

LEXINGTON PLANNING COMMISSION

June 27, 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 June 13, 2024*
4. **CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
5. **NEW BUSINESS**
 - A. CUP 2024-04: An application by Tori and Joey Bates, owners of 313 S. Jefferson Street (TM # 23-1-23), for approval of a Conditional Use Permit to convert a portion of their existing detached garage into an accessory dwelling unit (to be addressed as 103 White Street).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. ZOA 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion
6. **OTHER BUSINESS**
 - A. Zoning and Planning Report
 - B. Key Annual PC Milestones: Ongoing. Remaining items:
 - 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. What else, if any?
 - 2) Comp Plan Review: Ongoing
 - 3) Major Project Update
7. **CITY COUNCIL REPORT**
8. **ADJOURN**

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, June 13, 2024 – 5:00 p.m.
Rockbridge County Administrative Offices – First Floor Meeting Room
150 South Main Street, Lexington, VA 24450**

Planning Commission:

Presiding: Pat Bradley, Chair
Present: John Driscoll
Jon Eastwood
Mary Stuart Harlow
Gladys Hopkins
Shannon Spencer, Vice-Chair

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Leslie Straughan, Council Liaison

CALL TO ORDER

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

AGENDA

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

MINUTES

The May 23, 2024 minutes were unanimously approved as presented. (J. Driscoll / S. Spencer)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

A. SP 2024-02: An application by Kelly Wallace of Welsh Construction, Inc. requesting approval of a site plan for the construction of a picnic structure at EarthSong Community School, located at 227 North Lewis Street (Tax Map #25-1-1-3), owned by Catherine Lueptow.

- 1) Staff Report – This was an application for the addition of an outdoor picnic structure at EarthSong Community School at 227 N. Lewis Street. The proposal was to construct a 12' x 16' shade structure with wooden framing and a corrugated metal roof to cover the 3 picnic tables existing on the site. Additionally, at the request of the Fire Marshal, the applicant was also requesting to add the addition of a non-combustible canopy to cover the existing exterior stairs. Director Glaeser pointed out the proposed location of the shade structure and the location of the existing exterior stairs. Referring to the comments from Public Works included in the staff report, M. S. Harlow asked who would be responsible for ensuring the private sewer line would not be disturbed. A. Glaeser said the applicant, with Welsh Construction, would have Miss Utility mark the property prior to digging.

- 2) Applicant Statement – Applicant Kelly Wallace was present and available to answer any questions.
- 3) Public Comment – None
- 4) Commission Discussion & Decision – S. Spencer said she had spoken to Director Glaeser prior to the meeting about the encroachment of the proposed roof's overhang into the setback and learned it was allowed. **J. Driscoll moved to approve Site Plan number SP 2024-02 and find the submitted site plan to be in compliance with the Zoning Ordinance. M. S. Harlow seconded, and the motion passed unanimously. (6-0)**

B. PS 2024-02: An application by Randall Trout proposing a preliminary subdivision plat (boundary line adjustment) for parcels located at 438 Lime Kiln Road (Tax Map #15-1-17B) and 222 Catalpa Place (Tax Map #15-1-17), owned by Jennifer Fuller-Spears and Anita Cruze.

- 1) Staff Report – This was a request for a boundary line adjustment between parcels with the same owners. The request was to add a 0.157± acre portion at the rear of the 222 Catalpa Place lot to the rear of the lot located at 438 Lime Kiln Road. As proposed, the boundary line adjustment will meet the zoning requirements for parcels in the R-2 zoning district. The revised lot at 222 Catalpa Place will be 15,014 square feet in size, meeting the R-2 minimum lot size of 15,000 square feet. The lot frontage will remain at 69.79 feet, and while this is under the 80 feet minimum for R-2 zoned lots, the parcel is considered to be a legal nonconforming lot as it existed prior to the zoning regulations.
- 2) Applicant Statement – Applicant and surveyor, Randall Trout, 1366 Forge Road, explained the adjustment was a small one – about 96 feet – and better suited the existing condition of the two properties. He confirmed both properties had the same owners.
- 3) Public Comment – Claudette Artwick, 145 Colonnade Ave., questioned whether the boundary line adjustment was being requested in anticipation of new construction and whether the additional lot size at 438 Lime Kiln Road would make it possible to subdivide the lot in the future. The property owners, Anita Cruze and Jennifer Fuller-Spears, responded to Ms. Artwick's inquiry saying they had no intention of building on either property. A. Glaeser said the lot would be very difficult to subdivide under current zoning regulations.
- 4) Commission Discussion & Decision – **S. Spencer moved to approve Preliminary Subdivision Application PS 2024-02 for the adjustment of boundary lines between 438 Lime Kiln Road (Tax Map # 17-1-17B) and 222 Catalpa Place (Tax Map # 17-1-17), in accordance with the Boundary Line Adjustment Survey for Marcella D. Fuller completed by Trout Land Surveying, as submitted by the applicant. G. Hopkins seconded, and the motion passed unanimously. (6-0)**

C. CUP 2024-02: An application by Rhianna Schlieff of Blue Ridge Outdoor School for approval of a Conditional Use Permit allowing a portion of the building located at 123 W. Washington Street (TM #16-3-C) and owned by Grace Episcopal Church to be used as a day care center.

- 1) Staff Report – This was an application for a conditional use permit to allow a *Day Care Center* to operate in the lower level of the western portion of Grace Episcopal Church at

123 W. Washington Street, located in the R-1 zoning district. A. Glaeser clarified the proposed location within the church and pointed out the church's horseshoe shaped drive and limited parking that could be used during pick-up and drop-off. He underscored that the request was for no more than 13 students with 2 adult staff and noted the church had housed a significantly larger preschool in the past. He said staff recommended the proposal be approved with the following conditions:

1. The proposed day car center shall be occupied and used by a maximum of 13 students, ages 3 – 6, at any one time; however, in no case shall the number of students be allowed to exceed the maximum occupancy, or limits established by all applicable state and local building codes.
2. The day care center shall operate primarily between 9 a.m. and 3 p.m. with only occasional activities outside of those hours.
3. The building will at all times be used in full conformance with the current, adopted Virginia Unified Statewide Building Code and the current, adopted Virginia Statewide Fire Protection Code.
4. No change in the design or use of the building shall be undertaken unless such change is in full compliance with the above-referenced building and fire codes.

Responding to questions from M. S. Harlow, A. Glaeser clarified that the maximum number of students had been based on the applicant's request and not on the size of the space being utilized, which could accommodate a larger number. He said the space had been reviewed by the Fire Marshal who would conduct annual inspections of the day care center. He added the day care center would also have to adhere to the regulations of all other applicable State regulatory agencies.

- 2) Applicant Statement – Representatives of Blue Ridge Outdoor School were present and available to answer questions.
- 3) Public Comment – A. Glaeser offered an email message in support of the application from Tuck Bowerfind, Rector of Grace Episcopal Church.
- 4) Commission Discussion & Decision – J. Driscoll commented that his biggest concern would be for fire safety and that issue appeared to have been addressed. **G. Hopkins moved to approve Conditional Use Permit number CUP 2024-03 for a day care center at 123 W. Washington Street as proposed by the applicant and with the staff recommended conditions. S. Spencer seconded, and the motion passed unanimously. (6-0)**

D. CPA 2024-01: An application by the City of Lexington requesting amendments to the Comprehensive Plan Opportunity Area, Future Land Use, Commercial Center and Traditional Neighborhood maps to correct the designations for eight properties located along the southeast end of Maple Lane.

- 1) Staff Report – This was a request to a) amend the future land use map to change the future land use designation for eight parcels along Maple Lane from the *Commercial Center* designation to the *Traditional Neighborhood* designation, and to b) amend the Opportunity Area map to remove those same eight parcels along Maple Lane from Opportunity Area #5. The parcels in question were: 5 Maple Lane (TM # 28-13-3), 7 Maple Lane (TM # 28-14-13), 9 Maple Lane (TM # 28-14-14), 11 Maple Lane (TM # 28-14-15), 13 Maple Lane (TM # 28-14-16), 15 Maple Lane (TM # 28-14-17), 17 Maple Lane (TM # 29-17-18), and

19 Maple Lane (TM # 29-17-19). It was recently discovered that these eight parcels containing single family residences were included in the future land use map with the *Commercial Center* and *Opportunity Area* designations. Both of these designations encourage and allow an intensity of commercial development that is inappropriate for the stable residential neighborhood along Maple Lane. Staff recommended removing the subject parcels from the *Opportunity Area* and applying the *Traditional Neighborhood* future land use designation to them so that they carry the same future land use designation as the other parcels on Maple Lane.

2) Public Comment –

Keri Gould, 20 Maple Lane, supported the action sought in the application but voiced concern on behalf of the neighborhood for the vacant parcel between the Maple Lane properties and two commercial properties on S. Main Street. She said the vacant parcel provides a buffer between the Maple Lane residences and the commercial uses on S. Main Street and she and her neighbors would like it to also be redesignated from *Commercial Center/Opportunity Area* to *Traditional Neighborhood*.

Dean Knick, 5 Maple Lane, asked to have the relevance of the Comprehensive Plan explained. Director Glaeser responded, saying the Comprehensive Plan outlines the City's long range land use plans. When a rezoning or conditional use permit request is considered, a parcel's future land use designation can inform whether such a request would be appropriate or not for that parcel. He added that while the subject parcels carry the *Commercial Center* future land use designation, they are currently zoned residential and would have to be rezoned before a commercial use could be allowed on them.

Kay Berry, 14 Maple Lane, asked if any of the Planning Commissioners had visited the property. She also voiced concern for the vacant parcel mentioned by Ms. Gould.

3) Commission Discussion – P. Bradley summarized by saying the request was intended to correct an error on the map with respect to the eight parcels on Maple Lane which were never intended to be given any sort of commercial designation. Addressing the concern voiced during the public hearing about the potential for future commercial development adjacent to the subject parcels, he suggested the Commission give some thought as to what the intent for that area was when the map was being developed. He also pointed out that were commercial development to occur there, it would be subject to the regular public hearing process and would be required to abide by all of the zoning regulations (setbacks, buffering, etc.) meant to lessen the impact of commercial development when adjacent to residentially zoned property. M. S. Harlow underscored that the vacant lot was zoned R-1 and could only be commercially developed if rezoned – a request that would require public hearings and City approval. She said she hoped that would assuage some of the neighbors' concerns. At S. Spencer's request, A. Glaeser recited the lot requirements and buffering requirements for a C-2 zoned property when abutting a residential district. S. Spencer then asked what sort of precedence there was for splitting a parcel between two designations. A. Glaeser responded that while it was not a common practice, there was precedent. He offered the Hub building on S. Main Street as an example, explaining that, until recently, one half of that building and parcel was zoned residential and the other half was zoned commercial.

4) Public Comment – P. Bradley reopened the public comment to take a comment from:

Leslie Tucker, 7 Maple Lane, asked the Commission to consider whether designating the vacant parcel as an Opportunity Area was an invitation for a big change to the character of the neighborhood. She said she and her neighbors wanted the neighborhood to maintain its residential character.

- 5) Continued Commission Discussion & Decision – P. Bradley said the intent of amending the designations of the eight parcels was, in fact, to preserve the single family residences on Maple Lane. However he added they are already in close proximity to commercial properties in an area that has been recognized as having potential for development. He suggested that the Commission address correcting the designations for the eight Maple Lane parcels and approach any consideration of amending the designations for adjacent parcels separately and thoughtfully. J. Driscoll argued for using the current zoning map as a guide in determining future land use designations, saying he did not see the logic in extending the *Commercial Center* designation to properties currently zoned R-1. S. Spencer agreed and suggested any reexamination of future land use designations include the parcels to the east of Maple Lane and currently zoned R-M. Following additional discussion, including questions about the process whereby further amendments to the future land use designations can be initiated, **S. Spencer moved to approve Comprehensive Plan Amendment application CPA 2024-01 for the amendment of Tax Map Numbers 28-13-3, 28-14-13, 28-14-14, 28-14-15, 28-14-16, 28-14-17, 29-17-18, and 28-17-19 to the *Traditional Neighborhood* future land use designation, and for the removal of these same tax parcels from the *Opportunity Area* designation. J. Eastwood provided the second, and the motion passed unanimously. (6-0)** Then, by consensus, the Commission directed the Planning Director to investigate the manner by which a reexamination of the future land use designations for the properties adjacent to the subject parcels and about which concerns were raised during the meeting could be initiated.

E. ZOA 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.

- 1) Staff Report – Director Glaeser presented an overview of the Third Street Cottages development in Langley, Washington along with a review of the accompanying cottage housing zoning code adopted by Langley in 1995 and modified thereafter. He encouraged the Commission to pay particular attention to Langley’s standards for things such as minimum lot area, density, cottage size, height, yards, open space and parking. He noted that cottage developments in Langley are subject to design review by a Design Advisory Board whose recommendation is guided by established design standards, similar to the design guidelines that inform the decisions of Lexington’s Architectural Review Board. In response to a question raised during an earlier Commission discussion, he also provided a reference to Ross Chapin’s website that addressed the development’s success and typical homeowners.
- 2) Public Comment – None
- 3) Commission Discussion – S. Spencer speculated that the size limits in the Langley code may have been intended to ensure that the cottages were primarily occupied by single people, thereby limiting the number of cars and reducing parking requirements. J. Eastwood also speculated about the size limits suggesting they may have been developed to provide variation among the units and to avoid a “cookie cutter” effect. Responding to a question from M. S. Harlow, A. Glaeser explained that the Lexington code no longer

included a residential PUD. He said a new residential PUD could be developed, if desired, but recommended that it be separate from the standards developed for cottage housing. There was discussion about the vacant property at the corner of Houston and Walker Streets which would be the focus of discussion at the July 11th meeting. A. Glaeser said that if the eventual ordinance followed the typical practice of doubling density, it appeared as though that property could accommodate a cottage development with 8 units. He added that current zoning in the R-1 zoning district also allows doubling density by means of duplexes or ADUs and suggested the Commission may wish to incentivize one development type over another.

OTHER BUSINESS

- A. Green Infrastructure Status Report – J. Driscoll, interim Coordinator of the Lexington Healthy Green Neighborhoods Coalition, shared a power point presentation of the Coalition’s Interim Report. He noted the partners involved in the coalition, provided a brief history of its origin, and highlighted its activities from September 2023 to May 2024 which included tree planting and improvements to Woods Creek Trail. He indicated the coalition’s focus moving forward would be in support of active citizens, tree planting, stormwater management, sustainability and renewable energy, and wildlife.
- B. Zoning and Planning Report – None
- C. Key Annual PC Milestones
 - 1) Zoning Text Amendments – Director Glaeser announced that the first CUP application for a detached ADU in an existing structure had recently been submitted and would be on the agenda for the June 27th meeting.

CITY COUNCIL REPORT -

- L. Straughan was on vacation and did not prepare a City Council report.

ADJOURN

The meeting was adjourned at 7:09 p.m. with unanimous approval. (P. Bradley / M. S. Harlow)

P. Bradley, Chair, Planning Commission

Project Name	Accessory Dwelling Unit - Detached
Property Location	103 White Street / 313 S. Jefferson Street (Tax Map #: 23-1-23)
Zoning	R-1 (General Residential District), Residential Historic District
Owner / Applicant	Tori & Joey Bates / Tori & Joey Bates
Applicant's Intent	Approval of CUP for detached ADU

*PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval with conditions*

OVERVIEW OF REQUEST AND BACKGROUND

The applicants, owners of the property at 313 S. Jefferson Street, are requesting approval of a conditional use permit to convert a portion of their existing detached garage into an accessory dwelling unit. Should the CUP be approved, the ADU will be addressed as 103 White Street due to the orientation of the building towards White Street. The applicants also intend to relocate an existing short term rental from the primary dwelling to the detached ADU.

Location map



View from White Street



APPLICABLE ZONING ORDINANCE SECTIONS

§ 420-20.1 Definitions.

ACCESSORY DWELLING UNIT - DETACHED -- A complete independent dwelling unit, with kitchen and bath, designed, arranged, used, or intended for occupancy by not more than 2 persons for living purposes, and meeting the standards of §11.1.1. Accessory dwelling units are clearly incidental and subordinate to, and remain under the same ownership as the main dwelling on the lot. When contained in a separate, fully detached structure from the principal structure of a single-family dwelling, such accessory dwelling unit constitutes a “detached accessory dwelling unit,” for which a separate street address is required.

§ 420-11.1.1 provides use and design standards for Accessory Dwelling Units. For the purposes of this report, staff has included only those use and design standards applicable to the subject request. A link to the City of Lexington’s Zoning Ordinance can be found on the Planning and Development department’s webpage at <https://www.lexingtonva.gov/government/departments/planning-and-development> and the complete ADU use and design standards can be found beginning on page 60.

C. General standards. Accessory Dwelling Units shall be subject to the following minimum standards:

4. Unless otherwise provided in § 420-4.6, the parcel must meet the minimum lot requirements for a single family residence in the zoning district. *The subject parcel is ≈ 13,500 sf in size, which exceeds the R-1 minimum lot size of 8,000 sf for single family dwellings.*

-
6. The owner of the principal building or lot shall be the occupant of the principal dwelling or of the accessory dwelling unit. *The owners reside in the principal dwelling.*
 9. Any accessory dwelling units shall comply with the following parking requirements:
 - a. If no parking spaces exist prior to an application for approval of an ADU, 1 off-street space shall be created, provided, however, that if an applicant can demonstrate to the Zoning Administrator that adequate on-street parking exists on the block on which the main dwelling is located, such new space may not be required.
 - b. Where either 1 or 2 spaces exist prior to the issuance of the accessory dwelling permit, all such space(s) shall be maintained.
 - c. Where more than 2 spaces exist prior to issuance of the accessory dwelling permit, at least two spaces shall be maintained. *There are 3 existing off-street parking spaces for the property.*

With respect to the short term rental use and design standards in subsection C.10, the applicant is aware that all of the short term rental standards required for ADUs must be met prior to the issuance of a short term rental registration for the ADU requested in this conditional use permit.

- E. Accessory Dwelling Unit – Detached standards. Detached Accessory Dwelling Units shall be subject to the following additional standards:
 1. The maximum gross floor area of a detached accessory dwelling unit shall be as follows:
 - a. If the gross floor area of the primary dwelling on the property exceeds 1,000 square feet, the gross floor area of a detached accessory dwelling unit may not exceed sixty (60) percent of the gross floor area of the primary dwelling nor more than 1,000 square feet. *The proposed ADU is ≈ 324 sf in size, which is significantly less than 60% of the gross floor area of the ≈ 5,500 sf primary dwelling.*
 - b. If the gross floor area of the primary dwelling on the property is less than 1,000 square feet, the gross floor area of a detached accessory dwelling unit may not exceed 600 square feet.
 2. Detached accessory buildings containing accessory dwellings shall exceed neither 25 feet in height nor 2 stories in height. *The height of the detached building in which the ADU will be located is 24' when measured at the rear of the building.*
 3. Any detached accessory building approved after February 1, 2024, containing an accessory dwelling shall comply with setbacks as follows:
 - a. For lots in the R-1 zoning district, the nearest wall of the accessory building shall not be located closer than ten feet to a side lot line or fifteen feet to a rear lot line; *(The subject building containing the garage and the living space requested to be an ADU was permitted in September, 2023 and is therefore not required to meet the additional setback requirements of this subsection. The subject building is slightly more than 10 feet from the rear lot line according to the applicant.)*

- b. For lots in the R-2 zoning district, the nearest wall of the accessory building shall not be located closer than fifteen feet to a side lot line or twenty feet to a rear lot line; and
 - c. When the rear lot line runs along an alley, the minimum rear yard setback for a detached accessory dwelling unit shall be ten feet.
5. A detached accessory dwelling unit located in the Residential Historic District must be reviewed by the Architectural Review Board for consistency with the Historic District Design Guidelines. *The garage was approved by the Architectural Review Board in July 2023.*
 8. Detached nonconforming accessory buildings existing prior to February 1, 2024, may be altered structurally or non-structurally, in accordance with all requirements of Article 16, to create an accessory dwelling, provided the detached accessory dwelling unit can meet the following additional requirements:
 - a. A nonconforming structure shall not be extended or enlarged. *There is no proposal to enlarge the structure.*
 - b. The maximum square footage of the detached accessory dwelling unit may not exceed that of the main dwelling. *The square footage of the proposed ADU is significantly less than that of the main dwelling.*
 - c. Fenestration, including bay window encroachments, or mechanical/HVAC units must be at least 5 feet from the property line and in accordance with Section 420-4.2 unless it is located on a wall facing an alley or side street. *All fenestration and mechanical units are set back at least 10 feet from the property line.*
 - d. Exterior doors must be at least 5 feet from the property line adjacent to an alley or side street and at least 10 feet from the property line in all other cases. *Entry doors to the ADU are more than 10 feet from the property line.*
 - e. There is no maximum height limit on a nonconforming accessory structure to be used as a detached accessory dwelling unit, however no additional height may be added to such a structure. *The overall building height is 24 feet and no height is proposed to be added.*
 - f. Except as otherwise provided in Section 420-16-1.C, a nonconforming accessory building may be changed to the accessory dwelling use in compliance with the standards contained in this section. *This subsection specifically allows a nonconforming building to be converted to an ADU in contrast to the requirements of Section 420-16-1.C that restrict alterations to nonconforming structures and uses.*

GROUNDS FOR ISSUANCE OF 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. *The building in question was designed to contain two automobiles as well as provide ≈ 324 sf of additional living space for the family residing in the primary dwelling. It is difficult to imagine how the conversion of this amount of living space to a detached ADU could adversely affect the health or safety of persons residing in the neighborhood.*
 - (b) The proposed use will not be detrimental to the public welfare or unduly injurious to property values or improvements in the neighborhood. *Similar to the staff response above, it is difficult to imagine how the addition of a ≈ 324 sf ADU could be detrimental to the public welfare or unduly injurious to property values of the adjacent single family residential parcels.*
 - (c) The proposed use will not be in conflict with the policies and principles of the City's adopted Comprehensive Plan. *Strategy H.O. 1.2 of the Lexington Comprehensive Plan directed the review of regulations to allow accessory dwelling units in separate structures in appropriate residential areas. That review culminated in the adoption of new use and design standards for ADUs in February, 2024.*
 - (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. *Adequate public services are available.*
- (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, staff recommends the proposed Conditional Use Permit be **APPROVED** with the following conditions.

1. The size of the detached ADU shall not be increased unless permitted by a revised conditional use permit.
2. The use of the detached ADU for short term rental shall be subject to both the general standards for short term rentals in Sec. 420-11.3.22, and the specific standards for short term rentals in detached ADUs in Sec. 420-11.1.1.C.10.

SUGGESTED MOTION:

I move to approve/deny Conditional Use Permit number CUP 2024-04 with the two (2) staff recommended conditions.



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: Tori & Joey Bates Phone: 704-634-1601

Company: NA Fax: NA

Address: 313 S. Jefferson St. Email: VMcoyne@aol.com

Applicant's Signature: [Signature] Joseph Bates Date: 6-2-2024

Property Owner

Name: Tori & Joey Bates Phone: 704-634-1601

Address: 313 S. Jefferson St. Email: VMcoyne@aol.com

Owner's Signature: [Signature] Joseph Bates Date: 6-2-2024

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

Address (or location description): 313 S. JEFFERSON ST. LEXINGTON, VA 24450

Tax Map: INST # 200003601 Deed Book and Page #:

Acreage: 0.31 Zoning (attach any existing zoning conditions or proffers):

Description of Proposal³: Use current Garage Apartment as an auxiliary dwelling unit for 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: \$450 Amount Paid: \$450.00 Case Number: CUP- 2024 - 05

Date Received: 6/3/2024 Received By: Arne

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.

Property Information

Project Type: New Garage on historic property

Owners: Joseph and Victoria Bates

Site Address: 313 S. Jefferson St.
Lexington VA 24450

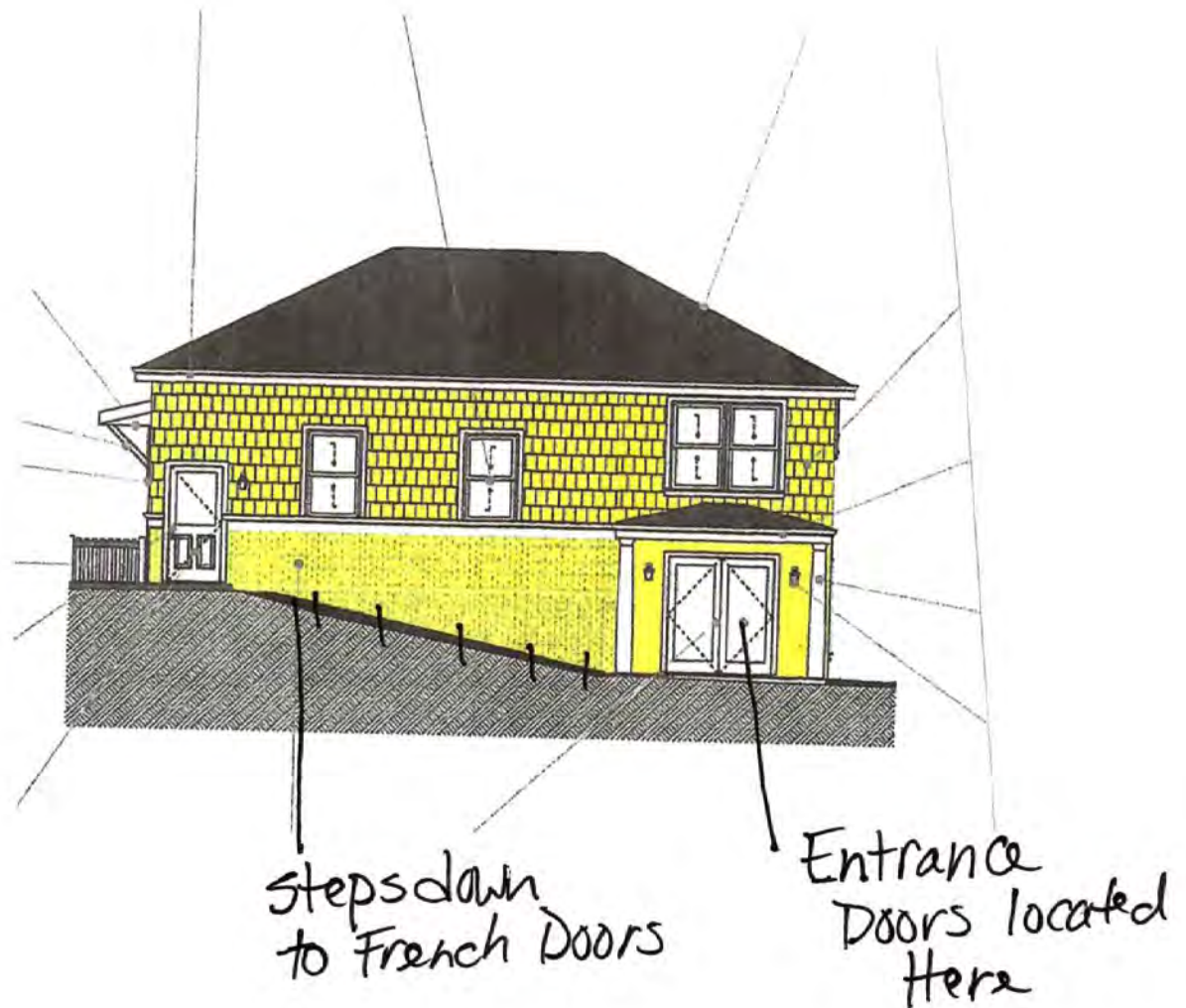
Legal Description:
WEST SIDE S JEFFERSON @ NORTH
CORNER WHITE ST

Assessor's Parcel Number: 200003601

Zoning: R1

Setbacks: Side 10'-0", Rear 5'-0", Front
15'-0"

Building Height: 35'-0"



Front view of Garage



3 View from White Street
A002 SCALE 1/8"

→ OFF street parking area



442 Lime Kiln Rd. Lexington VA 24450
512.705.2262
https://formwrightdesign.com

Bates Garage

313 S. Jefferson St.
Lexington, VA 24450

Drawings and Specifications as instruments of service are and shall remain the property of the Architect. They are not to be used on extensions of the project, or other projects, except by agreement in writing and appropriate compensation to the Architect.

The General Contractor is responsible for confirming and correlating dimensions at the job site. The Architect will not be responsible for construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the project.

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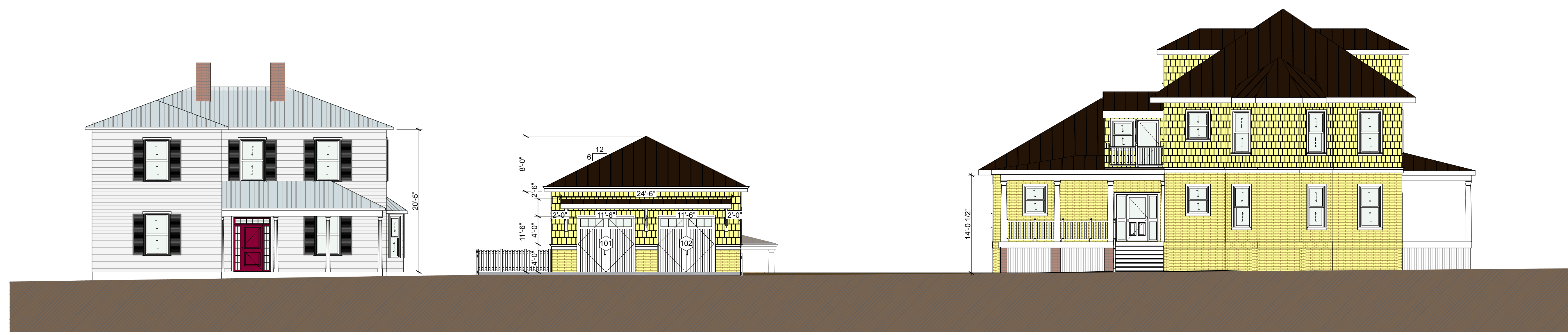


ISSUED:
06/23/2023 - SD v1
07/13/2023 - for ARB
08/01/2023 - for Bidding
08/31/2023 - for Permitting

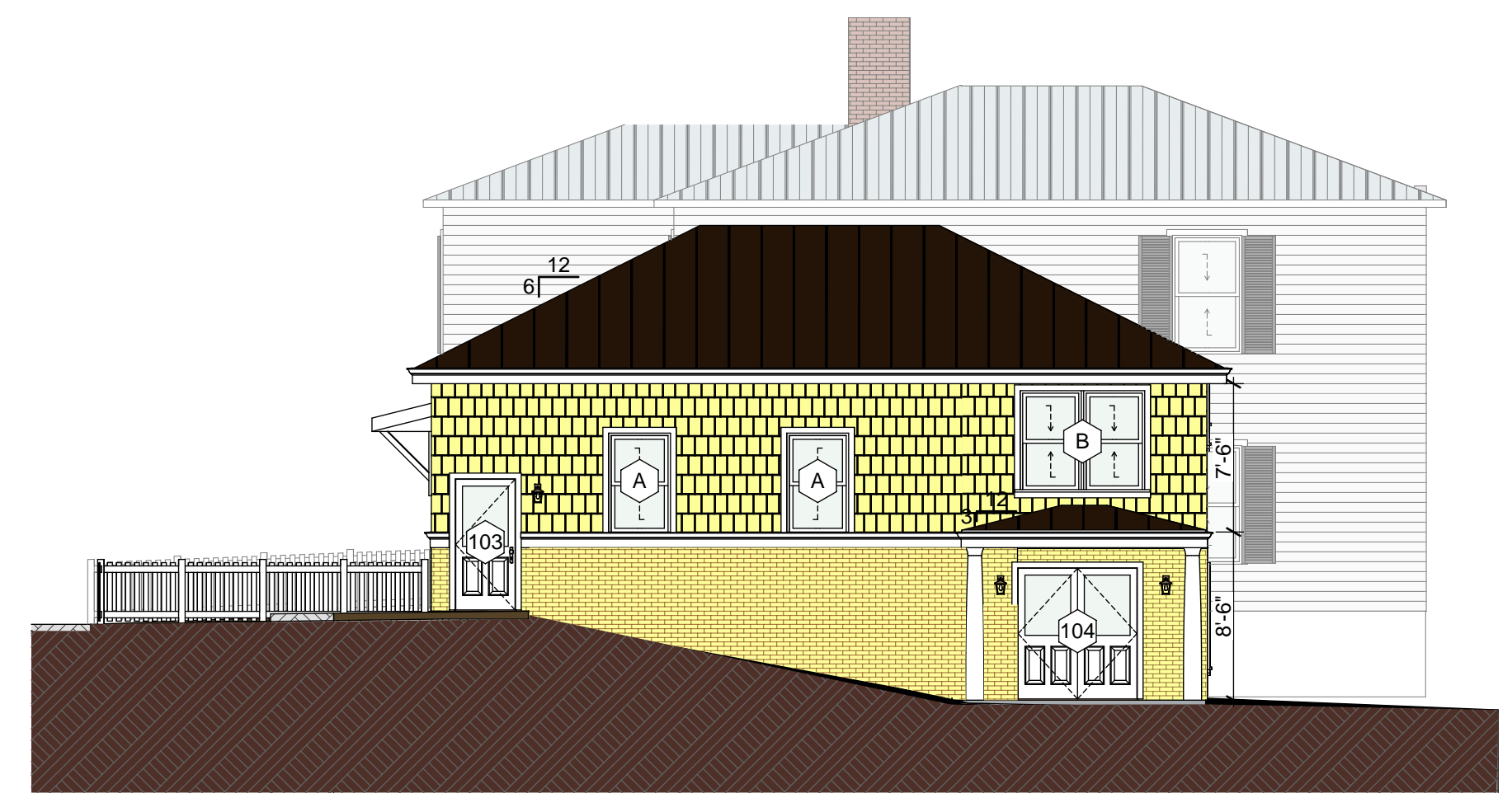
Elevations and Sections

A201

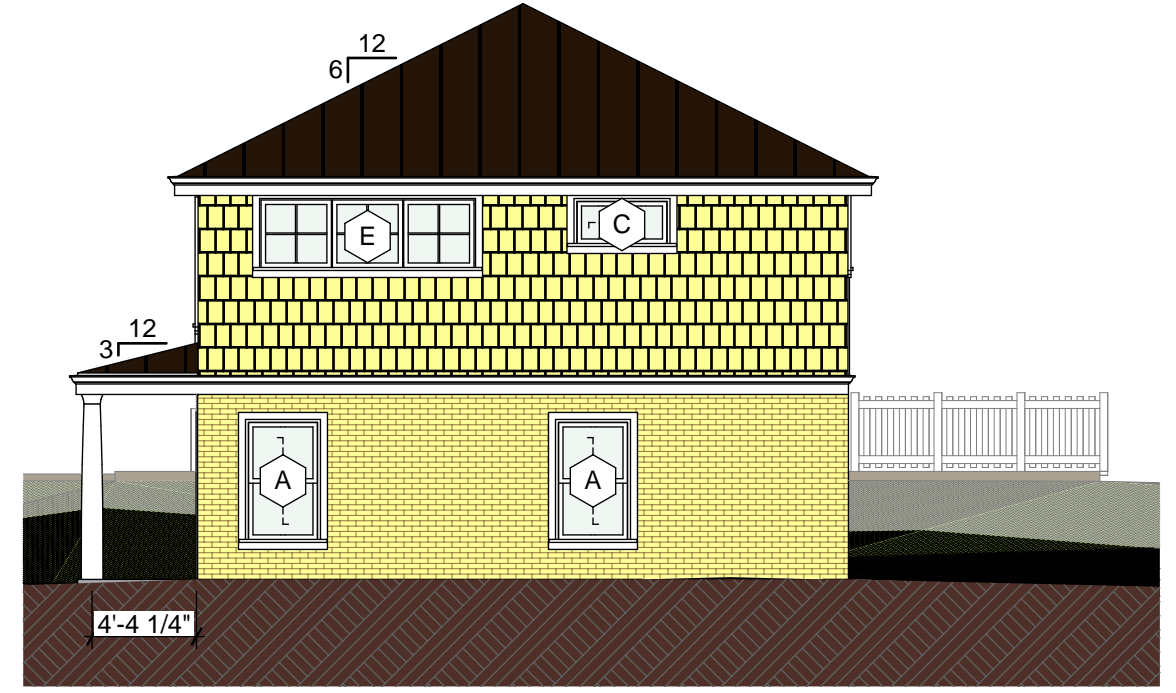
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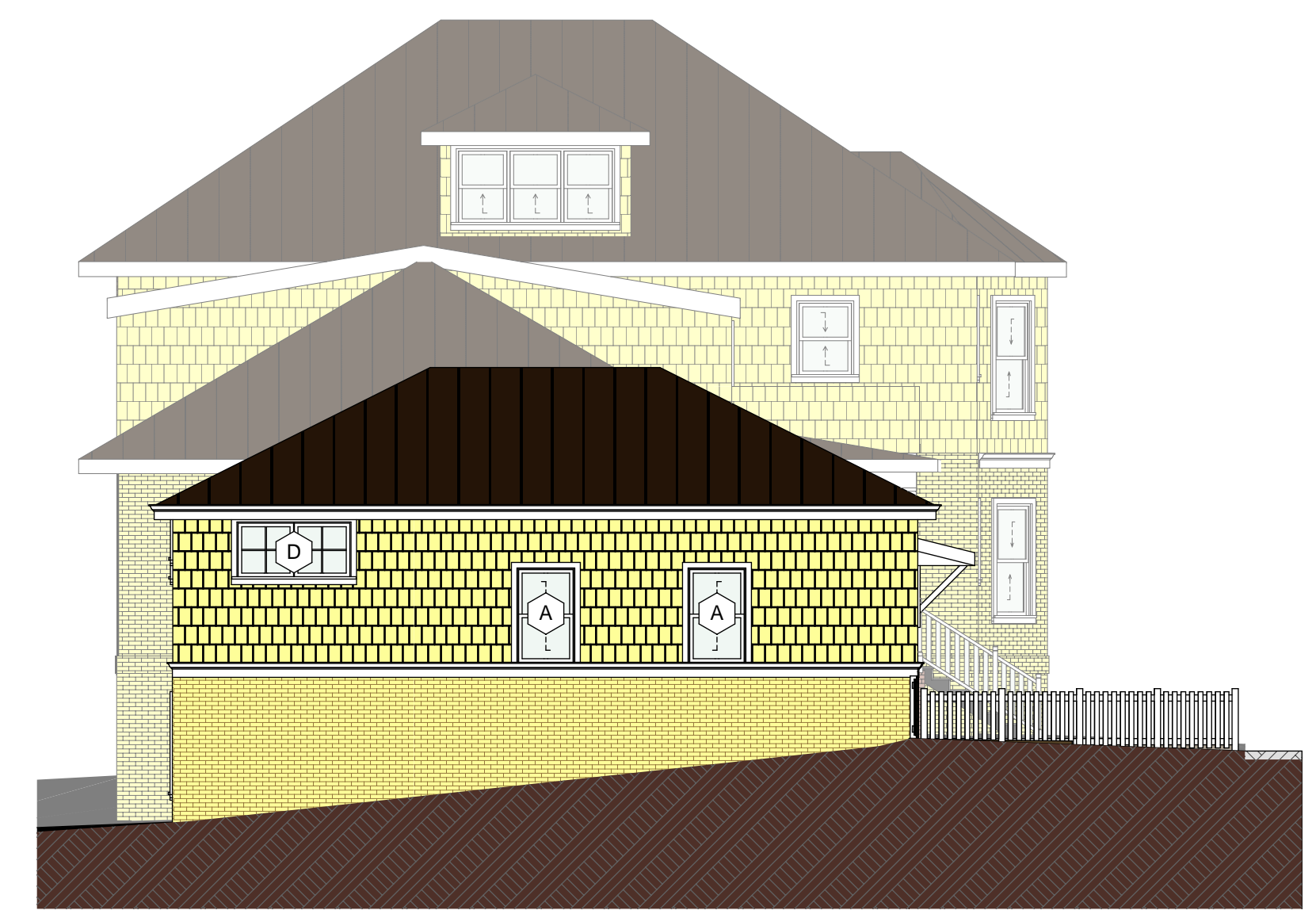
1 South Elevation
A201 SCALE: 1/8" = 1'-0"



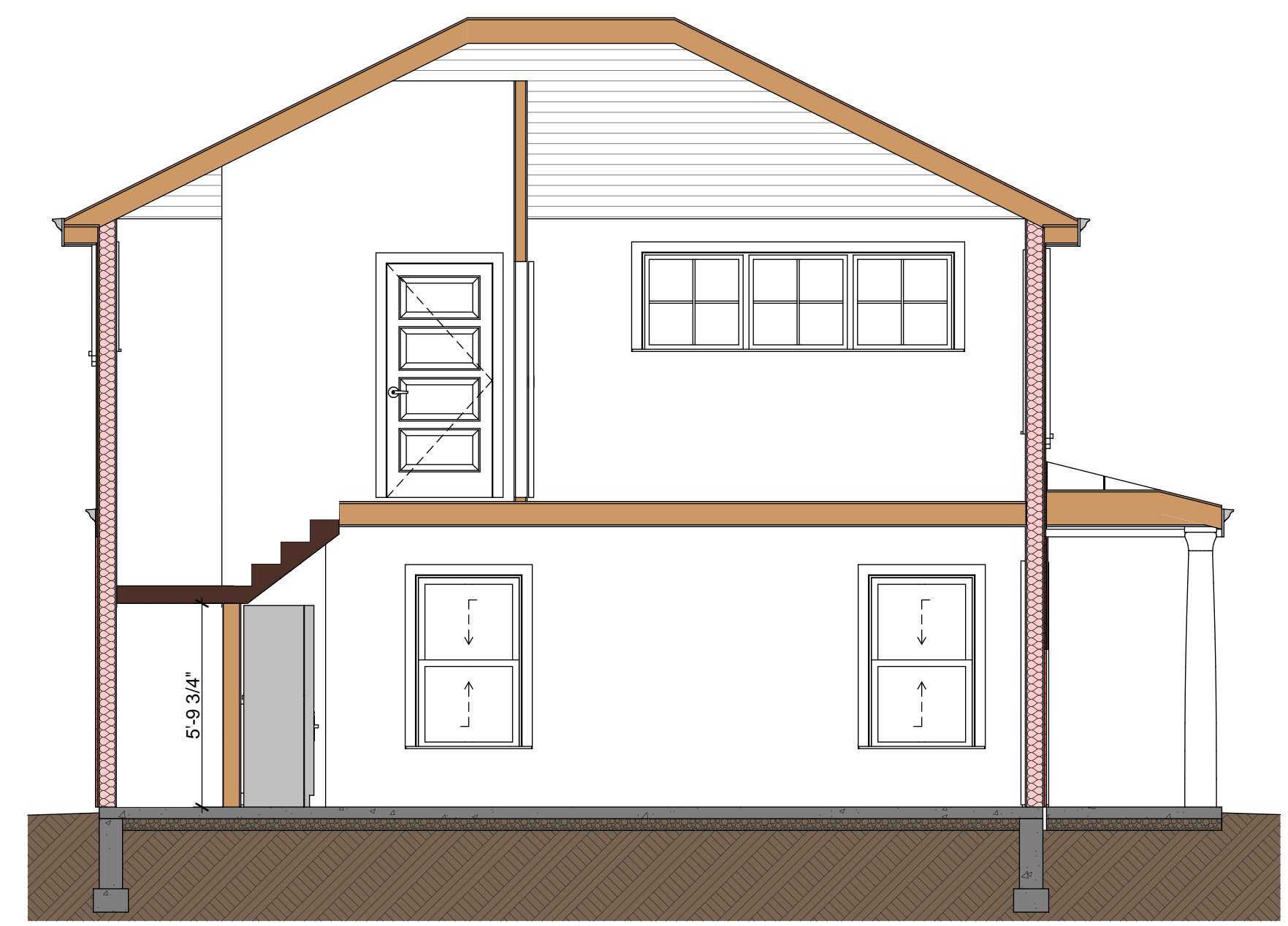
2 East Elevation
A201 SCALE: 1/8" = 1'-0"



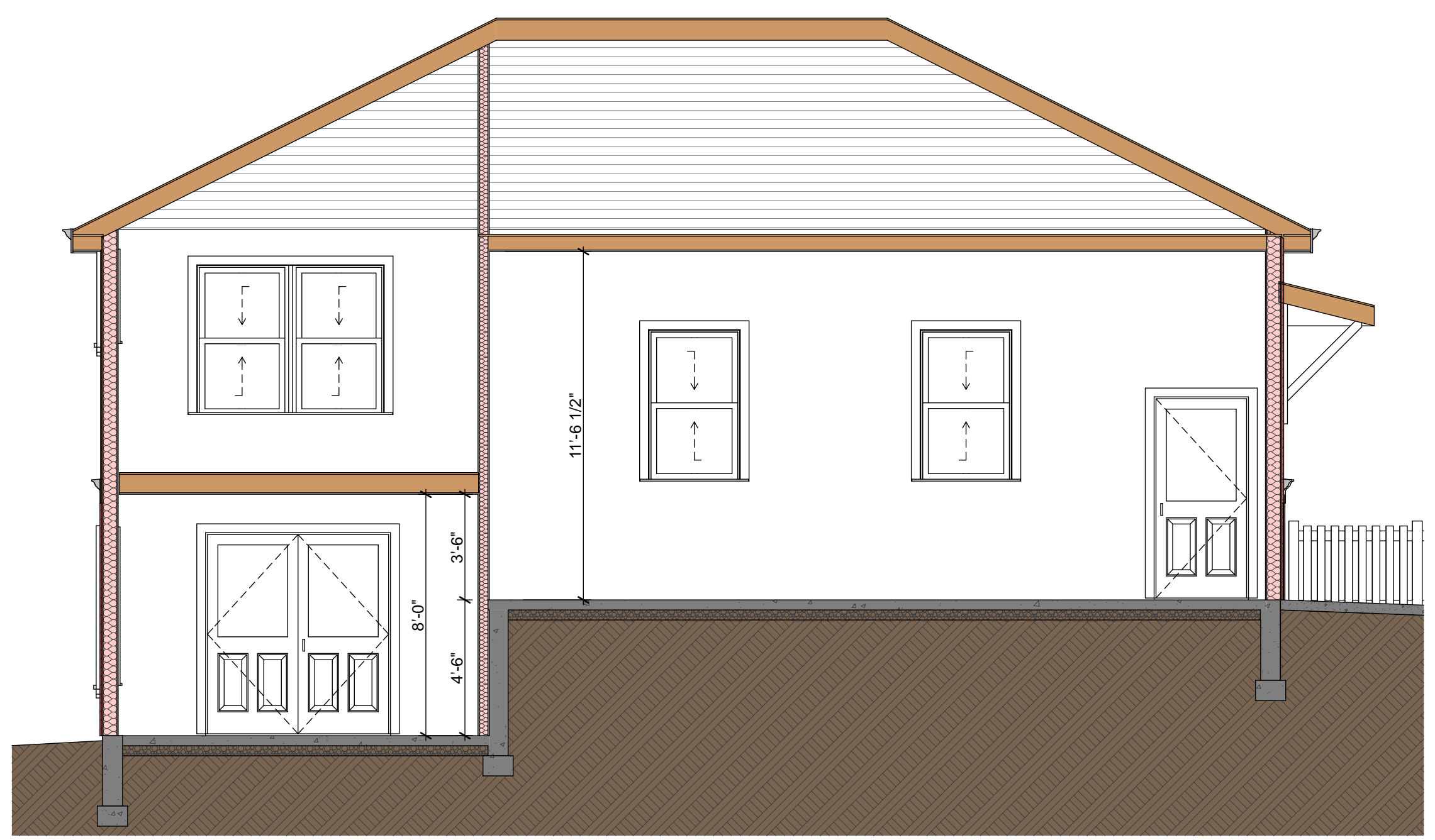
3 North Elevation
A201 SCALE: 1/8" = 1'-0"



4 West Elevation
A201 SCALE: 1/8" = 1'-0"



5 E-W Building Section
A201 SCALE: 1/4" = 1'-0"



6 N-S Building Section
A201 SCALE: 1/4" = 1'-0"

Draft amendments for Cottage Housing

Proposed Amendments to the Zoning Chapter (*Chapter 420*)

The Lexington Planning Commission is considering a zoning text amendment to potentially allow cottage housing in accordance with strategy H.O. 5.3 that recommends we explore zoning modifications to facilitate the creation of a variety of safe, affordable, and innovative housing options, including other housing types that achieve higher densities and a diversity of housing options. This review of other ordinances that permit cottage housing along with the consideration to modify the Lexington Zoning Ordinance is in support of strategy H.O. 5.3 of the Lexington Comprehensive Plan.

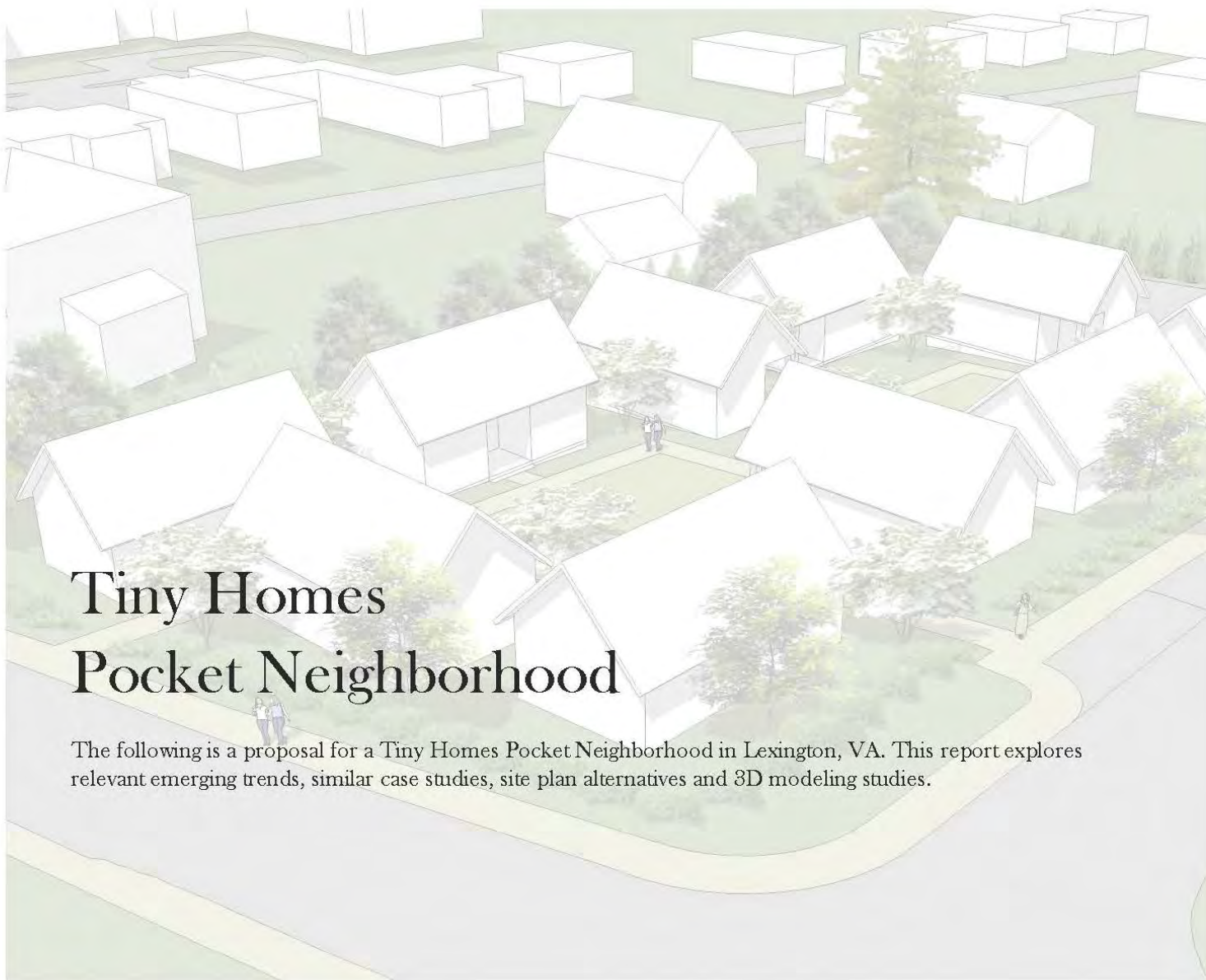
April 25, 2025 P.C. meeting: staff presented an overview of the cottage housing development concept.

May 9, 2024 P.C. meeting: the cottage housing regulations for Winchester, Virginia were reviewed.

May 23, 2024 P.C. meeting: staff provided an overview of the Railroad Cottages development in Falls Church, VA along with a review of the accompanying cottage housing zoning code adopted by Falls Church in 2017.

June 13, 2024 P.C. meeting: staff provided an overview of the Third Street Cottages development in Langley, WA along with a review of the accompanying cottage housing zoning code adopted by Langley in 1995 and modified thereafter.

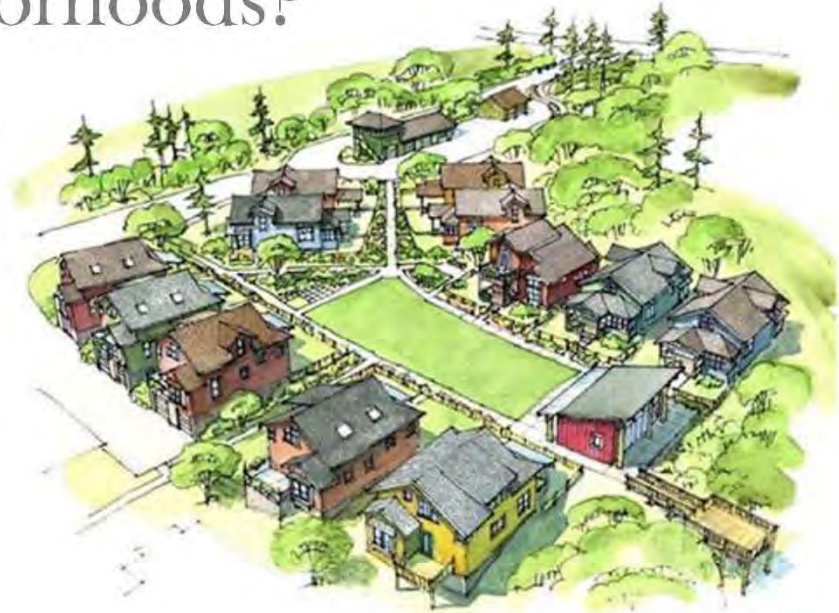
June 27, 2024 P.C. meeting: staff will provide an overview of the cottage housing proposal submitted by Max Ivankov for his property at the corner of Houston and Walker Streets.



Why Pocket Neighborhoods?

Sometimes called Bungalow Allies or Cottage Courts, Pocket Neighborhoods are a great way to build community through housing and design. Pocket neighborhoods are clustered groups of neighboring houses gathered around a shared open space, such as a garden courtyard, which has a clear sense of territory and shared stewardship, and where nearby neighbors can easily know one another.

These communities balance the layers of personal and social space, and introduce cars into a neighborhood without dominating pedestrian space. They diversify the choices for households of one and two people and help fill the missing middle housing gap.



Why Tiny Homes?

Tiny Houses have grown in popularity as a response to the ever-expanding in size typical American home. They attract people who find simplicity appealing, want to reduce their environmental footprint, or who cannot afford the “bigger is better” mentality.

Living large in a small space means everything has to be well fitted with a place and purpose. Clever design solutions and well-thought out details help to add the delight and charm that attracts the right kind of buyer.



Sources:

missingmiddlehousing.com/types/cottage-court
pocket-neighborhoods.net/
thetinylife.com/what-is-the-tiny-house-movement/
 Pocket Neighborhoods by Ross Chapin

Based north of Seattle, Washington, Ross Chapin Architects focuses on small-scale infill pocket neighborhoods as well as larger mixed-use, walkable neighborhoods. Creating healthy, resilient communities is their mission.

Ross Chapin, who developed the concept in 1996 and also authored the 2011 book "Pocket Neighborhoods", describes pocket neighborhoods as a secluded cluster of homes gathered around a shared open space such as a courtyard or garden - which has a clear sense of territory and shared stewardship. It is a pattern of housing that fosters a strong sense of community among nearby neighbors, while preserving their need for privacy.

These communities connect and contribute to the character and life of the surrounding neighborhood. It is essential that cars and traffic do not invade the shared pedestrian space. The active rooms of the homes, including front porches, face the commons rather than turning their back to neighbors. There is a layering of public to private space, and careful placement of windows to ensure privacy for each dwelling.



Ross Chapin Architects

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



The Cottages on Vaughan is a pocket neighborhood, situated on a half-acre lot a block away from downtown Clarkston. It includes eight micro-cottage homes, a common green space for gathering, and climate-conscious development features such as solar panels and edible, regenerative landscaping.

CLARKSTON, GEORGIA Cottages on Vaughan

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024





One of several small clusters of tiny homes available as short-term rentals in this beach community.

RIVER DUNES, NC Harbourside Cottages



Completed in 2017, the award winning Cottages at Hickory Crossing provides permanent supportive housing and services for chronic cases of homelessness.

DALLAS, TX Hickory Crossing



0.7 ACRES
ZONING: R-1 GENERAL RESIDENTIAL

Existing Conditions

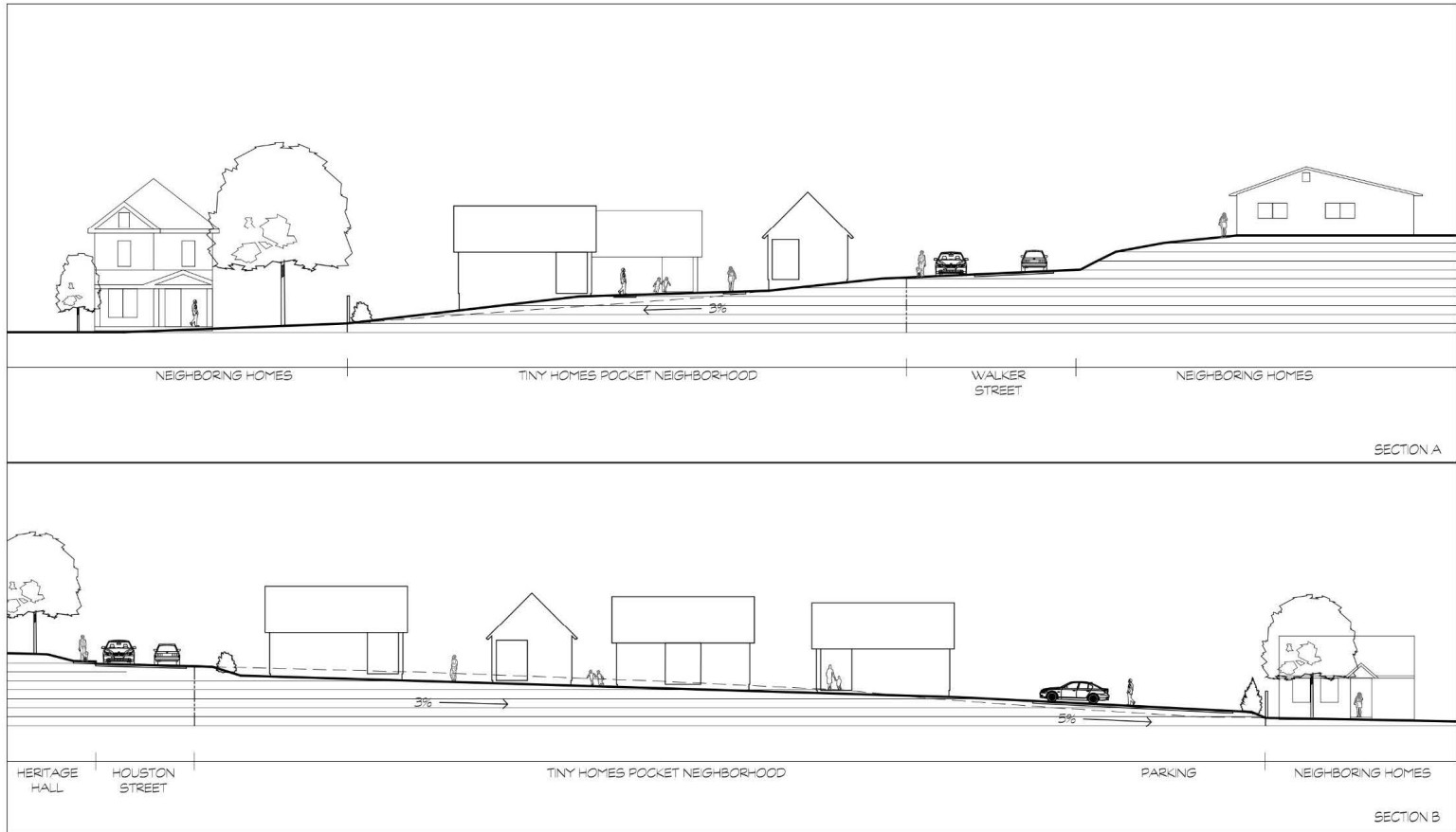
Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



10 UNITS - 15 PARKING SPACES

Concept A

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



Site Sections

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



10 UNITS

Concept A

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



10 UNITS
Concept A

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



10 UNITS

Concept A

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SHOWING SCALE OF CONCEPT A
IN CONTEXT WITH NEIGHBORHOOD

Figure Ground

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS - 15 PARKING SPACES

Concept B

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS
Concept B

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS

Concept B

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS

Concept B

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS - w/ DUPLEX - 15 PARKING SPACES
Concept B - Alternate

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS - w/ DUPLEX
Concept B - Alternate

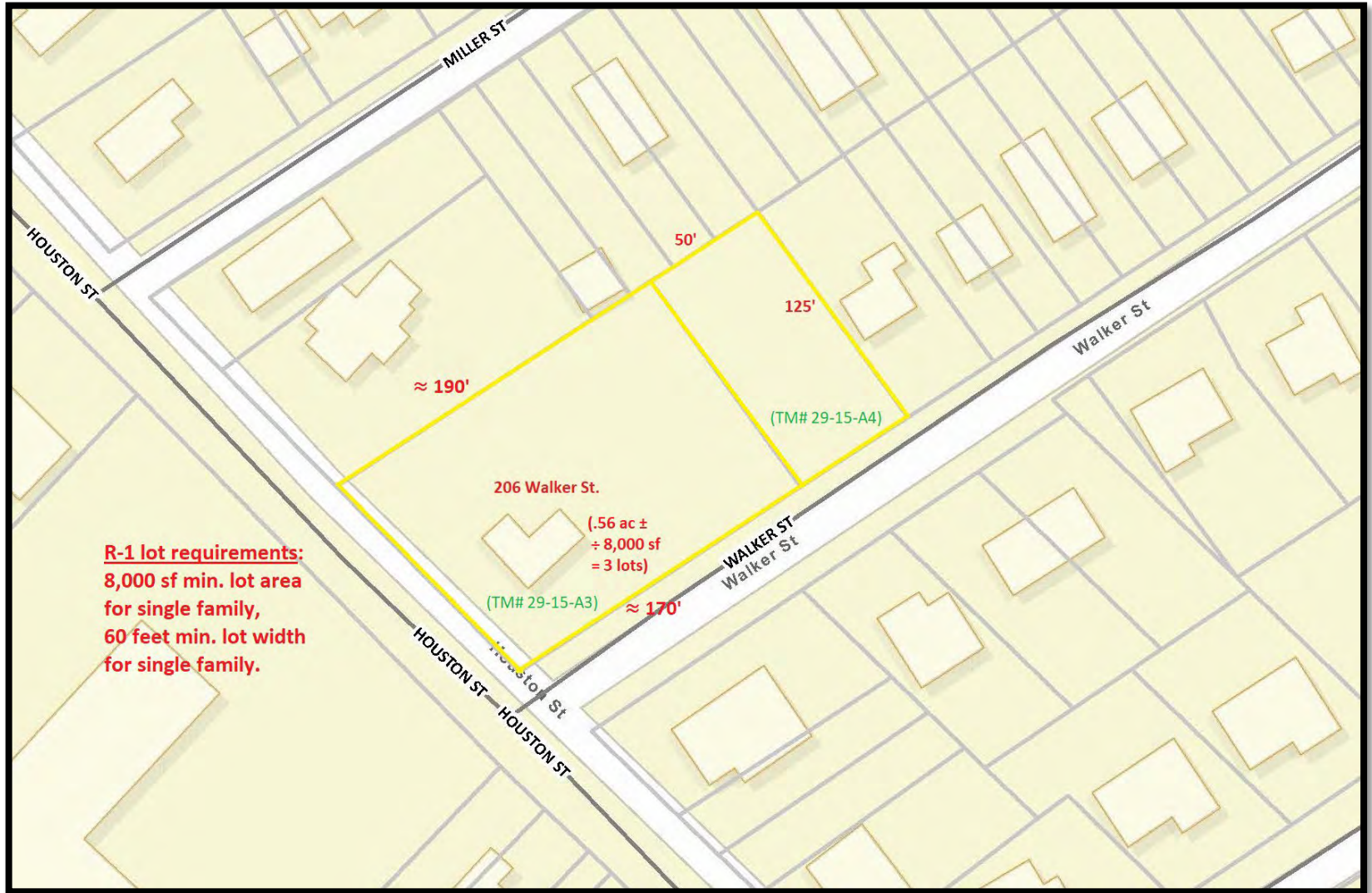
Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



9 UNITS - w/ DUPLEX

Concept B - Alternate

Prepared by the City of Lexington Department of Planning and Development for the Planning Commission meeting on June 27, 2024



4 “lots” total = 4 single family dwellings