

LEXINGTON PLANNING COMMISSION

January 27, 2022 - 5:00 P.M
Community Meeting Room, Lexington City Hall
300 East Washington Street, Lexington, VA 24450

AGENDA

- 1. CALL TO ORDER**
- 2. APPROVAL OF THE AGENDA**
- 3. APPROVAL OF MINUTES**
Minutes from January 13, 2022*
- 4. CITIZENS’ COMMENTS ON MATTERS NOT ON THE AGENDA**
- 5. NEW BUSINESS**
 - A. CUP 2022-01: Application by Paul Kosmas for a Conditional Use Permit to allow the first floor of an existing building in the C-1 Commercial District located at 17 N. Randolph Street to be used as residential dwelling units.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Recommendation
 - B. CUP 2022-02: Application by Margaret Hutton for a Conditional Use Permit to allow a Bed and Breakfast Inn at 601 South Main Street.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Recommendation
- 6. OTHER BUSINESS**
 - A. Zoning and Planning Report – If applicable
 - B. Catalyst Project Updates – If applicable
 - 1) Bike/Ped Plan: Ongoing
 - 2) Increase Sidewalk Connectivity: Ongoing
 - 3) Accessory Dwelling Unit Ordinance: Starting soon
 - 4) Jordan’s Point Park Plan Implementation
 - 5) Reprogram Traffic Signals Downtown: Complete
 - 6) Assess Stormwater Fees: Tabled until next year
 - 7) Green Infrastructure Group

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

7. CITY COUNCIL REPORT

8. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, January 13, 2022 – 5:00 p.m.
Second Floor Conference Room – City Hall
300 East Washington Street**

Planning Commission:

Presiding: Jamie Goodin, Chair
Present: Nicholas Betts
Pat Bradley
John Driscoll
Blake Shester, Vice-Chair – left meeting at 5:55
Leslie Straughan, Council Liaison
Matt Tuchler

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

CALL TO ORDER

Chair Goodin called the meeting to order at 5:00 p.m.

AGENDA

Chair Goodin suggested the award presentation be moved to the first New Business item so that Commissioner Shester would be present. The agenda was unanimously approved as amended. (B. Shester / J. Driscoll)

MINUTES

Minutes from the December 9, 2021 meeting were unanimously approved as amended by N. Betts. (L. Straughan / P. Bradley)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. Present Virginia APA Honorable Mention award to the Commission

A. Glaeser read the text of the award and thanked the Commissioners for their work. Chair Goodin thanked Commissioner Driscoll for submitting the Plan. A photograph was taken of the Commissioners with the award and J. Driscoll suggested it be shared with the News Gazette.

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

- 1) Continued discussion of PUD text amendment – A. Glaeser presented a slide show of examples of mixed-use developments of varying size and orientation. He requested the Commissioners consider what type of development would be acceptable in the City's opportunity areas located along the E. Nelson Street corridor and S. Main Street from the Farmers Co-op to the intersection with the bypass. He asked that they focus on things such as number of stories and whether vertical or horizontal orientation was preferred rather than colors and materials. L. Straughan observed that, depending on the location, green space may not need to be a priority for mixed-use development. In

response to a query from J. Goodin, A. Glaeser confirmed a hypothetical siting for this type of development could be as a new build on the lots where Schewels or Cook Out are currently. He suggested the Commission consider what sort of setbacks, maximum heights, etc. should be required near residential lots, using the Schewels and Don Tequila parcels as examples. He stated he considers both C-2 zoning districts under discussion to be suburban and any new development in those areas would likely be suburban in nature -- potentially fronting on a parking lot rather than a public street. J. Goodin commented that developing the design guidelines would involve rigorous discussion. A. Glaeser suggested the design guidelines could be approached either within the new district being discussed or separately, as guidelines governing the entrance corridor. J. Driscoll noted any new development would be context specific. J. Goodin said the character of the City's suburban areas is not as cohesive as the City's downtown. A. Glaeser suggested that developing design guidelines for these areas will be simplified by the fact that the Commission knows precisely the areas being considered and the nature of the adjacent properties. In response to a question from M. Tuchler, A. Glaeser clarified current C-2 regulations and said he believed the district the Commission is considering would be less restrictive with respect to both lot requirements and allowable uses. There was discussion about whether and how the City might protect against insolvent developers abandoning new development. While viewing a series of slides detailing a charrette phased improvement plan to a suburban Tuckahoe neighborhood, the Commission discussed parking options that allow for a reduction in visible parking, the phased greening of the area and the progression toward multi-story buildings. J. Goodin proposed that the Commission think about how best to synthesize the suburban areas to the downtown. A. Glaeser suggested amendments or additions to the Entrance Corridor standards might be a way to accomplish this. J. Driscoll asked what levers could be included in the PUD to influence scale and height to guard against over-development. A. Glaeser listed some examples but cautioned that a balance should be found which would allow enough flexibility to make the development worthwhile to the developer while also providing enough guidance. M. Tuchler suggested input from the County Planning Commission and the ARB might be helpful. P. Bradley pointed out the importance of continuity in the transition from the County into the City. He also warned that development of the S. Main Street area should be sensitive, particularly to traffic and height, given its proximity to Maury River Middle School. J. Goodin said he believed input from a developer about what thresholds make a project worthwhile would be helpful. He then asked if different standards could be applied to the two opportunity areas under discussion. There was further discussion of potential development along Rt. 60 and of the potential benefits of developing separate PUDs for the Nelson and S. Main St. areas. A. Glaeser offered to provide draft language for the Commission to review during its next discussion of this topic. He offered text from the Henrico County community mixed-use district as an example, and there was discussion about how that model would translate to certain areas of Lexington. A. Glaeser explained that current zoning regulations only allow horizontal mixed-use and that the PUD amendment under discussion would incentivize

- vertical mixed-use development. He believed the amendment would make mixed-use development in the City less cumbersome and more predictable. In response to a question from J. Driscoll, he said required features such as greater connectivity or pedestrian access would be incentivized by the trade-offs of greater height and density.
- 2) Public Comment – None

OTHER BUSINESS

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

- He approved 3 home occupation permits.
- He has been in conversation with Lewis Gale about the signs for 539 E. Nelson Street. Lewis Gale is working on a rebranding and has requested another 45 day temporary sign.
- A sign permit application for Arbys may be received soon.
- He followed up on 3 code enforcement issues and contacted 3 individuals about additional, new code enforcement issues.
- He will meet next week with a property owner who may appeal a zoning determination that an accessory dwelling unit must be in a main building.
- Staff is investigating several possible grant funds.
- The agenda for the Commission’s January 27th meeting will include 2 applications for conditional use permits and Washington & Lee’s application to amend its master plan.

B. Catalyst Projects Update –

- 1) Bike/Ped Plan: A. Glaeser reported the 60% draft Bike/Ped Plan presentation is tentatively scheduled for February 10th meeting.
- 7) Green Infrastructure Group: J. Driscoll requested and Chair Goodin approved the addition of the Green Infrastructure Group as an agenda item. J. Driscoll reported several presentations have been scheduled for the group’s upcoming meetings.

C. Key Annual PC Milestones –

- 1) e. A. Glaeser reported he had spoken with the County Planning Director, Chris Slaydon, about a joint meeting with the County Planning Commission to discuss regional housing and a possible joint Route 60 corridor Smart Scale application. It was agreed that a joint discussion on housing should not be scheduled until after the housing study has been completed. Mr. Slaydon will gauge the County’s interest in pursuing the Smart Scale improvements and determine whether the Rockbridge Planning Commission has any additional topics for discussion and report back.

CITY COUNCIL REPORT

L. Straughan reported City Council had a work session at its last meeting to discuss the budget and CIP projects. The Nelson Street bridge over Woods Creek is in need of \$1.6 - \$1.8 million in repairs for which the City will not receive funding assistance from the State. There is a consideration to use ARP funds for the repairs which should buy approximately 15 years before a full bridge replacement is needed. At its January 20th meeting, Council will have a work session

to discuss the proposals submitted for the Spotswood property. She confirmed the work session would be open to the public.

ADJOURN

The meeting was adjourned at 6:35 pm with unanimous approval. (J. Driscoll / N. Betts)

J. Goodin, Chair, Planning Commission

Project Name	Conditional Use Permit at 17 North Randolph Street
Property Location	17 N. Randolph Street, Tax Map #: 24-1-3
Zoning	C-1 (Center Business), Downtown Historic District
Owner / Applicant	Suzanne Kosmas / Paul Kosmas
Applicant's Intent	CUP for dwelling on the first floor in the C-1 District

*PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval*

OVERVIEW OF REQUEST AND BACKGROUND

The subject application is a request for a Conditional Use Permit to allow the first floor of an existing building at 17 N. Randolph Street (TM# 24-1-3) to be converted into two residential dwelling units to be used as short and long term rentals. Dwelling units occupying the first floor of any structure in the C-1 zoning district shall only be allowed with a conditional use permit. The first floor residential units should not be visible from a public street, and if the building fronts on a public street, the residential portion of the first floor shall be required to be shielded by office or retail space or a lobby that maintains a commercial appearance per Section 420-11.1.3 of the Zoning Ordinance.

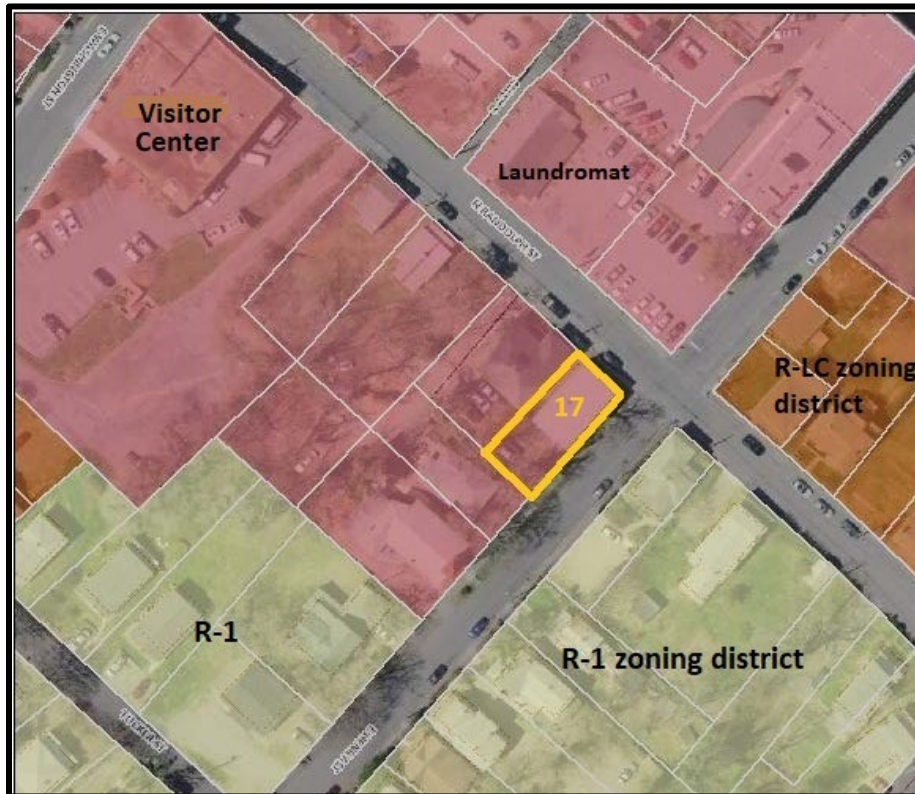
photograph of 17 North Randolph Street



Staff Report & Recommendation
Conditional Use Permit
CUP 2022-01 – 17 N. Randolph Street

The subject building is a two-story building which currently contains seven small office spaces on the ground floor and two, two-bedroom residential units on the second floor. The applicant desires the flexibility to have residential use on the first floor in addition to the two, existing residential units on the second floor, and to be able to rent all of the residential units on a short term or long term basis. Dwelling units are allowed by-right on the second floor or any higher floor in the C-1 zoning district and there is no off-street parking requirement in the C-1 zoning district.

location map



Dwelling units are typically discouraged from street level commercial buildings because they are not an energized space during business hours and therefore provide a poor pedestrian experience along commercial streets. North Randolph Street, however, is not a high level commercial street with significant foot traffic and active retail spaces. The subject building, in fact, borders residentially zoned properties, is adjacent to offices, and there are no retail establishments located in this block of N. Randolph Street.

While the subject parcel may not be ideally situated for retail use, the conversion of first floor space will reduce the amount of downtown commercial space available for retail and office uses by approximately 1,475 square feet. Consideration should be given to the benefit of new residential units downtown versus offices that could exist on the first floor of the subject parcel with adequate investment to update the existing first floor office space.

CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

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

C. Conditions of Issuance

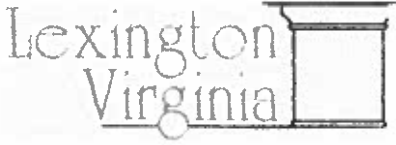
- (1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
 - (a) The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.
(Staff believes the requested first floor dwelling unit 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 requested first floor dwelling unit will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. Consideration should however be given to the benefit, if any, of the addition of residential units downtown versus the corresponding loss of commercial space.)
 - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
(Staff believes the requested first floor dwelling unit would not be in conflict with the policies and principles of the City's adopted Comprehensive Plan. One goal of the Housing Chapter of the Lexington Comprehensive Plan states that the City should stimulate the development of new housing units for both rental and homeownership.)
 - (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 requested first floor dwelling unit.)
- (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.

PLANNING COMMISSION RECOMMENDATION

Pending

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2022-01 to allow dwelling units on the first floor of the building located at 17 North Randolph Street in the C-1 zoning district.



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: PAUL KOSMAS Phone: 540-460-0069

Company: NA Fax: —

Address: 13 WHITMORE ST. LEXINGTON Email: PKOSMAS@GMAIL.COM

Applicant's Signature: Date: 12/9/21

Property Owner

Name: SUZANNE M. KOSMAS Phone: 386-689-2147

Address: 257 MINORCA BLVD WAY, NSB FL Email: SMKOSMAS@gmail.com

Owner's Signature: Date: 12/9/21

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

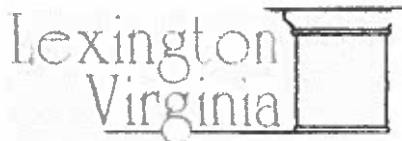
Address (or location description): 17 N. RANDOLPH ST. LEXINGTON

Tax Map: 24 1 3 Deed Book and Page #: 605 / 385

Acreage: 3920 ft² Zoning (attach any existing zoning conditions or proffers): .0899 acres

Description of Proposal³: Convert lower level into 2 two-bedroom apartments for long and short term rentals.

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.



www.lexingtonva.gov

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

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: \$400 Amount Paid: _____ Case Number: CUP- _____ - _____

Date Received: _____ Received By: _____

Staff Review

Planning: _____ Public Works: _____

Police: _____ Fire/Rescue: _____

Public Hearings

Planning Commission

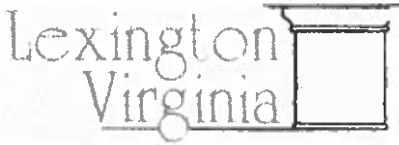
City Council

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.

December 21, 2021

Re: 17 N. Randolph St.

CUP Proposal: Convert first floor to short-term & monthly rental units

Attn: Planning Commission

City of Lexington

From: Paul Kosmas (property manager) & Suzanne M. Kosmas (property owner)

Dear Commission members;

We are requesting to convert the first floor of our building at 17 N. Randolph St. into two 2BR apartment units for short and long term rentals. The first floor is ~1500 sq. ft. total, and each unit would be ~700-750 sq. ft. This would practically mirror the use of the second floor of the building, historically configured as two 2BR units since it was built in ~1911. Please see the attached plans (subject to change for final permitting purposes, but substantially the same) as designed by Frazier Associates, commercial architects who have significant experience in commercial architectural design projects in Lexington.

The first floor of our property at 17 N. Randolph street is currently configured in 7 small office spaces (approximately 100-200 sq. ft. each). We have retained the configuration and use of the ground floor that existed when we purchased the building in 2004. In the past 3 years we have been able to find only two commercial tenants, occupying 2 of the 7 available units. The tenants were paying between \$150-230/month per unit. All 7 spaces have been vacant since August 2021.

We believe our request represents the highest and best use of this floor of our property, generating more revenue for the property owners and significantly increased taxes for the city. The building is currently under-utilized as configured, and there is little apparent demand for the space as it is, demonstrated by the vacancy rate. In the past 17 years, since we have owned the building, the ground floor has never been more than 50% occupied, and that level was only for 2-3 years. Usually we struggle to find 2 quality tenants concurrently. The residential second floor on the other hand has been 100% occupied since we have owned the building. Our experience with other rental properties shows that there is significant demand for both short term and monthly rentals in Lexington, and that there is currently not enough supply to meet the demand.

We also feel that our request is in keeping with Lexington's Comprehensive Plan, specifically the following goals set out on p.29:

Local Economy	Housing
Offer a business friendly environment with opportunity for all residents.	Pursue policies that bolster Lexington's housing market, promote new development, and reduce long-term financial burdens on property owners.
Attract new business and investments that increase the city's tax base, diversify the economy, and promote job growth	Engage Lexington residents and property owners to create a more robust local housing market

We anticipate that this renovation will create several seasonal jobs for local construction trades as well as 3-4 long term jobs for housekeeping, maintenance, and groundskeeping. Approving our CUP application will also increase the property owners return on investment, and keep the downtown area and the street vibrant and in use, rather than the unoccupied state it has mostly been in. Approving our CUP application will help meet a demonstrated need for more diverse housing opportunities for seasonally visiting families, university faculty and administration, construction workers and others as has been clearly demonstrated with our other rental properties. Finally, approval of our CUP will significantly increase the city's tax base on this property compared to the current use, through Transient Occupancy taxes and a likely higher tax assessment.

Our building is on the edge of Lexington's Commercial C1 zoning district, and we are neighbored by residential zoning to the east and north. We are aware of the city code for the Commercial C1 zoning district, which only allows for residential uses on the ground floor by issuance of a Conditional Use Permit.

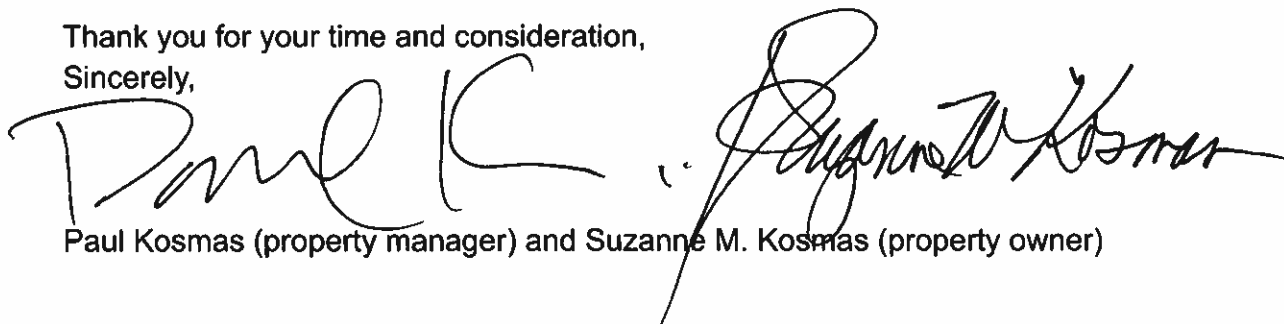
We think that our request is in keeping with the character of the neighborhood, and our adjacent property owners. There are two multi-tenant buildings adjacent at 101 N. Randolph St, and across the street at 104 N. Randolph. Our building faces the back of Sheridan Livery Inn, and we can hear most nights the live music on their back patio which is just across the city parking lot from our building. Adjacent to our south is 15 N. Randolph, a commercial building owned and occupied by Welsh Construction. Directly behind us at 107 E. Henry St, is a formerly residential property now occupied by Washington & Lee University. We also suggest that our intended use mix of short- and long-term monthly rentals is keeping with the spirit of a "Commercial Use" and should not be considered as substantially equivalent to residential use as described in the city's

zoning ordinances for Residential (R1, R2, etc). We also feel that this would have minimal impact and possibly reduce impact on parking resources: as we are currently situated for 7 tenants, our proposed changes would reduce this parking demand to typically two vehicles maximum, and usually not 5 or more days per week as commercial tenants have been previously. Finally, the city has previously approved ground floor "residential" use on Lawyer's Row, so there is precedent for approval of our request.

We respectfully request that our Conditional Use Permit for this renovation be approved, and ask that the City consider issuing the permit without any requirement for renewals, but that it be issued in perpetuity, so long as the use does not significantly or substantially change from what is proposed in our CUP application. It would be an unreasonable risk and burden if the CUP were to be revoked at an arbitrary future date, and put our significant financial and time investment at risk were the CUP not permanent. In keeping with the spirit of the Comprehensive plan to encourage development and be business and community friendly, we ask that if our CUP application is approved that no requirements for renewal are required, and that such language be included in the CUP approval.

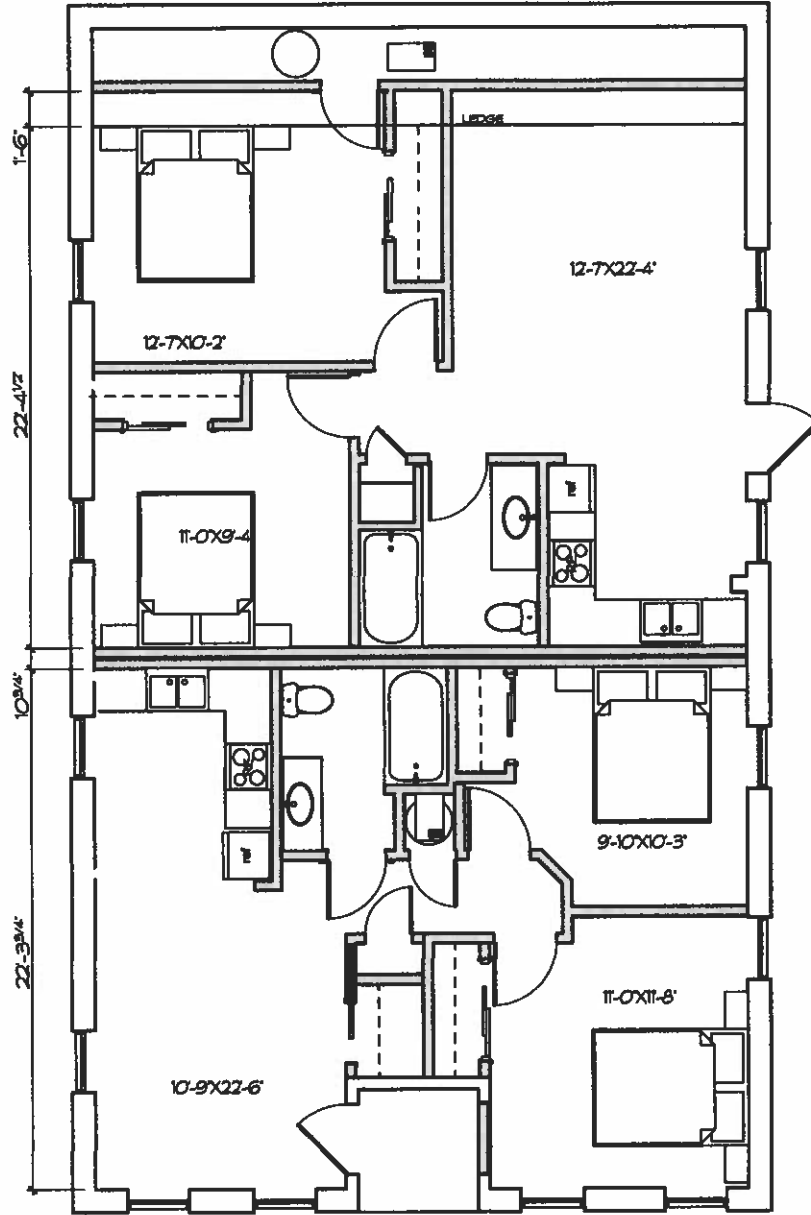
We submit for your review the attached proposed floor plans from Frazier Associates.

Thank you for your time and consideration,
Sincerely,

The image shows two handwritten signatures in black ink. The signature on the left is for Paul Kosmas, and the signature on the right is for Suzanne M. Kosmas. Both signatures are written in a cursive, flowing style.

Paul Kosmas (property manager) and Suzanne M. Kosmas (property owner)

PARTITION MOVED TO
DIVIDE USABLE SPACE
IN HALF





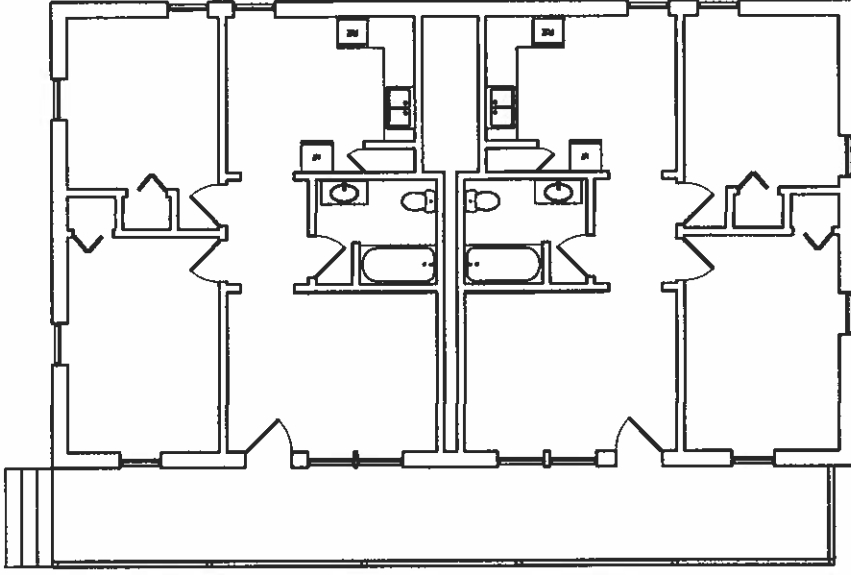
PROPOSED 1st FLOOR

SCALE: 1/8" = 1'-0"



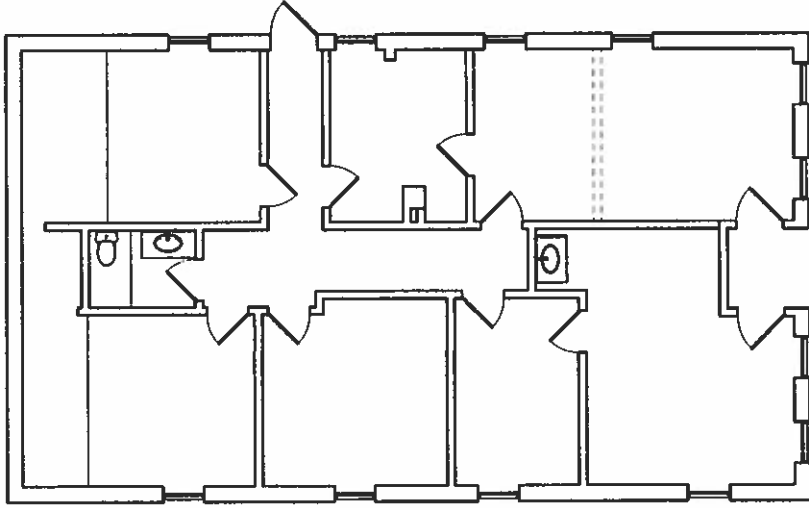
BOTH UNITS HAVE COMBINED KITCHEN
& LIVING ROOMS, SMALLER KITCHENS

 FRAZIER ASSOCIATES <small>ARCHITECTURE • COMMUNITY DESIGN • INTERIORS</small> <small>213 NORTH ALABAMA STREET, STAMFORD, VA 22481</small> <small>PHONE 541.866.8750 • www.frazierassociates.com</small>	17 N. RANDOLPH STREET	11/29/2021		
	PROPOSED FIRST FLOOR PLAN			3
	OPTION 3			



2 2nd FLOOR PLAN

SCALE: 1/8" = 1'-0"



1 1st FLOOR PLAN

SCALE: 1/8" = 1'-0"



NOTE: LOCATION OF PARTITIONS & WINDOWS ARE APPROXIMATE. DIMENSIONS NEED TO BE VERIFIED.

EXISTING CONDITIONS
17 N RANDOLF ST

LEXINGTON, VIRGINIA

FRAZIER ASSOCIATES
ARCHITECTURE • COMMUNITY DESIGN • WAXPENDING



January 18, 2022

To: Lexington Planning Commission and City Council

Reference: CUP Proposal from Paul Kosmas for 17 N. Randolph St

From: Tim & Janeen Welsh (Goodman Properties)

My intention with this email is to let you know that I am not opposed to Paul Kosmas's application to allow his 1st floor level to be used for residential purposes. My wife and I own the properties at 15 North Randolph and 107 Henry Street, which both border Mr. Kosmas's property at 17 N. Randolph. Both of our properties are being utilized as office space on both the 1st and 2nd floors. 107 Henry is completely rented out by Washington & Lee, and 15 N. Randolph is rented out by Welsh Construction and one other tenant on the 2nd floor. In the past, we have had as many as 4 tenants at 15 N. Randolph. We also own 11 Randolph which is being utilized by a business. It should be noted that we have gone to a good bit of expense to make these properties desirable as office/business units, and have been successful so far in promoting them for that use. I note our success in creating viable office space, because I can't help but wonder if the lack of investment/improvements is the reason for the lack of occupancy at 17 N. Randolph.

As noted, I am not opposed to the change in use, but I do hope that Mr. Kosmas will follow through with the planned improvements that he's proposed to me, which include the removal of the conduit and vacated wires on the building, exterior painting, replacement windows, the removal of the generator, and the addition of landscaping. All of these efforts will improve the looks of the building, and will help make the building a desirable place for tenants, whether it be residential or commercial.

Thanks, Tim

Tim Welsh
540-464-1008

tim@welshconstruction.com
www.welshconstruction.com

Please feel free to leave us a [Google Review!](#)



Project Name	Conditional Use Permit at 601 S. Main Street
Property Location	601 S. Main Street, Tax Map #: 28-5-AA & 28-5-A-12
Zoning	R-1 (General Residential District)
Owner / Applicant	Penelope Farthing / Margaret Hutton
Applicant's Intent	CUP for Bed and Breakfast Inn

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

OVERVIEW OF REQUEST AND BACKGROUND

The applicant, Margaret Hutton, and her husband have entered into a contract to purchase the subject property, located at 601 South Main Street, contingent upon approval of their request to operate a 5 room Bed and Breakfast Inn on the subject parcel. The main residence will contain the Bed and Breakfast Inn and the carriage house on the property will serve as the applicants' residence. A Bed and Breakfast Inn with up to eight bedroom accommodations is a conditional use in the R-1 zone district provided all of the bed and breakfast use and design standards can be met. The applicants are requesting a Conditional Use Permit for a five (5) bedroom Bed and Breakfast Inn. The residence at 601 South Main Street contains approximately 4,280 square feet. Proposed siting for five off street parking spaces is included in the application. The applicant proposes a limit of no more than six additional activities hosted on the subject parcel per year to include receptions, parties, and other events.

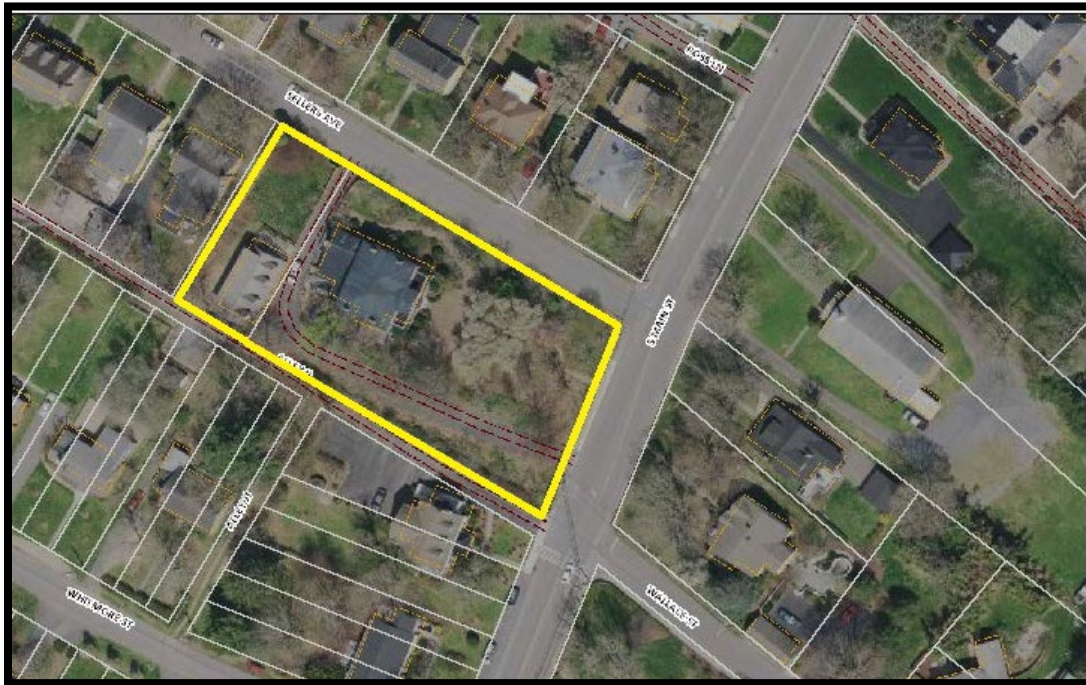
photograph of 601 South Main Street from Main Street



Photograph from Sellers Avenue



location map



APPLICABLE ZONING ORDINANCE SECTIONS

§ 420-20.1 Definitions.

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

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

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

- 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.

CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

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

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

C. Conditions of Issuance

- (1) Conditional use permits may be issued for any of the uses for which a conditional use permit is required by the provisions of this chapter, provided that the governing body, upon a recommendation by the Planning Commission, shall find that:
 - (a) The proposed use will not affect adversely the health or safety of persons residing or working in the neighborhood of the proposed use.
 - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood.
 - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan.
 - (d) Adequate public services, including streets and other trafficways, utilities, police and fire protection, are or reasonably will be available to support the proposed use.

- (3) In granting any conditional use permit, the governing body shall give due consideration to factors relevant to the findings required by Subsection C (1) and (2), as well as to any other reasonable land use and zoning considerations as may be required by the nature of the proposed use or as may be otherwise appropriate to effectuate the intent of this chapter, and the governing body shall designate such conditions as it deems necessary to carry out the intent of this chapter. The application for such conditional use permit shall be accompanied by such written and graphic material as may be necessary to enable the Planning Commission and the governing body to make the recommendation and findings set forth above.

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

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

PLANNING COMMISSION RECOMMENDATION

Pending

STAFF RECOMMENDATION

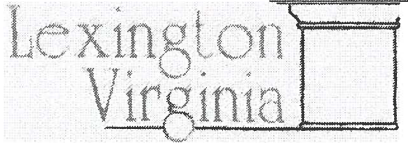
Based on the aforementioned findings and opinions, staff recommends the proposed Conditional Use Permit be **APPROVED** with the following conditions.

1. The number of people attending social functions shall not exceed the number authorized by the Fire Code.
 2. The conditional use permit shall be revoked if three convictions accrue in one year for violations of City Ordinances regulating noise, health or sanitation.
 3. Off-street parking sufficient to meet the needs of those attending social functions will be provided.
 4. A maximum of six social functions are allowed per calendar year and a log of all social functions held on the premises will be maintained.
-

5. The facility will be operated in conformance to all other applicable City Codes and regulations.
6. The facility is limited to a maximum of 5 rooms to be rented and the dwelling unit must be occupied by the owner.

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2022-02 with the six (6) staff recommended conditions.



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

www.lexingtonva.gov

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant 1

Name: Margaret Hutton Phone: 208-399-1887

Company: Fax:

Address: 8204 Brown Trout Bend, Victor, ID 83455 Email: Margaret@huttonfly.com

Applicant's Signature: Margaret Hutton Date: 12/31/21

Property Owner

Name: Phone:

Address: Email:

Owner's Signature: Date:

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

Address (or location description): 601 South Main Street

Tax Map: 28-5-AA Deed Book and Page #: Book 451 Page 171

Acreage: .91 Zoning (attach any existing zoning conditions or proffers):

Description of Proposal 3: Please see attached.

- 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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

Name: _____ Phone: _____

Company: _____ Fax: _____

Address: _____ Email: _____

Applicant's Signature: _____ Date: _____

Property Owner

Name: Penelope Farthing Phone: 202-494-8123
D.C.

Address: 1503 35th N.W. Washington Email: _____

Owner's Signature: [Signature] Date: 1/10/22

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

Address (or location description): _____

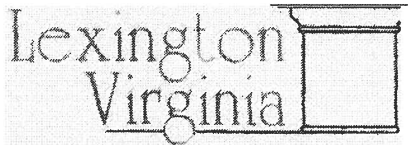
Tax Map: _____ Deed Book and Page #: _____

Acreage: _____ Zoning (attach any existing zoning conditions or proffers): _____

Description of Proposal³: _____

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.





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.

January 6, 2021

Planning & Development Department
300 East Washington Street
Lexington, VA 24450

Dear Planning & Development Commission and Lexington City Council:

We respectfully request a Conditional Use Permit for 601 South Main Street, zoned R-1 Residential General allowing commercial use as a Bed and Breakfast as set forth on page 19 of the City of Lexington Zoning Ordinance dated July 1, 2021. We, as applicants, will be in compliance as described in Article XI, Use and Design Standards in 420-11.3 Commercial Uses Item #2-Bed and Breakfast page 58. Applicants would be in compliance with all standards listed therein.

We have a ratified contract for 601 South Main Street, aka Stonegate, and are intending to maintain the character and integrity of the property with no changes to the residential structure. With the assistance of local landscapers, the town arborist, painters and contractors, the goal is to create an elegant five-bedroom bed and breakfast to welcome visitors and outdoor enthusiasts to explore the treasures of Lexington and Rockbridge County.

Currently in the international hospitality business, we plan to relocate to Lexington, where Derek attended Washington and Lee University, graduating in 1993. Living in the carriage house on the property, we will be fully engaged, active members of the Lexington community. Our love of fly-fishing, hiking, higher education, historical preservation and hospitality, will anchor Main Street to the south and resurrect Stonegate to the beautiful property she once was, allowing guests to experience a part of history.

With thoughtful consideration to the community and our neighbors, Stonegate would host no more than six additional activities, including receptions, parties and other events per year. Such events would be carefully planned to have the least impact on adjacent properties, including providing transportation to the venue from public parking lots, adhering to noise permit requirements and concluding the event at a reasonable hour to honor the surrounding family homes.

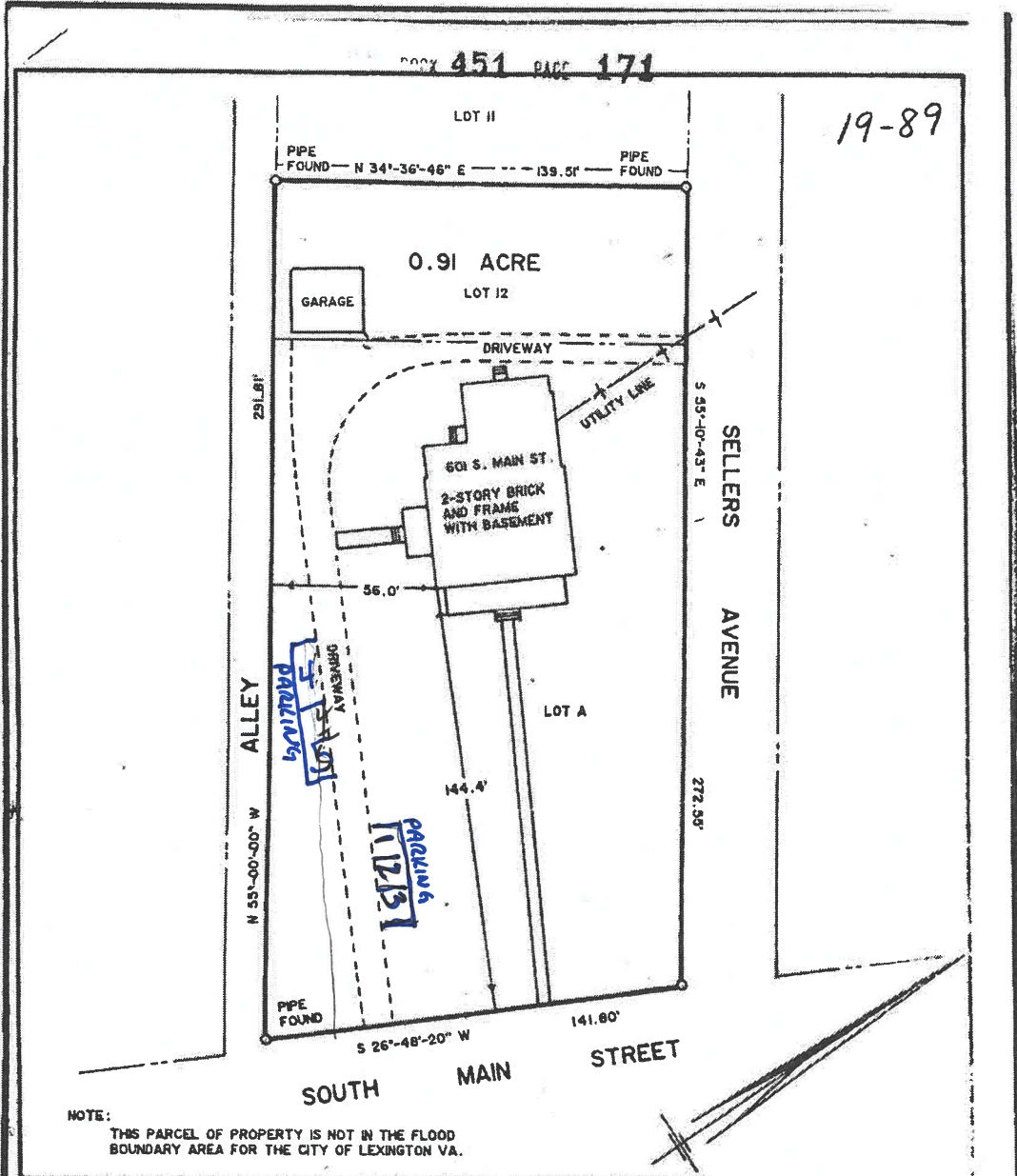
We are eager to establish ourselves on South Main Street and appreciate your thoughtful consideration of this Conditional Use Permit request.

Sincerely,

Margaret and Derek Hutton

BOOK 451 PAGE 171

19-89



NOTE:
 THIS PARCEL OF PROPERTY IS NOT IN THE FLOOD
 BOUNDARY AREA FOR THE CITY OF LEXINGTON VA.

PLAT SHOWING

SURVEY AND LOCATION OF IMPROVEMENTS ON A
 PARCEL OF PROPERTY SITUATED AT THE INTER-
 SECTION OF MAIN STREET AND SELLERS AVENUE
 OWNED BY JAMES W. WHITEHEAD AND CELESTE
 D. WHITEHEAD AS RECORDED IN DEED BOOK 245-
 136.

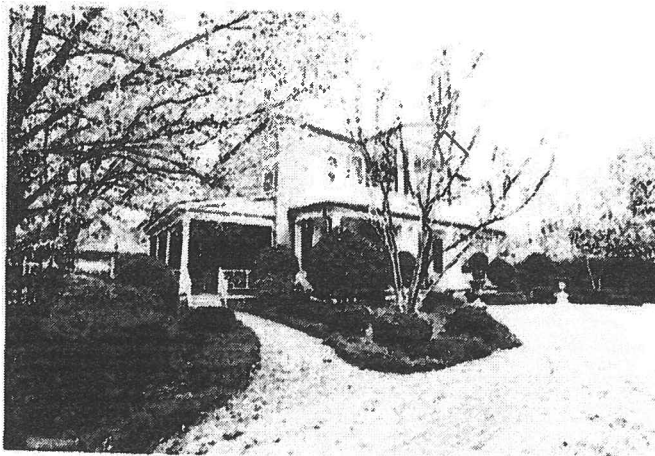
CITY OF LEXINGTON
 SCALE 1" = 40'

VIRGINIA
 DECEMBER 22, 1988

JAMES E. DORSEY
 CERTIFIED LAND SURVEYOR
 ROCKBRIDGE COUNTY, VIRGINIA



1001



Stonegate C. 1859

The original home which is now the kitchen was most probably built in 1832 for the James Campbell family.

The addition (or 2nd home) was built in 1859-1860.

James Campbell died in the 1850's and the Campbell farm was sold to E.F Payton and W.G White. The house stood on 175 acres. These two men then subdivided the farm and "offered for sale at public auction" much of the subdivision. The lot containing the "dwelling house" was purchased for \$6,080 by the Reverend William M. McElwee.

Reverend McElwee built what we now see as the main house in 1859. He owned it throughout the civil war.

After the Civil War was over General Robert E. Lee was asked to be President of nearby Washington College (Washington & Lee University). He accepted and moved to the city of Lexington. The General would visit the Reverend McElwee and sometimes stay late into the afternoon. Word would get around that the General was there and great crowds would assemble in front of the house to watch him leave. General Lee liked to keep his privacy and would leave the house through a trap door in the floor of the dining room which would take him into the basement and out the back of the home avoiding the crowds.

Reverend McElwee sold the home in 1871 to Harriet Sellers for \$10,000. The home was sold again in 1889 to the Moody Family. Mr. Moody attended VMI and its alumni house is named for him.

Several ownerships took place between 1900-1974. The house surprisingly had been unchanged in design since 1890.

In ~~1990~~¹⁹⁹⁶ the home was purchased by Mr. & Mrs. Thomas W. Browne who refurbished the entire home. The finest structural, mechanical, electrical and technical updates were added and the historical trap door (Lee's escape route) was left in place and incorporated into the new cherry flooring.