

**LEXINGTON PLANNING COMMISSION****August 25, 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 August 11, 2022\*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
  - A. CUP 2022-05: An application by Dawson Moody for approval of a Conditional Use Permit to allow a portion of the building located at 314 S. Main Street (Tax Map #23-4-1) to be used as a small restaurant.
    - 1) Staff Report\*-
    - 2) Applicant Statement –
    - 3) Public Comment –
    - 4) Commission Discussion & Decision –
  - B. ZOA 2021-04: Annual Zoning Ordinance Amendments. Planned Development-Mixed Use (PD-MU).
    - 1) Continued discussion of PD-MU text amendment\*
    - 2) Public Comment
- 6. OTHER BUSINESS**
  - A. Zoning and Planning Report – If applicable
  - B. Catalyst Project Updates – If applicable
    - 1) Bike/Ped Plan: 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**

\*indicates attachment

## MINUTES

**The Lexington Planning Commission**  
**Thursday, August 11, 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  
 Kate Beard, Administrative Assistant

Absent: Pat Bradley  
 John Driscoll

### **CALL TO ORDER**

Chair Shester called the meeting to order at 5:02 p.m.

### **AGENDA**

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

### **MINUTES**

The minutes from the July 28, 2022 meeting were unanimously approved as presented. (L. Straughan / M. Tuchler)

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

None

### **NEW BUSINESS**

Citing her husband's position at Washington & Lee and involvement in the project associated with the subject CUP application, Commissioner Straughan recused herself from the discussion, left the dais and joined the public.

#### **A. CUP 2022-04: An application by Washington and Lee University for approval of a Conditional Use Permit (CUP) to allow Baker Hall, located at 212 West Washington Street (Tax Map #16-1-1), owned by W&L University, to be used as a student residential hall.**

- 1) Staff Report – This is an application for a Conditional Use Permit to allow a change of use at 212 West Washington Street from administrative office use to a student residential hall. 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. A. Glaeser acknowledged a mistake in the narrative of the staff report and offered a minor change to the suggested motion, two items addressed in written comments from Tom Contos (attached as Addendum A).

- 2) Applicant Statement – Hugh Latimer, W&L Architect, stated the University no longer has an administrative use for the building, which is currently empty, but is always on the cusp of needing student beds. Approval of the application would allow the building to be used for spill-over student residences until demolition of the building is begun next summer. Responding to questions from Commissioners Betts and Shester, Mr. Latimer said the change in use would have no impact on parking in the area, the only significant physical changes needed to retrofit the building would be to the signage, and the building could house 37 students.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – **M. Tuchler moved to approve Conditional Use Permit number CUP 2022-04 to allow Baker Hall, located at 212 West Washington Street, to be used as a student residence hall. N. Betts seconded and the motion passed unanimously. (3-0)**

L. Straughan rejoined the Commission on the dais.

## **OTHER BUSINESS**

None

## **CITY COUNCIL REPORT**

L. Straughan reported that at the August 4<sup>th</sup> City Council meeting the Central Shenandoah Planning District Commission gave a presentation about a program they have that provides an \$11,000.00 forgivable loan to qualifying first-time home buyers. The CSPDC is trying to get information about the program out to the public. Police Chief Greene also gave a presentation about school resource officers. The same presentation was given at the School Board meeting and will be given to students' parents.

## **ADJOURN**

The regular meeting was adjourned at 5:16 pm with unanimous approval. (B. Shester / N. Betts)

## **WORKSESSION**

### **CALL TO ORDER**

Chair Shester called the work session to order at 5:17 p.m.

### **Review and Discuss Proposed Zoning Text Amendment for the Planned Development Mixed Use (PD-MU) Zoning District. –**

Director Glaeser explained the intent of the work session was to provide an opportunity for public input and dialog prior to the formal public hearing process. He then provided a brief overview of the draft PD-MU zoning text amendment and where and how the Planning Commission envisioned it being used. Chair Shester noted the text was the culmination of micro and macro edits and wordsmithing of several months of discussion by the Planning Commission into what he believes to be a pretty coherent zoning text.

Responding to a comment received from Buena Vista Planning Director, Tom Roberts, L. Straughan suggested language be added to require an explanation of the property owners' association legal structure for the maintenance of shared spaces be included in the PD-MU master plan application when multiple property owners are involved.

Lee Merrill, 2 South Randolph Street, offered four points: 1) Item G. in the Character of development section refers to *appropriately screened parking* and he finds the word "appropriately" to be too vague. He indicated the text would be a better guide for designers if it was more specific. 2) He suggested adding specific shade tree requirements to the parking section with a minimum percentage under dripline for shading coefficients. When asked to clarify, Mr. Merrill explained that in landscape design, the circumference of the reach of a tree's limbs is referred to as its dripline and that different species of trees have driplines of varying sizes. He said he believed it would be helpful to require the driplines of existing trees and proposed landscaping be shown on any PD-MU application. 3) He urged the Commission to amend the height requirements to include an explicit allowance for the peak of a roof to be higher than the eaves to incentivize sloped rather than flat roofs. 4) He pointed out that the permitted uses sections essentially allow any use acceptable to City Council and said he felt it was worth noting as the text includes no limits on density. He said typically parking creates a limit on density, but in this case that is not true.

M. Tuchler initiated further discussion about Mr. Merrill's suggestion concerning height regulations. Mr. Merrill noted it was likely the case that the zoning ordinance as a whole ought to be made more sensitive to the relationship between the eave and the peak of a building, to encourage sloped roofs throughout the City, and not just in the new section for PD-MU. L. Straughan agreed that such a change would be better accomplished by changing the definition in the City Code rather than through the PD-MU. A. Glaeser confirmed that language could be found to encourage sloped roofs should the Commission wish to include it.

Fred Kirchner asked about the review process for PD-MU applications, specifically whether the exterior design, including rooflines, would be subject to an Architectural Review Board as is the case in the Downtown Historic Preservation District. He suggested this might be preferable to dictating design standards through the code. M. Tuchler asked for clarification of the review process as well as the latitude the Planning Commission would have in approving or denying a proposed design. A. Glaeser stated there are design standards in the Entrance Corridor which the Commission could rely on, though none that specifically address roof style. He commented the Commission could either use (and possibly augment) those design standards or add specific attributes to the Character of development section. He explained that an Entrance Corridor COA application would be submitted with any PD-MU application and both would be reviewed by the Planning Commission at the same time. The site plan approval would then be administrative. M. Tuchler commented that the PD-MU master plan would be far more detailed than the campus master plan the Commission recently reviewed for W&L. A. Glaeser confirmed that was the case. L. Straughan indicated that she was in favor of requiring PD-MU proposals to also be subject to EC COA approval.

Mr. Merrill noted the text did not mention tree planting or parking plans as requirements in the PD-MU master plan. A. Glaeser responded that parking is considered a use and would therefore be covered by the first listed requirement under the PD-MU Master Plan. He agreed that

a tree plan was not specifically addressed and the Commission would have to rely on the buffers and landscaping standards in section 14 of the zoning ordinance. Mr. Kirchner commented that he did not think it was necessary to restate standards found elsewhere in the code. Director Glaeser said there are a number of other sections of the code that would be applicable to the PD-MU, listing sign standards and landscaping and buffering requirements as examples, but acknowledged that Mr. Merrill may not find those existing standards adequate. L. Straughan pointed out that these plans would be for areas in the City's commercial district which do not have the most rigorous green space requirements. She explained that the text had intentionally been drafted to encourage green/open space while also allowing architects/developers flexibility.

Addressing the four architects in attendance, L. Straughan asked if the text provided useful flexibility or if they would prefer to see more specifics. Mr. Merrill stated he would like to see the City indicate that it has aspirations to see significant tree canopy worked into parking plans to mitigate future urban heat islands. He acknowledged that it might be more appropriate to address that issue in the Entrance Corridor landscaping requirements. Commissioners Straughan and Tuchler agreed that, rather than including it in the ordinance for the PD-MU, tree canopy requirements for parking should be applied more comprehensively to the entire City. Director Glaeser encouraged Mr. Merrill to review §420-14.7, the section of the City code addressing parking lot landscaping, to determine whether he believed the requirements to be sufficient. M. Tuchler added that amending that section of the Code could be added to the Commission's to do list and would likely be the better way to handle the issue. Mr. Merrill said he would review that section of the code and provide suggestions, if necessary.

Charles Aligood, 506 Cavalry Road, commented that in drafting the existing PUD text, the Planning Commission required all parcels included in a PUD be contiguous and suggested the Commission consider that requirement in the instance of multiple property owners. L. Straughan said the intent is for parcels to be contiguous with all property owners working together toward one purpose. There was additional discussion of how multiple parcels could hypothetically be combined to form a PD-MU. Director Glaeser commented that the PD-MU is meant to be a holistic design and would ultimately be governed by the approved master plan.

Mr. Kirchner stated, "It always comes down to parking." He asked how the current parking requirements were determined and whether they ought to be amended to discourage the development of big asphalt parking lots. A. Glaeser characterized the City's parking requirements as suburban parking standards. He noted there was a minor amendment recently for multi-family dwelling, but that it had been a long time since a comprehensive parking standards review was undertaken. For the PD-MU, the City's standards would be referenced, but different standards could be proposed and approved if acceptable.

Following discussion of comments made by Mr. Merrill, there appeared to be agreement to replace *tree lines* with *tree drip lines* in the Existing Conditions Map section.

Hugh Latimer commented that during the design process a developer often looks for ways to value engineer a project and the first thing to come out of a design is the landscape. He recommended a quantifiable landscaping or shade tree requirements be included in the text. Mr. Kirchner agreed and added that guidelines are helpful during the design process. A. Glaeser noted the minimum landscaping requirements existing in the code. He also noted the intent of the PD-MU is to provide flexibility to allow projects that do not adhere to typical zoning requirements,

and the master plan review process will allow the City to determine whether a plan has sufficient landscaping, or screening, etc.

There was general agreement that Mr. Merrill would attempt to rewrite item M. in the Character of development section, and a proposed landscaping plan would be added to the PD-MU Master Plan requirements in item i. Chair Shester suggested the Commission meet once more to discuss a final draft of the text before advertising for a public hearing and his fellow Commissioners seemed to agree.

**ADJOURN**

The work session was adjourned at 6:29 p.m. with unanimous approval. (B. Shester / N. Betts)

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B. Shester, Chair, Planning Commission

**From:** [Arne Glaeser](#)  
**To:** [Kate Beard](#)  
**Subject:** FW: CUP 2022-04 – 212, conversion of Baker Hall  
**Date:** Thursday, August 11, 2022 3:35:27 PM

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**From:** Tom Contos [mailto:tom.contos@gmail.com]  
**Sent:** Thursday, August 11, 2022 3:33 PM  
**To:** Arne Glaeser <aglaeser@lexingtonva.gov>  
**Subject:** CUP 2022-04 – 212, conversion of Baker Hall

Dear Planning Commission,

I would like to make a few comments related to **CUP 2022-04 – 212, conversion of Baker Hall from office to residential use**. These are discussion points related to the process; I believe the proposal itself is a good thing. Parking availability should be clarified if the number of residential occupants is greater or if their parking privileges will differ from the current situation.

1. Minor point, but the Overview of the agenda item seems to be reversed: *“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.**”*

Citizens do not always read past the headlines, so this should be updated before it goes to Council.

2. The second point may also seem minor, but the phrase “to amend the W&L campus master plan” in the proposed resolution should be stricken, and the resolution read simply: *“ I move to approve/deny Conditional Use Permit number CUP 2022-04 to allow Baker Hall, located at 212 West Washington Street, to be used as a student residential hall”*. The proposal is being approved by conditional use permit, which is distinct from a master plan amendment, and it is critical to keep a clear accounting of structures and uses that are approved by CUP, by master plan amendment, have conditional zoning, or are simply vested. There is a reason that they are separate processes; this was the issue that caused us problems many years ago when the Hillel House was constructed.

3. Third, while a CUP is a perfectly appropriate way to request this minor change, if it is part of a chain of related moves, it would be good practice to lay out the entire sequence before individual projects are considered. Otherwise, either the City or the applicant might be painted into a corner if some aspects of a plan are implemented and others are yet to be approved.

4. The most important point is that the City’s approval of the changed use from a zoning perspective does not mean that the project is approved from a building code enforcement perspective.

The application states that the structure will be “converted (back) to residential use. Will require changes to interior signs”. Although the structure was once used as a residence hall, from a code perspective this is a new use, and a building permit must be obtained to generate a new certificate of occupancy. Just as the Stonewall Jackson House can’t be converted “back” to a hospital without meeting current



building codes, the structure must be re-assessed and upgraded if necessary before it can be used as a residence. This is not an issue for the CUP approval, but a heads up to the building official if it hasn't already been processed.

Thanks for all of your excellent work over the past year,

Tom Contos

Architect

301 McLaughlin Street

Lexington VA 24450

<b>Project Name</b>	Small restaurant at 314 South Main Street
<b>Property Location</b>	314 South Main Street / Tax Map #: 23-4-2
<b>Zoning</b>	R-LC (Residential – Light Commercial)
<b>Owner/Applicant</b>	Locher and Company, LLC / Dawson Moody
<b>Applicant's Intent</b>	CUP for a small restaurant

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PLANNING COMMISSION RECOMMENDATION: Pending  
STAFF RECOMMENDATION: Approval with condition

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### OVERVIEW OF REQUEST AND BACKGROUND

The applicant requests a Conditional Use Permit (CUP) to allow a portion of the building located at 314 South Main Street to be used as a small restaurant for the preparation and sales of donuts and drinks. The proposed General Donuts business will occupy an approximately 800 sf space in the front, right portion of the building. The property is zoned R-LC and a small restaurant is a conditional use in the R-LC zoning district.

#### Location Map



**314 S. Main existing conditions**



The Lexington City Council adopted an updated zoning ordinance on October 5, 2017 and the approval specifically rezoned the properties at 312 and 314 S. Main Street to the R-LC zoning district with the following conditions proffered by the owner in 2012 and amended in 2018:

1. The following limitations to the uses permitted in the Residential-Light Commercial District (R-LC) are proffered:
  - a. If residential, a maximum of 3 unrelated persons may occupy a dwelling unit.
  - b. If stores or shops, no appliance, auto parts or auto related stores.
  - c. If personal service uses, no dry cleaning/laundry, printing, shoe repair or tailoring shops.
  - d. If studios, no manufacturing.
  - e. If restaurants, restaurants to be closed by 9 pm: outside service, if offered, to cease at nightfall or 8 pm, whichever is earlier, and no outside music to be provided.
  - f. No public utility uses.
  - g. If shops for repair, repair shops only for technology/electronics, including computers and related equipment and personal sporting equipment.  
Services must be done in a manner that limits extraneous noise and odors.
2. A minimum of 10 parking spaces will be maintained to serve the building.
3. Any change or addition to the existing structure shall not exceed the extant residential standard of 35 feet in height, or such other height allowed under the current ordinances applying generically to residential buildings in the General

Residential District R-1, save that the existing central lateral gabled roof, measuring 38 feet in length from the historic 1824 wing to the north edge of the south wing shall not materially exceed its current height of approximately 25 feet.

### **APPLICABLE ZONING ORDINANCE SECTIONS**

#### **§420-1.6. Establishment of Districts**

##### ***Residential Light Commercial (R-LC)***

This district is established to provide areas where housing can be located adjacent to or in conjunction with light commercial operations compatible in nature with residential land use. For this reason, a maximum of four unrelated individuals are authorized to constitute a household unit in all types of dwelling units in this district. The regulations applicable to this district provide that single-family dwellings and multiple-family dwellings, such as apartment houses, townhouses, garden apartments, etc., may be developed in appropriate areas well located with respect to major roads, shopping facilities and employment centers. Community facilities needed to support these developments are permitted. Small manufacturing and light commercial facilities are allowed in a manner which will provide for a suitable and comfortable living environment for people of all ages. Artistic endeavors are encouraged in this district as are the establishment of live-work dwellings. These developments and light commercial and manufacturing facilities are of medium density, tending to be small in scale. They are harmonious with and complementary to adjacent land uses.

#### **§ 420-20.1 Definitions.**

RESTAURANT, SMALL - An establishment engaged in the preparation of food and beverages containing no more than 2,000 gross square feet and characterized primarily by table service to customers in non-disposable containers. Typical uses include cafes, coffee shops, and eat-in delis.

#### **§420-3 Use Matrix**

Small restaurant are listed as a conditional use in the R-LC zoning district.

### **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** with the understanding that the small restaurant, General Donut, is to be closed by 9 pm; any outside service is to cease at nightfall or 8 pm, whichever is earlier; and no outside music is to be provided. Staff also recommends that the Commission consider a “no earlier than” opening time for the business.

Staff makes this recommendation with the understanding that the properties at 312 and 314 S. Main Street will continue to be subject to all other previously approved conditions enumerated beginning on page 2 of this report.

### **PLANNING COMMISSION RECOMMENDATION**

*Pending*

**SUGGESTED MOTION:**

I move to approve/deny Conditional Use Permit number CUP 2022-05 to allow a small restaurant at 314 South Main Street with the condition that the small restaurant is to be closed by 9 pm; any outside service is to cease at nightfall or 8 pm, whichever is earlier; and no outside music is to be provided.



www.lexingtonva.gov

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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant

Name: Dawson Moody Phone: 757.328.3411
Company: PO Box 953 SMFO. VA Fax: 23431
Address: GENERAL DONUTS Email: dawson.moody@icland.com
Applicant's Signature: [Signature] Date: 7/22/22

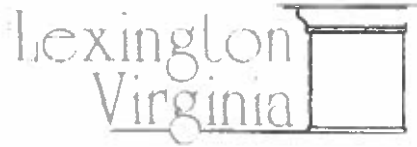
Property Owner

Name: Baldwin Locher, III (Wynn) Phone: 540.460.0584
Address: 18 E. Nelson St Apt. 202 Email: baldwin.locher@gmail.com
Owner's Signature: [Signature] Date: 7/20/22

Proposal Information (attach list of properties if request includes multiple properties)

Address (or location description): 314 S. Main St.
Tax Map: 23-4-2 Deed Book and Page #: 210003476
Acreage: 0.32 Zoning (attach any existing zoning conditions or proffers): R-LC
Description of Proposal: Open and maintain a small restaurant for the preparation and sale of donuts and beverages.

- 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.



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

www.lexingtonva.gov

### 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: \$450 Amount Paid: \$450 Case Number: CUP- 2022 - 05

Date Received: 8/5/2022 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: \_\_\_\_\_



## Conditions of Issuance

§ 420-11.C of the City of Lexington Zoning Ordinance outlines the conditions under which a conditional use permit may be issued. These conditions are as follows:

- 1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of the zoning ordinance, 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.
- 2) Where the provisions of this chapter require conditional use permits for certain parking lots and drive-in facilities in the Commercial District (Central Business) C-1, due consideration shall be given in general to the purposes of the C-1 District and specifically to the effect of such parking lot or drive-in facility on the historic pattern of buildings and, in particular, on the maintenance of a compact, efficient and attractive retail facade and arrangement of buildings; on the use of off-street circulation ways, including use of alleys; on the location of access points and relationship to traffic and pedestrian flow; and on the adequacy of off-street waiting area at drive-in facilities.
- 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.

### General Donut Proposal

General Donuts is a proposed small restaurant for the preparation and sales of donuts and drinks that would be open five to seven days per week with varied hours depending upon sales. It would occupy the front right portion of 314 S Main Street known as Suite D which is approximately 800 square feet in size. To reduce the number of vehicles parked on Main street during business hours, the rear off-street parking area would be better utilized. Inside Suite D, there would be a few small tables for eat in customers but the intention is that the bulk of sales be for off-site consumption. As such, there would be no need for usage of the common space except for ingress/egress and use of the public restrooms. Gross daily revenue is projected at \$2400 per day which would provide the city with approximately \$3100 per month in meals tax revenue. This is in addition to the business license tax imposed by the city.

Business Owner: Dawson Moody  
Building Owner: Locher and Company, LLC  
Baldwin Locher, Jr.

**From:** Caroline Donnelly  
**To:** Arne Glaeser  
**Subject:** Plans for former Red Newt Bike Shop  
**Date:** Wednesday, August 10, 2022 2:14:06 PM

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My husband and I live on Jordan Street and walk to Flex Fitness several times a week for our gym classes. We are very concerned that the former bike shop location is being considered for a donut shop.

The proposal would require ventilation systems to control the “ HOGS” ...heat , odors, grease and steam. A grease trap would be installed and have to be maintained . Garbage collection dumpsters as well as their regular servicing would be required. The amount of traffic and noise from the above equipment and deliveries as well as the extended hours allowing for customer traffic would create a nuisance to the neighboring homes as well as to all the current members of Flex Fitness.

We strongly urge you and the planning commission members to reject the variance request and that permitting be granted to a business more in keeping with the current standards of the location .

Sincerely, Robert and Caroline Donnelly

## Lexington final draft of proposed PD-MU zoning district amendments with amendments from the 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 Opportunity Areas **numbered 3 and 5 along E. Nelson Street and S. Main Street respectively**, 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. *(note: Lee Merrill will review and likely make additional comments regarding shade trees)*

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 drip 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, density range of uses, and a landscaping plan;
  - 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.
- G. A property owners' association shall be established to provide for the ownership, care and maintenance of all common open space areas and other common facilities and improvements unless all real property within the district is owned by a single entity. All common open space, facilities and improvements shall be dedicated to the property owner's association and no land within privately owned lots shall be considered common open space. All property owners' associations shall be created by covenants and restrictions recorded among the land records of the City of Lexington and all such covenants shall include provisions for the maintenance of common open space, facilities and improvements. The property owners' association shall be responsible for the maintenance of all common open space, facilities and improvements in a reasonable condition. All open space areas shall be landscaped as shown on the adopted PD-MU master development plan and shall be kept in a clean, attractive and safe condition. All open

space areas shall be kept open to and available for use by the residents of the planned community.

#### **§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).