

LEXINGTON PLANNING COMMISSION

January 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 January 11, 2024*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. EC 2024-01: An application by Chastity Berkstresser for a Certificate of Appropriateness for new signage at 637 B Waddell Street (Tax Map #35-1-1), owned by H+C Rental, Inc.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Recommendation
 - B. EC 2024-02: An application by Luis Montoya for a Certificate of Appropriateness for exterior improvements and signage at 531 East Nelson Street (Tax Map #30-1-8), owned by Four M Properties LLC.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Recommendation
 - C. ZOA 2024-01: Annual Zoning Ordinance Amendments. Batch A.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Recommendation
- 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, January 11, 2024 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

Presiding: Shannon Spencer, Vice-Chair
Present: John Driscoll
Jon Eastwood
Mary Stuart Harlow
Gladys Hopkins
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Pat Bradley, Chair

CALL TO ORDER

Vice-Chair Spencer called the meeting to order at 5:00 p.m.

AGENDA

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

MINUTES

J. Driscoll requested an amendment to the December 14, 2023 minutes to more accurately capture the spirit of a comment he made during discussion of the W&L Conditional Use Permit application. The minutes were unanimously approved as amended. (L. Straughan / J. Eastwood)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. EC 2024-01: An application by Chastity Berkstresser for approval of a Certificate of Appropriateness for new signage at 637 B Waddell Street Permit (Tax Map #35-1-1) owned by H+C Rental, Inc.

- 1) Staff Report – This is a request for approval of a projecting sign and two window signs that were installed without permits for LexingTanVA at 637 B Waddell Street. The applicant installed a 14” x 22” oval-shaped aluminum projecting sign with black and orange vinyl text and graphics on a white background. It is hanging from chains mounted to the underside of the roof overhang, facing the parking lot, and is not illuminated. The projecting sign’s dimensions comply with zoning regulations. The applicant also installed two window signs consisting of vinyl decals with black and orange text and logo applied directly to the window glass. The decals are 6 square feet and 7.5 square feet in area, however the window area for the portion of the building housing the subject business is sufficient to allow window signage of up to only 6 square feet in total. The larger of the two window signs would need to be removed for the window signage to comply with

zoning regulations. The applicant chose not to address that issue in her application but indicated she would remove the top of the sunburst portion of the signs to reduce their sizes to comply with the size requirements. Director Glaeser pointed out that the suggested motion included language that would require the signs to meet zoning requirements, but would also give the applicant flexibility in how to do so. He added that the Commission also had the option of including specific requirements in the approval should there be a preference.

- 2) Applicant Statement – None
- 3) Public Comment – None
- 4) Commission Discussion & Decision – There was general agreement that the signs’ design was appropriate, however there was discussion about how to address compliance with the necessary size reduction for the window signs. There was concern about how the signs would appear with the sunburst reduced and whether such a reduction would actually bring the signs into compliance in terms of size. Following the suggestion of several Commissioners that one window sign would be sufficient, **G. Hopkins moved to approve the application with the condition that the applicant remove the window sign that did not meet the zoning requirements. J. Driscoll provided the second.** Noting that the larger sign appeared to be in the more visible window, L. Straughan and J. Eastwood expressed a preference for the staff recommended motion, so as to allow the applicant greater flexibility. S. Spencer called for a vote and **the motion was lost by a unanimous vote.** Following additional discussion there was consensus that clarification was needed from the applicant. **L. Straughan moved to defer the Entrance Corridor Certificate of Appropriateness application EC COA 2024-01 until the applicant provides a firm design and more information. J. Driscoll seconded and the motion passed unanimously. (6-0)**

B. EC 2023-06: An application by James Larner for a Certificate of Appropriateness for exterior improvements at 449 & 453 E. Nelson Street and new signage at 449 E. Nelson Street (Tax Map #30-1-9), owned by James Larner.

- 1) Staff Report – This was a request for approval of exterior improvements made to the building without permits, as well as a proposed new wall sign for the Pack & Mail business and a proposed expansion of the light gray stripe spanning the top portion of the building façade. During the December 14, 2023 meeting, the Commission deferred its decision on this application until a visual representation of the proposed improvements and sign was provided. The applicant has since provided a photoshopped photograph of the property showing the expanded light gray stripe and the location of the proposed wall sign on the face of the building. A. Glaeser noted the recently submitted photograph showed the light gray stripe being expanded above and below the existing stripe and the wall sign centered over the Pack and Mail storefront and within the stripe.
- 2) Applicant Statement – None
- 3) Public Comment – None
- 4) Commission Discussion & Decision – J. Driscoll commented that the stripe helped to create some unity in the colors across all of the shopping center storefronts and that there

was no sign plan or consistency of sign style on the parcel to which the proposed sign could conform. **L. Straughan moved to approve the Entrance Corridor Certificate of Appropriateness application EC COA 2023-06 for a wall sign for the Pack & Mail business at 449 East Nelson Street and for exterior improvements at 449 and 453 East Nelson Street as proposed by the applicant. G. Hopkins seconded and the motion passed unanimously. (6-0)**

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

1) Staff Report and Commission Discussion - Director Glaeser prefaced the discussion by indicating his expectation was that the Commission would discuss each proposed amendment as fully as necessary and decide whether the text was appropriate and should be included in the initial batch (Batch A) of amendments to be advertised for a public hearing. He offered the Commission could also decide to either set a particular proposed amendment aside for more lengthy deliberation or remove it from the list completely and make no change to the text.

- Item #1 – Dish Antenna reference corrected in Use Matrix
 - a. Staff Report - The Use Matrix includes the Dish Antennas use with an incorrect reference to the use and design standards for Dish Antennas. The reference should change from §420-11.1 to §420-11.2.
 - b. Commission Discussion – There was general agreement to add the staff recommended amendment to Batch A.
- Item #2 – Cemeteries allowed in P-OS zoning district
 - a. Staff Report – Cemeteries are currently only permitted in the R-1 zoning district where they are a by-right use. The recent additions to both cemeteries are located in the R-1 zoning district, however the parent parcels for both 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 older portions of the cemeteries are considered to be legal nonconforming uses and as such can continue their cemetery use, but the question is whether it would be preferable to amend the Use Matrix to allow cemeteries as a permitted use in the P-OS zoning district. Items to consider are: 1) Should cemeteries be allowed by-right in the P-OS zoning district? 2) Should cemeteries be allowed conditionally in the P-OS zoning district? 3) Should cemeteries continue to be a by-right use in the R-1 zoning district? Staff recommends that the Use Matrix be changed to no longer permit cemetery use in the R-1 zoning district and to allow it as a by-right use in the P-OS zoning district. This would then necessitate rezoning the 3 parcels recently added to the cemeteries to the P-OS district.
 - b. Commission Discussion – Responding to questions from L. Straughan and S. Spencer, A. Glaeser clarified that, with the exception of a small portion of the Lexington Country Club golf course, all parcels zoned P-OS are City owned. He also confirmed that prior to the major update to the zoning ordinance in 2017, cemeteries were a conditional use in the P-OS zoning district and were not a permitted use in the R-1 (or any other) zoning district. There was general agreement to amend the Use Matrix to allow cemeteries as a conditional use in the P-OS zoning district and to disallow the use in the R-1 zoning district and to include the amendment in Batch A.

- Item #3 – Update Entrance Corridor lighting standards to include Dark Sky requirements
 - a. Staff Report – Exterior lighting standards were added in the 2017 zoning ordinance update but were not specifically added to, or referenced in, the Entrance Corridor lighting standards. Staff recommends amending the Entrance Corridor lighting standards (§420-6.8) to include a reference to the exterior lighting standards in §420-15.3.
 - b. Commission Discussion – When asked why he recommended striking the 24 foot maximum height for light poles in §420-6.8, Director Glaeser explained the exterior lighting standards in §420-15.3 (and included by reference in the proposed amendment) include a maximum height of 25 feet. There was general agreement to include the proposed amendment in Batch A with the staff recommended change to the second Lighting design standard and to change the maximum height for light poles to 25 feet but have that standard remain in the text.

- Item #4 – Amend Specialty Food Shop definition to allow ovens/convection ovens
 - a. Staff Report – Specialty food shops, such as coffee, candy, or ice cream shops, are currently allowed by-right in the R-LC, C-1, and C-2 zoning districts with some limitations. One of those limitations is that while “cooking” is not allowed, the application of heat by microwave is permitted. Staff recommends expanding the definition to also allow the application of heat by an oven and/or convection oven. The issue is one of impact, and specifically whether the use of an oven or convection oven creates an impact at a level that is or is not appropriate. Staff does not expect the use of these appliances in a Specialty Food Shop located in the C-1 or C-2 zoning districts to create an unwelcome impact, however their use in the R-LC zoning district may warrant greater consideration. Director Glaeser offered that this proposed amendment was prompted by the new cupcake shop’s request to use a convection oven – a request he approved as it seemed to him not so different than what was intended by allowing the use of a microwave in the specialty food shop definition.
 - b. Commission Discussion – L. Straughan advocated for allowing the additional appliances and making specialty food shops conditional in the R-LC district as a way of adding some protection in or near residential areas. Commission discussion touched on what constituted an “open flame heat source,” what level of food heating required an exhaust fan, a parsing of the distinction between “cooking” and “heating”, and the distinctions between the various types of restaurants/food establishments defined in the zoning ordinance and where they are permitted. L. Straughan pointed out that currently take-away food establishments with little or no seating are essentially prohibited. She asked if take-away should continue to be banned, and if not, whether this amendment was an appropriate way to accomplish that. J. Eastwood questioned the importance of the cooking prohibition given the somewhat “bendy” boundaries of the heating action in the definition. G. Hopkins voiced support for the prohibition of cooking. S. Spencer suggested allowing cooking, but only of the specialty food item. J. Driscoll suggested the conversation would be aided by a consideration of what was trying to be prevented or encouraged, especially in the R-LC zoning district. Director Glaeser commented that, even if the types of appliances were expanded, making the use conditional in the

R-LC would make it possible to place limitations on what is allowed in those areas on a case-by-case basis. He added that any advertised proposed language could be changed after receiving input from the public. M. S. Harlow suggested striking any reference to “cooking” from the definition. There was majority support for making specialty food shops a conditional use in the R-LC zoning district, expanding the allowed appliances to include ovens, convection ovens and ranges, removing the references to cooking, and including the proposed amendment in Batch A.

2) Public Comment - None

OTHER BUSINESS

A. Zoning and Planning Report – Director Glaeser reminded the Commissioners that their annual financial and real estate disclosure forms were due by January 16th. He also mentioned City Council would hold an ADU work session on January 17th at 7:00 p.m. The work session would focus on questions about water/sewer metering and fine tuning short term rental regulations for ADUs.

CITY COUNCIL REPORT -

L. Straughan reported that at the January 4th meeting, City Council unanimously approved the CUP for the Washington & Lee student health center. Council would hold the ADU work session on January 17th and a public hearing on the proposed dog park along McCorkle Drive at the February 1st meeting.

ADJOURN

The meeting was adjourned at 6:23 p.m. with unanimous approval. (G. Hopkins / J. Eastwood)

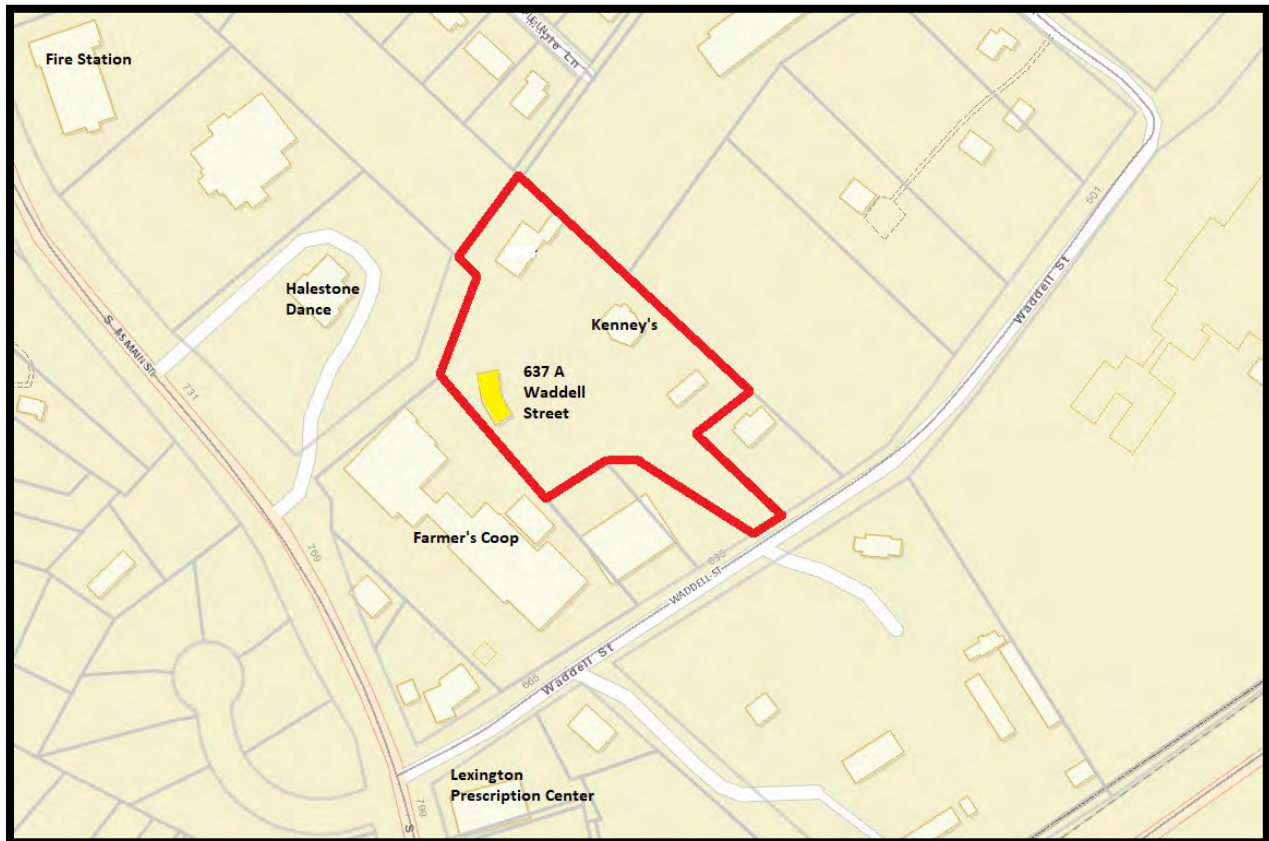
S. Spencer, Vice-Chair, Planning Commission

Project Name	Signage for LexingTanVA
Property Location	637 B Waddell Street
Zoning	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
Owner/Applicant	H + C Rental, Inc. / Chastity Berkstresser

OVERVIEW OF REQUEST

This request is for approval of a projecting sign and two window signs for LexingTanVA. The parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). The applicant is leasing a portion of an existing commercial building for a tanning salon and installed the signs without a permit.

location map



photograph of existing building



APPLICABLE ZONING DISTRICT SECTIONS

Section 420-3 of the zoning ordinance lists personal improvement services as a permitted use by-right in the C-2 zoning district.

APPLICABLE SIGNAGE REGULATIONS

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed projecting sign and window signs therefore require review and approval.

Section 420-13.6 of the sign regulations allows one projecting sign per business per street frontage with a maximum area of 12 square feet. The applicant has installed a 14” x 22” oval-shaped, aluminum projecting sign with black and orange vinyl text and graphics on a white background. The projecting sign is 2.14 square feet in area – significantly less than the 12 square feet allowed. The sign is hanging from chains mounted to the underside of the roof overhang and is facing the parking lot. It is not illuminated.

Section 420-13.6 of the sign regulations allows any business located within a C-2 zoning district to display a window sign that is the lesser of 20% of the window area or 6 square feet. The window area for this portion of the building is sufficient to allow window signage of up to 6 square feet total. The applicant is requesting approval of vinyl decals with black and orange text and logo applied directly to the window glass. The applicant has installed decals that are 6 square feet and 7.5 square feet in size, but the larger of the two window signs must be removed in order to meet the maximum of 6 square feet allowed.

APPLICABLE ENTRANCE CORRIDOR REGULATIONS

Section 420-6.6.A requires a Certificate of Appropriateness be approved by the Planning Commission prior to 1) building permit issuance for exterior building modifications, 2) site plan approval, and 3) exterior color changes to a building or to a sign.

Section 420-6.7.B allows the Planning Commission to 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.

Section 420-6.8 states all applications for certificates of appropriateness must satisfy the following design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage design standards are applicable to this certificate of appropriateness request and the remaining standards are not applicable. *Staff comments are provided in italics.*

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. *The subject parcel also includes the Kenney's of Lexington restaurant and the Super Wheels used car dealership. An overall sign plan does not appear to exist on the subject parcel.*
- (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.

The Planning Commission may also 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

With the exception of one of the proposed window signs, staff finds the proposed improvements meet the zoning criteria.

SUGGESTED MOTION

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2024-01 for a projecting sign and window signage meeting zoning requirements to be located at 637 B Waddell Street as proposed by the applicant.

HISTORY

During the January 11, 2024 meeting, the Planning Commission deferred its decision on this application until the applicant could clarify how she prefers to meet the overall window sign limitation of 6 square feet. Staff measured both window signs and provided the applicant with the option of a) removing one of the window signs in its entirety, or b) removing the rays from one of the signs while also removing everything except the “LexingTanVA” portion of the other window sign. The applicant desires the second option in order to meet the maximum of 6 square feet of window signage.



www.lexingtonva.gov

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

SIGN PERMIT APPLICATION

Applicant¹

Name: Chastity Berkstresser Phone: (540) 202-8460
 Company: Lexington VA LLC Fax: _____
 Address: 637 B Waddell St. Email: Lexingtonva@gmail.com
 Applicant's Signature: Chastity Berkstresser Date: 11/29/2023

Property Owner

Name: H&C Rentals Inc. Phone: 540-563-0063
 Address: P.O. Box 869, Buena Vista, VA 24416 Email: machildress@cox.net
 Owner's Signature: Mary Ann H. Childress Date: 12/8/23

Sign Contractor

Name: Sign Bracket Store Phone: 888-919-7446
 Company: Sign Bracket store Fax: _____
 Address: 6056 Corte Del Cedro CA Email: _____

Proposal Information²

Address (or location description): _____
 Tax Map: _____ Deed Book and Page #: _____
 Acreage: _____ Zoning (attach any existing conditions or proffers): _____
 Property Doing Business As: _____
 Overlay District:

- Historic (requires Architectural Review Board review and approval)
 Entrance Corridor (requires Planning Commission review and approval)
 None (requires Planning and Development Department review and approval only)

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.



Planning & Development Department

300 East Washington Street

Lexington, Virginia 24450

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

www.lexingtonva.gov

Sign Information

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	<u>oval aluminum</u>	_____	<u>14"</u>	<u>22"</u>
Sign 2	<u>window</u>	_____	<u>36"</u>	<u>36' 24"</u>
Sign 3	<u>window</u>	_____	<u>36"</u>	<u>30"</u>

window dimensions 6' x 3'-6"
Street Frontage (width) of business space in feet _____

Street Frontage (width) of building in feet _____

Are other signs currently displayed on the same building? Yes No

If "Yes", please provide the size of each existing building sign that is to remain.

Width _____ Height _____

Width _____ Height _____

If a projecting sign, clearance from sidewalk: _____ feet

What materials will be used? _____

Will the sign be illuminated? Yes No

Please attach a sketch of sign(s) and samples showing the following:

- Dimensions of sign
- Lettering style and size
- How colors will be used
- Photo showing building and adjoining structures
- Exact wording layout of sign
- Paint samples
- Style of bracket, stand, and/or awning



Lexing Tan VA
Tanning Salon

Project Name	Wendy’s restaurant remodel
Property Location	531 East Nelson Street
Zoning	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
Owner/Applicant	Four M Properties LLC. / Luis Montoya

OVERVIEW OF REQUEST

This request is to remodel the exterior of the Wendy’s restaurant and to reface the existing monument sign cabinet (sign base will remain as is), reface the directional sign, and replace the street facing wall sign with modern Wendy’s signage. The existing 6 square foot wall sign near the building’s drive thru window will be removed to comply with total square foot requirement. Exterior remodeling will include removing the existing “side car” addition on the building’s north façade to expose the existing brick veneer of the original exterior wall, constructing a new concrete sidewalk leading to the building’s entrance, installing new corrugated metal panels on the street facing facade and painting the existing curved fascia on the north and south elevations and trim to match, installing new LED accent under the coping cap, and replacing exterior wall mounted lighting fixtures. Additional details are included in the application materials along with a narrative describing all of the proposed improvements.

location map

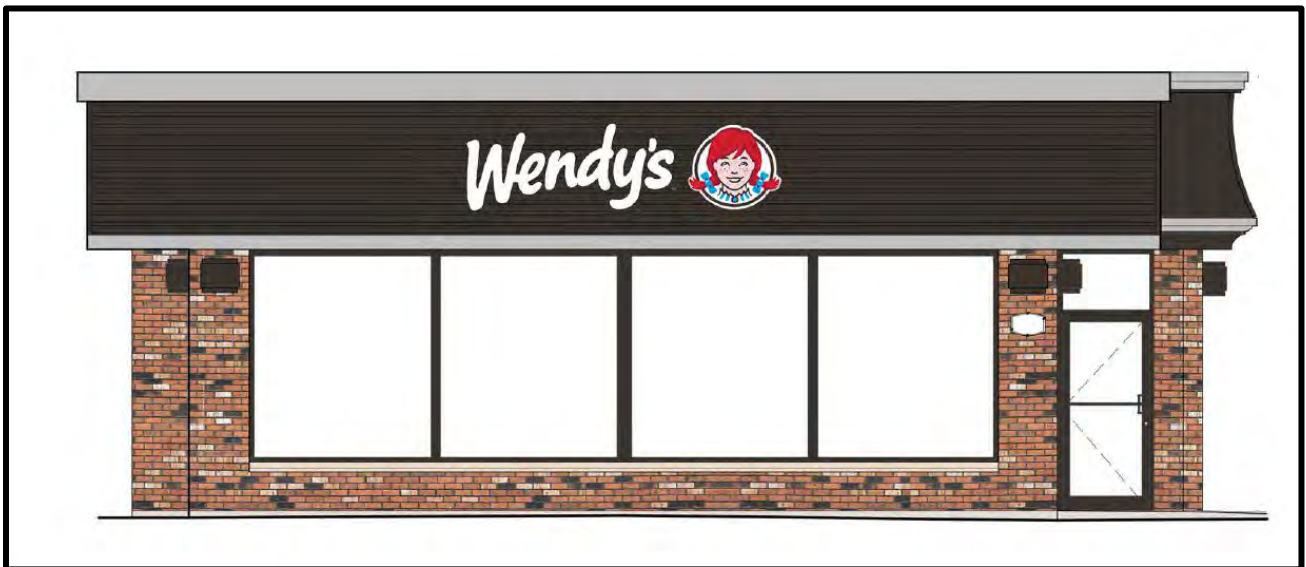


Staff Report & Recommendation ¹⁶
Entrance Corridor Certificate of Appropriateness
EC COA 2024-02 – Wendy's exterior improvements and signage

photograph of existing building



proposed Nelson Street façade



APPLICABLE ZONING DISTRICT SECTIONS

Section 420-3 of the zoning ordinance lists general restaurant as a permitted use by-right in the C-2 zoning district.

APPLICABLE SIGNAGE REGULATIONS

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed sign refacings and replacements therefore require review and approval.

Section 420-13.6 of the sign regulations allows a freestanding sign to be up to 25 square feet in size. The existing, monument sign, however, is 39 square feet in size, and is considered a legal nonconforming sign. Legal nonconformities cannot be expanded or enlarged which is not occurring in this case because the display area will remain the same. The proposal for the monument sign is to remove the two faces from the existing cabinet that sits atop a brick base. Neither the base nor the cabinet will be replaced. Additionally, nonconforming signs cannot be moved or replaced except to bring the sign into complete conformity with the sign regulations. The proposal only includes the refacing of the existing, nonconforming sign, and a refacing is not considered to be a replacement of a sign in its entirety. The proposed refacing of the existing, nonconforming, monument sign meets sign code requirements.

Section 420-13.6 of the sign regulations allows any business located within a C-2 zoning district to display 1 wall sign per street frontage with an allowable area of 1 square foot per lineal foot of building frontage; with a 32 square feet minimum and 100 square feet maximum. The frontage of the Wendy’s store is 37 feet in width and the proposed wall sign is 32.5 square feet in area. An existing 6 square foot wall sign near the drive through window will be removed so as not to exceed the maximum square footage.

Section 420-13.9 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The subject parcel is surrounded by parcels in the C-2 zoning district and none of the installed signs nor the proposed, freestanding monument sign along E. Nelson Street will cause light to shine into on-coming traffic or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M.

APPLICABLE ENTRANCE CORRIDOR REGULATIONS

Section 420-6.6.A requires a Certificate of Appropriateness be approved by the Planning Commission prior to 1) building permit issuance for exterior building modifications, 2) site plan approval, and 3) exterior color changes to a building or to a sign.

Section 420-6.7.B allows the Planning Commission to 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 Report & Recommendation ¹⁸
Entrance Corridor Certificate of Appropriateness
EC COA 2024-02 – Wendy’s exterior improvements and signage

Section 420-6.8 states all applications for certificates of appropriateness must satisfy the following design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage, architecture and lighting design standards are applicable to this certificate of appropriateness request.

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.

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.

E. Lighting.

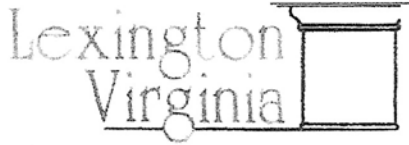
- (1) Lighting should be of uniform style for each project site.
- (2) Lighting should be contained within the site and designed to limit spillover and minimize the amount of light that is directed to the sky.
- (3) Light poles shall not exceed 24 feet in height.

STAFF RECOMMENDATION

Staff finds the proposed improvements meet the zoning criteria and recommends approval of the proposed signage and exterior improvements to the existing restaurant building at 531 E. Nelson Street.

SUGGESTED MOTION

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2024-02 for the exterior remodeling and signage for the building located at 531 E. Nelson Street 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: Luis Montoya Phone: 312-427-4702 x 214
 Company: Wallin Gomez Architects Fax: _____
 Address: 711 S. Dearborn Chicago, IL 60605 Email: montoya@wga1td.com
suite 606
 Applicant's Signature: [Signature] Date: 12-20-23

Property Owner

Name: JEFFREY LOGAN Phone: 540-312-4399
 Address: 1738 KINGSMILL DR Email: jlogan256@gmail.com
SALEM, VA 24153
 Owner's Signature: [Signature] Date: 12/20/2023

Architect/Designer

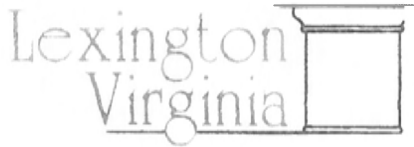
Name: Donald Wallin Phone: 312-427-4702
 Company: Wallin Gomez Architects Fax: _____
 Address: 711 S Dearborn Chicago, IL 60605 Email: wallin@wga1td.com

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.



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

www.lexingtonva.gov

Proposal Information^2 (attach list of properties if request includes multiple properties)

Address (or location description): 531 E Nelson St

Tax Map: Deed Book and Page #:

Acreage: Zoning (attach any existing conditions or proffers): C-2

Property Doing Business As: Fast Food Restaurant

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:

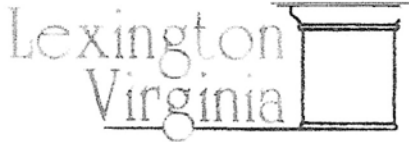
- Remodeling or renovation of the exterior of a building
Total restoration of the exterior of a building
Removal of any architectural element
Painting of any building exterior
Cleaning of wall surfaces or architectural elements
Repair of all surfaces or architectural elements
Any removal, alternation, 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



www.lexingtonva.gov

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

SIGN PERMIT APPLICATION

Applicant¹

Name: Luis Montoya Phone: 312-427-4702 x 214

Company: Wallin Gomez Architects Fax:

Address: 711 S Dearborn Chicago, IL 60605 Email: montoya@wga ltd.com
suite 606

Applicant's Signature: [Signature] Date: 12-20-23

Property Owner

Name: JEFFREY LOGAN Phone: 540-312-4399

Address: 1738 KINGS MILL DR. Email: jlogan256@gmail.com
SALEM, VA 24153

Owner's Signature: [Signature] Date: 12/20/2023

Sign Contractor

Name: TBD Phone:

Company: Fax:

Address: Email:

Proposal Information²

Address (or location description): 531 E. Nelson St

Tax Map: Deed Book and Page #:

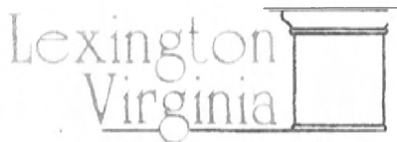
Acreage: Zoning (attach any existing conditions or proffers): C-2

Property Doing Business As: Fast Food Restaurant

Overlay District:

- Historic (requires Architectural Review Board review and approval)
Entrance Corridor (requires Planning Commission review and approval)
None (requires Planning and Development Department review and approval only)

- 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.



www.lexingtonva.gov

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

Sign Information

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	<u>Wall Sign (illuminated)</u>	<u>32.5</u>	<u>10'-10"</u>	<u>3'-0"</u>
Sign 2	<u>Monument Sign</u>	<u>46.6</u>	<u>6'-6"</u>	<u>6'-0"</u>
Sign 3	<u>Site Directional</u>	<u>3.8</u>	<u>2'-2"</u>	<u>2'-0"</u>

Street Frontage (width) of business space in feet 37'-0"

Street Frontage (width) of building in feet 37'-0"

Are other signs currently displayed on the same building? Yes No

If "Yes", please provide the size of each existing building sign that is to remain.

Width _____ Height _____

Width _____ Height _____

If a projecting sign, clearance from sidewalk: _____ feet

What materials will be used? _____

Will the sign be illuminated? Yes No

Please attach a sketch of sign(s) and samples showing the following:

- Dimensions of sign
- Lettering style and size
- How colors will be used
- Photo showing building and adjoining structures
- Exact wording layout of sign
- Paint samples
- Style of bracket, stand, and/or awning



January 11, 2024

Planning & Development Department
City of Lexington
300 E Washington St
Lexington, VA 24450

RE: Corridor Enhancement Application
Wendy's Remodel
531 E Nelson St

To Whom It May Concern,

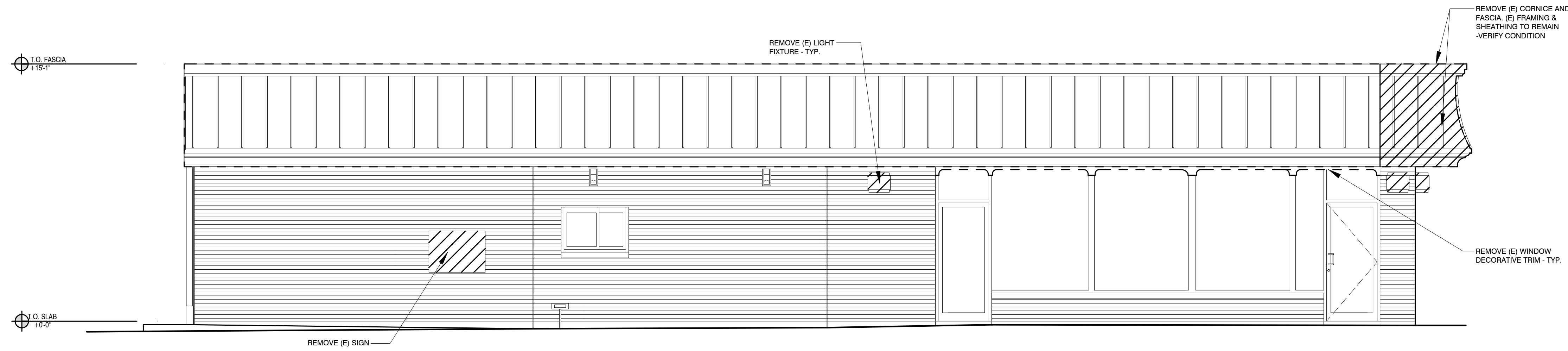
We are proposing the following exterior alterations to the existing Wendy's Restaurant located at the above address:

- Removal of the existing side car addition on the building's north façade. The structure will be removed in its entirety exposing an existing brick veneer at the building's original wall. At the structure's footprint, a new concrete sidewalk leading to the building's entrance will be constructed.
- On the site, several fixtures will be painted, including the existing wood fence around the dumpster enclosure, the existing metal clad freestanding dry storage boxes and bun freezer.
- The parking spaces will be slightly reconfigured to accommodate the new proposed concrete sidewalk. There will be no change to the amount of parking spaces. This scope includes re-locating the (2) ADA parking spaces so that they are closer to the building's accessible entrance.
- The existing signage is being proposed to be re-faced. The existing freestanding sign, site directional sign, and wall mounted (currently on the street facing façade) sign will be replaced or refaced with the new modern Wendy's signage. At the freestanding sign, the existing brick base will not be altered in any way, the sign cabinet will simply be re-faced. The existing 6SF sign near the building's drive thru window will be removed to comply with the zoning ordinance's total square footage requirement.
- On the building's façade, the finishes are being proposed to be painted or replaced. The existing curved fascia will be painted on the north and south elevations, while new corrugated metal panels will be installed on the street facing elevation (east). Both the corrugated metal panels and painted fascia will be dark bronze. With the change in finishes, we are proposing adding new accent lighting within the new metal coping cap on the street façade. This new LED strip lighting will be within the coping and will not shine up into the sky. Please refer to the attached reference photos of a recently completed Wendy's renovation in another location.
- The exterior wall mounted light fixtures will be replaced in kind with newer models. The new light fixtures will be installed with a baffle preventing any uplighting.

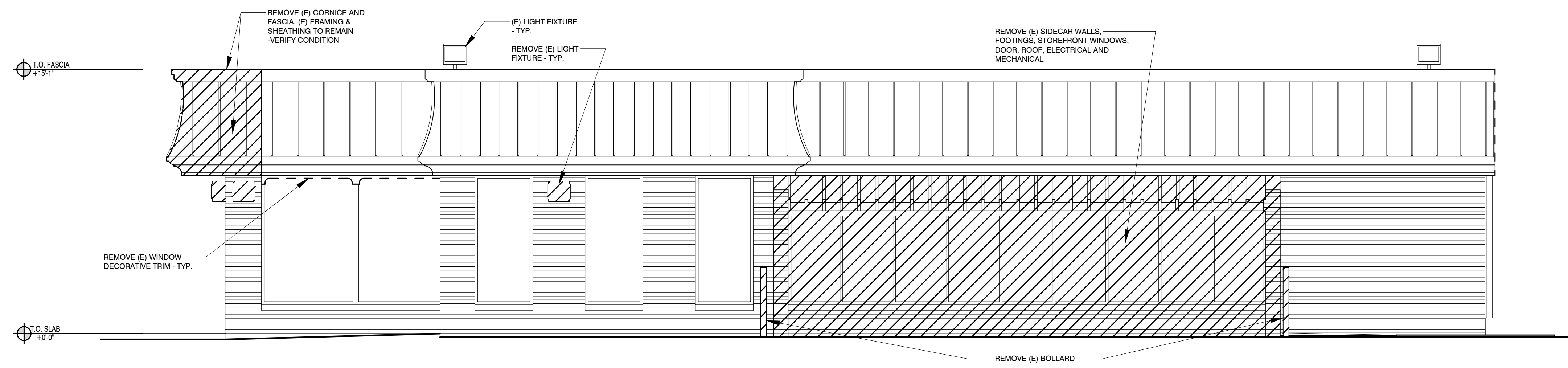
Sincerely,

Donald J Wallin

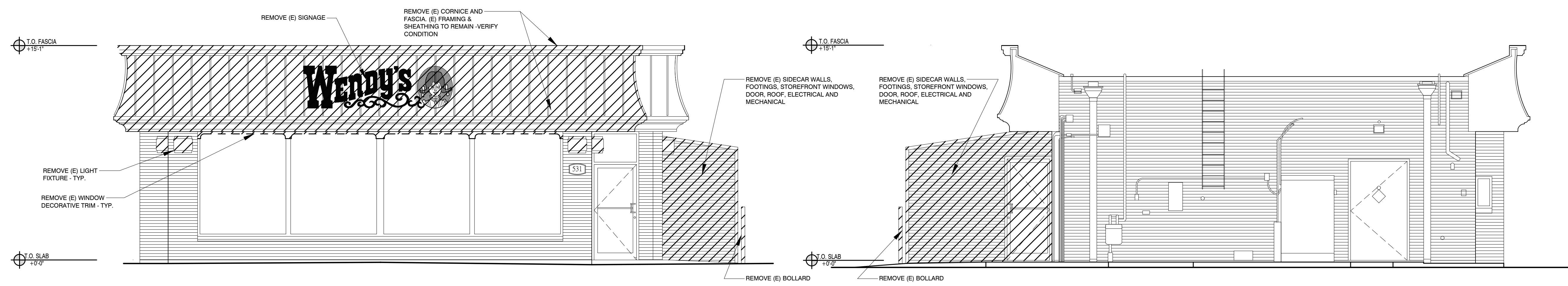
EXISTING SIGNAGE CALCULATIONS	
EAST	32.5 SF
SOUTH	6 SF
TOTAL	38.5 SF



01 SOUTH ELEVATION
1/4" = 1'-0"



02 NORTH ELEVATION
SCALE: 1/4" = 1'-0"



03 EAST ELEVATION
SCALE: 1/4" = 1'-0"

04 WEST ELEVATION
SCALE: 1/4" = 1'-0"

SITE NUMBER:	00207
BASE MODEL:	3076
ASSET TYPE:	FRANCHISE
CLASSIFICATION:	REFRESH LITE
OWNER:	LOGAN SEVEN FOODS, LLC
BASE VERSION:	2023
UPGRADE CLASSIFICATION:	STANDARD BASE
PROJECT YEAR:	2023
FURNITURE PACKAGE:	2023
DESIGN BULLETINS:	2023

Wallin ■ Gomez
ARCHITECTS LTD
711 South Dearborn Street, Suite 606
Chicago, Illinois 60605-1827
P: 312-427-4702 ■ F: 312-427-6611
E: ADMIN@WGALTD.COM



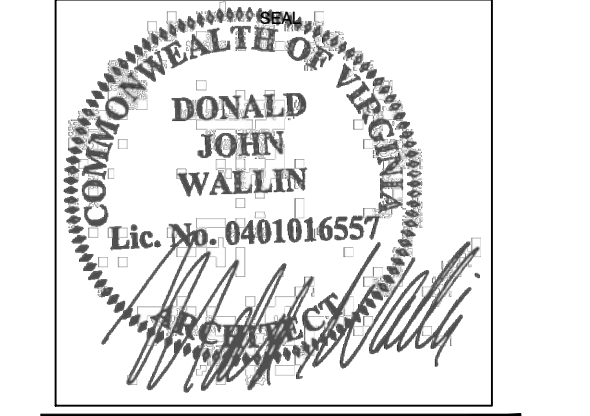
REV	DATE	DESCRIPTION
1	09.15.2023	ISSUED FOR REVIEW
2	10.30.2023	REISSUE FOR LITE
3	12.05.2023	ISSUED FOR PERMIT
4		
5		
6		
7		

PLOT DATE: 1.11.2024
PROJECT NUMBER: 23324
DRAWN BY: NM
CHECKED BY: DJW

NOTICE: THIS DOCUMENT CONTAINS PROPRIETARY INFORMATION. IT SHALL NOT BE USED OR REPRODUCED OR ITS CONTENTS DISCLOSED, IN WHOLE OR IN PART WITHOUT THE PRIOR WRITTEN CONSENT OF WALLIN / GOMEZ ARCHITECTS, LTD.

THESE DRAWINGS HAVE BEEN PREPARED AT AND / OR UNDER MY SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF CONFORM AND COMPLY WITH THE REQUIREMENTS OF THE DEPARTMENT OF BUILDING AND CODES HAVING JURISDICTION.

COMMONWEALTH OF VIRGINIA
21A01913600
REGISTERED ARCHITECT
DONALD J. WALLIN
EXPIRATION DATE: 10.31.2023



SHEET NAME
DEMOLITION ELEVATIONS

SHEET NUMBER
D3.1

MODEL IA-WM25



SIGNAGE TO BE RE-FACED WITH NEW MODERN WENDY'S LOGO

EXISTING BRICK BASE TO REMAIN



ALL WIRING MEETS NEC 2014 SPECIFICATIONS.
 SIGN TO BE WIRED TO A STANDARD 120 VOLT / 20 AMP CIRCUIT.
 THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES.
 THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY	ARTWORK
<ul style="list-style-type: none"> ■ DOUBLE FACE ■ ILLUMINATED ■ GROUND 	<ul style="list-style-type: none"> - 12" SA ALUMINUM CABINET PAINTED 313 DARK BRONZE. - .150 PAN FORMED EMBOSSED SOLAR GRADE POLYCARBONATE FACES. CAMEOS - FORMED POLYCARBONATE WITH PRINTED GRAPHICS SECOND SURFACE WITH LED ILLUMINATION. - ALUMINUM RETURNS AND BACKS PAINTED 313 DARK BRONZE 	<ul style="list-style-type: none"> ■ 313 DARK BRONZE ■ PMS 186 RED □ WHITE ■ PMS 186 RED HAIR ■ PMS 201 BURGUNDY HAIR ■ PMS 299 BLUE ■ PMS 698 PINK ■ PMS 439 BROWN 	<ul style="list-style-type: none"> □ FACE TRIMS □ FASCIA COLOR □ RADIUS DIM. □ BUILDING DIM. □ FACADE ANGLE □ OTHER 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> PROVIDED <input type="checkbox"/> REQUIRED <p><small>If required, customer to provide Custom Sign Center, Inc. with camera ready or appropriate digital file. Please contact your salesperson or Design Staff for appropriate file types.</small></p>



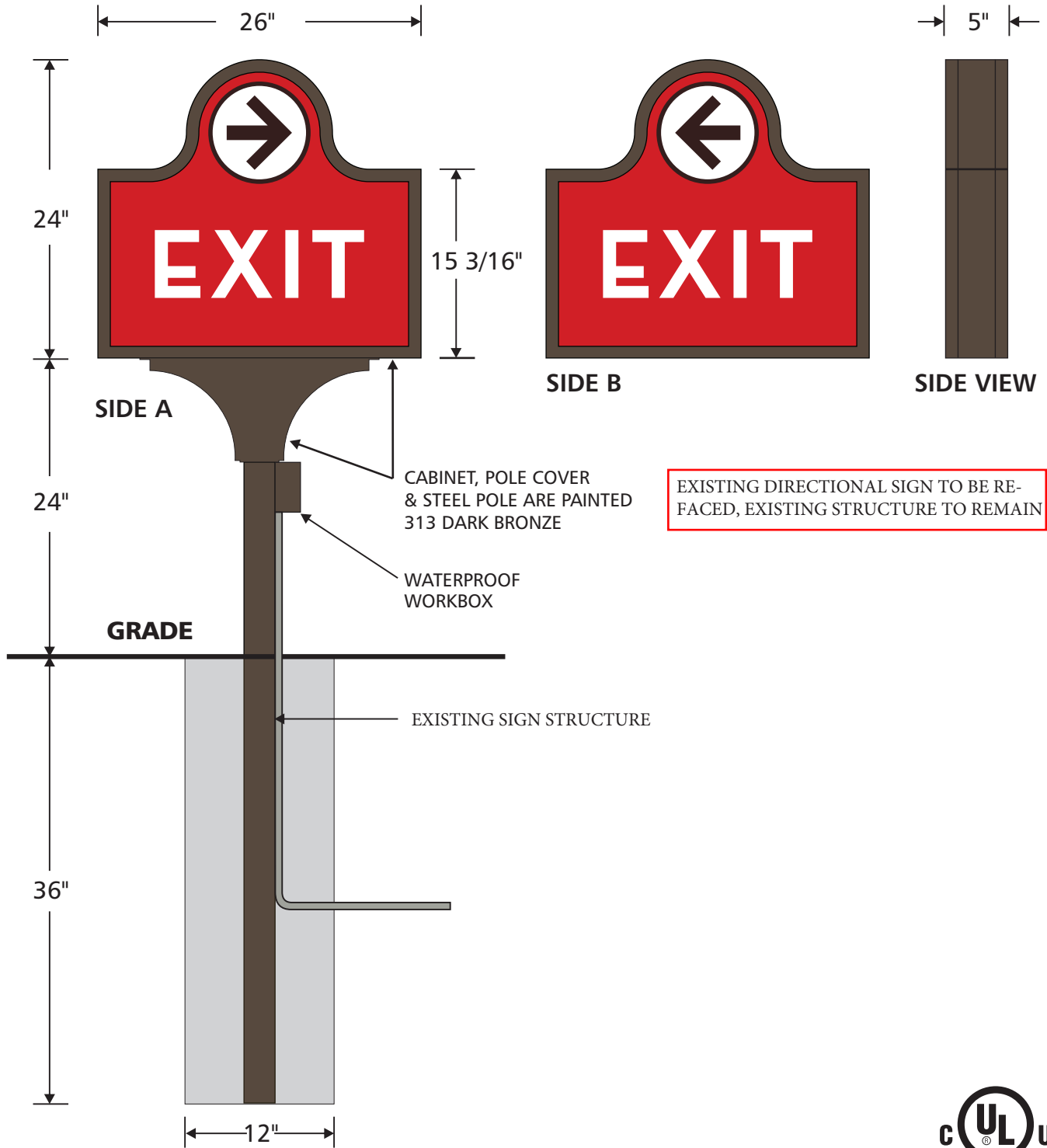
custom Full Service Sign Company
SIGN
 Center, Inc.

3200 Valleyview Drive Columbus, OH 43204
 PH: 614-279-6700 FX: 614-279-7525

FILENAME: U0601-IA-WM25 **REV#** **SCALE:** 3/8"=1' **Approval Signatures Required** to insure that all spelling, colors, and specifications for sign(s) rendered meets customer & landlord approvals. **CUSTOMER:** _____ **DATE:** _____
DATE: 9/10/15 **REV. DATE:** _____ **DGNR:** THW **SALES:** T. SHEEHY **LANDLORD:** _____ **DATE:** _____

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U0901-IA-EXIT-NC



ALL WIRING MEETS NEC 2014 SPECIFICATIONS.
SIGN TO BE WIRED TO A STANDARD 120 VOLT / 20 AMP CIRCUIT.
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES.
THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

E122574



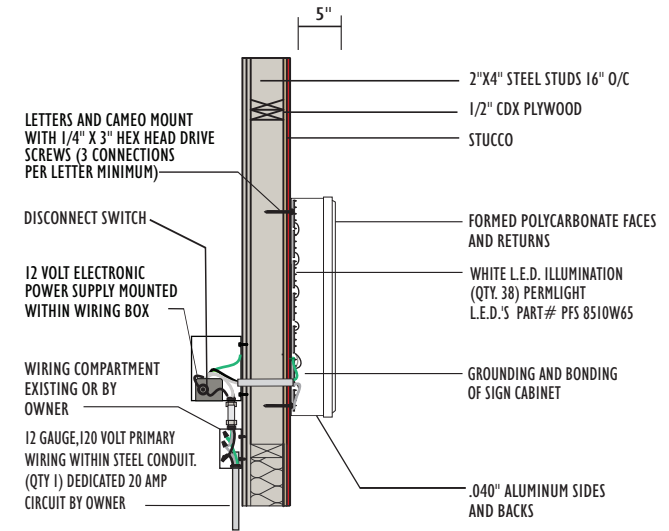
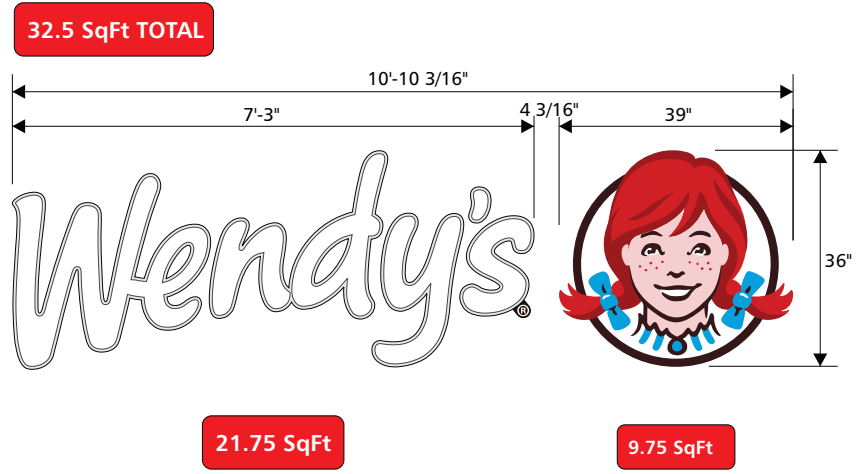
SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY	ARTWORK
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> DOUBLE FACE <input checked="" type="checkbox"/> ILLUMINATED <input checked="" type="checkbox"/> GROUND 	<ul style="list-style-type: none"> - 5" SA ALUMINUM CABINET PAINTED 313 DARK BRONZE. - .150 FLAT SOLAR GRADE POLYCARBONATE FACES WITH FLAT DECORATED GRAPHICS. - FORMED A.B.S. POLE COVER PAINTED 313 DARK BRONZE. - STEEL SUPPORT POLE PAINTED 313 DARK BRONZE. 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> 313 DARK BRONZE <input checked="" type="checkbox"/> PMS 186 RED <input type="checkbox"/> WHITE <input checked="" type="checkbox"/> PMS 439 BROWN 	<ul style="list-style-type: none"> <input type="checkbox"/> FACE TRIMS <input type="checkbox"/> FASCIA COLOR <input type="checkbox"/> RADIUS DIM. <input type="checkbox"/> BUILDING DIM. <input type="checkbox"/> FACADE ANGLE <input type="checkbox"/> OTHER 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> PROVIDED <input type="checkbox"/> REQUIRED <p><small>If required, customer to provide Custom Sign Center, Inc. with camera ready or appropriate digital file. Please contact your salesperson or Design Staff for appropriate file types.</small></p>
<p>FILENAME: U0901-IA-EXIT-NC DATE: 1/1/13</p>	<p>REV# REV.DATE:</p>	<p>SCALE: 1"=1' DGNR: TK SALES: T. SHEEHY</p>	<p>Approval Signatures Required to insure that all spelling, colors, and specifications for sign(s) rendered meets customer & landlord approvals.</p>	<p>CUSTOMER: _____ DATE: _____ LANDLORD: _____ DATE: _____</p>

custom Full Service Sign Company
SIGN
Center, Inc.

3200 Valleyview Drive Columbus, OH 43204
PH: 614-279-6700 FX: 614-279-7525

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U1201-IA-36NR-WHT-RC



SECTION/MOUNTING DETAILS

ALL WIRING MEETS NEC 2014 SPECIFICATIONS.
SIGN TO BE WIRED TO A STANDARD 120 VOLT / 20 AMP CIRCUIT.

THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 600 OF THE NATIONAL ELECTRICAL CODE AND/OR OTHER APPLICABLE LOCAL CODES. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.



SIGN TYPE	SPECIFICATIONS	COLORS	SIGN SURVEY	ARTWORK
<input checked="" type="checkbox"/> SINGLE FACE <input checked="" type="checkbox"/> ILLUMINATED <input checked="" type="checkbox"/> WALL	-.040" ALUMINUM SIDES AND BACKS PAINTED 313 DARK BRONZE - "WENDY'S" - EMBOSSED #7328 WHITE POLYCARBONATE FACES WITH WHITE L.E.D. ILLUMINATION - CAMEO - FORMED POLYCARBONATE FACE WITH PRINTED GRAPHICS SECOND SURFACE WITH WHITE LED ILLUMINATION.	<input checked="" type="checkbox"/> 313 DARK BRONZE <input type="checkbox"/> WHITE <input checked="" type="checkbox"/> PMS 186 RED HAIR <input checked="" type="checkbox"/> PMS 201 BURGUNDY HAIR <input checked="" type="checkbox"/> PMS 299 BLUE <input type="checkbox"/> PMS 698 PINK <input type="checkbox"/> PMS 439 BROWN	<input type="checkbox"/> FACE TRIMS <input type="checkbox"/> FASCIA COLOR <input type="checkbox"/> RADIUS DIM. <input type="checkbox"/> BUILDING DIM. <input type="checkbox"/> FACADE ANGLE <input type="checkbox"/> OTHER	<input checked="" type="checkbox"/> PROVIDED <input type="checkbox"/> REQUIRED If required, customer to provide Custom Sign Center, Inc. with camera ready or appropriate digital file. Please contact your salesperson or Design Staff for appropriate file types.
FILENAME: U1201-IA-36NR-WHT-RC DATE: 1/1/13	REV# REV.DATE:	SCALE: 3/8" = 1' SALES: T. SHEEHY	Approval Signatures Required to insure that all spelling, colors, and specifications for sign(s) rendered meets customer & landlord approvals.	CUSTOMER: _____ DATE: _____
			LANDLORD: _____ DATE: _____	This original design and all information herein are the property of Custom Sign Center, Inc. Artwork is subject to return if not purchased. Any unauthorized use is forbidden.

custom SIGN Full Service Sign Company
Center, Inc.

3200 Valleyview Drive Columbus, OH 43204
PH: 614-279-6700 FX: 614-279-7525

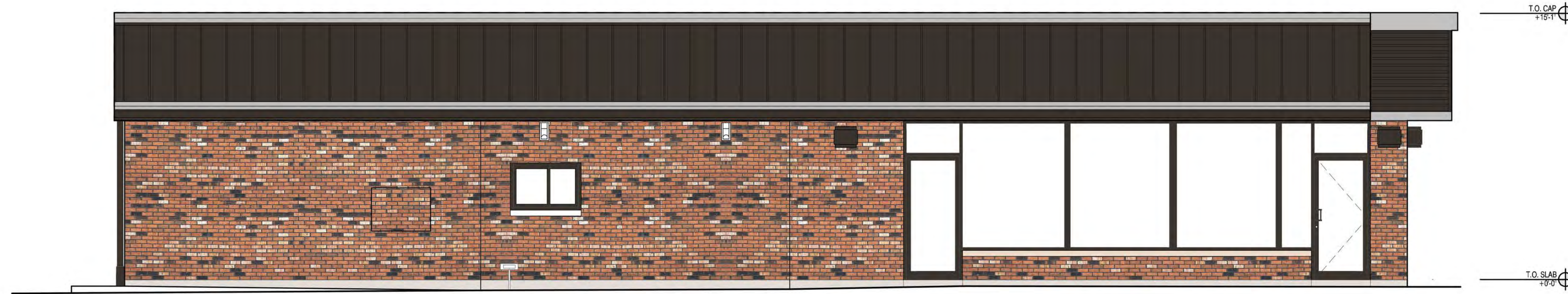
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531 E. NELSON ST
LEXINGTON, VA

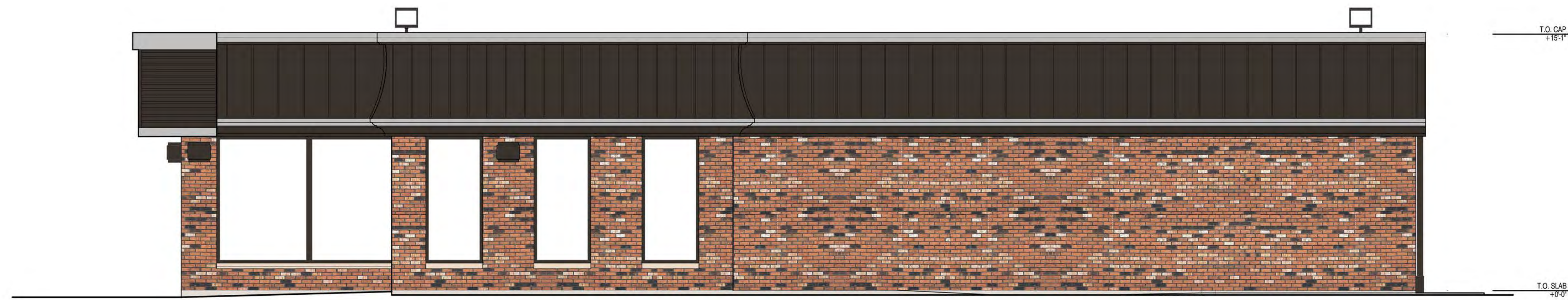
01 SOUTH ELEVATION

1/4" = 1'-0"



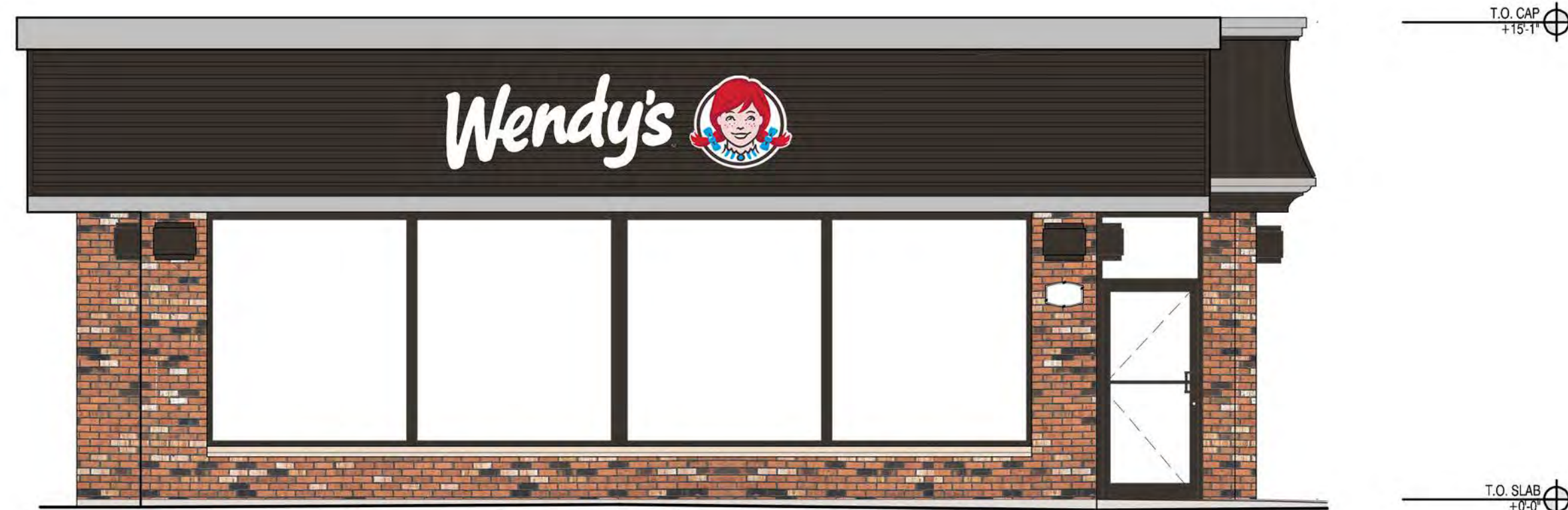
02 NORTH ELEVATION

SCALE: 1/4" = 1'-0"



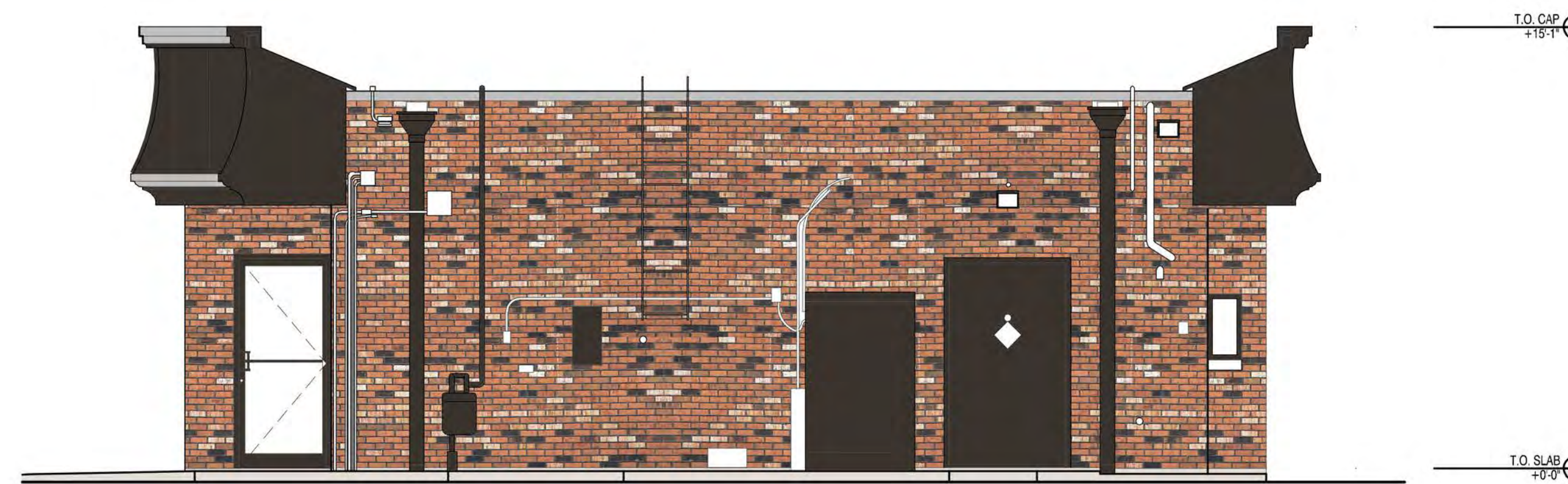
03 EAST ELEVATION



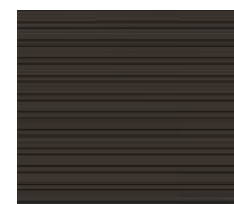

SCALE: 1/4" = 1'-0"



04 WEST ELEVATION

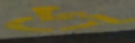
SCALE: 1/4" = 1'-0"



-  EXISTING MASONRY VENEER
-  PAINTED EXISTING METAL FASCIA (DARK BRONZE)
-  NEW CORRUGATED METAL (DARK BRONZE)
-  METAL TRIM/PAINT (SILVER)



Advocate Medical





LEXINGTON ANNUAL ZONING ORDINANCE TEXT AMENDMENTS – “BATCH A”

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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>			
Use Types			
Residential			
<i>Dish Antennas (not meeting use and design Standards in §420-11.1.1)</i>			C

STAFF RECOMMENDATION:

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>			
Use Types			
Residential			
<i>Dish Antennas (not meeting use and design Standards in §420-11.1.2)</i>			C

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Planning Commission decided on 1.11.2024 to advertise the reference change with the Batch A zoning text amendments.

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					

STAFF RECOMMENDATION:

Amend the Use Matrix to allow the cemetery use as a by-right 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>B</u>	B					

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Planning Commission decided on 1.11.2024 to advertise a) cemeteries as a conditional use in the P-OS zoning district, b) remove cemeteries as a by right use in the R-1 zoning district, and c) place these changes with the Batch A zoning text amendments.

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.*

STAFF RECOMMENDATION:

Amend the Entrance Corridor lighting standards to include a reference to the exterior lighting standards in §420-15.3.

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 feet in height.*~~

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Planning Commission decided on 1.11.2024 to advertise a) an amendment to the second Entrance Corridor lighting standard, b) change the maximum height for light poles to 25', and c) and place these changes with the Batch A zoning text amendments.

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 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								
Commercial								
<i>Restaurant, drive-in</i>								
<i>Restaurant, general</i>								
<i>Restaurant, mobile</i>								
<i>Restaurant, small</i>								
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:

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on January 25, 2024

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.

STAFF RECOMMENDATION:

Amend the Specialty Food Shop definition to allow both an oven and a convection oven to be utilized in a specialty food shop in addition to the microwave that is already permitted. The restriction that no open flame heat source be utilized for specialty food shops will remain. Staff does not expect the use of an oven or a convection oven in a Specialty Food Shop located in the C-1 and C-2 zoning districts to create an unwelcome impact given that restaurants with open flame heat sources are by right in those zoning districts. However, the R-LC zoning district is that step-down zoning district between commercial uses and residential uses, and the impact of an oven and convection oven in a Specialty Food Shop should be particularly considered in the R-LC zoning district.

§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, oven, convection oven, 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.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Planning Commission decided on 1.11.2024 to advertise a) an amendment to the Specialty Food Shop definition to expand the allowed appliances to include ovens, convection ovens and ranges, b) striking any reference to “cooking” from the definition, c) change Specialty Food Shops in the R-LC zoning district from by-right to conditional, and d) place these changes with the Batch A zoning text amendments.

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.***

STAFF RECOMMENDATION:

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.*
- ~~*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.*
- H.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?

STAFF RECOMMENDATION:

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>		

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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								
Industrial, light								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.

STAFF RECOMMENDATION:

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.*

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- 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.*

STAFF RECOMMENDATION:

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

§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 the owner, alternatively, the owner(s) may also 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.*

STAFF RECOMMENDATION:

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.

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

E. 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.

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

~~*∅C. 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?

Should the remote “parking lot” mentioned in §420-12.3.C be changed to remote “parking facility” to align with the parking facility definition and the parking facility use and design standards?

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.

§420-11.5. Miscellaneous Uses.

1. Parking Facility.

The following general standards shall apply to all parking facilities:

A. No motor vehicle work shall be permitted in association with a parking facility except under emergency service work.

B. Parking shall be the principal use of all parking facilities. Spaces may be rented for parking but no other business of any kind shall be conducted in the structure except City sanctioned farmer’s markets.

§420-20.1 Definitions.

PARKING FACILITY

A site for surface parking or a parking structure use which provides one or more parking spaces together with driveways, aisles, turning and maneuvering areas, incorporated landscaped areas, and similar

features meeting the requirements established by this ordinance. This use type shall not include parking facilities accessory to a permitted principal use.

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								
Miscellaneous								
Parking facility		B			C	C	C	C

STAFF RECOMMENDATION:

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, and possibly in the R-LC zoning district. Consider changing the remote “parking lot” mentioned in §420-12.3.C to a remote “parking facility” to align with the *parking facility* definition and the *parking facility* use and design standards that already exist in the Zoning Ordinance.

Option A.

§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, C-2, or R-LC** 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.

-- or --

Option B.

Another option to consider in addition to the clarification needed in Option A, is to tie the remote parking lot allowed in §420-12.3.C to the “Parking Facility” use which is defined in the current Zoning Ordinance and which also includes use and design standards.

§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 **at facility** which is within 500 feet measured along lines of public access from the principal use **and meets the use and design standards for a parking facility**. A remote

parking ~~lot~~ facility 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.

STAFF RECOMMENDATION:

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 – Concessions are not specifically allowed in a public park

ISSUE:

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. It would be helpful to allow concessions within public parks to a) explicitly authorize the Brewbaker concession stand (it is now considered a legal nonconforming use), and b) to allow food to be served in other public parks. The Brewbaker Complex has hosted events with food trucks previously, and the kayak rental vendor in Jordan's Point Park last summer expressed interest in serving food as well.

One option to address the deficiency is to either a) amend the definition of a *Public Park and Recreational Area* or to b) create use and design standards that expressly allows concessions to be sold incidental to the *Public Park and Recreational Area* use.

Another option, albeit more complicated, is to also address concessions for the *Public Recreation Assembly* use. The *Public Recreation Assembly* use allows publicly-owned and operated civic centers, recreation centers, year-round swimming facilities and indoor performing arts auditoriums, and these uses will likely generate higher participation numbers (see definitions below) than the *Public Park and Recreational Area* use which allows lower intensity uses such as picnic areas, playgrounds, recreation facilities, shelters, and open spaces. This higher expected intensity explains why the *Public Recreation Assembly* use is not a permitted use in any zoning district and that it is a conditional use in the Floodplain Overlay (FP), R-1, R-M, R-LC, C-1 and C-2 zoning districts.

There are also two use and design standards for the *Public Recreation Assembly* use that could be amended to specifically allow concessions for the higher expected attendance levels, while the definition of *Public Recreation Assembly* could also be amended to allow concessions. It may not be as imperative to consider concessions in the *Public Recreation Assembly* use at this time, but it may be worthwhile to mention that a study group lead by the Chamber of Commerce is currently investigating the feasibility of a civic/recreation center in the Brewbaker Complex. For that reason alone it may be beneficial to decide concessions for the *Public Recreation Assembly* use while we address concessions in the *Public Park and Recreational Area* use.

Items to consider:

Should concessions be allowed in the *Public Park and Recreational Area* use?

Should concessions be allowed in the *Public Recreation Assembly* use?

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								
Civic								
<i>Public assembly</i>			<i>C</i>	<i>C</i>	<i>C</i>		<i>C</i>	<i>C</i>
<i>Public Park & Recreational Area</i>		<i>B</i>						
<i>Public recreation assembly</i>	<i>C</i>		<i>C</i>		<i>C</i>	<i>C</i>	<i>C</i>	<i>C</i>

§420-11.2. Civic Uses.

3. Recreation Facility, Public.

- A. General standards: Any outdoor activity area, swimming pool, ball field, or court which adjoins a residential use type shall include screening and buffering in accordance with the landscape section of this ordinance.*
- B. Where nighttime lighting is proposed it shall be fully shielded and large evergreen trees shall be required to appropriately screen any adjoining residences. Any such night-time lighting shall be constructed in accordance with the lighting standards set forth in this ordinance.*

§420-20.1 Definitions.

PUBLIC ASSEMBLY

Facilities that accommodate public assembly for sports, amusements, or entertainment purposes. Typical uses include auditoriums, sports stadiums, convention facilities, and incidental sales and exhibition facilities.

PUBLIC PARK AND RECREATIONAL AREA

Publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, game preserves, open spaces, and other similar uses. This shall not include Public recreation assembly.

PUBLIC RECREATION ASSEMBLY

Publicly-owned and operated community, civic, or recreation centers, year-round swimming facilities, or indoor performing arts/auditoriums.

STAFF RECOMMENDATION:

Allow concessions in the *Public Park and Recreational Area* use through the addition of new use and design standards, and consider allowing concession in the *Public Recreation Assembly* use through the addition of use and design standards.

§420-11.2. *Civic Uses.*

3. ~~Recreation Facility, Public~~ *Public Recreation Assembly, and Public Park and Recreational Area.*

- A. *General standards: Any outdoor activity area, swimming pool, ball field, or court which adjoins a residential use type shall include screening and buffering in accordance with the landscape section of this ordinance.*
- B. *Where nighttime lighting is proposed it shall be fully shielded and large evergreen trees shall be required to appropriately screen any adjoining residences. Any such night-time lighting shall be constructed in accordance with the lighting standards set forth in this ordinance.*
- C. *Incidental sales, such as, but not limited to, concession stand, and food trucks in compliance with §420-11.3.18.*

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

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #13 – 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		

STAFF RECOMMENDATION:

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 #14 – 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)

STAFF RECOMMENDATION:

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

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on January 25, 2024

§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 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 #15 – 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.

STAFF RECOMMENDATION:

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, either a) 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, or b) amend the *Walls and Fences* section (i.e. §420-14.8.G) to only allow fences above seven feet in height through a conditional use permit.

§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 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.*

-- or --

§Article XIV. Landscaping.

§420-14.8. Walls and Fences.

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~~ 7 feet in height above the existing grade without approval of a conditional use permit.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #16 – Develop design standards for mini-warehouses

ISSUE:

Mini-warehouses are only allowed as a conditional use in the C-2 zoning district and there may be a benefit to developing use and design standards for this use. Use and design standards can lessen the impact of a particular use and help with its integration amongst other existing uses. This may be more true with mini-warehouses than with other uses because the typical mini-warehouse development, while needed, represents a low level of investment and can be particularly unsightly. In staff's opinion a typical one story mini-warehouse development is not an efficient use of land in Lexington where development and redevelopment opportunities are limited. Additionally, the standard mini-warehouse does not enhance the design character and quality of our community.

Per the Land Use chapter of the comp plan, in commercial centers "new buildings should be oriented toward the street and provide a visually rich and detailed architectural character with quality, enduring materials." Again, it is staff's opinion that a typical mini-warehouse development does not provide a visually rich and detailed architectural character, and minimum development standards should be considered to limit the impacts of this use.

Items to consider:

Should use and design standards be developed to help integrate a mini-warehouse development with existing land uses with the intent of lessening potential impacts from the mini-warehouse use?

EXISTING LANGUAGE:

§420-20.1. Definitions.

MINI-WAREHOUSE

A building designed to provide rental storage space in cubicles where each cubicle has a maximum floor area of 400 square feet. Each cubicle shall be enclosed by walls and ceiling and have a separate entrance for the loading and unloading of stored goods. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

STAFF RECOMMENDATION:

Consider the following use and design standards for mini-warehouses.

§420-11.3.26. Warehouse, mini

- A. All storage for mini-warehouse storage facilities shall be within a completely enclosed building provided, however, that the outdoor accessory storage of motor vehicles, trailers, and recreational equipment on the same site is acceptable if such outdoor storage is thoroughly screened from adjacent properties and streets.
- B. The following uses shall be prohibited:
 1. Auctions by tenants, commercial wholesale or retail sales, or miscellaneous or garage sales.
 2. The servicing, repair or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances or other similar equipment.
 3. The operation of power tools, spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.

4. The storage of flammable, highly combustible, or other hazardous materials.
- C. The owner shall post readily visible contact information, including but not limited to name and phone number, on site for appropriate personnel to be reached in case of emergency.
- D. Tenant identification signs and advertising signs are prohibited.
- E. Accommodations for alive-in manager shall be permitted.
- F. No door opening for any storage unit shall be constructed facing any residentially or Parks & Open Space (P-OS) zoned property, or any public right-of-way.
- G. Door openings for rental units shall face the interior of the site unless impracticable.
- H. All interior driveways shall be at least 26 feet wide when cubicles open onto one side only and at least 30 feet wide when cubicles open onto both sides to accommodate loading and unloading at individual cubicles. Adequate turning radiuses shall be provided, where appropriate, for a thirty-foot long single unit truck or moving van. All driveways and any other vehicle use or storage area shall be construction of a hard surface such as asphalt bituminous concrete.
- I. The maximum length of any single storage building shall be 100 feet.
-
- J. In addition to the conditions noted above, (except for subsections (?) and (?) of this section), all multi-story mini-warehouse storage facilities that are accessed only from the interior of the building shall comply with the following:
1. The mini-warehouse storage facility shall be a multistory structure designed to emulate multifamily or office buildings;
 2. All storage units shall gain access from an interior hallway;
 3. Access to all buildings shall be monitored by electronic security and/or facility staff at all times. All access to individual storage units shall be from internal corridors;
 4. Loading docks and areas shall be from the rear or side of the building, but not facing a public street.
 5. Building shall have massing compatible with the scale and intensity of surrounding developments and consist of the following elements:
 - a. Buildings shall be oriented to the street, with a functional primary entrance on their facades.
 - b. Blank or mirrored building facades are not allowed.
 - c. Façades should appear to have between 30 and 70 percent transparency.
 - d. Façade design facing public rights-of-way shall vary along the street block, as opposed to presenting a single face for the block along all or great extents of the street. Articulation shall occur at least every 1/3 of the length of any building façade;
 - e. Integrate rooflines and articulate prominent roof tops. The tops of flat-roofed buildings shall be visually articulated, with projections providing visual interest and shadow lines;
 - f. Primary materials shall include, but are not limited to:
 - (1) Brick or brick masonry veneer.
 - (2) Stone.
 - (3) Integral colored textured concrete block.
 - (4) Fiber cement panel siding (Hardi-siding).

(5) High quality vinyl.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

PLANNING COMMISSION RECOMMENDATION:

Recommend in favor/denial of the proposed amendment.

Vote:

ITEM #17 – 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.*

STAFF RECOMMENDATION:

Amend the gasoline station definition to allow electric vehicle charging and add a definition for electric vehicle charging stations.

*§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.~~
An establishment engaged in the retail sale of motor vehicle fuel that is stored 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.

Consider adding 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 as shown on an approved site plan. 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 #18 – 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.

STAFF RECOMMENDATION:

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.

1. 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:

ITEM #19 – Revise Entrance Corridor (sign) design standards

ITEM #20 – Develop Cottage Housing regulations