

ATTACHMENT D  
**Albemarle County Planning Commission**  
**December 15, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, December 15, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Bruce Dotson, Tim Keller, Mac Lafferty, Vice Chair; Thomas Loach, Cal Morris, Chair; and Richard Randolph. Absent was Karen Firehock. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Staff present was Megan Yaniglos, Principal Planner; Elaine Echols, Principal Planner; Ron White, Chief of Housing; Margaret Maliszewski, Design Planner; J.T. Newberry, Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

**The Planning Commission recessed at 7:57 p.m. and the meeting reconvened at 8:05 p.m**

**Work Sessions**

**ZTA-2014-00005 Resident Artist Community** – Discuss work on zoning text amendment to add this use to the uses available for special use permit in the Rural Area (Elaine Echols)

Ms. Echols presented a PowerPoint presentation regarding ZTA-2014-00005 Resident Artist Community. She indicated that the purpose of the work session was to:

- Decide whether to continue studying the requested ZTA and
- Report the Planning Commission's decision to the BOS in January so they can prioritize Community Development's work program activities.

Ms. Echols said that this is a topic the Commission has seen and worked on before. The reason for this work session is to see what should happen next. The ZTA has a lot of history which Commissioners may remember starting with a request from the Virginia Center for the Creative Arts (VCCA) to relocate to Albemarle County. At the request of the applicant, staff began work on the ZTA in the summer of 2015. The first step was to take it to the Historic Preservation Committee for input. Since the Historic Preservation Committee was not able to get consensus on how it could move forward, the applicant wanted staff to bring the ZTA to the Planning Commission to see if you would be willing to move it to the next step.

The first question is to decide whether to continue studying this ZTA. Whatever the decision, staff will report this to the Board of Supervisors in January instead of February because they are working on the work program and prioritization especially zoning text amendments. So if the Planning Commission is recommending this be continued, then staff needs to get the Board to prioritize it for us. If the Planning Commission is not recommending it to be continued, then staff would just report that to the Board.

Ms. Echols provided some context and background beginning with the applicant's initial questions of the Zoning Division in early 2012. From September 2014 to January 2015, the Planning Commission studied the proposal. The Commission's recommended text was adopted into the Comprehensive Plan in June 2015.

To help provide background to the Commission on a resident artist community, several staff members took a trip to Amherst County to see the VCCA's residence artist community. Ms. Echols then showed pictures of the VCCA facility which included

- Administrative office and offices (shown with a scheduling board).
- A residence hall that has bedrooms and bathrooms in a typical dorm type layout.
- A dining area
- Studio space in outbuildings
- Gathering areas and
- Places to display the different things that the artists are working on.

Ms. Echols noted that there are several other outbuildings for grounds and maintenance.

Staff said that it brought both this ZTA and the Clifton Inn ZTA to the Planning Commission tonight because they are very similar. She said that a resident artist community is currently not allowed; however, the other use is currently allowed in the zoning ordinance. She said that both requests are for the Rural Area, but that neither a resident artist community or transient lodging are uniquely Rural Area uses. She noted that during the Comprehensive Plan work, the Commission felt strongly that new Rural Area uses should relate to the primary goals for the Rural Area. Ms. Echols said that both ZTAs involve the proposed use (or expansion of a use and building) that are in designated historic buildings. She said that the expansion of existing designated historic buildings is currently not allowed for historic inns and taverns. She said that in both cases, construction of new buildings is proposed.

The questions for the Commission are whether the resident artist community should be added as a use available by special use permit? Should expansion of historic buildings for proposed use be available? Should new construction of buildings associated with proposed use be available? Should the ZTAs proceed to next step?

Staff had made some suggestions in the staff report about how this use could be in keeping with our rural area policy and historic preservation aspects. These suggestions were confusing to Mr. Werner as well as to other members of the Historic Preservation Committee in understanding what they were saying. That is why staff provided an example in the staff report. To date, staff and the applicant have discussed the following potential parameters:

- Allow the resident artist community by SP in RA zoning district
- Allow up to 30 resident artists (more by special exception)
- Only buildings on National or State Registers, either by landmark or district would be eligible for the use. Allow up to 4 special events/year with up to 150 people
- Residence halls and restaurants open to the public would be prohibited
- A resident manager would be required
- Some type of plan such as a site plan or site plan waiver would be required.

Staff displayed the sample scenario on the screen for review. She noted that the property was randomly selected in the Rural Area, so that no one gets hung up on any particular property.

The site characteristic of the sample scenario were noted:

- 240 acres
- 4 existing houses
- 1 house is historic
- Public Road Access
- Public Road Adequacy

Environmental Features –critical slopes, floodplain and required stream buffer. Under this scenario, an SP could be considered for approval if the project provided the following:

- No >30 bedrooms
- 1 house to be constructed, but the development rights on the other properties would be either surrendered or diminished.
- Construct buildings for the accessory uses.

- No > 6 BR/house (That is because the bed and breakfast regulations say that you can have no more than 5 bedrooms. One would be needed for the resident manager.)
- No additional development rights other than the one associated with this particular special use permit.
- Some kind of a preservation of natural resources expectation, perhaps with a conservation easement
- No negative impacts on environmental or historic resources

Staff offered this scenario because it was the only one staff could come up with that helped to preserve an historic resource as well as preserve features of the rural area and not encourage additional residential development. It may or not be suitable for the Commission, but staff wanted to illustrate it.

If the Planning Commission wants this ZTA to proceed there is still more work that needs to be done:

- Minimum land area requirement
- Types of uses in new constructed buildings
- How to assure that the new use does not affect listing on a state or national register? (The Historic Preservation Committee was very concerned that there was no known way to monitor those changes to ensure that the property can retain its landmark status. That is one of the reasons why the committee did not think that just being eligible for listing was sufficient for being eligible for this use.)
- Who makes the judgement on the appropriateness of the changes? This is one of the key things that exist in both this ZTA and the other one. The ARB is not really set up for that purpose. The Historic Preservation Committee is not constituted for that purpose. The Virginia Department of Historic Resources provides comments from time to time but, it is not reliable due to their staffing needs

If the ZTA is to move forward, staff suggested the following criteria for review:

- Does proposed use allow for maintenance, rehabilitation, or restoration of a historic resource?
- Will proposed additions, alterations, or new construction affect integrity of resource?
- Will size and scale of use and buildings be compatible with buildings and uses on nearby and adjacent properties? (The last one was a concern to the Planning Commission when they looked at it before because they did not know how we ensured that. Part of this is the question of who makes that judgement.)

Ms. Echols asked the following questions of the Planning Commission

- Should study proceed or not?
- If no
  - Should the Commission recommend that the BOS not move forward on the amendment at all or should the recommendation be to study the use in conjunction with other possible uses of historic structures when the Board adds that work to the work program?
- If yes
  - Are the parameters provided by staff appropriate?
  - What other parameters are needed?

Whatever the decision a report will be made to Board of Supervisors (BOS) in January.

Staff's recommendation was to recommend to the Board of Supervisors (BOS) that the topic not be pursued at this time but, be considered with other uses for historic buildings, when that topic is put on the work program.

Ms. Echols added that the Historic Preservation Committee did not believe that this use was appropriate for historic resources only. If the use is to be allowed, it should be available for any property in the Rural Area. They said if they were asked to work on a zoning text amendment, they would have to do a whole lot more work. Staff noted that an awkward situation currently exists since the Historic Preservation Committee is not behind the proposal,

Staff again asked for guidance from the Planning Commission on what it is they think should happen next with this zoning text amendment. Ms. Echols indicated that the applicant is present in the audience. The Commission has seen and heard from him many times and knows he is earnest about trying to find a way to bring this organization back to Albemarle County.

Mr. Morris invited questions for staff.

Mr. Loach asked if the County regulates the number of farm workers on a farm in the rural area of 250 to 300 acres and, if so how do they do it.

Ms. Echols replied that the farm worker housing is regulated.

Mr. Kamptner added that, depending upon the number of development rights, you can have a number of dwelling units that correspond to the number of 2 acre parcels plus 21 acre parcels; and, if you have 3 or more on a single parcel you must have a site plan approved. So there is some flexibility there.

Mr. Benish pointed out that there are no regulations on the number of employees someone could have at a farm.

Mr. Loach said if he wanted to house 30 employees on the land, each house would need a 2 acre lot and or he could not build one building or house for all 30 employees.

Mr. Kamptner said you don't have to actually subdivide the parcel. You can build the houses, but have to meet all of the zoning requirements so that if necessary the lands could be subdivided and meet setbacks and things like that.

Mr. Keller complimented staff's report because it is a very complicated set of issues for both this and transient housing that is going to be addressed later. They all interconnect and he thinks the way staff has woven a story to make it as simple as possible given the various series of alternative scenarios that can occur is really excellent. He was in support of the continued study.

Mr. Dotson noted he had more of a procedural question. Since the Board of Supervisors has approved the work program for the department, to what degree would that fill up the vessel of available time or has there been time reserved for unanticipated projects that will seem justifiable once we know what they are.

Mr. Benish replied that he thinks the vessel is full. The Board of Supervisors has asked for further insights in January specifically on how to address phase 2 of the farm brewery, distillery, and winery changes. Associated with that is special events changes. The Board requested that we give that consideration particularly in light of the fact that we had assumed that the Rivanna River Corridor Study would take time over this fiscal year. However, there has not been a definitive decision from the city or the county on how to move forward with that so that staff time could be used to work on those items. Mr. Benish said that as staff has alluded, Mr. Graham is going to the Board with further articulation because those were zoning text amendments. However, they can address other zoning text amendments and get guidance on what priority the Board sees for these applicant generated requests now that they are at the next step of being potentially in the Board's hands setting a priority for these projects. Mr. Benish said he just provided a long winded answer to say the plate is kind of full right now. However, this is an iterative process and if they feel like these ZTAs are important, then we have to advise the Board on what other things may have to come off the plate.

Mr. Keller asked to do a quick follow-up to that. He asked if transient lodging is on the work plan for next year.

Mr. Benish said he would double check, but he did not think transient lodging was on the work plan for this year. There is a scenario that the Board asked for that Mr. Graham developed. Assuming they get an additional staff person, staff will be able to advance it a little bit sooner.

There being no further questions, Mr. Morris opened the public comment period and invited the applicant to address the Commission.

Mr. Greg Smith, Executive Director of the VCCA currently located in Amherst County, said VCCA was established here in 1971. He would like to thank Ms. Echols and the staff he has been working with, some of whom for 3 ½ years, on this issue of whether it is possible for the VCCA to locate back to Albemarle County. Obviously, this is not about content but really about process. He was hoping that whatever the decision is here that he can continue to move this forward so that the VCCA will get a fair hearing from the county as a whole by staff, the Planning Commission and Board of Supervisors. He can really not think of anything that is different from what Ms. Echols has described to you in terms of this being up and down in front of the Commission on several occasions and his hope that they can continue to find a positive solution in addressing it.

Mr. Morris invited questions for Mr. Smith.

Mr. Dotson said he had a question that was stimulated by the slide of the scheduling board, which sort of gave the impression that artists would come in one at a time as opposed to coming in sort of as a cohort and being there together. So he was just wondering which it was.

Mr. Smith replied that different artist communities do it different ways. He said that, in their situation, they schedule by individual. The scheduling board that they saw in the slide basically indicates the individuals that are coming and the length of time they will stay, which varies. Other artist communities around the country might have a standard format where, for instance, everyone that is coming in would be there for the first of the month and would leave on the 28<sup>th</sup> of the month, and then there is a break. However, we tailor it to the individual artist.

Mr. Dotson asked if there was an education component on the part of the visiting artists who are not part of the local community.

Mr. Smith replied right now the VCCA currently does not have an education component. However, they are actually talking about whether they should change from using 12 months of every year totally for residencies for the artists or something different. They are looking into whether it is essential that the artists just be there to concentrate on their creative work or if they could avail themselves for interactive work.

Mr. Morris invited public comment. There being none, he closed the public comment section to bring it back to the Commission for discussion and recommendation.

Mr. Randolph asked how many work hours have been devoted to try to shoehorn the size 10 project into Albemarle County's size 8 code of development. The Historic Preservation Committee have met 3 months in a row. The Planning Commission is meeting the fourth time. Staff went down to Amherst County to visit the VCCA site. However, we keep trying to spot fit an artist colony in Albemarle County's Code when the contours of the project proposal don't seem to fit any presently understood framework within the county. Furthermore, when we look at the fact that we have a single case study we question where the demand is. If there were two artist colonies that were waiting to get into Albemarle County Mr. Randolph said we would have a basis to closely examine our code of development. The cost benefit analysis would suggest that Albemarle County is expending far more resources in terms of staff time to try to assist this nonprofit organization to come here. He would say a far more profitable use of all that staff time would be assisting the Economic Development Office and helping them in terms of locating appropriate sites for LI and potential LI. Therefore, he thinks we have reached a point where he would urge us to pull the plug. He has indicated several times in this body, as well as in the Historic Preservation Committee, that the only way that he would see this as viable would be within the Town of Scottville where there is a less stringent set of planning requirements within the town that would permit this project to be cited with historic buildings in Scottville and also at the same time have additional buildings that they would find necessary to house an artist colony. However, he just did not see it profitable for the Planning Commission and staff to continue to work on this project at this time.

Mr. Loach said the reason he asked about the housing and the number of employees is that it seems in the rural area that you have a farm that is there because the land produces goods and services. In this case if those goods and services is artist output and they are based on the inspiration of using the land that is available as their inspiration or that is the rural atmosphere, it seems that is not too far akin as far as land use. As far as historic buildings go, it seems like the problem is mostly about who has the authority to make the decisions on its appropriateness. However, he would agree with Mr. Keller to move it forward. Mr. Loach said that this could be a benefit for the county in the way it views art. He said that art was being created back in the 30's and the era of the depression when they had the WPA like in New York City using artists to paint murals. There is a reason that great civilizations have art.

Mr. Morris asked Mr. Loach if he was saying he supports staff's recommendation.

Mr. Loach replied that he would like to see more work be done on this. He can see Mr. Randolph's point about the amount of time that has to fit into the staff's work schedule; however, he does not know how it is going to fit in.

Mr. Morris asked if anyone else wanted to weigh in on this.

Mr. Dotson said the topic has certainly been given a large share of attention; but, he was not convinced at this point that going down the historic resource road is the right way to get to an approval. The reason he was asking the questions before is just trying to understand the activity. It seems like this is transient lodging for artists so that they can work for a period of time in a secluded environment and considering it as part of looking at transient lodging issues in general would be the best way to go. It does not say that in the staff report. However, in looking over the Clifton Inn staff report it says the topic of transient lodging is scheduled for 2018 unless additional staff resources are provided. His view is that enough staff resources have been put into the historic resource avenue and it is time to say enough and that it could be reconsidered in 2018 or whatever timeframe the transient lodging issue is looked at.

Mr. Keller said he would like to respond to Mr. Randolph. He said that there has certainly been a great discussion in San Francisco during the last election about transient lodging pros and cons and possibly modifying the standards. A number of communities are seeing an economic advantage coming through the taxation of those transient lodgers. It seems that the first step in this piece if one was looking for additional resources would be to look at transient lodging as is implied in one of these staff reports. The two other pieces of the issue of transient lodging in the rural areas as well as in the growth areas and the issue of specialty areas like artist communities that could be listed as a use by special use permit are all linked and interconnected and there can be economic value through that holistic look at these issues. He thinks that is really what staff is outlining for us.

Mr. Morris noted personally he felt that Mr. Dotson hit it right on the head. He said it was kind of the middle of the road, but he sees this as more of what staff is recommending that they ask the Board of Supervisors to consider it when authorizing staff to work on items related to strategy 2d. It has got to be put on the back burner at this particular time, he said.

Ms. Monteith commented that if they go the "no" direction route, it does not mean that it can't be studied further at another time, which she thinks is worth mentioning. The other thing is she agrees with Mr. Dotson in that she is not convinced there is a correlation between historic structures and this use. Therefore, she did not think that should be the only vehicle in terms of how it should be studied. Coming from somebody who is mid-stream in the Rotunda renovation she can say that historic structures are very expensive. She thinks it is a beautiful idea; however, a use that does not have a robust financial model combined with trying to team it with historic structures seems challenging.

Mr. Morris noted there was no consensus.

Ms. Echols pointed out that there are two commissioners who believe this should be a priority, two who think that it should be studied at a later time with transient lodging; one person who thinks it is time to stop

the study of it; and one person who did not weigh in. She said that, if Mr. Lafferty were to weigh, what would he say about the different options.

Mr. Lafferty said there are lots of “ifs” in this report and most of them are saying, “not now, maybe sometime in future.” He said his leaning would be to do it sometime in the future.

Mr. Morris asked to look at staff’s recommendation again. He noted that as Ms. Monteith said, just because we say no it does not mean that it can’t be taken up again.

Mr. Lafferty agreed.

Mr. Randolph said he was on the same page as staff’s recommendation.

Ms. Monteith said in fact she thinks they can recommend that it be taken up again at some point in the future when the work load allows for it.

Mr. Morris noted it would also be without the historic issue.

Mr. Benish said he thinks what he heard was more of an interest that it should be tied to the transient lodging issue rather than historic. So if they modify that he asked if there would be a consensus for this finding.

Mr. Keller agreed that has been my argument all along.

Ms. Echols thanked the Commissioners. Staff will report that to the Board of Supervisors.

Mr. Morris thanked Mr. Smith for taking his time again.

The meeting moved to the next agenda item.

**ZTA-2015-00013 Clifton Inn** – Decide if a zoning text amendment should be undertaken to allow by special use permit building additions or new buildings for restaurants, taverns and inn, which historically have been used as such and are located within a designated historic landmark. (Elaine Echols)

Ms. Echols presented a PowerPoint presentation regarding ZTA-2015-00013 Clifton Inn. She said that this is a request by Clifton Inn to allow for expansion of historic buildings to allow for expansions of transient lodging uses. She said the purpose of the work session is to decide whether to adopt a resolution of intent for ZTA and report that decision to the BOS in January so they can prioritize work for the Community Development Department.

Staff distributed a draft resolution of intent for the Commission’s consideration. Ms. Echols said that, if the Commission adopts the resolution of intent, staff will report that to the Board of Supervisors in January so they know whether it should be studied now, later or at all. She asked the Commission to be clear on what they want studied.

As part of her presentation, Ms. Echols pointed out the similarities and differences with the other ZTA (ZTA-2014-00005 Resident Artist Community - prior agenda item)

Ms. Echols said that, unlike the resident artist community, use of a historic structure for an inn or tavern is currently allowed by special use permit. She didn’t know if it really required a rural area location because there are historic buildings in the Development Areas as well. She said that, currently, building changes are not allowed, even though the use is allowed. Expansion of existing buildings is proposed in both cases as is construction of new buildings. She said that one of the questions with this use is whether expansion of historic buildings for an existing use should be available. Another part of that question is whether an intensification of the use should be allowed. Should new construction be allowed in

association with an expansion on a site that has a historic landmark? She said all of these lead up to the question of whether the ZTA should proceed to the next step.

Ms. Echols said this proposal could be considered for existing historic buildings that operate as an inn or tavern with no intensification of use and where building expansion and new construction should be allowed in conjunction with expansion of a lodging or tavern use. She said this was particularly important given the fact that the BOS has said that it only wants lodging at the level of Bed & Breakfasts (B&Bs) (10 guestrooms). She also asked whether this request should be considered with other transient lodging or independently?

Ms. Echols said it was particularly difficult to make these concepts understandable. She said it needed to be thought of in two ways. One way is to look at allowing changes to the historic buildings that operate as inns or taverns without intensifying the use. The other is looking at changes that would intensify or expand that use.

Ms. Echols said that an example would be where a tavern is already allowed by special use permit and they need to make some exterior or interior changes that are going to modify the exterior of the building, such as a bump out for a freezer unit. This is different, she said, from a request to expand a tavern to allow for more tables, which would be an expansion of the use as well.

Ms. Echols said that staff believes that the first circumstance should be explored independent of expanding the use. This is because changes can be made to historic properties that don't damage the integrity of that resource. It has to be done very carefully and someone has to decide whether or not that is the case. Again, sometimes we have the Department of Historic Resources that does that, but not always.

Staff ended the presentation by saying that the Commission needs to decide whether to adopt a resolution of intent for this ZTA. If the answer is Yes, should changes to historic buildings for existing uses just be explored or should study be on changes to historic buildings that also allow for expansion of use. If the Commission does not wish to adopt a resolution of intent, should a change to the ordinance be considered at all? Should it be consider in conjunction with "transient lodging in the RA" or "other uses of historic structures?"

Ms. Echols said that, whatever the decision, a report will be made to Board of Supervisors (BOS) in January.

Staff said its recommendation was to adopt the Resolution of Intent to allow changes to historic buildings (for existing use) and recommend to the BOS that expansion of an inn or tavern use be considered when transient lodging is studied or "other uses of historic structures" is studied.

Ms. Echols noted that currently transient lodging is very restrictive in the rural areas. The Board of Supervisors discussed this at length when going through the Comprehensive Plan. The Board concluded that the County's current Bed and Breakfast regulations were as far as they wanted to go with transient lodging. The Board talked about allowing for inns (that have a greater number of rooms than B&Bs) in historic structures in the rural area, and the Board concluded it was not ready to go down that path. For those reasons staff cannot support an expansion of a use right now until there is discussion on how far an expansion would go, since the use is otherwise not allowed. Perhaps there is a reason to study it now (an exception) because this use is already operating in a historic building. Staff thinks that the issue is all tied up in transient lodging, though and should be studied with transient lodging. For modifying existing buildings without expansion of use, though, staff is okay and could support such a zoning text amendment resolution of intent. Ms. Echols said that the resolution of intent distributed this evening reflects staff's recommendation to allow changes for the existing buildings without expanding the uses.

Mr. Morris invited questions.

Mr. Lafferty asked how Michie Tavern figures into this. However, he knows they don't take guests.



Ms. Echols said that was a good question. She asked Ms. Maliszewski if she had anything to offer on that one and if it is a historic landmark.

Mr. Keller pointed out that use predates zoning.

Mr. Lafferty noted that it had moved from one place in the county to another. He noted that there was certainly some similarity.

Mr. Benish said Michie Tavern is an inn and restaurant so they could in the future fall under that category. He believed that Mr. Keller is correct that they were established prior to these regulations so they are an existing nonconforming use. Under the way this ordinance is interpreted they were a former restaurant or inn so they are subject to these requirements as they stand right now. Therefore, their ability to expand any further are limited by the same restrictions that apply here.

Mr. Kamptner pointed out they don't have a special use permit and as a nonconforming use they are allowed only very minor incremental increases in intensity. Otherwise, they are kind of stuck.

Ms. Echols noted that Ms. Maliszewski was checking on whether or not this is a landmark because it has an interesting history because the building was moved. She did not remember whether it was listed in the Comp Plan.

Mr. Keller pointed out that four or five log structures have been brought on line in the last decade.

Ms. Echols explained the zoning ordinance defines buildings that are eligible for this use have to be designated historic landmarks and would be either on the National Register or the State Register.

Ms. Maliszewski indicated that Michie Tavern would qualify because it is a designated historic landmark.

Mr. Benish said he did not know about the new buildings and how they were added. The only thing added that he was aware of is a parking area off-site for buses that relates to the activity, but it is not on the site.

Mr. Kamptner noted that there might have been a zoning text amendment that expressly allowed that parking situation.

Ms. Echols confirmed what Mr. Kamptner said.

There being no further questions, Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

Katurah Roell, representative for Clifton Inn, said that Clifton is an historic structure. In regards to this particular application the owner started some years ago with some architects presenting some plans and talking to zoning. He had some sketches done, sent some things to the Department of Historic Resources (DHR) and kind of wandered and did not proceed. The owner recently approached it back early this year and came up with a concept to put some additions on the existing building that they thought might be permitted. Once they came up with those designs they sent them off to DHR and received an approval from them for the continuation of the design. Mr. Roell said that Hank Brown did the designs. In no way we were affecting the existing inn itself, the main house. But, there are other cottages and outbuildings that they would want to replicate and add additional rooms given that there are only 14 rooms right now.

Mr. Roell said there is a great demand to go to Clifton. If there is an event, Clifton is turning people away, such as with wedding parties.

Mr. Roell continued by saying that the plan created a small court yard of matched structures following the architecture that Mr. Brown came up with that DHR approved. They then submitted the concepts for some

additions to the county. The additions were all interconnected, but not to the main house itself. Zoning asked Mr. Kamptner for review and came to the determination that no improvements and no expansions were permissible the way the current zoning text was written. So here we stand now looking to modify that language to find some mechanism to allow for enhancement and an addition of this piece of land.

Regarding the property, Mr. Roell said that it is almost 98 acres and sits between the river and Glenmore and fronts on 250 and Milton. Even though it is in the rural area it is very close and accessible. Mr. Roell continued by saying it was their hope that the Commission might find some understanding and let this be studied further so the additions and improvements, approved by DHR and the ARB for the historic resources, can be constructed and allow for some economic growth both for the community and for the inn itself. The restaurant itself serves 50 meals in an evening with only 14 guest rooms. So more rooms are needed. There is a desire for it because people come from around the country and world to visit this very historic place in the state and Albemarle County. Mr. Roell finished by saying their intent is to only improve and enhance Clifton and add to the economic development of the community itself and the draw tourists to this area.

Mr. Morris invited questions for Mr. Roell.

Mr. Dodson asked if his interest here is not in expanding the main historic house, but in adding additional overnight capacity.

Mr. Roell replied yes, it would be single floor, attached structures that replicate some of the outbuildings that already exist on the property, mimicking the architecture and literally creating a small courtyard effect around the center of an open field that is on the property. He said they have laid it out in a very tasteful manner on the site plan and presented it to several Board members who were actually disappointed that it could not get to them. That is what prompted this amendment.

Mr. Dotson said that if the Commission were to adopt the first bulleted item, it would not help accomplish their purpose.

Mr. Roell replied it is probably poorly worded to adopt a resolution of intent to allow changes to historic buildings because the minor modifications that staff spoke about certainly come into play. When a minor improvement needs to be made to a building to update it to meet health codes or practicals the intent is to actually build new buildings that are attached or additions to smaller historic structures, but not the main piece of the historic house. So they are looking to make additions or modifications to the historic property in the form of appropriate bedrooms.

Mr. Loach asked if it was for ten bedrooms.

Mr. Roell replied yes, it was for ten bedrooms and in other words, to provide more bedrooms. He said Clifton would have some bedrooms, some living rooms and additional small suites that would be added to the property along its perimeter to accommodate more rooms.

Ms. Monteith said she was trying to understand since the proposal is not to amend an historic structure what the issue is.

Mr. Roell replied they were not allowed to add anything to an historic property. So once it becomes an historic property then no additions, improvements, or anything are allowed. But, they are allowed to use the existing building.

Ms. Monteith said she did not understand that.

Ms. Echols noted the request was for expansions, additions and new construction on historic buildings. The site has a relevance to the particular historic building, and the request was to allow additions and expansions for new construction on the site.

Mr. Randolph said as a follow up to that, his understanding was that when Mr. Roell met with Supervisors Boyd, Supervisor Dittmar and the Chair of the Planning Commission, he was also planning to have a closed dance facility for a wedding function in the future.

Mr. Roell replied that right now, the function is held under a tent and they were looking to possibly incorporate an enclosed structure for more seasonal events. However, that would be further down the road and not a part of this application.

Mr. Randolph noted this would also involve expanded septic and they would need to enlarge the septic system which drains very close to Keswick Lake.

Mr. Roell said they would have to meet all the current Health Department regulations. However, it would be on the back side and they have plenty of acreage so the lake is protected.

Ms. Echols noted the only way this use is allowed right now is inside the building. The historic buildings can be used for inns and restaurants. It is just the buildings and right now that is the only way this use can exist in the rural area.

Mr. Benish said the only way you can have this type of lodging is if it is within that historic building. They cannot make any adjustments to that building period under the way the ordinance is interpreted.

Mr. Lafferty asked how about the cottages all around it. He asked if he was talking about a detached building.

Mr. Roell replied that there are other detached buildings that will be functioning as current rooms.

Ms. Echols noted there were X number of rooms that have been approved as shown in the staff report, and she thought all those rooms were inside the main structure.

Mr. Roell said there are two other buildings, one has three and the other has four units.

Ms. Echols pointed out staff needs to look into that a little further.

Mr. Benish said staff will have to go back and check. If they were part of the historic designation, then they can be used; but, they can't add new buildings or expand those buildings for this use. That is the quandary the applicant is in right now. So the first step is to allow some expansions that Ms. Echols has recommended that allows them to expand the building to keep their capacity and keep it modernized. In the example of a modern refrigerator you may need to bump out the building because you can't fit it into the old building. But, what they want to do is actually add capacity. So that type of an expansion is the next step because the current ordinance structure limits the size of that use to the existing building. Mr. Benish said he imagined that (not allowing for building changes) was a way to keep that size ratcheted down to that building itself to preserve that building.

Mr. Morris asked Mr. Roell if he had any idea of when those accessory buildings were constructed.

Mr. Roell replied no, other than very early last century.

Mr. Morris said so they could be definitely a part of the historic designation.

Mr. Benish pointed out Ms. Maliszewski was nodding saying they were probably contributing structures to the main building.

Mr. Roell noted one was a cook house and one was a livery.

Mr. Lafferty said they picked a good architect because he is nationally known for restoration.

Mr. Roell pointed out DHR was extremely pleased with the designs. The designs were very low key and mimic the existing buildings from window style to roof line to metal and so forth. They were very pleased with the approval.

Mr. Lafferty asked if Clifton is visible from Monticello.

Mr. Roell replied yes, with a telescope.

Mr. Lafferty noted that it puts Clifton in the Monticello Viewshed.

Mr. Roell said the owner of Clifton Inn likes the fact that they can also see Monticello. The owner of Clifton Inn is here if there are any questions in particular about uses, the building or the structures.

There being no further questions, Mr. Morris invited public comment.

Neil Williamson, with the Free Enterprise Forum, said that, as the Commission knows they don't take positions on projects and his comment is really much more towards process. He read the Historical Committee's minutes and noted that someone recognized that Monticello required a zoning text amendment in order to build their tourism center. It seems as though that is an expansion of what Monticello was doing. It seems that this is a citizen-owned company that wants an expansion and he would hope that the same level of integrity was exhibited to their business as with the Thomas Jefferson Foundation. He believed that this is an issue they are going to be wrestling with for some time in how to deal with these types of things in the best way. Mr. Williamson continued saying that one of the challenges of the Planning Commission is that they don't have economic development in their wheelhouse and it seems as though this is about keeping the rural areas economically sustainable. He encouraged the Commission to review this with all deliberate speed. In reference to Mr. Randolph's point on the previous zoning text amendment, he noted that this is a citizen driven \$1,000 paid zoning text amendment, so he would strongly encourage the Commission to give it its due.

There being no further public comment, Mr. Morris closed the public hearing to bring the matter back before the Planning Commission for discussion and action.

Mr. Randolph said he really liked what staff has recommended, but there is one bullet missing about who is the responsible party from an organization standpoint. Is it the Historic Preservation Committee (HPC), Architectural Review Board (ARB) or the Planning Commission that is going to provide the oversight in the evaluation process on this? We need the definition of who the entity will be. He thinks that is another issue here for us because it just does not seem to fit in the existing paradigm of organizations as to who is responsible.

Ms. Echols replied that would be something worked out with the ZTA. Right now it is not clear who could and who should.

Mr. Morris said personally he would like to see the Commission go ahead with the resolution of intent because anyone who has been out to Clifton Inn knows it is a wonderful operation and it just seems that here is an opportunity for a business within Albemarle County to expand. If it can expand in a tasteful way he personally would love to see it.

Mr. Randolph supported it because he was happy to see a business in the Scottsville District growing and meeting market demands.

Mr. Dotson questioned the draft resolution of intent. As he was reading it the Planning Commission would adopt the resolution of intent and then staff would begin to work on it. The next time it would go to the Board of Supervisors would be after that work had come back to us and we sent them a recommendation. It seems instead that we should be recommending that the Board adopt the resolution of intent.

Ms. Echols replied that the Planning Commission can adopt the resolution of intent and make that recommendation to the Board. However, the Board is the one that who has to then prioritize it for us. In the past we have done it where we proceeded with an application on an applicant-driven basis. What we found is that sometimes those zoning text amendments compete with the priorities that the Board has set. So staff is trying to get it prioritized correctly. She noted that the resolution of intent is not written for expanding the use, so they need to revise that resolution of intent if the Commission believes this should be pursued. Staff will report that to the Board and let them say okay this has a high priority or it does not.

Ms. Monteith said she was still a little bit confused and asked about the example of Monticello and their new visitor center. Not only is that an important historic site but it is a UNESCO World Heritage Site. So how was it that they were able to move forward with their visitor's center, just as an example?

Mr. Kamptner replied that they are in a different zoning district, the Monticello Historic District, which is a planned district. So they came through by amending their application plan, which showed the structure. That district actually has a little more flexibility.

Ms. Monteith said it is district specific then.

Mr. Kamptner replied yes, Clifton Inn is in the Rural Areas District and all of the lands that are owned by the Monticello Foundation are in the Monticello Historic District.

Mr. Benish noted there are one or two property exceptions in the Monticello Historic District. However, almost everything they own is in that district and subject to a plan of development.

Ms. Monteith said what she thinks she just heard Ms. Echols say was the text they have in front of them does not exactly address what the applicant is interested in achieving. She asked is the recommendation to alter the text to allow for something along the lines of what they are trying to achieve.

Mr. Kamptner noted that he had the electronic version. If the Commission wants to look at the last whereas clause the second to the last line which begins with the word structure that can be modified beginning after the coma and just state, "and does not damage the integrity of the historic resource" and then that last clause and "does not otherwise expand the restaurant or end use itself" would be stricken.

**Motion:** Mr. Keller moved and Mr. Randolph seconded to adopt a resolution of intent with the modification as recommended by Mr. Kamptner.

Mr. Morris noted the motion was to adopt a resolution of intent with the modification that Mr. Kamptner mentioned by striking the last phrase, "and does not otherwise expand the restaurant or inn use itself." He asked if that was correct.

Mr. Keller agreed.

Mr. Dotson asked how does what we have written here compare to what they have on the screen.

Ms. Echols replied that the original resolution of intent distributed only addressed the first bullet. Staff's recommendation was that it be considered with transient lodging because it is similar to many of the other issues related to transient lodging. Staff will take whatever the Commission wants to recommend to the Board of Supervisors. There is a possibility that the Director of Community Development may mention that studying this use in conjunction with transient lodging is preferred due to limited staff resources. But, the Board has got to prioritize for us. Mr. Randolph will be part of that deliberation starting in January, and one of the really good things is that he is able to convey what this conversation was and what your intent was.

Mr. Benish said if the Commission wants to provide the Board of Supervisors some other recommendation about scheduling that might be quicker than staff's recommendation this would be the

opportunity for this Commission to say that. From staff's evaluation it looked like it related to the transient lodging discussion.

Mr. Loach said that was to go in 2018.

Ms. Monteith suggested if there was a way to decouple the transient lodging so this does not have to wait until that time it would make sense.

Mr. Morris noted there was a motion on the floor to adopt the resolution of intent as modified. There being no further discussion on that motion he asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

The following resolution of intent for ZTA-2015-00013 Clifton Inn was adopted:

### **RESOLUTION OF INTENT**

**WHEREAS**, the Albemarle County Zoning Ordinance authorizes restaurants and inns by special use permit in the Rural Areas zoning district if the restaurant or inn is within an historic landmark designated in the Albemarle County Comprehensive plan, the structure has been used as a restaurant, tavern, or inn, and the structure is restored as faithfully as possible to the architectural character of the period and is maintained consistent therewith; and

**WHEREAS**, the requirement that the historic structure be restored and maintained as faithfully as possible to the architectural character of the period prohibits changes to the exterior of historic structures used as restaurant or inn; and

**WHEREAS**, Objectives 1 and 2 of the Historic, Scenic, and Cultural Resources Chapter of the Comprehensive Plan establish policies of identifying and recognizing the value of historical structures and pursuing protection measures and incentives to preserve historical resources, respectively; and

**WHEREAS**, Strategy 2b of the Historic, Scenic, and Cultural Resources Chapter of the Comprehensive Plan is to continue to find ways to preserve historic structures and sites so that they are financially viable for property owners, and Strategy 1c of the Economic Development Chapter in the Albemarle County Comprehensive Plan is to promote tourism that helps preserve scenic, historic, and natural resources; and

**WHEREAS**, allowing expansions and modifications to historic structures in which restaurants and inns are operating as described herein could enhance the economic viability of the structures and help to improve tourism by preserving and protecting the County's historic, cultural, and scenic resources; and

**WHEREAS**, it may be desirable to amend the Zoning Ordinance to allow by special use permit the expansion or modification of the exteriors of historic structures in which restaurants and inns are operating as described herein, provided that the expansion does not affect the historic designation of the structure, and does not damage the integrity of the historic resource.

**NOW, THEREFORE, BE IT RESOLVED THAT** for purposes of public necessity, convenience, general welfare, and good zoning practices, the Planning Commission hereby adopts a resolution of intent to consider amending Albemarle County Code §§ 18-3.1, 18-5, 18-10, and any other appropriate sections of the Zoning Ordinance to achieve the purposes described herein; and

**BE IT FURTHER RESOLVED THAT** the Planning Commission shall hold a public hearing on the zoning text amendment proposed by this resolution of intent, and make its recommendation to the Board of Supervisors, at the earliest possible date.

Mr. Morris noted the second motion would be to recommend to the Board of Supervisors that an expansion of the inns and taverns be considered when transient lodging is scheduled or other uses of historical structures as studied because right now that is 2018.

Ms. Echols said she believes the Commission was thinking that studying transient lodging should have a higher priority than what it has now for 2018.

Mr. Benish asked to keep in mind that the Board would make that decision, but if the Commission wants to provide some recommendation or advice as to scheduling this would be the opportunity to do that.

Mr. Randolph said he thinks the public record tonight is going to have enough context to make the Board aware of the rationale behind the thinking of the Planning Commission for expedited resolution for transient housing policies.

Ms. Monteith said what she mentioned is not a motion. It is just if they want to decouple the language of the transient lodging from this particular item so that if it the transient lodging is not addressed until 2018 this is not held hostage.

Mr. Keller said he believed they just made that decision with what they just voted on. He asked if that was the way others interpreted it.

Mr. Benish noted the resolution just says you want to move forward with it. It then goes to the Board of Supervisors and the Board is going to weigh all of the ZTA's and they will advise on what schedule they feel is the best. What the Commission has the opportunity to do is leave it to the Board to decide what to do with the priorities, but if they had anything in particular to recommend regarding this particular ZTA about scheduling, this is your opportunity to do it. However, the resolution does not have a time frame on it.

Mr. Keller asked if the first motion should be modified because he needs to understand why the first motion is not accomplishing that.

Mr. Dotson explained the first motion does not deal with uses.

Ms. Echols pointed out that the first motion does allow for the expansion. She suggested the cleanest thing would be to say the Commission wants this to have a higher priority than transient lodging currently has; you don't feel like it should necessarily go with transient lodging; and, it could proceed more quickly. She asked if she was hearing that correctly from the Commission.

Mr. Benish said that was what it sounded like they were hearing from the Commission.

Mr. Loach said as long as the Board understands that the transient lodging is being elevated above other projects like the first one they just discussed. Essentially, he did not see too much difference between them given this priority.

Mr. Morris asked if the Commission would like to use the wording that Ms. Echols said as a motion.

Mr. Randolph moved to make a motion to use Ms. Echols wording.

Mr. Lafferty seconded the motion.

Mr. Morris invited discussion.

Mr. Dotson asked that the motion be repeated.

Ms. Echols reiterated that the Commission recommends this be given a high priority and not necessarily be on the same schedule as transient lodging and potentially to be on a more expedited schedule.

Mr. Dotson agreed that was clear.

Mr. Morris asked for a roll call.

The motion passed by a vote of 6:0. (Firehock absent)

Mr. Morris noted that the resolution of intent with the recommendation for a more expedited schedule would go forward to the Board of Supervisors.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)