

**Albemarle County Planning Commission**  
**July 26, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, July 26, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, and 401 McIntire Road, Charlottesville, Virginia.

Members attending were Mac Lafferty, Daphne Spain, Pam Riley, Bruce Dotson, Tim Keller, Chair and Karen Firehock, Vice Chair Bill Palmer, UVA representative, was present. Members absent were Jennie More

Other officials present were Elaine Echols, Acting Chief of Planning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission, John Blair, Senior Assistant County Attorney and Greg Kamptner, Deputy County Attorney.

**Call to Order and Establish Quorum:**

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

**Work Sessions**

**a. ZTA-2015-00013 Inns & Taverns Expansion (Clifton Inn Request)**

Clifton Inn Request to Change Regulations related to Historic Taverns and Inns. Work session on applicant initiated ZTA.

(Elaine Echols)

Elaine Echols presented information and recommendations regarding ZTA-2015-00013 Inns & Taverns Expansion in a PowerPoint presentation.

The Planning Commission reviewed this request a little earlier in the year or late last year. In February, 2016 the Board of Supervisors provided some information to staff to proceed with this particular project. As you may be aware we have been down three staff members for some time and so while we would have liked to have gotten this to you sooner it just has been impossible for us to take the special development review off our plate to get to and put this in its place. So that is one of the reasons why it has taken a while. But, we are here today to talk about this particular ZTA.

**Format.**

1. Staff Presentation
2. Questions for Clarity
3. Public Comments.
4. Planning Commission Discussion and Direction as to next steps.

(See Staff Report and PowerPoint Presentation)

Staff knows we need some additional public input and will be looking to the Planning Commission to help provide direction on what that should be. If there are any questions, staff would invite the Commission to ask them.

Mr. Keller invited questions for staff.

Mr. Lafferty said he was sensitive to the last paragraph. He pointed out two years ago when we discussed rural area uses we said let's wait a couple of years, but we can't give it just one shot and must be very careful to treat everyone the same. So he would just give a word of caution and just to be careful with all that we do.

Mr. Kamptner noted that part of my suggestion was being cautious and avoiding unintended consequences. He was looking at the current definition for restaurant and inns that we allow in the rural area and in my time here he thinks there was always an assumption that there was one use that qualified and now we find out that there are many more that could if they wanted to fall within that particular classification. They don't but that potential is there. So part of my advice is intended to avoid unintended consequences. We may be doing something but it ends up opening up more than what we are aware of.

Mr. Keller invited public comment.

Jeff Werner, with Piedmont Environmental Council (PEC), said his background is in historic preservation and he was on the Historic Preservation Committee. He would have to agree with Katurah sitting back there he knows they want to get their thing moving forward; but he had a bunch of notes on things he wanted to say and in just the last couple of minutes he has written a whole another page. He would have to strongly say he was really concerned how you are perceiving the Department of Historic Resources or the National Registrar of Historic Places. They do not review anything. They do not review building permits or plans; but, they establish it. They don't come and check if something is still historic at least not in the state of Virginia. So there is no checkup and there is no building permit approval; and there is no sending it to Richmond to get their okay. He would guess the question would be then is staff then going to interpret this; and, if it is going to be the Architectural Review Board then you have to establish that those areas, those sites are covered by what they oversee and then establish guidelines for them to follow. So he thinks they are wandering into something that is far different than what he thought it was about ten minutes ago. Just to stress this tomorrow the Thomas Jefferson Foundation could come into Albemarle County and request a demolition permit for Monticello; and, there is nothing Albemarle County could do to deny that demolition permit. Now, yes it is on the world list of heritage sites; but, that means that demolishing it during war time is an active of war is a war crime. But, if the Thomas Jefferson Foundation wanted to tear it down county staff could not say no. So let's be clear. He was a little concerned about how the National and State Register are perceived.

Mr. Werner said that the items on this list came to the Historic Preservation Committee; but, we did not get into talking about sites. He looked on the list that Ed Lay had put together; he has a whole list of buildings, inns and restaurants in the county, and we certainly could ask him what we are dealing with. Then he thinks you would establish what that list is. Then we can kind of look at that and say well yes this was a tavern back in 140; but, it has been a house for the last 100 plus years and maybe that is not something that needs to be turned into a resort. Regarding whether it is a building or site now you might say well it is just the building. But, remember that Michie Tavern used to be on the other side of the county and they moved it. So someone might say I am going

to buy this old inn, move it to my property and boom I can have a resort, which is the word staff used. But, just very quickly he thinks what you are talking about here is a small area plan for the rural areas community. Again, something that he has been saying we can't treat the rural area monolithically. He did not know if what he just said helps Clifton Inn at all; he actually feels bad about it. But, take some time to think about what you are looking at here. Thank you.

Katurah Roell, on behalf of the applicant, said in concern for all the other possibilities and our interest in what we are trying to address he asked Mr. Kamptner if he would read the portion of this ordinance that addresses our current status. He said the idea is that this is one of 3 that you listed that are in current use. So he was not asking you to address all the other potential or are moving from somewhere to relocating somewhere doing something; this has been in use for years. It is this gathering location that provides an international destination here in Albemarle County in a manner that has 14 rooms and is not near enough to his business and what goes on there in regards to sustaining the inn in what it is known for in this county. So he asked Mr. Kamptner if he could please read that ordinance that basically says that it is restored inns.

Mr. Kamptner said restaurants and inns that are located within an historic landmark as designated in the comprehensive plan provided the structure has been used as a restaurant, tavern or inn and the structure shall be restored as faithfully as possible to the architectural character of the period and shall be maintained consistent therewith.

Mr. Roell said that is exactly so if we look at what is currently in use it is Keswick which has its own destination because somehow they had a big plan approved. The other one was Michie Tavern, which was relocated as Jeff Werner was talking about. He said simply the idea here is that this place is in operation and it is not something that somebody dreamed up that we should do; we are trying to create a sustainable environment. With regards to water usage, it is currently on public water. There is fire protection and we are going to be putting in a fire hydrant to sustain it. It is nearby and it is .2 mile from Milton Road and Route 250. So we are not being evasive in some rural part of the county down in Keene or up in Advance Mills. The HR did review our documents and if there is something that needs to be set in place so that our documents and our plans, which were drawn by Hank Brown, the historic preservation's architect, and we were reviewed and approved within a week. They are responsible. So please give whatever consideration to move this along and realize that it is a unique setting and something that deserves to be enhanced in our county. Thank you.

Neil Williamson, with the Free Enterprise Forum, said we have been watching this move forward at a snail's pace and understanding the staffing concerns we have to wonder whether the ordinance could be limited more specifically to allow for the current project proposal, which we don't have an opinion on, to move forward and be reviewed. The concepts and many of the concerns that Mr. Werner raised are very valid concerns. The idea of community involvement are very valid things. The question becomes if you narrowly texture an ordinance that would apply to certain criteria and then put into the work plan the idea of growing that ordinance to where it would apply to a larger number of parcels or the number of entities he thinks it may be a work plan that you can get done. We look at this as Mr. Roell mentioned the idea of rural sustainability and economic vitality in the rural area. These are important contributors. Having spent 20 years in the

hospitality industry when people come and stay at hotels money changes hands not just at the hotel. It is a driver. He does not necessarily believe the VTC number of \$8 for every dollar spent at a hotel; but, he knows it is not \$2. So he encourages you to think of this in a larger sense and in order to do so perhaps reduce the scope so that you might be able to get it done and move the projects that may be coming before you ahead on the on track. Thank you.

Jeff Werner, with PEC, said he would like to clarify that DHR will review plans if you are going for tax credits and things like that; but, just a regular building permit does not go to DHR or to the National Register.

Mr. Keller noted that was what he was referring to. He invited other public comment.

Mitch Wiley, owner of the Clifton Inn for 34 years said he was also a historic preservationist and has done 47 historic residences around the world in jurisdictions as difficult to get approvals as Nantucket, Old Towne Alexandria, and he redid the Frank Sinatra estate in Palms Springs. He thinks he is generally regarded as a very careful and purest preservationist just as we have preserved Clifton, which a number of you know it was a run-down farm house. We got historic destination for Clifton and we have maintained historic destination for Clifton. At the suggestion of staff we in fact employed Hank Brown and Greg Powell to develop very detailed plans for this expansion. My thought is that maybe this is helpful to the Commission because you can see actual drawings and actual massing and actual windows, doors and materials to your point. The State Department of Historic Resources did as Katurah indicated did review this in a week, and not only did they approve it Hank Brown said he had been practicing architecture for a very long time and he has never seen the state do this. But, of course they did come back and say perhaps the ridge height is too high or there is too much massing, too many windows or the windows are too large. They came back and said this is an example of what historic preservation should look like in the context of new buildings. So maybe this would be helpful to have a concrete example to look at and say this will help us in our own guidelines so that you have something concrete as opposed to something in the abstract. Thank you.

Morgan Butler, with the Southern Environmental Law Center, said he wanted to start out tonight by saying we think there is some room for increasing the flexibility for structures that meet the qualifications here. It seems like a legitimate effort that is being pursued. Staff during their presentation suggested a number of different factors to consider in setting some appropriate perimeters. He was planning to come up here and suggesting a new one; but, Mr. Lafferty and Ms. Firehock beat me to it and that is the idea of scaling in some way the size of the expansion to the size of the existing structure. He thinks you could look at that basically in looking at the existing structure, its total square footage or perhaps just looking at its footprint; but, having some percentage that either the new structure or the expansion can be of that existing structure that already qualifies he thinks makes a lot of sense. He knows some different numbers were touched out tonight; we were thinking somewhere along the lines of 20% to 25% because you want to make sure that the expansion for a new building does not overshadow or dominate the existing historic structure. But, rather than suggesting and commending that to you for your consideration we will just endorse the recommendations that Mr. Lafferty and Ms. Firehock offered. He said also on continuing the point that has been made about how

can we streamline this approval process for the applicant, he knows Mr. Kamptner read the provision from the current code that sets out the applicability of this he actually reads that to mean that any structure that has ever had that inn or tavern use would potentially qualify. He believes that is how staff is currently interpreting it. But, he wonders if the permission for expansion could somehow be limited at least at the earliest stage to structures that are currently in operation as an inn or tavern. He thinks you do bump up against the uniformity requirement that Mr. Kamptner mentioned; but, it is at least one idea for trying to move ahead with the proposal that is on the table in the context of this broader ordinance change. Thank you.

Mr. Lafferty pointed out that Hank Brown is the internationally known architect, and has done lots of restoration work at Monticello, the White House and other places. He said they have got the best.

Mr. Keller closed the public comment to bring the matter before the Planning Commission for discussion and to provide comments and recommendations.

The Planning Commission held a discussion on the proposal and made the following suggestions for the next steps.

- The Planning Commission wants to expedite the change in the ordinance for the three historic properties that already exist under SPs.
- The Planning Commission wants to amend Section 10.2.2 (27)(a) of Chapter 18 of the Albemarle County Code to read generally as the County Attorney proposed to read as follows:

*Located on a site containing a structure that is a historic landmark as designated in the comprehensive plan, provided: (i) the historic structure has been used as a restaurant, tavern, or inn; and (ii) the historic structure is restored as faithfully as possible to the architectural character of the period, and shall be maintained consistent therewith; and (iii) that any additional structures or any exterior modifications to the historic structure may be permitted provided that the historic structure's historic landmark status is maintained and the additional structures or exterior modifications serve an existing and operating restaurant, tavern or inn*

- This Phase 1 amendment (above) should go to the Historic Preservation Committee for comment before public outreach event.
- The Planning Commission wants one public outreach event.
- Then the Planning Commission wants staff to bring back the ZTA for a public hearing at the earliest possible date, within the next 2 – 3 months.
- A follow-up phase for the ZTA should involve the Historic Preservation Committee (HPC) and Architectural Review Board (ARB). That joint work session should discuss the content of the staff report that was provided for the July 26 meeting.

No formal action taken.

There being no further comments, the meeting moved to the next item.