in the current Lexington PUD. Furthermore, uses may be permitted within the Master Plan at the discretion of City Council. Also, one or more uses permitted by conditional use permit in any zoning district may be allowed in the PUD if documented within the Master Plan. The implication is that is for significant areas of Lexington where 3 acres of land can be assembled, a PUD could include:

- All types of residential development—note that of the 11 residential use categories, 9 are by right and 2 are conditional (fraternity/sorority houses and Multi-family Dwelling)
- All types of commercial development note that some 69 potential uses could be proposed.
- All types of industrial development can occur, there are 6 uses in the matrix.

In addition, if adopting the current approach of a separate master plan, the current proposed amendments will eliminate two significant conditions: open space requirements (30% encouraged but not required) and density (to be established by City Council). Parking is also negotiable.

3. Where can PUDs be proposed?

Before the 2017 amendments, PUDs in Lexington were allowed in residential areas. After the 2017 amendments, PUDs areas were expanded into areas designated as mixed use, commercial use, and special planning areas on the future land use map. Interestingly, there is no clear reference to use in residential areas within Article V-PUD of the 2017 Zoning. Table 1 below helps to understand the evolution of areas where PUDs could be develop in Lexington.

Table 1	Areas/Uses	Notes
PUD <2017	Residential	<ul style="list-style-type: none"> • Authorized in all residential districts
2017 PUD	Mixed Use, Commercial Use, Special Planning Area	<ul style="list-style-type: none"> • Mixed-Use & parts of McLaughlin Street (Now RLC), • Commercial Use C1 & C2 (confirm C1), • Special Planning Areas were coterminous with boundaries of C-2 Commercial Use--60 East and South Lex.
2020 Comp Plan	Suburban Neighborhood, Traditional Neighborhood, Mixed Use Neighborhood, Commercial Center	<ul style="list-style-type: none"> • Residential for suburban and traditional neighborhoods, • Mixed use that includes RLC in four areas and Commercial Center includes 60 East and South Lexington but not downtown (confirm)
2021 Text Amendments	Mixed Use, Downtown Center C-1), Commercial Center C-2, Opportunity Areas.	<ul style="list-style-type: none"> • Four mixed use areas, • Downtown center is added, • Commercial included 60 East and South Lex. • Five opportunity areas <ul style="list-style-type: none"> ○ Mclaughlin mixed use, ○ Spotswood (partial of mixed use area) ○ East Lexington residential. ○ 60 East and South Lex.

Given that the future land use map and zoning designations have changed over time, it isn't easy to picture where PUDs can occur in Lexington. Table 2 below illustrates where the PUDs could happen and the differences among the different Zoning text and the Comp Plan.

Table 2				
Uses	"Old PUD"	2017 Zoning Update	2020 Comp Plan	2021 proposed Text Amendment
Residential				
Suburban Neighborhood				
Traditional Neighborhood				
Mixed Use				
Downtown		Confirm Yes or No	Confirm Yes or No	
Commercial Center				
'Opportunity Zones'				

As noted earlier, the "Old PUD" was designated for residential areas. In 2017, this was expanded to include Mixed use neighborhoods and Commercial Centers and for some reason did not mention residential areas.

The 2040 Comprehensive Plan includes PUDs in the Future Land Use Map (see future land use page 99) for: Suburban Neighborhoods, Traditional Neighborhood, Mixed-Use Neighborhood and Commercial Center. There is no mention of Opportunity Zones.

The proposed amendments in 2021 further expand the areas to include the downtown 'center' and opportunity zones and does not reference residential development.

As noted earlier, the implication of the proposed amendments given the approach of treating the PUD as a special area is that any mix of residential, commercial, or industrial development could be presented for the mixed-use neighborhoods, the downtown, the two commercial areas, and all opportunity zones.

4. The Review and Approval Process

In the current (2017) code as well as the proposed amendments, the sequencing of the review and approval process includes the City Council, the Zoning Administrator, and the Planning Commission.

1. The applicant files a rezoning request with the Zoning Administrator, including a narrative, existing conditions map, and a master plan.
2. The Planning Commission reviews the preliminary master plan, considers it at a public hearing and forwards its recommendations to City Council.
3. City Council reviews the master plan, considers it at a public hearing, and once approved, all accepted conditions and proffers are enforceable by the Zoning Administrator.
4. The Zoning Administrator approves the site plan within 60 days.

It is important to note that the rezoning application is considered a waiver under the existing zoning ordinance if the PUD conflicts with the Zoning and Sub-Division ordinance. The City Council can request specific waivers or modifications after a public hearing.

While the four-step process may seem straight forward, there are complications. For example, if the City Council establishes the density as part of the PUD zoning, at what point does this occur? Before the process starts or after the PUD proposal has started? At what point are the waivers approved? What will be the basis for the Planning Commission to make a recommendation? Note other discretionary items include open space and parking.

The density example noted above leaves the process open to negotiation with unknown outcomes. More recent planning practice is moving away from this approach. Would it not be more straightforward if the applicant knew the development parameters ahead of time and what flexibility was available?

Appendix. Staunton and Blacksburg PUDs

Staunton

"Residential areas thus established would be characterized by a unified building and site development program, open space for recreation, and the provision for commercial (in R-3 and R-4 districts only), religious, educational, and cultural facilities which are integrated with the total project by unified architectural and open space treatment. In order to accomplish these objectives, the customary district regulations may be modified; provided, *that overall population densities do not exceed the densities of specific residential districts*. A planned residential development shall be permitted in any R-1, R-2, R-3, R-4, and P-1 districts."

Blacksburg

"This district is established to encourage innovative and creative design, promote efficient use of land, protect surrounding property and natural features of the land and allow flexible application of development controls for uses of all kinds. These goals shall be accomplished through various measures, such as permitting a wider range of densities and uses to be developed in accordance with a master plan, establishing performance criteria which allow clustering of uses or densities in various areas of a site in exchange for increased open space or other amenities. The PUD district includes the planned unit residential development (PUD-R), planned unit commercial development (PUD-C) and planned unit industrial park (PUD-IP).¹

¹ **A Legal Guide to Urban and Sustainable Development for Planners, Developers and Architects**, [Daniel K. Slone](#), [Doris S. Goldstein](#), [W. Andrew Gowder \(With\)](#), August 2008

