

LEXINGTON PLANNING COMMISSION

January 12, 2023 - 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 December 8, 2022*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. ZOA 2023-01: Annual Zoning Ordinance Amendments. Accessory Dwelling Units (A.D.U).
 - 1) Background Materials*
 - 2) Public Comment
 - 3) Commission Discussion
 - B. 2022 Planning Commission Annual Report*
 - 1) Planning Commission Review and Comment
- 6. OTHER BUSINESS**
 - A. Green Infrastructure Working Group Final Report*
 - 1) Remarks from Planning Commission Liaison to the G.I. Working Group
 - 2) Planning Commission Discussion
 - B. Zoning and Planning Report – If applicable
 - C. Catalyst Project Updates – If applicable
 - 1) Bike/Ped Plan: Complete
 - 2) Increase Sidewalk Connectivity: Ongoing
 - 3) Accessory Dwelling Unit Ordinance: Ongoing
 - 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

- D. Key Annual PC Milestones: Ongoing. Remaining items:
- 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. What else, if any?
 - 2) Comp Plan Review: Ongoing

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, December 8, 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
Pat Bradley
John Driscoll
Leslie Straughan, Council Liaison
Matt Tuchler

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER

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

AGENDA

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

MINUTES

The minutes from the November 10, 2022 meeting were unanimously approved as presented. (J. Driscoll / P. Bradley)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. CUP 2023-01: An application by Edwin Gaskin of Echelon Resources, Inc. for approval of a Conditional Use Permit to allow multifamily dwellings on the City owned parcel located on Spotswood Drive (Tax Map #29-1-31).

1) Staff Report –

This is a request to allow multi-family dwelling units on the subject parcel which is zoned R-LC. The proposal envisions a multifamily community of up to 62 apartments (1 & 2 bedroom units) with related amenities and at least 84 parking spaces. The structure's massing will be on the east side of the parcel, closer to the RARA building and farther from the single family parcels along Houston Street and Spotswood Drive. The structure will be 3 full stories in height with a basement story facing Spotswood Drive. Its maximum height will not exceed 45 feet. A. Glaeser pointed out the concept plan submitted with the application as well as the conditions offered by the applicant and noted the application contained more information than is typically submitted for a conditional use permit application. He led the Commission through the R-LC Intent and Purpose and noted the subject parcel's designation as a Mixed-Use Neighborhood and Opportunity Area in the Comprehensive Plan. He reported the proposed design met the 45' height limitation

provided in the zoning ordinance as well as the requirements for off-street parking. He pointed to the staff comments addressing each of the conditions for the issuance of a conditional use permit and asked that Commissioners keep the conditions in mind as they consider the subject application. He said that staff's recommendation to approve the application was mainly based on the observations made in response to those conditions. Addressing the lot requirements for multifamily use in the R-LC zoning district, he said the proposal met the lot area requirement but was deficient with respect to the lot width, but he argued that lot width is a very strange metric to use to determine density limits.

Responding to questions from multiple Commissioners, A. Glaeser reminded the Commission that a CUP is a legislative act and that governing bodies are afforded wide latitude for legislative acts. He addressed zoning issues considered when making a determination about a proposal's impact on public welfare. He noted a conditional use is presumed to have a greater impact on an area than a by-right use and that the Commission has the right to place conditions on an approval of a conditional use, but any condition should be reasonably related to and roughly proportional to the impacts believed to be occurring.

In response to questions from J. Driscoll, A. Glaeser confirmed the concept plan had been reviewed by the Fire Marshal and Public Works and received no comments requiring improvements, including traffic related improvements. He explained that the increase in traffic associated with the project would fall well below most localities' threshold to require a traffic impact analysis. He reminded the Commission that Public Works would review the site plan when it is submitted and would make recommendations if warranted.

2) Applicant Statement –

Edwin Gaskin of Echelon Resources gave a slide show presentation highlighting details of the proposal. He said he was proud to have engineered a plan for such a small, complicated site that was in compliance with all of Lexington's zoning requirements, including the set-back requirements that allow for the 45' building height. He remarked that a modern look was chosen for the project in order to differentiate it from historic Lexington and to play off of the hospital design both in terms of massing and style. He pointed out that the plan complied with all green space requirements and incorporated a 5' sidewalk for connectivity and public access across the site. He also addressed the consideration given to the public utilities located on the site, the proposal's compliance with the Comprehensive Plan, and its impact on nearby traffic. He noted the adjustments to the initial proposal which were made in response to previously voiced community concerns. He said the project would be highly amenitized for its size and would address Lexington's shortage of available professional grade, transitional housing.

B. Shester asked if the presentation had been posted to the City's website and A. Glaeser pledged to do so.

Responding to questions from L. Straughan, Mr. Gaskin addressed the placement of the entrance drive, the amount of grading the site will require, the location of the facility's elevator, the availability of ADA accessible apartments, and the location and screening of the rooftop mechanical units. N. Betts asked for current market rates for units

of this type and Mr. Gaskin offered that current rates are \$1,200 - \$1,300/month for a 1 bedroom and \$1,500 - \$1,700/month for a 2 bedroom. B. Shester asked for clarification of the proposed grading for the site and Mr. Gaskin replied the grading would be sloped rather than terraced. Responding to a query from M Tuchler, A. Glaeser said the engineering of the site's storm water system would be based on site specific calculations and would require approval from the D.E.Q. as part of the building permit process. In response to a question from N. Betts, Mr. Gaskin said the typical tenants would likely be young professionals or families with a young child. Responding to questions from J. Driscoll, Mr. Gaskin said that Echelon would provide pedestrian connectivity to the adjacent medical offices if the adjacent property owner will grant them an easement, but that there would likely be no public trails across the site. J. Driscoll said he was encouraged by Echelon's commitment to work with the City Arborist on landscaping for the site and urged Mr. Gaskin to consider how the site and trees would appear in 10 years when developing the landscape plan.

3) Public Comment –

Margaret Robertson, 245 Denny Lane – argued that the application was deficient as it had materially modified previously approved conditions contained within the “Spotswood Drive Parcel Project Expectations” which was made a part of the sales agreement between the City and the applicant. She claimed modifications were made to the City and DEQ's oversight of the site's storm water management and to the maintenance of existing trees located in the site buffers. She asserted that the conditions of issuance for CUPs had not been met due to the lack of a traffic study, the modern architecture style proposed for the project, and the lack of proof that the City's water and sewer infrastructure can meet the demand of the project. She also argued the project did not meet the type of housing needed in Lexington.

Heidi Kellner, 105 Houston Street – remarked that the plan seemed overly large for such a small town and such a small site. She said there were six points in the Comprehensive Plan relevant to the proposal and the plan failed to meet any of them. She objected to the appearance of the building and voiced concern about possible noise and light pollution associated with the mechanical units to be housed on the building's roof.

Robert Zordani, 105 Houston Street – agreed with the previous speaker and complained that he found the proposed building to be ugly. He argued it was not historic and did not fit the neighborhood or Lexington.

Gary Butler, 106 Houston Street – remarked that the sewer line to his house travels through the field that will serve as the building site. He noted the neighborhood includes the hospital which will expand over time as well as the medical offices and expressed concern about the traffic impact along nearby streets.

Ben Grigsby, 111 Lee Avenue – objected to the project's scaling, saying it was inappropriate and would contravene the architectural integrity of the neighborhood. He reminded the Commission that he had been a member of a collaborative effort that worked on a development plan for the property which he believed was more suitably scaled to the subject site. He encouraged the Commission to consider not what is technically allowed

by City Code, but what is consistent with the Comprehensive Plan and the architectural heritage of Lexington.

Brenda Greever, 313 Miller Street – recounted her family’s long ties to the Houston Street neighborhood and her understanding of how and why the City came to own the parcel, which she alleged was intended to be used for the cemetery. She complained that the City has never cared about the eastern part of town and insinuated that the City has had a long history of duplicity in its development of the Spotswood Drive area, coupled with a lack of consideration of Lexington locals.

Connie Crittenden, 22 Whitmore Street – noting that the Planning Commission is responsible for preparing and maintaining the Comprehensive Plan, she read an excerpt from the Plan to which she responded by saying the proposal would not enhance quality of life for anyone in its proximity. She agreed with previous comments that the proposal was ugly and observed that the view from Spotswood would be of the back of the building.

Gladys Hopkins, 317 S. Main Street – stated she agreed with everything that had been said earlier and added that she believed the additional traffic, especially along Houston Street, would be detrimental to the safety and welfare of the area.

Maurya Schweizer, 1 Hill Circle – voiced concern about how traffic would be impacted along Houston and Preston Streets and Spotswood’s intersection with Nelson Streets. She observed that traffic is “bob and weave” along those streets under current conditions. She urged the City to require a traffic study be done before approving the project.

Kelly Peters, 410 Arpia Street – agreed that a traffic study should be done, but argued it should be done by the City rather than by the applicant, because a traffic study done at the applicant’s request would be biased. She reminded the Commission that there would be impacts to schools, roads, and health care, and she objected to waiving the water and sewer hookup fees for the proposal. She suggested the addition of a turn lane.

Robbin Youngblood, 104 Houston Street – expressed concerns about the sewer line capabilities on the site and potential flooding of her adjacent property should the development have inadequate storm water management. She advocated for conducting a traffic study during times that the food pantry is open and asked if prospective tenants of the development would be warned of helicopter noise pollution. She said she understood the need for more affordable housing in the area and suggested the City might build good will in the neighborhood by giving its residents driveways so they would not have to park on the street.

4) Commission Discussion & Decision –

With an assist from M. Tuchler, J. Driscoll clarified that the issues relevant to the Commission’s review were limited to the proposal’s dimensions; its adherence to the 4 zoning criteria for the issuance of a conditional use permit; its compliance with the Comprehensive Plan; and, perhaps, some of the technical issues around the utilities and infrastructure. He noted the Commission could not consider the aesthetics of the design or the business plan for the project.

At Chair Shester’s request, Council Liaison Straughan summarized how City Council decided to proceed with the model for the site proposed by the applicant. She emphasized the need in the city for more housing of all types, noted that “diversity of housing” is included in the vision statement of the Comprehensive Plan, and added that

Council members have heard from realtors and employers that there is a particular need for “transitional housing” of the type being proposed. She acknowledged the scale of the project would be a big change of a type that can be hard to envision, but that the Lexington House Apartments, which are right around the corner from the subject site, has a similar scale with over 70 units also on 2 acres. She added that the Planning Commission has been looking for ways to expand housing in Lexington.

N. Betts agreed and suggested the proposal would likely create an increase in available housing that would be more affordable to a larger group of people. He added that the community has a documented problem of lacking the housing necessary to expand the workforce or population.

J. Driscoll stated that his primary concern had to do with the lot width deficiency which he maintained would have resulted in a building containing one less story if it had been designed to code. P. Bradley said he shared a similar concern. Noting that he was not inclined to opine about the proposal’s aesthetics and that there are controls in place that should mitigate concerns about storm water management, he indicated the most pressing concern was the scale of the project and particularly its traffic impact. He observed that, for better or worse, the Zoning Ordinance provides two safeguards for regulating density and expressed disappointment that the proposal was allowed to get this far without determining whether it met the regulations. He pointed out that the Commission had recently voted against a proposal because it had not met the existing zoning definitions. L. Straughan said she believed the fact that the proposal meets the area requirements was sufficient. She viewed it as a compromise, not unlike the compromise recently reached with the property owner seeking a CUP for first story dwelling units on Randolph Street. She again pointed to the Lexington House Apartments as proof that a development of a similar scale can exist in the neighborhood without causing problems or even much notice.

Responding to a question from M. Tuchler concerning how the Commission should consider the proposed design’s historical character, A. Glaeser stated the parcel was not in a design district and would not be subject to the design review necessary in the historic districts or entrance corridors.

At M. Tuchler’s request, A. Glaeser provided his recommendation about how to consider the density requirements for the subject parcel. He suggested the Commission consider the conditions for issuing a CUP and ask how the fact that the parcel has slightly inadequate frontage than is envisioned in the zoning ordinance will adversely affect any of the conditions the Commission is charged to protect. N. Betts said he appreciated the suggested path forward but was uncomfortable with overstepping the code requirements. P. Bradley asked if the application could have also requested an amendment to the lot requirements in the zoning ordinance. A. Glaeser acknowledged that in hindsight a text amendment may have made the process cleaner, but stated he would have advised the applicant that such an amendment was unnecessary because he believes the Commission can recommend approval of a conditional use permit so long as a determination can be made that the conditions for issuing said permit have been met.

B. Shester said he had some concerns about the impact on traffic, particularly on Houston Street, but added that narrow streets are a hallmark of Lexington generally. He agreed with Commissioner Betts that housing should be a priority and that the proposal

would help to address that issue. He added that good practice in cities is to have more density and he was inclined to agree with the argument that the lot area is more important than where the parcel's width and length are located in terms of frontage. He acknowledged the width requirement as a technical criteria but said he could not see how the lack of approximately 230 feet of frontage would impact the safety and welfare of the public.

Following discussion to how to interpret the Code and how to proceed, P. Bradley suggested a motion be made and each Commissioner voice his or her thoughts about the project to get them on record for City Council. B. Shester asked to add, before the proposal went to a vote, that the project was intended for walkability and connectivity and urged the City to focus on prioritizing good bike and pedestrian access and safety in the area. He then asked Commissioner Driscoll if he felt green infrastructure goals were being met by the proposal or if he would suggest the Commission add additional conditions to address green infrastructure goals. J. Driscoll replied that he was not confident the Commission had the power to add those types of goals, but the conditions offered by the applicant showed acceptable intent.

L. Straughan moved to approve Conditional Use Permit number CUP 2023-01 to allow the construction of up to 62 multifamily units on the subject parcel and development must be in substantial compliance with the eleven conditions offered by the applicant in the Project Narrative and in substantial compliance with the *Concept Plan, Lexington Multifamily* dated October 21, 2022 as submitted. M. Tuchler provided the second. N. Betts said he felt more comfortable voting to approve the application knowing there was ambiguity in the code as it relates to density. He stated he believed the proposal would address the City's housing deficit. M. Tuchler agreed saying Commissioner Bett's argument that an increase in available housing could free up more affordable housing options swayed him most in his considerations. J. Driscoll agreed that the premise was correct but that he would not use the term affordable housing. B. Shester also agreed with Commissioner Betts that this addition to the available housing stock was likely to lead to a reshuffling that would amount to an increase in housing that is more affordable to a greater number of people. He reiterated his challenge to the City to invest in the area to make it more accessible and connected for pedestrians, bicyclists, and electric vehicles. P. Bradley whole heartedly agreed with the need for housing and the affect the proposal could have on the available housing stock in the City but reiterated his concern that the scale being proposed for the site was inappropriate and failed to comply with all relevant zoning criteria.

Chair Shester called for a roll call vote and the motion carried with the following vote:

Ayes: M. Tuchler, N. Betts, L. Straughan, and B. Shester

Nays: J. Driscoll and P. Bradley

B. ZOA 2023-01: Annual Zoning Ordinance Amendments: Accessory Dwelling Units

Given the time, Chair Shester suggested this agenda item postponed until the January 12, 2023 meeting and Director Glaeser agreed.

C. Election of Vice-Chairperson due to Commissioner Bett's election to City Council

- 1) Nominations – M. Tuchler was nominated to serve as Vice-Chair. Commissioner Tuchler confirmed he was willing to serve.
- 2) Motion & Vote - **J. Driscoll moved to elect Matt Tuchler as Vice-Chair. N. Betts seconded and the motion passed unanimously. (6-0)**

D. Review Planning Commission terms

L. Straughan reminded her colleagues that there were currently two positions to fill and urged them to help recruit. A. Glaeser pointed out there was no obligation to step down at the end of a term.

E. Green Infrastructure Group Update –

J. Driscoll reported the group will meet to discuss priorities, who will act as the backbone organization and what the criteria will be for that role. He has also been in touch with W&L and VMI to get a sense of where they would like to fit into the coalition. He encouraged Commissioners to forward any comments on the draft report.

OTHER BUSINESS

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

- A Notice of Violation was issued for an unregistered short term rental.
- Three Notices of Violation were issued for unmaintained properties.
- A Notice of Violation was issued for unpermitted signs at Stop-In.
- The Local Board of Building Code Appeals met and upheld the Building Official's determination for the University Chapel.
- He attended trainings for floodplain ordinances, bike-ped designs, the Fall Housing Workshop, mixed-use on Main Street, and a Watershed Improvement Program held by the CSPDC.
- He appeared in court for a return date for the zoning violations at 711 Thornhill Road and the case was scheduled for January 12, 2023.

CITY COUNCIL REPORT -

L. Straughan reported that City Council did approve the telecommunications ordinance regarding small cell facilities and received a report from a group of JMU students on their housing study which noted the City needs more housing and suggested the City review its ordinances with an eye to increasing housing availability and options.

ADJOURN

The meeting was adjourned at 7:38 pm with unanimous approval. (B. Shester / P. Bradley)

B. Shester, Chair, Planning Commission

Accessory Dwelling Units Review of Select Virginia Localities

Overview

The purpose of this document is to provide a review of the zoning ordinances of localities in Virginia with accessory dwelling unit (ADU) ordinances in place and to offer recommendations from organizations such as the American Planning Association (APA), AARP, and planning district commissions to aid the City of Lexington in the updating of its own ADU ordinance. Specifically, this report addresses 12 areas of inquiry requested by the City.

The first section contains a brief overview of recommendations from the APA, AARP, and Thomas Jefferson Planning District Commission (TJPDC). The second section contains a review of nine Virginia localities' zoning ordinances with accessory dwelling unit regulations. These localities include counties, cities, and a town and vary from very urban to rural. The ordinances themselves vary widely, from highly detailed to vague. The review section covers Lexington's 12 areas of inquiry: terms, definitions, permitted locations, allowed types, size restrictions, occupancy restrictions, height requirements, setbacks, parking, short-term rentals, nonconforming uses, and other restrictions. If a locality did not specify regulations for a section, this was noted and addressed during interviews with the localities' planning professionals. Phone or Zoom interviews were conducted with the cities of Charlottesville and Roanoke, and the Town of Strasburg; responses from the City of Lynchburg and Bedford County were also received by email. This information was included in the tables below where applicable, and any items of note about a locality's experience with particular sections are indicated. The next section contains resources from the localities, including informational pamphlets and a guidebook, along with links to other relevant resources, including the documents from APA, AARP, and the TJPDC. The final section of this document contains written summaries of the phone interviews and email responses.

General recommendations/guidelines and sample ordinances

AARP's Guide to Accessory Dwelling Units

The goal of this multi-purpose guide is to educate and inform elected officials and policy makers in local governments, residents, and others about the benefits ADUs can provide to a community. The guide seeks to help localities craft ordinances that balance the need to avoid negative impacts on neighborhoods with enough flexibility to avoid discouraging residents from building an ADU if desired.

The guide recommends eight elements be included in a locality's zoning ordinance, with some caveats:

1. A clear definition of what the locality considers an ADU to be.
2. A purpose statement that explains why the locality is allowing ADUs. The statement could draw on comprehensive plan goals and strategies while also including the following: the need to provide affordable and accessible housing for smaller households, older adults, and those with disabilities; the goal of making more "efficient use of existing housing stock and infrastructure"; and the desire to "increase the number of housing units while respecting the style and scale" of single-family neighborhoods.
3. Regulations on who can build an ADU and in which zoning districts.

4. The types of ADUs allowed: new construction, addition to, or contained completely within primary dwellings or accessory structures.
5. The number of ADUs allowed per lot.
6. Allowed uses and occupancy: The guide suggests a locality be flexible in its occupancy requirements. Requiring owner occupancy of either the primary dwelling or the ADU can make it harder for the property owner to get financing and can cause enforcement problems. The use of ADUs for short-term or long-term rental properties is seen as a way for the owners to recoup the costs of building the ADU. In the case of long-term rentals, ADUs provide additional affordable rental options; however, ADUs used primarily as short-term rentals do not satisfy the goal of providing additional affordable housing to a community.
7. Design standards regarding size and height, parking, appearance, and entrances and stairs. The guide cautions against requiring off-street parking over and above what is already required for single-family residences, which may prevent some homeowners from building an ADU because of lack of space. Instead, it recommends requiring parking if the construction of the ADU removes the primary dwelling's existing parking or allowing a combination of off-street, on-street, and tandem parking to meet requirements.
8. Building or yard setbacks and building coverage.

The guide cautions against creating restrictions that do not also apply to the primary dwelling, requiring a complicated design compatibility and approval process, limiting ADUs to large lots or certain residential zoning districts, assigning maximum square footage requirements that prohibit owners of smaller homes from qualifying, and requiring off-street parking beyond what is required for the primary dwelling.

APA Zoning Practice, Issue 7, July 2012 – Practice Accessory Housing

APA's focus on accessory housing in the July, 2012 Zoning Practice issue provides recommendations on what should be included in a localities' zoning ordinance for accessory dwelling units along with a process for drafting the ordinance. The issue recommends localities include language about the following:

1. Specification of ADUs as by-right or by special exception permit (i.e. conditional use permit)
2. Required setbacks, height limits, maximum size, and specific design guidelines. The article suggests 10- to 15-foot setbacks to maintain neighborly relations, height limits of 20 feet to ensure that the primary dwelling is the dominant structure, and design standards that ensure ADUs are aesthetically compatible with the rest of the neighborhood.
3. Parking requirements. The article notes that parking is one of the more difficult problems and that the unit's occupants are likely to depend on on-street parking since it can be difficult to add off-street parking.
4. Documentation showing that there is adequate water and sewer capacity to support an ADU. This may be less important for lots that are served by public water and sewer.
5. The number of ADUs allowed per lot.
6. Occupancy requirements, if any. Many localities require owner occupancy of the ADU or the primary dwelling unit and regulate the number of people living in the ADU or limit the number of bedrooms an ADU can have.
7. Specification that ADUs must meet building code standards.

Thomas Jefferson Planning District Commission Accessory Dwelling Unit Ordinance

This document provides examples of language that other localities in Virginia have used in their ADU ordinances but provides no advice about specific restrictions. It stresses the importance of

including a purpose statement and a definition for ADUs, recommending that a purpose statement be included for two reasons: purpose statements can help defend an ordinance in court, and they provide an explanation to residents of how the ADU can benefit them.

Review of localities by restrictions

Information on localities' restrictions is taken from the ordinance. Language within quotation marks is a direct quote from the ordinance.

Terms used

Locality	Term	Ordinance Section
Arlington County	Accessory Dwelling Unit	Article. 12.9.2, p. 252
Bedford County	Accessory Apartment	Sec. 30-82-1, p. 140
City of Charlottesville	Accessory Apartment	Sec. 34-1171
Fauquier County	Accessory Dwelling Unit	Article 5, Sec. 104, p. 14
Louisa County	Accessory Apartment	Article 1, Sec. 86.2
Loudoun County	Accessory Dwelling	Article 5, Section 613, p. 38
City of Lynchburg	Accessory Dwelling Unit	Sec. 35.2-71.3
City of Roanoke	Accessory Apartment	Sec. 36.2-402
Town of Strasburg	Accessory Dwellings	Chapter 6, Sec. 1, p. 287

Definitions/Purpose Statement

Locality	Definition/Purpose
Arlington County	“A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than three persons for living purposes and meeting the standards of §12.9.2. and under the same ownership as the main dwelling on the lot.”
Bedford County	Definition: “A second dwelling unit within a detached single-family dwelling which is clearly incidental and subordinate to the main dwelling. An ancillary apartment is considered an accessory apartment.” <i>“Intent.</i> Accessory apartments afford an opportunity for the development of small rental units designed to meet the special housing needs of single persons, persons with fixed or limited income, and relatives of families who live or desire to live in the county. Accessory apartments provide a degree of flexibility for homeowners with changing economic conditions and/or family structure, while providing a reasonable degree of protection for existing property values. In addition, these provisions are provided to recognize formally previously established apartments and provide for improved safety and physical appearance.”
City of Charlottesville	“Accessory apartment means an independent dwelling unit, the presence and use of which is clearly subordinate to a single-family detached dwelling and in which no more than two (2) persons reside. When contained within the structure of a single-family dwelling, such apartment constitutes an “interior accessory apartment.”
Fauquier County	None

Louisa County	“A separate, independent dwelling unit located on the same property as the primary dwelling unit...”
Loudoun County	“A dwelling within or detached from the principal dwelling of not more than the lesser of 70% of the gross floor area of the principal structure and a footprint not more than 70% of the principal structure or (i) 2,500 square feet of gross floor area, the use of which is associated with and subordinate to the principal dwelling and which is located upon the same lot as the principal dwelling in the Non-Suburban Districts under Article 2; or (ii) 1,200 square feet in gross floor area in the Suburban Districts under Article 3 and the Planned Development Districts under Article 4. Accessory dwellings shall not be included in calculations of density.”
City of Lynchburg	None
City of Roanoke	None
Town of Strasburg	“Accessory dwelling units may be allowed in certain situations to provide a mix of housing that responds to changing family needs and smaller households and provide a means for residents, particularly seniors, single parents and families with grown children, to remain in their homes, and obtain security, companionship and services.”

Permitted locations

Locality	Notes
Arlington County	Allowed in all residential use districts with the issuance of an accessory dwelling permit.
Bedford County	Permitted by-right in all agricultural, residential (R-1 through R-4, PRD), and commercial districts. A special use permit is required in PCD and PID districts.
City of Charlottesville	Allowed in most residential zones with a provisional use permit.
Fauquier County	Allowed in most residential zones with an administrative permit.
Louisa County	Permitted in all residential and agricultural districts, others with conditional use permit.
Loudoun County	Permitted in all residential and agricultural districts.
City of Lynchburg	Allowed in R-1 and R-2 districts. May be allowed in R-3 and R-4 districts as well.
City of Roanoke	Permitted in all residential districts by special exception except for RM-2 where they are permitted by-right. Not permitted in the RMF district.
Town of Strasburg	Permitted with a special use permit.

Allowed types (attached/detached, etc.)

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> • May be attached or within dwelling units, or within detached accessory buildings. • No more than one per lot. • Cannot have both an ADU and a family/caregiver suite.
Bedford County	<ul style="list-style-type: none"> • Only permitted within the primary structure on the lot. There is an exception for districts AP, AR, and AV:

	<ul style="list-style-type: none"> ▪ The accessory apartment can be located in a building other than the principal structure if the parcel meets the minimum lot size for the district. ▪ The building in which it is located complies with all setback requirements for a principal structure. <ul style="list-style-type: none"> • Limited to one per lot.
City of Charlottesville	Can be interior or exterior, including in an accessory building.
Fauquier County	<ul style="list-style-type: none"> • May be attached to the principal structure, located within the principal structure or accessory building as an apartment, or as a stand-alone building. • No more than one per lot.
Louisa County	<ul style="list-style-type: none"> • Units may be attached or contained within the primary dwelling, or within a detached accessory structure. • No more than one per lot.
Loudoun County	<ul style="list-style-type: none"> • Detached and attached units are permitted. • Permitted within accessory buildings, agricultural structures, or in principal structures. • No more than one per lot, however on lots 20 acres or larger, one additional AD is allowed. • AR-1 and AR-2 districts may have one additional AD for each 25 acres over the initial 20. Special exception for additional dwellings may be permitted for seasonal labor.
City of Lynchburg	Can be located in an accessory structure in the rear yard or within principal structure using a common entrance.
City of Roanoke	<ul style="list-style-type: none"> • Located in an accessory building and on the same lot as the primary dwelling • No more than one per lot.
Town of Strasburg	<ul style="list-style-type: none"> • ADU should be consistent with the look and scale of adjacent dwellings and development patterns. • Limited to one per primary dwelling unit and no more than one per lot.

Size restrictions

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> • ADUs within detached accessory buildings cannot be larger than 560 square feet in R-5 and R-6 districts, and 650 square feet in any other districts • If in a basement, it may occupy the entire basement. • Any other locations: <ul style="list-style-type: none"> • If main dwelling is more than 1,000 square feet: Cannot be larger than 750 square feet nor 35% of the combined floor area of the main and accessory dwelling. • If main dwelling is less than 1,000 square feet: Cannot be larger than 500 square feet nor 45% of the combined floor area of the main and accessory dwelling

Bedford County	<ul style="list-style-type: none"> • Cannot contain more than 50% of the finished floor area of the principal dwelling and cannot be larger than 1,000 square feet. • Minimum floor area allowed is 300 square feet.
City of Charlottesville	<ul style="list-style-type: none"> • Interior: may not exceed 40% of the gross floor area of the main dwelling area. Must be contained entirely within the principal structure (an addition to the rear of the dwelling is okay). • Exterior: may not exceed 40% of the gross floor area of the main dwelling area and the total area of the footprints of the ADU and all other accessory structures in the rear yard cannot exceed 30% of the area of the rear yard.
Fauquier County	<ul style="list-style-type: none"> • 800 square feet with two exceptions: <ul style="list-style-type: none"> ▪ In an RA or RC districts with lots at least 5-acres <ul style="list-style-type: none"> • ADUs may be up to 1,000 square feet. • If the legally existing dwelling was built before 2013 and is being converted into an ADU it may contain up to 1,400 square feet or square footage of exiting unit, whichever is less. ▪ If located in a basement, the ADU may occupy the entire basement. • No more than two bedrooms.
Louisa County	<ul style="list-style-type: none"> • Units occupying an attic, basement, or additional level may equal the existing finished square footage of the primary dwelling. • Units attached to the primary dwelling may equal the existing finished square footage of the primary dwelling if the lot is at least double the minimum lot area. • However, a unit attached to the primary dwelling may be no more than one half the size of the finished square footage of the primary dwelling unit. • Units may be up to 1,500 square feet in finished floor space when located in a detached accessory structure so long as it is no more than one half the side of the finished square footage of the primary dwelling.
Loudoun County	<ul style="list-style-type: none"> • Non-suburban districts: <ul style="list-style-type: none"> ▪ 70% of gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or 2,500 square feet in gross floor area, whichever is less. • Suburban districts: <ul style="list-style-type: none"> ▪ 70% of gross floor area of the principal structure and a footprint not more than 70% of the principal structure, or 1,200 square feet in gross floor area, whichever is less.
City of Lynchburg	<ul style="list-style-type: none"> • 900 square feet • One bedroom.
City of Roanoke	800 square feet or 80% of the gross floor area of primary dwelling, whichever is less.

Town of Strasburg	Living area shall not exceed 60% of the floor area of the main building or principal residence.
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Occupancy Requirements

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> • Owner must occupy either the ADU or the main dwelling as their primary residence. • If the property is not owner occupied, then it may be occupied by a single family. • No more than three occupants allowed.
Bedford County	Owner of the property must live on the premises.
City of Charlottesville	<ul style="list-style-type: none"> • Owner of property must reside in one of the two dwelling units. • No more than two people may occupy any accessory apartment.
Fauquier County	<ul style="list-style-type: none"> • May be built only on the same lot as the residence of the owner of the lot. • Occupied by no more than three people.
Louisa County	<ul style="list-style-type: none"> • 1 family or up to 3 unrelated persons. • Primary dwelling unit must be occupied by the property owner or immediate family member.
Loudoun County	None specified.
City of Lynchburg	<ul style="list-style-type: none"> • Owner must reside on the lot. • Cannot exceed limits established in the applicable zoning district. <ul style="list-style-type: none"> ▪ No more than three unrelated persons
City of Roanoke	None specified.
Town of Strasburg	<ul style="list-style-type: none"> • Owner of the principal building must occupy the principal dwelling or accessory dwelling at all times. • None specifically mentioned for ADUs, however for single-family dwelling units less than 1,200 square feet occupancy limit is 4.

Height restrictions

Locality	Regulation(s)
Arlington County	Detached accessory buildings containing ADUs may not be taller than 25 feet or 1.5 stories, whichever is less.
Bedford County	Same as those for accessory structures.
City of Charlottesville	Shall not exceed 25-feet in height or the highest point on the primary dwelling, whichever is less.
Fauquier County	None specified
Louisa County	None specified
Loudoun County	None specified
City of Lynchburg	None specified
City of Roanoke	None specified
Town of Strasburg	None specified

Setback requirements

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> • 5 feet from rear or side lot line. • Corner lots: 5 feet from side lot line, eaves must be 10 feet from rear lot lines. • Nearest wall must be 25 feet away from streets or street ROW.
Bedford County	Same as those for accessory structures.
City of Charlottesville	<ul style="list-style-type: none"> • Must be at least 5-feet from the property line. • Must be 10-feet from the property line at an alley when the accessory apartment structure is an apartment and a garage entered off an alley. • Must be 8-feet from any other structure on site.
Fauquier County	None specified in ADU ordinance. However, it is noted in the General Provisions that all uses permitted by right or by special permit or exception will be subject to the lot requirements specified for that district.
Louisa County	None specified.
Loudoun County	Specified setbacks for zoning district.
City of Lynchburg	<ul style="list-style-type: none"> • If in an accessory structure, must be outside the required setback lines for principal structures. • Must comply with all applicable ...building coverage and rear yard building coverage requirements.
City of Roanoke	None specified.
Town of Strasburg	None specified.

Parking requirements

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> • If there are not parking spaces prior to the issuance of an ADU permit, then 1 space is required unless it had been determined by the city that the block is less than 65% parked, then no space is required. • If 1-2 spaces existed prior to the issuance of an ADU permit, then the same number of spaces need to be maintained. • If more than 2 spaces existed prior to the issuance of an ADU permit, then 2 spaces need to be maintained.
Bedford County	1 space required in addition to the require parking for the principal dwelling.
City of Charlottesville	1 per dwelling unit
Fauquier County	Unclear, but require 2-spaces per detached, single-family resident unit with one space having convenient access to a street.
Louisa County	1 per dwelling unit
Loudoun County	1 per accessory dwelling unit
City of Lynchburg	1 per dwelling unit

City of Roanoke	Determined on a case-by-case basis, there are no official parking requirements. The BZA expects applicants to have a plan in place to address parking.
Town of Strasburg	2 spaces per dwelling unit. This requirement is the same as the single-family residential dwelling.

Short-term rental regulations

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> Permits the main dwelling or the ADU to be rented to lodgers by the owner, but simultaneous renting can only occur under a single contract. Occupancy of the ADU is limited to two lodgers.
Bedford County	May be used as a short-term rental with a short-term rental permit.
City of Charlottesville	None specified.
Fauquier County	None specified.
Louisa County	Shall not be rented in less than six-month increments.
Loudoun County	None specified.
City of Lynchburg	May be used as short-term rentals as long as the primary dwelling is owner occupied.
City of Roanoke	<ul style="list-style-type: none"> City calls short-term rentals “home stays.” Allows one home stay per parcel and owner must reside on property. A special exception is required for a home stay permit.
Town of Strasburg	Use of an ADU as a rental in any form is prohibited.

Nonconforming accessory building requirements

Locality	Regulation(s)
Arlington County	<ul style="list-style-type: none"> Allowed in nonconforming dwellings or detached accessory buildings. Accessory buildings existing prior to May 2019 may be altered to create an ADU.
Bedford County	<ul style="list-style-type: none"> Depends on when the non-conforming ADU was established (before or after 1989), and if the ADU expands a non-conforming use. Non-conforming uses are otherwise permitted to remain unless other criteria are met (vacant for more than 2-years, for example).
City of Charlottesville	None specified.
Fauquier County	None specified.
Louisa County	None specified.
Loudoun County	None specified.
City of Lynchburg	Treated as any other nonconforming use.
City of Roanoke	<ul style="list-style-type: none"> The use may remain until it no longer exists, or if the AA is not in use over a 2-year period, then the property owner is required to follow the steps to make it legal.

	<ul style="list-style-type: none"> If it is an illegal non-conforming structure, the property owners are required to go through the special exception process.
City of Virginia Beach	None specified.

Other regulations

Locality	Description
Arlington County	<ul style="list-style-type: none"> If located in the main dwelling or accessory building with an entrance above the first floor may not have exterior stairs on the side of that fronts on the street. Annual inspection to ensure compliance with the zoning ordinance. Failure to comply will result in the ADU permit being revoked.
Bedford County	Any exterior entrances to the apartment must be located so that the principal dwelling maintains its appearance as a single-family dwelling.
City of Charlottesville	<ul style="list-style-type: none"> Must comply with all applicable building code regulations. Interior accessory apartments may not have a separate entrance on any part of the primary dwelling that fronts on a public street. No exterior stairs may be visible from a public street. Must comply with the regulations for accessory buildings and structures.
Fauquier County	Building codes are not as restrictive if the ADU is meant to house family members and there is a deed restriction limiting the use of the ADU to family members.
Loudoun County	<ul style="list-style-type: none"> Approval from the Health Department, Loudoun County Sanitation Authority, etc., is needed depending on the nature of sewage and wastewater disposal. Must abide by the use limitations for accessory uses or structures. Structures existing prior to 1/7/2003 may be used as an accessory dwelling and be exempt from the floor area and minimum lot area requirements for AD, provided that any expansion or enlargement of such structure shall not exceed 15% of the total floor area existing prior to 1/7/2003 if it is: <ul style="list-style-type: none"> Located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District Listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP). Listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District.
Louisa County	None
City of Lynchburg	None
City of Roanoke	<ul style="list-style-type: none"> Accessory apartments will not be considered as a dwelling unit for purposes of determining minimum lot area per dwelling unit. Shall not be metered separately for utilities from the primary dwelling.
Town of Strasburg	Conversion of an accessory dwelling unit to a rental unit is strictly prohibited.

Resources

Locality pamphlets/guides

Accessory Dwelling Units - A Guide to Accessory Apartments in Charlottesville, VA, November 2015:

<https://www.charlottesville.gov/DocumentCenter/View/2847/20151100-Guide-to-Accessory-Apartments-in-Charlottesville---Accessory-Dwelling-Units-ADUs>

Accessory Dwelling Units, Fauquier County Department of Community Development, August, 2015: <http://www.fauquiercounty.gov/home/showdocument?id=70>

Residential Zoning Illustrated – A Visual Guide to Understanding Key Aspects of the City of Virginia Beach Zoning Ordinance, City of Virginia Beach Department of Planning and Community Development, 2018:

<https://www.vbgov.com/government/departments/planning/zoning/Documents/20181206-PLN-ZON-ResZoningIllustrated.pdf>

Guides and Sample ordinances

AARP's page All About Accessory Dwelling Units: <https://www.aarp.org/livable-communities/housing/info-2019/accessory-dwelling-units-adus.html>

AARP and APA's booklet: Accessory Dwelling Units – Model State Act and Local Ordinance: https://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf (particularly the Model Local ADU Ordinance beginning on page 29)

Summary of Locality Interviews

City of Charlottesville, interview summary

Date: 12/8/2020

Interviewee: Alex Ikefuna, Director of Neighborhood Development Services

Charlottesville, like many cities, is facing an affordable housing crisis. One element the city is using to combat this is the accessory dwelling unit. The city is currently reviewing and updating its ordinance to make it easier for residents to build an ADU on their property. The possible updates will include the removal of the parking requirement for all units and consideration of places where the ADU would be near a transit stop or have ample street parking that would suffice for a parking requirement. The city is also looking at allowing more than one ADU per residential lot and allowing them if they will be rented as affordable housing. Charlottesville is expecting to have a draft of the revised ordinance ready at the end of 2021.

Where historic structures are concerned, the ADU application is reviewed by the Board of Architectural Review. This process has effectively dealt with any issues that may have cropped up from that perspective. The ordinance is widely supported by the community because of the affordable housing problem, and there has been very little push back received. The city's residents

may use the ADU as a short-term rental, provided they have gone through the necessary application requirements and that the owner lives on site.

City of Roanoke, interview summary

Date: 12/10/2020

Interviewee: Wayne Leftwich, Senior City Planner

Similar to Lexington, Roanoke is completing work on the city's new comprehensive plan expected to be adopted by City Council soon. The plan discusses Roanoke's "missing middle" housing, the lack of it, and the need to create more opportunities for duplexes, accessory apartments (AA), and allowing for higher density. Making the case for housing types such as accessory apartments with the city's residents is easier since Roanoke has good examples of these housing types. Now that the comprehensive plan work is nearly complete, the city is planning to review the AA ordinance with the intention of making AAs easier to construct for the residents that want them. There are several restrictions Mr. Leftwich believes the city will examine with the intention of making the ordinance more flexible. One of these is for allowing AAs in primary structures in addition to an exterior building, and another is removing the requirement that AAs and primary residences be on the same meter for water and utilities. Though this was intended as a way to ensure the property owner was committed to the property, it has ended up resulting in properties with AAs having their utilities bills paid by property owner and those costs being covered in the rental payment. The city has also found that developers dislike this requirement. Additionally, Mr. Leftwich believes the city will consider changing the ordinance from allowing AAs by special exception to allowing them by right in all residential districts as long as design and location specifications are met.

The city has already reviewed and revised its ordinance once, two-three years ago, and at that time decided to increase the square footage that could be devoted to residential area from 400 sq. feet to 800 sq. feet. The city was having problems determining how to count certain parts of AAs, such as stairs leading up to an AA that also contained a mud room at the bottom or porch area. Increasing the allowable residential area square footages relieved this issue.

The city has recently updated its short-term rental ordinance (Roanoke calls them "homestays") to allow one homestay per parcel with the owner required to reside on the property. A special exception is required for a homestay permit.

AAs located in legally nonconforming structures can stay until the structure no longer exists. If it is not in use after a two-year period, the property owner is required to follow the necessary steps to make it legal. If the AA is an illegal non-conforming structure, the property owners are required to go through the special exception process. Though the city does not have specific parking requirements for AAs, parking is an aspect the Board of Zoning Appeals (BZA) considers when considering an application for special exception for an AA. The BZA has an expectation that the application for an AA will provide an explanation of how parking will be satisfied and will consider what impact the AA may have on traffic and compatibility with the neighborhood; decisions about appropriate parking are made on a case-by-case basis. If there is ample street parking or the location is near a transit stop, then no on-site parking is required. If street parking is severely limited, then the

BZA may require an on-site parking space. If the city decides to remove the special exception requirement for AAs, then it may make an on-site parking space required with some flexibility in accordance with the city's existing parking requirements.

The city has not experienced any issues with AAs in historic districts, and many houses within these districts have on-site carriage houses that have been turned into AAs. Mr. Leftwich believes that because these houses have turned their accessory buildings (carriage houses) into AAs, it has made them more accepted by the city's residents. Property owners building new AAs within historic districts must meet all the historic district regulations and go through the Architectural Review Board.

Town of Strasburg, interview summary

Date: 12/11/2020

Interviewee: Lee Pambid

The Town of Strasburg's ADU ordinance is strict compared to those of some of the other localities, and there are no plans right now to loosen them. Mr. Pambid has been with the town for only about two years and during his tenure has only received a couple of applications for ADUs. Inquiries about them for short-term rental purposes have been more frequent and have been denied. All ADU applications within the historic overlay district go through the Architectural Review Board review. This also happens for ADUs that are located in an exterior structure or within the main dwelling when it requires remodeling that would affect the exterior.

There have been no complaints or reports about non-conforming ADUs. Mr. Pambid mentioned that Strasburg is and has been experiencing development pressure from northern Virginia because of the Town's location in proximity to downtown Washington D.C. The Town has been experiencing the "missing middle" housing problem, with most current construction being for market-priced single-family housing.

City of Lynchburg, summary of responses to questions by email

Respondent: Tom Martin, City Planner

Mr. Martin answered several questions about Lynchburg's ADU ordinance via email. The City revised its ADU ordinance in 2016, and the main change was allowing for ADUs in separate buildings (for example, over a detached garage) as long as the property was owner occupied. Overall, and especially with this change, the City feels that the ordinance has been working well as it is currently written. Too many individuals residing in a single ADU is the primary complaint the City receives from residents; the City's limit is set at three. The City does allow for ADUs to be used as short-term rentals, but the main dwelling must be owner occupied. There have not been any cases where ADUs have been found within nonconforming structures, but if there were, the City would handle them as for other nonconforming uses. Finally, ADUs located in historic districts are required to be reviewed by the Historic Preservation Commission if any exterior changes will happen to the buildings.

Bedford County, summary of responses to questions by email

Respondent: Jordon Mitchell, Director, Bedford County Community Development

Responding through email, Mr. Mitchell expanded on a couple of aspects of Bedford County's ADU ordinance, which has been in place since the County adopted zoning in 1998. The ordinance has been working well for the county with few issues. The provision for detached ADUs in specific zoning districts in the higher density areas has allowed the ordinance to function the way it was intended. The primary complaint received is too many unrelated people residing in an ADU. Building height and setback requirements are the same as those for accessory structures in the zoning district the ADU is or will be located in, and the County does allow for ADUs to be used as short-term rentals as long as a short-term rental permit is obtained. The County does allow a couple of options for a non-conforming ADU if a property owner is trying to expand its current use, depending on if the ADU was constructed before or after 1989. Otherwise, the non-conforming use is allowed to remain unless certain other criteria are met, such as being vacant for more than two years.

2022 Planning Commission Annual Report

Message from the Chair Blake Shester

This report contains a summary of the accomplishments of the Lexington Planning Commission including a listing of the Commission's actions in 2022 and a look ahead for 2023.

In 2022, the Planning Commission held 21 regular meetings and a virtual, joint educational session on housing with the Threshold Housing Commission.

In addition to the 21 applications listed in the attached table, in February, the Planning Commission provided feedback on the draft City of Lexington Bicycle and Pedestrian Plan, made available to the City by a grant from the Office of Intermodal Planning and Investment.

A significant focus for the Planning Commission over the past year was the discussion and development of use and design standards for a new Planned Development - Mixed Use zoning district to replace the existing Planned Unit Development zoning district. After 12 months of careful deliberation, a Planning Commission public hearing was held on September 22nd and continued to October 13th, with the Commission voting to recommend the adoption of the zoning text amendment for the new PD-MU zoning district.

In 2023 the Commission will begin discussion of additional zoning amendments, including the consideration of amended use and design standards for accessory dwelling units and new use and design standards for cottage housing. These discussions are expected to continue well into 2023 and will provide ample opportunities for public input and research on best practices.

The Commission would like to thank the City Council, our current Council-liaison Leslie Straughan, past Commission Chair Jamie Goodin, and the citizens of Lexington for allocating time and resources to plan its future. We encourage Lexington's residents and businesses to engage in the planning process as their participation enables us to represent the collective vision of the City's residents more accurately. We would also like to thank the City's hard working Planning Staff for their professional and outstanding leadership.

Planning Commissioners

Blake Shester
(Chair)
Term: 2019-2023

Nicholas Betts
(Vice Chair)
Term: 2021-2024

Matt Tuchler
Term: 2019-2023

Patrick Bradley
Term: 2020-2024

John Driscoll
Term: 2021-2025

Leslie Straughan
(Council Liaison)

Planning Staff

Arne Glaeser
Zoning Administrator

Kate Beard
Administrative Assistant



Planning Commission Responsibilities

As the official body planning for the future growth and development of Lexington, the local planning commission shall, among other things:

- 1) Make recommendations to the City Council on revisions, updates and adoption of the Comprehensive Plan as required by state law;
- 2) Make recommendations and reports to City Council on applications for conditional use permits, entrance corridor permits, zoning changes and preliminary subdivisions;
- 3) Advise City Council on proposed amendments to the zoning and subdivision ordinances of the City Code or other City Code sections; and
- 4) Submit an annual report to the City Council.

Owner/Applicant Name/Address	Request	Application #	Approval Yes/No
SITE PLAN			
Sheetz/Lloyd McCarthy 600 E. Nelson Street	To add a Tesla charging station on the parcel	SP 2022-01	Yes
Trunet LLC/Perkins & Orrison 534 E. Nelson Street	To add an addition to the rear of the building	SP 2022-02	Yes
CONDITIONAL USE PERMIT			
Paul Kosmas 17 N. Randolph Street	To allow dwelling units on the first floor in the C-1	CUP 2022-01	Yes, with conditions
Margaret Hutton 601 S. Main Street	To allow a Bed and Breakfast Inn	CUP 2022-02	Yes
Washington & Lee University/Hugh Latimer 101 N. Jefferson Street	To allow a change of use from student housing to administrative office use	CUP 2022-03	Yes
Washington & Lee University/Hugh Latimer 214 W. Washington Street	To allow a change of use from administrative office use to student residence hall	CUP 2022-04	Yes
Baldwin Locher/Dawson Moody 314 S. Main Street	To allow a portion of the building to be used as a small restaurant	CUP 2022-05	No
Washington & Lee University/Hugh Latimer 200 General's Lane	To allow a change of use from administrative office use to student health center	CUP 2022-06	Yes
Lee Merrill/Nancy Saylor 10 S. Randolph Street	To allow a dwelling unit on the first floor in the C-1	CUP 2022-07	Yes, with 1 condition
ENTRANCE CORRIDOR			
Sheetz/Lloyd McCarthy 600 E. Nelson Street	To approve the addition of a Tesla charging station	EC COA 2022-01	Yes
Trunet LLC/Perkins & Orrison 534 E. Nelson Street	To approve an addition to the building	EC COA 2022-02	Yes
SUBDIVISION REVIEW			
Paul Hanstedt & Grace Satrom/City of Lexington/14 Houston Street	Boundary line adjustment to add 0.15 acre to Oak Grove Cemetery	PS 2022-01	Yes

William & Carole Green/City of Lexington/14 Houston Street	Boundary line adjustment to add 0.29 acre to Oak Grove Cemetery	PS 2022-02	Yes
MASTER PLAN			
Washington & Lee University/ Hugh Latimer	Update of Campus Master Plan	MPA 2022-01	(application amended and refiled as MPA 2022-02)
Washington & Lee University/Hugh Latimer	Update of Campus Master Plan	MPA 2022-02	Yes, largely, with conditions
COMPREHENSIVE PLAN AMENDMENT			
Washington & Lee University/Hugh Latimer/12 Lee Avenue	To amend the future land use designation for 12 Lee Ave. from Downtown Center to Civic/Campus/Post	CPA 2022-01	No
REZONING			
Washington & Lee University/Hugh Latimer	To rezone 12 Lee Ave. to the Institutional Overlay	RZ 2022-02A	No
Washington & Lee University/Hugh Latimer	To rezone 4 parcels on W. Washington St. to the Institutional Overlay	RZ 2022-02B	Yes
Washington & Lee University/Hugh Latimer	To rezone a portion of 223 McLaughlin to the Institutional Overlay	RZ 2022-02C	Yes
CITY CODE AMENDMENTS			
City of Lexington	Annual text amendment - wireless communication facilities (small cells)	ZOA 2021-03	Yes - Ordinance 2022-14
City of Lexington	Annual text amendment - PD-MU	ZOA 2022-01	Yes
City of Lexington	Amend a term used in the Zoning Ordinance Use Matrix	ZOA 2022-02	Yes - Ordinance 2022-05

Green Infrastructure Working Group

Introduction

At the October 27, 2022, Planning Commission meeting to discuss the Green Infrastructure Working Group Report, Commission members voiced their support for the recommendations in the Report and requested that the working group elaborate on the next steps, implementation, and how to move the Report forward. The Working Group met on December 15, 2022, to discuss the following seven items: Priorities; the Collective Impact Model including potential partners; the formation of a Transition Group; Funding; Next Steps; a name for the initiative; and a suggested motion. The working group's recommendations are summarized below.

Based on the Planning Commission's discussion of these seven items, the Report can be finalized before forwarding it to the City Council.

For reference, Annex 1 includes the minutes of the Planning Commission meeting of October 27, 2022.

1. Priorities

The Planning Commission asked the working group to suggest priorities in the next draft of the Report.

The Green Infrastructure Working Group recommends focusing initial priorities on **Promoting Healthy and Sustainable Neighborhoods**. The following suggestions are offered to initiate a discussion.

- **Active Citizens.** Complement Live Healthy Rockbridge programs that encourage exercise and well-being by prioritizing infrastructure improvements related to walking and biking between Lexington's neighborhoods and major destinations through annual enhancements based on existing plans. Include areas where significant infrastructure investments offer opportunities to upgrade sidewalks after construction. Continue annual incremental improvements to Jordan's Point based on the Jordan's Point master plan and improve and maintain other recreational areas and open spaces.
- **Tree Canopy/Planting.** Expand the City's tree canopy program managed through the Tree Board, Public Works, and the City Arborist. Assess and summarize the findings of the 2022 Urban Tree Canopy Report and recommend a program for tree planting and management in public spaces, including school grounds. Consider directing street tree planting to neighborhoods to provide shade and green corridors where biking and walking are encouraged. Consider similar support programs to promote tree planting in private and institutional settings. Review existing ordinances to encourage tree planting in parking areas and develop an educational program to preserve existing mature trees with the support of organizations such as Master Gardeners.
- **Stormwater management best practices.** Protect and improve our waterways' water quality by assessing the functioning of previously installed stormwater management best practices and locations for new installations. Review the study on impervious surfaces to recommend higher-priority improvements and build a public awareness campaign on the merits of a dedicated fund to improve stormwater management. Suggest revisions to our zoning code for land-use regulations that limit run-off.

- **Sustainability and Renewable energy**
 - Encourage Lexington Mayor and City Council to **join the [Global Covenant of Mayors for Climate and Energy](#)**. (Charlottesville, Roanoke, and Blacksburg are members.)
 - Tap the staff, faculty, and students at W&L and VMI to assist in developing a **baseline inventory of municipal energy use and costs**, including estimates of carbon footprint and greenhouse gases produced. Recommend specific improvements, cost savings, and potential financial resources for selected City buildings such as City Hall.
 - **Convene a working group** to explore a program to **increase sustainability and resiliency** in cooperation with Rockbridge County, Buena Vista, and non-profit community groups and educational institutions.
 - **Waste reduction**, support and expand existing initiatives to reduce waste going to the landfill, preserve natural resources and save money.
- **Wildlife**. Support urban wildlife and biodiversity initiatives such as "[Monarch Butterfly City](#)" or "[Bee City](#)" designations. Establish **use classifications for greenspaces** to allow different planting, maintenance, and mowing protocols.

2. Collective Impact Model

The Planning Commission requested that the working group elaborate on the structure of the collective impact model.

As noted in both the Report and Commission presentation, we are fortunate to have three examples of the collective impact model in Lexington/Rockbridge:

- **Live Healthy Rockbridge (LHR)** is a coalition whose mission is *working together for community wellbeing*. The backbone organization for LHR is Carilion Clinic, which provides a full-time employee to coordinate meetings, maintain minutes, and provide leadership for the coalition.
- **Rockbridge Outdoors** has a part-time support person who coordinates meetings and prepares minutes through a grant from the Central Shenandoah Planning District. Leadership is provided from within the members, with rotating officers. While the list of objectives the coalition would like to accomplish is long, they agree upon a small number of initiatives each year to focus their energies and resources.
- **Rockbridge Waste Reduction Roundtable** brings together local organizations working on waste reduction. Using the Collective Impact model, with Boxerwood as the backbone entity and a staff member as a facilitator, members organize their efforts by disseminating information among the coalition. Members work on a common interest, with each member bringing their own strengths to the table. Regular communication has created a synergy in which new opportunities become apparent.

Green Infrastructure Working Group members' comments on the above-referenced collective impact coalitions outlined key considerations when developing the collective impact model.

- Think of the model as a Venn diagram where the collective impact members work together where their interests and activities overlap and link to the resources of their extended networks. In effect, the model works as a network of networks.

- The goal of the adopted structure should be to build in and maintain enough flexibility to shift and adapt depending on what City Council and other community partners are willing to focus on at any given time.
- Bylaws or a general agreement among the partners can outline the governance structure.
- Ensure avenues for public feedback through City Council reporting and outreach and education efforts by involved partners.

A potential structure that is emerging in regard to Green Infrastructure initiative could be as follows:

- **Collective Impact Partners** supported by **their affiliated organizations and networks**.
- A **Steering Committee**, made up of representatives of partner organizations, to provide strategic direction, develop the shared agenda, seek funding opportunities, and monitor milestones.
- A **Project Coordinator** that can facilitate dialog and coordination among the partners and support the Steering Group;
- A **Fiduciary Organization** responsible for grant management; and
- **Working Groups** to progress agreed-upon projects and initiatives.

Potential Partners. We suggest beginning with a smaller group, with additional members joining as the initiative gains direction and experience. In this scenario of partners outlined below, there would at first be eight members of the Steering Committee. Current activities and/or indicative focus areas for participation are noted in parentheses; these suggestions will need further confirmation based on more detailed discussions among the partners.

1. **Boxerwood**
 - a. Projects: Community/School Tree Planting and Native Tree Nursery; CORE Works offset and funding; Backyard composting and food waste reduction at schools; Green and Sustainable School Yards;
 - b. Grant research and writing; Public Communications and Education; and Partnership Creation and school and multi-project coordination
2. **City Councilor** (Council liaison)
3. **City of Lexington**
 - a. Tree Board and City Arborist (Tree Canopy and Open Space)
 - b. Planning (Bike-Ped, zoning amendments)
 - c. Public Works (Stormwater management)
4. **Master Gardeners and Master Naturalists** (Education)
5. **RACC**
 - a. Projects: Waste Prevention; Energy and Climate; Watershed; Land Conservation; Trails and Owned Land
 - b. Education and Outreach; Fiduciary role (for example, Friends of Brushy Hills)
6. **Live Healthy Rockbridge** (Active Citizens)
7. **Washington and Lee** (Climate Resiliency)
8. **Virginia Military Institute** (Water Modeling, Stormwater Best practices)

The Venn diagram structure with overlapping primary and secondary networks is helpful when considering how other organizations can be involved depending on the shared agenda and annual work program. For example:

- The Natural Bridge Soil and Water Conservation District can contribute to stormwater mitigation for homeowners.
- The Ministerial Alliance can assist in mobilizing its network for information dissemination and volunteers.
- The NAACP can support outreach efforts to identify needs and promote inclusive neighborhood initiatives.
- Friends of Brushy Hills can support trail maintenance and good forest preservation practices.

3. Transition Group.

We recommend a transition group drawing on working group members to help guide the initiative from the Planning Commission to the City Council and support the initial efforts to organize the collective impact model.

4. Funding

The premise for adopting the collective impact model approach is that the City of Lexington needs more funds to undertake significant green infrastructure initiatives. Lexington will face constrained funding in the near future; for example, major capital expenditures will be required to upgrade water and sewer treatment facilities and ongoing upgrades to the respective networks.

Leveraging external funding sources can be one way to cover funding gaps. The Report lists potential funding sources for different initiatives that can be undertaken by the City and the other partners. With the establishment of the Steering Committee, additional research can help to identify grant funds, including Federal funding that will be flowing down to the States for environmental and sustainability initiatives. Lastly, community partners working on related initiatives can be more successful in raising funding and volunteer efforts when part of a coalition.

5. Next steps

Activity	Outcome
Planning Commission Meeting of January 12, 2023	Review and forward the Green Infrastructure Working Group's Report for Council's consideration and a joint work session.
Joint Council and Commission work session[DateTBD].	Review and discuss the report, its recommendations, and public comments. Finalize the Report based on City Council recommendations.
Form Steering Committee	With support from the Transition Group, form a Steering Committee, draft a governance structure, develop a shared agenda and initial priorities, and explore funding possibilities.
Identify potential grant sources and seek funding.	Identify funding sources for projects and a part-time position. (Note that the CI model can begin w/o funds for the coordinator).
Launch!!!!!!!	Let the CI model and green infrastructure initiatives begin!

6. We need a name!

This initiative will need a name that conveys its mission and activities.

7. Motion

The Planning Commission will pass a motion when forwarding the Report to the City Council; below is the suggested text for a motion.

To achieve the goal, objectives, and strategies established in the Green Infrastructure Chapter of the 2040 Lexington Comprehensive Plan, the Planning Commission endorses the Green Infrastructure Working Group Report, *Getting Greener in Lexington – Moving the Conversation Forward*. The Commission concurs with the Report's proposal to consider the Collective Impact Model approach, and we encourage the city staff to review the Report to identify opportunities to integrate green infrastructure initiatives into ongoing work plans.

Annex 1-October 27, 2022 Minutes on the Green Infrastructure Report discussion.

A. Green Infrastructure Working Group Final Report

1) Introductory Remarks from Planning Commission Liaison –

Commissioner Driscoll reminded the Commission that the Green Infrastructure Working Group (Working Group) was charged with recommending how the City can achieve the goals, objectives and strategies in the Green Infrastructure chapter of the Comprehensive Plan and said the Report represents the recommendations, suggestions and collective wisdom of an engaged and thoughtful group that knows Lexington well. He suggested the goal for this meeting was to familiarize the Planning Commission with the Report and the recommended Collective Impact model approach to implementation.

He explained that the Working Group organized itself around the six initiatives that are a focus of the Report and learned from one another what various local organizations are already doing – pointing out the multi-disciplinary nature of green infrastructure. He offered that the initiatives were synthesized from the strategies in the Green Infrastructure chapter of the Comprehensive Plan and form the basis of an integrated approach. He noted the Report also provides potential partners; a suggested model for project implementation and potential funding sources. He emphasized that the Report is not a statutory document, but should be used as a road map to continue the conversation and to develop a strategy for implementation using the varied resources available within the City.

Commissioner Driscoll explained that the Collective Impact model is a means of bringing together and harnessing the efforts of existing organizations rather than creating a new institution. He noted it is becoming the preferred adaptive management technique for addressing complex sustainability challenges, is favored by funders, and is a model already used by other local groups. The Working Group has recommended the model as the most economical way to accomplish the strategies in the Comprehensive Plan as it provides flexibility with a low budget start up. He asked that the Planning Commission explore and validate the model as a viable approach, and participate in and support the development of the model as a means of accomplishing many of the Green Infrastructure initiatives. He reported the next steps would be to finalize the Report after discussion with the Commission, presenting the Report to City Council, developing consensus about who would act as the backbone of the organization(s), supporting that person in communicating with interested parties, and supporting them in seeking funding.

Commissioner Tuchler expressed enthusiasm for the report and gratitude for the work involved and asked how the Commission could see that it becomes an action item. A. Glaeser noted that the Commission could make a recommendation endorsing the plan, but implementation would be up to City Council. J. Driscoll emphasized that the priority for the Planning Commission should be the validation of the Collective Impact model as an implementation tool, rather than suggesting actionable individual projects.

Before opening the hearing to public comment, Chair Shester, on behalf of the Planning Commission, thanked the members of the Green Infrastructure Group for their diligent work over the past year and the impressive results.

2) Public Comment –

Holly Ostby, 16 Edmondson Ave – stated she is a member of the Working Group and works for the hospital where she leads a coalition that uses the Collective Impact model. She suggested the model would allow the City to coordinate with other local organizations to better prioritize and to best utilize resources. She said the model is similar to a regular coalition with the difference that with Collective Impact there is a framework. The collective approach brings more resources to bear with greater impact, but in order for it to work there must be a backbone entity and a point person to stay in touch with all parties and facilitate communication. She suggested the model could involve one, over-arching “Green Infrastructure” group with various committees for specific topics. She said she envisioned the point person as acting as extra staff for the Planning Director to keep the City abreast of projects in the area and inform the projects the City decides to allocate resources to. She stressed that the point person need not be a City employee and could perhaps be housed in a local non-profit serving as the backbone entity. L. Straughan remarked that she thought that was a realistic model and encouraged an approach that was not City led but included a City staff or Council liaison.

Charles Aligood, 506 Cavalry Rd. – expressed support and approval of the Report and extolled the Working Group’s efforts in developing it and in influencing the

Comprehensive Plan and Catalyst Projects. He recognized the work of Commissioner Driscoll as well as that of former Planning Commission Chair, Jamie Goodin, and praised the entire group’s benefit to the City. He agreed that a liaison should be identified and pledged to lend his support here and in City Council.

Arthur Bartenstein, 614 Stonewall St. – remarked that Lexington is appreciated for its historic character and that he sees green infrastructure as not only relevant to recreation, the environment, and health, but also to Lexington’s historic identity. He noted the strong, local preservation community and suggested they would be an interested party. He observed that many cities have a dedicated Parks Department and said it was a concern of his that Lexington has no staff who is specifically concerned with the City’s open spaces

Lee Merrill, 2 S. Randolph St. – stated that, as a member of the Working Group, he was very encouraged by the Commissioners supportive reaction to the report. He voiced support for the Collective Impact model as a means of implementation and indicated there was potential for big impacts within the next several years. He remarked on the community’s wealth of resources and argued a backbone entity would be necessary to make this work.

Responding to questions from various Commissioners about practical organization and procedure, Ms. Ostby recommended the adoption of loose bylaws or a general agreement among the partners, but noted bylaws are not necessary. She indicated the goal should be on building in and maintaining enough flexibility to be able to shift and adapt depending on what City Council and other community partners are willing to focus on at any given time. She added the coalition partners would decide and agree together on a shared metric to measure progress and provided a brief explanation of how her coalition functions while stressing that other Collective Impact coalitions function differently.

Elise Sheffield, 1 South River Rd. – explained she, through her affiliation with Boxerwood, is part of a Collective Impact model, the Rockbridge Waste Reduction Roundtable, and offered a

description of how it functions as a way of assisting the Commissioners in understanding how this type of model works. She encouraged the Commissioners to think of the model as a Venn diagram and explained that Boxerwood, in its work with schools and waste reduction, found that it and other local organizations also working on waste reduction were stepping on each other's toes. Using the Collective Impact model, with Boxerwood as the backbone entity and Ms. Sheffield as the facilitator, they were able to organize their efforts simply by disseminating information among the coalition members. She said it allows the members to work on a common interest with each member bringing their own strengths to the table, and she has found having the various entities in communication has created a synergy in which new opportunities become apparent.

- 3) Commission Discussion – Chair Shester suggested the Commission discuss next steps, implementation and how to move the Report forward. M. Tuchler requested that emphasis be placed on moving the report on effectively so that it is well used and referenced in the future. L. Straughan agreed and said she would encourage the idea of an outside entity acting as the backbone entity and housing the coordinator. She suggested the details be better fleshed out before being presented to City Council so as to be better received and more quickly acted upon. Following additional discussion of how and when to make a recommendation to City Council, J. Driscoll suggested the Green Infrastructure Group would tighten up the implementation priorities, provide potential funding sources and identify outside organizations to act as the backbone entity. It was determined that the Commission would consider the Working Group's more specific practical language at its December 8th meeting. There appeared to be a general understanding that the Commission would make its formal recommendation at its joint meeting with City Council to be scheduled in early 2023.

Responding to a question from L. Straughan about an item that came to her attention with the recognition of the City's Arbor Day, Betty Besal of the Tree Board provided a brief explanation of an effort to expand protection of private trees by adding the designations *memorial heritage specimen* and *street trees* to the Tree Ordinance.