

**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZTA201500013 Clifton Inn	Staff: Elaine Echols, Margaret Maliszewski
Planning Commission Work Session: December 15, 2015	Report to the Board of Supervisors: January 13, 2015
Request: To allow for new additions and/or additional buildings to historic buildings that have been used as taverns or inns.	Source of Request: Zoning Text Amendment Request from the Clifton Inn
Expected Outcomes from Meeting: <ol style="list-style-type: none">1. Direction on whether this ZTA should move forward to the step of ordinance development.2. Direction on whether the topic should be discussed in advance of, or with the topic of transient lodging or other uses of historic structures when those topics are scheduled on the work program.	Recommendations: <p>Staff believes that modifications to historic inns and taverns should be available to support existing or historic uses and can support a resolution of intent to change the zoning ordinance for this purpose. However, there is a need to identify the entity that will decide whether such a change is appropriate and that it will not affect the integrity of the resource.</p> <p>This text amendment study will need to be prioritized on the County's work program by the Board of Supervisors. Amendments that would allow for expansion of restaurant and inn <u>uses</u> should be considered when the County studies transient lodging or other uses of historic structures. (The topic of transient lodging is scheduled for 2018, unless additional staff resources are provided; the topic of other uses of historic structures is not yet scheduled on the work program.)</p>

WORK SESSION: ZTA201500013 CLIFTON INN

Background

The County recently received an application for a ZTA related to historic buildings and sites from the owners of Clifton Inn. (See Attachment A.) At present, the only restaurant and inn uses allowed in the Rural Area are in buildings identified as historic buildings in the Comprehensive Plan (i.e., those listed on the National Register of Historic Places or the Virginia Landmarks Register) that have been used as a tavern or inn. The Clifton Inn is on both registers. However, enlargements and expansions of such buildings are not allowed by the Zoning Ordinance. The applicant for the Clifton Inn is requesting that permission for enlargements and expansions to historic buildings be available to allow Clifton to apply for a special use permit to expand the building and the number of guest rooms.

This ZTA is important at two policy levels. The first has to do with a use that is not otherwise permitted in the Rural Area. The second issue has to do with building expansions on historic structures. During its work sessions on the Rural Area chapter of the Comprehensive Plan, the Planning Commission recommended that the County consider expanding opportunities for transient lodging. The Board of Supervisors, however, decided that lodging at the level of what is currently allowed in bed and breakfast (B&B) uses is sufficient for the Rural Area. There was no discussion at either the Board of Commission on the architectural restrictions in the Zoning Ordinance related to these uses.

Please note that the resident artist community proposal (ZTA201400005) and this ZTA are being presented to the Commission concurrently because of similarities in the requests. Both ZTAs are for uses that, in and of themselves, do not require a rural area location. Both requests deal with potential modifications to historic structures. If modifications to historic buildings are allowed in one instance, staff believes they should be allowed in the other.

Staff took this ZTA to the Historic Preservation Committee for initial feedback at their November 2015 meeting. The recommendation from staff was to study both this issue and the Resident Artist Communities at a later date within the context of Strategy 2b of the Comprehensive Plan, below:

(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.

Rehabilitation, restoration, and maintenance of historic structures can be costly. These high costs combined with limited options for using historic properties, particularly in the Rural Areas where the majority of the County's historic buildings are located, threaten these valuable resources. A greater variety of allowable uses for historic buildings and sites could encourage historic property owners to spend the money required to maintain, rehabilitate and restore these buildings. Objective 5 in the Rural Area Chapter provides guidance for use of restaurants and artist residencies in the Rural Area. Additional uses that can be accommodated in older buildings and sites while maintaining conformity with Rural Area goals, objectives, and strategies should be considered.

Staff noted that goals for Resident Artist Communities and Transient Lodging are identified as lower priorities on the Community Development work program after a dozen or more other topics, with work beginning as staffing became available, with Strategy 2b not yet on the work program.

The HPC said it could support the ZTA to allow for enlargement and expansions to historic buildings listed on the national or state registers, in principle, provided that the building changes did not interfere with the historic status and designation of the resource.

Purpose for this Work Session

The purpose of this work session is to report to the Commission on the status of the ZTAs. Specifically regarding the Clifton Inn ZTA request, it is to discuss the request and determine whether the text amendment should further studied and developed for consideration. Staff will inform the Board of Supervisors of the Commission direction on February 3, 2016. If the Commission wishes to study either ZTA further, the Board needs to decide how the text amendments fit with the Board's existing priorities and work program for Community Development.

Description of ZTA for Clifton Inn

Clifton Inn occupies a property in the Rural Area that was approved for tourist lodging and a restaurant in 1987. Approval provided for 7 guest rooms and a 50-seat restaurant. In 1989, the property was designated a historic landmark on the National Register of Historic Places. In 1989, the Zoning Ordinance changed to allow for restaurants and inns, by special use permit, if they had been used as a restaurant and/or inn and were located within an historic landmark as designated in the comprehensive plan. In 1991 approval was given for a 14-room inn and a 24-seat restaurant. In 2002, the Board of Supervisors approved a 52-seat restaurant within the building, events for up to 200 people at any given time, and the ability to add parking to the site.

Restaurants and lodging qualify for special use consideration in the Rural Area zoning district if they are in buildings designated as historic landmarks that have been used for restaurants and lodging. However, the Zoning Ordinance restricts exterior changes to the historic buildings. Enlargements of, additions to, and other modifications are prohibited to help preserve the resource. Consequently, changes to the Clifton Inn in recent years have been limited to the interior.

At present, the owner of the Clifton Inn would like to be able to enlarge the inn and expand the use. He proposes building a series of linked cottages added to the existing cottage and two new 5-bedroom B&Bs to the site. The owner's representative has asked for the following modification to the zoning ordinance to enable this request to move forward:

10.2.2 BY SPECIAL USE PERMIT

27. Restaurants and inns that are:

a. Located within an historic landmark as designated in the comprehensive plan, provided: (i) the structure has been used as a restaurant, tavern or inn; and (ii) the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith; **that new additions or buildings may be added if approved by DHR and ARB that maintains the historic and architectural character of the property,**

or

b. Nonconforming uses, provided the restaurant or inn is served by existing water and sewerage systems having adequate capacity for both the existing and proposed uses and facilities without expansion of either system.

(Amended 11-8-89; 10-18-00)

The current zoning regulations speak to the importance of restoration of the structures as faithfully as possible, thus preventing additions and expansions. While the ZTA would not approve Clifton Inn's desired changes and expansion, it would open the door for enlarging and expanding uses at Clifton and elsewhere.

Some historic preservationists and localities with locally designated landmarks recognize that changes to existing historic buildings and sites may be needed to accommodate more modern utilization and activities. Although it is not a guarantee, more modern use can often result in a greater capacity for maintenance of the resource. It is widely recognized that expansions and additions to historic buildings listed on the national and state registers can be done in a way that does not affect the status of the designation or damage the integrity of the resource. Communities that have established their own regulations for designating local historic resources can also establish their own standards for altering those resources. Some choose to adopt the Secretary of the Interior's Standards and Guidelines for treatment of historic properties instead.

The Comprehensive Plan

The Historic, Cultural, and Scenic Resources chapter of the Comprehensive Plan has many recommendations for protection and preservation of historic buildings and sites.

(Historic, Scenic, and Cultural Resources)

Objective 1: Continue to identify and recognize the value of buildings, structures, landscapes, sites, and districts that have historical, architectural, archaeological, or cultural significance

Objective 2: Pursue additional protection measures and incentives to preserve Albemarle's historic and archaeological resources in order to foster pride in the County and maintain the County's character.

Because so many of the County's historic resources are in the Rural Area, additional strategies can be found in that Chapter:

(Rural Area) Strategy 3a: Promote reuse of historic structures that support agricultural and forestal uses in the Rural Area.

While valued by residents and tourists alike, historic buildings and sites can sometimes pose challenges for owners. Large farmhouses and historic mansions can be expensive to maintain and, at times, additional income is needed to ensure that historic buildings do not fall into disrepair. Historic buildings and sites can be maintained for their original use, such as a home, or converted to income producing properties, such as a restaurant at a crossroad community or a bed and breakfast. Care is needed when a building converts from one use to another to ensure that the historic integrity of a site is retained.

Strategy 3b: Consider amending the Zoning Ordinance to allow for restaurants in historic buildings, as defined in the Historic Resources Chapter of the Plan, in crossroads communities.

Restaurants, as a rule, are most appropriate in the Development Areas where public water and sewer is available and streets and parking lots can handle traffic generated by a successful business. However, in the Rural Area, a small restaurant in an existing historic building may be appropriate in a crossroads community to serve the nearby community. Expansion of a historic building for such a use may be acceptable if the size and scale of the addition retains the integrity of the historic resource and will not generate demands for public water and sewer. Building new structures for restaurants is not considered appropriate in the Rural Area.

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.

The quantity of historic buildings, multiple houses on large properties, and large estates in the Rural Area creates many opportunities for rural transient lodging. Such uses can provide additional income to help owners retain their land and thereby avoid pressure to subdivide. Current regulations for transient lodging allow for B&Bs in the Rural Area. The Zoning Ordinance states that a homeowner may have up to 5 guestrooms inside a home and up to 5 additional guestrooms in a second residential structure on the same property. A resident manager must live on the property and the second residential structure must comply with density standards of the County, as well as health and safety standards.

At present, expanding opportunities for transient lodging in inns in the Rural Area is not supported in the Comprehensive Plan. The only additional study recommended is for properties rented as B&Bs through internet sites such as AirBnB.

The Economic Development Chapter discusses the importance of tourism to the County, as seen below:

Strategy 1c: Promote tourism that helps preserve scenic, historic, and natural resources.

Tourism brings visitors to enjoy the County's scenic rural landscapes and also to spend money in the County. Rural Area businesses that showcase the County's rich and diverse rural, agrarian, and historical resources provide sustainable economic development opportunities. In so doing, these businesses also help preserve, protect, and in some cases restore the Rural Area characteristics that make Albemarle County a desirable destination. Tourism and agribusiness opportunities are discussed in more detail in the Rural Area Chapter of this Plan. Recent State legislation has made large gatherings for commercial events possible at farm breweries and other bona fide agricultural operations. Events can help promote tourism and provide for enjoyment of scenic and natural resources; however, the County needs to ensure that the health, safety, and welfare of the residents of the Rural Area are protected when large events occur.

Allowing for changes to inns and taverns in historic buildings which operate under special use permit could help to improve tourism by preserving and protecting the County's historic, cultural, and scenic resources.

Issues and questions

Before moving forward with adoption of a resolution of intent to consider changes to the Zoning Ordinance, analysis by the Commission is needed. The questions below are provided to help the Commission decide what should come next.

1. Should this ZTA move forward to the step of ordinance development?

Staff believes that the zoning ordinance could be modified to allow for changes to inns and taverns which are historic landmarks. Because modifications to historic buildings can be done in a way that protects the integrity of historic buildings, sites, and settings, and because the Historic Preservation Committee agrees with this concept, staff could support a zoning text amendment to allow for building modifications that support the existing use (or historic use). The language could allow for exterior building modifications for those uses that have a special use permit, provided that the changes do not expand the use itself.

If moving forward is recommended, there are outstanding issues that need to be decided. The ZTA indicates that the approving authority for the change would be the Virginia Department of Historic Resources (DHR) and the County's Architectural Review Board (ARB). At present, the HPC is not authorized or constituted to assess or approve changes to historic resources, The ARB's purview is limited to Entrance Corridors, and DHR cannot be relied on to undertake the work. It will be important to identify the entity that will make sure that changes do not damage the integrity of the resource.

A resolution of intent to change the zoning ordinance will be provided at the Planning Commission meeting for the Commission to adopt if it believes that a ZTA should be processed to allow for modifications to existing historic buildings used as inns and/or taverns. Staff cannot support the request to construct new buildings as part of this resolution of intent at this time.

Staff notes that the answer to this question also relates to the historic preservation aspect of Resident Artist Communities. If the County decides not to change the zoning ordinance to allow for expansions and additions to historic structures for inns and taverns, should it allow expansions and additions to historic structures for Resident Artist Communities? Conversely, if expansions and additions are available for historic inns and taverns, is there any reason why this ability should not be available for Resident Artist Communities? Consistency will be needed if a ZTA advances to allow for changes to historic buildings for which uses are allowed by special use permit.

2. If the primary concern relates to the expansion of the use, should the requested ordinance amendment be discussed before, or with, the topic of transient lodging or other uses of historic structures?

The Board of Supervisors discussed the topic of expanding opportunities for stand-alone restaurants and lodging in the Rural Area during the Comprehensive Plan update. They concluded that the current restrictions were still appropriate. With regards to lodging, they wanted more research on in-home transient lodging, such as Air BnB, to identify current practices in the County and potentially begin collecting taxes on the use. The

Board said it did not want to broaden lodging opportunities to allow for more guestrooms than are allowed in B&Bs or to create opportunities for retreat centers.

The Comprehensive Plan strategy to continue to find ways for preservation of historic structures and sites to be financially viable for property owners is an important part of the County's historic preservation program. In this case, barring any additional information, staff believes that Clifton Inn will likely continue operating as an inn whether or not additional guestrooms are allowed. Opening opportunities for expanding an existing lodging use beyond its current limitations is not in keeping with the Comprehensive Plan and will open the door for more requests for lodging in excess of that currently allowed. Additional opportunities for transient lodging should be considered when the topic is explored on the Community Development work program.

Recommendations

Staff believes that modifications to historic inns and taverns should be available to support existing or historic uses and can support a resolution of intent to change the zoning ordinance for this purpose. However, there is a need to identify the entity that will decide whether such a change is appropriate and that it will not affect the integrity of the resource.

This text amendment study will need to be prioritized on the County's work program by the Board of Supervisors. Amendments that would allow for expansion of restaurant and inn uses should be considered when the County studies transient lodging or other uses of historic structures. (The topic of transient lodging is scheduled for 2018, unless additional staff resources are provided; the topic of other uses of historic structures is not yet scheduled on the work program.)

Attachments

Attachment A: ZTA Request from Applicant