

REPOSITIONING OF THE VISITOR CENTER AT MONTICELLO

PARKING AND DRIVE AISLE SLOPES WAIVER REQUEST

18.4.12.15.C

18.4.12.17.A

ASSOCIATED WITH
WPO202300044
SDP202300049

DECEMBER 11TH, 2023

PREPARED BY:



TIMMONS GROUP

YOUR VISION ACHIEVED THROUGH OURS.

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BRYAN CICHOCKI, PE

Introduction

As part of the Repositioning of the Visitor Center at Monticello project, the applicant is requesting a waiver to the following ordinance sections:

1. Section 18.4.12.15.c – slopes for parking areas
2. Section 18.4.12.17.a – grades for driveways

The request for the waiving of this requirement originates from a previously approved waiver for these parking lot and drive aisle slopes as part of ZMA200400005 for the built condition of the Monticello Visitor Center (MVC). In conformance with this previous waiver approval, much of the MVC existing site has parking areas exceeding the 5% requirement [18.4.12.15.c] and access aisles exceeding the 10% requirement [18.4.12.17a]. The current plans require minor modifications to existing site features for which the applicant requests consideration for approval of the same waiver(s). Without approval of the requested waiver, the applicant would be forced to mass grade vast amounts of the mountaintop site at staggering costs, effectively eradicating the nestled condition of the tiered parking lot and mature natural landscape. Specifically, the applicant is only requesting a waiver for certain areas where the proposed improvements are immediately adjacent to exiting parking lot infrastructure or sensitive site features such as the Burial Ground for Enslaved People. It is only at these grade constrained points that we request consideration of this waiver approval as we have met the ordinance requirements wherever possible on site. Approval of this waiver will enable the project to not only avoid superfluous site impacts and costs but maintain the existing character of the site and preserve the historic mountaintop setting.

Ordinance Compliant Design Areas

The majority of the proposed improvements have been designed to meet the parking and drive aisle requirements, largely through the design and use of retaining walls. These compliant parking lots make up most of the parking-related site improvements proposed and consist of areas that are either disconnected from the existing site infrastructure or already merit full demolition of the existing features. A substantial effort has been made to make these areas compliant with the ordinance, primarily through the use of multiple costly retaining walls adjacent to these lots. The proposed parking improvements that meet the County ordinance are shown in the figures below.

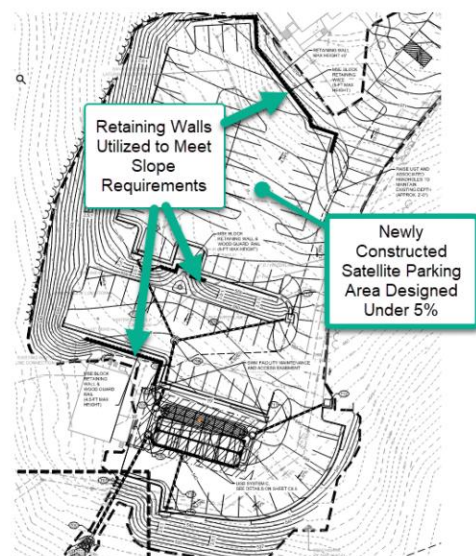


Figure 1: Satellite Parking Area



Figure 2: ADA Parking Area

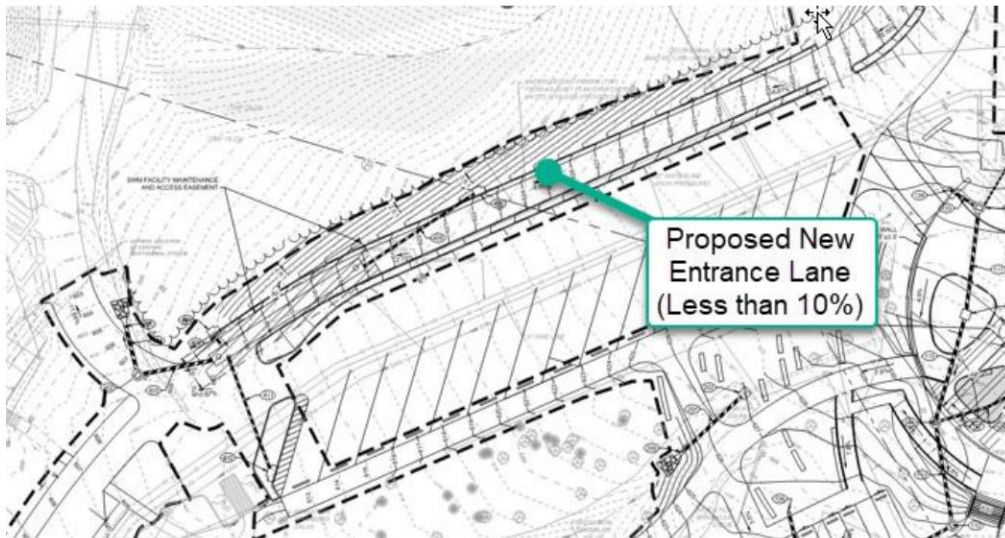


Figure 3: Visitor Center Entrance Lane

Requested Waiver Areas

The waiver areas, as described in the further sections below, consist of subtle modifications to the existing site design or strategic reuse of existing pavement. These areas would be impossible to modify for ordinance compliance without rippling reconstruction impacts through the site due to the existing grade of the parking lots and drive aisles (which are greater than 5% and 10% respectively due to the previously approved waiver). The site also has private infrastructure below much of the parking lot areas which are critical to the operations of the site and would be extraordinarily expensive to replace with large scale regrading for ordinance compliance. As such, seven waiver areas are requested and described in detail below.

Waiver Area A - Section 18.4.12.15.c & Section 18.4.12.17.a

This area consists of 8 additional spaces (2 of which would be ADA compliant) along the existing satellite parking area access road. This access road currently has 5 existing spaces in this location, all at about a 10-12% cross slope. In order to avoid rippling impacts to the access road reconstruction, relocation of the critical high-pressure water main (water service for domestic and fire protection for the whole property), and sanitary force main underneath the access road, this area is requested to be exempted as part of this waiver. Grades have been slightly modified in this area to squeeze in the accessible spaces to serve the existing operations cottage. The ADA spaces will be poured concrete at an added cost with the focused purpose to force compliance with construction means and methods. The contractor will have to pour the concrete for the accessible spaces and then roll the asphalt to the edges of the concrete.

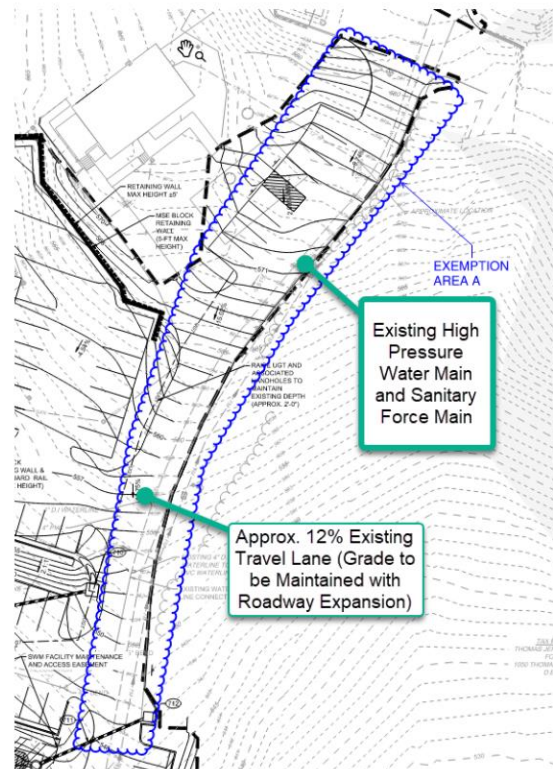


Figure 4: Satellite Parking Access Road

Waiver Area B - Section 18.4.12.15.c & Section 18.4.12.17.a

This area consists of 4 parallel parking spaces to be reserved for descendants of those at the Monticello Burial Ground for close proximity to the descendent seating area. These proposed spaces would utilize the existing asphalt to minimize any potential disturbance adjacent to the Burial Ground for Enslaved People. It should also be noted, two existing accessible parking spaces were provided for access to the burial ground and descendent seating area with a prior project on the site. Because the existing asphalt is at a 10% grade, this area is requested to be exempted as part of this waiver.

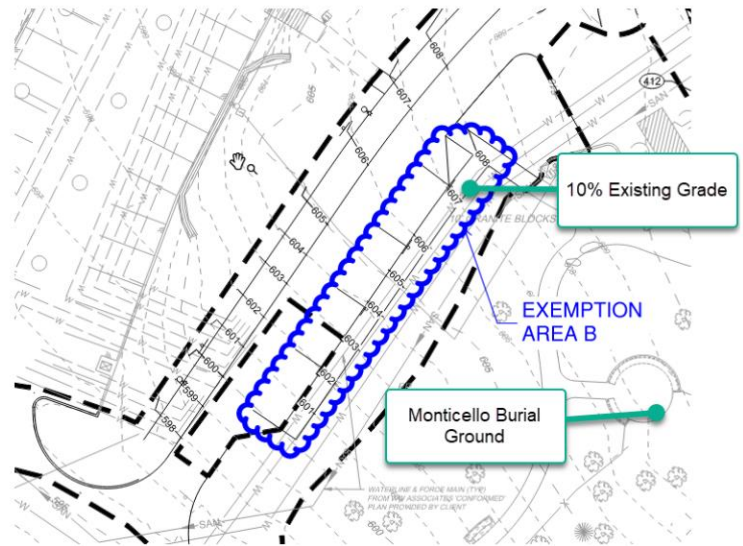


Figure 5: Burial Ground Descendants Parking

Waiver Area C - Section 18.4.12.15.c & Section 18.4.12.17.a

This area consists of 14 existing bus parking spaces to remain with no proposed grading. The area will be milled and overlaid to extend pavement section longevity and for restriping the angle of the bus parking spaces. This area is currently being utilized for bus parking, and the proposed restriping improves the bus movements in the area for safer operations. The existing grade of the current bus parking and travel way is 10%, so this area is requested to be exempted as part of this waiver.



Figure 6: Proposed Restriping of Existing Bus Parking

Waiver Area D - Section 18.4.12.15.c & Section 18.4.12.17.a

This area consists of the access aisle connecting the proposed ADA parking area and the existing parking lot modifications to the east (plan south). The proposed slope of this access road is 15% maximum and is largely driven by the necessary grading to maintain a 2% maximum cross slope in the ADA parking area while tying into the existing parking lot to the east. The ADA parking lot elevation is fixed by the accessible path to the constructed Visitor Center entrance, so we are not able to simply lower the grade of the ADA parking area. In addition, the layout of this travel way and grading in this area is constrained by the mandate to avoid any impacts to the Burial Ground for Enslaved People only 60' away to the south (plan west). A wall is proposed between the parking lot areas to minimize impacts to the existing parking lot east of the ADA parking area, required to remain open during construction. Due to the slope exceeding 10% in this proposed drive aisle, and grades exceeding 5% in the existing parking lot area where we tie into, this area is requested to be exempted as part of this waiver.



Figure 7: ADA Parking Access Aisle

Waiver Area E - Section 18.4.12.17.a

This area consists of the reconstruction of the existing drive aisle at the east side of the Monticello Visitor Center, near the existing loading bay and generator. This drive aisle is required to be reconstructed to create a loading dock and service road on the backside of the visitor center. The existing grade is approximately 13%; this slope will be largely maintained in proposed conditions with minor improvement with reconstruction (12% proposed slope), and thus, this area is requested to be exempted as part of this waiver.

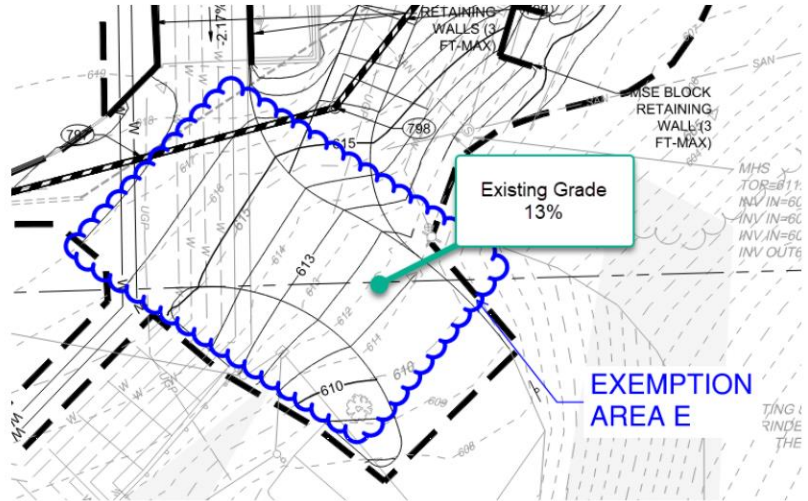


Figure 8: Reconstruction of Access Aisle

Waiver Area F - Section 18.4.12.17.a

This area consists of the reconstruction of the exiting drive aisle at the west side of the Monticello Visitor Center, near the existing bus parking area. This drive aisle is required to be reconstructed for the new entrance lane construction. The existing grade is approximately 11%; this slope will be maintained in proposed conditions with the reconstruction, and thus, this area is requested to be exempted as part of this waiver.

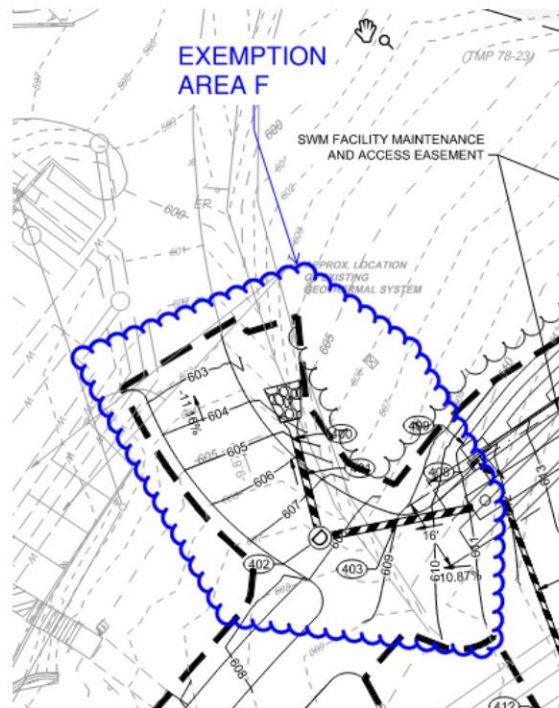


Figure 9: Reconstruction of Exiting Drive Aisle

Waiver Area G - Section 18.4.12.17.a

This area consists of the widening of an existing drive aisle at the west side of the Monticello Visitor Center, near parking bays E2 & E3. This drive aisle is required to be widened for improvement to the turning movements for larger RV type vehicles parking in the E2 & E3 lots during off peak visitation times. The existing grade is approximately 11%; this slope will be maintained in proposed conditions with the widening, and thus, this area is requested to be exempted as part of this waiver.

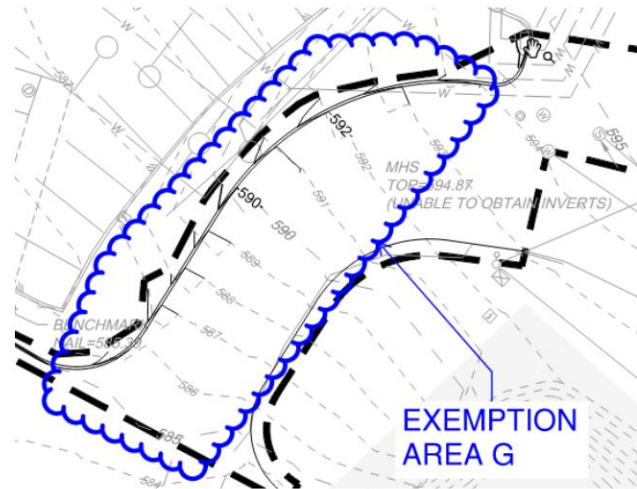


Figure 10: Drive Aisle Widening(Parking Bays E2 & E3)

Conclusion

In summary, the purpose of the requested waiver(s) of Section 18.4.12.15.c and Section 18.4.12.17.a is due to the existing nonconforming grades of the existing site from the original construction of the Monticello Visitor Center built in conformance with a prior approved waiver of these sections. This built condition essentially forces minor modifications to the existing parking lot infrastructure to exceed the required slopes. For all new proposed improvements that are not directly connected to existing infrastructure, the applicant has taken strides to meet the County ordinance, often by implementation of multiple costly retaining walls. There are several areas where this is not possible, however, and thus the applicant requests a waiver to the required parking and drive aisle slopes for those areas noted in this request.



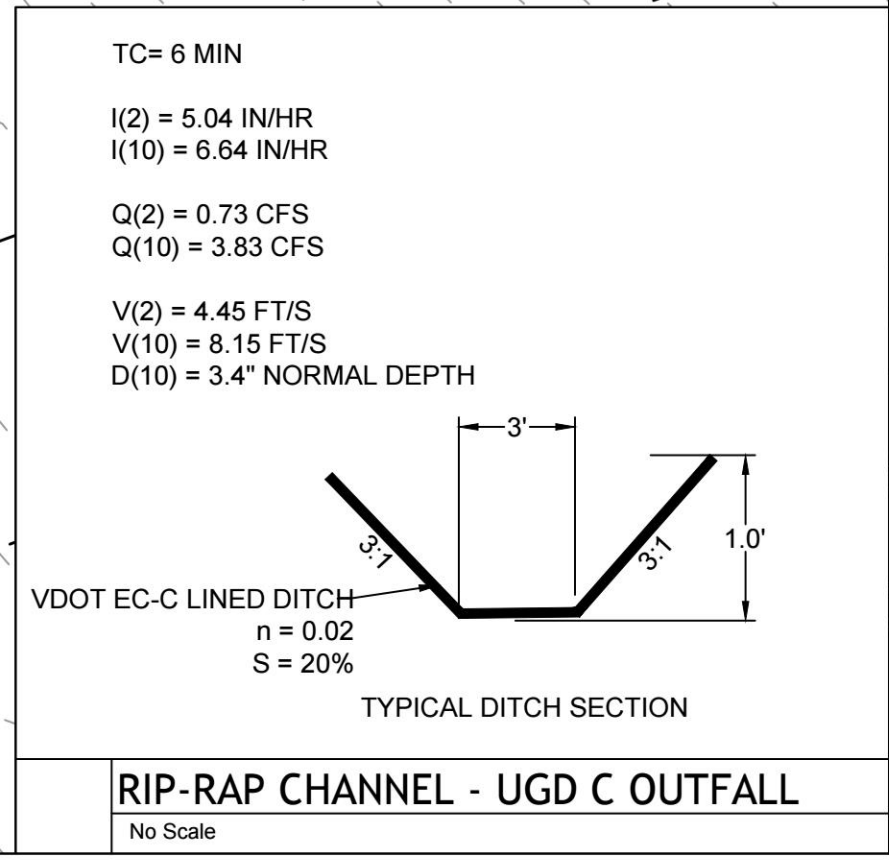
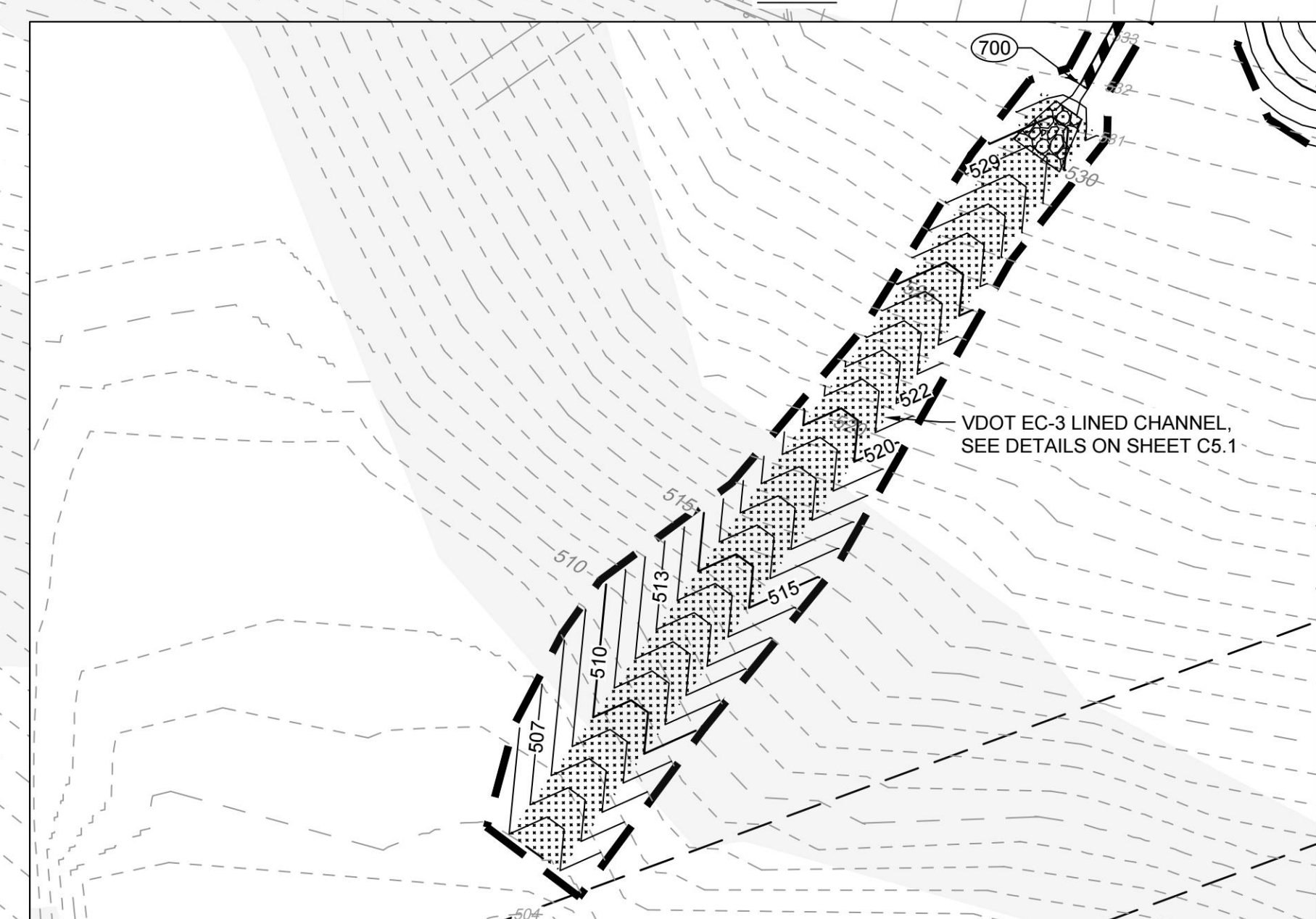
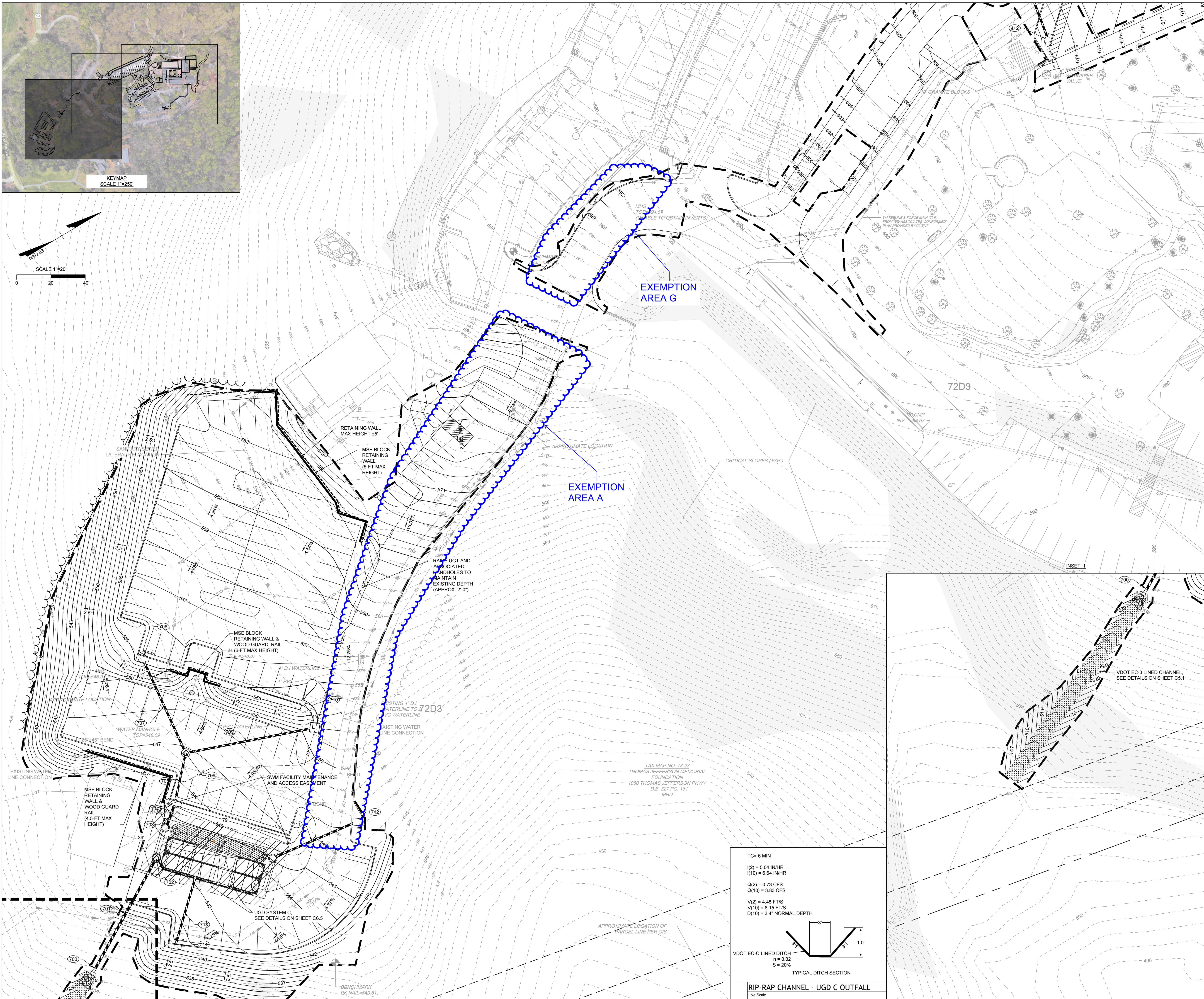
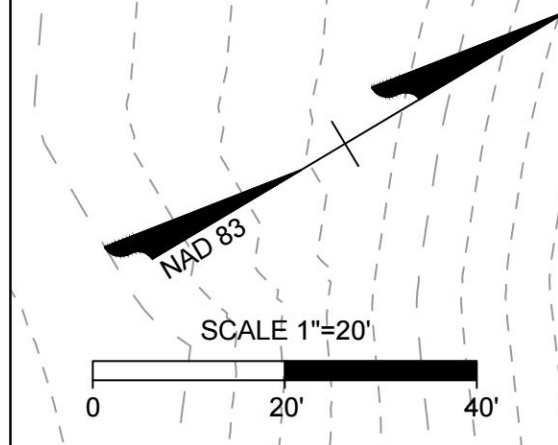
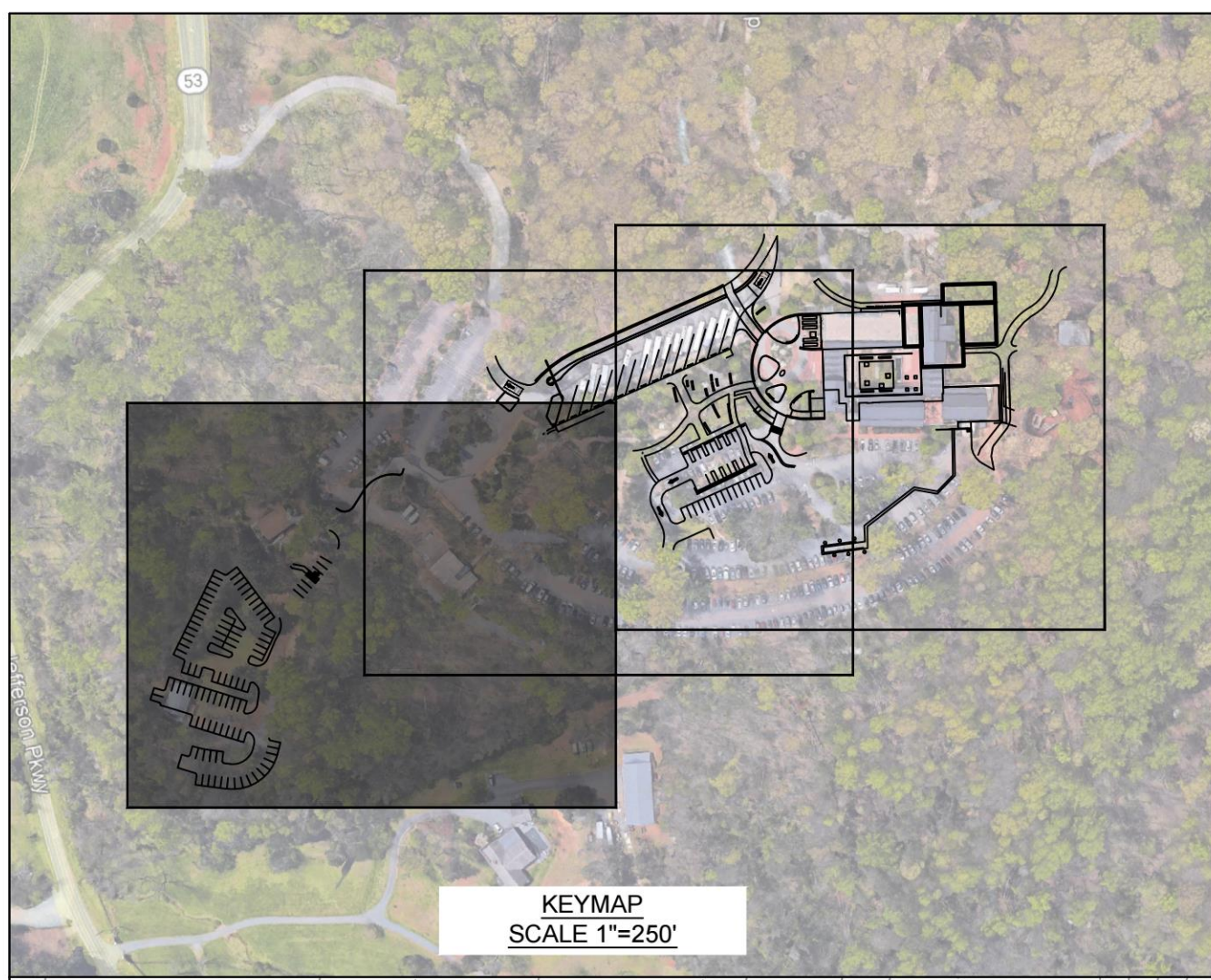
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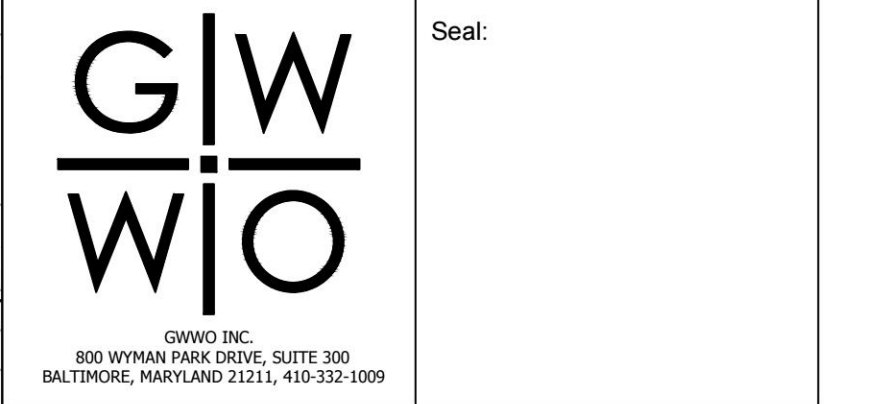
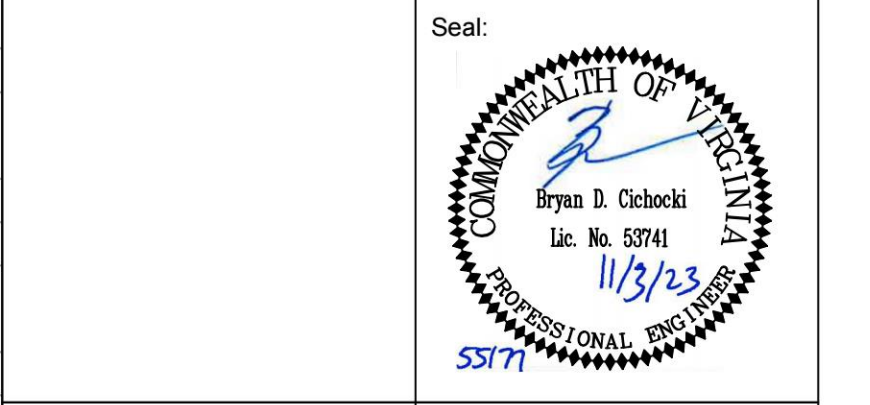
Appendix A

Monticello Visitor Center Grading and Drainage Plans

ZMA2004-00005

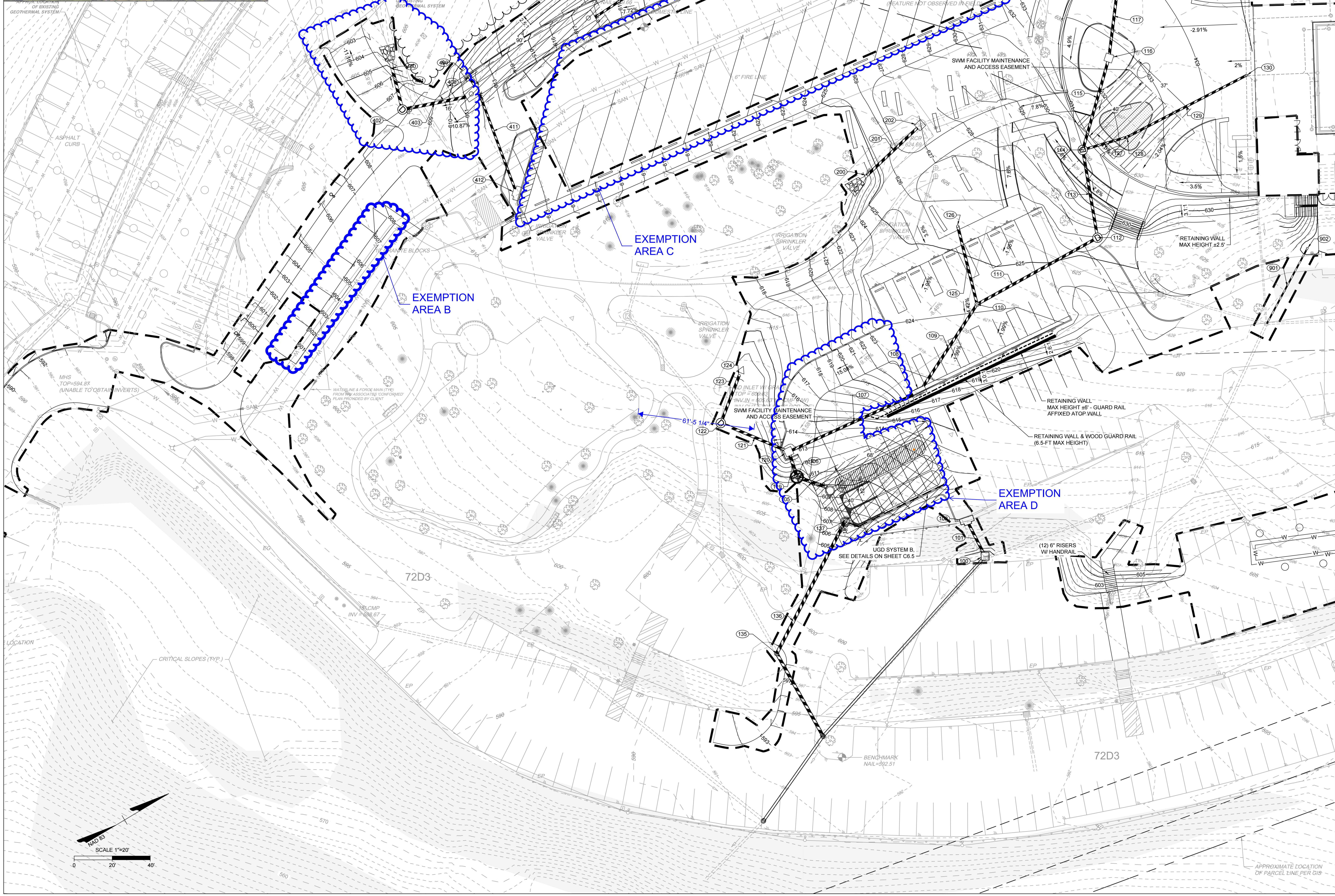
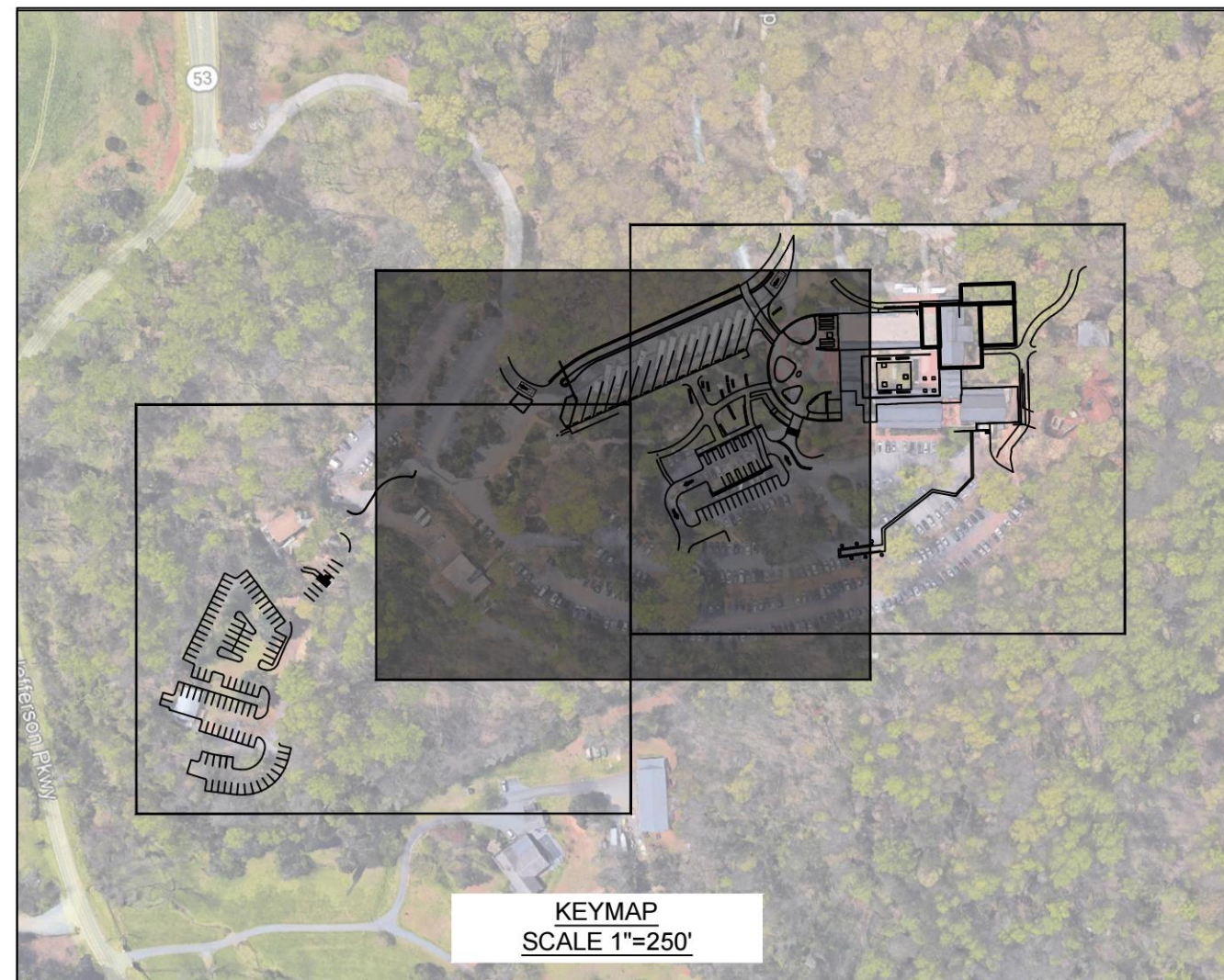


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Revisions:		
No.	Date	Description

REPOSITIONING OF THE VISITOR CENTER AT MONTICELLO			
Thomas Jefferson Foundation			
Job No.	55177	K. ROESSER	Drawn
Scale	AS SHOWN	K. ROESSER	Checked
Date		B. CICHOCKI	Approved
Drawing Title	Grading and Drainage Plan		
Sheet	CS.1		Of



KEY PLAN:
 KEYNOTES LISTED ON THIS SHEET ARE FOR CONVENIENCE ONLY. REFER TO SHEET CS.2 FOR COMPLETE LIST

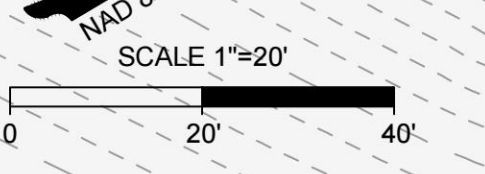


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Revisions:		
No.	Date	Description

REPOSITIONING OF THE VISITOR CENTER AT MONTICELLO
 Thomas Jefferson Foundation
 Job No. 55177 K. ROESSER Drawn
 Scale AS SHOWN K. ROESSER Checked
 Date B. CICHOCKI Approved
 Drawing Title Drawing Number
 GRADING AND DRAINAGE PLAN CS-2
 Sheet OF



STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS

Joan McDowell/ Rebecca Ragsdale
July 27, 2004
September 9, 2004

ZTA 2004-03 and ZMA 2004-05 Monticello Historic District

Applicant's Proposal: The applicant, Thomas Jefferson Foundation, Inc., has requested a Zoning Text Amendment and Zoning Map Amendment to establish a Planned District called the Monticello Historic District (PDMHD). The site is currently zoned Rural Areas and is designated for Rural Area land use in the Comprehensive Plan. The proposed district would include approximately 868 acres. Monticello and the activities associated with its operation as a historic house museum and educational center are not in compliance with the Albemarle zoning ordinance. The proposed planned district would bring these uses into compliance with the zoning ordinance. The Foundation is not proposing to introduce new activities but would continue the types of activities that have been taking place. A new visitor's center, service center, administrative campus, and restoration to the Monticello mountain top are planned with this application. These improvements are not permitted under the current non-conforming status. The Foundation believes that the visitor experience will be enhanced as a result of these changes, but that no additional visitors are expected.

The Foundation intends to remove 20th century additions surrounding the Monticello mansion, including the gift shop, offices, and restrooms which are currently located in a historic building known as Weaver's Cottage, as well as remove offices from the basement and upper floors of Monticello. The Foundation plans to relocate these uses to less obtrusive locations at lower elevations and as far from the historic house and structures as possible. The Administrative Campus would be located to a site on the south side of Route 53 adjacent to Kenwood. A new visitor's center and parking area would replace the existing facilities.

The applicant has requested the following waivers (Attachment A-Waivers Section) with this application:

1. Section 4.2.5 -- critical slopes
2. Section 4.12.15.c -- slopes for parking areas
3. Section 4.12.17.a -- grades for driveways
4. Section 21.7.3 -- disturbance of the twenty foot undisturbed buffer in areas depicted on the attached plans.
5. Section 18-4.12.15.g—to eliminate curb and gutter requirements.

A notebook containing details of the application background and applicant's requests has been provided to you. Attached are revisions to the Application Plan (Attachment C) that have been made since the Planning Commission's June 8, 2004, work session on this application.

Petitions: ZTA 04-03 – Planned District-Monticello Historic District (PD-MHD) – Amend Section 4.15.8, Sign Regulations applicable in the RA, VR, R-1 and R-2 Zoning

Districts; Amend Section 7, Establishment of Districts, Amend Section 8.1, Intent, Amend Section 8.4, Where Permitted, and add Section 11, Planned District – Monticello Historic District (PD-MHD), of Chapter 18, Zoning, of the Albemarle County Code. The amendments to Sections 4.15.8, 7 and 8.1 will add the PD-MHD zoning district as a district subject to those and related sections. The amendment to Section 8.4 will allow the PD-MHD zoning district to exist in an area of the County that is not within a development area identified in the comprehensive plan. The addition of Section 11 will establish the Planned District-Monticello Historic District as a zoning district within Albemarle County, state the intent of the zoning district, and establish the permitted uses and associated regulations applicable within the zoning district. The proposed district would allow by right and by special use permit uses specifically related to the operation of Monticello as a historic house museum and historic site, including visitor facilities, educational, research, administrative facilities, agricultural uses, residential uses and other uses delineated therein. The proposed district regulations also would require that development be preceded by an application plan, and otherwise be subject to Sections 4, 5, 8 and 32 of Chapter 18, Zoning, of the Albemarle County Code, and establish lot width, minimum yard and height requirements. The density for new residential development authorized in the PD-MHD district would be one dwelling unit per twenty-one acres.

ZMA 04-05 - Planned District-Monticello Historic District (PD-MHD) – Request to rezone approximately 868 acres from RA (Rural Areas) to PD-MHD Planned District-Monticello Historic District (reference ZTA 04-03), to allow uses specifically related to the operation of Monticello as a historic house museum and historic site, including visitor facilities, educational, research, and administrative facilities, agricultural uses, and certain residential uses. The properties proposed for rezoning are within the Scottsville Magisterial District in the vicinity of Monticello, south of Interstate 64 and east of Route 53, and are identified more particularly as follows: Tax Map 78, Parcels 22 (Monticello), 23, 25, 28A, 28B, 29; and Tax Map 79, Parcel 7A. The Comprehensive Plan designates these properties as Rural Area 4, and the general usage and density range for Rural Area 4 are as follows: land uses supportive of the character of the rural area, with agricultural and forestal uses desired as the primary land uses. The density for new residential development authorized in the PD-MHD district would be one dwelling unit per twenty-one acres.

Character of the Area: The area surrounding the proposed Monticello Historic District is rural in character, with larger parcels intact and substantial open space surrounding the project areas. Some parcels adjoining the district are under conservation easement. Natural features include substantial wooded portions surrounding the Monticello mansion and the Rivanna River borders several parcels within the district.

Planning and Zoning History: Construction of Monticello began in 1769 and the Thomas Jefferson Foundation acquired the property in 1923. Since that time, the Foundation has operated the property as a museum. As part of the 1980 comprehensive downzoning of the County, Monticello was zoned Rural Areas (RA). No land use was established within the RA Zoning District at that time that accommodated the Foundation's activities, which resulted in Monticello's nonconforming use status. After a facilities planning process in 1999, which identified a four-campus vision for Monticello, the Foundation began working with the County on a zoning amendment to bring Monticello into compliance and to allow for new facilities. Applications ZTA 2000-02, ZTA

2000-8, and ZMA 2001-10 were the first applications attempting to address Monticello's non-conforming zoning. At the time of those applications, new facilities were planned for the Blue Ridge Hospital site on Route 53 and Route 20. (This site is no longer a viable option for the Foundation's facilities.) A work session was held with the Planning Commission in August 2001 where comments were provided to the Foundation. After the work session, the Foundation decided to revisit the application and its facilities needs to provide a more detailed application. This resulted in the submittal of the ZMA and ZTA applications currently under review and withdrawal of all previous applications.

ZTA Comments: One of the key components of this proposal is that Monticello and its associated activities are very unique and are regulated under different provisions from other existing zoning districts. Given this factor, and taking into account comments made by the Planning Commission during review of the previous application submittals regarding specificity of planned activities, a planned zoning district was drafted. Under a planned district, approval of an application plan which controls all development within the proposed district is required. The revised version of the ZTA is attached for your review. (Attachment G). Since the previous version, reviewed at the June 8, 2004, work session, changes include provisions addressing minimum lot size and density, signage, and language added to Section 8 to allow planned historic districts in the Rural Area.

Significance of the Application Plan: Since the proposed Monticello Historic District and plans are submitted as a planned development district, as allowed in Section 8 of the Zoning Ordinance, an application plan is required. This application plan specifies what site improvements will take place with this rezoning, including general location and limits on building square footage. Any significant deviation from the application plan would require an amended rezoning application, approved by the Planning Commission and Board of Supervisors. The updated application plan for this project is included with this report in both a full-size version and as an 8x11, labeled AP-1 of 4.

Specifics of the Proposal: The applicant is proposing major improvements to three main project areas, within the MHD. These include the Monticello Mountaintop, the Visitor's Center and Service area, and the Administrative Campus adjacent to Kenwood. The fourth project area includes the Shadwell site but only minor improvement would be planned there, as the property is under easement with the Virginia Department of Historic Resources.

Mountain Top: Main improvements to this project area include removal of staff offices and service structures which are located along the second roundabout, allowing for restoration of the roundabout and possibly future historic interpretation. (See AP-2) The Foundation hopes to restore the house and grounds on the mountain top to their Jefferson-era appearance, to the greatest extent possible without modern intrusions. There will be a need for restrooms, utilities, and some service parking, which would be moved to more appropriate locations during the restoration project.

Visitor's Center/Building Grounds and Service Area: The visitor's center project area currently consists of a shuttle shelter, an open air garden shop, a

luncheonette, a slave cemetery, and parking spaces. The service area is located further down the mountain, closer to Route 53, and consists of a fueling station, a warehouse, and two existing houses used for office space. The applicant is proposing to construct an improved visitor center that will include a museum shop, café, exhibits, and classrooms totaling a building area of 48,750 square feet. This building is proposed in the same location as the existing shuttle station. (AP-3) The parking lot will be slightly reconfigured to provide for improved vehicular circulation for both cars and buses and will include 400 spaces. This reconfiguration will also provide a landscape link from the new visitor's center to the slave burial grounds to create a linear park. The applicant intends to comply with commercial setback and buffering requirements and will be moving the parking area further away from the eastern property line where it now comes within six feet of the adjoining property. However, bus parking will be relocated to this area. Out of sensitivity to the owners of the adjacent property and to mitigate impacts of bus parking, the Foundation has provided a landscape plan which includes additional plantings.

In the building grounds and service area, the applicant is proposing to construct office and work shop spaces, a greenhouse, equipment bays, and to provide for staff parking. The applicant is proposing a total building area of 20,000 square feet for any buildings constructed in this area. Although not highly visible from Route 53, the service area is located within the Entrance Corridor Overlay District and will be reviewed by the Architectural Review Board prior to any building construction.

Administrative Campus: This 5.5 site currently consists of a dwelling and several outbuildings. It is not used by the Foundation at this time for any uses related to Monticello. It is located directly to the west of Kenwood. The Foundation is proposing a 27,121 square foot building, or mass of several buildings, for office space, meeting rooms, archeological labs, storage, and support space with a total of 86 parking spaces. It is envisioned that the new building(s) will have a connection to Kenwood,. VDOT has indicated that they would prefer a shared entrance with Kenwood, instead of creating another entrance onto Route 53. The applicant has indicated they have studied this option as to its feasibility and have provided a note on the application plan (AP-4) that indicates the entrance will be shared. This project area is also located within the Entrance Corridor Overlay district and will require further review by the Architectural Review Board.

Shadwell: The 277-acre Shadwell Farm is the birthplace of Thomas Jefferson and includes several modern structures including a barn and shed. The Foundation has limited historic interpretation plans for Shadwell as permitted by the DHR easement. (Attachment H) A greenway easement will be dedicated along the Rivanna River portion of the Shadwell property.

By-right Use of the Property: If developed under the current RA (Rural Areas) zoning, the property could be developed with agricultural uses, forestal uses, or residential development at allowed densities. The current Monticello operations are non-conforming

and any further expansions or new facilities are not permitted under the Zoning Ordinance regulations.

COMPREHENSIVE PLAN:

Rural Area: The primary objective of the current Rural Area section of the Comprehensive Plan is not compromised with this proposed application. Agricultural and forestall activities and watersheds will not be adversely impacted by this proposal. Service delivery to the Rural Areas will not be expanded to accommodate proposed facilities. This application helps to further preserve unique natural, scenic, and historic resources not found elsewhere in the County, or even Virginia or the World. In addition, the proposed MHD zoning district will have reduced residential potential as compared to the current Rural Areas zoning; the MHD proposes one dwelling unit per 21 acres.

Historic Preservation Plan: The goals of protecting historic resources, recognizing their value, pursuit of additional protection measures and incentives to preserve Albemarle's historic and archeological resources are all being achieved through this proposed rezoning. It is suggested in the Comprehensive Plan that an important strategy to further the historic preservation goals of the County is to adopt a historic district overlay ordinance to recognize and protect historic and archeological resources, including individual sites and districts, on the local level. The County's Historic Preservation Planner, Julie Mahon, has commended Monticello on their application and has indicated that the MHD may serve as a model for future historic zoning in the County. (Attachment D)

Open Space Plan and Mountain Protection Plan : Monticello is an identified mountain resource in the Mountain Protection Plan. This rezoning does not cause substantial new disturbance of the mountain and actually removes obtrusive modern day structures from the ridge/mountain top area. No negative impacts to scenic resources are anticipated with this proposed rezoning, including the Rivanna River, which is designated as a Virginia State Scenic River from Woolen Mills to the Fluvanna County line.

Greenways and Trails Plan: Through this project, the goal of a Countywide network of greenway trails is furthered with the dedication of an easement along the Rivanna River on the Shadwell property. The Rivanna River from the Ivy Creek Natural area to Fluvanna County is specifically identified as a location for river and stream trails in the Rural Area. This will provide a trail along one of the only two State Scenic Rivers in the County.

Relationship between the application and the purpose and intent of the requested zoning district

The Foundation is requesting to rezone to a zoning district specifically crafted to accommodate the needs of Monticello as a unique historic resource but also recognizes its location within the Rural Area of the County. The application is entirely consistent with the purpose and intent of the proposed zoning text amendment.

Public need and justification for the change

This application will provide the chance to improve the visitor's experience to Monticello and provide for improved historic preservation efforts. As the applicant indicates, it may also extend the length of time visitors of Monticello remain in Albemarle County and would therefore increase the tourism dollars into the local economy. Monticello is not only a tourist destination but an educational and historic resource to the local community.

Anticipated impact on public facilities and services

Transportation--The applicant has prepared a traffic impact analysis (TIA) that has been reviewed by the Virginia Department of Transportation (VDOT) for impacts to Route 53 (Thomas Jefferson Parkway). While the TIA did not indicate a significant increase in vehicle trips associated with the rezoning request, as there will not be an increase in visitation or employees, VDOT has identified the following safety concerns with Route 53:

- *Monticello Property - The existing exit needs to be upgraded to improve the sight distance for the large bus traffic leaving the site;*
- *Proposed Administrative Office Entrance - Recommend connecting to roadway into the Kenwood property and utilize their existing entrance. The existing entrance can be closed to minimize access points, and maintain the natural corridor Route 53 presents.*
- *Entrance needs to be designed in accordance with the Commercial Entrance Standards.*

The applicant has been responsive to these concerns from VDOT and has placed a note on the application plan to indicate that the entrance to the Administrative Campus will be combined with Kenwood and that this will be further addressed during the site plan process. The applicant has provided a proffer indicating that the exit from the Monticello Visitor's Center onto Route 53 will be upgraded.

Water and Sewer --The Monticello mountain complex is the only portion of the proposed project area located within the ACSA (Albemarle County Service Authority) Jurisdictional Area and is designated for water service only. The ACSA indicates it is currently served by public water, including the Monticello mansion and Visitors Center. The Administrative Campus would be supplied water by an existing on-site well. The water facility analysis provided by the applicant indicates that both sites should have adequate capacity to serve the proposed uses, however upgrades may be necessary to provide desired capacity under fire flow scenarios.

No portions of the project area are located within the ACSAJA for sewer service. The applicant has proposed to serve the Administrative Campus and Visitor's Center with an advanced wastewater treatment plant combined with drip irrigation disposal. The drip irrigation system is preferred as it can be installed to follow contours and can be placed at more shallow depths (6-12").

Any proposed central systems will require approval by the Board of Supervisors. The Planning Commission must also review the request to ensure that it is in conformance with the Comprehensive Plan, as required by the Code of Virginia §15.2- 2232. The issue of central systems will be addressed separately, after further

study and staff review. The applicant must conduct additional studies, including permeability testing at the Administrative Campus and hydraulic conductivity testing, a groundwater mounding analysis, and a nitrogen loading analysis at the Visitor's Center to determine exact size and location of drainfields, along with final system design specifications.

Schools --There are no anticipated impacts to the County's school systems as this project will not include residential components or result in additional school children.

Stormwater Management --The applicant has provided a stormwater analysis as part of their application which demonstrates that County requirements regarding both stormwater quantity and quality can be met. The system that will be used will combine traditional stormwater management techniques with a low impact development approach. This approach will include the use of bio-retention in the form of rain gardens. The Engineering Department has reviewed the applicant's analysis and provided comments. (Attachment E)

Fiscal impact on public facilities--It is not expected that this rezoning request will result in any negative fiscal impacts to public facilities. Monticello provides positive impacts to the local economy, through the employment it provides and the travel expenditures associated with visitors to the museum. In December 2001, The Weldon Cooper Center for Public Service released a study, *Monticello's Economic Impact on the Charlottesville-Albemarle Area*, which quantified the local economic impact of Monticello. Major findings of this report indicated that Monticello generates state and local tax revenues through the activities associated with the Foundation; nearly half of Monticello's visitors choose to stay overnight in the area; and even though Monticello itself employs around 300 people, its overall impact to employment is greater and is equivalent to around 900.

Anticipated impact on natural, cultural, and historic resources

Monticello is listed on the Virginia Landmarks (State) and National Register of Historic Places and is designated as a National Historic Landmark, the highest national recognition category for historic resources. Most notably, Monticello is on the United Nations Education, Scientific and Cultural Organization (UNESCO) World Heritage List. Impacts to Monticello are expected to be positive. This application will allow the relocation of modern intrusions from the mountaintop to more appropriate sites. The applicant will be able to heighten restoration efforts through this rezoning application and eventual completion of the application plans. The applicant has indicated that impacts on natural resources will be minimized to the greatest extent possible. The Visitor's Center and Service Center will be constructed in areas where tree clearing has already occurred. The majority of the project will remain in open space and over 95% of the project area will not be disturbed, which is 831 of the 868 acres included with this application.

Proffer Comments: As part of this rezoning request the Foundation has provided a proffer statement (Attachment) to address review comments that could not be provided for on the Application Plan. The terms of the Greenway easement are included in the proffer, as well as provisions for the improvement of the existing Monticello exit onto Route 53. These proffers are not in their final form but the concepts have been agreed upon by the Foundation. Any changes to these proffers would involve rewording only, based on the legal review team's comments.

To address comments made by the historic preservation planner, a documentation plan has been provided to ensure that the demolition, removal, or relocation of permanent structures will be recorded. A note referring to these documentation procedures has been provided on the Application Plan.

SUMMARY: Staff has not identified any factors unfavorable to this request. Staff has identified the following factors, which are favorable to this rezoning request:

1. The proposed uses and text amendment are supported by the Comprehensive Plan.
2. This proposal will result in improved facilities for visitors of Monticello and also the Foundation's employees.
3. The Monticello exit onto Route 53 will be improved, providing a safer roadway for all users.
4. Monticello has positive fiscal impacts and this proposal will not result in any burden on public facilities.

RECOMMENDATION: Staff has reviewed the proposal and associated proffers for conformity with the Comprehensive Plan and the Zoning Ordinance and recommends approval of ZMA 2004-05 and ZTA 2004-03.

ATTACHMENTS:

- A. Notebook titled: Monticello Zoning Map Amendment and Zoning Text Amendment Applications
- B. Location Map
- C. Revisions to Application Plan
- D. Historic Preservation Comments, dated May 18, 2004
- E. Engineering Comments, dated May 18, 2004
- F. Proffer Statement
- G. Revised Zoning Text Amendment, July 15, 2004
- H. Shadwell Easement

**COUNTY OF ALBEMARLE
EXECUTIVE SUMMARY**

This executive summary is an addendum to the staff report you received on July 20, 2004, for ZTA 2004-03 and ZMA 2004-05 Monticello Historic District (MHD).

<u>AGENDA TITLE:</u> ZTA 2004- 03 and ZMA 2004-05 Monticello Historic District	<u>AGENDA DATE:</u> July 27, 2004
<u>SUBJECT/PROPOSAL/REQUEST:</u> Waiver Requests	<u>ACTION:</u> Yes
<u>STAFF CONTACT(S):</u> Joan McDowell/Rebecca Ragsdale	<u>CONSENT AGENDA:</u> No
	<u>ATTACHMENTS:</u> Yes
	<u>REVIEWED BY :</u>

BACKGROUND: As part of the applicant's application package for ZMA 2004-05, dated April 19, 2004, several waiver requests were submitted. These waivers are necessary for the applicant to implement the application plan and the applicant has requested that they be considered with these applications. Staff failed to provide adequate detail and recommend action on these waivers as part of the staff report for the ZTA and ZMA provided to you on July 20, 2004.

DISCUSSION: The applicant has requested the following waivers that require Planning Commission action (Attachment A-Waivers Section):

1. **Section 4.2.3.2 -- Critical Slopes:** Section 4.2.3.2 of the Zoning Ordinance restricts earth-disturbing activity on slopes of 25 percent or greater. Section 4.2.5.2 allows the Planning Commission to waive this restriction upon finding that a strict application of this provision would not forward the purposes of the Zoning Ordinance.
2. **Section 21.7.3 – Minimum Yard Requirements for Commercial Districts:** Section 21.7.3 specifies that within the buffer zone adjacent to rural and residential districts, no construction activity including grading or clearing of vegetation shall occur closer than 20 feet to any residential or rural areas district. The Planning Commission may waive this requirement if it has been demonstrated that grading and clearing is necessary or would result in improved site design, provided that minimum screening requirements are met and the existing landscaping in excess of minimum requirements is substantially restored. Comment areas of disturbance depicted.

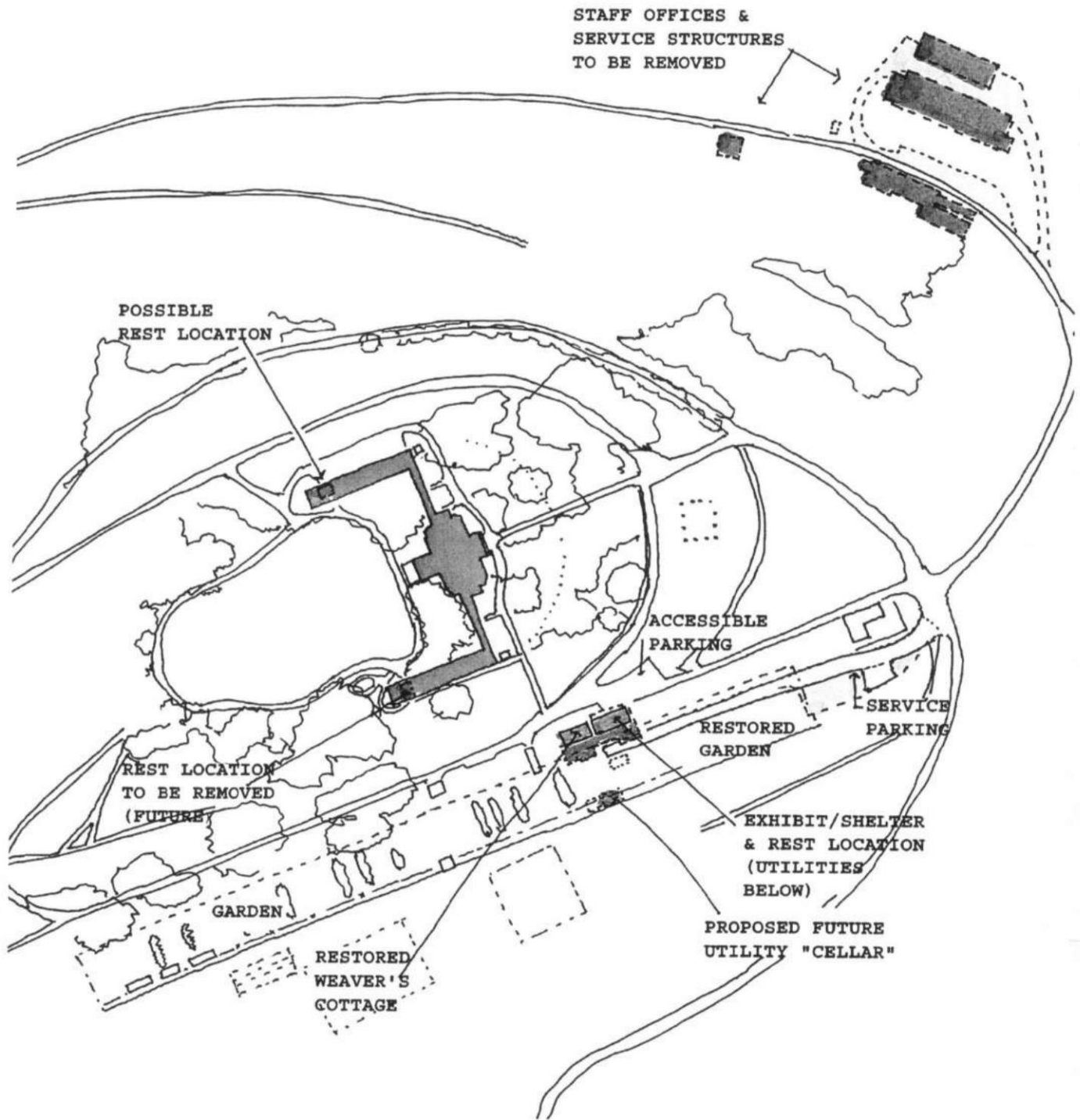
The applicant has provided justification for these requests within the Waivers section of the application package. (Attachment A) Waivers 1 and 2 are needed for the Visitor's Center and Building and Grounds Service project area. Waiver 2 is also needed at the Administrative Campus. Engineering has commented on these waiver requests and recommends approval. (Attachment E)

RECOMMENDATION: Staff recommends approval of both waivers: 1) the request to disturb critical slopes, as depicted on the applicant's exhibit "Visitors Center Non-conforming Slopes" dated April 19, 2004 in Attachment A; 2) to allow disturbance within the required 20 foot buffer zone for the Visitors Center and the Administrative Campus project areas, depicted as "Grading in Setback" on the applicant's exhibit "Visitors Center Non-conforming Slopes" dated April 19, 2004 and depicted as "Grading in Setback" on the applicant's exhibit "Administrative Campus Grading in Setback", dated April 19, 2004, both found in Attachment A.

ATTACHMENTS:

(Attachments referenced were provided to you as part of the staff report for the MHD ZTA and ZMA with the July 27, 2004 agenda package)

- A. Notebook titled: Monticello Zoning Map Amendment and Zoning Text Amendment
- E. Engineering Comments, dated May 18, 2004



AP -2 of 4

Monticello

ZMA 04-05 APPLICATION PLAN

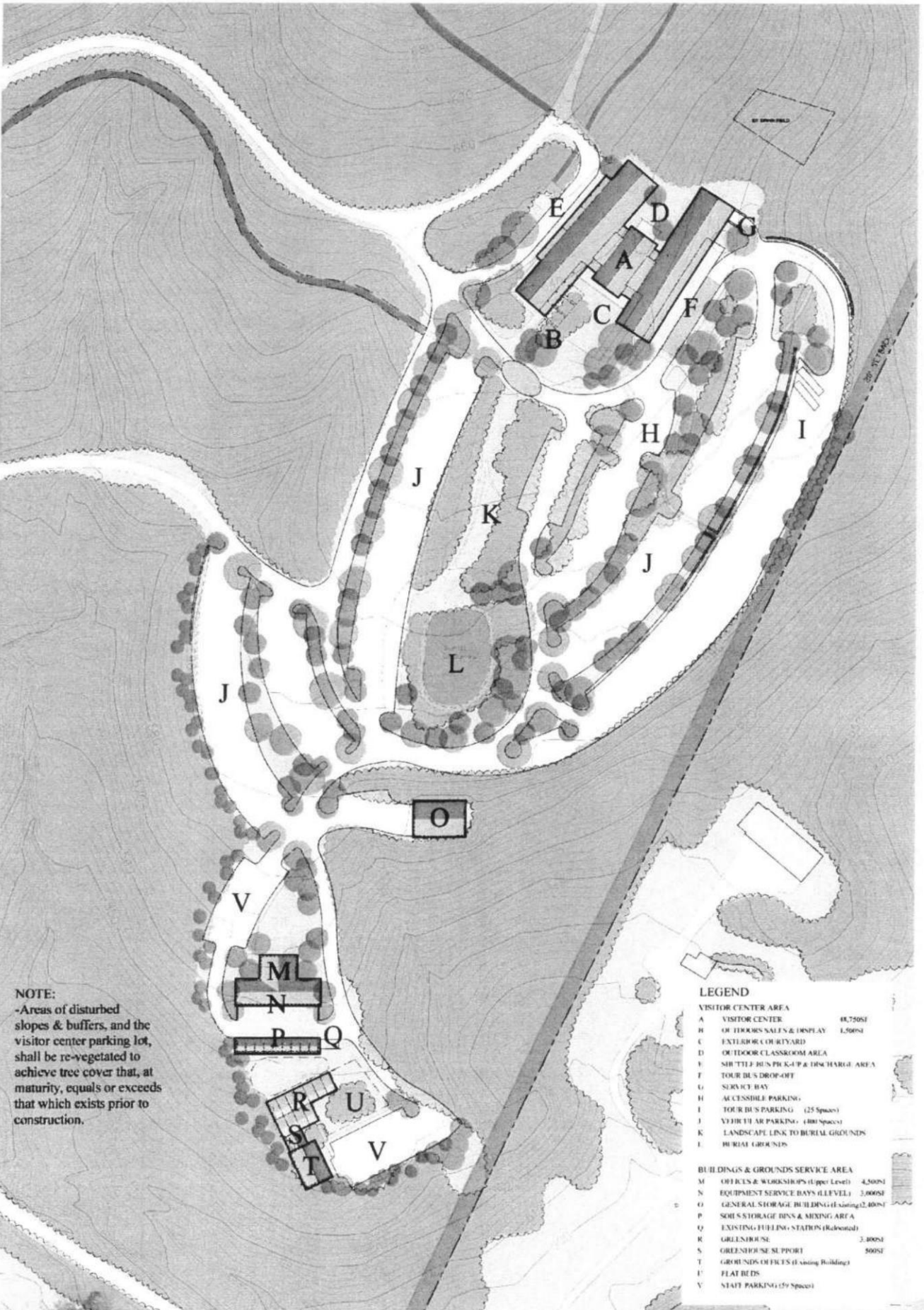
Rummel, Klepper, & Kahl
Civil Engineers

Ayers Saint Gross, Inc.
Architects + Planners

Michael Vergason
Landscape Architects

JULY 2, 2004





NOTE:
 -Areas of disturbed slopes & buffers, and the visitor center parking lot, shall be re-vegetated to achieve tree cover that, at maturity, equals or exceeds that which exists prior to construction.

LEGEND

VISITOR CENTER AREA	
A	VISITOR CENTER 48,750SF
B	OFFICE FLOORS SALES & DISPLAY 1,500SF
C	EXTERIOR COURTYARD
D	OUTDOOR CLASSROOM AREA
E	SHUTTLE BUS PICK-UP & DISCHARGE AREA
F	TOUR BUS DROP-OFF
G	SERVICE BAY
H	ACCESSIBLE PARKING
I	TOUR BUS PARKING (25 Spaces)
J	VEHICLE PARKING (400 Spaces)
K	LANDSCAPE LINK TO BURIAL GROUNDS
L	BURIAL GROUNDS

BUILDINGS & GROUNDS SERVICE AREA	
M	OFFICES & WORKSHOPS (Upper Level) 4,500SF
N	EQUIPMENT SERVICE BAYS (LEVEL) 3,000SF
O	GENERAL STORAGE BUILDING (Existing) 2,400SF
P	SOILS STORAGE BINS & MIXING AREA
Q	EXISTING FUELING STATION (Subtotal)
R	GREENHOUSE 2,400SF
S	GREENHOUSE SUPPORT 500SF
T	GROUNDS OFFICES (Existing Building)
U	FLAT BEDS
V	STAFF PARKING (59 Spaces)



AP -3 of 4

Monticello

ZMA 04-05 APPLICATION PLAN

Rummel, Klepper, & Kahl
 Civil Engineers

Ayers Saint Gross, Inc.
 Architects + Planners

Michael Vergason
 Landscape Architects

JULY 2, 2004



13
12



AP -4 of 4

Monticello

ZMA 04-05 APPLICATION PLAN

Rummel, Klepper, & Kahl
 Civil Engineers

Ayers Saint Gross, Inc.
 Architects + Planners

Michael Vergason
 Landscape Architects

JULY 2 2004





COUNTY OF ALBEMARLE

Department of Planning & Community Development
 401 McIntire Road, Room 218
 Charlottesville, Virginia 22902-4596
 (434) 296 - 5823 Ext.3336
 Fax (434) 972 - 4012

MEMORANDUM

TO: Joan McDowell
 FROM: Julie Mahon
 DATE: March 18, 2004
 RE: ZMA 2004-00005 Monticello Historic District – Historic Resources Review

The above referenced submittal has been reviewed for possible impact to known historic architectural resources and known or potential archaeological resources with the following results:

1. The Virginia Department of Historic Resources' Historic Resource Data Sharing System has identified the following historic architectural and/or archaeological sites identified on parcels within the project area:
 - a. 002-0050 (TMP 78-22) *Monticello* c. 1768 dwelling, World Heritage List, National Historic Landmark, National Register of Historic Places, Virginia Landmarks Register
 - b. 002-1054 (TMP 78-22) *Monticello Gatekeeper's Lodge*
 - c. 002-0862 (TMP 78-25) c. 1940 dwelling
 - d. 002- 1515 (TMP 78-28A) *Shadwell Lock and Dam* c. 1800
 - e. 002-0138 (TMP 79-7A) *Shadwell* – archaeological site
2. The subject area is located within the boundary of the proposed *Southern Albemarle Rural Historic District* (002-5045) which includes notable properties such as Monticello, Ash Lawn-Highland, Tallwood, Hatton Grange, Jefferson Mill, and many others, and meets all four criteria for significance (A - Patterns of History; B - Significant Person; C - Architecture; and D - Archaeological Potential) under the Secretary of the Interior's Standards for the Treatment of Historic Properties.

The proposed rezoning of Monticello embodies Albemarle County's commitment to preservation of its historic resources through identification and recognition of valuable buildings, structures, landscapes, sites and districts which have historical, architectural, archaeological or cultural significance. Furthermore, this proposal reflects the Historic Preservation Plan's objective to pursue additional protective 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. The proposed Monticello Historic District will allow Monticello to continue to thrive as a tourist destination while enabling continued scholarly research reflective of Thomas Jefferson's own visions. Conversely, we have no objection to the proposed use with the following recommendation:

1. Based upon information provided by the Thomas Jefferson Foundation, two existing dwellings (c. 1960-70) will be removed from the interpretive area located on TMP 78-22/23 and reconstructed in a more suitable area. Other assorted outbuildings will be removed from the interpretive area as well. Although these buildings and structures are non-contributing to Monticello's Jeffersonian period of significance, they do reflect the evolution of Monticello as a tourist destination and should be recorded prior to demolition.



 COUNTY OF ALBEMARLE

Department of Community Development, Current Development
Engineering Plan Review

To: Rebecca Ragsdale

From: Glenn Brooks

Subject: Monticello, proposed zoning text amendment, and rezoning with various waivers

Date plan received: 3 May 2004

Date of comment: 18 May 2004

Zoning Text Amendment:

It is recommended that the private roads be defined as referenced in proposed section 11.2.1.c. As stated this could refer to current private road standards. The roads throughout Monticello would not meet these standards.

Zoning Map Amendment:

The proposals in the zoning application plan for the Visitors Center appear workable in concept. Some details which would need further refinement with final plans are:

- There is some concern with a proposed rain harvesting reservoir that it be emptied between significant rainfalls. This may depend on size and demand.
- It would be preferable to use the basin/biofilter area shown on the concept grading plan for detention, rather than an underground system, which is more difficult to maintain. In any case, a vehicular road to the facility will be needed on final plans.

For the Administrative Campus, the bio-filters proposed alongside the parking area do not appear to be situated effectively. The County has had problems with similar facilities placed perpendicular to the grade. Difficulties getting drainage to such facilities is anticipated on final plans. It would be preferable to have a central facility placed in the swale common with the library property, downstream of the proposed parking area.

Critical Slopes waiver:

The grade islands in between existing parking areas are a negligible area of critical slopes. These are part of the parking area and anticipated to be changed with parking area improvements.

The slope proposed downhill of the maintenance shop may be more problematic and will require special attention during construction, with fabric matting, reinforced silt fence, and plantings.

The requirements of section 18-4.2 are adequately addressed in the application package. Approval of the critical slopes waiver is recommended.

Waiver to exceed required grades in parking areas and travelways:

The travelways are well below the 16% maximum grade of the private road standard, which is used for comparison. Speaking to specific areas on the application plan;

- The 9% grade proposed next to the cemetery appears better than the alternative of grading and walls, considering the historical value of this area. However, it would be preferable to

keep the parking angled with the grade, as is currently done with the bus parking, which may avoid doors swinging out of control. This can be adjusted on final plans.

- The grade in the employee parking area next to the maintenance shop should be flattened, which would make the travelways without parking in this area steeper. This can be adjusted on final plans.
- It is also noted that the administrative campus site would need these waivers, as currently shown. For a new site and parking area, it is recommended that facilities be design in accord with current regulations, if at all possible.

Waiver of proposed buffer requirement:

It is noted that the applicant owns the property being buffered. The narrow plan may necessitate off-site grading, which would not be a concern in this case.

Other necessary waivers not in the application:

The application plan would also need waivers of the parking area dimensions (18-4.12.16) and required curbing for parking areas (18-4.12.15.g). The former is noted because the dimensions of parking areas on the application plan do not scale wide enough to allow for minimum aisle widths and parking space lengths. If this is unintentional, it is noted to be adjusted on final plans. The latter (no curbing) is recommended in keeping with the rural area nature and current development of Monticello. This treatment would be similar to what is intended for existing rural area churches.

Copy: file ZMA200400005, ZTA200400003
File: E1_zma,zta_GEB_Monticello.doc

Draft: 07/15/04

ORDINANCE NO. 04-18()

AN ORDINANCE TO AMEND CHAPTER 18, ZONING, ARTICLE II, BASIC REGULATIONS, AND ARTICLE III, DISTRICT REGULATIONS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 18, Zoning, Article II, Basic Regulations, and Article III, District Regulations, of the Code of the County of Albemarle is amended as follows:

By Amending:

- Sec. 4.15.8 Regulations applicable in the RA, VR, R-1 and R-2 zoning districts
- Sec. 7 Establishment of districts
- Sec. 8.1 Intent
- Sec. 8.2 Relation of planned development regulations to other zoning regulations
- Sec. 8.3 Planned development defined
- Sec. 8.4 Where permitted

By Adding:

- Sec. 11.1 Intent and purpose, where permitted
- Sec. 11.2 Status as a planned development district
- Sec. 11.3 Permitted uses
 - Sec. 11.3.1 By right
 - Sec. 11.3.1 By special use permit
- Sec. 11.4 Regulation of development

Chapter 18. Zoning

Article II. Basic Regulations

Sec. 4.15.8 Regulations applicable in the MHD, RA, VR, R-1 and R-2 zoning districts

The following regulations pertaining to the number of signs permitted per lot or establishment, the sign area, sign height, and setback requirements shall apply to each sign for which a sign permit is required within the Monticello Historic District (MHD), Rural Areas (RA), Village Residential (VR) and Residential (R-1 and R-2) zoning districts:

Sign Type	Number of Signs Allowed	Sign Area (Maximum)	Sign Height (Maximum)	Sign Setback (Minimum)
<i>Directory</i>	1 or more per establishment, as authorized by zoning administrator	24 square feet, aggregated	6 feet	10 feet
<i>Freestanding</i>	1 per street frontage, or 2 per entrance, per lot with 100 or more feet of continuous street frontage, plus 1 per lot if the lot is greater than 4 acres and has more than 1 approved entrance	24 square feet, aggregated; if more than 1 sign, no single sign shall exceed 12 square feet	10 feet	10 feet

	on its frontage			
<i>Subdivision</i>	2 per entrance per subdivision	24 square feet, aggregated, per entrance	6 feet	5 feet
<i>Temporary</i>	1 per street frontage per establishment	24 square feet	10 feet, if freestanding sign; 20 feet, if wall sign, but not to exceed the top of the fascia or mansard	10 feet
<i>Wall</i>	As calculated pursuant to section 4.15.20	40 square feet, aggregated in the RA zoning district; 20 square feet, aggregated, in other zoning districts	20 feet	Same as that applicable to structure

(12-10-80; 7-8-92, § 4.15.12.1; Ord. 01-18(3), 5-9-01)

State law reference – Va. Code § 15.2-2280.

Article III. District Regulations

Sec. 7 Establishment of districts

For the purposes of this chapter, the unincorporated areas of Albemarle County are hereby divided into the following districts:

- Commercial District - C-1
- Commercial Office - CO
- Entrance Corridor - EC (Added 10-3-90)
- Heavy Industry - HI
- Highway Commercial - HC
- Light Industry - LI
- Monticello Historic District - MHD
- Neighborhood Model - NMD
- Overlay Districts:
 - Airport Impact Area - AIA
 - Flood Hazard - FH
 - Natural Resource Extraction - NR
 - Scenic Streams - SS (Amended 9-9-92)
- ~~Neighborhood Model - NMD~~
- ~~Entrance Corridor - EC (Added 10-3-90)~~
- Planned Development-Industrial Park - PD-IP
- Planned Development-Mixed Commercial - PD-MC
- Planned Development-Shopping Centers - PD-SC
- Planned Residential Development - PRD
- Planned Unit Development - PUD
- Residential - R-1
- Residential - R-2
- Residential - R-4
- Residential - R-6
- Residential - R-10
- Residential - R-15
- Rural Areas - RA

Village Residential – VR

(§ 7.0, 12-10-80; § 7, Ord. 03-18(2), 3-19-03)

Sec. 8.1 Intent

The planned development districts are the Monticello Historic District (MHD), Planned Residential Development (PRD), Planned Unit Development (PUD), Neighborhood Model (NMD), Planned Development – Mixed Commercial (PDMC), Planned Development – Shopping Centers (PDSC), and Planned Development – Industrial Park (PD-IP) zoning districts. Each of these districts is distinct in purpose; however, all are intended to provide for variety and flexibility in design necessary to implement the various goals and objectives set forth in the comprehensive plan. Through a planned development approach, the regulations in section 8 are intended to accomplish the goals and objectives of the comprehensive plan to a greater extent than the regulations of conventional districts. In addition, these regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. In view of the substantial public advantages of planned development, these regulations are intended to encourage the planned development approach in areas appropriate in terms of location and character.

Planned development districts shall be developed: to provide for the comfort and convenience of residents or visitors; to facilitate the protection of the character of surrounding lands, neighborhoods and the adjacent rural areas; and to lessen traffic impacts through a reasonably short travel time between origins and destinations of persons living, working, or visiting in such developments. Housing, commercial and service facilities, and places of employment shall be related either by physical proximity or by adequate street networks so as to promote these objectives.

(12-10-80; Ord. 03-18(2), 3-19-03)

Sec. 8.2 Relation of planned development regulations to other zoning regulations

The regulations in section 8 shall apply to the establishment and regulation of all planned development districts.

~~If any regulation in section 8 or the specific planned development district conflicts with any regulation in sections 4, 5 or 32 of this chapter, an~~ An applicant may request that any requirement of sections 4, 5 and 32, or the planned development district regulations be waived or modified if it is found to be inconsistent with planned development design principles and that the waiver or modification is consistent with the intent and purposes of the planned development district under the particular circumstances. The applicant shall submit its request in writing as part of the application, and shall demonstrate that the waiver or modification would not adversely affect the public health, safety or general welfare and, in the case of a requested modification, that the public purposes of the original regulation would be satisfied to at least an equivalent degree by the modification. Notwithstanding any regulation in sections 4, 5, or 32 establishing a procedure for considering a waiver or modification, any waiver or modification to a regulation applicable to a planned development shall be reviewed and considered as part of the application plan.

(12-10-80; Ord. 03-18(2), 3-19-03)

Sec. 8.3 Planned development defined

A planned development is a development that meets all of the following criteria: (1) the land is under unified control and will be planned and developed as a whole; (2) the development is in general accord with one or more approved application plans; and (3) in all planned development districts other than a planned historic district, the development will provide, operate and maintain common areas, facilities and improvements for some or all occupants of the development where these features are appropriate.

(12-10-80; Ord. 03-18(2), 3-19-03)

Sec. 8.4 Where permitted

A planned development district may be established in any development area identified in the comprehensive plan, and in any rural area identified in the comprehensive plan if the district is a planned historic district containing a historic site and the purposes of the district include the restoration, preservation, conservation and enhancement of the historic site, provided that its location is suitable for the character of the proposed uses and structures.

(12-10-80; Ord. 03-18(2), 3-19-03)

Section 11

Monticello Historic District, MHD

Sec. 11.1 Intent and purpose, where permitted

The intent and purpose of the Monticello Historic District (hereinafter referred to as "MHD") is to create a planned historic district:

- To permit restoration, preservation, conservation, education, programs, research and business activities related to the operation of a historic house museum and historic site at Monticello.
- To promote the preservation and enhancement of a unique historical site;
- To preserve significant tracts of agricultural and forestal land;
- To be a district that is unique to those parcels which both belonged to Thomas Jefferson and contain uses related to the operation of the historic site, in recognition of:
 - the importance of Thomas Jefferson to the history of Albemarle County,
 - the importance of Monticello to the reputation, education, and economy of Albemarle County;
 - Monticello as a unique element of the historical and architectural legacy of Albemarle County, the nation, and the world, as recognized by its inclusion on the

World Heritage List administered by the United Nations Educational, Scientific, and Cultural Organization.

Restoration or re-creation of Jefferson-era structures or landscape features, and their subsequent interpretive use, shall be regulated only to the extent necessary to protect public health and safety.

Sec. 11.2 Status as a planned development district

The MHD is a planned development district within the meaning of section 8 of this chapter, and shall not be construed to be an agricultural zoning district or a district in which agricultural, horticultural or forestal uses are dominant.

Sec. 11.3 Permitted uses

The following uses shall be permitted in the MHD, subject to the regulations in this section and section 8 of this chapter, the approved application plan, and any accepted proffers:

Sec. 11.3.1 By right uses

The following uses shall be permitted by right:

1. All uses permitted by right in the Rural Areas (RA) zoning district, except that the uses described in sections 10.2.1.11 (veterinary services – off site treatment only), 10.2.1.16 (temporary mobile home in accordance with section 5.7), and 10.2.1.19 (mobile homes on individual lots) of this chapter shall not be permitted.
2. Uses relating to the operation of Monticello as a historic house museum and historic site as follows:
 - a. Interpretative, educational and research uses such as tours; interpretive signs, walking paths, displays and exhibits; classes, workshops, lectures, programs and demonstrations; field schools and history-related day camps; and archaeological laboratories.
 - b. Administrative and support activities including visitor ticketing and shuttle bus operations, maintenance operations, equipment storage, vehicle maintenance and refueling, security and general administration, and related support spaces and offices.
 - c. Visitor amenities including: parking lots; travelways; public restrooms; food and drink preparation and vending; picnic areas; walking paths and pedestrian bridges.
 - d. Display and sale of products related to Thomas Jefferson and the history of Monticello.
 - e. Other uses not expressly delineated in subsection 2(a) through (d) authorized by the zoning administrator after consultation with the director of planning

and other appropriate officials; provided that the use shall be consistent with the express purpose and intent of the MHD, similar to the uses delineated in this subsection in character, locational requirements, operational characteristics, visual impact, and traffic generation.

3. Temporary events related to or supportive of the historic, educational or civic significance of Monticello, such as, but not limited to the Naturalization Ceremony on the Fourth of July, Thomas Jefferson's Birthday celebration, summer speakers series, presidential inaugural events, and commemorative events similar to the Lewis and Clark bicentennial.
4. Display and sale of gifts, souvenirs, crafts, food, and horticultural and agricultural products, including outdoor storage and display of horticultural and agricultural products.
5. Cemeteries.
6. Modification, improvement, expansion, or demolition of "modern structures" existing on the effective date of this section 11, identified as such on the approved application plan.
7. Modification, improvement, re-creation, or restoration (including expansion) of "historic or interpretive structures" identified as such on the approved application plan.
8. Establishment of "new primary structures or features" identified as such on the approved application plan.
9. Accessory uses and structures.

Sec. 11.3.2 By special use permit

The following uses shall be permitted by special use permit:

1. Farm sales (reference Section 5.1.35).
2. Private helistop (reference Section 5.1.01).
3. Commercial fruit or agricultural produce packing plants.
4. Flood control dams or impoundments.
5. Concerts (such as performances by the Charlottesville Symphony Orchestra and the Charlottesville Municipal Band), theater, and outdoor drama events open to the general public, not otherwise permitted by right under section 11.3.1(3).
6. Home occupations Class B.

7. Boat landings and canoe livery.

Sec. 11.4 Regulation of development

In order to protect the county's historic resources and the rural character of surrounding lands, all uses and structures shall be subject to an approved application plan, and to sections 4, 5, 8 and 32 of this chapter, including as such regulations may be waived or modified pursuant to section 8.2. In addition:

a. *Density.* Density shall not exceed one dwelling unit per twenty-one (21) acres and the minimum lot size shall be twenty-one (21) acres.

b. *Structure height.* The maximum structure height established in the standards for development required by section 8.5.1(d)(11) of this chapter shall not exceed forty-five (45) feet.

c. *Yards.* The minimum yards established in the standards for development required by section 8.5.1(d)(1) of this chapter shall not be less than the minimum yards provided in section 21.7.

I, Ella W. Carey, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Bowerman	_____	_____
Mr. Boyd	_____	_____
Mr. Dorrier	_____	_____
Mr. Rooker	_____	_____
Ms. Thomas	_____	_____
Mr. Wyant	_____	_____

7-15-04
Draft**THOMAS JEFFERSON FOUNDATION, INC.
MONTICELLO HISTORIC DISTRICT****ZMA 04-05**

PROFFER STATEMENT

The following parcels are subject to rezoning application ZMA 04-05 and thus to this proffer statement: tax map parcels 78-22, 78-23, 78-25, 78-28A, 78-28B, 78-29, and 79-7A (the "Property"). The Applicant and Owner of the Property is the Thomas Jefferson Foundation, Inc.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the Property to Monticello Historic District as requested, the Owner shall develop the Property in accord with the following proffers pursuant to Section 15.2-2298 of the Code of Virginia, 1950, as amended, and pursuant to Section 33.3 of the Albemarle County Zoning Ordinance. These conditions are voluntarily proffered as part of the requested rezoning, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested. If rezoning application ZMA 04-05 is denied these proffers shall immediately be null and void and of no further force and effect.

1. Subject always to the terms of Section 8.5.5.3 of the Albemarle County Zoning Ordinance as in effect on July 1, 2004, a copy of which Section 8.5.5.3 is attached hereto as Exhibit A, and which Section 8.5.5.3 allows certain variations from approved application plans subject to the provisions thereof, and subject further to the terms and conditions of this paragraph, development of the Property shall be in general accord with the application plan shown on sheets AP-1 through AP-4, each dated July 2, 2004, of the plans entitled "Monticello, Thomas Jefferson Foundation, Inc., Albemarle County, Virginia, Zoning Map Amendment Application Plan, ZMA 04-05, July 2, 2004," which sheets are attached hereto as Exhibit B (the "Application Plan"). Unless specifically referenced in the Application Plan, or otherwise referenced in this Proffer Statement, all other plans and illustrations submitted as part of the Owner's rezoning materials shall be deemed illustrative only, and such plans and illustrations shall not be deemed proffers. In addition to the provisions of Exhibit A, the Owner further reserves the right to develop the Property in phases at its discretion.
2. The Owner will convey easements on certain portions of the Property and on tax map parcel 78-31A for incorporation of such easement areas into the Rivanna River Greenway Trail Park, on the terms and conditions contained herein:

a. The Foundation will convey easements to the County encumbering the portions of tax map parcels 78-28B and 79-7A (collectively, the "Shadwell Quarter Farm") and 78-31A (the "Lego Quarter Farm") that are contiguous to the Rivanna River and defined in the Federal Emergency Management Agency national flood insurance maps as land within the 100-year flood plain on the north side of the Rivanna River (individually, the "Shadwell Easement Area," and the "Lego Easement Area," and collectively, the "Easement Areas") for the extension of the County's Greenway Trail Park within the Easement Areas.

b. The easement on the Shadwell Quarter Farm would be conveyed after an easement or land dedication is conveyed to the County for the County's Greenway Trail Park by the owners of tax map parcel 78-33D for the extension of the greenway trail through that parcel.

c. The easement on the Lego Quarter Farm will be conveyed approximately six months after the Board of Supervisors approves ZTA 2004-003 and ZMA 2004-005, or as soon after such approval as the Foundation can reasonably cause an easement plat to be prepared, prepare the deed of easement in a form reasonably agreeable to the Foundation and the County, and complete any other administrative matters associated with such easement.

d. The easements would be subject to existing encumbrances and easements of record.

e. The easement on the Shadwell Quarter Farm must be previously approved by the Virginia Department of Historic Resources ("DHR") with regard to any portion of the Shadwell Easement Area which is subject to the Deed of Easement from the Foundation to DHR.

f. The Foundation would reserve the following: (i) a right of access for ingress and egress to and from the Easement Areas from other parcels it owns for the benefit of the Foundation; (ii) an easement for drainage from any of the Foundation's stormwater control facilities through the Easement Areas; (iii) for riparian rights in the Rivanna River for the benefit of the Foundation; (iv) the right to physically restrict access by the public to other portions of the Shadwell Quarter Farm and the Lego Quarter Farm, or any other parcels the Foundation owns, as may be necessary or appropriate in the Foundation's discretion to protect any historical artifacts or features on such parcels; and (v) for other purposes reasonably stipulated by the Foundation.

g. The easement on the Shadwell Quarter Farm would include a right of access for the benefit of the County through the Shadwell Quarter Farm in an area reasonably agreeable to the Foundation, for access to and from the Shadwell Easement Area for greenway trail maintenance and for emergency purposes, provided that no activities inconsistent with the Deed of Easement

from the Foundation to DHR shall be carried out within the Shadwell Easement Area.

h. The County shall be responsible for the construction, operation, maintenance, and policing of the Easement Areas as portions of the County's Greenway Trail Park in perpetuity, at the County's expense.

i. Upon the approval of ZTA 2004-003 and ZMA 2004-005, employees and agents of the County Department of Parks and Recreation may have reasonable access to the Easement Areas for purposes of planning the greenway trail, provided that no earth shall be disturbed, nor any vegetation cleared within the Easement Areas without the prior consent of the Foundation, and provided further that no activities inconsistent with the Deed of Easement from the Foundation to DHR shall be carried out within the Shadwell Easement Area.

j. The County shall notify the Foundation prior to disturbing any land within the Easement Areas. Upon such notice, the Foundation will either cause a Phase I archeological study to be conducted at its expense within the Easement Area proposed for disturbance if the Foundation deems such a study necessary, or it will authorize the County to move forward with such planned land disturbance.

k. The trail surface shall be not more than 10 feet wide within a clear zone (12 feet wide and 8 feet high), shall be unpaved and shall utilize only natural materials. The trail will be a "Class B" trail pursuant to County standards.

l. The precise location of the trail within the Easement Areas will be mutually agreed upon by the Foundation and the County.

m. Any construction, grading or other disturbance by the County within the Shadwell Easement Area must be approved in advance in writing by DHR with regard to any portion of the Shadwell Easement Area which is subject to Deed of Easement from the Foundation to DHR.

n. The Foundation will be responsible for the administrative costs of drafting the easements, any surveys of the Easement Areas, and recordation costs.

o. If the County has not commenced construction of the greenway trail within the Lego Quarter Farm within 20 years of the Foundation's conveyance of the easement thereon, and completed such trail within 22 years of the conveyance, then the easement shall expire, unless the Foundation and the County shall mutually agree to the contrary.

p. If the County has not commenced construction of the greenway trail within the Shadwell Quarter Farm within 20 years of the Foundation's conveyance of the easement thereon, and completed such trail within 22 years of such conveyance, then the easement shall expire, unless the Foundation and the County shall mutually agree to the contrary.

q. If the County terminates the Greenway trail program the easements would expire.

r. When negotiating the deeds of easement pursuant to this paragraph 2 of this proffer statement, the County and the Owner may mutually agree to modify the terms and conditions hereof.

3. Prior to the approval of a final site plan application for the proposed Monticello Visitors Center as shown on the Application Plan, the Owner shall make improvements to the existing Monticello exit onto Route 53 as necessary to provide for the turning movement of a WB-50 vehicle onto Route 53 without crossing the opposing lane of traffic, to the reasonable satisfaction of the Albemarle County Engineer and the Virginia Department of Transportation.

WITNESS the following signature:

THOMAS JEFFERSON FOUNDATION, INC.

By: _____
Daniel P. Jordan, President

Exhibit A

Section 8.5.5.3 of the Zoning Ordinance in Effect on July 1, 2004

Exhibit B

Application Plan

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This document was prepared by:
 Department of Historic Resources
 2801 Kensington Avenue
 Richmond, VA 23221

Exempted from recordation taxes
 under the Code of Virginia (1950), as amended,
 sections 58.1-811(A)(3)) and 58.1-811(C)(3)
 and from Clerk's Fees under section 17.1-266

DEED OF EASEMENT

SHADWELL ESTATE,
 MONTICELLO NATIONAL HISTORIC LANDMARK
 ALBEMARLE COUNTY

THIS DEED OF EASEMENT, made this 7th day of September, 2000, by THE THOMAS JEFFERSON MEMORIAL FOUNDATION, Inc., a Virginia non-stock corporation, and its successors and assigns, herein collectively called the Grantor, and the COMMONWEALTH of VIRGINIA, BOARD OF HISTORIC RESOURCES, herein called the Grantee,

WITNESSETH:

WHEREAS, Chapter 22, Title 10.1 of the Code of Virginia of 1950, as amended, was enacted to support the preservation and protection of the Commonwealth of Virginia's significant historic, architectural, archaeological, and cultural resources, and charges the Board of Historic Resources to designate as historic landmarks to be listed in the Virginia Landmarks Register such buildings, structures, districts, and sites which it determines to have local, statewide, or national significance, and to receive properties and easements in gross or other interests in properties for the purpose of, among other things, the preservation and protection of such designated landmarks; and

WHEREAS, Chapter 17, Title 10.1 of the Code of Virginia of 1950, as amended, entitled "Open-Space Land Act," was enacted to preserve open-space lands for historic or scenic purposes, and authorizes any public body to receive easements in gross or other interests in properties for the purpose of preserving such historic or scenic open-space lands; and

WHEREAS, the Grantor is the owner of a property known as the SHADWELL ESTATE

consisting of a tract of land containing 214 acres, more or less, herein described, which includes the site of the birthplace of Thomas Jefferson and related archaeological sites and features, as well as features of the cultural landscape related to the life and times of Thomas Jefferson; which property is part of the Monticello plantation, a historic complex of properties that is listed on the Virginia Landmarks Register and the National Register of Historic Places, and has been designated by the Secretary of the Interior to be a National Historic Landmark; and

WHEREAS, the SHADWELL ESTATE is part of the historic landscape viewshed of the Monticello mansion, the World Heritage Site home of Thomas Jefferson, a place of pilgrimage to millions of individuals since its acquisition by the Grantor in 1929; and

WHEREAS, both the Grantor and the Grantee desire to ensure the preservation of the SHADWELL ESTATE and the protection of the historic, archaeological, and cultural features that led it to be included on such Registers as part of the Monticello plantation;

NOW THEREFORE, in recognition of the foregoing and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration, the receipt of which is hereby acknowledged, the Grantor does hereby grant and convey to the Grantee an easement in gross and right in perpetuity to restrict as herein provided the use of the property described in "Attachment A" (hereinafter called the Easement Property).

The restrictions hereby imposed on the use of the Easement Property are in accord with the policy of the Commonwealth of Virginia, as set forth in Chapters 22 and 17 of Title 10.1 of the Code of Virginia of 1950, as amended, to preserve the Commonwealth's designated historic landmarks, and to preserve historic and scenic open-space lands in the Commonwealth. The acts which the Grantor covenants to do and not to do upon the Easement Property, and the restrictions which the Grantee is hereby entitled to enforce, shall be as follows:

1. The parties agree that the photographs of the Easement Property taken by Calder Loth of the Department of Historic Resources on May 17, 2000 (Department of Historic Resources negative number 17779) accurately document the appearance and condition of the Easement Property as of the date of this Easement. The negatives of the said photographs shall be stored permanently in the archives of the Virginia Department of Historic Resources or its successors. Hereafter, the Easement Property shall be maintained, preserved, and protected in its documented state as nearly as practicable, except for changes which are expressly permitted hereunder.
2. No building or structure shall be built or maintained on the Easement Property other than (i) partial or complete reconstructions of historic buildings, outbuildings, or other structures which are documented through professional historical or archaeological investigation to have been located on the Easement Property, (ii) buildings or structures necessary for the interpretation and use of the property as a historic attraction for public visitation, (iii) farm buildings or structures, including

fences, and (iv) buildings or structures existing on the Easement Property as of the date of this easement including the brick dairy and the post-in-ground barn.

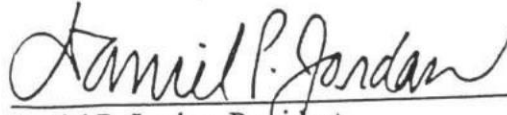
3. No building or structure shall be constructed, altered, restored, renovated, extended, or demolished except in a way that would, in the opinion of the Grantee be in keeping with the historic and scenic character of the Easement Property, and in keeping with the scenic view from the Monticello mansion, and provided that the prior written approval of the Grantee to such actions shall have been obtained. The location and design of any new building or structure, other than fences, is expressly made subject to the prior written approval of the Grantee.
4. Archaeologically significant sites, features, or deposits on the Easement Property, including but not limited to the following: (i) the Jefferson dwelling house, (ii) the kitchen/quarter buildings, (iii) the quarter area, (iv) the burial ground, and (v) the mill and cotton factory, shall not be intentionally disturbed or excavated except by or under the supervision of a professionally qualified archaeologist, and provided plans for such archaeological activity have been submitted to and approved by the Grantee prior to any ground-disturbing activities. Artifacts and objects of antiquity professionally excavated from archaeological deposits, sites, or features on the Easement Property shall be treated and preserved according to the Department of Historic Resources State Curation Standards (March 24, 1998). The Grantor shall take all reasonable precautions to protect archaeological deposits, sites, or features on the Easement Property from looting, vandalism, erosion, mutilation, or destruction from any cause.
5. No permanent dumping of junk, trash, rubbish, or any other unsightly or offensive material shall be permitted on the Easement Property visible from a public right of way or from the Monticello mansion.
6. Management of trees and vegetation on the Easement Property shall be in accordance with sound agricultural and horticultural practices and in such a way as to prevent damage to known archaeological sites, features, or deposits. Selective cutting of timber consistent with established forestry practices may be undertaken on historically forested lands.
7. Grading and earth removal shall not alter the historic, scenic, or topographic aspect of the Easement Property, except as required in the construction of permitted buildings, structures, or roads. The construction of ponds on the Easement Property is permitted provided the prior written approval of the location and size of any such ponds shall have been obtained from the Grantee. Mining is prohibited on the Easement Property.
8. The location of any new roads or any new utility lines on the Easement Property (except over existing rights of way) shall be subject to the prior written approval of the Grantee.
9. The Easement Property shall not be divided, subdivided, or conveyed in fee other than as a single tract.

10. No sign, billboard, or outdoor advertising structure shall be displayed on the Easement Property without the consent of the Grantee, other than signs not exceeding three square feet for any or all of the following purposes: (i) to state the name and address of the property or property owners, (ii) to provide information necessary for the normal conduct of any permitted business or activity on the Easement Property, (iii) to advertise the Easement Property for sale or rental, and (iv) to provide notice necessary for the protection of the Easement Property and for giving directions to visitors.
11. The Grantee and its representatives may enter the Easement Property from time to time, upon reasonable notice to the Grantor, for the sole purpose of inspections and enforcement of the terms of the easement granted herein.
12. The Grantee, in its discretion, and upon reasonable notice to the Grantor, may erect at a location acceptable to the Grantor, a single marker or sign, not exceeding two feet by two feet, which states the name of the Grantee and advises that the Grantee owns the easement granted herein.
13. In the event of a violation of this easement, the Grantee shall have the right to seek all appropriate legal and equitable relief, including but not limited to the right to restore the Easement Property to its present documented condition as shown in the photographs referenced in Paragraph 1 and assert the cost of such restoration as a lien against the Easement Property.
14. Whenever a request for the Grantee's approval is submitted pursuant hereto and the Grantee fails to respond in writing within 30 days of receipt of such request, then the Grantee shall be deemed to have approved the request, and the Grantor may proceed with the action for which approval was requested. Nothing herein shall be construed, however, to require the Grantee to issue a final decision on such request within such 30-day period.
15. Prior to any transfer of title to the Easement Property, the Grantor shall notify the Grantee in writing.
16. The invalidity or unenforceability of any provision of this easement shall not affect the validity or enforceability of any other provision of this easement or any ancillary or supplementary agreement relating to the subject matter hereof.


Although this easement in gross will benefit the public in the ways recited above, nothing herein shall be construed to convey a right to the public of access to or use of the Easement Property, and the Grantor shall retain exclusive right to such access and use, subject only to the provisions herein recited.

Acceptance by the Board of Historic Resources of this conveyance is authorized by sections 10.1-2204 and 10.1-1701 of the Code of Virginia of 1950, as amended.

Witness the following signatures and seal:

 (SEAL)
Daniel P. Jordan, President
Thomas Jefferson Memorial Foundation

Accepted:
BOARD of HISTORIC RESOURCES

By: 
Kathleen S. Kilpatrick
Deputy Director, Department of Historic Resources

Date: 2/12/00

ATTACHMENT A

ALL THAT CERTAIN LOT OR PARCEL OF LAND lying in Albemarle County, Virginia, about four miles east of the City of Charlottesville, on the southern side of State Highway Number 250 formerly a part of the estate known as "Shadwell," being the birthplace of Thomas Jefferson, containing 215 acres more or less (the conveyance being in gross and not by the acre) conveyed to Thomas Jefferson Memorial Foundation, Inc. by a deed from Jefferson Birthplace Memorial Park Commission dated April 25, 1963, and recorded in the Clerk's Office of Albemarle County Circuit Court May 21, 1963, in Deed Book 388, page 244.

BEING that portion of a tract of land estimated to contain 375 acres, conveyed to Jefferson Birthplace Memorial Park Commission by deed of J.W. R. Smith and others dated November 10, 1945, and recorded December 20, 1945, in the aforesaid Clerk's Office in Deed Book 266, page 144 which remains after the conveyance of a portion thereof from Jefferson Birthplace Memorial Park Commission to Charles S. Luck by deed dated March 1, 1949, and recorded in the aforesaid Clerk's Office in Deed Book 283, page 182. Said deed to Luck purports to convey approximately 160 acres, so that the property herein encumbered is a tract of approximately 215 acres of land.

The easement herein conveyed is subject to certain rights in a non-exclusive joint right of way with the adjoining tract, and to certain other rights of way, more fully described in the aforesaid deed from Thomas Jefferson Memorial Park Commission to Thomas Jefferson Memorial Foundation, Inc.