

LEXINGTON PLANNING COMMISSION

May 23, 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. ELECT TEMPORARY CHAIRPERSON**
 - A. Nominations
 - B. Motion & Vote
- 3. APPROVAL OF THE AGENDA**
- 4. APPROVAL OF MINUTES**
Minutes from April 25, 2024*
- 5. CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA**
- 6. NEW BUSINESS**
 - A. EC 2024-04: An application by Serdar Mumcu for approval of a Certificate of Appropriateness (COA) for new signage for Pack and Mail, LLC at 449 E. Nelson Street (Tax Map #30-1-9), owned by Andorra Properties, LLC.
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - B. Request to defer CUP 2024-02: An application by John Adamson of Rockbridge Partners, LLC to renew a Conditional Use Permit allowing a portion of the building located at 2 South Main Street (TM #23-1-194) and owned by Rockbridge Partners, LLC to be used as an assembly hall (i.e. *Public Assembly*).
 - 1) Staff Report*
 - 2) Applicant Statement
 - 3) Public Comment
 - 4) Commission Discussion & Decision
 - C. ZOA 2024-03: Annual Zoning Ordinance Amendments. Cottage Housing.
 - 1) Staff Report*
 - 2) Public Comment
 - 3) Commission Discussion

7. OTHER BUSINESS

A. Zoning and Planning Report

B. Key Annual PC Milestones:

- 1) Zoning Text Amendments: Ongoing. Remaining items:
 - a. Cottage Housing
 - b. Entrance Corridor Design Standards work session
 - c. Mini warehouse use and design standards
- 2) Comp Plan Review: Ongoing
- 3) Major Project Update

8. CITY COUNCIL REPORT

9. ADJOURN

*indicates attachment

MINUTES

**The Lexington Planning Commission
Thursday, May 9, 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
Gladys Hopkins
Shannon Spencer, Vice-Chair
Leslie Straughan, Council Liaison

City Staff:

Arne Glaeser, Planning Director
Kate Beard, Administrative Assistant

Absent: Mary Stuart Harlow

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 / G. Hopkins)

MINUTES

A motion by J. Driscoll to approve the April 25, 2024 minutes as presented died for lack of a second after S. Spencer pointed to a verb tense on the second page in need of correction. The minutes were then unanimously approved as amended by S. Spencer. (J. Driscoll / S. Spencer)

CITIZENS' COMMENTS ON MATTERS NOT ON THE AGENDA

None

NEW BUSINESS

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

- 1) Staff Report & Commission Discussion – A. Glaeser explained he was providing visual renderings of two existing cottage housing developments to help the Commission keep in mind what it was working toward – smaller units, higher density, corralled parking and a shared common area. He also provided an article about the Railroad Cottages development in Falls Church as an example of this type of development being used successfully as infill on an oddly shaped parcel. He suggested the Falls Church regulations might provide a useful comparison after the initial review of the regulations from Winchester. He then led the Commission through the Cottage Housing Development Design Standards from Winchester. He encouraged the Commission to pay particular attention to the structure of the ordinance and to weigh in with preferences. Discussion highlights were as follows:

- **PURPOSE AND INTENT** – A. Glaeser noted this section of the Winchester code was lengthy, not unlike the Purpose section adopted for ADUs. S. Spencer said she found Winchester’s purpose section to be particularly helpful.
- **DENSITY, NUMBER OF UNITS AND MINIMUM LOT AREA** – A. Glaeser remarked that he found the inclusion of this type of table to be helpful. For reference, he noted that in three of the zoning districts in which cottage housing is allowed in Winchester, it is as a conditional use. J. Driscoll said the Commission would need to identify which zoning districts in Lexington would be appropriate for this type of development and he encouraged the Commission to be thoughtful about appropriate scale. Using the lots on the corner of Houston and Walker Streets as an example, there was discussion comparing the number of units that would currently be allowed on the property against the number that could be allowed with a cottage housing development. A. Glaeser acknowledged that he had learned from the Winchester Planning Director that the Winchester ordinance was adopted in 2011 but has never been implemented. The Winchester Planner’s observations were that they have a PUD district that is more popular, and that while the cottage housing amendment had good intent and some very good building design provisions, it was poorly calibrated with respect to how much space it would take to accommodate the needed building footprints, green space, stormwater management, emergency access and off street parking. A. Glaeser noted that Lexington had no competing residential PUD district, but that care would need to be taken when developing formulas for density, number of units and lot area requirements. He responded to a question from L. Straughan by saying that standards for a more traditional residential PUD district could be considered if desired, but that they should not be conflated with cottage housing – that they should be separate tools for higher density housing. He said cottage housing could be implemented either as a CUP or as its own, specific PUD, but that the cottage housing development model, if pursued, should be thought of as a package and not watered down. L. Straughan wondered if a more traditional PUD with more design standards might provide greater flexibility. Following discussion of which zoning districts would be appropriate for cottage developments, there was consensus that they should be allowed in the R-1, the R-LC and possibly the R-2 districts.
- **EXISTING NONCONFORMING STRUCTURES AND ACCESSORY TWO-FAMILY DWELLING UNITS** – A. Glaeser pointed out that this was similar to the section dealing with nonconformities in the ADU ordinance.
- **BUILDING HEIGHT** – Typically cottage dwellings are 1 or 1 ½ story units. A. Glaeser noted Winchester’s requirements concerning the pitch of the roof tend to result in more attractive structures, but can also lead to greater expense and would preclude modern design.
- **VARIATIONS IN BUILDING DESIGN** – A. Glaeser reminded the Commission that regulations requiring greater design detail typically lead to a more expensive product. P. Bradley suggested articulation would likely be a detail worth

encouraging in order to make the street-facing elevations more visually interesting. There was some hesitation about the degree to which Winchester restricted acceptable building materials. P. Bradley cautioned that there had to be some consideration of price point. L. Straughan agreed, saying the result, while attractive, may be counter to what was trying to be accomplished. S. Spencer contended that design standards could be crafted in such a way as to lessen the visual impact of less expensive materials rather than restricting the materials outright.

- **COVERED MAIN ENTRY PORCHES** – A. Glaeser noted private entry porches are used as a transitional space between the private interior and the shared public outdoor space. S. Spencer pointed out that the ordinance should specify whether or not the porch area is included in a unit’s overall maximum square footage.
- **STREET-FACING FACADES** – This section reinforces the objective that the development contribute to the neighborhood with attractive design.
- **LOT COVERAGE AREA** – A. Glaeser reminded the Commission that Lexington does not have regulations governing maximum lot coverage, though low impact stormwater features could be required or encouraged in the standards for cottage housing. J. Driscoll voiced support for including a minimum landscape requirement similar to Winchester’s. L. Straughan questioned whether something similar could be achieved through setback and open space requirements. A. Glaeser commented that another jurisdiction’s ordinance was very specific about what counted toward the required open space. He said staff would find examples from other jurisdictions for comparison.
- **COTTAGE FLOOR AREA** – A. Glaeser noted the compact footprint and 1 ½ story maximum height of the Winchester cottages was in keeping with the Third Street Cottages in Langley, Washington, one of the examples of an existing cottage development. L. Straughan pointed to the language stating the units are intended for one or two person households, saying the Commission should be clear about the size of household being designed for.
- **YARDS – BUILDING SETBACK FROM EXTERIOR LOT LINES** – A. Glaeser noted the setbacks listed in this section are not dissimilar to the setbacks in the R-1 zoning district.
- **COTTAGE HOUSING DEVELOPMENT BUILDING SEPARATION** – Winchester requires a minimum of 12 feet of separation within the development from cottage to cottage. A. Glaeser noted the building code requires a minimum of 10 feet of separation between buildings.
- **COMMON OPEN SPACE** – This section requires a minimum area of open space per cottage as well as proximity and ease of access from the cottages to both the open space and parking.
- **PRIVATE OPEN SPACE** – As is typical with cottage developments generally, Winchester’s ordinance requires each dwelling to have a private outdoor space. A. Glaeser explained his understanding of ownership as consisting of ownership

of the dwelling's footprint, a small private yard and a share of the development's common area.

- **TREE CONSERVATION** – Lexington's Tree Ordinance does not require approval for the removal of trees in residential areas. If language encouraging tree conservation is included in the eventual ordinance, attention should be paid to *should vs. shall*.
- **OFF-STREET PARKING** – A. Glaeser said he especially liked the inclusion of drawings providing examples of how to configure the corralled parking.
- **FIRE- LANE ACCESS AND TURNAROUND PROVISIONS** – A. Glaeser voiced concern that the specific standards included in this section of the Winchester code were onerous if not impossible given the minimum lot size being considered. He assured the Commission that the final text would be reviewed by the Fire Marshal, Building Official and Public Works Department to ensure life safety standards are met.

Director Glaeser offered to provide the Falls Church ordinance at a future meeting for comparison. P. Bradley said he thought the Winchester ordinance was thoughtfully put together and worked well as a comprehensive unit. He recommended using it as a model and tweaking the details as needed. Commissioners Spencer and Driscoll agreed. J. Eastwood suggested having details specific to places where cottage housing has been successfully implemented would be helpful. Following additional discussion, A. Glaeser said staff would work on creating tables and visual aids to assist in future discussions about density.

2) Public Comment – None

OTHER BUSINESS

A. Zoning and Planning Report – Director Glaeser reported he had received the updated maps for the Comprehensive Plan amendment relative to the designations of a number of properties along Maple Lane. He indicated the amendment would be advertised in the near future.

CITY COUNCIL REPORT -

L. Straughan reported that Council did not discuss the Echelon tax abatement request at its May 2nd meeting; she anticipated discussion and possible action on the proposal at the next meeting. She added that this week was Municipal Clerks Week and next week would be Police recognition week. Also, the city would no longer recycle glass effective today.

ADJOURN

The meeting was adjourned at 6:15 p.m. with unanimous approval. (S. Spencer / J. Driscoll)

P. Bradley, Chair, Planning Commission

**Staff Report & Recommendation
Entrance Corridor Certificate of Appropriateness
EC COA 2024-04 – Pack&Mail Freestanding Sign Panel**

Project Name	Pack&Mail Freestanding Sign Panel
Property Location	449 E. Nelson Street
Zoning	Entrance Corridor Overlay District (EC), Commercial Shopping Centers (C-2) zoning district
Owner/Applicant	Andorra Properties, LLC / Serdar Mumcu

OVERVIEW OF REQUEST

This request is for two freestanding sign panels for Pack&Mail, located at 449 E. Nelson Street in the Rockbridge Square Shopping Center. The parcel is located in the Commercial Shopping Centers (C-2) zoning district and in the Entrance Corridor Overlay District (EC). On January 11, 2024, a Certificate of Appropriateness was approved for a wall sign for the business. The applicant is now requesting a double-sided, internally illuminated, 80’ x 14’ acrylic sign panel for the freestanding multi-tenant sign adjacent to E. Nelson Street. The proposed sign graphics are included in the application.

location map (Rockbridge Square Shopping Center)



Staff Report & Recommendation
Entrance Corridor Certificate of Appropriateness
EC COA 2024-04 – Pack&Mail Freestanding Sign Panel

photograph of existing storefront



photograph of existing freestanding sign



**Staff Report & Recommendation
Entrance Corridor Certificate of Appropriateness
EC COA 2024-04 – Pack&Mail Freestanding Sign Panel**

APPLICABLE ZONING DISTRICT SECTIONS

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

APPLICABLE SIGNAGE REGULATIONS

Section 420-13.2 of the sign regulations requires a sign permit before a sign may be erected, constructed, posted, painted, altered, or relocated. The proposed alterations to the freestanding sign at the shopping center entrance and the new wall sign therefore require review and approval.

Section 420-13.6 of the sign regulations allow any business located within a C-2 zoning district to display no greater than 100 square feet of signage per building street frontage and individual signs are limited in their size and placement according to the table included in Section 420-13.6. The existing and proposed signage does not exceed 100 square feet of signage per building street frontage.

Section 420-13.10 requires illuminated signs to be illuminated in such a way that light does not shine into on-coming traffic, affect highway safety, or shine directly into a residential dwelling unit zoned R-1, R-2, or R-M. The sign panel proposed for the freestanding, entrance sign will be backlit and this type of lighting is not typically bright enough to cause issues with traffic or create issues with adjacent residences. The proposed internally illuminated wall sign is also not expected to cause issues with traffic or adjacent neighbors.

APPLICABLE ENTRANCE CORRIDOR REGULATIONS

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

Section 420-6.7.B allows the Planning Commission to consider any architectural feature which influences appearance, such as, but not limited to, motif and style, color, texture and materials, configuration, orientation, mass, shape, height and location of buildings, location and configuration of parking areas, landscaping and buffering.

Section 420-6.8 states all applications for an entrance corridor certificates of appropriateness must satisfy the design standards for landscaping, signage, architecture, site planning, and lighting. Only the signage design standards are applicable to this certificate of appropriateness request and the remaining standards are not applicable.

B. Signage.

1. Each parcel shall have an overall sign plan which reflects a consistent style and specifies the size and color scheme for proposed signage.
2. Materials used in signs and their support structures should reflect the building served by the sign.
3. Sign colors should be harmonious with the building which they serve.

**Staff Report & Recommendation
Entrance Corridor Certificate of Appropriateness
EC COA 2024-04 – Pack&Mail Freestanding Sign Panel**

STAFF RECOMMENDATION

Staff finds the proposed improvements meet the zoning criteria.

SUGGESTED MOTION

I move to approve/deny the Entrance Corridor Certificate of Appropriateness application EC COA 2024-04 for an illuminated, double-sided freestanding sign panel for the Pack&Mail business at 449 East Nelson Street as proposed by the applicant.



www.lexingtonva.gov

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

SIGN PERMIT APPLICATION

Applicant¹

Name: Serdar Mumcu Phone: 540-463-7740

Company: Pack and Mail LLC Fax: 540-463-1073

Address: 449 E. Nelson St. Lexington, VA Email: serdar.mumcu@outlook.com

Applicant's Signature: [Signature] Date: 04/24/2024

Property Owner

Name: James Lerner Phone: 434-825-0321

Address: 1305 Gort Gate Ln, Charlottesville, VA 22901 Email: jml2p@uvahhealth.org

Owner's Signature: _____ Date: _____

Sign Contractor

Name: Melissa Hundley Phone: 540-620-1216

Company: Bear Mountain Signs Fax: _____

Address: 422 E. Ridgeway St. Clifton Forge, VA Email: bearmountainva@gmail.com

Proposal Information²

Address (or location description): 449 E. Nelson St.

Tax Map: _____ Deed Book and Page #: _____

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

Property Doing Business As: Pack and Mail

Overlay District:

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

1. Prior to submitting an application, the applicant is required to meet with staff for a pre-application meeting.
2. Any application deemed incomplete by staff will not be accepted.



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Sign Information

	<u>Sign Type</u>	<u>Square Feet</u>	<u>Width</u>	<u>Height</u>
Sign 1	Acrylic	7.7	80"	14"
Sign 2	Acrylic	7.7	80"	14"
Sign 3				

Street Frontage (width) of business space in feet _____

Street Frontage (width) of building in feet _____

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

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

Width _____ Height _____

Width _____ Height _____

If a projecting sign, clearance from sidewalk: _____ feet

What materials will be used? _____

Will the sign be illuminated? Yes No

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

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



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

PLANNING COMMISSION RECOMMENDATION: Pending
STAFF RECOMMENDATION: Approval

OVERVIEW OF REQUEST AND BACKGROUND

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

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

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

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

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

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

location map



2 S. Main Street



CONDITIONS OF ISSUANCE OF A CONDITIONAL USE PERMIT

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

C. Conditions of Issuance

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

STAFF RECOMMENDATION

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

PLANNING COMMISSION RECOMMENDATION

Pending

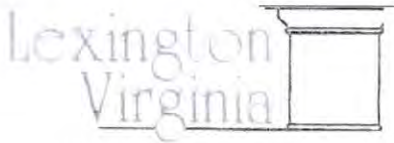
SUGGESTED MOTION:

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

HISTORY

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

The applicant is now requesting a 60 day extension to the Commission’s previous deferral.



www.lexingtonva.gov

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

APPLICATION FOR CONDITIONAL USE PERMIT

Applicant¹

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

Property Owner

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

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

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

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



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

www.lexingtonva.gov

Notice to Adjacent Property Owners

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

Posting of the Property

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

THIS SECTION TO BE COMPLETED BY STAFF ONLY

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

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

Staff Review

Planning: Public Works:

Police: Fire/Rescue:

Public Hearings

Planning Commission

City Council

Legal Ad Dates: Legal Ad Dates:

Adj. Property Notifications: Adj. Property Notifications:

Public Hearing Date: Public Hearing Date:

Action: Action:



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Conditions of Issuance

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

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

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

February 26, 2024

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

To Whom it May Concern:

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

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


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

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

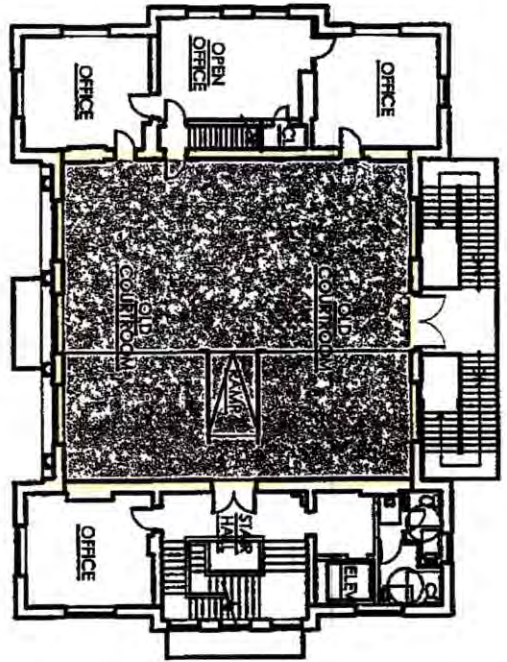
We respectfully request that Condition #2 be amended to grant the renewal of the CUP in perpetuity.

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

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



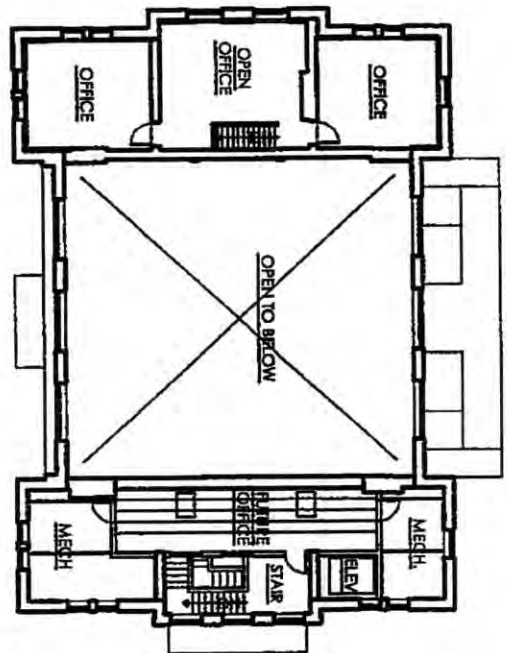
John Adamson – Rockbridge Partners, LLC



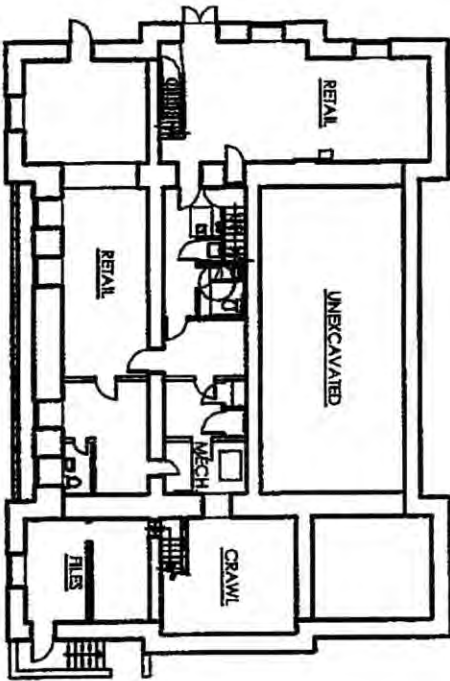
03 SECOND FLOOR PLAN
NOT TO SCALE



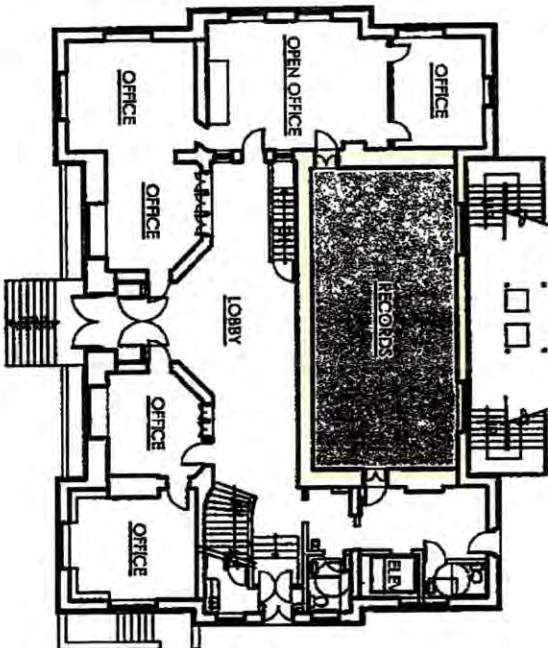
NOTE - AREAS UNDER CONSIDERATION FOR CLASSROOM AND/ OR PUBLIC USE ARE HATCHED THIS:



04 THIRD FLOOR PLAN
NOT TO SCALE



01 BASEMENT FLOOR PLAN
NOT TO SCALE



02 FIRST FLOOR PLAN
NOT TO SCALE



SK 01	Rockbridge Courthouse Renovation 25 South Main Street Lexington, Virginia 24450
	ratio

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.

Staff provided an overview of the cottage housing development concept during the April 25, 2024 Planning Commission meeting, and the cottage housing regulations for Winchester, Virginia were reviewed during the May, 9, 2024 Planning Commission meeting.

For the Planning Commission meeting on May 23, 2024, staff will provide an overview of the Railroad Cottages development in Falls Church, VA and then review the accompanying cottage housing zoning code adopted by Falls Church in 2017. Comparing an actual project with the code language may be helpful in developing a further understanding of cottage housing codes and the product created by that code. For a more detailed description of the Railroad Cottages development, please see the Congress for New Urbanism article at <https://www.cnu.org/publicsquare/2022/07/06/missing-middle-where-trains-used-run>.



Railroad Cottages:

- 1) 1.25 acre infill site at the end of a narrow lane;
- 2) 10 small houses and a “common house” were built in 2019 adjacent to the 45 mile long W&OD cycling and pedestrian trail;
- 3) The Common House contains a dining room, oversized kitchen, living room, and a spare bedroom with bathroom upstairs;
- 4) Cottage Housing is only allowed as a special exception (i.e. a conditional use) in the R-1A zoning district;
- 5) Carport contains 10 parking spaces and there are another 5 parking spaces that are not covered;
- 6) Each cottage is about 1,500 square feet and only 1.5 stories in height;
- 7) Each cottage has a front porch, a private rear patio or deck, and space for a backyard garden; and
- 8) Cottage Housing was a pilot program with limitations, and the program is being reassessed currently.

RAILROAD COTTAGES

AERIAL



Railroad Cottages Response to Carly Aubrey, April 19, 2017

Attachment A-1



Falls Church, VA

Chapter 48 - Zoning

Division 2. – R-1A, Low Density Residential District

Sec. 48-241. Special exceptions.

- (a) The purpose of this section is to help address the changing composition of households in the city and to provide more diverse housing choices for different segments of the population in the city, and to allow high quality infill development that serves these different needs, but is compatible with surrounding areas and existing neighborhoods because it is more dense but reduced in bulk. Cottage development is planned, through unified control of the entire site, to provide benefits to the residents through community amenities, and a sense of community through design of buildings and the site, including common open space, and parking areas. To achieve these purposes, the city council may, where it finds the following requirements and standards are met and that a need exists for housing for a particular population, approve a special exception to allow cottage development as described in section 48-90 of this chapter.

Where a cottage development is proposed, to be developed under unified control, through ownership or a condominium association, homeowners' association or similar mechanism, and meets the following requirements, it may be approved by city council.

- (1) The site area is at least 45,000 square feet (equivalent of four R-1A lots), and any lot divisions within the site are removed by subdivision within 90 days or such other reasonable amount of time as is approved by city council. In the event the applicant fails to consolidate the lots on the site within the time required by city council, any cottage development approval shall be null and void. *(For comparison, the R-1A zoning district has a minimum lot area requirement of 11,250 square feet for one-family dwellings, and 4 times 11,250 = 45,000.)*
- (2) The proposed development has a density of no more than the amount of the total site size divided by 10,000 multiplied by two. Only whole units, rounded down, permitted by the calculation may be constructed. Example for a site totaling 45,000 square feet: $45,000 \div 10,000 = 4.5 \times 2.0 = 9$; however, for 48,000 square feet: $48,000 \div 10,000 = 4.8 \times 2.0 = 9.6$, which allows nine units. No more than 18 dwelling units may be constructed in a single cottage housing development.
- (3) The site is not occupied by any structure that has been designated as an historic structure pursuant to city Code section 48-788, unless final approval for the demolition or razing of such structure has been approved pursuant to the city Code and Virginia law.
- (4) Dwelling units shall be detached, except that two dwelling units in any proposed cottage development may be constructed as semi-detached, after city council finds that including such semi-detached units will better serve the purposes of cottage

development as set forth above. Every dwelling unit shall have a maximum gross floor area of 1,000 square feet on the main level and may include one upper level of no more than 50 percent of gross floor area of main level. The square feet of required porches shall not be included in the floor area calculation.

- (5) No building in the proposed development will exceed 1½ stories or be more than 25 feet in height. No basement or crawl space with an average floor to ceiling height of more than 4½ feet in height will be permitted.
- (6) Each dwelling unit shall be equipped with sprinklers or otherwise equipped with a fire suppression system approved by the fire marshal as adequate to suppress a fire.
- (7) Lot coverage. The cottage housing development shall have a maximum building coverage of 25 percent and a maximum impervious surface coverage of 35 percent. Up to an additional five percent of building coverage may be approved where solar or green roof components are incorporated in the development, and such roof components occupy an area that is at least equal to the area of additional building coverage.
- (8) Low impact design. All roof gutters and parking area runoff shall discharge into rain barrels, vegetated swales, underground storage containers, rain gardens, or other preferable infiltration-based or retention-based systems, designed and sized appropriately to capture, at a minimum, the first inch of rainfall and to prevent runoff to a public street or an abutting property. Additional, low impact development techniques, including but not limited to, pervious paving in parking area and/or walkways, and green or living roofs should be used. In addition, developers are encouraged to incorporate net zero energy impact elements as much as possible.
- (9) The proposed development will provide a variety of building designs through building elements, features and treatments. The following building design requirements must be met, at a minimum:
 - a. Each dwelling unit shall have a porch with a length that is at least 50 percent of the length of the façade along which it runs and a minimum depth out from that wall of five feet. Porches may be roofed and screened, but shall not be enclosed by walls or glass windows.
 - b. Street facing facades and those facing common or community areas shall avoid blank walls and incorporate one or more of the following:
 1. Changes in exterior material and paint color;
 2. Windows which may include bay windows; and/or
 3. Building modulation with a depth measuring at least one foot.
- (10) Units and other buildings shall be oriented toward each other or a common area as far as reasonably practicable so as to create a sense of community.

(11) The proposed development shall provide community amenities for use by all residents in the development, as follows:

- a. A minimum of 400 square feet of common open space per dwelling unit is required. Parking areas, yard setbacks, spaces between buildings of 12 feet or less in width, private open space, and driveways do not qualify as common open space.
- b. If the proposed development includes a guest house, club house or similar structure ("community building"), such community building shall be available for the common use of all residents within the development. Community buildings may include a meeting room, guest room (which shall not include the kitchen facilities) for stays of 14 days or less, or kitchen facilities to facilitate social functions of the association owners. A community building that is available to all residents shall not be counted as a dwelling unit and no guest staying there shall be a city resident by virtue of staying there.
- c. The proposed development shall have sidewalks along all public streets adjacent to the development where sidewalks presently exist on the same side of the block or where safety considerations such as significant vehicular traffic or the need for safe pedestrian pathways to nearby public uses require them, such as schools, churches, parks, public transportation stops, and shopping; and a system of interior walkways that connects each cottage to the others and the parking area, and to the sidewalks abutting adjacent public streets, where applicable.

(12) The cottage housing development shall comply with zoning ordinance sections 48-1147 and 48-1149 or provide similar assurance, approved by city council, that the site and all landscape will be maintained. The development shall also comply with section 48-1180 for tree canopy coverage.

(13) The proposed development shall provide vehicle access and parking as follows:

- a. Vehicle access to the site shall be by no more than two driveways, each of which has a curb cut not less than 20 feet wide. Vehicle access within the site shall be by a private driveway or street not less than 20 feet in width and constructed of materials sufficient to bear the weight of emergency vehicles. No parking or other obstructions may be allowed on such private streets, which shall meet requirements of the fire marshal for additional width and vehicle access to accommodate emergency vehicles.
- b. Off-street parking shall be provided as follows: at least one parking space per dwelling unit plus 0.25 spaces per dwelling unit for guest use.
- c. Vehicle parking shall be clustered in one or two locations and screened from adjacent properties and public streets as described below in minimum yard requirements.

- d. All streets in the development shall be private and shall be maintained by the association or other owner.
- e. All vehicle parking generated by the site shall be hosted entirely on the site.
- f. The site shall include authority for the police department, at its option, to enforce no parking on any private street within the development.

(14) Minimum yard requirements.

- a. The cottage housing development shall provide a common area landscape buffer not less than 20 feet in depth adjacent to the public street from which it is accessed, and from abutting properties by a common area landscape buffer not less than ten feet in depth, and containing such trees, shrubs, plantings and/or fences as necessary to satisfy the provisions of section 48-1183 for buffer types A or B. No drive aisles, roads, vehicle parking or buildings shall be located within the required landscape buffers.
- b. For dwelling units and community buildings (i.e., community guest houses, club houses): 20 feet from a public right-of-way, ten feet from a side property line, 20 feet from a rear property line; provided however, that where the cottage housing development site is adjacent to a residential zoning district, side yard setbacks for dwelling units or community buildings shall be increased from ten to 15 feet to provide sufficient space for the landscape buffer. Semi-detached dwelling units shall be treated as one structure for the purpose of establishing minimum yard requirements. Distances between dwelling and structures shall meet all applicable requirements in fire and life safety codes.
- c. Projections into yards: Bay windows, box windows, chimneys and similar architectural features, and cantilevers not more than one-third of the wall length may project not more than three feet into any required yard. Stoops, porches, decks and patios may be provided as shown, with dimensions and locations, on a site plan approved by the planning commission.

(15) Accessory structures.

- a. Detached garages are not permitted except when provided in a common area other than the required perimeter landscape buffer, either as part of the approved site plan or when added later by way of a site plan amendment.
- b. Garages shall not be converted to any use other than vehicle storage.

(16) Neither detached sheds, nor other accessory structures are permitted, unless used by the association.

(17) Interior fences shall be no taller than 36 inches.

- (b) In order to achieve the purposes set forth above, and/or enable a proposed development to meet the criteria of this section 48-241, the city council may modify other requirements of this division 2, section 48-241 for the cottage development.

- (c) The city council may approve a cottage development where it finds the development, based on the site and building designs, any condominium or homeowner documents or voluntary conditions agreed to by the applicant, and any other materials that are found by the city council reasonably to bind the development into the future, meets the criteria set forth in section 48-90 of this chapter. (Section 48-90 of the Falls Church zoning ordinance provides the procedures and criteria for City Council approval of a special exception [i.e. a conditional use]).

Be it further ordained that the city adopt the ordinance codified in this section as a pilot program with the following restrictions: a) no more than one special exception may be approved pursuant to this section 48-241 per calendar year; b) applications will be accepted and processed in the order in which complete applications are delivered to the city; no applications will be accepted until prior applications have been withdrawn, approved, or denied; and c) within three years of enactment of the ordinance codified in this section, the city manager will bring to city council an analysis of applications, approvals and projects, with a recommendation for continuation, amendment, or repeal of this section.

(Ord. No. 1966, 2-13-2017)

Division 3. Amendments

Sec. 48-90. – Special Exception

- (a) The purpose of this section is to provide procedures and criteria for city council approval of special exceptions as permitted within the zoning districts.

...

- (e) Special exceptions for cottage housing development will be evaluated using the following criteria that are considered essential to the character and well-being of the city:

- (1) The cottage housing development provides an age-restricted community, as provided for under the Federal Housing for Older Persons Act of 1995, as amended from time to time;
- (2) The cottage housing development provides a coordinated site design that encourages social interaction, minimizes the amount of impervious surfaces, and promotes low impact development;
- (3) The cottage housing development includes community amenities for its residents such as common open space, community buildings and connectivity to surrounding areas that provides for neighborhood interaction, security, and a sense of community;

- (4) The cottage housing development contributes to the neighborhood by including design details that provides a visual connection between the development and the surrounding neighborhood;
- (5) The cottage housing development meets the standards for Leadership in Energy and Environmental Design (LEED) silver certification or an equivalent residential green building certification program in the design of the project. If LEED certification is used, it should incorporate SITES (sustainable landscape) criteria to the extent practical; and
- (6) The entire site area of a cottage housing development is located within 500 linear feet of a designated revitalization area.