

LEXINGTON PLANNING COMMISSION

March 28, 2024 - 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 February 22, 2024*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
 - A. EC COA 2024-03: An application by Hugh Latimer of Washington & Lee University for a Certificate of Appropriateness (COA) for construction of the Lindley Center for Student Wellness at 200 East Denny Circle, on a portion of the 103 acre parcel (Tax Map #NM 19) owned by Washington & Lee University.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. SP 2023-03: An application by Hugh Latimer requesting approval of a site plan for the construction of the Lindley Center for Student Wellness at 200 East Denny Circle (Tax Map #NM 19), owned by Washington & Lee University.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - C. CUP 2024-02: An application by John Adamson of Rockbridge Partners, LLC to renew a Conditional Use Permit allowing a portion of the building located at 2 South Main Street (TM #23-1-194) and owned by Rockbridge Partners, LLC to be used as an assembly hall (i.e. *Public Assembly*).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision

D. ZOA 2024-01: Annual Zoning Ordinance Amendments. Batch A.

- 1) Staff Report*
- 2) Public Comment
- 3) Commission Discussion & Decision

6. OTHER BUSINESS

A. Zoning and Planning Report

B. 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
- 3) Major Project Update

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, February 22, 2024 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

Presiding: Pat Bradley, Chair
Present: John Driscoll
Jon Eastwood
Gladys Hopkins
Shannon Spencer, Vice-Chair
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Mary Stuart Harlow

CALL TO ORDER

Chair Bradley called the meeting to order at 5:01 p.m.

AGENDA

The agenda was unanimously approved as presented. (J. Eastwood / S. Spencer)

MINUTES

The February 8, 2024 minutes were unanimously approved as presented. (J. Driscoll / S. Spencer)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. ZOA 2024-01: Annual Zoning Ordinance Amendments. Batch A – Final Review.

- 1) Staff Report - Director Glaeser explained staff was providing the Batch A amendments, as amended during prior meetings, for a final review before advertising them for a public hearing.
- 2) Public Comment – None
- 3) Commission Discussion & Decision – Chair Bradley asked if there were questions or comments about the draft amendments.
 - Item #6 – Amend the sign tables for C-1 and C-2
S. Spencer questioned the differences between sign regulations for the C-1 and C-2 districts, specifically those potentially allowing a larger projecting sign for a business in the C-1 than for a business in the C-2. A. Glaeser explained the differences in sign visibility and impact in a suburban location (C-2) with a significant setback from the street as opposed to an urban location (C-1) with no setback.
 - Item #8 – Amend Bed & Breakfast requirement to live on the property
S. Spencer noted the word “also” in the draft text was superfluous and recommended striking it from the amendment. There was general support for her recommendation.

- Item #12 – Add chickens to the Use Matrix
S. Spencer questioned the inclusion of chickens as a by-right use in the P-OS. A. Glaeser acknowledged that the inclusion of chickens in the matrix as a by-right use in all districts may appear inappropriate but noted the use was tied as an accessory use to single-family, two-family, or multi-family dwellings. The residents of any dwelling in the city have the right to keep chickens, no matter in which district the dwelling is located.
- Item #15 – Amend Gasoline Station definition to allow electric vehicle charging stations
S. Spencer suggested amending the term *electric vehicle charging station* to better differentiate it from a *vehicle fueling station*, and to better clarify that the thing being defined was the equipment and not a location. A. Glaeser reported that staff had wrestled with this amendment also. The Commission had earlier recommended combining the two definitions, but staff found two definitions were necessary in order to allow electric vehicle charging in locations not connected to fueling establishments, such as single parking spaces in municipal or commercial lots. He further explained the term *electric vehicle charging station* appeared to be the industry standard when intended to include both the charging equipment and the parking space. He pointed out that the amendment included adding *electric vehicle charging stations* as an accessory use in the parking standards, so as to make it clear they were allowed everywhere. He added this proposed amendment was intended as a stop-gap remedy until electric vehicles could be more holistically addressed in the zoning ordinance. The Commission was satisfied with staff’s explanation. J. Driscoll suggested amending the vehicle fueling station definition to read “An establishment engaged in the retail sale of motor vehicle fuel that is stored and/or dispensed on site...” There was consensus to do so.
- Item #4 – Amend Specialty Food Shop definition
Noting that specialty food shops were being made a conditional use in the R-LC district, L. Straughan questioned the necessity of the prohibition against an open flame heat source. She suggested removing the cooking limitations would allow greater flexibility for businesses such as take-out food establishments, which she thought could be appropriate in the C-1 or C-2 districts, and which are currently not allowed. After additional discussion, including a consideration of adding a prohibition against deep frying, there was general agreement to strike the second and third provisions from the definition, and to place no restrictions on the types of allowable heat sources in a specialty food shop.

B. ZOA 2024-02: Annual Zoning Ordinance Text Amendment. Batch B – Concessions & Mobile Restaurants

1) Staff Report and Commission Discussion –

While the Brewbaker Field Sports Complex contains a concession stand, there is no specific provision allowing concessions in the *Public Park and Recreational Area* use. Also, mobile restaurants are currently not permitted to operate in the P-OS zoning district outside of special events. A. Glaeser asked the Commission to consider whether the Zoning Ordinance should be amended to 1) explicitly allow concessions in other City parks, and 2) permit mobile restaurants to operate in City parks. He noted that while Jordan’s Point Park might seem the most obvious park to think about when considering

concessions, because it is in the floodplain, no permanent “concession stand” type structure was likely to be constructed. He also noted that, in any event, the parks are owned by the City and a concession stand could be considered an accessory use to the *Public Park and Recreational Area* use and therefore allowed. Given those factors, he suggested that drafting an amendment to address concessions may not be necessary. There was general agreement from the Commission that an amendment to expressly allow concessions in the P-OS district was not necessary.

A. Glaeser then addressed the question of mobile restaurants in City parks by explaining they are currently a by-right use in the R-LC, C-1, and C-2 zoning districts only, though the use and design standards do provide an exception for mobile restaurants operating in conjunction with a special event. He suggested the Commission review the zoning map for a clear understanding of the locations of all P-OS zoned properties, and the *mobile restaurants* use and design standards for an understanding of the regulations associated with the use. Responding to a concern voiced by S. Spencer, A. Glaeser explained the intent behind a provision in the use and design standards exempting mobile restaurants operating at catered events from the regulations. L. Straughan was supportive of allowing food trucks to operate at some parks and advocated for instituting a permitting process to provide oversight. P. Bradley pointed out that the only parks within which a food truck could operate were Brewbaker and Jordan’s Point – in all other cases the food truck would have to operate from the street. A. Glaeser clarified that zoning district boundaries extend to the middle of the street, but he added the regulations could be written to limit in which parks the use was allowed. He suggested allowing mobile restaurants as a by-right use in the P-OS district and developing additional use and design standards and/or a permit process to limit where, when, and how the use would be allowed. L. Straughan said she was uncomfortable with adding mobile restaurants to the use matrix as a by-right use in the P-OS district, highlighting their particular inappropriateness in either of the cemeteries. A. Glaeser offered suggestions as to how to move forward, including the option of not pursuing this particular amendment. There was general agreement to continue to consider allowing mobile restaurants to operate in some of the city parks. Director Glaeser said staff would provide draft language for the Commission to consider at its next meeting.

2) Public Comment - None

OTHER BUSINESS

A. Zoning and Planning Report – None

B. Major Project Update – A. Glaeser reported the following:

- Washington & Lee recently submitted a revised site plan for the new student health center. The revised plan is currently under review by City staff. It will be forwarded for the Commission’s review once City staff is satisfied with the details.
- Staff anticipates a Conditional Use Permit application for the renewal of a CUP for the old courthouse building at 2 S. Main Street, issued in 2009 and set to expire in April.

CITY COUNCIL REPORT -

L. Straughan reported that at the City Council meeting on February 15th, there was a presentation by the mounted unit board for the LPD. Council also held a public hearing for the ADU ordinance which passed 4 – 2. There was some debate about maximum occupancy, but the ordinance ultimately was adopted with the occupancy envisioned by the Planning Commission. Council also discussed a draft policy having to do with government speech on city owned light posts and decided to table the proposal indefinitely.

ADJOURN

The meeting was adjourned at 6:28 p.m. with unanimous approval. (S. Spencer / G. Hopkins)

P. Bradley, Chair, Planning Commission

Project Name	Construction of the Lindley Center for Student Wellness
Property Location	200 East Denny Circle
Zoning	R-1 Residential, I-1 Institutional Overlay District Zoning Districts
Owner/Applicant	Washington & Lee University / Hugh Latimer

OVERVIEW OF REQUEST

This is a request for a Certificate of Appropriateness for the construction of a new building at 200 East Denny Circle. The parcel is located in the General Residential (R-1) zoning district and in the Institutional Overlay District (I-1).

This project is to construct a new two story, 14,290 gross square foot \pm building to house the university Health Center and university Counseling Center, named the Lindley Center. The Health Center will occupy the Second Floor of the Lindley Center and the Counseling Center will occupy the First Floor of the Center. A public lobby with elevator will link the two floors, and the university intends to move both the university Health Center and the Counseling Center into the completed Lindley Center in late 2025.

Location map



Proposed elevation of new building



APPLICABLE ZONING DISTRICT SECTIONS

Article XII, Section 420-7.9 (I-1 Institutional District) requires design review in accordance with the design review standards of the Entrance Corridor Overlay District found in Article VI.

APPLICABLE ENTRANCE CORRIDOR REGULATIONS

The purpose of the Entrance Corridor Overlay District is to protect and enhance the City's attractiveness; protect the City's scenic, historic, architectural and cultural resources; support and stimulate development which is appropriate and complimentary to the numerous properties of historic, architectural and cultural significance throughout the City; protect and enhance the architectural and scenic character of significant access routes to the City's historic downtown; promote orderly and attractive development along these significant access routes; and ensure that development within this district is compatible with these resources through architectural control of development.

Article XV, Section 420-6.8 specifically states all applications for entrance corridor certificates of appropriateness must satisfy the following design standards for landscaping, signage, architecture, site planning, and lighting.

A. Landscaping.

1. Landscaping shall be used to soften the visual impact of development and enhance the appearance of the area.

2. Landscaping shall be sufficient to soften the visual effects of parking lots, reduce the effective visual mass of large buildings and provide screening between development, the street and surrounding lots.
3. Landscape buffers shall be provided adjacent to public streets of sufficient size to permit street trees and plantings to be installed to reduce the visibility into parking lots.
4. Landscaping shall be compatible with landscaping on adjacent properties.

(The application submittal includes an Overall Landscape Plan on Sheet L1.0.)

B. Signage.

1. Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size and color scheme for proposed signage.
2. Materials used in signs and their support structures should reflect the building served by the sign.
3. Sign colors should be harmonious with the building which they serve

(While the applicant did not provide an overall sign plan, the building elevation shows the proposed wall signage for the building.)

C. Architecture.

1. Materials, colors and general style of buildings within a development should be coordinated.
2. Heating and air-conditioning units, ventilation units, and mechanical equipment shall be screened from view from public streets.
3. Loading docks, trash containers and mechanical equipment shall be screened from view from public streets.
4. The effective visual mass of large buildings should be reduced by variations in roofline, building angles, dimensional relief, color, architectural detailing and landscaping.
5. Architectural styles, building and roofing materials, and colors shall be reflective of the traditional architecture of Lexington. This may be accomplished through building scale, materials and forms, all of which may be embodied in architecture which is contemporary as well as traditional.
6. Trademark buildings and related features shall be modified to meet these design standards.

(The application submittal includes two colored elevations of the proposed new building, a description of exterior materials, and a more detailed Elevation-Exterior Building on Sheet A4.01.)

D. Site planning.

1. Parking lot layouts shall respond to the topographic characteristics of the site.

2. The number of access points to parking lots from a street will be minimized and shall relate to other existing curb cuts whenever possible.
3. Parking lots will be interconnected on adjacent parcels whenever possible.
4. Small, landscaped and interconnected parking lots, rather than large, central parking lots, shall be encouraged.
5. Parking lots shall not dominate the image of a site.
6. Pedestrian access from the sidewalk into individual project sites, as well as within sites and between sites, shall be provided.

(The application submittal includes a Site Layout Plan C4.1.)

E. Lighting.

1. Lighting should be of uniform style for each project site.
2. Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.
3. Light poles shall not exceed 24 feet in height.

(The applicant provided confirmation that all exterior lighting will be Dark Sky compliant, as per University standards.)

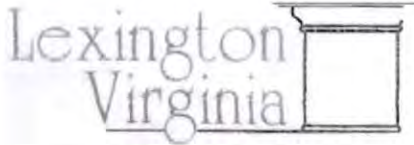
In making its determination, the Planning Commission may consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

STAFF RECOMMENDATION

In staff's opinion, the proposed Lindley Center for Student Wellness meets all of the design standards included in the Entrance Corridor Overlay District. The proposed landscaping is consistent with the remainder of the W&L campus; the proposed signage is minimal; and the Architectural details are generally consistent with other buildings on the W&L campus. Furthermore, staff acknowledges the Entrance Corridor standards were developed for the highly visible entranceways into our City, and the proposed site for the Lindley Center is the exact opposite. The site is located along a private street, internal to the W&L campus, and likely only to be seen by visitors to the W&L campus. Discretion may therefore be appropriate in applying the Entrance Corridor standards to the proposed Lindley Center.

SUGGESTED MOTION

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC 2024-03 for the construction of the new Lindley Center for Student Wellness at 200 East Denny Circle as proposed by the applicant.



www.lexingtonva.gov

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

APPLICATION FOR CERTIFICATE OF APPROPRIATENESS – ENTRANCE CORRIDOR OVERLAY DISTRICT

Applicant¹

Name: Hugh Latimer Phone: 540-855-8359

Company: Washington and Lee University Fax: _____

Address: 204 W. Washington St. Email: hlatimer@wlu.edu

Applicant's Signature: [Signature] Date: 1/12/24

Property Owner

Name: Washington and Lee University Phone: 540 855-8359

Address: 204 W. Washington St. Email: hlatimer@wlu.edu

Owner's Signature: [Signature] Date: 1/12/24

Architect/Designer

Name: Taejun James Kim Phone: 703-378-1873

Company: e4h Fax: _____

Address: 14291 Park Meadow Dr. Suite 300
Chantilly, VA 20151 Email: tkim@e4harchitecture.com

Administration

Application is hereby made to the Lexington Planning Commission for a Certificate of Appropriateness (COA) to make repairs, alterations, or improvements in the Entrance Corridor in accordance with Chapter 28, Article XV of the Lexington City Code.

This document shall constitute a valid COA upon its completion and execution by the Chairperson or Acting Chairperson of the Planning Commission. The recipient of a COA is responsible for obtaining any and all other certificates and permits required by the Code of the City of Lexington through the Office of the Planning and Development Administrator.

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.



www.lexingtonva.gov

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

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

Address (or location description): East Denny Circle

Tax Map: 16e 11 Deed Book and Page #: N/A

Acreage: < 1 acre Zoning (attach any existing conditions or proffers): R-1; I-1 Overlay

Property Doing Business As: Washington and Lee University

2. Any application deemed incomplete by staff will not be accepted.

Alteration Description (complete a City Sign Permit Application for sign alterations)

I. Please check action(s) for which this COA is requested:

- Remodeling or renovation of the exterior of a building
- Total restoration of the exterior of a building
- Removal of any architectural element
- Painting of any building exterior
- Cleaning of wall surfaces or architectural elements
- Repair of all surfaces or architectural elements
- Any removal, alternation, repair, or construction of amenities such as fences or walls
- Demolition of part or all of an existing building
- Moving a building (complete Part III)
- Construction of a new building (complete Part III)
- Construction of any addition to an existing building (complete Part III)

II. For **ALL** projects, please attach the following:

- Photographs or drawings from the site showing adjoining structures, streets, and sidewalks
- Scale drawings of the improvements
- Detailed drawings of significant decorative or architectural elements
- Indication of exterior lighting adequate to determine its character and impact on the public and adjoining properties
- Samples of exterior materials and paint colors to be used
- Any other documentation or visual aid necessary to determine compliance with § 420-141 of the Lexington City Code

III. For **NEW CONSTRUCTION**, please provide the above attachments in addition to the following:

- Dimensions, orientation, and acreage of each lot or plot to be built upon
- Layout of the project and its relation to surrounding structures
- Location of points of entry and exit for motor vehicles and internal vehicular circulation pattern and parking facilities
- The size, shape, and location of existing and proposed construction on the parcel
- Location of walls, fences, and railings, and the indication of their height and the materials of their construction

Lindley Center for Student Wellness

East Denny Circle

Description of Exterior Materials

The Lindley Center for Student Wellness will utilize a selection of materials and colors to approximately match the buildings on the central campus, including the nearby Duchesnois Athletic and Recreation Center (Indoor Athletic Facility). These materials comprising the Lindley Center include:

- Red brick and off-white or beige pointing mortar
- White GFRC for exterior columns, 2nd floor course banding, eave and gable trim
- White precast for window lintels
- Recycled composite roof “slate” shingles
- White storefront entry and monumental window frames
- White aluminum clad punched window frames
- White half round aluminum gutters and round aluminum downspouts
- Poured concrete sidewalks, ramps and parking/service surfaces

Perspective from Southwest



WASHINGTON AND LEE
UNIVERSITY

edh ENVIRONMENTS FOR HEALTH ARCHITECTURE

Perspective from Northeast



Project Name	Construction of the Lindley Center for Student Wellness
Property Location	200 East Denny Circle (TM# NM-19)
Zoning	R-1 (General Residential District) with the I-1 (Institutional District) overlay
Owner/Applicant	Washington & Lee University / Hugh Latimer

***PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval***

Background

This project proposes the construction of the Lindley Center for Student Wellness with associated grading, utilities, landscaping, and stormwater management at 200 E. Denny Circle, an undeveloped site on the W&L campus across from the Woods Creek Apartments. W&L is also requesting design review approval for the proposed Lindley Center building through a separate Entrance Corridor Certificate of Appropriateness application.

A Conditional Use Permit (CUP 2024-01) was approved by the City of Lexington for the Lindley Center on January 4, 2024. The next step in the approval process following the CUP, Site Plan, and EC-COA approvals, is the submittal of a building permit.

Existing conditions



Zoning Authority and Requirements

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

Yard Setbacks

The proposed building is sited over 1,000 feet from the property line adjacent to W. Nelson Street and minimum setback requirements are more than met.

Parking

In addition to the ambulance parking area, four off-street parking spaces are provided one of which is an ADA compliant space. The campus parking garage with hundreds of parking spaces is less than 700 feet from the proposed Lindley Center and the garage is also located on the same parcel as the Lindley Center.

Landscape Buffering

The Zoning Ordinance requires a prescribed landscape buffer where a commercially zoned development abuts a residential zoning district, or where multi-family residential development abuts any property zoned R-1 or R-2. Neither of these conditions occur with the proposed Lindley Center.

Landscaping is however proposed (see Sheet L1.0 of the submittal) and the landscape plan meets the site plan requirement found in §420-2.7.B.8 to provide screening between the development and the street and surrounding lots.

Screening

Screening is required to conceal specific areas from both on-site and off-site views, and screening is expressly required for large waste receptacles (dumpsters), refuse collection points, loading and service areas, outdoor storage areas (including storage tanks), ground-based utility equipment with size in excess of 12 cubic feet, and for ground level and wall-mounted mechanical equipment visible from a public street.

The Denny Circle screened trash receptacle enclosure across from the Woods Creek Center residence hall will be removed and relocated to the new loading dock yard for the Lindley Center and it will be reconstructed with a similarly screened enclosure.

Exterior Lighting

New exterior lighting must consist of full cut-off fixtures and be directed downward below the horizontal plane per §420-15.1 of the Zoning Ordinance. The applicant provided confirmation that “all exterior lighting will be Dark Sky compliant, as per University standards.”

Public Works

No comments.

Fire Protection

The Fire Marshal requested a number of clarifications during the first review of this site plan and those queries have been adequately addressed.

Police

No comments.

Building Official

No comments.

Section 420-2.7.B of the Lexington Zoning Ordinance

Pursuant to Code of Virginia, §15.2-2259, a site plan shall be approved if it is found to be adequate with respect to:

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

Staff Conclusions and Recommendations

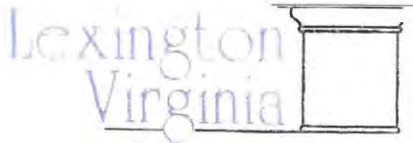
It is staff's opinion that the proposed site plan for the Lindley Center for Student Wellness building complies with all zoning requirements pertaining to site design and use, and is in compliance with other City codes related to drainage, water supply, fire protection, sanitary sewer facilities, and construction standards.

Planning Commission Recommendation

Pending

Suggested Motion

I move to approve/deny Site Plan number SP 2024-01 and find the submitted site plan for the Lindley Center for Student Wellness building at 200 E. Denny Circle to be in compliance with applicable City codes.



www.lexingtonva.gov

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

SITE PLAN APPLICATION AND CHECKLIST

Applicant¹

Name: Hugh Latimer Phone: 540-855-8359
 Company: Washington and Lee University Fax: _____
 Address: 204 W. WASHINGTON ST. Email: hlatimer@wlu.edu
 Applicant's Signature: [Signature] Date: 1/12/24

Site Plan Preparer

Name: Washington and Lee University Phone: 540-855-8359
 Company: Washington and Lee University Fax: _____
 Address: 204 W. WASHINGTON ST. Email: hlatimer@wlu.edu

Property Owner

Name: Washington and Lee University Phone: 540-855-8359
 Address: 204 W. WASHINGTON ST. Email: hlatimer@wlu.edu
 Owner's Signature: [Signature] Date: 1/12/24

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

Address (or location description): East Denny Circle
 Tax Map: 1611 Deed Book and Page #: n/a
 Acreage: < 1 acre Zoning (attach any existing zoning conditions or proffers): R-1 I-1 overlay

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

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$350+\$25/acre Amount Paid: _____
Case Number: SP- _____ - _____

Date Received: _____ Received By: _____

Staff Review

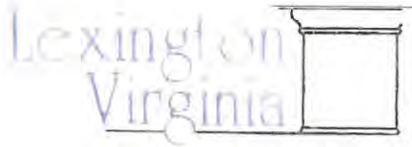
Planning: _____ Public Works: _____
Police: _____ Fire/Rescue: _____

Approvals

Planning Commission

Administrator

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



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 300 East Washington Street
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Site Plan Checklist

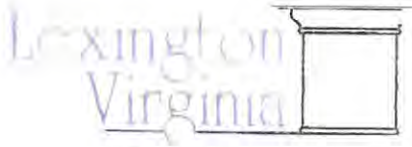
Contents

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

- A boundary survey of the tract.
- A certificate, signed by the surveyor or engineer, setting forth the source of title of the owner of the tract and the place of record of the last instrument in the chain of title.
- C4.1 All existing and proposed streets and easements, their names, numbers and widths, existing and proposed utilities, owners, zoning and present use of adjoining property.
- C4.1 Location, type and size of vehicular entrances to the site.
- L2.0 Locations, types, sizes and heights of fencing, retaining walls and screen planting where required.
- C4.1 All off-street parking, loading spaces and walkways, indicating type of surfacing, size, angle of stalls, width of aisles and a specific schedule showing the number of parking spaces provided and the number required in accordance with Article XX.
- A4.01 Number of floors, floor area, height and location of each building and proposed general use for each building. If a multifamily residential building, the number, size and type of dwelling units.
- LS1.01
- C5.1 All existing and proposed water and sanitary sewer facilities, indicating all pipe sizes, types and grades and where connection is to be made.
- C5.2
- C6.1 Provisions for the adequate disposition of natural and storm water, indicating locations, sizes, types and grades of ditches, catch basins and pipes and connections to existing drainage system.
- C2.0 Existing topography, with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than 2%, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.
- C6.1 Proposed finished grading by contours, supplemented where necessary by spot elevations.
- L1.0 A landscape buffering and screening plan, if requested by the City Manager, his authorized agent or the Planning Commission.

Preparation and Submission

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



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

Planning Commission Review

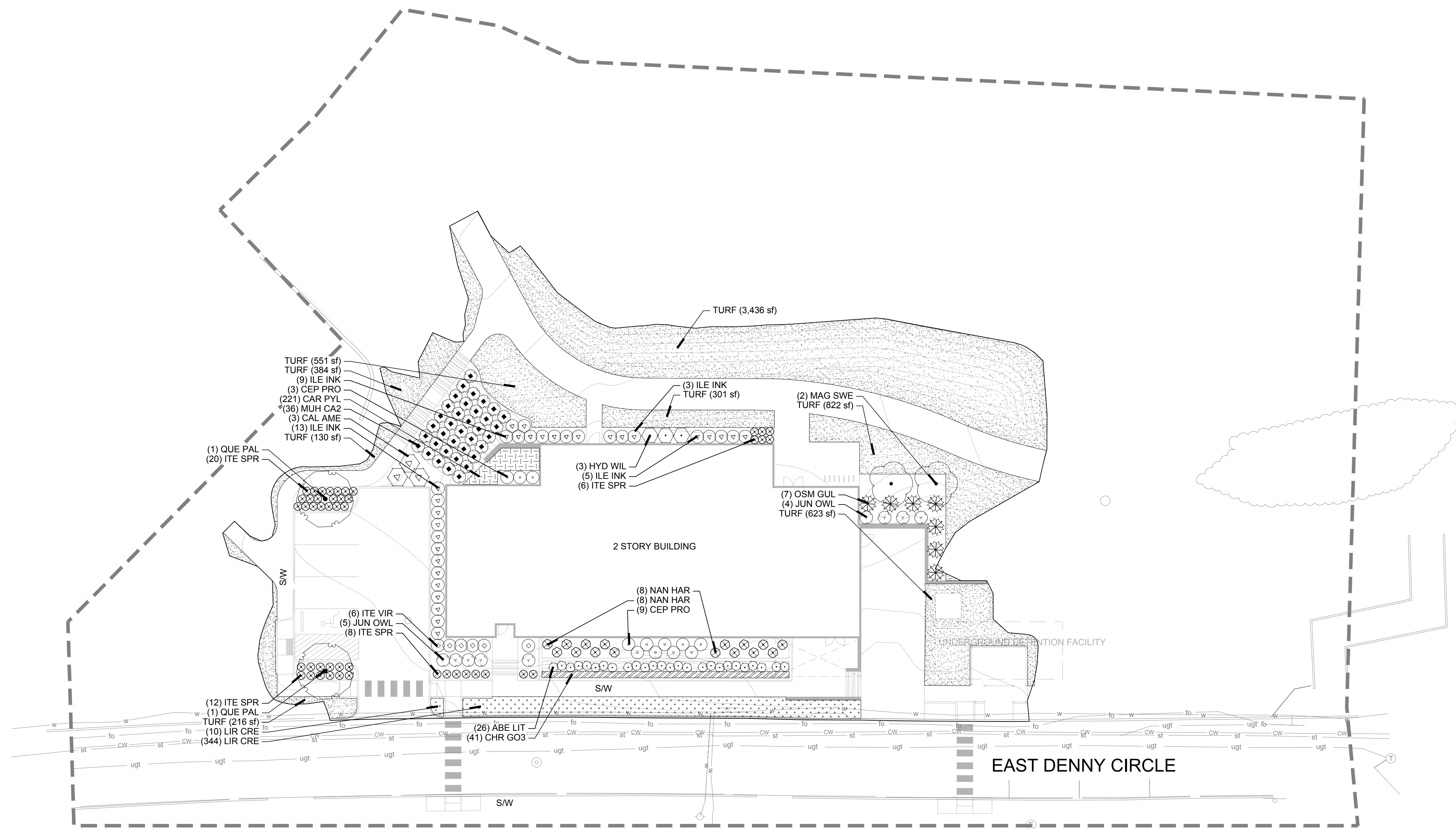
All site plans which are appropriately submitted and conform to the standards and requirements set forth in Article XXII of the Lexington City Code shall be forwarded to the Planning Commission for approval.

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

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

Required Improvements

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



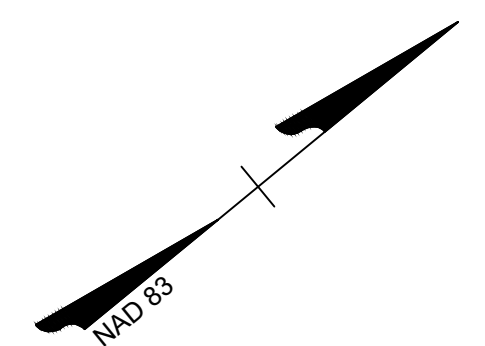
NOTE:
 LANDSCAPING PLANTS AND TREES WITHIN THE RIGHT-OF-WAY WILL NEED TO BE MAINTAINED IN AREA BETWEEN 2 AND 7 FEET ABOVE GROUND AS A CLEAR ZONE TO PRESERVE SIGHT LINES AND ACCOMMODATE PEDESTRIANS.

PLANT SCHEDULE

CODE	QTY	BOTANICAL NAME
TREES		
MAG SWE	2	MAGNOLIA VIRGINIANA
QUE PAL	2	QUERCUS PALUSTRIS
SHRUBS		
ABE LIT	26	ABELIA X GRANDIFLORA 'LITTLE RICHARD'
CAL AME	3	CALICARPA AMERICANA
CEP PRO	12	CEPHALOTAXUS HARRINGTONIA 'PROSTRATA'
HYD WIL	3	HYDRANGEA ARBORESCENS
ILE INK	30	ILEX GLABRA 'COMPACTA'
ITE SPR	46	ITEA VIRGINICA 'SPRICH'
ITE VIR	1	ITEA VIRGINICA 'HENRY'S GARNET'
JUN OWL	1	JUNIPERUS VIRGINIANA 'GREY OWL'
NAN HAR	16	NANDINA DOMESTICA 'HARBOUR DWARF'
OSM GUL	7	OSMANTHUS HETEROPHYLLUS 'GULFTIDE'
ORNAMENTAL GRASSES		
MUH CA2	36	MUHLENBERGIA CAPILLARIS
GROUND COVERS		
CAR PYL	221	CAREX PENNSYLVANICA
CHR GO3	41	CHRYSOGONUM VIRGINIANUM
LIR CRE	354	LIRIOPE SPICATA

LANDSCAPE AREAS

TURF	6,498 SF
------	----------



SCALE 1"=20'
 0 20' 40'

DATE	DESCRIPTION



ORIG SUBMISSION: 12/22/23
 CURRENT: 12/22/23
 SITE PLAN SUBMITTAL

SHEET TITLE AND NUMBER:

L1.0
 OVERALL LANDSCAPE PLAN

Project Name	Conditional Use Permit at 2 South Main Street
Property Location	2 S. Main Street, Tax Map #: 23-1-194
Zoning	C-1 (Center Business), Downtown Historic District
Owner / Applicant	Rockbridge Partners, LLC / John Adamson
Applicant's Intent	Renewal of CUP for private school or assembly hall (i.e. <i>Educational Facility, College/University or Public Assembly</i>)

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

OVERVIEW OF REQUEST AND BACKGROUND

The subject application is a request to renew a Conditional Use Permit that was approved on April 16, 2009, and at that time *Private Schools* and *Assembly Halls* were authorized in the C-1 zoning district with a conditional use permit. The approval in 2009 was made with the following conditions:

1. That only the courtroom or the vault room be utilized for private school or assembly purposes. The determination of which space will be used for this purpose is to be determined by the applicants.
2. That this Conditional Use Permit be issued for a period of fifteen years.

The remainder of the old Courthouse building that is occupied by offices for W&L staff is not affected by the Conditional Use Permit approved in 2009 because the *Office* use was and is a by-right use in the C-1 zoning district (and not a conditional use).

In anticipation of the expiration of the conditional use permit, the applicant seeks to renew the conditional use permit and specifically requests:

1. That condition #1 remain in place. While the Courtroom is currently being utilized as office space, it was designed for additional use as a meeting space if the need should arise. The historic Deed Room on the first floor is a large space that has also been renovated in a manner that allows maximum flexibility of use and it is available to the public.
2. That Condition #2 be amended to grant the renewal of the CUP in perpetuity.

A substantial update of the Lexington Zoning Ordinance occurred in 2017 and many uses were added and amended. Our current Zoning Ordinance no longer includes the *Assembly Hall* use that existed in 2009, rather the use most closely related to the old *Assembly Hall* use is the current *Public Assembly* use. Similarly, the current Zoning Ordinance no longer includes the *Private School* use, rather the use most closely related to the old *Private School* use is the current *Educational Facility, College/University* use. Both the updated *Public Assembly* use and the *Educational Facility, College/University* use remain conditional uses in the C-1 zoning district.

location map



2 S. Main Street



CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

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

C. Conditions of Issuance

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

STAFF RECOMMENDATION

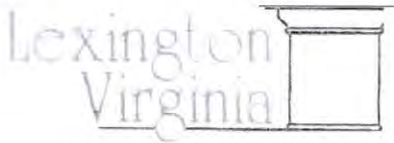
Based on the aforementioned findings and opinions, the Staff recommends the proposed Conditional Use Permit be **APPROVED**. A conditional use permit may be revoked if the approved conditions are not followed, and it is for this reason that Staff recommends renewal periods be eliminated for all conditional use permit approvals.

PLANNING COMMISSION RECOMMENDATION

Pending

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2024-02 to allow only the Courtroom or the Vault Room to be utilized for the *Educational Facility, College/University* use or for the *Public Assembly* use for the property located at 2 South Main Street. The determination of which space will be used for this purpose is to be determined by the applicants.



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APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

Name: John Adamson, Partner Phone: 804-750-9914
Company: Rockbridge Partners, LLC Fax: N/A
Address: 9301 River Rd, Richmond, VA 23229 Email: john@adamsondevelopment.com
Applicant's Signature: John Adamson Date: 3/1/24

Property Owner

Name: Rockbridge Partners, LLC Phone: 804-750-9914
Address: 9301 River Rd, Richmond, VA 23229 Email: john@adamsondevelopment.com
Owner's Signature: John Adamson Date: 3/1/24

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

Address (or location description): 2 South Main Street
Tax Map: 23 1 194 Deed Book and Page #:
Acreage: .23 Zoning (attach any existing zoning conditions or proffers): Commercial
Description of Proposal³: Please see attachments.

- 1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.
3. Please refer to page 3 of this application for the conditions of issuance for all conditional use permit applications. Submitting a sketch plan or other visual detail of your request is highly encouraged.



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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 public hearings.

Posting of the Property

The City will place a sign on the subject property which indicates that an action is pending. The sign will be located to be clearly visible from the street.

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$450 Amount Paid: \$450.00 Case Number: CUP- 2024 - 02

Date Received: 3/5/2024 Received By: Kate

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

City Council

Legal Ad Dates: _____ Legal Ad Dates: _____

Adj. Property Notifications: _____ Adj. Property Notifications: _____

Public Hearing Date: _____ Public Hearing Date: _____

Action: _____ Action: _____



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 Lexington, Virginia 24450
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Conditions of Issuance

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

- 1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of the zoning ordinance, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
 - a. The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.
 - b. The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.
 - c. The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
 - d. Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.
- 2) Where the provisions of this chapter require conditional use permits for certain parking lots and drive-in facilities in the Commercial District (Central Business) C-1, due consideration shall be given in general to the purposes of the C-1 District and specifically to the effect of such parking lot or drive-in facility on the historic pattern of buildings and, in particular, on the maintenance of a compact, efficient and attractive retail facade and arrangement of buildings; on the use of off-street circulation ways, including use of alleys; on the location of access points and relationship to traffic and pedestrian flow; and on the adequacy of off-street waiting area at drive-in facilities.
- 3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C(1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

ROCKBRIDGE PARTNERS, LLC
9301 River Road
Richmond, Virginia 23229
804-750-9914

February 26, 2024

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

To Whom it May Concern:

Rockbridge Partners, LLC is requesting the Conditional Use Permit (CUP) be renewed for the former Rockbridge County Courthouse property located at 2 S. Main Street. The building is currently zoned C-1, Commercial (Central Business). Washington & Lee University is the master tenant of the building and has committed to a long-term lease.

The current Conditional Use Permit was approved in 2009 with the following conditions:


1. That only the Courtroom and/or the historic Deed Room be utilized for private assembly purposes. The determination of which space will be used for this purpose is to be determined by the applicants.
2. That the CUP be issued for a period of 15 years.

Rockbridge Partners requests that Condition #1 remain in place. The Courtroom is currently being utilized as office space; however, it has been designed for additional use as a meeting space if the need should arise. The historic Deed Room on the first floor is a large space that has also been renovated in a manner that allows maximum flexibility of use. It is available to the public for appropriate meetings when scheduled.

We respectfully request that Condition #2 be amended to grant the renewal of the CUP in perpetuity.

The building consists of four floors: a basement level, first floor, second floor and a partially finished attic space. Most of the building has been renovated into office space.

Rockbridge Partners believes the current uses of the building are consistent with the City of Lexington's policies and the principles of the adopted Comprehensive Plan. A continuation of the conditional use permit would be appropriate to accommodate the unique coupling of these uses (education and semi-public) within a single building.



John Adamson – Rockbridge Partners, LLC



LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS – “BATCH A”

Table of Contents

ITEM #1 – Dish Antenna reference corrected in Use Matrix	2
ITEM #2 – Cemeteries allowed in P-OS zoning district	3
ITEM #3 – Update Entrance Corridor lighting standards to include Dark Sky requirements	5
ITEM #4 – Amend Specialty Food Shop definition to allows ovens/convection ovens	6
ITEM #5 – Reiterate that outdoor storage is not allowed for home occupations	8
ITEM #6 – Amend sign tables for C-1 and C-2 district signs to include	10
ITEM #7 – Amend definition of Industry, Light	12
ITEM #8 – Amend Bed & Breakfast requirement to live on the property	14
ITEM #9 – Allow Townhouses along a private drive	16
ITEM #10 – Clarify where remote parking may be located	18
ITEM #11 – Amend the definition for a Story, Half.....	20
ITEM #12 – Add chickens to the Use Matrix.....	21
ITEM #13 – Clarify only one booking to occur with short term rentals.....	23
ITEM #14 – Clarify maximum fence height regulations.....	25
ITEM #15 – Amend Gasoline Station definition to allow electric vehicle charging stations	27
ITEM #16 – Revise sign regulations for electric vehicle charging stations	30

ITEM #1 – Dish Antenna reference corrected in Use Matrix

ISSUE:

The Use Matrix in §420-3 includes the Dish Antennas use and there is an incorrect reference for the use and design standards for Dish Antennas. The reference should change from §420-11.1.1 to §420-11.1.2.

Items to consider:

Should the reference for Dish Antennas be corrected?

EXISTING LANGUAGE:

Article III. Use Matrix

<i>Zoning District</i>	<i>FP, Floodplain Overlay</i>	<i>P-OS, Parks and Open Space District</i>	<i>R-1, Residential General</i>
<i>B = By-right uses, C = Conditional uses</i>			
<i>Use Types</i>			
<i>Residential</i>			
<i>Dish Antennas (not meeting use and design Standards in §420-11.1.1)</i>			<i>C</i>

PLANNING COMMISSION RECOMMENDATION (1.11.2024):

Correct the reference as follows:

Article III. Use Matrix

<i>Zoning District</i>	<i>FP, Floodplain Overlay</i>	<i>P-OS, Parks and Open Space District</i>	<i>R-1, Residential General</i>
<i>B = By-right uses, C = Conditional uses</i>			
<i>Use Types</i>			
<i>Residential</i>			
<i>Dish Antennas (not meeting use and design Standards in §420-11.1.2)</i>			<i>C</i>

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #2 – Cemeteries allowed in P-OS zoning district

ISSUE:

Cemeteries are currently only permitted in the R-1 zoning district as a by-right use. In contrast, the parent parcels in the Evergreen and Oak Grove cemeteries are located in the Parks and Open Space (P-OS) zoning district where cemeteries are not a permitted use. The recent additions to both cemeteries are located in the R-1 zoning district where the cemetery use is permitted.

The current situation is one where the older portions of both cemeteries are considered to be legal nonconforming uses because both cemeteries existed prior to the adoption of a zoning ordinance sometime in the 1950s, and as a legal nonconforming use, those older portions of both cemeteries can continue their cemetery use. The question is one of consistency and whether we prefer to amend the Use Matrix to allow cemeteries to be a permitted use (by right or conditional) in the Parks and Open Space (P-OS) zoning district. To address this perceived inconsistency, the City should consider allowing the cemetery use as either a by-right use or as a conditional use in the P-OS zoning district and then initiate separately a rezoning of the parcels recently added to both cemeteries (and possibly initiate separately a conditional use permit if the cemetery use is allowed as a conditional use in the P-OS zoning district). The benefit of this approach is that all portions of the Evergreen and Oak Grove cemeteries old and new would be consistently located in the P-OS zoning district. Staff recommends the City also consider whether the cemetery use should continue to be a by-right use in the R-1 zoning district or whether to prohibit cemeteries in the R-1 zoning district.

Prior to the major update to the zoning ordinance in 2017, cemeteries were a conditional use in the P-OS zoning district, and cemeteries were neither a by-right use nor a conditional use in the R-1 zoning district. Staff cannot explain why the cemetery use was changed in 2017 from a conditional use in the P-OS zoning district to a by-right use in the R-1 zoning district, and it may simply have been an error with the newly created Use Matrix.

Items to consider:

Should cemeteries be allowed by-right in the P-OS zoning district?

Should cemeteries be allowed conditionally in the P-OS zoning district?

Should cemeteries continue to be a by-right use in the R-1 zoning district?

EXISTING LANGUAGE:

Article III. Use Matrix

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

PLANNING COMMISSION RECOMMENDATION (1.11.2024):

Amend the Use Matrix to allow the cemetery use as a conditional use in the P-OS zoning district and delete the by-right use of cemeteries in the R-1 zoning district. This path requires the parcels added to both cemeteries be rezoned.

Article III. Use Matrix

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

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #3 – Update Entrance Corridor lighting standards to include Dark Sky requirements

ISSUE:

Exterior lighting standards (see §420-15) were added in the 2017 Zoning Ordinance update, and those dark sky lighting requirements were not specifically added or referenced in the Entrance Corridor lighting standards in §420-6.8.E.2. that were already included in the Zoning Ordinance. It would be an improvement to update the Entrance Corridor lighting standards to require new exterior lighting to meet the dark sky requirements found in Article XV of the Zoning Ordinance.

Items to consider:

Should the Entrance Corridor standards for lighting reference the dark sky requirements located in the exterior lighting standards in Article XV?

EXISTING LANGUAGE:

Article VI. Entrance Corridor Overlay District (EC)

420-6.8. Design standards.

E. Lighting.

1. *Lighting should be of uniform style for each project site.*
2. *Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.*
3. *Light poles shall not exceed 24 feet in height.*

PLANNING COMMISSION RECOMMENDATION (1.11.2024):

Amend the Entrance Corridor lighting standards to include a reference to the exterior lighting standards in §420-15.3, and change the maximum height for light poles to 25 feet to be consistent with the exterior lighting standards in §420-15.

Article VI. Entrance Corridor Overlay District (EC)

420-6.8. Design standards.

E. Lighting.

1. *Lighting should be of uniform style for each project site.*
2. *Lighting should be contained within the site and ~~designed to limit spillover and minimize the amount of light that is directed to the sky~~ meet the exterior lighting standards in §420-15.3.*
3. *Light poles shall not exceed 24 25 feet in height.*

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #4 – Amend Specialty Food Shop definition to allows ovens/convection ovens

ISSUE:

Specialty food shops such as coffee, candy, or ice cream shops are currently allowed by-right in three zoning districts (R-LC, C-1, & C-2) with limitations. One of those limitations is that while “cooking” is not allowed, the application of heat by microwave is permitted (see item #2 in the Specialty Food Shop definition). Staff asks whether the definition could be expanded to also allow the application of heat by an oven and by a convection oven? The issue is one of impact, and specifically whether the use of an oven or the use of a convection oven creates an impact at a level that is or is not appropriate for use in a Specialty Food Shop.

The technology utilized in microwaves is certainly distinct from that utilized in ovens and convections ovens, but all three in staff’s opinion, can be considered to have much less impact on surrounding uses when compared to ranges, flattop grills, and deep fryers for example. The distinction in methods of cooking is also complicated by the types of cooking appliances that are available for sale. Convection microwave ovens for instance are a combo appliance with at least two modes – the first is a standard mode that uses microwaves to heat or cook food, and the second uses a heating element and a fan to evenly distribute heat throughout the appliance.

Items to consider:

In addition to a microwave oven, should an oven and/or a convection oven be allowed in a specialty food shop?

EXISTING LANGUAGE:

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks &Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
Use Types								
Commercial								
<i>Restaurant, drive-in</i>								<i>B</i>
<i>Restaurant, general</i>							<i>B</i>	<i>B</i>
<i>Restaurant, mobile</i>						<i>B</i>	<i>B</i>	<i>B</i>
<i>Restaurant, small</i>						<i>C</i>	<i>B</i>	<i>B</i>
<u><i>Specialty Food Shop</i></u>						<u><i>B</i></u>	<u><i>B</i></u>	<u><i>B</i></u>

§420-20.1 Definitions.

SPECIALTY FOOD SHOP

The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service and the food preparation is such that:

1. All odors must be contained within the establishment and specialized equipment may be required to contain the odors;
2. It does not involve “cooking” but the application of heat, by microwave or the boiling of water for beverages, shall not be considered “cooking” for purposes of this definition; and
3. No open flame heat source is used.

PLANNING COMMISSION RECOMMENDATION (2.22.2024)

Amend the Use Matrix to make the Specialty Food Shop use conditional in the R-LC zoning district, and strike lines #2 and #3 from the amended definition of *Specialty Food Shop*.

§420-20.1 Definitions.

SPECIALTY FOOD SHOP

The use of land, such as a coffee, candy, or ice cream shop, where the primary client consumption is off-site with limited seating and the product is limited to one type or line of food service and the food preparation is such that all odors must be contained within the establishment and specialized equipment may be required to contain the odors.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
Use Types								
Commercial								
Restaurant, drive-in								B
Restaurant, general							B	B
Restaurant, mobile						B	B	B
Restaurant, small						C	B	B
Specialty Food Shop						C B	B	B

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #5 – Reiterate that outdoor storage is not allowed for home occupations

ISSUE:

The previous Zoning Ordinance specifically prohibited outdoor storage for home occupations but the 2017 update modified the home occupation use and design standards in such a way that it is less obvious that home occupations are not permitted to have the outdoor storage of materials in association with a home occupation permit. Adding a clear prohibition back into the home occupation use and design standards will help staff with code enforcement.

Items to consider:

Should the use and design standards for Home Occupations be amended to clearly state that outdoor storage is not permitted?

PREVIOUS LANGUAGE:

§420-19. Home occupations.

A home occupation shall be subject to the following restrictions:

- G. The business shall not use more than 25% of the total floor area of the residence and accessory structures. There shall be no outdoor storage.*

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Amend the home occupation use and design standards to clearly state outdoor storage is not permitted for home occupations.

§420-11.3. Commercial Uses.

12. Home Occupations.

All home occupations shall be subject to the following general standards:

- A. No signs shall be permitted.*
- B. The area devoted to home occupation(s) shall not exceed 25 percent of the gross floor area of the dwelling unit.*
- C. There shall be no outdoor storage of home occupation related items.*
- ~~D.~~ Use shall be conducted as an accessory use and shall not change the character of the dwelling unit nor have any exterior evidence of its use.*
- ~~E.~~ No merchandise shall be sold on the premises.*
- ~~F.~~ The type and volume of traffic generated by a home occupation shall be consistent with the traffic generation characteristics of other dwellings in the area.*
- ~~G.~~ The home occupation shall not increase the demand on water, sewer, or garbage collection services to the extent that its use combined with the residential use of the dwelling shall not be significantly higher than is normal for residential uses.*
- ~~H.~~ The equipment used by the home-based business and the operation of the business shall not create any noise, vibration, heat, glare, dust, odor or smoke discernible at the property lines or use or store hazardous materials in excess of quantities permitted in residential structures.*

- H.* The operator of a home occupation use shall secure a City business license, and obtain a home occupation use permit.
- H.* Approval of a home occupation use shall be revocable at any time by the City because of the failure of the owner or operator of the use covered by the approval to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions imposed in connection with the approval.
- K.* Approval of a home occupation use shall stand revoked, without any action by the City, if the use authorized has been intentionally abandoned, has ceased for a period of one year, has not commenced within one year of approval, or does not have a current business license.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #6 – Amend sign tables for C-1 and C-2 district signs to include ...

ISSUE:

The sign standards for the C-1 and C-2 zoning districts include tables displaying the sign types allowed in each of those two zoning districts along with the dimensions permitted for each sign type. What is often overlooked is the short paragraph above the tables that describes how the total amount of signage is calculated for each business frontage, and the overall square footage allowed to be displayed for each business frontage. Staff believes it helpful to add the calculation and overall limit in the table itself to make these provisions more obvious to property owners and sign makers.

Items to consider:

Should the calculation for overall signage, and the overall square footage allowed to be displayed be copied to the C-1 and C-2 sign tables?

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Copy the overall sign calculation and the maximum amount that can be displayed from the first paragraph of the C-1 and the C-2 zoning district sign standards and add that language to the respective sign tables as follows:

§420-13.5. Sign Standards: C-1 Zoning District

Any business located within a C-1 zoning district shall be limited to displaying no greater than 1 square foot of signage per foot of business frontage, and in no case shall any business display greater than 30 square feet of signage per building street frontage. Individual signs shall be limited in their size and placement according to the following regulations:

Maximum Sign Dimensions: C-1 Zoning District			
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)
Window	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per business	9 s.f. per side for buildings < 30 ft frontage; 15 per side for buildings > 30 ft frontage	8
Projecting	1 per business per street frontage	9 s.f. per side for buildings < 30 ft frontage; 15 per side for buildings > 30 ft frontage	No less than 8 and 15 ft. max. above grade level
Wall	1 per business per street frontage	15 s.f.	15 ft. max. above grade level
Canopy	Permitted	Letters not more than 6 inches high.	No less than 9
Internally Illuminated	Not permitted except one neon window sign not more than 3 Sq. Ft. ¹	n/a	n/a
A-Frame	1 per 30 feet of frontage	6 per side	4 feet
Painted	1 on side or rear wall	Shall not exceed 10% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only) ²	Not limited	8	4
<u>Total sign calculation</u>	<u>Any business in C-1 shall be limited to displaying no greater than 1 sq. ft. of signage per foot of business frontage</u>		
<u>Maximum sign allowance</u>	<u>In no case shall any business display greater than 30 sq. ft. of signage per building street frontage</u>		

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on March 28, 2024

¹Such signs shall not flash and shall be “on” only during posted hours of business.

²Temporary signs shall not count toward sign allotment for each business.

§420-13.6. Sign Standards: C-2 Zoning District

Any business located within a C-2 zoning district shall be limited to displaying no greater than 2 square feet of signage per foot of business frontage, and in no case shall any business display greater than 100 square feet of signage per building street frontage. Individual signs shall be limited in their size and placement according to the following regulations:

Maximum Sign Dimensions: C-2 Zoning District			
Sign Type	Number	Area (Sq. Ft.)	Height (Ft.)
Window	Not limited	Lesser of 20% of window area or 6 Sq. Ft.	Not limited
Freestanding	1 per street frontage, limit 2 per lot	25	15
Projecting	1 per business per street frontage	12	No less than 9
Wall	1 per business per street frontage	1 s.f. for each lineal foot of bldg. frontage; with 32 s.f. min. and 100 s.f. max. allowed	15 ft. max. above grade level
Canopy	Permitted	Letters not more than 12 inches high.	No less than 9
Internally Illuminated	Permitted	n/a	n/a
A-Frame	1 per 30 feet of frontage	6 per side	4 feet
Painted	1 on side or rear wall	Shall not exceed 15% of that wall area	As per other standards
Temporary (freestanding, banner, or wall only) ¹	Not limited	8	4
<u>Total sign calculation</u>	<u>Any business in C-2 shall be limited to displaying no greater than 2 sq. ft. of signage per foot of business frontage</u>		
<u>Maximum sign allowance</u>	<u>In no case shall any business display greater than 100 sq. ft. of signage per building street frontage</u>		

¹Temporary signs shall not count toward sign allotment for each business.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #7 – Amend definition of Industry, Light

ISSUE:

The Use Matrix (see §420-3) includes the “Industrial, light” use that is permitted by-right in the C-2 zoning district, but the definitions section (see §420-20) does not provide a definition for “Industrial, light.” Instead, the definition section provides a definition for “Industry, light.” In order to minimize potential conflicts related to the interpretation of the Zoning Ordinance, the use listed in the Use Matrix should align with the defined use.

Items to consider:

Should the Zoning Ordinance be amended to address the inconsistency between the *Industrial, light* use included in the Use Matrix and the *Industry, light* use included in the definitions section?

EXISTING LANGUAGE:

Article III. Use Matrix

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

§420-20.1 Definitions.

INDUSTRY, LIGHT

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Amend the “Industry, Light” definition in Article XX of the Zoning Ordinance to “Industrial, light” in order to match the “Industrial, light” use that is listed in the Use Matrix.

§420-20.1 Definitions.

~~INDUSTRY~~IAL, LIGHT

Enterprises engaged in the processing, manufacturing, compounding, assembly, packaging, treatment or fabrication of materials and products, from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of the manufacturing process, such as smoke, noise, soot, dirt, vibration, odor, etc. Use may include, but are not limited to, a machine shop, the manufacturing of apparel, electrical appliances, electronic equipment, camera and photographic equipment, ceramic products, cosmetics and toiletries, business machines, paper products (but not the manufacture of paper from pulpwood), musical instruments, medical appliances, tools or hardware, plastic products (but not the processing of raw materials), pharmaceuticals or optical goods, bicycles, any other product of a similar nature.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #8 – Amend Bed & Breakfast requirement to live on the property

ISSUE:

The Bed-and-Breakfast use and design standards (see §420-11.3.2.O) require bed-and-breakfast establishments to be occupied by the owner. There are instances in Lexington where owners of a B&B live in an adjacent residence and not within the B&B nor on the same parcel as the B&B. The question is whether the B&B use and design standards should be expanded to allow owners of a B&B establishment to either live in the B&B, or to alternatively live on an immediately adjacent property. It is presumed that the requirement to live in the B&B is for the owner to provide direct oversight and control over the operations of their B&B in order to limit impacts from the operation of an income generating use within a neighborhood, and a similar level of control can likely be maintained if the owners live on an immediately adjacent property.

Items to consider:

Should the B&B use and design standards be expanded to allow owners of a B&B establishment to live on an immediately adjacent property?

EXISTING LANGUAGE:

§420-11.3. Commercial Uses.

2. Bed-and-breakfast.

Bed-and-breakfasts shall be subject to the following minimum standards:

- A. The operator shall hold a valid business license from the City and, where applicable, a permit from the Department of Health.*
- B. A registration book must be maintained for one year and be made available for review by the City upon request.*
- C. Every room occupied for sleeping purposes shall comply with Uniform Statewide Building Code.*
- D. Signage must comply with Article XIII of this chapter.*
- E. No changes shall be made to the building exterior that would detract from its appearance as a family dwelling.*
- F. Off-street parking shall be provided in compliance with Article XII of this chapter. The physical and aesthetic impact of required off-street parking shall not be detrimental to the existing character of the house and lot or to the surrounding neighborhood.*
- G. Bed-and-breakfasts shall only be permitted in existing structures and may not increase the size of the structure, including accessory structures, by more than 25% of the original square footage. Any additions or modifications shall be residential in appearance and compatible with the original structure and surrounding structures and the overall footprint of the structure, and parking shall not be excessive for the size and shape of the lot.*
- H. Landscaping, buffers and/or fences shall be in compliance with Article XIV of this chapter.*
- I. Bed-and-breakfasts are to be integrated into the residential fabric of the neighborhood in which they are located. A proposed bed-and-breakfast should not affect the integrity or character of the single-family residential neighborhood for which it is proposed.*

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on March 28, 2024

- J. *Off-street parking shall be screened from surrounding family residences by landscaping or fencing which is compatible with the neighborhood.*
- K. *Existing structures and landscaping determined to contribute to the character of the neighborhood shall not be removed.*
- L. *Guest rooms shall not have cooking facilities.*
- M. *The maximum stay for a guest shall be 14 days.*
- N. *Bed-and-breakfast establishments are permitted solely to provide lodging and breakfast accommodations. Additional activities, including receptions, parties and other events, are not permitted unless specifically authorized by the conditional use permit. Authorization for additional activities will be based on the suitability of the house and property for hosting such events. Specific consideration will be given to the floor plan of the house, the proximity of the house to neighboring houses, the size of the lot, provisions to buffer the effects of such activities from adjacent property and the ability to provide parking for such events.*
- O. *Bed-and-breakfast establishments must be occupied by the owner.*
- P. *In R-1, B&B's may only be located along Main, Washington, and Nelson Streets by CUP.*
- Q. *In R-2, B&B's may only be located along South Main Street by CUP.*

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Amend the requirement for a B&B owner to occupy the B&B to also allow the owner to occupy an immediately adjacent property.

PLANNING COMMISSION RECOMMENDATION (2.22.2024)

Strike the word "also" from the amended language.

§420-11.3. Commercial Uses.

2. Bed-and-breakfast.

Bed-and-breakfasts shall be subject to the following minimum standards:

- O. ~~*Bed-and-breakfast establishments must be occupied by*~~ *Whenever there are guests on the property, the owner of a bed-and-breakfast establishment must reside on the property, or alternatively, the owner(s) may live on an immediately adjacent parcel with at least 50 feet of adjacency to the parcel containing the bed-and-breakfast.*

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #9 – Allow Townhouses along a private drive

ISSUE:

The townhouse use and design standards require any townhouse to front on, or be accessed by, a public street. One of the design proposals for the then City owned parcel along Spotswood Drive included townhouses that were not fronting a public street, and one of the constraints with locating all townhouses on a public street is that the minimum right of way widths for a public street are excessive. This excessive width requirement is an inefficient use of space and private drives are sufficient as evidenced by the Weatherburn development.

Townhouses are a by-right use in the R-M, R-LC, and C-1 zoning districts, and are a conditional use in the C-2 zoning district.

Items to consider:

Should townhouses be allowed along private streets as well as along public streets?

EXISTING LANGUAGE:

§420-20.1 Definitions.

DWELLING, TOWNHOUSE

A grouping of three or more attached single-family dwellings in a row in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common walls.

§420-11.1. Residential Uses.

5. Townhouse.

- A. *No more than eight townhouses shall be constructed contiguously.*
- B. *The facades of individual townhouses within any contiguous row of townhouses shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.*
- C. *Any townhouse shall front on, or be accessed by, a public street.*
- D. *Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.*

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Delete the requirement that any townhouse shall front on, or be accessed by, a public street to increase the possibility of this housing type to be allowed in Lexington. Townhouses are not exempt from site plan requirements and any issues with the development of townhouses on a private drive should be able to be addressed adequately during the site plan review process.

§420-11.1. Residential Uses.

5. Townhouse.

- A. *No more than eight townhouses shall be constructed contiguously.*

B. The facades of individual townhouses within any contiguous row of townhouses shall be sufficiently varied in their materials, design, or appearance as to visually distinguish them as individual dwelling units.

~~*C.—Any townhouse shall front on, or be accessed by, a public street.*~~

~~*D. Any provided open space shall be owned and maintained by the developer, until such time as it is turned over to the ownership and maintenance of an approved homeowners' association.*~~

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #10 – Clarify where remote parking may be located

ISSUE:

Article XII of the Zoning Ordinance provides off-street parking and loading requirements, and subsection 3 thereof specifies where the required parking may be located. Parking spaces are required to be located on the same lot as the principal use, but there is an exception for uses in non-residential districts that allows a portion of the required off-street parking to be located in a remote parking lot (within 500 feet from the principal use) through a conditional use permit. One issue that is not immediately clear is whether the remote parking lot can be located in a residential district, and it would be helpful to state that the remote parking lot utilized to satisfy the parking requirement for commercial uses must be located on parcels in the C-1 or C-2 zoning districts.

Items to consider:

Should the remote parking required for a use in a district other than residential only be allowed in a commercial zoning district?

EXISTING LANGUAGE:

Article XII. Off-Street Parking and Loading Requirements

§420-12.3. Location in relation to use.

C. The parking spaces required shall be located on the same lot as is the principal use; provided, however, that upon the recommendation of the Planning Commission and made part of a conditional use permit by the City Council, a portion of required off-street parking for uses in districts other than residential may be located in a remote parking lot which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Amend §420-12.3.C to clarify that a conditional use permit allowing off-site parking in a remote parking lot can only occur on parcels located in the C-1 or C-2 zoning districts.

§420-12.3. Location in relation to use.

C. The parking spaces required shall be located on the same lot as is the principal use; provided, however, that upon the recommendation of the Planning Commission and made part of a conditional use permit by the City Council, a portion of required off-street parking for uses in districts other than residential may be located in a remote parking lot zoned C-1 or C-2 which is within 500 feet measured along lines of public access from the principal use. A remote parking lot to satisfy this requirement shall be owned by the owner of the principal structure or, in the alternative, shall be restricted by a recorded agreement to off-street parking purposes during the lifetime of the principal structure or as long as off-street parking is required for such principal structure in accordance with the terms of this article.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #11 – Amend the definition for a Story, Half

ISSUE:

We realized during the ADU discussion that our definition of a half story is less than clear. First, a three foot knee wall is relatively low, and second, the second half of the definition is difficult if not impossible to understand.

Items to consider:

Should the definition of half story be amended?

EXISTING LANGUAGE:

§420-20.1 Definitions.

STORY, HALF

A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area and the ceiling next above it.

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Increase the knee wall height from three feet to five feet in the definition of a half story, and delete the remaining portion of the definition because its meaning is unclear.

§420-20.1 Definitions.

STORY, HALF

A space under a sloping roof, which has the line of intersection of roof decking and wall face not more than three five feet above the top floor level, ~~and in which space not more than two-thirds of the floor area and the ceiling next above it.~~

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #12 – Add chickens to the Use Matrix

ISSUE:

The Use Matrix should include all of the uses defined in the Zoning Ordinance and include all of the uses that have use and design standards. Several years ago the City developed use and design standards for the keeping of chickens (see §420-11.1.1), but that use was not added to the Use Matrix. It would be helpful to add the keeping of chickens use to the Use Matrix.

Items to consider:

Should the keeping of chickens use be added to the Use Matrix?

EXISTING LANGUAGE:

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential-Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
Use Types								
Residential								
Accessory apartment			B	B	B	B	B	
Dish Antennas (not meeting §420-11.1.1)			C	C	C	C		

PLANNING COMMISSION RECOMMENDATION (1.25.2024):

Add the keeping of chickens use to the Use Matrix.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential-Light Commercial	C-1, Central Business District	C-2, General Commercial District
<i>B = By-right uses, C = Conditional uses</i>								
Use Types								
Residential								
Accessory apartment			B	B	B	B	B	
<u>Chickens¹</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>
Dish Antennas (not meeting §420-11.1.1)			C	C	C	C		

¹the keeping of chickens is an accessory use to a single-family, two-family, or multifamily dwelling and permitted if requirements of 420-11.1.2 are met

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #13 – Clarify only one booking to occur with short term rentals

ISSUE:

The limitation of short term rentals to only one booking per night is not as clear as it could be. There have been instances of proprietors attempting to book rooms separately and that allowance was not explicitly approved during the development of the use and design standards for short term rentals.

Items to consider:

Should the limitation of only one booking per nightly rental be added for short term rentals?

EXISTING LANGUAGE:

§420-20.1 Definitions.

SHORT TERM RESIDENTIAL RENTAL

A residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments.

§420-11.3.22 Short Term Residential Rental

A. Definitions. As used in this article, unless the context requires a different meaning:

Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations.

Guest or transient means a person who occupies a short term rental unit.

Short term rental means a residential dwelling unit that is used or advertised for rent for transient occupancy in increments of fewer than 30 consecutive days. This use type does not include bed-and-breakfast establishments and does not apply to month to month extensions following completion of a year's lease.

Primary resident (or Host) means the owner of the short term rental unit, or lessee of the short term rental unit with a lease agreement that is one year or greater in length, who occupies the property as his or her principal place of residence and domicile. In determining compliance with these regulations, the host has the burden of demonstrating that the dwelling unit is his or her primary residence.

Residential dwelling unit means a residence where one (1) or more persons maintain a household.

Type A rentals means rentals where the host is present during the short term rental and no more than two (2) bedrooms of the short term rental unit are rented.

Type B rentals means all other rentals, including ones where more than two (2) bedrooms of the short term rental unit are rented or the host is not present during the short term rental.

(note: not all of the use and design standards for short term rentals were included here and they can be found in §420-11.3.22 Short term Residential Rental of the Lexington Zoning Ordinance)

PLANNING COMMISSION RECOMMENDATION (2.8.2024):

Amend the definition of *booking transaction* to clearly limit a short term rental to only one booking transaction per nightly rental.

§420-11.3.22 Short Term Residential Rental

A. *Definitions. As used in this article, unless the context requires a different meaning:*

Booking transaction means any transaction in which there is a charge to a transient by a host for the occupancy of any dwelling, sleeping, or lodging accommodations, and only one booking transaction is permitted per property, per nightly rental of a short term rental operation.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:**PLANNING COMMISSION RECOMMENDATION:**

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #14 – Clarify maximum fence height regulations

ISSUE:

Section 420-4.2 of the Zoning Ordinance regulates areas and yards and includes a maximum height of seven feet for fences, walls, and hedges in subsection C.1. All the while, the landscaping regulations in §420-14.8.F allow fences and walls in any residential zoning district to exceed seven feet in height with the approval of a conditional use permit, and the landscaping regulations in §420-14.8.G allow fences and walls in any commercial zoning district to exceed eight feet in height with the approval of a conditional use permit. It should be noted that the landscaping requirements found in Article XIV. Landscaping are only implemented where a landscape buffer is required. That Article establishes standards for site buffering and landscape screening, among others, and landscape buffers are only applied where a commercially zoned development abuts a residential zoning district, or where multi-family residential development abuts any property zoned R-1 or R-2. As written, additional height via a conditional use permit would only be allowed when a landscape buffer is required.

The landscaping standards found in Article XIV were added in the 2017 Zoning Ordinance update while the area and yard standard existed in the previous edition. This may be the cause for the discrepancy between the eight feet allowed in commercial districts in §420-14.8.G and the maximum of seven feet allowed in §420-4.2.C.1.

At a minimum, we should consider an amendment to address the eight feet allowed in commercial districts in §420-14.8.G despite the maximum of seven feet that is allowed in §420-4.2.C.1.

Items to consider:

Should the discrepancy between the seven foot maximum fence and wall height for yards and areas found in §420-4.2.C.1 and the 8 foot allowed in commercial districts found in §420-14.8.G be addressed?

EXISTING LANGUAGE:

§420-4.2. Areas and yards.

C. All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:

- 1. Fences, Walls, Hedges: Fences, walls, hedges, may be permitted in any required yard, provided that no fence, wall or hedge along any yard shall be over seven feet in height. The aforesaid provision notwithstanding, no fence, hedge, wall or barricade of any kind shall be constructed on or between abutting properties in commercial districts, both of which are utilized for off-street customer parking and/or traffic flow, unless it is determined by the Zoning Administrator that such fence, hedge, wall or barricade will promote the general welfare of the public and decrease traffic hazards in the general vicinity.*

§Article XIV. Landscaping.

§420-14.8. Walls and Fences.

Fences and walls may be used within landscaped areas to provide buffering, privacy, separation, security, or for aesthetic reasons, but may not create an unsightly or unsafe condition on or off of the public or private property on which the fence or wall is proposed.

F. *A fence or wall in any residential zoning district shall not exceed 7 feet in height above the existing grade without approval of a conditional use permit.*

G. *A fence or wall in any commercial zoning district shall not exceed 8 feet in height above the existing grade without approval of a conditional use permit.*

PLANNING COMMISSION RECOMMENDATION (2.8.2024):

Amend the Zoning Ordinance to address the eight feet allowed in commercial districts in §420-14.8.G despite a maximum of seven feet that is allowed in §420-4.2.C.1. To address this inconsistency, amend the *Areas and yards* section (i.e. §420-4.2.C.1.) to allow fences up to eight feet in height in commercial zoning districts.

§420-4.2. Areas and yards.

C. *All yards and courts required by this chapter shall be open and unobstructed to the sky with the following authorized encroachments:*

1. *Fences, Walls, ~~Hedges~~: Fences, **and** walls, ~~hedges~~, may be permitted in any required yard, provided that no fence, **or** wall ~~or hedge~~ along any yard shall be over seven feet in height **in residential zoning districts or eight feet in height in commercial zoning districts.** The aforesaid provision notwithstanding, no fence, hedge, wall or barricade of any kind shall be constructed on or between abutting properties in commercial districts, both of which are utilized for off-street customer parking and/or traffic flow, unless it is determined by the Zoning Administrator that such fence, hedge, wall or barricade will promote the general welfare of the public and decrease traffic hazards in the general vicinity.*

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #15 – Amend Gasoline Station definition to allow electric vehicle charging stations

ISSUE:

The Zoning Ordinance does not currently address the use of, or the placement of electric vehicle charging equipment, and this was made apparent with the recent addition of a Tesla fast charging station at the Sheetz store. In that instance the Tesla fast charging station was considered an accessory use to the Gasoline station use because the number of fast charging stations was considerably fewer in number than the number of gasoline pumps. While we may not be prepared at this time to fully consider electric vehicle charging equipment and placement citywide, we can at least add a definition of an electric vehicle charging station to the definitions section of the Zoning Ordinance and add the electric vehicle charging station as an accessory use to the Gasoline Station use.

If desired, we can also address the addition of electric vehicle charging equipment as a permitted use in the parking standards section of the Zoning Ordinance. This supplement will make existing and future charging equipment permitted.

Gasoline Stations are currently listed in the Use Matrix as a conditional use in the C-1 zoning district and as a by-right use in the C-2 zoning district.

Items to consider:

Should a definition for electric vehicle charging stations be added to the Zoning Ordinance?

Should electric vehicle charging be specifically added to the definition of a gasoline station?

Should the design standards for off-street parking be amended to allow electric vehicle charging stations?

EXISTING LANGUAGE:

§420-20.1 Definitions.

GASOLINE STATION

Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.

§420-11.3. Commercial Uses.

11. Gasoline station.

Gasoline stations shall be subject to the following general standards:

- A. Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.*
- B. Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulating while minimizing the impact on the surrounding neighborhood.*
- C. Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure.*
- D. Dumpsters shall be located so as to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.*
- E. The Zoning Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.*

PLANNING COMMISSION RECOMMENDATION (2.22.2024):

Amend the gasoline station definition to include other fuel sources and change the name of the use to be more inclusive. Add a definition for electric vehicle charging station. Amend the Use Matrix and Article XI. Use and Design Standards to replace the Gasoline Station use with the Vehicle Fueling Station use and reorder remaining uses accordingly.

§420-20.1 Definitions.

~~GASOLINE~~ **VEHICLE FUELING STATION**

~~Any place of business with fuel pumps and underground storage tanks which provides fuels and oil for motor vehicles. A store associated with automobile fuel sales shall be considered a gasoline station.~~
An establishment engaged in the retail sale of motor vehicle fuel that is stored and/or dispensed on-site, such as gasoline, diesel fuel, natural gas, hydrogen, and electricity. Accessory uses may include a convenience retail store, and light vehicle repair and maintenance.

ELECTRIC VEHICLE CHARGING STATION

An off-street or on-street parking space that has equipment installed for the purpose of charging the battery or other energy storage device of an electric vehicle or a plug-in hybrid electric vehicle.

Article III. Use Matrix

Zoning District	FP, Floodplain Overlay	P-OS, Parks and Open Space District	R-1, Residential General	R-2, Suburban Residential	R-M, Residential Multifamily	R-LC, Residential- Light Commercial	C-1, Central Business District	C-2, General Commercial District
B = By-right uses, C = Conditional uses								
Use Types								
Commercial								
Gasoline Station							C	B
<u>Vehicle Fueling Station</u>								

§420-11.3. Commercial Uses.

~~11.25. Gasoline~~ **Vehicle fueling** station.

~~Gasoline~~ **Vehicle fueling** stations shall be subject to the following general standards:

- A. Applicants shall demonstrate that the use will be compatible with the neighborhood with regards to traffic circulation, parking, and appearance and size of structures.
- B. Entrances to the site shall be minimized and located in a manner promoting safe and efficient traffic circulating while minimizing the impact on the surrounding neighborhood.
- C. Any canopy over the fuel pumps shall have the same roof shape and exterior materials as the primary structure.
- D. Dumpsters shall be located so as to minimize view from off-site areas and shall be fully screened by a wall constructed of the same material and color as the principal structure.

- E. *The Zoning Administrator may require a traffic analysis to be provided by the applicant. Such analysis may include, but not be limited to, the proposed traffic flows, sight visibility for emerging vehicles, and other public safety factors.*

Add language to the parking requirements section of the Zoning Ordinance to specifically allow electric vehicle charging equipment.

Article XII. Off-Street Parking and Loading Requirements

§420-12.6. Design standards.

- J. Electric vehicle charging stations. Any off-street parking space that meets the minimum requirements of this article may also include a charging station for electric vehicles. Such stations may be reserved for electric vehicles and may also count toward minimum off-street parking requirements.*

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #16 – Revise sign regulations for electric vehicle charging stations

ISSUE:

We learned from the installation of the eight Tesla charging stations at the Sheetz location that each charging station/port requires signage and we do not currently allow that amount/type of signage. In preparation for other electric vehicle charging stations, we can amend the sign regulations to accommodate this use.

The sign regulations in the Zoning Ordinance do not specifically provide an allowance for signage on fuel pumps, and it may be equitable to allow a limited amount of signage for fuel pumps and for electric vehicle charging stations. This can be accomplished by exempting a certain amount of signage on fuel pumps and electric vehicle chargers from the sign regulations. Currently the sign chapter exempts a limited number of signs, such as traffic signs and real estate signs, from the requirement to obtain a sign permit, and staff recommends that signs attached to fuel pumps and to electric vehicle chargers be added to the exempted list with limitations.

Items to consider:

Should additional signs be allowed for fuel pumps and for electric vehicle charging stations?

EXISTING LANGUAGE:

There is no existing sign regulation specifically for fuel pumps.

PLANNING COMMISSION RECOMMENDATION (2.8.2024):

Amend the sign regulations to allow some signage to be displayed on each electric vehicle charger and on each fuel pump.

Article XIII. Signs

§420-13.3. Exemptions.

Sign permits shall not be required for the following signs; however, all applicable regulations of this chapter shall apply.

I. Fuel pumps and electric vehicle charging stations with not more than 2 square feet of signage per pump or charger.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote: