

ATTACHMENT B
Resident Artist Communities in the Rural Area ZTA Request

Additional Background

This ZTA was submitted in June 2014 by Greg Smith, representing the Virginia Center for the Creative Arts (VCCA). The VCCA would like to relocate from Amherst County/return to Albemarle County, but the Zoning Ordinance does not allow this use. The applicant advocated for the use during the Comprehensive Plan update and its merits were discussed by both the Board and the Planning Commission. (See Attachment B.2.) After sending the topic to the Planning Commission and receiving their recommendation, the Board modified the Comprehensive Plan to add the following strategy:

(Rural Area) Strategy 3c: Consider amending the Zoning Ordinance to allow for artist residencies in historic buildings, as defined in the Historic Resources Chapter of the Plan.

However, in its discussion of the strategy, most Board members said it was not a high priority action item. Accordingly, it was not added to the Community Development Work Program.

After adoption of the Comprehensive Plan, the applicant asked that the County provide action on his requested ZTA. Because a resolution of intent had been adopted by the Planning Commission, staff worked on a text amendment to take to the Planning Commission. Staff also sought input from the Historic Preservation Committee on the historic preservation aspects of the use. After 3 meetings (September, October, and November), the Historic Preservation Committee (HPC) concluded that they could not recommend parameters on the use because they did not believe it was a legitimate form of historic preservation. (See Attachment B.3.) They concluded that, if the Board believed the use was appropriate in the Rural Area, it should be available for any property and not just historic properties. If asked to provide further input, the Committee said several months would be needed to identify the parameters for the use.

Staff took the HPC's recommendation to Planning Commission on December 15. Staff's recommendation to both the HPC and the Commission was to address the ZTA with the discussion on other uses of historic properties in the Rural Area. Attachment B.1 provides a copy of the staff report. Attachment B.4 shows a theoretical scenario to illustrate how an artist community might be approved with a special use permit, if the ZTA is approved. Staff recommended and that the topic be studied when the following strategy is put on the Work Program:

(Historic, Cultural, and Scenic Resources) Strategy 2b: Continue to find ways for preservation of historic structures and sites to be financially viable for property owners.

The Planning Commission, however, said it should be studied in conjunction with the following strategy:

Strategy 4c: Study the nature of and extent to which transient lodging is currently taking place and consider whether policy and regulatory changes should occur to better accommodate this use. If such changes are determined not to be needed or appropriate, develop and implement a plan to bring errant operators of transient lodging into conformity with the County's regulations in a timely fashion.