

# COUNTY OF ALBEMARLE

## STAFF REPORT

<b>AGENDA TITLE:</b> ZTA 2015-13 Historic Inns and Taverns Expansion (Clifton Request)	<b>AGENDA DATE:</b> October 18, 2016
<b>SUBJECT/PROPOSAL/REQUEST:</b> Public Hearing on Historic Inns and Taverns Expansion Zoning Text Amendment	<b>ACTION:</b> X <b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Amanda Burbage, Elaine Echols, Margaret Maliszewski, John Blair	<b>CONSENT AGENDA:</b> <b>ACTION:</b> <b>INFORMATION:</b>
	<b>ATTACHMENTS:</b> Yes

### PETITION

Ordinance amending Secs. 18-3.1, Definitions, and 18-10.2.2, By special use permit in the Rural Areas (RA), and adding Sec. 18-5.1.61, Historic restaurants and inns, to Chapter 18, Zoning, of the Albemarle County Code. This ordinance would amend Sec. 18-3.1 by amending the definition of Historic District; add Sec. 18-5.1.61 by establishing regulations applicable to historic restaurants and inns by delineating the requirements for establishing and expanding allowable uses, including a requirement that proposed additions, new structures, and structure modifications be complementary and proportionate to the existing structures and site and must not adversely impact the historic character or significance of the structure or site or result in de-listing of the structure or site from the National Register of Historic Places and/or Virginia Landmarks Register; and amend Sec. 18-10.2.2 by amending the requirements of what constitutes an allowable use after the effective date of this ordinance, if adopted, including a requirement that any additions or new structures to a historic structure or site shall serve an existing and operating restaurant, tavern, or inn.

### 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. The requested ZTA would allow for expansion of inns and restaurants in the Rural Area by special use permit if the inn or restaurant has historically been used as an inn or restaurant. Current regulations allow the use only within existing buildings. The Planning Commission adopted a resolution of intent to study the text amendment in December 2015 (Attachment A). Once the resolution was adopted, the County accepted the responsibility to draft an ordinance amendment and the request was no longer considered "applicant driven."

Staff held a work session with the Planning Commission on July 26, 2016. At the work session, the Commission discussed a number of issues related to the expansion of historic restaurants and inns in the Rural Area, including the impact of the expansion on national and state register eligibility, how much expansion is appropriate, and what entities should be involved in the evaluation of an expansion's impact on the historic resource. The staff report and action memo from the July 26, 2016 Commission meeting are linked [here](#)

Using the Commission's direction, staff further refined the suggested language from the July 26, 2016 meeting. Staff provided this information to the Chair of the Historic Preservation Committee (HPC) prior to their August 22, 2016 meeting who suggested further refinements before taking the text to the HPC. The HPC discussed the proposed language at their meeting and requested further changes. The staff report and minutes from the HPC meeting can be found in Attachment B.

The proposed ordinance found in Attachment C represents Phase 1 of an expected two-phase process to allow greater historic preservation opportunities in the Rural Area. If adopted by the Board of Supervisors, the ordinance will enable the Clifton Inn to make an application for a special use permit for expansion. Evaluation of that request will stand on its own; however, application of the new regulations will help inform other possible ordinance changes in Phase 2.

## **STRATEGIC PLAN**

Rural Areas: Preserve the character of rural life with thriving farms and forests, traditional crossroad communities, and protected scenic areas, historic sites, and biodiversity.

## **DISCUSSION**

The proposed ordinance provisions are summarized below:

- Change to definition of historic district –Rather than reference individual districts, the proposed definition is consistent with the historic resource definition, which references any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register.
- Additional criteria for review of a special use permit request – The following factors for consideration are identified to be clear that both Rural Area and historic preservation impacts are key to analysis of a request:
  - The use is consistent with the RA goals,
  - Proposed physical changes are complementary and proportionate to the historic resource,
  - Proposed physical changes will not adversely impact the listing of the resource in the National and State Registers, and
  - Proposed physical changes will not adversely impact archeological resources.
- Modification of the eligibility criteria to apply for a special use permit
  - Adds references to definitions for historic structures, sites, and districts;
  - Clarifies that eligibility is based on historic use of the structure as an inn, tavern, or restaurant or the fact that it has been lawfully operating as an inn, tavern, or restaurant;
  - Makes additions and expansions available only to restaurants, taverns, or inns currently operating under a special use permit.

**BUDGET IMPACT:** Staff does not anticipate that the proposed ordinance amendment will result in the need for additional staff or funding.

**RECOMMENDATION:** Staff recommends that the Commission recommend adoption of the proposed ordinance found in Attachment D.

## **ATTACHMENTS:**

Attachment A: [Resolution of Intent](#)

Attachment B: [Meeting Materials and Minutes for August 22, 2016 Historic Preservation Committee Meeting](#)

Attachment C: [Proposed Ordinance Amendment](#)