

LEXINGTON PLANNING COMMISSION

October 13, 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 September 22, 2022*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. PS 2022-01: An application by the City of Lexington proposing a preliminary subdivision plat (boundary line adjustment) for parcels located at 14 Houston Street (Tax Map #29-1-26) and Oak Grove Cemetery (Tax Map #23-1-160).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. PS 2022-02: An application by the City of Lexington proposing a preliminary subdivision plat (boundary line adjustment) for parcels located at 14 Houston Street (Tax Map #29-1-27) and Oak Grove Cemetery (Tax Map #23-1-160).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - C. ZOA 2021-04: Annual Zoning Ordinance Amendments. Planned Development-Mixed Use (PD-MU).
 - 1) Staff Report*
 - 2) Public Comment
 - 3) 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

- D. Discussion of Planning Commission November and December meeting schedule

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, September 22, 2022 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

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

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Blake Shester, Chair

CALL TO ORDER

Vice-Chair Betts called the meeting to order at 5:01 p.m.

AGENDA

The agenda was unanimously approved as presented. (L. Straughan / P. Bradley)

MINUTES

The minutes from the August 25, 2022 meeting were unanimously approved as presented. (J. Driscoll / P. Bradley)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

- A. CUP 2022-06: An application by Hugh Latimer of Washington & Lee University for approval of a Conditional Use Permit (CUP) to allow a building located at 200 General's Lane (Tax Map #NM 19), owned by Washington & Lee University, to be used as a student health center.**

Citing State and City Code and Planning Commission By-Laws concerning conflicts of interest, Commissioners Bradley and Straughan recused themselves from the discussion of this matter due to their spouses' employment by W&L. They left the dais and joined the public.

- 1) Staff Report –The subject building was converted to administrative office use in 2003 and has continued to house the University's Development/Advancement staff since that time. The staff currently in the building will be relocated to 101 North Jefferson Street later in the year when renovations of that building are complete. The Student Health Center, currently located in Davis Hall, will be demolished in the summer of 2023. The applicant requests a Conditional Use Permit to allow the subject building to be used as the Student Health Center until a new Student Health and Counseling Center is constructed and opened. Staff recommends approval of the proposal.

- 2) Applicant Statement – Hugh Latimer, University Architect, said relocating the health center to the subject building would be straightforward and would require little renovation. He added that there are 9 existing parking spaces near the subject building, of which approximately 6 would be dedicated to student health use – the same number as is dedicated at the current location. He said minor changes to the entry to accommodate an ADA ramp. Responding to questions from Commissioner Driscoll, Mr. Latimer said the University had not yet determined how the building would be used when the new Student Health and Counseling Center opens but would seek a CUP for the eventual new use. He also confirmed that the University would obtain building permits for the building’s conversion as appropriate.
- 3) Public Comment –
Lee Merrill, 2 South Randolph Street, expressed his support of this conditional use and complimented the University for reusing the building yet again, noting that he was the architect for its 2003 conversion into offices. He remarked that while requiring a CUP approval may seem excessive in this case, which is entirely internal to campus and will have negligible impact on the larger community, it is an important process which could prove useful in the future should the University wish to do something the City found to be challengeable.
- 4) Commission Discussion & Decision – **M. Tuchler moved to recommend that the proposed Conditional Use Permit be approved. J. Driscoll seconded and the motion passed unanimously. (3-0)**

Commissioners Bradley and Straughan rejoined the Commission on the dais.

B. CUP 2022-07: An application by Lee Merrill for approval of a Conditional Use Permit (CUP) to allow a portion of the first floor of an existing building located at 10 South Randolph Street (Tax Map #23-12-7B), owned by Nancy Saylor, to be used as a residential dwelling unit.

- 1) Staff Report – Dwelling units occupying the first floor of any structure in the C-1 zoning district shall only be allowed with a conditional use permit. The first floor residential units should not be visible from a public street, and if the building fronts on a public street, the residential portion of the first floor shall be required to be shielded by office or retail space or a lobby that maintains a commercial appearance per Section 420-11.1.3 of the Zoning Ordinance. The proposal envisions reconstructing an original bearing wall across the dance studio space to separate an approximately 400 sf office suite in the front of the building from an approximately 670 sf apartment in the rear. The office area would be accessed through that front porch entry and would occupy the entire width of the building, entirely shielding the apartment from Randolph Street. The apartment would be accessed from the existing deck on the north side of the building and would be visible primarily from the garden and parking lots to the rear of the building, between the property line and Varner Lane. There is no off-street parking requirement in the C-1 zoning district. Staff finds the proposal meets zoning criteria and recommends approval. Responding to a question from M. Tuchler, Director Glaeser explained the application for first floor residential units at 17 N. Randolph

- Street had resulted in something of a compromise with respect to a residential unit being visible from the street, whereas the subject application completely complied with zoning regulations.
- 2) Applicant Statement – Responding to questions from L. Straughan and M. Tuchler, architect Lee Merrill stated his client intended to use the apartment as either a personal residence or long term rental, and the office space would be used as a suite of law offices.
 - 3) Public Comment – None
 - 4) Commission Discussion & Decision – L. Straughan said she liked the design, noted it met requirements and added she was pleased to hear the intent was to use the apartment as a long term residence. She suggested that, if approved, the CUP be issued with a condition specifying the uses and layout of the first floor be in compliance with the floorplan submitted with the application. M. Tuchler asked if a parking requirement would be tied to the proposed residential use and Director Glaeser responded there are no parking requirements in the C-1 zoning district. P. Bradley asked L. Straughan to clarify why she believed the proposed condition was necessary. She responded it would insure the front space of the building would be used as true commercial space and not be incorporated into the residential space by a future owner. A. Glaeser added that similar conditions had been adopted in the past and can be helpful. **J. Driscoll moved to approve Conditional Use Permit number CUP 2022-07 to allow a portion of the first floor of the building located at 10 South Randolph Street in the C-1 zoning district to be used as a residential dwelling unit. The uses and layout of the first floor of the subject building shall be in substantial compliance with the Lee Merrill architect’s floor plan dated August 21, 2022 and the designated office suite shall not be used as living, sleeping or storage space. P. Bradley seconded and the motion passed unanimously. (5-0)**

C. ZOA 2022-01: Annual Zoning Ordinance Amendments. Planned Development – Mixed Use (PD-MU)

- 1) Staff Report – A. Glaeser recapped the discussions of this proposed amendment by stating the proposed PD-MU would be a base zoning district, allowed in two of the Opportunity Areas, which would allow mixed-use both vertically and horizontally on a parcel and provide flexibility not available in other standard zoning districts. He noted the most recent version of the text amendment, as well as the meeting minutes from all discussions of the amendment have been posted to the City’s Planning Department page. He added that staff had received recent comments from Gail MacLeod and Tom Contos which were shared with the Commission. Vice-Chair Betts asked for his thoughts on the comments and A. Glaeser replied he believed Ms. MacLeod’s comments in particular may be helpful.
- 2) Public Comment - Gail MacLeod, 604 Jackson Avenue – offered that her experience serving on both the Planning Commission and Board of Zoning Appeals had informed her written comments (attached as Addendum A). She suggested that clearly listing the

- Commission’s determination factors or “findings” would provide better structure, lead to better applicant presentations, enhance the City’s decision-making process, and provide clearer language for discussions between the City and applicant. She emphasized that the language she used was taken directly from the draft ordinance or from the Comp Plan sections referenced by it. She noted the proposed ordinance does not address the fact that the two Opportunity Areas subject to the ordinance are in Gateway Entrance Corridors, so she included language from the Comp Plan to address that. She also noted that the ordinance requires a traffic/parking study, so added language to address parking as a “finding.” She reiterated her belief that future decision makers and applicants would benefit from the inclusion of more structured language concerning determinations.
- 3) Commission Discussion – J. Driscoll endorsed the inclusion of Ms. MacLeod’s “findings” suggestion, saying it answered his concerns about the ordinance’s enforceability. Commissioners Tuchler and Straughan also voice approval of the format and the guidance it would provide in the decision-making process. The Commission entertained and discussed a number of possible modifications to the suggested wording. Noting the conversation appeared to be overlapping with issues raised in Tom Contos’ comments, P. Bradley asked how subjective the determination factors for a PD-MU decision could be from a legal standpoint. Director Glaeser answered that state statutes specifically allow zoning ordinances to contain reasonable regulations and provisions for districts designated for mixed-use or planned developments which provide wide latitude with respect to determinations. J. Driscoll suggested asking Ms. MacLeod to comment on the discussion and Vice-Chair Betts reopened Public Comment.
- 4) Public Comment –
Gail MacLeod said the Commission wanted to avoid too many measurable standards so as to have enough leeway to negotiate a great project, but still needed to provide a way to approve or deny a proposal. She noted judgement calls would be necessary but added that there would be a dialog between decision makers and developers. She said she believed the findings, as written, would allow the Commission to make an approval/denial relying on judgement. She said the word “findings” is a commonly used term.
Lee Merrill, 2 S. Randolph Street – suggested substituting “objectives met” for “findings.”
- 5) Commission Discussion & Decision – There was general agreement to adopt the “findings” section submitted by Ms. MacLeod with the following modifications:
- The end of line ii. was amended to read, “...and character and is a better design than can be produced through traditional zoning districts;”
 - The words “as appropriate” were added to the end of line iv;
 - Line vi was amended to read “... public art and/or landscaping...;”
 - The addition of line ix to read “Addresses traffic study;” and
 - The punctuation for the section was modified.

There seemed to be general agreement that the inclusion of the “findings” section answered Mr. Contos’ first two points and that his third and fifth points did not require any changes to the draft text.

The Commission then began a full review of the draft ordinance. The Commissioners considered various changes to the final paragraph of the Character of development section but ultimately agreed to make none. During discussion of the Permitted uses sections, Director Glaeser reminded the Commission that every proposed use would receive scrutiny similar to that required for a Conditional Use Permit. He reiterated that rezoning is a legislative act and the City would therefore have wide latitude in its decision-making process for any rezoning to the PD-MU district, including the ability to deny any proposed use it deemed inappropriate for a project or location. He noted that even if a proposal met every criteria, Council would have the discretion to deny it. Discussion of the Open Space section resulted in general agreement to add “green infrastructure elements such as” to item K in the Character of development section. Additional changes to the “findings” section were considered but not made. J. Driscoll provided handouts with photographs of residential developments of varying densities to give his fellow Commissioners a visual reference as he asked them to again consider including density limits for the PD-MU. L. Straughan contended that parking and height requirements would provide adequate limits and that higher density may be needed for affordable housing. N. Betts argued that a lack of housing was a problem for the community and said he would support higher density for these projects provided the resulting dwelling units were acceptable. P. Bradley commented that he saw the PD-MU, which would be located in commercial districts, as being a place where higher density was to be encouraged. The discussion ended for the evening with general agreement to add a penultimate sentence to the Intent and purpose section referencing the Entrance Corridors, to make clear that those standards will also apply to the PD-MU. **M. Tuchler moved to postpone a decision on the PD-MU zoning ordinance amendment until October 13, 2022. L. Straughan seconded and the motion passed unanimously. (5-0)**

OTHER BUSINESS

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

- A short term rental registration was approved on Houston Street in the R-LC zoning district, however the applicant had to pay a \$500 penalty for advertising without having first obtained a registration.
- Pursuant to a change in the building code for transient accommodations, another short term rental was W. Washington Street was denied until fire suppression is installed.
- Staff approved two other short term rental registrations.
- Staff attended a courtesy inspection of 158 S. Main Street for a tobacco shop.
- He met with Tim Reen at O.D.K. to ensure the CUP conditions are met as they maintain the property.

- Staff has requested that the new sign installed at 25 ½ W. Washington Street be mounted higher so as to screen the mechanical equipment it was installed to conceal.
- The Planning Department received an application for a Certificate of Appropriateness for the installation of a concealment structure for the existing and future T-Mobile antennas on the roof of the Gin Hotel.

B. Catalyst Project Updates

- 1) Green Infrastructure Group – P. Bradley reported a final draft of the plan was very nearly finished. There was a tentative agreement to add a discussion of the plan to the agenda for the Commission’s October 13, 2022 meeting. J. Driscoll also indicated that the group would like to schedule a work session with City Council to discuss the plan and determine whether grant writing could get underway for any actionable items.
- 2) A. Glaeser reported he had a conversation with the City Manager about applying for a T.A.P (Transportation Alternatives Grant) for projects related to Jordan’s Point Park and the Bike/Ped Plan.

CITY COUNCIL REPORT -

L. Straughan reported that at last week’s City Council meeting there was a presentation from the City’s summer grant research intern, Margaret Witkofsky, and quite a few of the grant opportunities she found were for funding for Jordan’s Point Park or Bike/Ped improvements – matching up nicely with the Catalyst projects. There was a public hearing for the CUP application for the doughnut shop and Council voted to deny the permit 5-1, mostly on the grounds that it did not meet the definition for a small restaurant. Also, Echelon will be submitting a CUP application in the near future.

ADJOURN

The meeting was adjourned at 7:06 pm with unanimous approval. (P. Bradley /J. Driscoll)

N. Betts, Vice-Chair, Planning Commission

PS 2022-01 – Boundary Line Adjustment 14 Houston Street & Oak Grove Cemetery

Project Name	Boundary Line Adjustment for 14 Houston Street and Oak Grove Cemetery
Property Location	14 Houston Street (Tax Map # 29-1-26) and Oak Grove Cemetery (Tax Map # 23-1-160)
Zoning	R-1 (General Residential) and P-OS (Parks and Open Space District)
Owner / Petitioner	Paul S. Hanstedt & Grace Satrom / City of Lexington
Petitioner’s Intent	Purchase a portion of the rear yard of 14 Houston Street for expansion of Oak Grove Cemetery

*PLANNING COMMISSION RECOMMENDATION: Pending
 STAFF RECOMMENDATION: Approval*

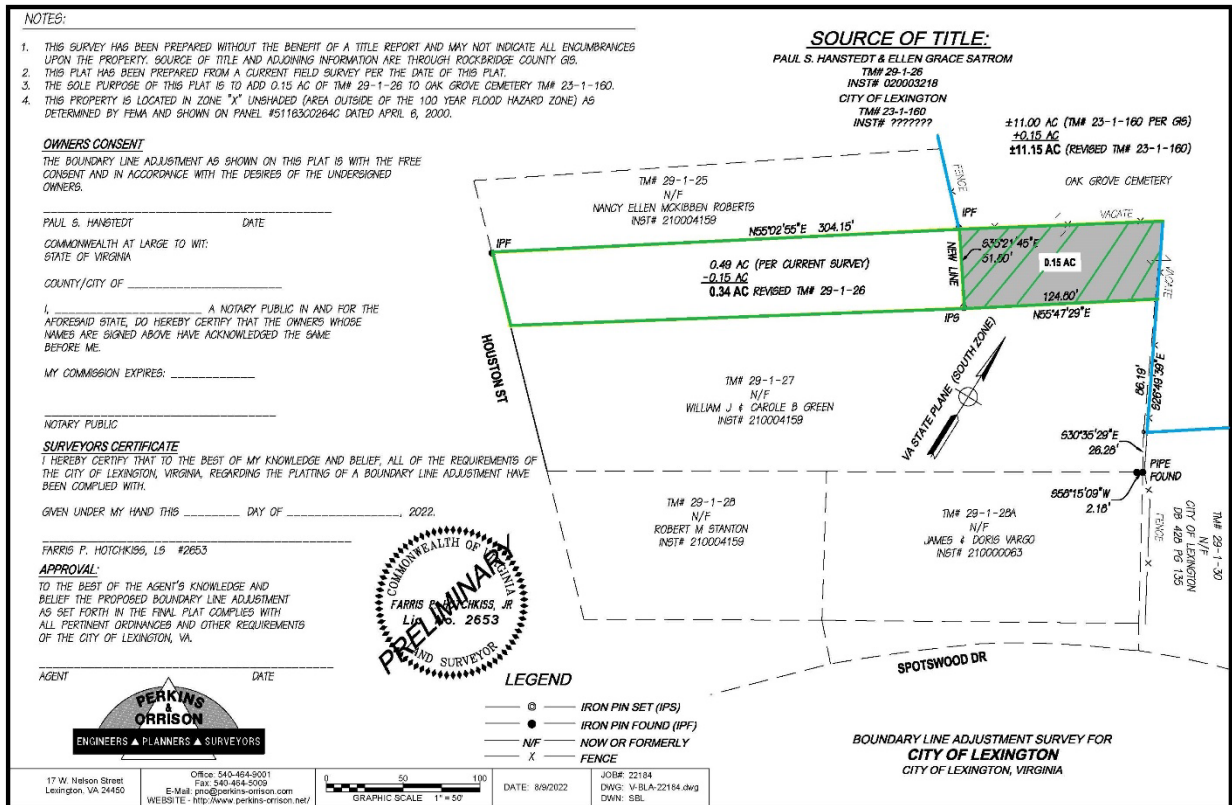
location map



OVERVIEW OF REQUEST

The City requests a boundary line adjustment to add a 0.15 ± acre portion of 14 Houston Street (Tax Map # 29-1-26) to Oak Grove Cemetery (Tax Map # 23-1-160) in accordance with the following survey provided by Perkins & Orrison, LLC. The green hatched area in the following survey will be transferred from Tax Map parcel #29-1-26 to Tax Map parcel #23-1-160.

Boundary Line Adjustment Survey



AUTHORITY TO REVIEW

Sections 360-24 and 360-25 of the Lexington Subdivision Ordinance establish the review authority and procedures for the Planning Commission’s and City Council’s review of preliminary subdivision plats. The Planning Commission must review all preliminary plats and may recommend approval or denial. If the Commission recommends denial of a preliminary plat it must state the reason for its recommendation of denial and the specific changes that are necessary for the plat to be recommended for approval.

Upon receipt of the Planning Commission’s recommendation, the City Council shall review the preliminary plat and, within 60 days of the receipt of the Commission’s recommendation, recommend approval or denial of the preliminary plat. Council may take no action on any preliminary plat until holding a public hearing in accordance with state law. Adjoining property owners shall be notified by first class mail of the pending public hearing, and a legal ad shall be published notifying the general public of the pending Council review.

STAFF REVIEW COMMENTS

As proposed, the boundary line adjustment meets the zoning requirements for parcels in the R-1 zoning district, and the cemetery use is a by-right use in the R-1 zoning district.

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

Finding that the submitted preliminary plat has been properly drawn and that it is accompanied by those items, in proper form, required by the Subdivision Ordinance, and that the proposed subdivision conforms to the requirements and purposes of the Subdivision Ordinance, the Staff recommends that the preliminary plat be **APPROVED** as submitted.

SUGGESTED MOTION

I move to approve/deny Preliminary Subdivision Application PS 2022-01 for the adjustment of boundary lines between 14 Houston Street (Tax Map # 29-1-26) and Oak Grove Cemetery (Tax Map # 23-1-160), in accordance with the Boundary Line Adjustment Survey for 14 Houston Street completed by Perkins & Orrison as submitted by the applicant.

PS 2022-01

Planning & Development Department
300 East Washington Street
Lexington, Virginia 24450

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

www.lexingtonva.gov

SUBDIVISION APPLICATION AND CHECKLIST

Applicant¹

Name: City of Lexington Phone: 540-462-3700
 Company: Jim Halasz, City Manager Fax: _____
 Address: 300 E. Washington St. Email: jhalasz@lexingtonva.gov
 Applicant's Signature: James M. Halasz Date: 9/14/22

Subdivision Plat Preparer

Name: Farris P. Hotchkiss, Jr. Phone: _____
 Company: Perkins & Orrison Fax: _____
 Address: _____ Email: _____

Property Owner

Name: Paul S. Hanstedt & Grace Satrom Phone: 540-817-7396
 Address: 14 Houston Street Email: phanstedt@wlu.edu
 Owner's Signature: [Signature] Date: 9-28-22

Proposal Information² (attach list of properties if request includes multiple properties)

Address (or location description): Add 0.15 acre portion of 14 Houston St. parcel
to Oak Grove Cemetery (TM # 23-1-160)
 Tax Map: 29-1-26 Inst: 020003218 Deed Book and Page #: _____
 to 23-1-160
 Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

Number of Lots Proposed: _____

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.



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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 City Council meeting.

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 Fees:

Case Number: ^{PS} ~~SUB~~- 2022 - 01

Preliminary Plat: \$500 + \$50 for each additional lot created Amount Paid: _____

Final Plat: \$0

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Preliminary Plat Approvals

Planning Commission

Meeting Date: _____ Action: _____

City Council

Legal Ad Dates: _____ Adj. Property Notifications: _____

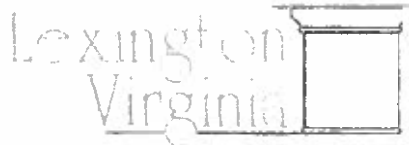
Public Hearing Date: _____ Action: _____

Final Plat Approval

Action: Approved Denied

Planning and Development Director

Date



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Planning & Development Department
 300 East Washington Street
 Lexington, Virginia 24450
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Preliminary Plat Checklist

Five (5) copies of the preliminary plat shall be submitted for review.

Requirements

The preliminary plat shall adhere to the following requirements:

- A. It shall be legibly drawn and may be on one or more numbered sheets. The scale shall be as follows:
- With lots smaller than one acre, one inch equals 100 feet.
 - With lots one acre or larger, one inch equals 200 feet.
- B. It shall show the following information:
- The date of the plat and the name of the surveyor or engineer preparing the same.
 - Scale.
 - Number of sheets comprising the plat.
 - North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.
 - Name and signature of the owner.
 - Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.
 - City or county and state.
 - Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.
 - Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.
 - All pertinent natural and historical features and landmarks.
 - The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.
 - All adjoining roads and streets with their numbers and/or names.
 - All subdivision, corporate boundary lines, public highways and other public rights-of-way, if any, within 1,000 feet, shown on a reduced scale insert.
 - Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent may require the preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.
 - Location of existing buildings within the subdivision and within 200 feet thereof.
 - Location and description of all existing monuments.
 - Location of existing and proposed easements, water and sewer mains, and drainage facilities,



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with existing and proposes utility installations.

Contour lines, existing and finished, as required for approval of drainage and sewer facilities.

Proposed locations, widths, and names of all streets.

The approximate location and number and the propose uses of all lots and other areas, including watercourses, impoundments, lakes, and those areas being used for parking, recreation, commercial purposes, or for public or governmental use.

Proposed lot lines, lot numbers, and block letters.

If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

Items to Accompany the Plat

A. Statements by the subdivider as follows:

Certification that requirements relating to water and wastewater services, storm drainage, streets, curbs, gutters, sidewalks and such other improvements as may be required by the Commission or agent of Council under the provisions of this chapter will be carried out at the subdivider's cost.

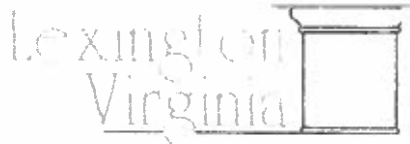
Indication of location, proposed use and acreage of any portion of the proposed subdivision, other than streets, which the subdivider proposes to dedicate or reserve for public use or for the common use of future property owners of the subdivision.

Summary of proposed restrictive covenants and reservations.

B. A check payable to the City of Lexington to cover required fees.

C. Certification by the agent that the proposed subdivision complies with this chapter and all other pertinent ordinances of the City and that after of the preliminary plat and consultation with the subdivider the agent is satisfied that proposed improvements as required by this chapter are or will be adequate to their purposes. The agent, Commission or Council may, at his or its option, require certification by a qualified engineer or other professional that the propose improvements will be adequate to the proposed use. Cost of the certification shall be borne by the subdivider. The agent may indicate his certification by his signature on the face of the preliminary plat or the agent may note substantial approval of the preliminary plat with certain required modifications to the preliminary plat set forth in an attached document.

D. Certification by a qualified land surveyor or professional engineer that drainage facilities are adequate, that existing downgrade drainage facilities are adequate to carry the increased burden, that no private property will be subject to materially increased flow and that facilities installed will be adequate to carry channeled surface water from any development at a higher elevation in the same drainage basin.



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Final Plat Checklist

Six (6) full size copies of the final plat and two (2) copies eight by 14 inches in size shall be submitted.

Requirements

The final plat shall adhere to the following requirements:

- A. The final plat shall be prepared by a certified land surveyor or other qualified professional who shall endorse upon such a plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.
- B. The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat.
- C. The plat shall be legibly and accurately drawn upon sheets not more than 17 inches by 22 inches in size. There shall be a one-fourth-inch border on each side. The plats shall be drawn at a scale of one inch equals not more than 200 feet. The agent may, at his discretion, permit different suitable scales for plats of dedication or other special plats. If the subdivision is shown on several sheets, match lines shall clearly indicate where the several sheets join.

- D. It shall show accurately the following information:

The date of the plat and the name of the surveyor or engineer preparing the same.

Scale.

Number of sheets comprising the plat.

North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.

Name and signature of the owner.

Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.

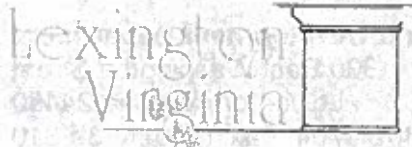
City or county and state.

Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.

Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.

Location and description of all existing monuments.

If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and



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identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

A boundary survey to an accuracy of one part of 5,000.

Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision; names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas.

Building setback lines, shown as dashed lines with dimensions to front property line along each street, and length of setback line within each lot.

All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot and all bearings and degrees, minutes and seconds to the nearest 10 seconds.

Curve data showing radius, delta and arc either at the curve or in a curve data table.

Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.

Block letters and lot numbers.

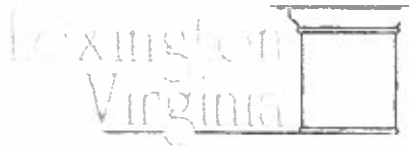
- E. If any land or water areas are being dedicated or reserved for streets, parking space, for other public use or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which land or water areas are dedicated or reserved.
- F. The final plat shall have appended to it an unexecuted copy of a proposed certificate of owner's consent for subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees, and lienholders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.
- G. The final plat shall provide on the first sheet space for (form available upon request from the Building and Zoning Administrator):

The surveyor's certificate as to title pursuant to the requirements of Subsection A of this section.

The surveyor's certificate as to monuments pursuant to the requirements of § 360-7C.

All restrictive covenants, or reference thereto.

Space for approval of the agent. The agent's approval shall state that to the best of the agent's knowledge and belief the proposed subdivision as set forth in the final plat complies with all pertinent ordinances and other requirements of the City and that the final plat is substantially in accordance with the plan of the subdivision as submitted to and approved by the Commission and Council in the preliminary plat.



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 Lexington, Virginia 24450
 Phone: (540) 462-3704 Fax: (540) 463-5310

Items to Accompany the Plat

- A. Certification by the agent, where improvements shown on the preliminary plat have already been installed, that such improvements as installed are acceptable and in conformity with current requirements.
- B. If all improvements required under this chapter are not completed, a cash bond, certified check or surety performance bond as required in § 360-15B.
- C. A check payable to the City of Lexington to cover all required fees.
- D. An unexecuted copy of the proposed deed of dedication, if required, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Such copy shall:
 - Contain a correct description of the land subdivided and state that such subdivision is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.
 - Contain language such that when the deed is recorded, it shall operate to transfer in fee simple to the City such portion of the platted premises as is on such plat set apart for streets, easements or other public use and to create a public right of passage over the same.
 - Contain all protective or restrictive covenants, including those referred to in § 360-28H(3).
- E. An erosion and sedimentation plan approved by the appropriate agent in accordance with Chapter 178, Erosion and Sediment Control, of the Lexington City Code.

PS 2022-02 – Boundary Line Adjustment 16 Houston Street & Oak Grove Cemetery

Project Name	Boundary Line Adjustment for 16 Houston Street and Oak Grove Cemetery
Property Location	16 Houston Street (Tax Map # 29-1-27) and Oak Grove Cemetery (Tax Map # 23-1-160)
Zoning	R-1 (General Residential) and P-OS (Parks and Open Space District)
Owner / Petitioner	William J. & Carole B. Green / City of Lexington
Petitioner’s Intent	Purchase a portion of the rear yard of 16 Houston Street for expansion of Oak Grove Cemetery

*PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval*

location map



OVERVIEW OF REQUEST

The City requests a boundary line adjustment to add a 0.29 ± acre portion of 16 Houston Street (Tax Map # 29-1-27) to Oak Grove Cemetery (Tax Map # 23-1-160) in accordance with the following survey provided by Perkins & Orrison, LLC. The green hatched area in the following survey will be transferred from Tax Map parcel #29-1-27 to Tax Map parcel #23-1-160.

Boundary Line Adjustment Survey

NOTES:

1. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT INDICATE ALL ENCUMBRANCES UPON THE PROPERTY. SOURCE OF TITLE AND ADJOINING INFORMATION ARE THROUGH CITY OF LEXINGTON GIS.
2. THIS PLAT HAS BEEN PREPARED FROM A CURRENT FIELD SURVEY PER THE DATE OF THIS PLAT.
3. THE SOLE PURPOSE OF THIS PLAT IS TO ADD 0.29 AC OF TM# 29-1-27 TO OAK GROVE CEMETERY TM# 23-1-160.
4. THIS PROPERTY IS LOCATED IN ZONE "X" UNSHADED (AREA OUTSIDE OF THE 100 YEAR FLOOD HAZARD ZONE) AS DETERMINED BY FEMA AND SHOWN ON PANEL #S1163C2D26AC DATED APRIL 6, 2000.

OWNERS CONSENT
THE BOUNDARY LINE ADJUSTMENT AS SHOWN ON THIS PLAT IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS.

WILLIAM JACKSON GREEN DATE _____
COMMONWEALTH AT LARGE TO WIT:
STATE OF VIRGINIA
COUNTY/CITY OF _____

I, _____ A NOTARY PUBLIC IN AND FOR THE AFORESAID STATE, DO HEREBY CERTIFY THAT THE OWNERS WHOSE NAMES ARE SIGNED ABOVE HAVE ACKNOWLEDGED THE SAME BEFORE ME.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC _____

SURVEYORS CERTIFICATE
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE CITY OF LEXINGTON, VIRGINIA, REGARDING THE PLATTING OF A BOUNDARY LINE ADJUSTMENT HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS _____ DAY OF _____, 2022.

FARRIS P. HOTCHKISS, LS #2653

APPROVAL:
TO THE BEST OF THE AGENT'S KNOWLEDGE AND BELIEF THE PROPOSED BOUNDARY LINE ADJUSTMENT AS SET FORTH IN THE FINAL PLAT COMPLIES WITH ALL PERTINENT ORDINANCES AND OTHER REQUIREMENTS OF THE CITY OF LEXINGTON, VA.

AGENT _____ DATE _____

PERKINS & ORRISON
ENGINEERS ▲ PLANNERS ▲ SURVEYORS

Office: 540-464-9001
Fax: 540-464-5009
E-Mail: pr@perkins-orrison.com
WEBSITE: <http://www.perkins-orrison.net/>

0 50 100
GRAPHIC SCALE 1" = 50'

DATE: 8/9/2022 JOB#: 22184
DWS: V-BLA-22184.dwg
DWN: SBL

SOURCE OF TITLE:
WILLIAM JACKSON GREEN & CAROLE BOWMAN GREEN
TM# 29-1-27
INST# 060003272
CITY OF LEXINGTON
TM# 23-1-160
INST# ???7777???

±11.00 AC (TM# 23-1-160 PER GIS)
±0.29 AC
±11.29 AC (REVISED TM# 23-1-160)

OAK GROVE CEMETERY

TM# 29-1-25
N/F
NANCY ELLEN MCKIBBEN ROBERTS
DB 424 PG 95

TM# 29-1-26
N/F
PAUL & HANSTEDT
INST# 020003218

TM# 29-1-28
N/F
ROBERT M STANTON
INST# 210004158

TM# 29-1-28A
N/F
JAMES & DORIS VARGO
INST# 210000063

SPOTSWOOD DR

16 HOUSTON ST
N48°22'12"W 97.12'

STATE PLANE (SOUTH ZONE)

568°15'09"W 182.00'

558°15'09"W 95.65'

107.04'

N55°47'29"E 296.15'

N55°47'29"E 124.00'

528°12'42"E 107.00'

N55°15'09"E 2.10'

N50°15'09"E

PIPES FOUND

IRON PIN SET (IPS)

IRON PIN FOUND (IPF)

N/F

NOW OR FORMERLY

X

FENCE

BOUNDARY LINE ADJUSTMENT SURVEY FOR
CITY OF LEXINGTON
CITY OF LEXINGTON, VIRGINIA

AUTHORITY TO REVIEW

Sections 360-24 and 360-25 of the Lexington Subdivision Ordinance establish the review authority and procedures for the Planning Commission’s and City Council’s review of preliminary subdivision plats. The Planning Commission must review all preliminary plats and may recommend approval or denial. If the Commission recommends denial of a preliminary plat it must state the reason for its recommendation of denial and the specific changes that are necessary for the plat to be recommended for approval.

Upon receipt of the Planning Commission’s recommendation, the City Council shall review the preliminary plat and, within 60 days of the receipt of the Commission’s recommendation, recommend approval or denial of the preliminary plat. Council may take no action on any preliminary plat until holding a public hearing in accordance with state law. Adjoining property owners shall be notified by first class mail of the pending public hearing, and a legal ad shall be published notifying the general public of the pending Council review.

STAFF REVIEW COMMENTS

As proposed, the boundary line adjustment meets the zoning requirements for parcels in the R-1 zoning district, and the cemetery use is a by-right use in the R-1 zoning district.

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

Finding that the submitted preliminary plat has been properly drawn and that it is accompanied by those items, in proper form, required by the Subdivision Ordinance, and that the proposed subdivision conforms to the requirements and purposes of the Subdivision Ordinance, the Staff recommends that the preliminary plat be **APPROVED** as submitted.

SUGGESTED MOTION

I move to approve/deny Preliminary Subdivision Application PS 2022-02 for the adjustment of boundary lines between 16 Houston Street (Tax Map # 29-1-27) and Oak Grove Cemetery (Tax Map # 23-1-160), in accordance with the Boundary Line Adjustment Survey for 16 Houston Street completed by Perkins & Orrison as submitted by the applicant.



SUBDIVISION APPLICATION AND CHECKLIST

Applicant¹

Name: Jim Halasz, City Manager Phone: (540) 462-3700
 Company: City of Lexington Fax: _____
 Address: 300 E. Washington St. Email: jhalasz@lexingtonva.gov
 Applicant's Signature: James M. Halasz Date: 9/14/22

Subdivision Plat Preparer

Name: Farris P. Hatchkiss, Jr. Phone: _____
 Company: Perkins & Orrison Fax: _____
 Address: _____ Email: _____

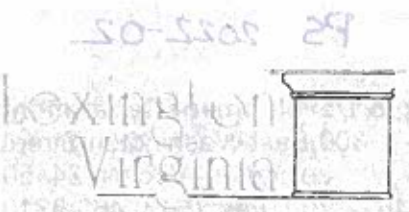
Property Owner

Name: William J. & Carole B. Green Phone: _____
 Address: 16 Houston Street Email: _____
 Owner's Signature: William J. Green Carole B. Green Date: 9/30/2022

Proposal Information² (attach list of properties if request includes multiple properties)

Address (or location description): Add 0.29 acre portion of 16 Houston St. parcel
to Oak Grove Cemetery (M# 23-1-160)
 Tax Map: 29-1-27, to 23-1-160 Deed Book and Page #: Inst: 060003272
 Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____
 Number of Lots Proposed: _____

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.



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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 City Council meeting.

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 Fees:

Case Number: PS SUB-2022-02

Preliminary Plat: \$500 + \$50 for each additional lot created

Amount Paid: _____

Final Plat: \$0

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Preliminary Plat Approvals

Planning Commission

Meeting Date: _____ Action: _____

City Council

Legal Ad Dates: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Action: _____

Final Plat Approval

Action: Approved Denied

Planning and Development Director

Date



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Preliminary Plat Checklist

Five (5) copies of the preliminary plat shall be submitted for review.

Requirements

The preliminary plat shall adhere to the following requirements:

A. It shall be legibly drawn and may be on one or more numbered sheets. The scale shall be as follows:

With lots smaller than one acre, one inch equals 100 feet.

With lots one acre or larger, one inch equals 200 feet.

B. It shall show the following information:

The date of the plat and the name of the surveyor or engineer preparing the same.

Scale.

Number of sheets comprising the plat.

North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.

Name and signature of the owner.

Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.

City or county and state.

Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.

Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.

All pertinent natural and historical features and landmarks.

The boundary lines of the proposed subdivision and of any larger tract of which the subdivision forms a part, shown on a reduced scale insert.

All adjoining roads and streets with their numbers and/or names.

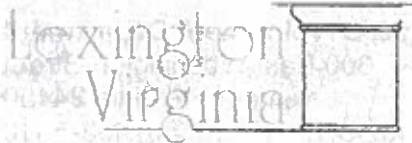
All subdivision, corporate boundary lines, public highways and other public rights-of-way, if any, within 1,000 feet, shown on a reduced scale insert.

Boundary lines and total acreage of the proposed subdivision and the acreage remaining in the original tract, if any. In case only a part of a tract of land is proposed for subdivision, the agent may require the preliminary plat to show a proposed future subdivision of such remaining acreage or a part thereof to make certain that proper orientation of future streets may be developed with the platted streets.

Location of existing buildings within the subdivision and within 200 feet thereof.

Location and description of all existing monuments.

Location of existing and proposed easements, water and sewer mains, and drainage facilities,



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with existing and proposes utility installations.

Contour lines, existing and finished, as required for approval of drainage and sewer facilities.

Proposed locations, widths, and names of all streets.

The approximate location and number and the propose uses of all lots and other areas, including watercourses, impoundments, lakes, and those areas being used for parking, recreation, commercial purposes, or for public or governmental use.

Proposed lot lines, lot numbers, and block letters.

If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

Items to Accompany the Plat

A. Statements by the subdivider as follows:

Certification that requirements relating to water and wastewater services, storm drainage, streets, curbs, gutters, sidewalks and such other improvements as may be required by the Commission or agent of Council under the provisions of this chapter will be carried out at the subdivider's cost.

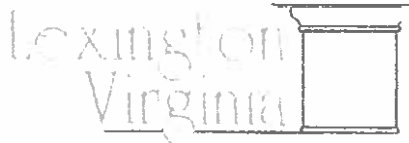
Indication of location, proposed use and acreage of any portion of the proposed subdivision, other than streets, which the subdivider proposes to dedicate or reserve for public use or for the common use of future property owners of the subdivision.

Summary of proposed restrictive covenants and reservations.

B. A check payable to the City of Lexington to cover required fees.

C. Certification by the agent that the proposed subdivision complies with this chapter and all other pertinent ordinances of the City and that after of the preliminary plat and consultation with the subdivider the agent is satisfied that proposed improvements as required by this chapter are or will be adequate to their purposes. The agent, Commission or Council may, at his or its option, require certification by a qualified engineer or other professional that the propose improvements will be adequate to the proposed use. Cost of the certification shall be borne by the subdivider. The agent may indicate his certification by his signature on the face of the preliminary plat or the agent may note substantial approval of the preliminary plat with certain required modifications to the preliminary plat set forth in an attached document.

D. Certification by a qualified land surveyor or professional engineer that drainage facilities are adequate, that existing downgrade drainage facilities are adequate to carry the increased burden, that no private property will be subject to materially increased flow and that facilities installed will be adequate to carry channeled surface water from any development at a higher elevation in the same drainage basin.



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Final Plat Checklist

Six (6) full size copies of the final plat and two (2) copies eight by 14 inches in size shall be submitted.

Requirements

The final plat shall adhere to the following requirements:

- A. The final plat shall be prepared by a certified land surveyor or other qualified professional who shall endorse upon such a plat a certificate signed by him setting forth the source of title of the land subdivided and the place of record of the last instrument in the chain of title.
- B. The final plat shall be substantially in accordance with the preliminary plat (together with any changes or additions for its approval), except that a final plat may include all or any part of the area covered by the preliminary plat.
- C. The plat shall be legibly and accurately drawn upon sheets not more than 17 inches by 22 inches in size. There shall be a one-fourth-inch border on each side. The plats shall be drawn at a scale of one inch equals not more than 200 feet. The agent may, at his discretion, permit different suitable scales for plats of dedication or other special plats. If the subdivision is shown on several sheets, match lines shall clearly indicate where the several sheets join.

- D. It shall show accurately the following information:

The date of the plat and the name of the surveyor or engineer preparing the same.

Scale.

Number of sheets comprising the plat.

North meridian, designated true or magnetic and oriented to the top of each sheet; each sheet comprising the plat shall be so oriented.

Name and signature of the owner.

Name of the subdivision; the name shall not duplicate or too closely approximate that of any existing subdivision in the City or the County.

City or county and state.

Sources of data used in preparing the plat, particularly the deed book and page number of the last instrument in the chain of title.

Names of all adjoining property owners and the location of each of their common boundaries, including established roadways and waterways.

Location and description of all existing monuments.

If the proposed subdivision consists of land acquired from more than one source of title, the outlines of the several tracts shall be included on the preliminary plat by broken lines, and



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identification of such respective tracts shall be shown on the preliminary plat. The same information shall be included if any portion of the subdivision is situated in the county.

A boundary survey to an accuracy of one part of 5,000.

Location and dimensions of all lot and street lines and center lines of all streets, both within and adjoining the subdivision; names and widths of all streets; and boundaries of all easements, school sites, parks or other public areas.

Building setback lines, shown as dashed lines with dimensions to front property line along each street, and length of setback line within each lot.

All dimensions shown in feet and decimals of a foot to the closest 1/100 of a foot and all bearings and degrees, minutes and seconds to the nearest 10 seconds.

Curve data showing radius, delta and arc either at the curve or in a curve data table.

Location and approximate bearing of all property lines intersecting the subdivision perimeter boundary.

Block letters and lot numbers.

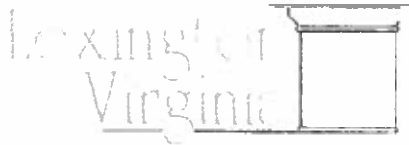
- E. If any land or water areas are being dedicated or reserved for streets, parking space, for other public use or for the common use of future property owners of the subdivision, the final plat shall so state and indicate which land or water areas are dedicated or reserved.
- F. The final plat shall have appended to it an unexecuted copy of a proposed certificate of owner's consent for subdivision suitable for recording, containing a statement to the effect that the subdivision is with the free consent and in accordance with the desire of the owners, proprietors, trustees, and lienholders thereof, as applicable, and setting forth in full all restrictive covenants, reservations and dedications applicable to the proposed subdivision.
- G. The final plat shall provide on the first sheet space for (form available upon request from the Building and Zoning Administrator):

The surveyor's certificate as to title pursuant to the requirements of Subsection A of this section.

The surveyor's certificate as to monuments pursuant to the requirements of § 360-7C.

All restrictive covenants, or reference thereto.

Space for approval of the agent. The agent's approval shall state that to the best of the agent's knowledge and belief the proposed subdivision as set forth in the final plat complies with all pertinent ordinances and other requirements of the City and that the final plat is substantially in accordance with the plan of the subdivision as submitted to and approved by the Commission and Council in the preliminary plat.



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Items to Accompany the Plat

- A. Certification by the agent, where improvements shown on the preliminary plat have already been installed, that such improvements as installed are acceptable and in conformity with current requirements.
- B. If all improvements required under this chapter are not completed, a cash bond, certified check or surety performance bond as required in § 360-15B.
- C. A check payable to the City of Lexington to cover all required fees.
- D. An unexecuted copy of the proposed deed of dedication, if required, accompanied by a certificate signed by the subdivider and duly acknowledged before some officer authorized to take acknowledgments of deeds, to the effect that this is a true copy of the proposed deed of dedication which will be presented for recordation. Such copy shall:

Contain a correct description of the land subdivided and state that such subdivision is with free consent and in accordance with the desire of the undersigned owners, proprietors and trustees, if any.

Contain language such that when the deed is recorded, it shall operate to transfer in fee simple to the City such portion of the platted premises as is on such plat set apart for streets, easements or other public use and to create a public right of passage over the same.

Contain all protective or restrictive covenants, including those referred to in § 360-28H(3).

- E. An erosion and sedimentation plan approved by the appropriate agent in accordance with Chapter 178, Erosion and Sediment Control, of the Lexington City Code.

Lexington final draft of proposed PD-MU zoning district amendments

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 to 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. The Opportunity Areas designated along E. Nelson and S. Main Streets are also designated as Entrance Corridors and development rezoned to PD-MU should protect and enhance the City's attractiveness in compliance with Article VI of this chapter. 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 for Mixed Use Neighborhoods that should inform the character and development of the proposed project. A proposal for a 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 (may include photovoltaic power generation & storage, low carbon building materials, energy efficient mechanicals, and a thermally efficient building envelope), and green infrastructure elements, such as 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, civic, miscellaneous, 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 is 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.

The 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 for an original application, 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 are 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 space 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 the master plan's approval. The overall gross density so approved shall be determined by the City with reference to the Comprehensive Plan.

Non-residential density shall 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 during 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 Development – Mixed Use District shall conform to the setback requirements of the adjoining district, or to the setback requirements of the PD-MU 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, 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 are 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, cable television, and other telecommunication 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 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.; and
 - viii. List of exceptions or differences from the zoning requirements, 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. Planning Commission approval requires the following findings be made. That the proposed development:
 - i. Will not be detrimental to the public health, safety and welfare or unduly injurious to property values or improvements in the neighborhood;

- ii. Enhances the Lexington community's sense of place and character and is a better design than can be produced through traditional zoning districts;
 - iii. Incorporates high-quality architectural design and provides gradual transitions to surrounding land uses using design features, such as setbacks, height step downs, and landscaping;
 - iv. Improves sidewalk and pedestrian access and adds green infrastructure as appropriate;
 - v. Provides adequate parking to avoid impact on adjacent areas;
 - vi. Screens parking from off-site views using plants and at gateways incorporate special signage, public art, and/or landscaping to create a sense of arrival into the City;
 - vii. Does not conflict with the policies and principles of the City's adopted Comprehensive Plan;
 - viii. Adequate public services are or reasonably will be available; and
 - ix. Addresses traffic study.
- 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 PD-MU master plan, together with its recommendations.
 3. Amendments to the PD-MU 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 site 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 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.

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).