

## BOAR'S HEAD SPORTS CLUB

ZMA 2017-00010

### PROFFER STATEMENT

**Date:** July 3, 2018  
**ZMA#:** ZMA 2017-00010  
**Tax Map Parcel #:** 059D2-01-00-01500  
**Owner of Record:** University of Virginia Host Properties, Inc.

The following parcel is subject to rezoning application ZMA 2017-00010 (the "Application") and thus to this proffer statement: Tax Map Parcel 059D2-01-00-01500 (the "Property"). The Applicant and owner of the Property is University of Virginia Host Properties, Inc. (the "Owner"). This proffer statement shall supersede and replace in all respects the proffer statement approved by the Board of Supervisors in connection with ZMA-2004-0015.

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to approve the Application, as requested, the Owner and its successors and assigns 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 Application, 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.

In the event the Application is denied the proffers shall immediately be null and void and of no further force or effect.

1. Development of the Property shall be in general accord with the plan entitled "Application Plan" prepared by Dewberry Engineers, Inc., dated April 27, 2018, and attached hereto as Exhibit A (the "Application Plan"). The Application Plan shall not be construed to prohibit the realignment of the 14 existing outdoor tennis courts, subject to existing provisions of the Albemarle County zoning ordinance, provided that the courts remain in the area marked "Outdoor Tennis Courts" shown on the Application Plan. The Owner reserves the right to develop the Property in phases.

2. Within the Property, only the following uses shall be permitted by right, subject always to the express terms of this proffer statement:

- a. Pursuant to subsection 24.2.1 of Section 24, HC highway commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations exist on March 19, 2018, as set forth below: Section 24.2.1 numbers 6, 20, 35, 36, 37, 41, 42, 44, and 45.
- b. Pursuant to subsection 22.2.1 of Section 22, C-1 Commercial zoning district, of the Albemarle County Zoning Ordinance, as those regulations

exist on March 19, 2018, as set forth below: Section 22.2.1 numbers b.4, b.8, b.17, b.18, b.19, b.24, b.26, and b.27.

The by-right uses of the Property that are permitted pursuant to sections 24.2.1 and 22.2.1 and pursuant to this Proffer Statement are shown below without strikethrough. Uses which will not be permitted on the Property (subject always to the express terms of this proffer statement) have been indicated by strikethrough.

#### **24.2.1 BY RIGHT**

The following uses shall be permitted in any H-C district subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

1. ~~Automobile laundries.~~
2. ~~Automobile, truck repair shops.~~
3. ~~Automobile service stations (reference 5.1.20).~~
4. ~~Building materials sales.~~
5. ~~Churches, cemeteries.~~
6. Clubs, lodges (reference 5.1.02).
7. ~~Convenience stores.~~
8. ~~Educational, technical and trade schools.~~
9. ~~Factory outlet sales—clothing and fabric.~~
10. ~~Feed and seed stores (reference 5.1.22).~~
11. ~~Financial Institutions.~~
12. ~~Fire extinguisher and security products, sales and service.~~
13. ~~Fire and rescue squad stations (reference 5.1.09).~~
14. ~~Funeral homes.~~
15. ~~Furniture stores.~~
16. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
17. ~~Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.~~
18. ~~Hardware.~~
19. ~~(Repealed 6-3-81).~~
20. Hotels, motels and inns.
21. ~~Light warehousing.~~
22. ~~Machinery and equipment sales, service and rental.~~
23. ~~Mobile home and trailer sales and service.~~
24. ~~Modular building sales.~~
25. ~~Motor vehicle sales, service and rental.~~
26. New automotive parts sales.

27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machine sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands—vegetable and agricultural produce (reference 5.1.19).
34. Wholesale distribution.
35. Water, sewer, energy and communications distribution facilities.
36. Public uses (reference 5.1.12).
37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
38. Indoor theaters.
39. Heating oil sales and distribution (reference 5.1.20).
40. Temporary industrialized buildings (reference 5.8.)
41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1. (Added 6-19-91; Amended 9-9-92).
42. Indoor athletic facilities. (Added 9-15-93).
43. Farmer's market (reference 5.1.47). (Added 10-11-95).
44. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
45. Tier I and Tier II personal wireless services facilities (reference 5.1.40). (Added 10-13-04)
46. Storage yards.
47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
50. Drive-through windows (reference 5.1.60). (Added 3-2-16).

### 22.2.1 BY RIGHT

The following uses shall be permitted in any C-1 district, subject to the requirements and limitations of these regulations. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and

traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.0.

a. The following retail sales and service establishments:

1. ~~Antique, gift, jewelry, notion and craft shops.~~
2. ~~Clothing, apparel and shoe shops.~~
3. ~~Department store.~~
4. ~~Drug store, pharmacy.~~
5. ~~Florist.~~
6. ~~Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.~~
7. ~~Furniture and home appliances (sales and service).~~
8. ~~Hardware store.~~
9. ~~Musical instruments.~~
10. ~~Newsstands, magazines, pipe and tobacco shops.~~
11. ~~Optical goods.~~
12. ~~Photographic goods.~~
13. ~~Visual and audio appliances.~~
14. ~~Sporting goods.~~
15. ~~Retail nurseries and greenhouses.~~
16. ~~Farmers' markets (reference 5.1.47).~~ 17.
17. ~~Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
18. ~~Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.~~
19. ~~Drive through windows (reference 5.1.60).~~ (Added 3-2-16)

b. The following services and public establishments:

1. ~~Administrative, professional offices.~~
2. ~~Barber, beauty shops.~~
3. ~~Religious assembly use, cemeteries.~~
4. ~~Clubs, lodges (reference 5.1.02).~~
5. ~~Financial institutions.~~
6. ~~Fire and rescue squad stations (reference 5.1.09).~~
7. ~~Funeral homes.~~
8. ~~Health spas.~~
9. ~~Indoor theaters.~~
10. ~~Laundries, dry cleaners.~~
11. ~~Laundromat (provided that an attendant shall be on duty at all hours during operation).~~
12. ~~Libraries, museums.~~
13. ~~Nurseries, day care centers (reference 5.1.06).~~

14. ~~Eating establishments.~~
15. ~~Tailor, seamstress.~~
16. ~~Automobile service stations (reference 5.1.20).~~
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.2).
20. ~~Dwellings (reference 5.1.21).~~
21. ~~(Repealed 4-3-13).~~
22. ~~Automobile, truck repair shop excluding body shop.~~
23. ~~Temporary industrialized buildings (reference 5.8).~~
24. Indoor athletic facilities. (added 9-15-95)
25. ~~(Repealed 5-5-10).~~
26. Stormwater management facilities shown on an approved final site plan or subdivision plat. (Added 10-9-02)
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40). (Added 10-13-04)

Notwithstanding that the above-referenced uses will not be permitted on the Property, this proffer statement shall not be interpreted to prohibit uses accessory to a health spa on the Property, which accessory uses shall expressly include, but not be limited to the following: indoor tennis courts, outdoor tennis courts, multi-sport courts, other recreational or fitness facilities, a restaurant, a snack bar, a "pro shop," administrative office space, locker rooms, and a child care facility.

3. Prior to the final approval of SDP 2004-00086, the Owner shall record the subdivision plat attached hereto as Exhibit B in the Clerk's Office of the Circuit Court of Albemarle County, Virginia, to combine the portion of tax map parcel 07500-00-00-06300 shown on Exhibit B as Parcel "X" containing 1.774 acres, with tax map parcel 059D2-01-00-01500. **THIS PROFFER HAS BEEN SATISFIED IN FULL, AND THUS EXHIBIT B IS NO LONGER ATTACHED.**

4. Prior to issuance of a certificate of occupancy for the permanent use of the connector road that was approved for temporary use by SP-2017-23, the Owner shall submit for approval by the Zoning Administrator a current Event Management Plan to provide adequate parking for the public during periodic public events at the Property, and further designed to avoid or minimize public parking in adjacent and nearby residential areas during such public events. Such a plan shall include a commitment by the Owner to provide adequate event parking at the Birdwood Golf Course parking lot (with access to the Property either by shuttle service or on foot along the golf course cart paths, at the discretion of the Owner), the large surface parking lot at the northwest corner of Ednam Drive and Boar's Head Point, and/or in other parking areas controlled by the Owner or its affiliated entities, each in the discretion of the Owner given the expected attendance at each particular event. Such a plan will also provide for the use of shuttle services as necessary given the size and nature of a particular event, for the use of adequate signage directing the public to permitted parking areas, and the use of appropriate personnel to

direct the public to such permitted parking areas and to discourage or prohibit public parking in adjacent and nearby residential areas.

5. The Owner agrees to conduct warrant analyses, and to provide a pro rata financial contribution to future transportation improvements (as may be warranted), as established in conditions of approval #8 and #9 in special use permit amendment SP201700032.

WITNESS the following duly authorized signature:

**UNIVERSITY OF VIRGINIA HOST PROPERTIES, INC.**

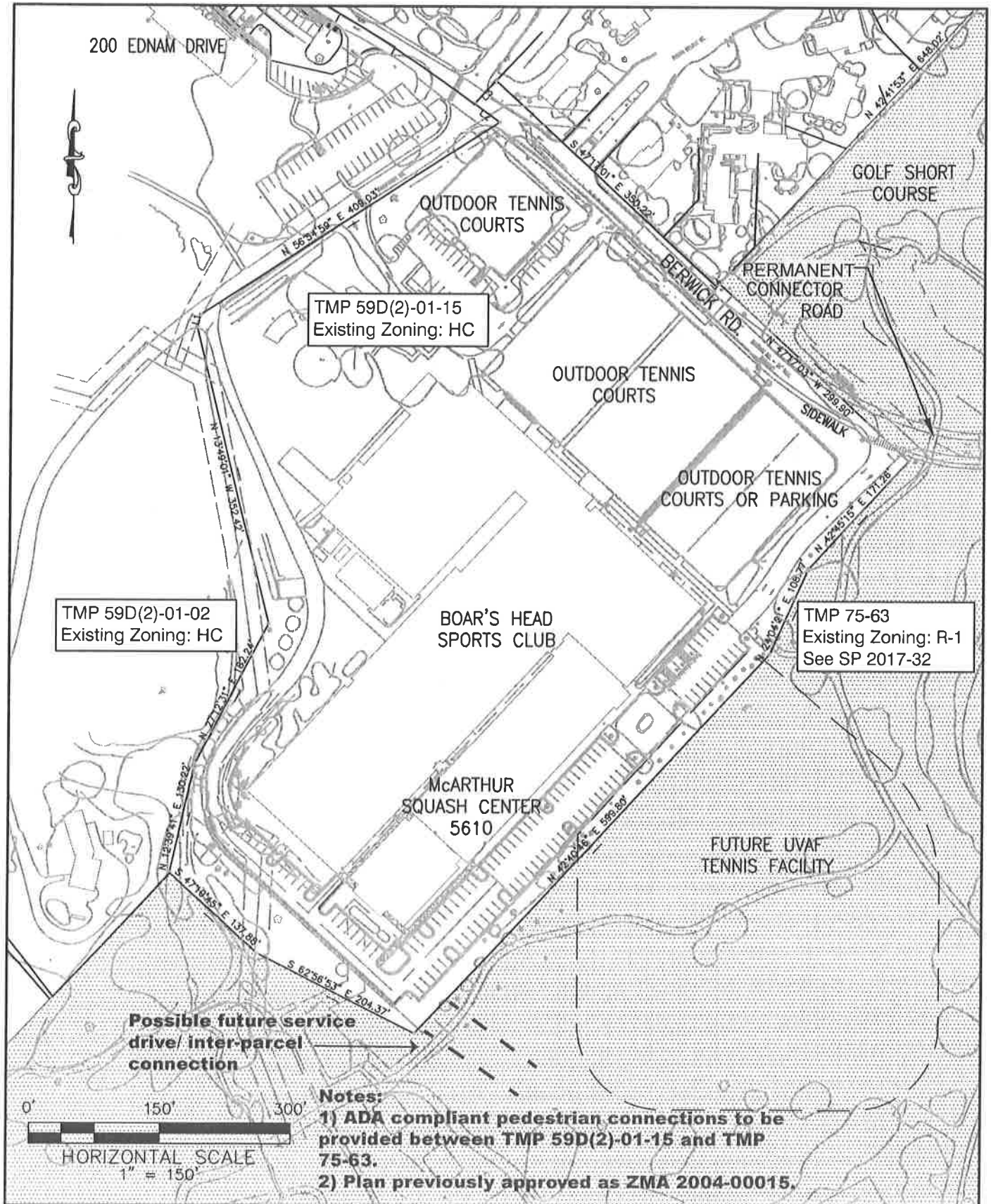
By: Patrick J. McCann  
Printed Name: Patrick J. McCann  
Title: Treasurer & Secretary  
Date: 7/3/2018

Exhibit "A"

Application Plan

(attached)

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**Dewberry**<sup>®</sup>  
Dewberry Engineers Inc.

4805 Lake Brook Drive Suite 200  
Glen Allen, VA 23060  
PHONE: 804.290.7957

DATE

04/27/2018

PROJ. NO.

TITLE

APPLICATION PLAN

PROJECT

UVAF BOAR'S HEAD  
SPORTS CLUB



**CHAPTER 18**

**ZONING**

**SECTION 24**

**HIGHWAY COMMERCIAL - HC**

**Sections:**

- 24.1 INTENT, WHERE PERMITTED**
- 24.2 PERMITTED USES**
- 24.2.1 BY RIGHT**
- 24.2.2 BY SPECIAL USE PERMIT**
- 24.3 MINIMUM FRONTAGE, SHAPE OF DISTRICT**
- 24.4 ADDITIONAL REQUIREMENTS**

**24.1 INTENT, WHERE PERMITTED**

HC districts are hereby created and may hereafter be established by amendment to the zoning map to permit development of commercial establishments, other than shopping centers, primarily oriented to highway locations rather than to central business concentrations. It is intended that HC districts be established on major highways within the urban area and communities in the comprehensive plan. It is further intended that this district shall be for the purpose of limiting sprawling strip commercial development by providing sites with adequate frontage and depth to permit controlled access to public streets.

(§ 24.1, 12-10-80)

**24.2 PERMITTED USES**

**24.2.1 BY RIGHT**

The following uses shall be permitted in any HC district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit, as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character, and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

1. Automobile laundries.
2. Automobile, truck repair shops.
3. Automobile service stations (reference 5.1.20).
4. Building materials sales.
5. Churches, cemeteries.
6. Clubs, lodges (reference 5.1.02).
7. Convenience stores.

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8. Educational, technical and trade schools.
9. Factory outlet sales - clothing and fabric.
10. Feed and seed stores (reference 5.1.22).
11. Financial institutions.
12. Fire extinguisher and security products, sales and service.
13. Fire and rescue squad stations (reference 5.1.09).
14. Funeral homes.
15. Furniture stores.
16. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
17. Home and business services such as grounds care, cleaning, exterminators, landscaping and other repair and maintenance services.
18. Hardware.
19. (Repealed 6-3-81)
20. Hotels, motels and inns.
21. Light warehousing.
22. Machinery and equipment sales, service and rental.
23. Manufactured home and trailer sales and service.
24. Modular building sales.
25. Motor vehicle sales, service and rental.
26. New automotive parts sales.
27. Newspaper publishing.
28. Administrative, business and professional offices.
29. Office and business machines sales and service.
30. Eating establishment; fast food restaurants.
31. Retail nurseries and greenhouses.
32. Sale of major recreational equipment and vehicles.
33. Wayside stands - vegetables and agricultural produce (reference 5.1.19).
34. Wholesale distribution.

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35. Water, sewer, energy and communications distribution facilities.
  36. Public uses (reference 5.1.12).
  37. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
  38. Indoor theaters.
  39. Heating oil sales and distribution (reference 5.1.20).
  40. Temporary industrialized buildings (reference 5.8).
  41. Uses permitted by right pursuant to subsection 22.2.1 of section 22.1, commercial, C-1.
  42. Indoor athletic facilities.
  43. Farmers' market (reference 5.1.47).
  44. Stormwater management facilities shown on an approved final site plan or subdivision plat.
  45. Tier I and Tier II personal wireless service facilities (reference 5.1.40).
  46. Storage yards.
  47. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  48. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  49. Storage/Warehousing/Distribution/Transportation; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  50. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- (§ 20-24.2.1, 12-10-80; 6-3-81; 3-5-86; 11-1-89; 6-19-91; 9-9-92; 5-12-93; 9-15-93; 10-11-95; § 18-24.2.1, Ord. 98-A(1), 8-5-98; Ord.02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 08-18(6), 11-12-08; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 18-18(1), 1-10-18)

**24.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted by special use permit in the HC district:

1. Commercial recreation establishment including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Septic tank sales and related service.
3. Livestock sales.

**CHAPTER 18**

**ZONING**

**SECTION 22**

**COMMERCIAL - C-1**

**Sections:**

- 22.1 INTENT, WHERE PERMITTED**
- 22.2 PERMITTED USES**
- 22.2.1 BY RIGHT**
- 22.2.2 BY SPECIAL USE PERMIT**
- 22.3 ADDITIONAL REQUIREMENTS**

**22.1 INTENT, WHERE PERMITTED**

C-1 districts are hereby created and may hereafter be established by amendment to the zoning map to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. (Amended 9-9-92)

**22.2 PERMITTED USES**

**22.2.1 BY RIGHT**

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

a. The following retail sales and service establishments:

1. Antique, gift, jewelry, notion and craft shops.
2. Clothing, apparel and shoe shops.
3. Department store.
4. Drug store, pharmacy.
5. Florist.
6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
7. Furniture and home appliances (sales and service).
8. Hardware store.
9. Musical instruments.

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10. Newsstands, magazines, pipe and tobacco shops.
  11. Optical goods.
  12. Photographic goods.
  13. Visual and audio appliances.
  14. Sporting goods.
  15. Retail nurseries and greenhouses.
  16. Farmers' markets (reference 5.1.47).
  17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
  19. Drive-through windows (reference 5.1.60). (Added 3-2-16)
- b. The following services and public establishments:
1. Administrative, professional offices.
  2. Barber, beauty shops.
  3. Religious assembly use, cemeteries. (Amended 8-9-17)
  4. Clubs, lodges (reference 5.1.02).
  5. Financial institutions.
  6. Fire and rescue squad stations (reference 5.1.09).
  7. Funeral homes.
  8. Health spas.
  9. Indoor theaters.
  10. Laundries, dry cleaners.
  11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
  12. Libraries, museums.
  13. Nurseries, day care centers (reference 5.1.06).
  14. Eating establishments.

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15. Tailor, seamstress.
16. Automobile service stations (reference 5.1.20).
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6), 10-9-02; Ord. 04-18(2), 10-13-04; Ord. 10-18(4), 5-5-10; Ord. 13-18(2), 4-3-13; Ord. 16-18(2), 3-2-16; Ord. 17-18(4), 8-9-17; Ord. 18-18(1), 1-10-18)

### **22.2.2 BY SPECIAL USE PERMIT**

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)