

## LEXINGTON PLANNING COMMISSION

August 11, 2022 - 5:00 P.M

Rockbridge County Administrative Offices – First Floor Meeting Room  
150 South Main Street, Lexington, VA 24450

### AGENDA

1. **CALL TO ORDER**
2. **APPROVAL OF THE AGENDA**
3. **APPROVAL OF MINUTES**  
Minutes from July 28, 2022\*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
  - A. CUP 2022-04: An application by Washington and Lee University for approval of a Conditional Use Permit to allow Baker Hall to be used as a student residence hall located at 212 West Washington Street (Tax Map #16-1-1), owned by W&L University
    - 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: Complete
    - 2) Increase Sidewalk Connectivity: Ongoing
    - 3) Accessory Dwelling Unit Ordinance: Starting soon
    - 4) Jordan's Point Park Plan Implementation: Ongoing
    - 5) Reprogram Traffic Signals Downtown: Complete
    - 6) Assess Stormwater Fees: Tabled until next year
    - 7) Green Infrastructure Group: Ongoing
  - 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**

**WORKSESSION AGENDA**

- 1. Call to Order**
- 2. Review and Discuss Proposed Zoning Text Amendment for the Planned Development Mixed Use (PD-MU) Zoning District\***
- 3. Adjournment**

\*indicates attachment

## MINUTES

**The Lexington Planning Commission  
Thursday, July 28, 2022 – 5:00 p.m.  
Rockbridge County Administrative Offices – First Floor Meeting Room  
150 South Main Street, Lexington, VA 24450**

### Planning Commission:

Presiding: Blake Shester, Chair  
Present: Nicholas Betts, Vice-Chair  
Leslie Straughan, Council Liaison  
Matt Tuchler

### City Staff:

Arne Glaeser, Planning Director

Absent: Pat Bradley  
John Driscoll

### CALL TO ORDER

Chair Shester called the meeting to order at 5:00 p.m.

### AGENDA

The agenda was unanimously approved as presented. (N. Betts / L. Straughan)

### MINUTES

M. Tuchler noted that multiple acronyms have been used during the Commission's discussions of the PUD text amendment and requested the minutes clearly reflect that *PD-MU* refers to *Planned Development – Mixed Use District*. The minutes were unanimously approved as amended. (L. Straughan / M. Tuchler)

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

None

### NEW BUSINESS

Noting that the first two items of new business were related and corresponded to the same project, Chair Shester opened both applications simultaneously.

**A. EC COA 2022-02: An application by Perkins & Orrison for approval of a Certificate of Appropriateness (COA) for an addition to the rear of the University Cleaners building located at 534 East Nelson Street (Tax Map #30-1-11), owned by Trunet LLC.**

**B. SP 2022-02: An application by Perkins & Orrison requesting approval of a site plan for an addition to the rear of the University Cleaners building located at 534 East Nelson Street (Tax Map #30-1-11), owned by Trunet LLC.**

1) Staff Report –

Addressing the COA application, A. Glaeser reported the request was for approval of a 960 sf unconditioned addition of metal construction to the rear of the building which is located in the Entrance Corridor. The addition would have two overhead doors and would be used for storage and to provide an overhang for covered

loading/unloading of company trucks. The siding would be an Ivory color and the roof would be a Green color (both from Sherwin Williams Coil Coatings) to closely match the colors of the existing building and roof. The addition will not be visible from Nelson Street and no additional signage or site lighting is being requested. He explained that in the Entrance Corridor, a COA must be approved prior to the issuance of a building permit or site plan approval and that the proposal meets the zoning criteria. In response to a question from B. Shester, Director Glaeser indicated that he understood the proposed colors for the siding and roof to be very close to the existing colors, but that the applicant could clarify.

Addressing the site plan application, A. Glaeser clarified the proposed site location of the addition. He reported the proposed addition meets the minimum yard setback and parking requirements, and no comments were received from the City review team. He indicated the proposed site plan complies with all zoning requirements pertaining to site design and use and recommended its approval. Responding to a question from M. Tuchler about the Commission's responsibility in reviewing these two applications, A. Glaeser explained that the site plan review is ministerial but the COA criteria give the Commission latitude with respect to items such as colors, style and design. He stated approval for the COA is done on a case by case basis, but because this is at the rear of the building and not visible, staff has no concerns about the style, design, location or site plan.

- 2) Applicant Statement – The applicant, Russ Orrison, reiterated that because the proposed addition would not be visible from the Entrance Corridor, little detailed design went into satisfying the COA criteria. L. Straughan noted that storm water drainage ends at the retaining wall on the side of the property and asked if the applicant could confirm that drainage for the site was adequate. Mr. Orrison responded that the footprint is such that he had not done detailed storm calculations. He said he had not noted a drainage issue but would go to the property and confirm there was no issue. M. Tuchler asked if the property had historically experienced drainage issues. Mr. Orrison said he believed there was a fair amount of drainage in the area - there is a small creek behind the property and Arby's has a storm water management facility in the open field behind the property. However he noted that the site is upstream from a large drainage pipe. B. Shester asked if the proposed addition and parking changes would create any new traffic patterns. Mr. Orrison indicated there would be no traffic changes – the vehicles would be large vans rather than semi-trucks and there was adequate space behind the building to absorb additional circulation. Responding to a question from N. Betts, Mr. Orrison indicated there would be adequate parking on site.
- 3) Public Comment – Lee Merrill, 2 S. Randolph Street, said he was pleased to hear the lighting would be dark sky compliant. Mr. Orrison stated that no lighting was being proposed. Mr. Merrill indicated he was supportive of the project.
- 4) Commission Discussion & Decision – **L. Straughan moved to approve the Entrance Corridor Certificate of Appropriateness application EC 2022-02 for the addition to the building at 534 East Nelson Street as proposed by the applicant. N. Betts seconded and the motion passed unanimously. (4-0) L. Straughan moved to**

**approve site plan application number SP 2022-02 and to find the submitted site plan to be in compliance with the zoning ordinance. N. Betts seconded and the motion passed unanimously. (4-0)**

**C. ZOA 2022-01: Annual Zoning Ordinance Amendments. Planned Unit Development (PUD)**

1) Continued discussion of PUD text amendment –

A. Glaeser reminded the Commission that at the last meeting it had completed the initial run through of the existing code. He said the meeting packet included a clean version of the current amended text which staff shared with the Rockbridge and Buena Vista planners as requested. While he had not received comments from either of the planners, he did receive comments from the public which were forwarded to the Commissioners earlier in the day. He stated the packet also included the Use Matrix, as a concern was voiced at the last meeting that that the Commission closely review permitted uses for the Planned Development – Mixed Use District (PD-MU). He noted J. Driscoll’s request to consider whether a reference to the Comp Plan was sufficient when considering density and reported that he had searched the Comp Plan and found no references for setting maximum densities. He did however find a number of references to increasing density for affordability, etc. He indicated the Commission’s next step would be finalizing the text and providing guidance to staff about how to advertise for the requested work session to give the public a chance to comment on the final draft prior to the required public hearing.

Commenting on Shannon Spencer’s written comments (attached hereto as Addendum A), L. Straughan indicated she found the suggestion of adding shade trees to the list of items included in the Character of development section interesting. She noted that there is a similar Entrance Corridor requirement and suggested using that language in the PD-MU text. M. Tuchler asked if that would be necessary as any PD-MU would, by definition, be in a C-2 Entrance Corridor district and governed by those standards. A. Glaeser confirmed that was the case and added that the definition of the Entrance Corridor would need to be amended to include any property rezoned to PD-MU. B. Shester commented that Entrance Corridor standards refer to landscaping rather than shade trees. There seemed to be general agreement to include shade trees in the list of characteristics. Responding to Ms. Spencer’s comments suggesting that some items be requirements rather than merely encouraged, B. Shester then asked if the Commission wanted to go through the list of items to determine whether any ought to be requirements. M. Tuchler observed that the Commission has had rather extensive conversations about this and has seemed to determine that the text, as written, enables the City to push back against any proposal that it would deem insufficient. N. Betts suggested “should also strive to incorporate all of the following characteristics” would continue to allow flexibility while providing greater notice to applicants. L. Straughan indicated she would not be in favor of making any of the items a requirement, aside from the mixture of uses and use types, which is a requirement by definition. A. Glaeser pointed out that if any of the items were to be made a requirement they would

need to be included in the definitions. He also commented that the PD-MU is meant to be a district to be used for projects that would not be possible in any of the existing districts. All other districts are fairly stringent in their requirements and this is to be the district that would provide flexibility. He reminded the Commission that during the discussion of density at its last meeting, the determination was specifically made to not include a maximum density. M. Tuchler suggested including a requirement that the applicant demonstrate that each of the items had been considered in the project development, rather than requiring each item. He suggested striking the end of the sentence preceding the list of characteristics and replacing it with “should demonstrate consideration of the following characteristics.” There appeared to be general agreement that this was an appropriate approach. A. Glaeser suggested adding an additional sentence clarifying that the lack of inclusion of any characteristic would require a written explanation in the PD-MU Narrative. The Commissioners were supportive of this addition.

L. Straughan then addressed Ms. Spencer’s concern that there be some sort of setback requirement and noted the 30 foot minimum setback in the C-2 for properties abutting a residential district. She suggested that this requirement also be added as item D. to the Setback regulations section of the text and the other Commissioners agreed.

Following discussion, there was general agreement to strike monuments and water towers from item E. of the Height of buildings section of the text.

Referring to paragraph B. of the Application for rezoning section, L. Straughan commented that a 3 acre site seemed big enough that storm water management should be a separate requirement. She suggested adding it to the PD-MU Master Plan requirements as item ix. A. Glaeser observed that an Environmental Impact Study is generally reserved for projects that are far larger than anything he would anticipate as a PD-MU. He suggested that staff research whether a more appropriately scaled study should be substituted here. There seemed to be general approval of both of these items.

B. Shester asked if a determination had been made as to whether referencing the Comp Plan was sufficient with respect to density. A. Glaeser stated there was nothing specific in the Comp Plan limiting density and there seemed to be general agreement to leave the Densities section as is.

- 2) Public Comment – Lee Merrill, 2 S. Randolph Street, said he thought the Commission had done a good job with the first pass on the text. He also said he largely concurred with Shannon Spencer’s comments and noted that her comment about replacing the word *amenities* had not been addressed. He expressed discomfort with the use of *encouragement* with respect to environmentally sensitive design as he believes such design to be critical. He suggested shade trees be addressed as a percentage of parking lot cover, saying there is a study underway that could help in developing a metric. He maintained that adequately treed parking lots might qualify as open space. He cautioned that having no density limit is risky and suggested a 20 foot setback might be adequate for urban infill.

N. Betts asked how open space is defined. A. Glaeser read the definition and stated that current code would not recognize a well treed parking lot as open space. N. Betts

asked for the Commission's thoughts about the word *amenities*. There was general agreement to strike the words *as amenities* from §420-5.2.D.

The Commission agreed to add a PD-MU work session to the August 11<sup>th</sup> agenda. The Commissioners requested that invitations be posted to the City's social media and emailed to previously used email distribution groups, the press, and especially the two groups that submitted proposals for the Spotswood parcel. There was discussion about work session format which the Commissioners hoped would be a less formal discussion that would allow for a back and forth dialog with the public. Mr. Merrill suggested including a map of the C-2 zoning districts in the work session advertisement.

## **OTHER BUSINESS**

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

- Three more unregistered short term rentals were found on Airbnb.
- A Notice of Violation was mailed to the owner of 711 Thornhill for a violation of a home occupancy permit.
- Staff has had issues with the owner of Focus Fitness bringing her signs into compliance.
- Staff contacted Clark's Muffler and Jon's Auto to request that used tires be stored indoors because outdoor storage is not allowed.
- Staff contacted the Farmers' Co-op to ask that the new exterior lights be shielded to make them dark sky compliant.
- A CUP application to allow Baker Hall to be used as residential space will be on the August 11<sup>th</sup> agenda.
- A CUP application for a small restaurant to be located in the old bike shop next to Oak Grove Cemetery will likely be on the agenda for the second meeting in August.

Chair Shester asked what the Planning Commission could expect after it was finished with the PD-MU text amendment. Director Glaeser answered that both the PD-MU and small cell zoning amendments would need to go through the public hearing process and that the text amendment for accessory dwelling units in accessory structures was next on the Commission's list.

## **CITY COUNCIL REPORT**

L. Straughan reported that City Council met on July 14<sup>th</sup> and approved the ordinance to limit the growth of trees and other vegetation that can cause a public hazard. They also received notice that Echelon is doing some geologic testing at the Spotswood site.

## **ADJOURN**

The meeting was adjourned at 7:14 pm with unanimous approval. (M. Tuchler / N. Betts)

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B. Shester, Chair, Planning Commission

**From:** [Arne Glaeser](#)  
**To:** [Kate Beard](#)  
**Subject:** FW: Comments for the 7/28/2022 meeting of the Lexington PC  
**Date:** Tuesday, August 2, 2022 10:42:05 AM

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**From:** Shannon Spencer [mailto:kshannonspencer@gmail.com]  
**Sent:** Thursday, July 28, 2022 10:23 AM  
**To:** Arne Glaeser <aglaser@lexingtonva.gov>  
**Subject:** Comments for the 7/28/2022 meeting of the Lexington PC

Dear members of the Lexington Planning Commission.

My apologies for the lateness of these comments; I do realize that it makes it difficult for you to read and process them. These are comments on the proposed changes/updates to the PD-MU Ordinance.

## Lexington Zoning Ordinance

### Article V. Planned Development – Mixed Use District (PD-MU)

#### §420-5.2 Character of development

The last sentence of this item gives away the keys to the house by stating that a "proposal of PD-MU District should also incorporate *many of the following characteristics.*" While some of these are not critical to all developments, some of them should be **required** for all. In my opinion these should be required: **A, B, C, D, F, H, I (by definition), K, and L.** The others (E, G, J) would be great, but don't seem quite as essential.

D. Parks and open space as *amenities*: I would actually reword this, swapping the word "amenities" for something like "**essential livability elements**" - that's not my greatest attempt, but I'm rushing and I hope you get the idea (*amenities* sounds like an add on, but we really want to consider parks and open space as critical elements that make a space both livable and healthy).

K. Environmentally sensitive design, such as *...encouragement* of public accessibility to parks and open spaces...: again, I would reword this by removing the words "encouragement of" to reflect that this is critical to the design, not an add-on

M. Add: Shade trees (#/area TBD) planted in a large enough pervious area on the property that they will survive to maturity

#### §420-5.7. Open Space.

A. Open space... is "*strongly encouraged*": change to **required and add a minimum percentage of the acreage.**

#### §420-5.8. Densities.



"The gross and net residential densities... "

**This number should be set with a minimum and maximum for a PD-MU development.**

This is a number that the PC/CC should provide to developers, just like they provide the height restrictions in the section below. These numbers should be part of the plan, not determined on a project-by-project basis.

**§420-5.9. Setback regulations.**

"...minimum setback ranges shall be specifically established during the review and approval of the PD-MU master plan...."

**This number should be set with a minimum and maximum for a PD-MU development.**

This is a number that the PC/CC should provide to developers, just like they provide the height restrictions in the section below. These numbers should be part of the plan, not determined on a project-by-project basis.

**§420-5.10. Height of buildings.**

E. These limitations shall not apply to...monuments, water towers...: I can't think of a reason to exclude monuments and water towers from height limitations in Lexington. A 45' or 60' high monument would be stunningly high. And a water tower that was that high would **only** be okay if the shape and dimensions were not enormous. I would strongly suggest that these two items be removed from the list of items that are immune from height restrictions. OR I would suggest rewording the monument item to indicate that this refers only to "monuments" (or change the word to "statues") on top of buildings and then provide a dimensional AND height limitation. Regarding water towers, I suggest that these be limited to the height restrictions for other buildings.

*Respectfully submitted,*

Shannon Spencer  
512 Taylor St  
Lexington, VA 24450

Addendum A

<b>Project Name</b>	Change of use at Baker Hall
<b>Property Location</b>	212 West Washington Street / Tax Map #: 16-1-1
<b>Zoning</b>	R-1 (General Residential District) / I-1 (Institutional Overlay)
<b>Owner/Applicant</b>	Washington & Lee University / Hugh Latimer
<b>Applicant's Intent</b>	change of use from administrative office to student residential hall

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PLANNING COMMISSION RECOMMENDATION: Pending  
STAFF RECOMMENDATION: Approval

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### OVERVIEW OF REQUEST AND BACKGROUND

The applicant requests a Conditional Use Permit to allow a change of use at 212 West Washington Street from student theme residence to administrative office use.

#### *Location Map*



*Photograph of 212 West Washington Street*



On September 4, 2008, the Lexington City Council approved a conditional use permit to allow Washington & Lee to use Baker Dormitory as administrative office space. The University is now requesting to convert the use of the building to a student residential hall and this amendment to the W&L Campus Master Plan can be achieved by either requesting an amendment to the Master Plan or requesting a conditional use permit.

### **APPLICABLE ZONING ORDINANCE SECTIONS**

#### **Article VII. Institutional District I-1**

##### **§420-7.3. Permitted uses.**

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.

### CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

Section 420-1.11., *Conditional use permits*, in part

C. Conditions of Issuance

- (1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
  - (a) The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.
  - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.
  - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
  - (d) Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.
  
- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.



**STAFF RECOMMENDATION**

Based on the aforementioned findings, Staff recommends the proposed Conditional Use Permit be **APPROVED**:

**PLANNING COMMISSION RECOMMENDATION**

*Pending*

**SUGGESTED MOTION:**

I move to approve/deny Conditional Use Permit number CUP 2022-04 to amend the W&L Campus Master Plan to allow Baker Hall, located at 212 West Washington Street, to be used as a student residential hall.



www.lexingtonva.gov

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

## APPLICATION FOR CONDITIONAL USE PERMIT

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

Name: Hugh Latimer Phone: 540-458-8959  
 Company: Washington and Lee University Fax: \_\_\_\_\_  
 Address: 204 W. Washington St. Email: hlatimere@wlu.edu  
 Applicant's Signature: [Signature] Date: 6/30/22

### Property Owner

Name: Hugh Latimer for Washington & Lee Phone: 540-458-8959  
 Address: 204 W. Washington St. Email: hlatimere@wlu.edu  
 Owner's Signature: [Signature] Date: 6/30/22

### Proposal Information<sup>2</sup> (attach list of properties if request includes multiple properties)

Address (or location description): Baker Hall 212 W. Washington St.  
 Tax Map: 1611 Deed Book and Page #: N/A  
 Acreage: N/A Zoning (attach any existing zoning conditions or proffers): BASE R-1 I-1 Overlay  
 Description of Proposal<sup>3</sup>: convert hall from administrative office use to (back) to student residence hall. Building is currently empty. Will require changes to interior signs.

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. Please refer to page 3 of this application for the conditions of issuance for all conditional use permit applications. Submitting a sketch plan or other visual detail of your request is highly encouraged.



www.lexingtonva.gov

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

### Notice to Adjacent Property Owners

The City will give notice of public hearings to be held on the application to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the City's real property tax records. This notice will give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. Notices will be mailed a minimum of ten (10) days prior to the date of the scheduled public hearings.

### Posting of the Property

The City will place a sign 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: \$400** Amount Paid: 400 Case Number: CUP- 2022 - 04

Date Received: 7/13/2022 Received By: Kate Beard

#### Staff Review

Planning: \_\_\_\_\_ Public Works: \_\_\_\_\_

Police: \_\_\_\_\_ Fire/Rescue: \_\_\_\_\_

#### Public Hearings

##### Planning Commission

##### City Council

Legal Ad Dates: \_\_\_\_\_ Legal Ad Dates: \_\_\_\_\_

Adj. Property Notifications: \_\_\_\_\_ Adj. Property Notifications: \_\_\_\_\_

Public Hearing Date: \_\_\_\_\_ Public Hearing Date: \_\_\_\_\_

Action: \_\_\_\_\_ Action: \_\_\_\_\_

## Lexington final draft of proposed PD-MU zoning district amendments for August 11, 2022 Planning Commission work session

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### Article V. Planned Development – Mixed Use District (PD-MU)

#### §420-5.1. Intent and purpose.

The purpose of the Planned Development Mixed - Use District is to promote areas appropriate for office, retail, and residential uses, designed in a unified and cohesive manner in order to create an attractive environment in which to live, work, and recreate. Two or more uses shall be integrated into a mixed use project. The district is intended to be established in areas suitable for redevelopment and identified within the Comprehensive Plan as the Opportunity Areas located in the C-2 zoning districts, and will provide a process and design criteria that can be used to transition from established uses while accommodating new growth and evolving market trends. Development proposals should incorporate high quality architectural design and provide gradual transitions to surrounding land uses. Vertical combination of uses is encouraged where appropriate and a PD-MU is expected to produce a better design than can be produced through traditional zoning districts.

#### §420-5.2. Character of development.

The goal of a Planned Development – Mixed Use District is to encourage a development form and character that enhances the Lexington community's sense of place and character and is different from conventional suburban development. Lexington's Comprehensive Plan includes Design Principles for Opportunity Areas and Mixed Use Neighborhoods that should inform the character and development of the proposed project. A proposal for Planned Development – Mixed Use District must demonstrate consideration of the following characteristics, and in those instances where a development cannot include a characteristic, the PD-MU Narrative must provide written justification why the characteristic cannot be incorporated:

- A. Pedestrian orientation;
- B. Neighborhood friendly streets and paths;
- C. Interconnected streets and transportation networks;
- D. Parks and open space;
- E. Neighborhood centers;
- F. Buildings and spaces of appropriate scale;
- G. Appropriately screened parking;
- H. Electric vehicle and bicycle parking;
- I. Mixture of uses and use types;



- J. Mixture of housing types and affordability;
- K. Environmentally sensitive design, such as energy efficiency of buildings, low impact development measures for stormwater, encouragement of public accessibility to parks and open spaces in any new development;
- L. Clear boundaries with any surrounding rural areas; and
- M. Shade trees planted in a large enough pervious area on the property that they will survive to maturity.

An application is not necessarily required to possess every characteristic of the planned development – mixed use district as delineated in this subsection 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 Development – Mixed Use District, all uses permitted by-right in the residential, 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. 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 Development – Mixed Use District, if documented in the PD-MU master plan. Any use desired but not documented in the approved PD-MU master plan requires an application to amend the PD-MU 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, goals and strategies 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 Development – Mixed Use District.**

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

Additional area may be added to an established Planned Development – Mixed Use District if it adjoins and forms a logical addition to the approved development. The procedure for the addition of land to the Planned Development - Mixed Use 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. PD-MUs shall include the following, in keeping with the Comprehensive Plan:

- A. 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. Open space, and where appropriate, public access and shared use, is strongly encouraged;

- B. 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.**

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 with reference to the comprehensive plan.

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 as set forth in §420-5.1.

#### **§420-5.9. Setback regulations.**

Within the Planned Development – Mixed Use District, minimum setback ranges shall be specifically established during the review and approval of the PD-MU master 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 PD-MU 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;
- 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; and
- D. A 30 foot minimum setback is required when abutting a residential zoning district.

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 Development – Mixed Use 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, 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 Development – Mixed Use District, the applicant shall establish parking regulations for consideration by the City. 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. Parking lots will be interconnected on adjacent parcels whenever possible. Small, landscaped and interconnected parking lots, rather than large, central parking lots, shall be encouraged. Parking lots shall not dominate the image of a site.

### §420-5.12. Utilities.

All new utility lines, electric, and other telecommunication lines, 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 PD-MU master plan. Prior to submitting of an application for rezoning, the applicant is encouraged to hold public meetings to receive public input regarding the proposed project.

#### 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 differences from the underlying zoning, 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; and
- viii. Existing and proposed ownership of the site along with all adjacent property owners.

3. PD-MU Master Plan

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

- i. Proposed layout of the Planned Development – Mixed Use District including the general location of uses, types of uses, and density range of uses;
  - ii. Building heights;
  - iii. Methods of access from existing state-maintained roads to proposed areas of development;
  - iv. General road alignments;
  - v. General alignments of sidewalks, bicycle and pedestrian facilities;
  - vi. 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.);
  - vii. A general sanitary sewer layout indicating the size and location of primary lines, and the location of pump stations;
  - viii. A general plan showing the location and acreage of the active and passive recreation spaces, parks and other public open areas; and
  - ix. A stormwater management plan detailing both stormwater quantity and quality mitigation measures and best practices.
- B. Additionally, an environmental assessment and a traffic study may also be required to be submitted as part of the application package. The environmental assessment should detail any project impacts on FEMA identified flood areas and slopes greater than 25%. The traffic study should quantify existing and projected traffic levels on all adjacent streets, and at all proposed entrances.
- 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 PD-MU master plan for the proposed Planned Development – Mixed Use 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 PD-MU 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 and narrative approved by the City Council shall constitute the final PD-MU master plan for the Planned Development – Mixed Use District.

(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 Planned Development – Mixed Use District 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.

- E. Once the City Council has approved the final PD-MU 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 PD-MU master plan. Such final site plan may include one or more sections of the overall Planned Development – Mixed Use District, and shall meet all applicable federal, state, and City regulations.

#### **§420-5.14. Amendments to the PD-MU master plan.**

Where sections of the Zoning or Subdivision Ordinance are deemed to be in conflict with the goals of the final PD-MU master plan, the rezoning application shall be considered a waiver or modification to these sections if specified in the final PD-MU master plan. Otherwise, the applicant must provide a clear explanation as to why certain regulations are in conflict with the final PD-MU 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 after a public hearing. Amendments to the master plan may be accomplished by the same procedure as for an original application.

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Amend Sec. 420-6.2 of the Entrance Corridor requirements as follows:

Sec. 420-6.2 Area created; boundaries.

The entrance corridor overlay districts shall be the boundary of the General Commercial District (C-2) and the Planned Development – Mixed Use District (PD-MU).