

LEXINGTON PLANNING COMMISSION

April 11, 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 March 28, 2024*
- 4. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. Request to defer CUP 2024-02: An application by John Adamson of Rockbridge Partners, LLC to renew a Conditional Use Permit allowing a portion of the building located at 2 South Main Street (TM #23-1-194) and owned by Rockbridge Partners, LLC to be used as an assembly hall (i.e. *Public Assembly*).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. ZOA 2024-02: Annual Zoning Ordinance Amendments. Batch B – Mobile Restaurants.
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion & Decision
- 6. OTHER BUSINESS**
 - A. Zoning and Planning Report
 - B. Key Annual PC Milestones: Ongoing. Remaining items:
 - 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. Entrance Corridor Design Standards work session
 - 2) Comp Plan Review: Ongoing
 - 3) Major Project Update
- 7. CITY COUNCIL REPORT**
- 8. ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, March 28, 2024 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

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

City Staff:

Arne Glaeser, Planning Director

Absent: Gladys Hopkins

CALL TO ORDER

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

AGENDA

The agenda was unanimously approved as presented. (S. Spencer / L. Straughan)

MINUTES

The February 22, 2024 minutes were unanimously approved as presented. (J. Driscoll / S. Spencer)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

Commissioners Eastwood, Straughan and Bradley recused themselves from the discussion of the first two items of new business. Their disclosure statements are attached hereto and made a part of the record. They each left the dais and joined the public. Vice-Chair Spencer presided over these items of business. Director Glaeser suggested opening items A and B together for the purposes of the staff report, applicant statement and public comment, and then voting on each application separately. Vice-Chair Spencer agreed.

A. EC COA 2024-03: An application by Hugh Latimer of Washington & Lee University for a Certificate of Appropriateness (COA) for construction of the Lindley Center for Student Wellness at 200 East Denny Circle, on a portion of the 103 acre parcel (Tax Map #NM 19) owned by Washington & Lee University.

B. SP 2024-03: An application by Hugh Latimer of Washington & Lee University requesting approval of a site plan for the construction of the Lindley Center for Student Wellness at 200 East Denny Circle (Tax Map #NM 19) owned by Washington & Lee University.

1) Staff Report – A. Glaeser reminded the Commission that a Conditional Use Permit had already been approved for the project and what was being sought was approval of the

design and site plan in anticipation of having a building permit issued. He reviewed the applicable design standards, reported he found the project to meet the standards, and recommended approval of the Certificate of Appropriateness. He pointed to the description of exterior materials and elevation drawings included with the application and reminded the Commission that the COA approval process allowed for latitude and discretion, should they be deemed warranted. The site plan approval, on the other hand, was a ministerial act, meaning a site plan meeting City requirements should be approved. A. Glaeser reported the Lindley Center site plan had gone through two rounds of review by City staff and had been found to comply with all zoning requirements pertaining to site design and use, as well as other City codes related to drainage, water supply, fire protection, sanitary sewer facilities, and construction standards.

- 2) Applicant Statement – Hugh Latimer, Washington & Lee Architect, offered a correction to the list of materials found in the Certificate of Appropriateness application. He said the building would have a standard seamed metal roof rather than recycled composite “slate” shingles. In response to questions about parking, he indicated the parking area would have four parking spots which were primarily intended for people visiting the facility.
- 3) Public Comment - None
- 4) Commission Discussion & Decision – **J. Driscoll moved to approve the Entrance Corridor Certificate of Appropriateness application EC 2024-03 for the construction of the new Lindley Center for Student Wellness at 200 East Denny Circle as proposed by the applicant. M. S. Harlow seconded and the motion passed unanimously. (3-0) M. S. Harlow moved to approve Site Plan number SP 2024-01 and find the submitted site plan for the Lindley Center for Student Wellness building at 200 E. Denny Circle to be in compliance with applicable City codes. J. Driscoll seconded and the motion passed unanimously. (3-0)**

Commissioners Bradley, Eastwood and Straughan rejoined the Planning Commission on the dais.

C. CUP 2024-02: An application by John Adamson of Rockbridge Partners, LLC to renew a Conditional Use Permit allowing a portion of the building located at 2 South Main Street (TM #23-1-194) and owned by Rockbridge Partners, LLC to be used as an assembly hall (i.e. *Public Assembly*).

- 1) Staff Report – This is an application to renew a conditional use permit that was approved in April 2009 for a period of 15 years. At that time *Private Schools* and *Assembly Halls* were authorized in the C-1 zoning district with a conditional use permit. The 2009 approval was made with the following conditions: 1) That only the courtroom or the vault room be utilized for private school or assembly purposes. The determination of which space will be used for this purpose is to be determined by the applicants. 2) That this Conditional Use Permit be issued for a period of fifteen years. The applicant is requesting the first condition remain in place and that the second condition be amended to grant the renewal in perpetuity. In 2017 many uses in the Zoning Ordinance were added or amended and the current ordinance no longer includes the *Assembly Hall* and *Private School* uses. The

current uses most closely related the subject 2009 uses are *Public Assembly* and *Educational Facility, College/University*, both of which are conditional uses in the C-1 zoning district. Staff recommends the application be approved using the current uses and with no renewal period. L. Straughan said her recollection of the intent of the existing conditions was to require that one of the two mentioned rooms be available as a public assembly space. She recommended amending the condition to more clearly state that requirement. A. Glaeser provided the Commission with revised language for the first condition but acknowledged that the applicant had not reviewed it.

- 2) Applicant Statement – The applicant was unable to attend.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – There was general agreement that eliminating the second condition would be appropriate. P. Bradley suggested deferring a decision on the application until the next meeting to give the applicant an opportunity to review the proposed revised condition. There was general support among the Commissioners for the revised language. **S. Spencer moved to defer the application to the April 18, 2024 meeting. J. Eastwood seconded and the motion passed unanimously. (6-0)**

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

- 1) Staff Report – Noting that there did not appear to be much public interest in these amendments, and that the Commission had discussed them at length during prior meetings, Director Glaeser said he would not address each amendment separately but was happy to answer questions.
- 2) Public Comment – None
- 3) Commission Discussion & Decision – Following discussion and consideration of several slight amendments to the amendment allowing the owner of a Bed and Breakfast to live on an adjacent property, **J. Driscoll moved to amend the suggested text amendment for bed-and-breakfasts to read, “Whenever there are guests on the property, the owner of a bed-and-breakfast establishment must reside on the property, or alternatively, the owner(s) may live on an immediately adjacent parcel.” S. Spencer seconded and the motion passed unanimously. (6-0) S. Spencer moved to approve the remaining Batch A text amendments (#1-7 and #9-16) as presented. M. S. Harlow seconded and the motion passed unanimously. (6-0)**

OTHER BUSINESS

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

- A Notice of Violation was sent to a short term rental that was not abiding by the zoning restrictions. The owner chose to shut down operation of the short term rental without an appeal.
- He was involved with a significant clean-up of a yard on Carruthers Street. The action involved several city departments.
- A Notice of Violation will be delivered soon for an R.V. parked in a front yard along Confederate Circle.

- The Project Management Team for the citywide housing conditions survey met and an RFP for the survey consultant is being finalized.
- Staff has received a corrected version of the Future Land Use Map with the Maple Lane properties removed from the S. Main Street Opportunity Area. A public hearing will be advertised in the near future.
- He received a response from the City Attorney about amending the Subdivision Ordinance to streamline boundary line adjustments and vacations. A bit more work needs to be done before a public hearing can be held.

B. Key Annual PC Milestones – There was a brief discussion to identify upcoming zoning amendment items. J. Driscoll suggested adding those items to future agendas.

CITY COUNCIL REPORT -

L. Straughan reported that City Council considered two land use issues at its March 21st meeting. With a split vote Council decided to participate in the airport feasibility study. There was also discussion about a request from Echelon for a tax abatement on the Spotswood property. A new City Manager was hired and will start by early June.

ADJOURN

The meeting was adjourned at 6:05 p.m. with unanimous approval. (S. Spencer / L. Straughan)

P. Bradley, Chair, Planning Commission

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

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

OVERVIEW OF REQUEST AND BACKGROUND

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

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

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

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

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

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

location map



2 S. Main Street



CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

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

C. Conditions of Issuance

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

STAFF RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

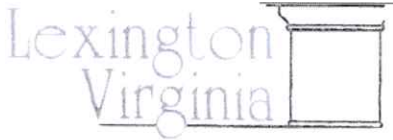
Pending

SUGGESTED MOTION:

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

HISTORY

At the March 28, 2024 meeting, the Planning Commission deferred its decision on this application to allow the applicant an opportunity to review a proposed revision to the condition requested by the applicant. Since that time additional information has come to light, including the expiration of deed restrictions, which the applicant would like additional time to consider. He has therefore requested that this matter be deferred until the April 25, 2024 meeting.



www.lexingtonva.gov

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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

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

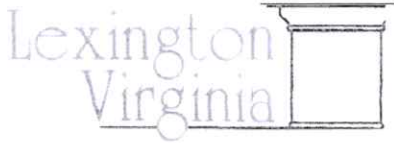
Property Owner

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

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

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

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



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

www.lexingtonva.gov

Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

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

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

Staff Review

Planning: Public Works:

Police: Fire/Rescue:

Public Hearings

Planning Commission

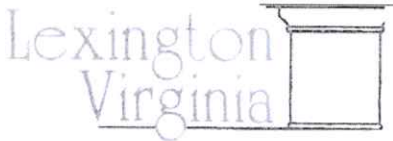
City Council

Legal Ad Dates: Legal Ad Dates:

Adj. Property Notifications: Adj. Property Notifications:

Public Hearing Date: Public Hearing Date:

Action: Action:



www.lexingtonva.gov

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

Conditions of Issuance

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

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

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

February 26, 2024

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

To Whom it May Concern:

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

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

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

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

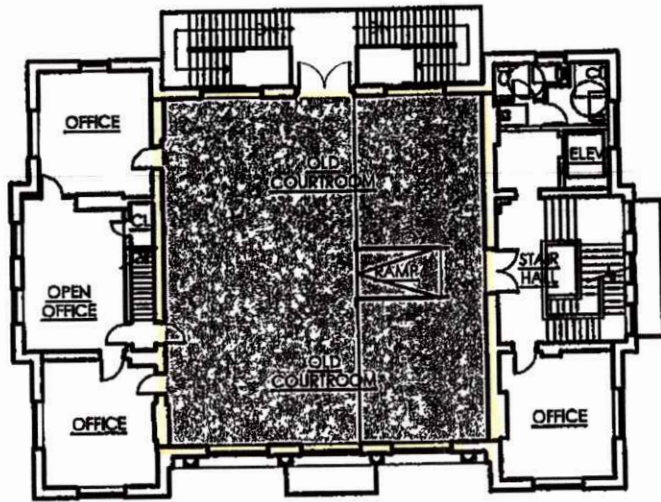
We respectfully request that Condition #2 be amended to grant the renewal of the CUP in perpetuity.

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

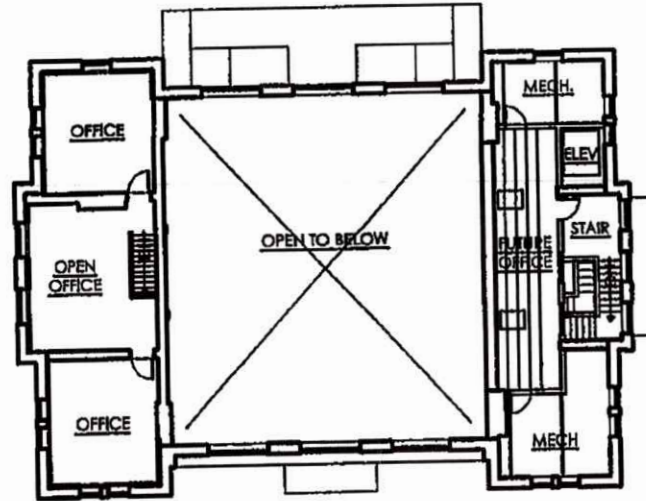
Rockbridge Partners believes the current uses of the building are consistent with the City of Lexington's policies and the principles of the adopted Comprehensive Plan. A continuation of the conditional use permit would be appropriate to accommodate the unique coupling of these uses (education and semi-public)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



John Adamson – Rockbridge Partners, LLC

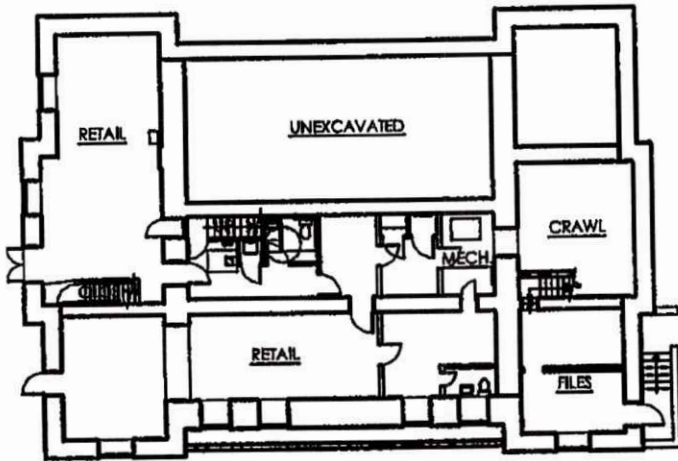


03 SECOND FLOOR PLAN
NOT TO SCALE

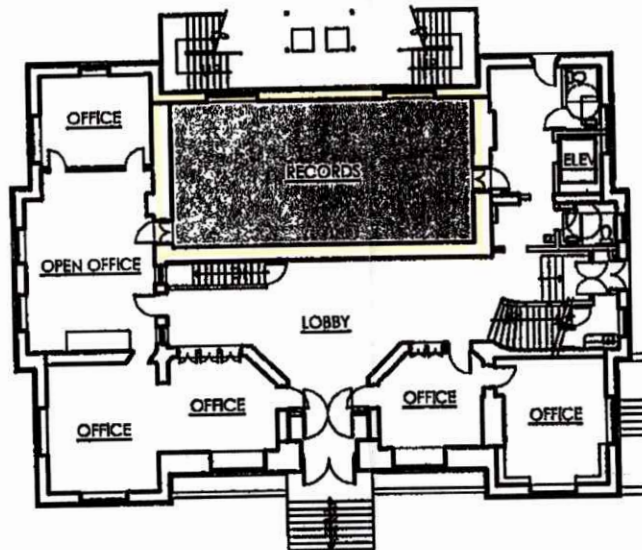


04 THIRD FLOOR PLAN
NOT TO SCALE

NOTE - AREAS UNDER CONSIDERATION FOR CLASSROOM AND/ OR PUBLIC USE ARE HATCHED THUS:



01 BASEMENT FLOOR PLAN
NOT TO SCALE



02 FIRST FLOOR PLAN
NOT TO SCALE

ratio

Rockbridge Courthouse Renovation

12 28 22
12 28 22

NEW CONCEPT FLOOR PLANS

SK 01

© www.ratio.com

Batch B – Concessions are not specifically allowed in a public park

(The following was included in the 1.25.2024 P.C. meeting packet.)

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.*

PLANNING COMMISSION RECOMMENDATION:

Planning Commission decided on 1.25.2024 to set this proposed amendment aside for a lengthier discussion at a later date.

1.25.2024 P.C. meeting minutes excerpt:

Commission Discussion – L. Straughan thought this issue was well worth considering but believed it should be set aside more deliberate consideration. P. Bradley agreed, highlighting several questions that would need to be considered. There was general agreement to put this amendment aside and consider developing use and design standards at a later date.

PUBLIC COMMENT AT P.C. PUBLIC HEARING:

Recommend in favor/denial of the proposed amendment.

Vote:

Batch B – Concessions and Mobile Restaurants in City parks

(The following was included in the 2.22.2024 PC meeting packet)

ISSUE:

How do we want to address concessions and/or food trucks in City parks, if at all?

As mentioned in the 1.25.2024 P.C. meeting packet, a concession stand exists in the Brewbaker Field Sports Complex, however, the *Public Park and Recreational Area* use does not specifically allow concessions. The question is whether the Zoning Ordinance should be amended to explicitly allow concessions, or whether the current definition of a *Public Park and Recreational Area* use is sufficient (i.e. no change is needed). Staff notes the existing concession stand can be considered either an accessory use to the *Public Park and Recreational Area* use, or it can be considered a legal nonconforming use. In either case, the concession stand in the Brewbaker Field Sports Complex can

remain and operate as it exists today. The question is whether a text amendment is needed to allow concession stands in other parks.

While concession stands are typically operated in a building fixed to the property, the Lexington Zoning Ordinance also allows mobile restaurants that include food trucks, trailers, and carts. A question that is related to the one above regarding concessions, is whether a zoning text amendment is needed to specifically allow mobile restaurants to operate in City parks. Mobile restaurants are currently not permitted to operate in the P-OS zoning district outside of special events.

CONCESSIONS

The *Public Park and Recreational Area* use is a by-right use in the Parks and Open Space (P-OS) zoning district, and staff notes that all of the property in Lexington that is in the P-OS zoning district (see attached Zoning Map) is owned by the City of Lexington, with the exception of a limited number of golf holes owned by the Lexington Golf and Country Club that are zoned P-OS (with the remainder of the golf course and country club being located in Rockbridge County). Since the vast majority of the properties located in the P-OS zoning district are owned by the City, there may be less of a need to amend the Zoning Ordinance to expressly permit concessions in the *Public Park and Recreational Area* use.

If it is determined that there is a need to expressly permit concessions in the *Public Park and Recreational Area* use, concessions could be allowed by either:

1. Amending the *Public Park and Recreational Area* use definition to allow “incidental sales,” and this approach may benefit from a statement that “incidental sales” are distinct from mobile restaurants which are regulated separately, or by
2. Creating a new “concessions use” that would require a new definition, placement in the Use Matrix, and possible development of use and design standards for the new “concessions use.”

MOBILE RESTAURANTS

The Zoning Ordinance includes use and design standards for Mobile Restaurants which include food trucks, food trailers, and food carts (see attached mobile restaurant supplement). The use and design standards were written to apply to mobile restaurants when they operate on private property or within public spaces and rights of way, but the standards do not apply when a mobile restaurant is operating in conjunction with a special event. This exception was needed to provide additional flexibility during events such as the Community Festival, or Rock the Bridge for example. Other than the events exception, mobile restaurants are currently a by-right use in the R-LC, C-1, and C-2 zoning districts only. If there is a desire to allow mobile restaurants to operate in Jordan’s Point Park (or any other City park), the Zoning Ordinance could be amended by either:

1. Amending the Use Matrix to permit mobile restaurants as a by-right or a conditional use in the P-OS zoning district, or
2. Amending the Mobile Restaurant use and design standards to provide an exemption to mobile restaurants operating in a City-owned park similar to the exemption provided to mobile restaurants operating in conjunction with a temporary, special event.

Of course other alternatives may also exist to allow concessions and mobile restaurants in City parks, and hopefully the materials provided here are a sufficient beginning for the discussion.

On 2.22.2024 Planning Commission agreed that an amendment allowing concessions in the P-OS district was not necessary, but an amendment allowing mobile restaurants to operate in some City parks warranted consideration.

Batch B – Mobile Restaurants in City parks *(for discussion 4.11.2024)*

In response to comments and concerns raised during prior discussions, staff offers the following amendments to the use and design standards for mobile restaurants and to the Use Matrix.

Lexington Zoning Ordinance

§420-11.3. Commercial Uses.

18. Restaurant, mobile.

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

- A. Mobile restaurants must obtain a City Mobile Restaurant permit, and must be inspected and approved by the City at least three business days prior to initial operation *and again prior to annual business license renewal.*
- B. Mobile restaurants must maintain a valid business license issued by the City of Lexington and a valid health permit issued by the Virginia Department of Health.
- C. A mobile restaurant may operate:
 1. on either public, commercially zoned property, ~~or~~
 2. private, commercially zoned property with written permission from the owner, or
 3. in Jordan's Point Park, Brewbaker Field Sports Complex, (list here any other public parks where food trucks should be allowed) with a written agreement with the City of Lexington.

(Note: this option requires the Use Matrix be amended to allow Mobile Restaurants in the P-OS zoning district along with a note on the Use Matrix that mentions which parks specifically allow Mobile Restaurants after the execution of a written contract with the City of Lexington.)
- D. No items shall be sold other than food and beverages.
- E. No music shall be played that is audible outside of the vehicle.
- F. Mobile restaurant vehicles must park in locations or areas as approved in the City Mobile Restaurant permit, and shall not block i) the main entry drive isles or impact pedestrian or vehicular circulation overall, (ii) other access to loading areas, or (iii) emergency access and fire lanes. The Mobile Restaurant must also be positioned at least fifteen (15) feet away from fire hydrants, any fire department connection (FDC), driveway entrances, alleys and handicapped parking spaces.
- G. A mobile restaurant may operate for a maximum of six hours between 9am and 9pm Sunday to Thursday and between 9am to 11pm Friday and Saturday (including set-up and break-down) in

any one day at any single location. The vehicle and all accessory structures shall be removed each day.

- H. No signs may be displayed except 1) those permanently affixed to the vehicle and 2) one, a framed sign not to exceed 4 feet in height and 6 square feet of display for each of the two sides and the sign cannot block any passageways.
- I. Trash receptacles shall be provided and all trash, refuse, or recyclables generated by the use shall be properly disposed of.
- J. No liquid wastes shall be discharged from the mobile restaurant.
- K. No mobile restaurant shall locate within 50 feet of the entrance to a business that sells food for consumption (determined by measuring from the edge of the Mobile Restaurant to the main public entrance of the restaurant) unless permission of the restaurant owner is provided.
- L. No mobile restaurant shall locate within 100 feet of a single family or two-family residential use.
- M. Vehicles may be otherwise limited by the City depending on the location or other details of the Mobile Restaurant permit application.
- N. A mobile restaurant may operate at any farmer's market held on public or private property, if the food truck vendor is legally parked at the farmer's market and has received written permission from the farmer's market manager and displays such written permission upon request.
- O. The operation of the mobile restaurant or use of a generator should not be loud enough to be plainly audible at a distance of one hundred (100) feet away. Excessive complaints about vehicle or generator noise will be grounds for the Administrator to require that the Mobile Restaurant Vendor change location on the site or move to another property.
- P. The requirements of this section shall not apply to Mobile Restaurant Vendors at catered events (events where the food is not sold through individual sales but provided to a group pursuant to a catering contract with a single payer).
- Q. A Mobile Restaurant permit may be revoked by the Zoning Administrator at any time, due to the failure of the property owner or operator of the Mobile Restaurant permit to observe all requirements for the operation of mobile restaurants. Notice of revocation shall be made in writing to address of record for Mobile Restaurant permit holder. Any person aggrieved by such notice may appeal the revocation to the Board of Zoning Appeals.

§420-20.1. Definitions.

RESTAURANT, MOBILE

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

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								
Restaurant, drive-in								B
Restaurant, general							B	B
Restaurant, mobile		B ⁵				B	B	B
Restaurant, small						C	B	B
Specialty Food Shop						B	B	B

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