

COUNTY OF ALBEMARLE

STAFF REPORT

AGENDA TITLE: ZTA201500013 Clifton Inn	AGENDA DATE: July 26, 2016
SUBJECT/PROPOSAL/REQUEST: Work Session on allowing for expansion of historic buildings formerly used as restaurants or inns by special use permit	ACTION: X INFORMATION:
STAFF CONTACT(S) Echols, Maliszewski, Burbage	ATTACHMENTS: Yes

Background: In September 2015, the County received an application for a zoning text amendment (ZTA) related to historic buildings and sites from the owners of Clifton Inn. If approved, the ZTA would allow for expansion of inns and restaurants in the Rural Area by special use permit if the inn or restaurant has been used as an inn or restaurant. Current regulations allow the use only within existing buildings.

Staff brought this issue to the Planning Commission for review on December 15, 2015 and the Commission adopted a resolution of intent to pursue this ZTA. The Commission asked that the process be expedited. Their recommendation went to the Board of Supervisors on February 3, 2016 in the context of the Community Development work program. The Board endorsed the Commission's resolution of intent and requested that staff expedite the request. The full background on the request can be found by clicking [here](#).

Effect on Increasing Opportunities to Preserve Historic Buildings: Over the past five months, staff has looked at the impacts of this change to the designated Rural Area and on increasing opportunities to preserve historic resources. Preliminary research indicates that there are at least 28 known properties in Albemarle County, of which 21 are designated historic resources that could potentially take advantage of a change in the regulations. (The other 7 properties represent other known buildings not listed or with uncertainty in their listing that have been used as a restaurant or inn. Information on these properties was provided by a local architectural historian and also from websites.) A listing of the National and State Register properties is provided in Attachment A. Staff believes that there may be more than 28 buildings in the County which were once used as restaurants or inns, some of which may be eligible for listing on the State and National Register; however, at this junction there is no way to know exactly how many there are.

The 28 known properties represent a variety of different forms and context. Former restaurants and inns currently exist as residential dwellings, former motor lodges, and current bed and breakfasts (B&Bs). Acreages range from less than an acre to over 400 acres. Buildings are located on major roads such as Route 250, small narrow roads and driveways, and along waterways such as the James River. A few are in the floodplain. Some of the buildings are individually listed in the registers and others are contributing structures to a National Register Historic District.

Under the current regulations, any property with buildings that were formerly used as restaurants or inns is eligible to apply for a special use permit for a restaurant or inn or both. This situation occurs because historically, restaurants provided for lodging and inns provided dining. At present, there are 3

restaurants operating under the special use permit regulations which are Clifton and Keswick which both provide lodging and dining and Michie Restaurant which only provides dining. Changing the regulations could offer greater opportunities for these two properties to expand and incentives for other owners of historic properties formerly used as a restaurant or inn to enlarge their facilities for dining, lodging, or both.

Relationship to the Comprehensive Plan and Impact to the Rural Area: The Comprehensive Plan has a number of recommendations for preserving historic buildings and preserving the Rural Area. The expectation is that historic preservation will help preserve the Rural Area. Key issues in determining whether expanding a use for historic preservation purposes is appropriate is whether or not the use creates a negative impact on the Rural Area. Assuming that expansions to existing historic buildings can take place without negatively impacting the historic and architectural significance of the resource, the next issue rests with making determinations on how much expansion is appropriate in any given circumstance.

Discussion: Using the successful format for discussing issues related to events at farm wineries and farm breweries, staff has prepared recommendations (in italics) for discussion and direction from the Commission to help guide staff in the development of a draft ordinance.

1. Expansions must not negatively impact the historic and architectural significance of the property

Staff met with the Historic Preservation Committee (HPC) in November 2015 to discuss the ZTA request for a resident artist community as well as this proposed ZTA. Although the HPC was generally supportive of a policy change to allow additions to historic buildings and new construction to expand a use, they did not comment specifically on any changes to Clifton. This support was with the proviso that building changes did not interfere with the historic status and designation of the resource. At the last Planning Commission work session in December 2015, staff registered concern for the process for determining whether or not changes would affect the listing of the resource. Specifically, the body in charge of designating the resource could not be consistently relied on to provide staff with a timely determination of the impact of expansions or changes to the resource's listing on the State or National Register.

Staff believes that a process can be developed to ensure that changes to historic inn or restaurant buildings and sites do not negatively impact the historic and architectural character of the property. Some options may include determination by staff, Historic Preservation Committee, independent consultant or some combination of thereof. These options have not been fleshed out at this time; instead staff would prefer to work with the Historic Preservation Committee to develop a recommendation on how to ensure that the significance of the resource is not affected by building additions, new construction, or other site construction.

Staff recommends that the text amendment include a requirement that this evaluation be done prior to submitting the application for the special use permit. Staff will work with the Historic Preservation Committee on who should verify the applicant's submittal.

2. The expansion should be proportionate to the setting and have minimal impacts on the Rural Area.

Determining proportionality and acceptable impacts is the most difficult part of any review of this type. As some of the members of the Planning Commission may remember, extensive discussion and debate occurred during the update of the Rural Area Chapter of the recent Comprehensive

Plan amendment. Staff reports for [November 29, 2011](#), [August 28, 2012](#), and [November 20, 2012](#), explain many of the issues related to these uses in the Rural Area.

Because of the wide difference in building types, acreages, settings, and public road access for historic buildings it is hard to set standards for this type of use. Instead, consideration must take place on a case-by-case basis.

Section 10.5.2 of the Rural Areas district in the Zoning Ordinance provides guidance for special use consideration of whether a case can be made to allow for multiple single family dwelling units on a single lot. These considerations are provided below:

- The relationship of the proposed development to existing and proposed population centers, services and employment centers. A property within areas described below shall be deemed in proximity to the area or use described:
 - Within one mile roadway distance of the urban area boundary as described in the comprehensive plan;
 - Within one-half mile roadway distance of a community boundary as described in the comprehensive plan;
 - Within one-half mile roadway distance of a village as described in the comprehensive plan.
- The probable effect of the proposed development on capital improvements programming in regard to increased provision of services.
- The traffic generated from the proposed development would not, in the opinion of the Virginia Department of Transportation occasion the need for road improvement;

Staff also believes that the following considerations could be made:

- Impacts on natural, cultural and historic resources
- Demand for fire, rescue, and police service
- Reversibility of the changes for a by-right Rural Areas use
- Proximity to interstate interchanges
- Proximity to buildings and uses on adjoining properties
- Impacts on nearby and adjoining agricultural and forestal districts
- Relationship of the proposed additions and new buildings to buildings on adjoining rural properties
- Expected water usage
- The ability to operate without a central sewer system
- The preservation value of large parcels of land vs. residential development

Staff notes that, in general, the considerations will provide general guidance as to whether expansion is acceptable. However, they are not standards and may not be very helpful in determining details such as the exact number of new rooms or seats in a dining facility that are appropriate. Staff recommends that the Commission review these considerations and provide feedback.

3. Additional public input is needed through a formal process.

The County's policy for consideration of major policy and regulatory shifts involves solicitation of public input. For that reason, staff believes that owners of all properties formerly used as inns and restaurants which are either on the State or National Register or may be eligible for listing on these registers should be invited to a roundtable or roundtables for discussion. Other local

preservation groups should also be invited. Staff also believes that public meetings in the north, south, east, and west quadrants of the Rural Area may also provide for meaningful input. The Historic Preservation Committee's thoughts on how to ensure that expansions and additions will not harm a historic resource will be invaluable. This Committee may also wish to provide comment on land use impacts to consider.

Staff cautions the Commission that opening the door for expansion of existing designated historic buildings and construction of new buildings on-site for restaurants and lodging may result in requests for large resort uses in the Rural Area. Opening up these opportunities may also put pressure on the County to allow restaurants and lodging in any designated historic building in the Rural Area. This could result in many requests for special use permit approval for dining which the Comprehensive Plan only recommends in crossroads communities and lodging which currently is only recommended at the level of a B&B. (B&Bs allow for up to 5 guest rooms in a home or accessory buildings in the Rural Area and up to two B&B's may be allowed on a single property.) Nevertheless, modification of the zoning ordinance to provide for expansion of lodging and dining uses in designated historic buildings may help to improve preservation efforts County-wide.

RECOMMENDATION: Staff recommends that the Commission provide feedback to staff to be used for formal public input and ultimately in the development of a draft ordinance for a subsequent Commission work session.

ATTACHMENT A

**Former Restaurants and Inns Identified from National and State Register Listings
Individual Landmarks and Contributing Structures in Districts**

Name of Property	NR Landmark or Contributing Structure to District
Boyd Restaurant	NR Landmark
Crossroads Restaurant	NR Landmark
D.S. Restaurant	NR Landmark
Woodstock Hall Restaurant	NR Landmark
Old Ivy Inn	NR Landmark
Michie Restaurant	NR Landmark/Contributing Structure to Southern Albemarle Rural H.D.
Long House (Cocke's Restaurant)	Contributing Structure to Greenwood-Afton Rural H.D.
Black's Restaurant	Contributing Structure to Greenwood-Afton Rural H.D.
Brooksville Restaurant	Contributing Structure to Greenwood-Afton Rural H.D.
The Cedars	Contributing Structure to Greenwood-Afton Rural H.D.
Milton Restaurant (Locust Grove)	Contributing Structure to Greenwood-Afton Rural H.D.
Afton Mountain Motor Lodge	Contributing Structure to Greenwood-Afton Rural H.D.
Brookland (Old Paradise)	Contributing Structure to Greenwood-Afton Rural H.D.
Dutch Gardens Motor Court	Contributing Structure to Greenwood-Afton Rural H.D.
Green Teapot Inn	Contributing Structure to Greenwood-Afton Rural H.D.
Yancey Restaurant	Contributing Structure to Greenwood-Afton Rural H.D.
River Lawn Farm	Contributing Structure to Southern Albemarle Rural H.D.
Clifton Inn	Contributing Structure to Southern Albemarle Rural H.D.
The Scottswood Restaurant	Contributing Structure to Scottsville H.D.
Keswick Hall (Villa Crawford)	Contributing Structure to Southwest Mountains Rural H.D.
Stony Point Restaurant	Contributing Structure to Southwest Mountains Rural H.D.
Pinch 'em Slyly Restaurant (Minor House)	Contributing Structure to Southwest Mountains Rural H.D.