

LEXINGTON PLANNING COMMISSION

December 9, 2021 - 5:00 P.M
Community Meeting Room, Lexington City Hall
300 East Washington Street, Lexington, VA 24450

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
 Minutes from November 11, 2021*
 Minutes from November 17, 2021 Joint Educational Session*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. CUP 2021-01: An application by Thierry Lemercier for a modification of the existing Bed and Breakfast Inn conditional use permit for the Abigail Inn located at 408 S. Main Street, Tax Map # 29-1-2.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. Comprehensive Plan Review *
 - 1) Continued discussion of Comp Plan review
 - 2) Public Comment
 - C. ZOA 2021-04: Annual Zoning Ordinance Amendments. Planned Unit Development (PUD).
 - 1) Continued discussion of PUD text amendment*
 - 2) Public Comment
 - D. Joint educational session with Threshold Housing Commission held Nov. 17, 2021 – follow up comments
 - 1) P.C. comments
 - 2) Public Comment
- 6. OTHER BUSINESS**
 - A. Zoning and Planning Report – If applicable
 - B. Catalyst Project Updates – If applicable
 - 1) Bike/Ped Plan: Ongoing
 - 2) Increase Sidewalk Connectivity: Ongoing

- 3) Accessory Dwelling Unit Ordinance: Starting soon
- 4) Jordan's Point Park Plan Implementation
- 5) Reprogram Traffic Signals Downtown: Complete
- 6) Assess Stormwater Fees: Tabled until next year

C. Key Annual PC Milestones: Ongoing. Remaining items:

- 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Small Cell
 - b. Planned Unit Development
 - c. Accessory Dwelling Unit
 - d. Cottage Housing
 - e. What else, if any?
- 2) Comp Plan Review: Ongoing

7. CITY COUNCIL REPORT

8. ADJOURN

*iindicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, November 11, 2021 – 5:00 p.m.
Community Meeting Room – City Hall
300 East Washington Street**

Planning Commission:

Presiding: Jamie Goodin, Chair
Present: Pat Bradley
Nicholas Betts
John Driscoll – left the meeting at 6:27 pm
Blake Shester, Vice-Chair
Leslie Straughan, Council Liaison
Matt Tuchler

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER

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

AGENDA

The agenda was unanimously approved as presented. (N. Betts / M. Tuchler)

MINUTES

Minutes from the October 28, 2021 meeting were unanimously approved as amended by N. Betts. (B. Shester / J. Driscoll)

- Commission Discussion – J. Driscoll offered that he discussed the timing and procedure for an Institutional District Master Plan review with A. Glaeser after the last meeting and wanted the Commission to be aware that it has the option to defer a decision to a later meeting to give Commissioners and the public adequate time to consider the application.

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. SP 2021-05: Application by Jason White for a site plan review for the Lylburn Downing Middle School property at 300 Diamond Street, Tax Map #17-1-135.

- 1) Staff Report – This is an application for the addition of new outdoor learning spaces at Lylburn Downing Middle School. The proposal includes the addition of a permanent 20 foot by 40 foot shade structure in the area between the school and the basketball court and 6 picnic tables. The shade structure would be neutral in color and the tables would be black and placed on a concrete pad. The proposal meets setback requirements and staff recommends approval. A. Glaeser explained the site plan approval is necessary for the shade structure only – the applicant included the tables to make the Commission aware of their addition. He confirmed that the criteria included in the Staff Report for the Commission's consideration are the same used for every site plan.

- 2) Applicant Statement – Jason White, Director of Operations for Lexington City Schools, stated the cloth cover for the shade structure would be removed during snow season as it does not meet snow load requirements. The structure surpasses wind load requirements. He indicated that removal and replacement of the cloth covering does not appear to be difficult and would be taken care of by the Public Works Department. A. Glaeser added that building permit applications have been submitted and reviewed by the Building Official. Mr. White said that depending on the results of a quote from a second manufacturer, the structure will either consist of one 20' x 40' tent or two 20' x 20' tents with a support pole in the middle. He confirmed that the concrete pad under the tented structure would be level and that there would be one ADA accessible table at each site.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – A. Glaeser confirmed a notice of this public hearing was posted at the site and adjacent property owners were notified by mail. He reported there has been no feedback or inquiries from the public. B. Shester applauded the schools for taking the initiative to provide students with more outdoor learning spaces, especially given current conditions. **L. Straughan moved to approve the site plan for the Lylburn Downing Middle School property located at 302 Diamond Street, Tax Map #17-1-135. P. Bradley seconded and the motion passed unanimously. (7-0)**

B. SP2021-06: Application by Jason White for a site plan review for the Waddell Elementary School property at 100 Pendleton Place, Tax Map #22-1-2.

- 1) Staff Report – This is an application for the addition of new outdoor learning spaces at Harrington Waddell Elementary School. The proposal includes the addition of a permanent 20 foot by 40 foot shade structure in the area above the basketball court and 12 picnic tables. The shade structure would be green to match the playground equipment and pavilion roof. The tables would be blue, placed on concrete pads and grouped in four pods of three. Staff has not received any inquiries or response from the public. The proposal meets yard setback requirements and staff recommends its approval. A. Glaeser confirmed that all of the picnic tables would be placed on concrete pads.
- 2) Applicant Statement – Jason White clarified the location of the ADA accessible picnic table. He further explained that none of the tables would be located under the shade structure. M. Tuchler inquired if the shade structure would be ADA accessible. Mr. White was unsure about the new structure's accessibility but said there are existing outdoor learning spaces which are ADA accessible. He suggested teachers and school staff could easily coordinate the use of outdoor spaces appropriate to their students' needs. M. Tuchler asked if the shade structure should be required to be ADA accessible. A. Glaeser suggested fashioning an approval which would allow for future modifications to the site as necessary for ADA compliance. In response to a question from Commissioner Shester, Mr. White stated the area under the shade structure would remain grass covered and student seating would be directly on the ground.

- 3) Public Comment – None
- 4) Commission Discussion & Decision – J. Goodin said he was uncomfortable adding a requirement that the shade structure be ADA accessible as he believes the Commission is not knowledgeable enough about accessibility requirements to know if it is necessary. N. Betts suggested that the Commission delay its decision until it is provided clarification. B. Shester noted the proposed new structure would be in addition to several existing outdoor learning spaces which are ADA accessible. He reiterated the applicant’s statement that school staff would be able to insure that a student requiring accommodations have access to an appropriate outdoor space, and he suggested the new structure would provide additional flexibility to that end. A. Glaeser again suggested that the Commission could approve the site plan with a provision allowing for modifications should they be necessary for ADA compliance. He assured the Commission that ADA compliance will be addressed during the building permit process. **L. Straughan moved to approve Site Plan for the Waddell Elementary property at 100 Pendleton Place, Tax Map #22-1-2, with the provision that no further approval is needed to meet ADA compliance. B. Shester seconded and the motion passed unanimously. (7-0)**

C. Comprehensive Plan Review

- 1) Continued discussion of Comp Plan review – A. Glaeser reminded the Commission that there are only two more meetings before the annual report is to be submitted to Council. He noted that work on the 6 Catalyst Projects would continue through June and work on the zoning text amendments would continue through next year. He suggested the Commission determine what it would like to focus on during the second half of the 2022 calendar year. J. Driscoll reported what he had learned about annual review processes in Blacksburg and Harrisonburg and suggested the Commission choose themes from the Comp Plan to prioritize future zoning amendments. He suggested the report be a simple document which lists the Commission’s goals and accomplishments for 2021 and goals for 2022. J. Goodin suggested the Commission tackle the Comp Plan review at its December meeting. J. Driscoll offered to conduct a 45 minute educational session on Small Area Plans at the December meeting. L. Straughan suggested keeping the latter half of 2022 somewhat open to allow for progress made on the Bike/Ped Plan and developments stemming from the affordable housing and small area plan educational sessions. J. Driscoll said the Commission could opt to choose those three issues as the themes for next year. L. Straughan said she finds the implementation strategies table to be a useful tool in reviewing the Comp Plan. A. Glaeser added that he hopes to provide the Commission with a list of new CIP projects to review at the next meeting. Chair Goodin summarized by saying the Commission will have a focused discussion at its December meeting to prioritize items on the implementation matrix and determine the strategies to focus on in the second half of 2022. Also during the December meeting, J. Driscoll will conduct a small area plan educational session provided there is enough time. A. Glaeser urged

Commissioners to let staff know if there is anything that can be provided to assist them in the review process.

- 2) Public Comment – None

D. ZOA 2021-04: Annual Zoning Ordinance Amendments. Planned Unit Development

- 1) Continued discussion of PUD text amendment – A. Glaeser said he hoped to review the structure of the Blacksburg Ordinance and answer any questions Commissioners may have in order to determine if this is an acceptable approach or if staff should provide language from other municipalities. He reminded the Commission that during the last discussion there had been agreement to look at a planned mixed use development in the City’s opportunity areas. He said he was providing the Blacksburg model because it has a lot of specific mixed use language, and he pointed out the language he believes to be appropriate to Lexington. J. Goodin suggested the adopted language should include the intent to facilitate developments which are bike friendly as well as pedestrian friendly. A. Glaeser clarified that the intent of a PUD is not to rezone an entire district to mixed use, but to act as a tool in the redevelopment of a parcel within an opportunity area/district. The PUD would provide greater flexibility than allowed by the underlying district’s standards. He said these developments would likely be denser, with fewer parking spaces and suggested the Commission consider allowing vertically mixed use in which both commercial and residential uses could be integrated within the same building. He further clarified that the Commission could limit the areas in which PUDs would be allowed and suggested lot size requirements, and permitted and conditional uses could be fine-tuned during later discussions. He asked if the Commission was interested in adopting a traditional mixed use zoning district with a set of standards or a mixed use planned district which would allow for greater flexibility. L. Straughan expressed interest in adopting language with fewer restrictions to encourage innovation in mixed use areas. J. Driscoll said he believed the language should provide some guidance as to what sort of development would be acceptable to the City. J. Goodin suggested an approach that includes very little guidance may give City Council too much power. P. Bradley agreed and pointed out that some initial guidance would have been beneficial for developers working on proposals for the Spotswood property. He suggested the language could provide flexibility but should make clear that proposals will be judged by how well they align with Comp Plan goals such as walkability, bikeability, mixed use structures, etc. J. Driscoll approved of language in the Blacksburg ordinance showing sensitivity to adjacent properties. A. Glaeser said he would provide at least one other example of model language for mixed use development for the Commission to review at its next meeting.
- 2) Public Comment – None

OTHER BUSINESS

A. Zoning Report – A. Glaeser reported the following:

- A. Glaeser attended a flood plain training with the Department of Conservation and Recreation.
- Following up on questions raised at the last meeting: 1)The proposed changes to the Use Matrix for small cell and wireless facilities does work with the footnote as presented in the staff report. 2) Data from activity apps is proprietary and cannot be accessed to inform the Bike/Ped plan.
- A. Glaeser had a discussion with Olivia Raines, the CSPDC’s new housing program manager. She is holding a housing roundtable discussion on December 9th for which Threshold and Planning Commission were provided registration information. Ms. Raines has also been invited to the housing joint session scheduled for November 17th.
- Staff attended/conducted a lengthy inspection of an assisted care facility for which the City will require an engineering report.
- The W&L Engineering students have had difficulty designing a dock structure at Jordan’s Point and are changing their capstone project. They are now focusing on the overlook area and will design some combination of three projects mentioned in the Jordan’s Point Master Plan – an ADA pathway below the overlook and overtop of the old dam, a seating area and a series of ledges to access the river.
- A. Glaeser will meet with the consultants for the Bike-Ped Plan next Monday. Stakeholder meetings are on-going and the survey will be available as long as those meetings are being held.
- A developer is interested in cottage housing on a particular property and may request that the Commission reprioritize the zoning amendments to move cottage housing up the list. There was some discussion about how such a request would be handled procedurally.

B. Catalyst Projects Update – Bike/Ped Plan previously discussed

C. Key Annual PC Milestones – No comment

CITY COUNCIL REPORT

L. Straughan reported that City Council discussed the budget at its last meeting and had a presentation on how the City ended the fiscal year. She reported a surplus of approximately \$1.5 million. The proposal is to use \$800,000 for equipment replacement – primarily a new fire truck, \$500,000 towards the Capital Improvement Plan, and for \$200,000 to stay undesignated in the general operating budget. She said the surplus was in part the result of CARES funds, but that revenues had also been better than projected.

ADJOURN

The meeting was adjourned at 6:41 pm with unanimous approval. (N. Betts / P. Bradley)

J. Goodin, Chair, Planning Commission

NOTES

**THRESHOLD HOUSING COMMISSION & LEXINGTON PLANNING COMMISSION
JOINT HOUSING EDUCATIONAL SESSION
Wednesday, November 17, 2021 – 5:30 P.M.
Distance Meeting held through ZOOM
300 East Washington Street, Lexington, VA**

Threshold:

Fred Kirchner, Chair
Christyl Vozzo, Vice-Chair
Marylin Alexander, Council Liaison
Nadine Craney

Planning Commission:

Jamie Goodin, Chair
Blake Shester, Vice-Chair
Nick Betts
Pat Bradley
John Driscoll
Leslie Straughan, Council Liaison
Matt Tuchler

City Staff:

Arne Glaeser, Planning Director
Jim Halasz, City Manager
Kate Beard, Administrative Assistant

Guest Speakers:

Charles Famuliner
Bob Adams

Additional Attendees:

Olivia Raines
Tom Roberts
Bruce Sigler
Lee Merrill
Lynne Johnson
Emma Coleman

1. Summary of Comprehensive Plan Housing Chapter

Planning Director Arne Glaeser opened the session by thanking the expert panelists, Charles Famuliner and Bob Adams, for sharing their housing knowledge with the community and Council Member Marylin Alexander and Planning Commissioner John Driscoll for their efforts organizing this event. He stated this would be an informal training session and not a formal meeting for either the Threshold Commission or Planning Commission. He then shared the needs assessment from the Housing Chapter of the Comprehensive Plan and introduced the expert panelists, Charles Famuliner and Bob Adams.

2. Expert Panel Comments

- Charles Famuliner explained he had worked as a mortgage banker and developer prior to his tenure with HUD. He stressed the importance of a market study to determine the target income range of the people you are hoping to house. He said tax credits for housing use the area median income (AMI) as a baseline for determining need and typically support housing for people at 80% AMI. He explained the AMI can be skewed in areas which have an abundance of residents with incomes well above those of the blue collar workers of the same community and to reach the lower income levels almost always requires local, state or federal government involvement through rental assistance or Section 8 subsidy. He suggested Lexington could benefit from a market study that provides information on the different income levels.

J. Goodin asked about Opportunity Zones.

- Bob Adams responded that he believed the hype surrounding opportunity zones had thus far run ahead of their utility. He suggested the City begin working with Virginia Community Capital, a state-wide nonprofit CDFI (Community Development Financial Institution) with a fairly robust opportunity initiative. He also stated that opportunity zones were not designed to address affordable housing. He emphasized that the price of housing has been increasing for decades at a faster rate than incomes, so the gap between what is affordable and what is available in the housing market has been growing. He encouraged creating or making use of existing relationships with the two state housing agencies, the Department of Housing and Community Development (DHCD) and Virginia Housing (previously Virginia Housing Development Authority). He suggested inviting a DHCD housing program administrator to discuss the Community Development Block Grant program, the State Housing Trust Fund, and historic tax credits to encourage 2nd story downtown housing. He said Virginia Housing is one of the premiere state housing finance agencies in the country and provides lending for both multifamily development and single family mortgages. Virginia Housing also administers the SPARK program which targets low to moderate income home buyers, the Low Income Housing Tax Credit Program, and grant making to establish collaborative relationships with local governments. Virginia Housing recently awarded the local Planning Development Commission \$2 million for shovel ready affordable housing projects. He suggested the City do a good inventory of available resources, not just of City assets but also of other resources available in the community and develop partnerships to prioritize goals, establish time frames and assign some responsibilities. Lastly, Mr. Adams stated the action on affordable housing in Virginia is at the local level. He said the resources exist but actions are often blocked by land use and land availability which are local zoning issues. He encouraged the City to explore how it can make its regulatory system be supportive of the strategies in the Comprehensive Plan.

3. Facilitated Discussion

M. Alexander thanked the expert panelists for sharing their expertise. She provided an overview of the Threshold Housing Commission and addressed some of the obstacles to affordable housing. C. Vozzo explained the USDA Rural Economic Development Initiative (REDI) Grant study had prioritized the area-wide need for work force housing and emphasized the utility of a local housing assessment. She encouraged addressing the housing issue not just in Lexington, but area-wide with the cooperation of Rockbridge County and Buena Vista.

There was discussion of the status of a draft RFP and funding commitments for a housing study to include the three local jurisdictions.

Olivia Raines, Central Shenandoah PDC Housing Program Manager, confirmed the PDC received \$2 million from Virginia Housing to start a housing program. She is working on developing an RFP to go out in early 2022 to produce at least 20 affordable units by 2024. The PDC is positioned to provide gap funding to developers including municipalities.

L. Straughan suggested all three localities request feedback from developers about zoning restrictions that are preventing the development of affordable housing. Mr. Famuliner suggested a group in the Charlottesville area, comprised of members from Charlottesville and each of its neighboring counties and using housing plans developed by all of the jurisdictions, might serve as a collaborative model for the three local jurisdictions.

J. Goodin suggested information sessions on historic tax credits and opportunity zones might be useful for encouraging local investors and offered to contribute some time to organizing such sessions. Mr. Adams encouraged this idea and offered Floyd, Virginia as an example of a place where a local investment group facilitated downtown development. He also encouraged having a discussion with the Norfolk Planning Department about an experimental zoning district they have instituted.

There were questions and discussion about what types of housing to focus on and how to proceed. Mr. Adams advocated beginning discussions with the state agencies immediately rather than waiting for a housing study to be completed.

Buena Vista Director of Community and Economic Development Tom Roberts said Buena Vista also faces housing challenges and expressed excitement about working toward addressing housing issues on a regional level. A number of other attendees agreed a collaborative approach would be ideal. Ms. Raines offered that the regional model referred to by Mr. Famuliner is the Central Virginia Regional Housing Partnership, administered by the Thomas Jefferson PDC.

4. Conclusions and Recommendations

J. Goodin asked who would be responsible for delegating next steps. M. Alexander responded that the Threshold Commission would discuss and determine next steps. Lee Merrill suggested Threshold have an informal meeting with the Rockbridge Housing Authority and the appropriate Buena Vista agency to discuss available resources. A. Glaeser suggested inviting representatives from those agencies to Threshold's next meeting. He also suggested staff could reach out to the Department of Historic Resources to see if there is someone available to speak about historic tax credits. L. Straughan noted that Main Street Lexington is also working on having similar seminars and could potentially partner on those sessions.

M. Alexander asked if there were tax credits available for rehab projects. Mr. Famuliner suggested asking that question of Virginia Housing or the Rockbridge Housing Authority.

Mr. Roberts suggested a community land trust as a model worth considering. Mr. Famuliner added community land trusts work for both existing houses and new builds. A. Glaeser asked if he knew of any existing cross-jurisdictional community land trusts. Mr. Famuliner said he felt certain of their existence - he would look into it and report back. Commissioner Tuchler said he is supportive of a model that would allow participants to build equity. M. Alexander said she was aware of local individuals who might be interested in this type of model and that she would reach out to them.

J. Driscoll suggested the Planning Commission consider addressing relevant land use and zoning issues and including this topic in the annual review as an area of focus for next year.

There was additional discussion about providing education to destigmatize subsidized housing. Mr. Famuliner pointed out that homes purchased with a VA loan, an FHA loan, a USDA loan or help from parents with a down payment are all subsidized.

Project Name	Bed & Breakfast conditional use permit
Property Location	408 S. Main Street, Tax Map #: 29-1-2
Zoning	R-1 (General Residential District), Residential Historic District
Owner / Applicant	Lexington LC (dba Abigail Inn) / Thierry Lemercier
Applicant's Intent	Modify the existing B&B Inn conditional use permit

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval with conditions

OVERVIEW OF REQUEST AND BACKGROUND

Mr. Lemercier operates a six room bed and breakfast inn on the subject parcel and requests permission to add one more bedroom to those able to be rented. A conditional use permit was approved by City Council on October 15, 2020 for a 6 room Bed and Breakfast Inn with the following conditions:

1. The number of people attending social functions shall not exceed the number authorized by the Fire Code.
2. The conditional use permit shall be revoked if three convictions accrue in one year for violations of City Ordinances regulating noise, health or sanitation.
3. Off-street parking sufficient to meet the needs of those attending social functions will be provided.
4. Social functions are allowed and a log of all social functions held on the premises will be maintained.
5. The facility will be operated in conformance to all other applicable City Codes and regulations.
6. The facility is limited to a maximum of 6 rooms to be rented and the dwelling unit must be occupied by the owner.

By Ordinance 2021-05, approved on July 1, 2021, City Council increased the number of allowable bedroom accommodations for bed and breakfast inns to eight. The subject property contains an additional bedroom which the applicant would like to make available for rent while retaining a unit for the manager to occupy on-site as is require for all bed and breakfast inns.

Location map



View from South Main Street



View from Houston Street



View towards adjacent parcel (6 Houston Street)



APPLICABLE ZONING ORDINANCE SECTIONS

§ 420-20.1 Definitions.

BED-AND-BREAKFAST -- A dwelling unit occupied by the owner that provides up to eight bedroom accommodations. Buildings being used as a bed-and-breakfast at the time of adoption of this chapter having more than five bedrooms and/or occupied by a resident manager rather than the owner may continue to operate with the same or a lesser number of bedrooms and/or may continue to be occupied by a resident manager rather than by the owner of the building.

§ 420-11.3.2 provides the following use and design standards for a bed and breakfast inn.

2. Bed-and-breakfast inns 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.
 - J. Off-street parking shall be screened from surrounding family residences by landscaping or fencing which is compatible with the neighborhood.

Applicant provided a letter dated November 22, 2021 showing a commitment to plant additional evergreen trees along a portion of the property line shared with 6 Houston Street that is adjacent to the off-street parking area for the Abigail Inn. The adjacent property owners, Leslie Giles and Dan Pezzoni, approved the additional planting by signing the commitment letter and the letter is included with the application materials.

- 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.

GROUNDS FOR ISSUANCE OF CONDITIONAL USE PERMIT

Staff Comment: The following findings are the criteria by which the Planning Commission and City Council determine the suitability of a proposed use subject to a Conditional Use Permit.

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

C. Conditions of Issuance

- (1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
 - (a) The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.

- (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.
 - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
 - (d) Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.
- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

Staff Comment: In consideration of the four (4) criteria contained in Section 420-1.11, C.1. Staff finds that:

- (a) The proposed bed and breakfast inn will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use.***
- (b) The proposed bed and breakfast inn will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.***
- (c) The proposed bed and breakfast inn would not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.***
- (d) Adequate public services are available to support the proposed bed and breakfast inn.***

A bed and breakfast inn has been in operation on the subject parcel since at least 1989 and staff is not aware of any complaints against the operation of a bed and breakfast inn at 408 S. Main Street.

PLANNING COMMISSION RECOMMENDATION

Pending

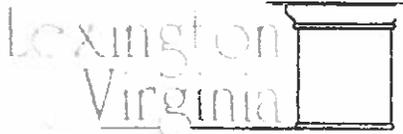
STAFF RECOMMENDATION

Based on the aforementioned findings and opinions, staff recommends the proposed Conditional Use Permit be **APPROVED** with the following conditions.

1. The number of people attending social functions shall not exceed the number authorized by the Fire Code.
2. The conditional use permit shall be revoked if three convictions accrue in one year for violations of City Ordinances regulating noise, health or sanitation.
3. Off-street parking sufficient to meet the needs of those attending social functions will be provided.
4. Social functions are allowed and a log of all social functions held on the premises will be maintained.
5. The facility will be operated in conformance to all other applicable City Codes and regulations.
6. The facility is limited to a maximum of 6 7 rooms to be rented and the dwelling unit must be occupied by the owner.

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2021-01 with the six (6) staff recommended conditions.



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

www.lexingtonva.gov

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

Name: Micayla Lemerica Phone: 808 631 2675
Company: Lexington LC Fax: _____
Address: 408 S Main St, Lexington Email: unnkeeper@abigailunn.com
Applicant's Signature: [Signature] Date: 8/2/2021

Property Owner

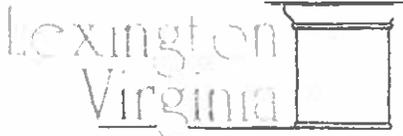
Name: same as above Phone: _____
Address: _____ Email: _____
Owner's Signature: [Signature] Date: 8/2/2021 10/3/2021

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

Address (or location description): 408 S Main St, Lexington, VA 24450
Tax Map: 29-1-2 Deed Book and Page #: _____
Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

Description of Proposal³: application for the Inn to offer 7-8 rooms for sale to the existing & currently approved

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



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

www.lexingtonva.gov

Notice to Adjacent Property Owners

The City will give notice of public hearings to be held on the application to those persons who own property, any portion of which abuts the subject property, and all property which is directly across the street from any portion of the subject property, as determined by the City's real property tax records. This notice will give the date, time and place of the hearing, identify the property which is the subject of the application and give a brief description of the proposed action. Notices will be mailed a minimum of ten (10) days prior to the date of the scheduled public hearings.

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

Application Fee: \$300 Amount Paid: _____ Case Number: CUP- 2021 - 01

Date Received: 11/9/21 Received By: Kate R

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

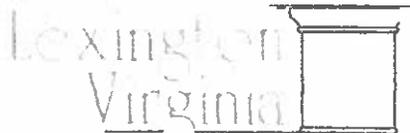
City Council

Legal Ad Dates: _____ Legal Ad Dates: _____

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

Public Hearing Date: _____ Public Hearing Date: _____

Action: _____ Action: _____



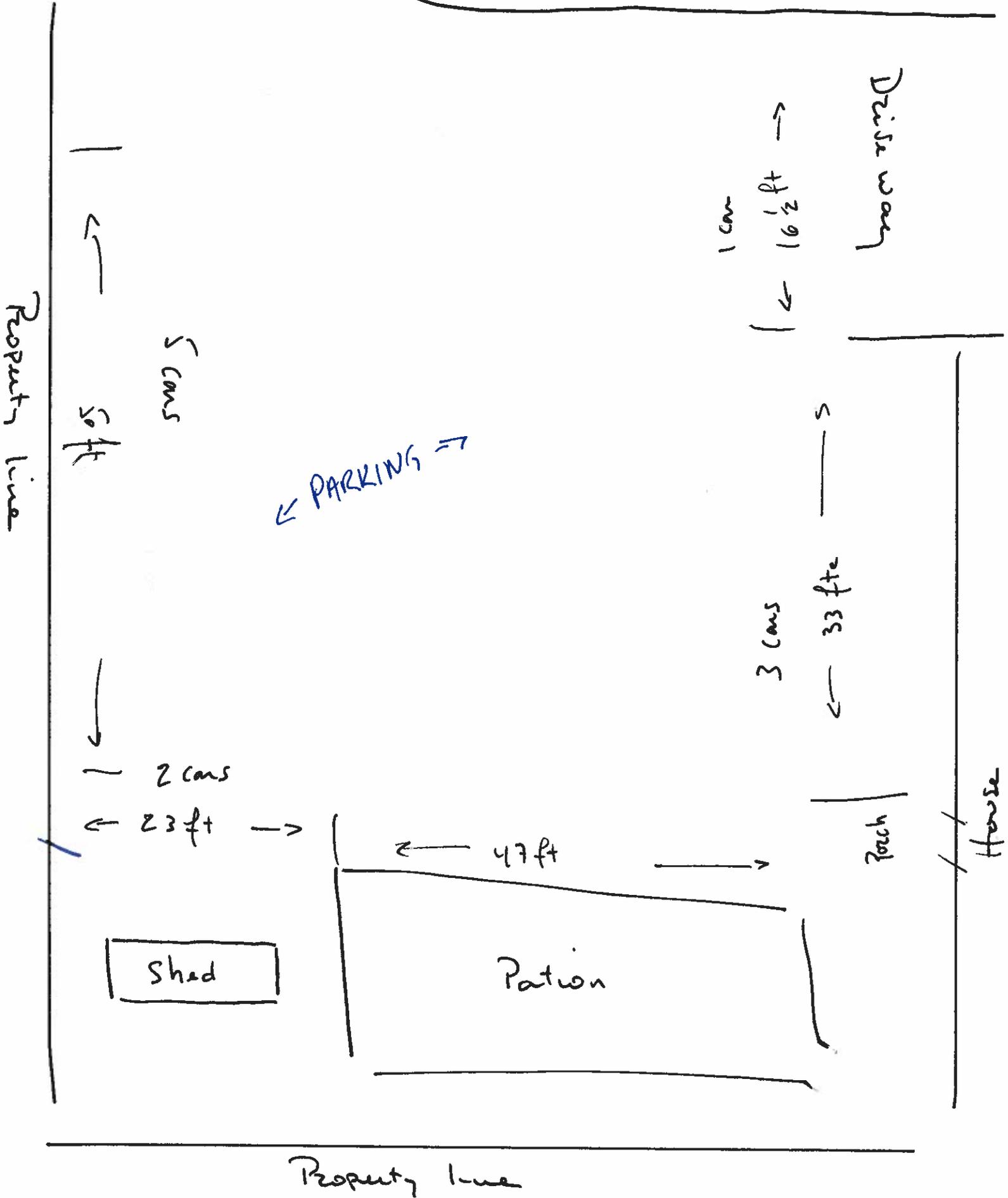
www.lexingtonva.gov

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

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.



Thierry Lemerrier
408 S Main Street
Lexington, VA 24450

Lexington, November 22nd, 2021

To: Arne Glaeser, Director of Planning

Subject: Privacy hedge between Abigail Inn and the Giles-Pezzoni property off Houston Street

Dear Sir,

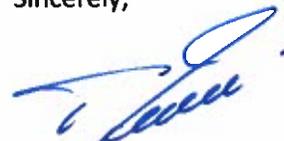
Per our most recent conversation, I wanted to share with you and the City Council that I, Thierry Lemerrier (owner of the Abigail Inn), recently spoke to our neighbors, Dan and Leslie, in regard to the planting of a privacy hedge between our two mutual properties. As of now, we have planted about 10 evergreen trees with an average height of 5 to 6 feet. These trees will mature in time, estimated to be about 5 to 6 years, and grow to be roughly 12 to 15 feet in height and 3 to 4 feet in width. This will provide ample privacy and noise reduction over time and felt it to be the best aesthetically pleasing barrier between the two properties.

We, owners of the Abigail Inn, will continue to plant the same trees in 2022, therefore, extending the privacy hedge from where it is now at the edge of the shed to an area past the electrical poll. The existing evergreen trees closest to Houston street seem to be mature and full enough to provide a decent privacy barrier between the two properties. As a result, this means we may have to cut down or trim 2 trees to provide the necessary space to plant the future evergreens. This is a long-term solution and much better than what is currently in place and has been for the last couple of years.

Dan and Leslie approve of this solution and we all understand that it will take a few years to mature.

I remain at your service should you have any questions or concerns in reference of the above matter or our request to increase the number of rooms the Inn can advertise. As a reminder, we are requesting for a 7th room to be authorized for sale.

Sincerely,



Thierry Lemerrier
Owner, Abigail Inn



Leslie Giles



Dan Pezzoni

- CODE
 APPENDIX A - Ordinance No. 1137 BLACKSBURG ZONING ORDINANCE
 ARTICLE III. - DISTRICT STANDARDS
 DIVISION 28. MIXED USE DEVELOPMENT DISTRICT

DIVISION 28. MIXED USE DEVELOPMENT DISTRICT

Sec. 3300 Purpose.

The purposes of the Mixed Use Development (MXD) District are as follows:

- (a) Providing a flexible tool for developing a mix of land uses that are consistent with the Town's Comprehensive Plan, while protecting adjacent residentially zoned property from adverse impacts.
- (b) Facilitating and promoting mixed-use developments that are transit-oriented as well as pedestrian friendly.
- (c) Promoting investment — consistent with the Comprehensive Plan and compatible with the character and quality of adjacent parcels — in locations where investment is otherwise impeded due to small lot sizes, inefficient shape of the property, the shallow depth of the property on the primary street frontage, existing underutilized development, or development that exhibits functional obsolescence.
- (d) Facilitating a diversity of housing types.
- (e) Creating vibrant public spaces through the use of pedestrian-oriented design principles and enhanced aesthetic design of buildings and structures.

(Ord. No. 1439, 4-10-07)

Sec. 3301 Permitted uses.

- (a) The following uses and structures are permitted by right, subject to all other applicable requirements contained in the Zoning Ordinance:

Residential

Multifamily Dwelling

Single-family, Attached

Townhouse

Two-family Dwelling

Home Occupation

Civic*

Administrative Services

Community Recreation

Cultural Services

Day Care Center

Home for Adults

Life Care Facility

Nursing Home

Open Space

Post Office

Public Parks and Recreational Areas

Public Recreation Assembly

Religious Assembly

Safety Services

Shelter

Utility Services, Minor

Office *

Financial Institutions (without drive-through)

General Office

Medical Office

Commercial*

Automobile Renting/Leasing

Automobile Parts/Supply

Brewpub

Clinic

Commercial Indoor Entertainment

Communication Services

Consumer Repair Services

Hotel/Motel

Neighborhood Convenience Store

Outdoor Display (pursuant to Section 3302)

Parking Facility

Personal Improvement Services

Personal Services

Restaurant, Fast Food

Restaurant, General

Restaurant, Small

Retail Sales

Specialty Shop

Studio, Fine Arts

Veterinary Hospital/Clinic

Miscellaneous

Accessory Structures

*Without external speakers only. Any use that incorporates an external speaker may be permitted only with a conditional use permit.

(b) The following uses may be allowed with a conditional use permit:

Residential

Single-family, detached

Civic

Club

Educational Facilities, Primary/Secondary

Educational Facilities, College/University

Lighting, public park and recreation area field

Public Assembly

Utility Services, Major

Office

Outpatient Substance Abuse Treatment Center

Financial Institutions (with drive-through)

Commercial

Automobile Repair

Bed & Breakfast

Business Support Services

Car Wash

Commercial Indoor Sports and Recreation

Funeral Home

Gasoline Station

Grocery Store

Pawn Shop

Restaurant, Drive-in

Retail Sales, Large Format

Miscellaneous

Broadcasting and Communication Facility

Laboratory

Research & Development

(Ord. No. 1439, 4-10-07; Ord. No. 1513, § 1, 4-14-09; Ord. No. 1777, § 1, 1-12-16)

Sec. 3302 Site development standards.

- (a) *Minimum lot size:* None.
- (b) *Minimum street frontage:* Thirty (30) feet.
- (c) No setbacks are required for structures with elevations facing inward to another use or common area within the same MXD Development. Setbacks for structures with elevations facing an abutting public road (excluding alleys) shall be as follows:
 - (1) Existing or Designated Local Street
 - a. *Front:* None
 - b. *Side:* None
 - c. *Rear:* None
 - (2) Existing or Designated Collector Street
 - a. *Front:* Ten (10) feet
 - b. *Side:* None; provided that with corner lots, a side yard facing the street shall be five (5) feet
 - c. *Rear:* None
 - (3) Existing or Designated Arterial Street
 - a. *Front:* Ten (10) feet
 - b. *Side:* None; provided that with corner lots, a side yard facing the street shall be five (5) feet
 - c. *Rear:* None
- (d) *Maximum Residential Density:* Forty-eight (48) bedrooms per acre in the MXD Development. This density shall be calculated by multiplying the total MXD Development area (encompassed by the project boundaries exclusive of any public rights-of-way existing at the time the site development plan is submitted) by the number of bedrooms permitted per acre.
- (e) *Maximum Lot Coverage:* None.
- (f) *Maximum MXD Development Coverage:* Eighty-five (85) percent of the total MXD Development area.
- (g) *Maximum Structure Height:* Sixty (60) feet; provided that when a building abuts a RR1, RR2, R-4, R-5, OTR, RM-27, RM-48 or a PR zoning district boundary, its height shall not exceed the base maximum height permitted in the abutted zoning district by more than ten (10) feet for any part of a structure within one hundred (100) feet of the abutted district. When a public right-of-way abuts a MXD Development area, one half of the width of this right-of-way shall be included in the one hundred (100) foot dimension when calculating maximum building height for the area abutting the right-of-way.
- (h) *Automobile/vehicle entrances* shall be minimized and placed in such a way as to maximize safety, maximize efficient traffic circulation, and minimize the impact on the surrounding area. A maximum of two (2) curb cuts shall be allowed per street frontage of any lot. Factors including the number of existing curb cuts in the area, the potential for increased traffic hazards and congestion, and the number of travel lanes of the street that serves the site shall be used to determine the number of curb cuts permitted.
- (i) *All utility lines (electric, telephone, cable television lines, etc.)* shall be placed underground.
- (j) *The gross residential floor area in any MXD Development* shall be no less than a minimum of ten (10) percent and no greater than a maximum of seventy-five (75) percent of gross floor area within the MXD Development.

-
- (k) *The maximum dwelling unit occupancy shall be a family, plus two (2) persons unrelated to the family; or no more than four (4) unrelated persons.*
 - (l) *If the MXD Development is to be implemented in phases, each phase shall have adequate provision for access, parking, storm water management, utilities, and other public improvements to serve that phase of development. Each phase shall be provided with temporary and/or permanent transitional features, buffers, or protective areas to prevent adverse impact on completed phases, future phases, and adjoining property. Open space areas shall be reasonably proportioned in each phase of the project. Provision of recreational area and construction of any recreation facilities shall be required to meet the residential component of each phase. Each site plan or subdivision phase shall incorporate a statistical record of requirements of the overall MXD Development, as provided in prior approved phases, and provided within the subject phase. Such statistical information shall address the following:*
 - (1) Open space;
 - (2) Parking;
 - (3) Recreation space;
 - (4) Landscaping; and
 - (5) Lot coverage

(Ord. No. 1439, 4-10-07)

Sec. 3303. Additional site development standards.

- (a) A minimum of ten (10) percent of the MXD Development gross land area shall be reserved as open space. Land devoted to extensions/connections to greenways and pocket parks or pedestrian plazas that are at least three hundred (300) sq. ft. in area shall count towards open space.
- (b) A specific recreational activity area or areas shall be developed and maintained for the residents of the MXD Development that may be part of the required open space, site facility or interior to buildings. This recreational activity area shall be a minimum of five (5) percent of the residential gross floor area in the MXD Development. Such recreational area shall be provided within one thousand (1,000) feet of the residences served. This distance shall be measured from the closest point of the building housing the residential dwelling units to the recreational activity area via the shortest, straight-line distance. The recreational area shall be developed and maintained as follows:
 - (1) The location, shape, slope, and condition of land shall be suitable for a specific recreational activity;
 - (2) The amount of land devoted to recreation shall be a function of the population to be served. Consideration shall be given to the size of the development, number and characteristics of expected residents, proximity to other available recreational facilities, topography, and natural features on the site; and
 - (3) An indoor recreational area may be used as a specific recreational activity area, but shall not be considered as part of the open space required.
- (c) Street Connectivity and Circulation. In MXD Developments, street connectivity and circulation shall be provided as follows:
 - (1) Adjacent commercial uses that generate one hundred (100) trips or more per day according to the Institute of Transportation Engineer's Trip Generation Manual shall provide a cross access drive(s) to allow circulation within the Mixed Use Development and between the Mixed Use Development and adjacent nonresidential or Mixed Use Development sites. The Administrator may modify or waive the

requirements of this subsection where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

- (2) A system of joint use driveways and cross access easements shall be established along all streets designated as "collector" or greater and the building site shall incorporate one or more of the following:
- a. Service drive connections or cross access corridors between Mixed Use Developments and adjacent sites preferably visible from the street; a design speed of ten (10) mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
 - b. Stub-outs and other design features to show that the abutting properties may be tied in to provide cross-access via a service drive; and
 - c. A unified access and circulation system plan that includes coordinated or shared parking areas is required where practicable.
- (3) To implement this subsection, applicants for a building permit or site plan shall do the following:
- a. Record an easement allowing cross access between properties served by the joint use driveways and cross access or service drive; and
 - b. Pedestrian paths and sidewalks shall be connected with all building entrances, with each other and with public rights-of-way in a manner that is direct and convenient for the pedestrian. Pedestrian and bike paths for a MXD Development shall allow for residents of surrounding residential neighborhoods to access the Development without requiring travel along a major thoroughfare.

(d) Pedestrian Amenities and Transit Facilities.

- (1) *General Pedestrian Amenities.* Each new structure and every expansion to an existing building shall provide pedestrian amenities located to serve the subject structure, as specified herein. The number of general pedestrian amenities provided shall comply with the following schedule:

Size of Structure in Gross Floor Area	Number of Amenities
<5,000 sq. ft.	1
5,000—10,000 sq. ft.	2
10,000—50,000 sq. ft.	3
>50,000 sq. ft.	4

Acceptable pedestrian amenities include the following:

- a. A public outdoor seating plaza adjacent to or visible and accessible from the street (minimum useable area of three hundred (300) square feet);
- b. Installation of street trees that exceed the minimum caliper requirement or minimum height requirement by twenty-five (25) percent;
- c. Public art including but not limited to sculptures, fountains, or clocks with a value equal to or greater than one percent of construction value of the structure;
- d. Pocket parks with a minimum usable area of three hundred (300) square feet;
- e. Transit facilities; or

- f. Similar pedestrian amenities as determined by the Administrator in considering the characteristics of the proposed development.
- (2) *Transit Facilities.* In addition to general pedestrian amenities, any MXD Development with gross floor area in excess of seventy-five thousand (75,000) square feet shall provide a transit shelter immediately served by either a publicly dedicated bus pull-in lane in the adjacent right-of-way or an internal road with a turn-around area meeting the minimum dimensional requirements of section 5-309 of the Subdivision Ordinance. At least one such transit facility shall be located so that no occupiable structure's main entrance is more than one thousand two hundred fifty (1,250) feet away as measured along an improved walking path. If transit shelters already exist in conformity with these requirements at the time of site plan approval, new shelters shall not be required. If transit stops already exist in conformity with these requirements but no shelter exists, a shelter shall be provided at the existing stop.

(Ord. No. 1439, 4-10-07)

Sec. 3304. Outdoor display.

The outdoor display of merchandise for sale shall comply with the following requirements:

- (a) Outdoor display of merchandise for sale shall be accessory and limited to products that are customarily associated with the operation of the principal business located on the premises and conducted by employees of such principal business. There shall be no outdoor display of merchandise for sale by any person or entity operating or conducting a business that is different or distinct from the principal business;
- (b) The outdoor display area shall not be located in areas intended for traffic and pedestrian circulation or parking as identified on the approved site development plan; and,
- (c) Any proposed outdoor display area(s) shall be approved by the Administrator as part of a Site Development Plan Review.

(Ord. No. 1439, 4-10-07)

Sec. 3305. Building design standards.

In addition to the other regulations set forth in this Division, the building design standards set forth in this Section shall apply to the exterior appearance and design of all new construction and exterior building renovations in the MXD District.

- (a) To the extent possible, new buildings in a MXD Development should be oriented toward both adjacent and internal streets in a manner that addresses both streets and pedestrian areas along those streets.
- (b) Each principal structure shall have at least one street or major access oriented entrance which serves as a major entrance for the structure. For the purposes of this section, loading docks, service entries and similar entries shall not be considered to be major entries.
- (1) If any public road-facing elevation of a principal structure does not contain a major entrance as described above, a minimum twenty (20) foot perimeter landscaping bed shall be provided immediately adjacent to the public road.
- (2) Specifications for the perimeter landscaping bed are as follows:
- a. Plantings within this area shall include trees located no more than eighteen (18) feet on center and vegetative ground cover.

-
- b. Berms may be used in addition to, but not instead of plantings.
 - c. If the structure is one hundred (100) feet or less from the public street, the planting bed shall be at least as long as and centered (as much as practical) on an orthographic projection of the structure perpendicular to the subject right-of-way.
 - d. If the structure is more than one hundred (100) feet from the public street, the planting bed shall be at least twice as long as and centered (as much as practical) on an orthographic projection of the structure perpendicular to the subject right-of-way.
 - e. Drives serving the Mixed Use Development may be placed through the planting bed only when impractical to avoid the planting bed.
- (c) It is the intent of this section to avoid MXD Developments with long or tall monotonous facade designs including, but not limited to, those characterized by unrelieved repetition of shape or form or by unbroken extension of line. Each facade, other than that area regulated by subsections below, shall have no more than thirty (30) feet of contiguous horizontal wall length devoid of transparent windows on any floor, unless that length of wall includes architectural features such as piers, columns, defined bays, or other planer change of the building, so that scale, rhythm, and visual interest are created. However, compliance with this requirement is not required for walls that meet the following criteria:
- (1) Two (2) walls face one another, are separated by not more than thirty (30) feet and the space between the two (2) walls is used for servicing the buildings; or,
 - (2) The wall faces an area devoted solely to loading and delivery and is screened from view from all public rights-of-way, parking areas and abutting residential areas.
- (d) Building entrances, not including service entrances, shall be clearly defined by a building projection or recess, or accented by a sheltering element such as an awning, overhang, arcade, or portico.
- (e) All roof-top equipment shall be screened in building materials that match the structure or which are visually compatible with the structure.
- (Ord. No. 1439, 4-10-07)

PART II - CODE
Chapter 98. - ZONING
ARTICLE 3. PLANNED AND OVERLAY ZONING DISTRICTS

ARTICLE 3. PLANNED AND OVERLAY ZONING DISTRICTS

Sec. 98-3.1. Planned and overlay districts established.

The following planned and overlay districts are hereby established:

Planned District	
PUD	Planned Unit Development
Overlay Districts	
-FO	Floodplain Overlay
-CO	Corridor Overlay
-GO	Groundwater Overlay
-HPO	Historic Preservation Overlay

Sec. 98-3.2. Planned unit development (PUD)

Sec. 98-3.2.1. Purpose statement

- A. *General.* The Planned Unit Development (PUD) district is intended to accommodate development that may be difficult if not impossible to carry out under otherwise applicable or available zoning district standards. Examples of the types of development that may benefit from the PUD district include the following:
1. *Enhanced Protection of Natural Resource Areas.* Developments that offer enhanced protection of natural resources and sensitive environmental features, including streams, water bodies, floodplains, wetlands, steep slopes, woodlands, wildlife habitats and native plant communities.
 2. *Traditional Neighborhood Development.* Developments characterized by lot configurations, street patterns, streetscapes, and neighborhood amenities commonly found in urban neighborhoods platted or otherwise created before the 1950s.
 3. *Mixed-Use Development.* Developments that contain a complementary mix of residential and nonresidential uses.
- B. *Implement the Comprehensive Plan.* The Comprehensive Plan, and the Land Use Guide contained therein, recommends land use combinations for respective areas of the city. According to the Guide, the specific mix of uses in a Planned Unit Development should include a variety of physically and functionally integrated land uses, including light industrial, commercial, office, educational, civic, institutional, residential and service uses.

Sec. 98-3.2.2. Code of development.

In approving a Planned Unit Development district, the City Council shall require a Code of Development for each PUD development. The development proposed in the PUD shall be compatible with surrounding land uses and shall maintain and enhance the value of surrounding properties. The Code of Development shall be prepared by a professionally certified civil engineer, landscape architect or other land use professional. The approved Code of Development shall be filed as part of the approval and shall include:

-
- A. *Introduction.* Each PUD development shall be designed to achieve the purposes for the PUD district as described Sec. 98-3.2.1.
 - B. *Concept Plan.* A concept plan shall illustrate the plan of development, including, but not limited to, streets and trails, land use pattern, and the relationship between the proposed PUD development and adjacent development.
 - C. *Permitted Uses.* The mix of permitted uses shall be established by the City Council at the time of approval and must be in accordance with the Comprehensive Plan Land Use Guide.
 - D. *Area and Dimensional Standards.* Area and dimensional standards shall be established at the time of approval.
 - E. *Common Area and Amenities.* The PUD district shall include a minimum of 20 percent common area. Common area and amenities shall comply with the standards of Sec. 98-5.8.
 - F. *Design Guidelines.* The PUD district Code of Development shall include a comprehensive set of design guidelines that demonstrate the project will be appropriate within the context of the surrounding properties and the larger community. Such features shall be adopted in conjunction with and as part of the approval of a PUD approval.
 - G. *Site Development Standards.* Site Development Standards of Article 5 may be modified as part of Planned Unit Development approval in order to allow the applicant flexibility to maximize quality and livability within the built environment.
 - H. *Street Standards.* Typical street design standards, as described in City Code, Chapter 74, Article 4, may be modified as part of a Planned Unit Development approval in order to allow the developer or subdivider more flexibility in the arrangement of streets and lots. Approved streets should protect for the convenience, health, safety and general welfare of the future residents of the subdivision as well as the character of the surrounding property and the general welfare of the entire community.
 - I. *Project Boundary Buffer Alternatives.* When a Planned Unit Development is proposed abutting an existing or approved residential subdivision that is not part of the Planned Unit Development, a project boundary buffer shall be provided in accordance with Sec. 98-5.4.5.A.2.
 - J. *Phasing.* If development is proposed to occur in phases, the PUD Code of Development shall include a phasing plan for the development, and projected build-out events or dates for each phase. Each phase shall constitute a self-sufficient infrastructure system and include a proportionate share of any required common area and amenity facilities, unless some or all of such area and facilities is provided in a completed phase(s).

Sec. 98-3.3. Overlay districts.

Sec. 98-3.3.1. General.

The overlay district standards of this section prescribe additional regulations as described herein, applicable to underlying parcels. These supplemental regulations are in addition to, and shall overlap and overlay, those of the underlying zoning districts. Properties within an overlay district are designated on the Zoning District Map. Parcels in the Historic Preservation Overlay district are also governed by one or more zoning districts, which continue in full force with applicable regulations as set forth elsewhere in this Chapter.