



COUNTY OF ALBEMARLE PLANNING
STAFF REPORT SUMMARY

Project Name: ZTA-2023-005 – Countywide Certificate of Appropriateness	Staff: Margaret Maliszewski
Planning Commission Public Hearing: August 22, 2023	Board of Supervisors Hearing: TBD
Proposal: A proposed ordinance to amend the Albemarle County Code to add sites subject to a public-private partnership agreement executed by the County of Albemarle as a category of structures, sites, improvements, or architectural elements eligible for county-wide certificates of appropriateness.	
Factors Favorable: The ordinance would allow for more streamlined development review.	Factors Unfavorable: None.
RECOMMENDATIONS: Staff recommends approval of ZTA-2023-005 Countywide Certificate of Appropriateness.	

STAFF CONTACT: Margaret Maliszewski
PLANNING COMMISSION: August 22, 2023
BOARD OF SUPERVISORS: TBD

PETITION: ZTA-2023-005: Countywide Certificate of Appropriateness

ORIGIN: On June 7, 2023, the Board of Supervisors adopted a resolution of intent (Attachment 1) to consider amending the Zoning Ordinance to add a category of countywide certificate of appropriateness.

PROPOSAL: To amend the Albemarle County Code to add sites subject to a public-private partnership agreement executed by the County of Albemarle as a category of structures, sites, improvements, or architectural elements eligible for county-wide certificates of appropriateness.

PUBLIC PURPOSE TO BE SERVED: To expedite the review and approval of development applications for properties on which the County has entered into a public-private partnership. Establishing a category of county-wide certificate of appropriateness for development in project areas subject to public-private partnerships would provide for a streamlined review process, which is prudent use of public funds.

BACKGROUND: On May 12, 2010, the Board of Supervisors adopted ZTA-2009-09 – a zoning text amendment to establish a new class of certificate of appropriateness, called a county-wide certificate of appropriateness, to allow expedited review of certain classes of development in the Entrance Corridors. For each class of development, the Architectural Review Board (ARB) adopts a set of criteria against which proposals are reviewed. Applications received under any class of development are reviewed by staff according to the ARB-adopted criteria, without being heard at an ARB meeting. This streamlines the development review process and allows for quicker review times.

On September 1, 2021, as part of the Board adoption of ZTA-2019-06 to establish the Rio29 Form-Based Code (FBC), a new category of county-wide certificate was added for new structures, site changes, or reuse of existing structures in the Rio29 FBC overlay district.

During the review of ZMA-2010-18 (Crozet Square), staff recognized that the county-wide certificate of appropriateness process could be used as a method to streamline the review of development proposals for sites subject to public-private partnerships.

For each class of county-wide certificate, the ARB must establish design criteria against which the subject development will be reviewed for consistency. Those criteria would be established on a case-by-case basis for each public-private partnership.

ANALYSIS OF THE PROPOSED ZONING TEXT AMENDMENT

Zoning Ordinance section 33.6(B) establishes factors to be reasonably considered by the Planning Commission and Board of Supervisors in the review of ZTAs. These factors, which are listed below, are issues that the Board would typically evaluate as it considers establishing a public-private partnership. The proposed ordinance applies to properties subject to an established public-private partnership. It would allow for more predictable outcomes and more efficient review of development proposals on properties subject to those partnerships.

- (i) the existing use and character of property

The proposed ordinance would not impact existing uses. It would support the establishment of appropriate character along the Entrance Corridors.

(ii) the Comprehensive Plan

The proposed ordinance supports Objective 8 of Chapter 5 of the Comprehensive Plan: Maintain the visual integrity of Albemarle's Entrance Corridors.

(iii) the suitability of property for various uses

The suitability of property for various uses is evaluated when the creation of a partnership is considered. The ordinance would allow for efficient development of properties for uses that have been previously deemed appropriate by the Board.

(iv) the trends of growth or change

The Board establishes public-private partnerships as circumstances and conditions evolve over time. Trends of growth and change are evaluated when the creation of a partnership is considered.

(v) the current and future requirements of the community as to land for various purposes as determined by population and economic studies and other studies

The requirements of the community are evaluated when the creation of a public-private partnership is considered by the Board.

(vi) the community's transportation requirements

The proposed ordinance would not directly impact transportation requirements.

(vii) the requirements for airports, housing, schools, parks, playgrounds, recreation areas, and other public services

The proposed ordinance would not directly impact these requirements.

(viii) the conservation of natural resources

The proposed ordinance would not directly impact this factor.

(ix) preserving flood plains

The proposed ordinance would not directly impact this factor.

(x) protecting life and property from impounding structure failures

The proposed ordinance would not directly impact this factor.

(xi) preserving agricultural and forestal land

The proposed ordinance would not directly impact this factor.

(xii) conserving properties and their values

The proposed ordinance would not directly impact this factor.

(xiii) encouraging the most appropriate use of land throughout the County

The appropriate use of land is evaluated when the creation of a public-private partnership is considered by the Board.

(xiv) equity

Factors related to equity are evaluated when the creation of a public-private partnership is considered by the Board. The proposed ordinance would not directly impact this factor.

Strategic Plan: Thriving Development Areas - Attract quality employment, commercial, and high-density residential uses into development areas by providing services and infrastructure that encourage redevelopment and private investment while protecting the quality of neighborhoods.

This ordinance will be reviewed by the three (3) criteria previously established by the Board for amendments:

Administration/Review Process: The proposed ordinance would establish a new class of county-wide certificate of appropriateness. County-wide certificates of appropriateness allow for expedited review of development in the Entrance Corridors. For each class of development, the Architectural Review Board (ARB) adopts a set of criteria against which proposals are reviewed. Applications received under any class of development are reviewed by staff according to the ARB-adopted criteria, without being heard at an ARB meeting. This streamlines the development review process and allows for quicker review times.

Housing Affordability: This proposal would have no direct impact on housing affordability.

Implications to Staffing/Staffing Costs: The streamlined review process reduces the amount of staff time spent on development review and associated tasks.

SUMMARY

Staff finds the following factors favorable to this request:

The ordinance would allow for a more efficient development review process.

Staff finds the following factors unfavorable to this request:

None.

RECOMMENDED ACTION

Based on the findings contained in this staff report, staff recommends approval of ZTA-2023-005 County-wide Certificate of Appropriateness.

POSSIBLE PLANNING COMMISSION MOTIONS - ZTA-2023-0005: County-wide Certificate of Appropriateness

- A. Should the Planning Commission **choose to recommend approval** of this Zoning Text Amendment:
Move to recommend approval of ZTA-2023-0005: County-wide Certificate of Appropriateness.
- B. Should the Planning Commission **choose to recommend denial** of this Zoning Text Amendment:
Move to recommend denial of ZTA-2023-0005: County-wide Certificate of Appropriateness. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS

- Attach 1 – [ZTA2023-05 Countywide Certificate of Appropriateness Resolution of Intent](#)
- Attach 2 – [ZTA2023-05 Countywide Certificate of Appropriateness Proposed Ordinance](#)