

LEXINGTON PLANNING COMMISSION

April 25, 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 April 11, 2024*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. ZO 2024-02: Annual Zoning Ordinance Amendments. Batch B – Mobile Restaurants.
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion & Decision
 - B. ZO 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.
 - 1) Staff Report
 - 2) Public Comment
 - 3) Commission Discussion
- 6. OTHER BUSINESS**
 - A. Zoning and Planning Report
 - B. Key Annual PC Milestones:
 - 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. Entrance Corridor Design Standards work session
 - c. Mini warehouse use and design standards
 - 2) Comp Plan Review: Ongoing
 - 3) Major Project Update
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, April 11, 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
Mary Stuart Harlow
Gladys Hopkins
Shannon Spencer, Vice-Chair
Leslie Straughan, Council Liaison (left at 5:30 p.m. to attend City Council work session)

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER

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

AGENDA

The agenda was unanimously approved as presented. (S. Spencer / M. S. Harlow)

MINUTES

The March 28, 2024 minutes were unanimously approved as presented. (L. Straughan / S. Spencer)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. Request to defer 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 (Tax Map #23-1-94) and owned by Rockbridge Partners, LLC to be used as an assembly hall (i.e. *Public Assembly*) and private school (i.e. *Educational Facility, College/University*).

- 1) Staff Report – A. Glaeser reported the applicant was now requesting to defer this matter until the second meeting in May. Since the last meeting, research into deed restrictions for the property, some of which have recently expired, has somewhat complicated the applicant's calculus as to how to plan for the property's future. Because there is also an effort underway by Main Street Lexington to update the courtyard space around the building, the applicant would like additional time to consider how to move forward with the CUP request.
- 2) Applicant Statement - None
- 3) Public Comment – None

- 4) Commission Discussion & Decision – **L. Straughan moved to defer CUP 2024-02 to the Commission’s May 23, 2024 meeting. S. Spencer seconded and the motion passed unanimously. (7-0)**

B. ZOA 2024-02: Annual Zoning Ordinance Amendments. Batch B – Mobile Restaurants.

- 1) Staff Report – A. Glaeser reminded the Commission that during a prior discussion about possibly amending the zoning ordinance to explicitly allow concessions and mobile restaurants in some of Lexington’s parks, it had determined an amendment for concessions was not necessary, but an amendment to allow mobile restaurants should be considered. He noted the amendments to the use and design standards for mobile restaurants and to the use matrix offered in the staff report were meant to address the concerns and comments voiced during that previous discussion. He suggested mobile restaurants could be added as a by-right use in the P-OS zoning district with a note identifying the specific parks in which the use would be acceptable and qualifying that a written agreement with the City would be required. He pointed to the agreement the City entered into with the kayak rental company that operated out of Jordan’s Point Park in the summer of 2023 as an example. He noted the contract was approved by City Council. Responding to questions concerning various hypothetical situations, he clarified this amendment was meant to address mobile restaurant operations in public parks, outside of permitted special events. He confirmed that such an arrangement would be a source of revenue for the City. He asked that the Commission decide whether the amendment, as proposed, was acceptable to be advertised for a public hearing, or whether more work was needed.
- 2) Public Comment - None
- 3) Commission Discussion & Decision – There was discussion of whether to allow mobile restaurant operations in any parks other than Brewbaker and Jordan’s Point, such as Richardson Park. Ultimately the Commission was uncomfortable including other parks due to the fact that they could not accommodate the use within the actual park and would require the mobile restaurant to operate on an adjacent residential street. There was also agreement that Hopkins Green, being surrounded by commercially zoned properties, would be governed by the existing use and design standards. J. Eastwood recommended the addition of a strategic “and” to the staff proposed use matrix footnote for heightened clarity. M. S. Harlow recommended adding language to design standard I clarifying that the mobile restaurant operator is responsible for proper trash disposal. There was general agreement that the proposed amendment could be advertised with those suggested changes.

OTHER BUSINESS

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

- The Board of Zoning Appeals will meet in May to consider a variance application that was recently submitted.
- An RFP was advertised for the housing assessment windshield survey.

B. Key Annual PC Milestones – A. Glaeser said the Commission would receive an introduction to Cottage Housing at the next meeting.

CITY COUNCIL REPORT -

Due to the fact that Council member Straughan left the meeting early to attend a City Council joint work session, there was no City Council report.

ADJOURN

The meeting was adjourned at 5:39 p.m. with unanimous approval. (J. Driscoll / S. Spencer)

P. Bradley, Chair, Planning Commission



LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS – “BATCH B”

ITEM #1 – Mobile Restaurants in City parks

ISSUE:

Mobile restaurants (i.e. food trucks, trailers, and carts) are not allowed to operate in the Parks and Open Space (P-OS) zoning district unless they are operating in conjunction with a permitted special event. The City adopted a number of use and design standards for mobile restaurants and there is a specific exemption to those requirements when a mobile restaurant is operating in conjunction with a special event. Special events however do not occur frequently and we have received a limited number of requests for mobile restaurants to operate in City owned parks without a special event. Staff therefore asked if the mobile restaurant use should be expanded to allow food trucks, trailers, and carts to operate in City owned parks as an additional amenity for park users.

Items to consider:

Should mobile restaurants be allowed to operate in City owned parks and not just in conjunction with a special event?

Should mobile restaurants be limited to only certain City owned parks?

EXISTING LANGUAGE:

Article III. Use Matrix

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

§420-11.3. Commercial Uses.

18. Restaurant, mobile.

The following additional requirements apply to sales from a mobile restaurant operating on private property or within public spaces or rights of way, except when operating in conjunction with temporary, special events permitted under applicable sections of the City Code:

- A. Mobile restaurants must obtain a City Mobile Restaurant permit, and must be inspected and approved by the City at least three business days prior to initial operation *and again prior to annual business license renewal*.
- B. Mobile restaurants must maintain a valid business license issued by the City of Lexington and a valid health permit issued by the Virginia Department of Health.
- C. A mobile restaurant may operate on either public property or private commercially zoned property with written permission from the owner.
- D. No items shall be sold other than food and beverages.
- E. No music shall be played that is audible outside of the vehicle.
- F. Mobile restaurant vehicles must park in locations or areas as approved in the City Mobile Restaurant permit, and shall not block i) the main entry drive isles or impact pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.
- G. A mobile restaurant may operate for a maximum of six hours between 9am and 9pm Sunday to Thursday and between 9am to 11pm Friday and Saturday (including set-up and break-down) in any one day at any single location. The vehicle and all accessory structures shall be removed each day.
- H. No signs may be displayed except 1) those permanently affixed to the vehicle and 2) one, a framed sign not to exceed 4 feet in height and 6 square feet of display for each of the two sides and the sign cannot block any passageways.
- I. Trash receptacles shall be provided and all trash, refuse, or recyclables generated by the use shall be properly disposed of.
- J. No liquid wastes shall be discharged from the mobile restaurant.
- K. No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided.
- L. No mobile restaurant shall locate within 100 feet of a single family or two-family residential use.
- M. Vehicles may be otherwise limited by the City depending on the location or other details of the Mobile Restaurant permit application.
- N. A mobile restaurant may operate at any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request.
- O. The operation of the mobile restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site or move to another property.

- P. The requirements of this section shall not apply to Mobile Restaurant Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
- Q. A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

§420-20.1. Definitions.

RESTAURANT, MOBILE

A readily movable wheeled cart, trailer, or vehicle designed and equipped for the preparing, serving, and/or selling of food and operated at temporary locations. This definition shall include food trucks, food trailers, and food carts and shall not apply to ice cream trucks.

PLANNING COMMISSION RECOMMENDATION (4.11.2024):

Amend the Use Matrix and the use and design standards to allow mobile restaurants as a by-right use in the P-OS zoning district with a written agreement, and limiting their operation to Jordan’s Point Park and Brewbaker Field Sports Complex. A written agreement is necessary because any commercial operator must obtain permission from the City as the owner of the park. Other City owned parks were not included because they were considered too small or too close to residences. The Planning Commission also preferred to start with the two largest park and determine at a future date if mobile restaurants could possibly be allowed in smaller parks based on experience gained from the mobile restaurants operating in the two larger parks.

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>R-2, Suburban Residential</i>	<i>R-M, Residential Multifamily</i>	<i>R-LC, Residential- Light Commercial</i>	<i>C-1, Central Business District</i>	<i>C-2, General Commercial District</i>
<i>B = By-right uses, C = Conditional uses</i>								
Use Types								
Commercial								
<i>Restaurant, mobile</i>		<u><i>B⁵</i></u>				<i>B</i>	<i>B</i>	<i>B</i>

⁵ Mobile Restaurants only allowed in Jordan’s Point Park or Brewbaker Field Sports Complex, and with a written agreement with the City of Lexington

§420-11.3. Commercial Uses.

18. Restaurant, mobile.

The following additional requirements apply to sales from a mobile restaurant operating on private property or within public spaces or rights of way, except when operating in conjunction with temporary, special events permitted under applicable sections of the City Code:

- C. A mobile restaurant may operate:
 - 1. on ~~either~~ public, commercially zoned property, ~~or~~
 - 2. private, commercially zoned property with written permission from the owner, or
 - 3. in Jordan's Point Park or Brewbaker Field Sports Complex with a written agreement with the City of Lexington.

- I. Trash receptacles shall be provided and all trash, refuse, or recyclables generated by the use shall be properly disposed of off-site by the Mobile Restaurant operator.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

Cottage Housing

Planning Commission Briefing

April 25, 2024

Presentation Outline

- Background and context
- Examples of cottage housing
- Policy questions
- Next steps

Comprehensive Plan direction 1

L.U. 5.4 - Explore the creation of a new Planned Unit Development zoning district focused on unique and flexible mixed residential development.

Comprehensive Plan direction 2

H.O. 1.2 – Review regulations allowing accessory dwelling units in separate structures in appropriate residential areas

Comprehensive Plan direction 3

H.O. 5.3 - Explore modifying the City's zoning regulations to facilitate the creation of a variety of safe, affordable, and innovative housing options, including the establishment of small lot, attached units, and other housing types that achieve higher densities and a diversity of housing options.

Missing Middle Housing

Missing Middle is a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for walkable urban living.

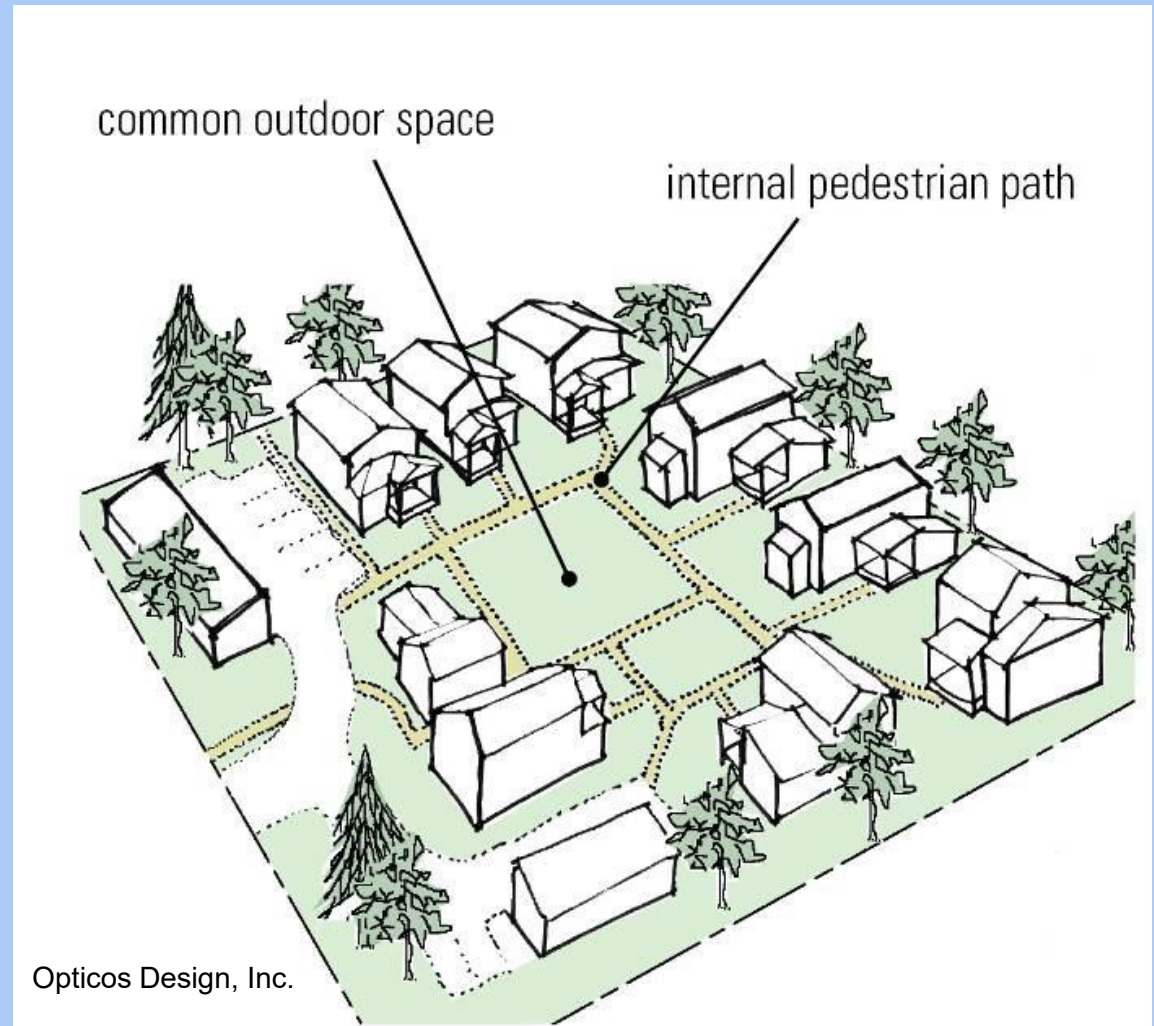


MissingMiddleHousing.com is powered by Opticos Design.
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What is Cottage Housing?

A grouping of small, single family dwelling units clustered around a common area.



Characteristics

Increased density

Smaller units

Shared common area

Shared ownership

Corral the car

Connected internal paths

Porches facing the commons

Layer spaces from public to private



Project: [Conover Commons](#)
Architect: Ross Chapin Architects
Developer: The Cottage Company



GREENWOOD

City of Shoreline

Average Unit Size 961 square feet

Detached garages

The Cottage Company



Photo Courtesy of The Cottage Company



DANIELSON GROVE

City of Kirkland

Unit size 1500-1700 ft²

Detached garages

The Cottage Company





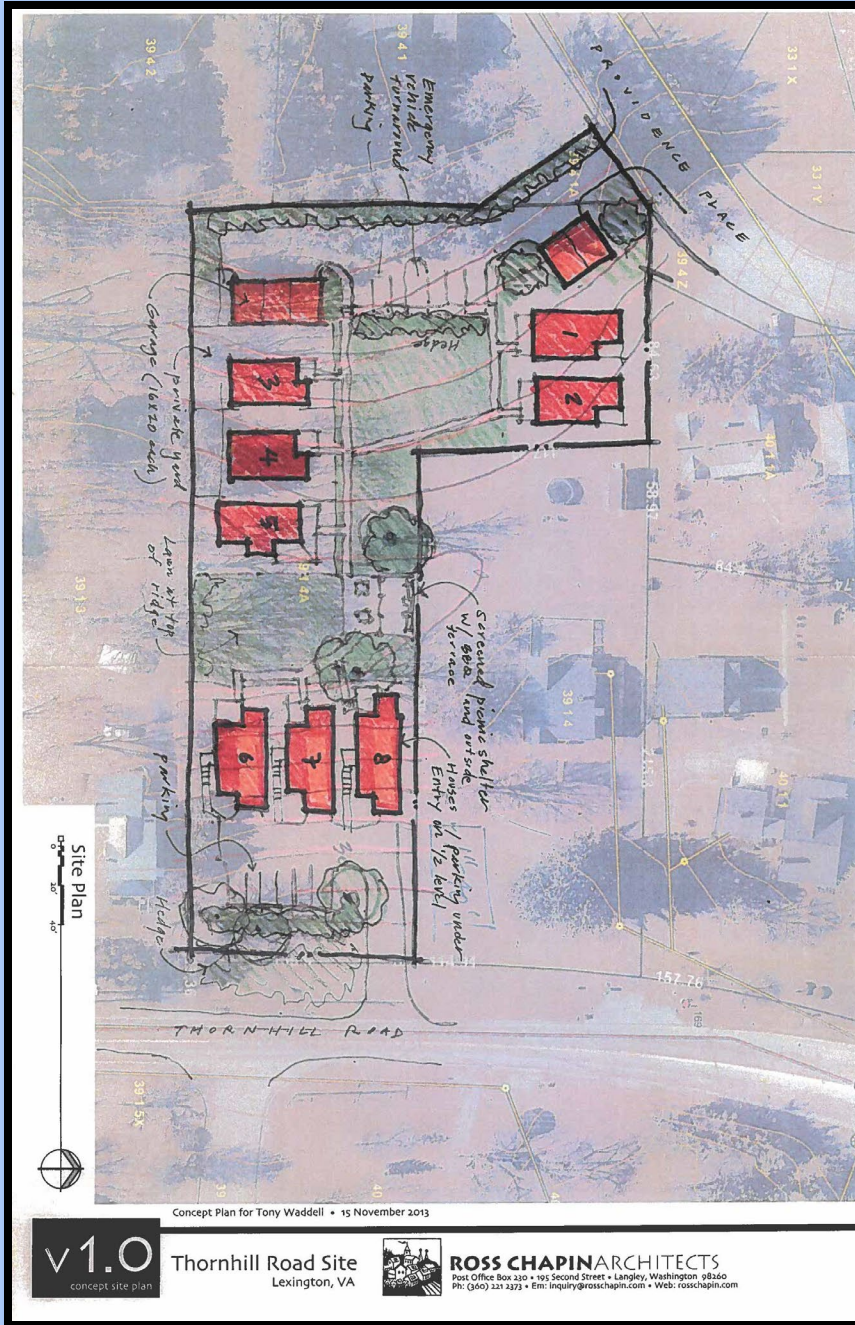
MADRONA COTTAGES

City of Shoreline
Average Unit Size 990 ft²
Detached garage



Local Example





Concept Plan for Tony Waddell • 15 November 2013



Thornhill Road Site
Lexington, VA



ROSS CHAPIN ARCHITECTS
Post Office Box 320 • 105 Second Street • Langley, Washington 98260
PH: (360) 321-2171 • EMail: inquiry@rosschapin.com • Web: rosschapin.com

Benefits

Increase housing supply

Increase housing variety

Increase housing affordability

Increased sense of community

Policy Questions

- What should the maximum size of the dwelling unit be?
- Parking: How much? Where located? Attached? Detached? Carports? Surface lot?
- To what degree should the cottage design be regulated?
- How should cottage housing projects fit with other single family development?

Next steps