

**COUNTY OF ALBEMARLE
EXECUTIVE SUMMARY**

<p><u>AGENDA TITLE:</u> SP 2004-00004 Lewis & Clark Exploratory Center</p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> A special use permit is requested to allow construction of a historical center with modifications to supplemental regulations for the use in Section 5.1.42 of the Zoning Ordinance</p>	<p><u>STAFF:</u> REBECCA RAGSDALE</p> <p><u>PLANNING COMMISSION DATE:</u> November 22, 2005</p> <p><u>BOARD OF SUPERVISORS DATE:</u> January 4, 2006</p>
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PROPOSAL:

The Lewis & Clark Exploratory Center of Virginia (LCEC), a non-profit organization, would like to establish a historical center within Darden Towe Park devoted to the Lewis & Clark expedition within the context of local history. The planned historical center would consist of a 15,000 square foot structure, including an amphitheater, outdoor interpretive trails, a timber fort, lookout tower, and 83 parking spaces. Access to the park is proposed along an existing gravel road that circles around the park to the east and along the Rivanna River. This road would be extended approximately a quarter mile from where it currently ends in the park and the entire road would be upgraded. (Attachment A and B)

Expected visitation to the center has been estimated by the applicant to be a maximum of 45,000-50,000 annually, based on figures compiled on annual visitors to local historic homes such as Ashlawn-Highland and Montpelier. Average daily trips are not expected to exceed 200 for the site. The applicant has requested modifications to Section 5.1.42 supplemental regulations for historical centers to allow a building larger than the 1,500 square feet permitted and to devote more than 10% of the floor area of that building to accessory uses. The applicant would also like to hold a maximum of 12 special events and four festivals a year at the historical center.

BACKGROUND:

The area devoted to the historical center is approximately 18 acres at the northern end of the 112-acre Darden Towe Park property. The site is bounded by Stony Point Road (Route 20), Dorrier Drive, and the Rivanna River, with Trevillians Creek traversing the site. The City of Charlottesville and County of Albemarle approved a lease agreement with the Lewis & Clark Exploratory Center for this portion of the park in July 2003. Any development proposals for the LCEC are reviewed by the Darden Towe Memorial Park Committee which includes two County Board of Supervisors and two Charlottesville City Councilors.

DISCUSSION/FINDINGS:

The Planning Commission held a public hearing on this special use permit request at their October 4, 2005 meeting and it was deferred at the request of the applicant. Several issues were raised by the Commission during their discussion at that meeting and are discussed below.

Access to the Historical Center

The Planning Commission review of this special use permit in October included two possible means of access to the site. The first proposal, which was reviewed by staff prior to the meeting, was to build a new entrance and turn lanes from Route 20/Stony Point Road. The more recently proposed alternate access road through Darden Towe Park, which is the preferable means of access, had not been reviewed by staff. The Planning Commission agreed that access through the park was preferred but that it should be reviewed by engineering and other staff prior to Planning Commission action.

The applicant submitted a revised application plan on October 18, 2005 (Attachment A) which showed access through the park via an extension of the existing gravel road around the outer edges of the park along the Rivanna River. This road is approximately 20-25 feet wide and gravel. It is located within the limits of the 100 year flood plain but is outside of the 100 foot stream buffer. Engineering has indicated that the access appears approvable but the following concerns are raised:

1. A Special Use Permit for fill in the floodplain will be required if final engineered plans show any fill for the roadway. It appears as though the road could be constructed entirely by cutting into existing grade.
2. The proposed alignment will require disturbance of critical slopes at the edge of the park and the river. Because alternative reasonable alignments are possible [18-4.2.6c], a waiver to develop on critical slopes is required [18-4.2.5], and is recommended to be processed with the special use permit. (A road off the existing parking area would not disturb critical slopes.)
3. The length and alignment of road, as well as its placement at the perimeter of the park may invite higher travel speeds. (A road off of the existing parking area would be much shorter, with stop conditions at the intersection, and likely with lower travel speeds. However, bus traffic through this area would be a nuisance.)
4. This property will not be accessible during times of flooding, and the road may be damaged.

A site plan is required for historical centers and would include more detailed engineering to determine exactly what grading, cut, and fill would be occurring in the flood plain and also include better information for critical slopes impacts. The information needed to review the critical slopes waiver was not submitted in time for staff to review and provide analysis for Planning Commission action. The information submitted for the critical slopes waiver also includes justification for the access road in this location and is provided for the Commission (Attachment C)

Eastern Connector

Staff has little new information to add to that included in the October 4, 2004 report (Attached) to the Commission to address this concern raised by the Commission. The Request for Proposal for the Easter Connector study is currently under development in conjunction with the City of Charlottesville. The study will have an extensive public process and determination of a proposed alignment is not expected before 2007.

Defining the proposed Lewis & Clark Exploratory Center as a Historical Center

The Zoning Administrator has previously determined that the proposed Lewis & Clark Exploratory Center meets the definition of a historical center as defined by the Ordinance:

One or more buildings, structures or facilities designed and/or used for educational and/or interpretative activities related to natural, cultural, or agricultural history which are open to the public and located at or adjacent to a historic resource. For purposes of this

definition, a "historic resource" is a district, site, building or structure with architectural, engineering, archaeological, or cultural remains present, which possesses integrity of location, design, setting, materials, workmanship, and association, and which is associated with one or more of the following historical or cultural themes: (i) events that have made a significant contribution to the broad patterns of local, state or national history; (ii) the lives of persons significant in local, state or national history; (iii) the embodiment of distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values; or that represent a significant and distinguishable entity whose components may lack individual distinction; or (iv) yielding information important to prehistory or history. (Added 6-8-05)

The applicant has submitted information explaining how they meet this definition. (Attachment D) Additional background is provided by staff and the applicant for the Commission's information. The zoning text amendment to allow historical centers was approved by the Board of Supervisors in June 2005. It initiated as a result of the Lewis & Clark Exploratory Center's proposal, which did not fit within a use category existing in the Zoning Ordinance at that time. During the ZTA process, staff consulted with the Historic Preservation Committee and had several work sessions with the Planning Commission. The objectives of the ZTA were clear throughout the process and included in all staff reports:

- Define land uses such as the proposed Lewis and Clark Exploratory Center, historic homes that want to open for interpretation such as Pine Knot, and natural resource interpretation centers by amending the definition of *museum*. Allow for historical centers by special use permit in non-commercial zoning districts. Such centers might interpret the history and changes of a natural resource, agricultural history, or an archeological site, and may include historic house museums or heritage centers.
- Base Zoning Ordinance changes on the concept of heritage tourism. Heritage Tourism is defined by the Thomas Jefferson Planning District Commission's Heritage Tourism Toolkit as *travel directed toward interactive experiences and activities concerning locally or regionally significant historic, cultural and natural resources or landscapes that provide educational, aesthetic, and economic benefits. Resources are those sites that are significant to the heritage of a particular locality and may include its unique culture, character, development, lifestyles, architecture, natural features and landscapes, indigenous and emerging communities, and its historic events, places, people, and folklore.*
- The commercial zoning districts in the Development Areas allow museums as a by-right use and the supplemental regulations proposed for historical center are not intended to address museums. Supplemental regulations for historical centers are based on what is currently in the Zoning Ordinance for Farm Wineries and Agricultural Museums.
- Historical Centers are not intended to apply to Monticello-scale uses that include multiple sites, larger acreage, and greater square footage of building area. Supplemental regulations for historical centers are intended to address size and scope limits.

The definition of "historic" resource within the historical definition is based on the Historic Preservation Committee's definition of a historic resource. A definition of historic resource that was somewhat broad was included so that there would be opportunities for interpretation of important historic, natural, or cultural sites that did not meet the definition of historic site or structure in the Zoning Ordinance which only includes those listed on the State or National register. It is not intended to provide opportunities for strictly commercial enterprises with no historic or education mission.

Historical centers are allowed by special use permit in the Rural Areas and Residential Zoning Districts. The district regulations in the Zoning Ordinance delineate a number of uses allowed by right, and a number of uses that are allowed by special use permit. Uses allowed only by special use permit are those considered to have a potentially greater impact upon neighboring properties or the public than those uses permitted in

the district as a matter of right. If a special use permit is granted to allow the use, the potential impacts are addressed through conditions imposed on the use. There was concern from some members of the Planning Commission that this historical center did not have a connection to its interpretative themes on-site and that would be precedent setting and jeopardize the Rural Areas in some way. It is important to remind the Commission that the special use permit procedure, by its very nature, presupposes that a given use may be allowed on parcel X but not on parcel Y, within the same zoning district. Therefore, any action on this special use permit, would not set a precedent for the Rural Areas.

Some Commissioners thought that this will be a spot zoning and that it is really an outdoor museum or interpretative center and not on a historic property. Spot zoning is a term defined as and applied to the rezoning process. A rezoning to a commercial use for a museum would not be appropriate as the use has been determined to be a historical center, which is allowed by special use permit in the Rural Areas and R1 zoning districts. Further, a rezoning to a commercial use on this site to permit museums would be more characteristic of a spot zoning condition given this area is not recommended for commercial use in the Comprehensive Plan. Historical centers are considered to be a sub-category of museums. Museums are allowed only in commercial districts and are not regulated as to the themes of their exhibits, size, or scale. Some historical centers may fit within the category of museum but some museums may not fit the category of historical center.

RECOMMENDATION:

The LCEC has been found consistent with the Comprehensive Plan designation of Parks and Greenways given that it will have civic and educational components to its use. These include space for meetings, trails, and a focus on the river. The revised application plan shows one means of access in the general location shown and Condition #1 ties development of the site to this plan. Any major changes in access would require revisions to the special use permit. Staff believes that access through the park is the best option to access the proposed historical center and this has been now been reviewed by County staff and is a viable option. More detailed engineering and final road design is expected with the next step in the application process, a site plan, and precise impacts to the flood plain and critical slopes will be known.

Should the Planning Commission wish to approve the SP 2004-004, the following conditions are recommended:

1. The site shall be developed in general accord with all sheets of the plan entitled "Lewis & Clark Exploratory Center," revised October 18, 2005 and prepared by Nelson, Byrd, Woltz. Setbacks indicated in the table on sheets L3.1 and L3.2 do not set increased minimum setbacks.
2. The top of the Lookout Tower, measured in elevation above mean sea level, shall not exceed [AMSL + 35]. The approved height shall at no time be taller than the tallest tree within 25 feet of the Lookout Tower, and shall include any base, foundation or grading that raises the pole above the pre-existing natural ground elevation.
3. A maximum of 12 special events, in accordance with Section 5.1.42.i, are authorized per calendar year.
4. A maximum of 4 festivals, in accordance with Section 5.1.42.j, are authorized per calendar year.
5. A lighting plan and a landscaping plan shall be submitted, reviewed, and approved by the Architectural Review Board prior to final site plan development plan approval.

6. In accordance with Section 32.7.9.9, a 20% tree canopy shall be required for the site based on the disturbed area for the historical center building, parking, and access road.
7. Prior to any grading or construction activity, the limits of the 100-year flood plain and stream buffers, where adjacent to constructed proposed improvements including the amphitheater, timber fort, lookout tower, entrance road and retaining wall, shall be flagged at 10-foot intervals by a land surveyor to prevent encroachment land disturbing activity, storage of construction equipment or materials, and actual construction of improvements during construction.

Staff recommends approval of the modifications to Section 5.1.42:

Section 5.1.42.a new historical center structures:

Approval of a modification to allow the historical center structure to exceed the ordinance provision that new buildings associated with historical centers not exceed 1,500 square feet in floor area with the following condition:

1. The new historical center structure shall not exceed 15,000 square feet in floor area.

Section 5.1.42.g Accessory Uses:

Approval of a modification to allow the floor area of accessory uses within the historical center building to exceed 10% of the total floor area of the structure with the following condition:

1. Accessory uses identified in Section 5.1.42(g) shall not exceed 20% of the floor area of the building.

Attachments:

- A. Application plan entitled "Lewis & Clark Exploratory Center," revised October 18, 2005
- B. Schematic Site Plan
- C. Critical Slopes Waiver Request dated November 7, 2005
- D. Letter dated November 8, 2005 from the Lewis & Clark Exploratory Center regarding historical information
- E. Staff Report to the Planning Commission dated 10/4/04 with attachments