**COUNTY OF ALBEMARLE**
**PLANNING STAFF REPORT SUMMARY**

| | |
|---|---|
| **Project Name:**<br>ZMA201800014 Birdwood Mansion and Grounds | **Staff:**<br>Tim Padalino, AICP |
| **Planning Commission Public Hearing:**<br>June 4, 2019 | **Board of Supervisors Public Hearing:**<br>July 17, 2019 |
| **Owner**: University of Virginia Foundation | **Applicant**: University of Virginia Foundation |
| **TMP**: 07500000006300<br>**Acreage**: parcel = 544 ac; prop. district = 15.2 ac<br>**Location:** 500 Birdwood Drive, Charlottesville, VA<br>**Magisterial District**: Samuel Miller | **Current Zoning**: Residential R-1<br>**By-right use(s)**: Residential dwellings – 1 unit/acre<br>**Rezone (portion)**: From R-1 to HC<br>**Proffers**: Yes |
| **DA (Development Area):** Neighborhood 6 – Western Urban Neighborhood; in the Southern and Western Urban Neighborhoods Comp Plan Area. | **Comp. Plan Designation: "**Institutional" – schools, libraries, parks, utilities, hospitals, universities, colleges, other developed or undeveloped publicly owned property. |
| **Character of Property:** Birdwood Golf Course; UVA Golf and UVA Tennis facilities; and historic Birdwood Mansion, a 14-acre site listed on the National Register of Historic Places and Virginia Landmarks Register. | **Use of Surrounding Properties:** Boar's Head Resort; residential neighborhoods of Ednam, Ednam Village, Ednam Forest, Bellair, Kenridge, and White Gables; Ragged Mountain Reservoir and Natural Area. |

| | |
|---|---|
| **Proposal:** Rezone an approximately 15.2-acre portion of the 544-acre property from Residential R-1 which allows residential uses (1 dwelling unit/acre) to Highway Commercial (HC), with proffers, to allow for the renovation of the Birdwood Mansion, dependencies, and grounds for use as a special events venue that includes overnight lodging. | **Requested # of Dwelling Units:** 0 (none) |
| **Factors Favorable:**<br>*(see pages 10-12 for details)*<br>1. The proposal is consistent with the Future Land Use recommendations in the Southern and Western Urban Neighborhoods Master Plan.<br>2. The proposal includes proffers to mitigate reasonably anticipated impacts.<br>3. The proposed uses would be subject to an Event Management Plan.<br>4. The proposal creates no notable transportation issues, and the proffers include commitments to conduct future traffic analysis and provide pro rata financial contributions are any necessary transportation improvements.<br>5. The proposal is shaped by historic preservation and context-sensitive design principles, and includes commitments to rehabilitate and reuse the historic site in ways that will not compromise the site's state or national historic listing.<br>6. The proposal has been shaped by an archaeological survey and includes plans for an archaeologist to monitor construction activity in the historic core.<br>7. The proposal has been shaped by a sound study, and the proffers include commitments to limit the maximum sound level output. | **Factors Unfavorable:**<br>*(see pages 10-12 for details)*<br>1. Proposed implementation of new improvements inherently creates some amount of risk to the site's historic integrity.<br>2. The proposed weekend events would introduce a notable amount of sound in general proximity to existing dwellings in a residential zoning district.<br>3. The proffers do not contain any commitments to limit the duration or timing of amplified music during weekend events. |
| **RECOMMENDATION:** Staff recommend approval of ZMA201800014 as presented and as proffered. | |

**STAFF PERSON:** **Tim Padalino, AICP**
**PLANNING COMMISSION:** **June 4, 2019**
**BOARD OF SUPERVISORS:** **July 17, 2019**

**ZMA201800014 Birdwood Mansion and Grounds**

## PETITION:

PROJECT: ZMA201800014 Birdwood Mansion and Grounds
MAGISTERIAL DISTRICT: Samuel Miller
TAX MAP/PARCEL(S): 07500000006300
LOCATION: 500 Birdwood Drive, Charlottesville, VA 22903
PROPOSAL: Rezone a portion of the property from Residential R-1 to Highway Commercial (HC).
PETITION: Rezone an approximately 15.2-acre portion of the 544-acre property from Residential R-1 which allows residential uses (1 dwelling unit/acre) to Highway Commercial (HC), with proffers, to allow for the renovation of the Birdwood Mansion, dependencies, and grounds for use as a special events venue that includes overnight lodging.
OVERLAY DISTRICT(S): ENTRANCE CORRIDOR, AIRPORT IMPACT AREA, and STEEP SLOPES – MANAGED and – PRESERVED.
ENTRANCE CORRIDOR (EC): Yes
PROFFERS: Yes
COMPREHENSIVE PLAN: “Institutional” which allows for schools, libraries, parks, major utilities, hospitals, universities, colleges, ancillary facilities, and undeveloped publicly owned property; and “Parks and Green Systems” which allows for parks, playgrounds, play fields, greenways, trails, paths, recreational facilities and equipment, plazas, outdoor sitting areas, natural areas, and preservation of stream buffers, floodplains, and steep slopes adjacent to rivers and streams. In Neighborhood 6 of the Southern and Western Urban Neighborhoods.

## CHARACTER OF THE AREA:

The Birdwood property, owned by the University of Virginia Foundation (UVAF / Foundation), is a 544-acre parcel which contains the 18-hole Birdwood Golf Course, including a driving range and short game practice area, clubhouse, parking area, and various maintenance and storage structures. The course and associated structures are on the northern portion of the parcel, and the remainder of the parcel is largely the forested foothills of the Ragged Mountains. Birdwood is the home golf course for the University of Virginia (UVA) Men’s and Women’s Golf Teams and is also open to the public, including guests of adjacent Boar’s Head Inn. The golf course is accessed from U.S. 250 (Ivy Road) via Boar’s Head Drive.

A 14-acre portion of the Birdwood property is listed on the National Register of Historic Places as well as the Virginia Landmarks Register. The historic site (which includes Birdwood Mansion, the historic landscape, and several outbuildings) is located on the northern portion of the property and is accessed by a private drive off of Ivy Road called Boar’s Head Drive.

Additionally, Birdwood contains facilities for two UVA varsity sports programs. The UVA Golf Indoor Practice Facility has recently been constructed and opened for use immediately southwest of the Birdwood Mansion historic site; and the proposed UVA Tennis Facility has been approved for a site just south of the Boar’s Head Drive interconnection to the Boar’s Head Resort, and in close proximity to the existing Boar’s Head Sports Club (which is located on the adjoining property).

Neighboring properties are mostly residential. Bellair neighborhood is to the east. To the north across Ivy Road are the neighborhoods of Kenridge and White Gables. To the west of the golf course are the neighborhoods of Ednam, Ednam Village, and Ednam Forest. The Boar’s Head Resort property is also located to the west, and includes the Boar’s Head Sports Club which, like the Birdwood Golf Course, is used for University of Virginia varsity sports. To the south is the Ragged Mountain Reservoir property,

Ragged Mountain Natural Area, and several large wooded parcels. (Att. 1)

The Birdwood property is zoned R-1 Residential. Most adjacent parcels are also zoned residential, with the exceptions of the Boar's Head Sports Club (zoned HC Highway Commercial), the Ednam Business District (zoned CO Commercial Office), and Kenridge and White Gables which are located across U.S. 250 / Ivy Road from Birdwood (zoned CO Commercial Office with approved special use permits for residential uses). (Att. 1)

**PLANNING AND ZONING HISTORY:**

- Birdwood Golf Course was constructed in 1984; as a property zoned R-1 and owned by a state institution, the University of Virginia (UVA) was not required to have a special use permit for a golf course. In 1989 UVA transferred the property to the University of Virginia Foundation (UVAF / Foundation).
- SP199600053 – Special Use Permit approved with conditions for the continued golf course use on property zoned R-1 and to allow the construction of an enclosed golf cart storage facility.
- SUB201500070 – Boundary line adjustment plat to combine Birdwood Pavilion parcels with the Birdwood Golf Course parcel; approved 5/6/2015.
- SP201500019 – Amendment to SP1996-53 to allow for the construction of an indoor golf practice facility to the southeast of the Birdwood Pavilion; approved with four conditions on 9/2/2015. *(Please see Attachment B)*
- SP201700009 – Amendment to SP201500019 to allow for the construction of the UVA Golf Indoor Practice Facility to the southwest of the Birdwood Pavilion; approved with seven conditions on 9/13/2017.
- SP201700023 – Amendment to SP20170009 to allow for the construction and restricted (temporary) use of a new private street (or "connector road") that establishes vehicular interparcel connection with the Boar's Head properties; approved with conditions on 12/13/2017.
- SP201700032 – Amendment to SP201700023 to allow for the permanent unrestricted use of the connector road, the addition of a 6-hole short course to the existing Birdwood Golf Course, and the construction of a facility for UVA Tennis; approved with conditions on 8/1/2018.
- CPA201800006 – Amendments to the Southern and Western Urban Neighborhoods Master Plan (S+W Master Plan) subsection titled "Future Land Use: Other Areas of Importance – 1. Birdwood." This CPA updated the Birdwood-specific section regarding existing land uses as well as recommendations about appropriate future land uses, but the future land use designations were not amended. CPA201800006 was adopted/approved on 3/20/2019. See "Comprehensive Plan" section (pp. 5-6) for more detailed information.

**SPECIFICS OF THE PROPOSAL:**

The University of Virginia Foundation (UVAF / Foundation), applicant and property owner, proposes to rezone an approximately 15-acre portion of the Birdwood property (TMP #75-63) from R1 Residential to HC Highway Commercial, with proffers. The location and boundaries of the proposed district are identified on an exhibit titled "Map Showing Proposed Area for Rezoning," prepared by Brian S. Ray, LS on behalf of Roger W. Ray & Assoc., Inc. (Att. 2)

The purpose of this request is to allow for the use of the Birdwood Mansion and Grounds as an event venue with overnight lodging accommodations. The proposal includes the rehabilitation and reuse of the historic Birdwood Mansion; the rehabilitation, reuse, and repurposing of existing outbuildings and accessory structures; the reuse and improvement of existing infrastructure; and the addition of new infrastructure (such as roads and parking).

The mansion would be used for small and medium events, and larger events would require the use of one or more temporary structures and/or new permanent structures. The Project Narrative Materials (Att. 3) explain that the proposal is to initially use one or more tents or other temporary structures to accommodate larger events, and that "no permanent accessory structures are planned in the initial phase of the project." The proposal does include the right to construct new permanent accessory structures in the future – provided that certain "treatment guidelines" are followed as described on the Concept Plan (Att. 4), and provided that other measures are employed, including consultation with the Virginia Department of Historic Resources and others as described in the Project Narrative Materials (Att. 3).

The Project Narrative Materials (Att. 3), including the Project Proposal dated 4/1/19 and the Comment Response Letter dated 5/10/19, provide detailed descriptions of the proposed uses as well as the considerable efforts being made to ensure the project is planned, designed, implemented, and operated with high sensitivity to historic preservation issues. The following is an overview of proposed event uses:

- Approximately 24 weekend events per year (for wedding and reception activities), with an estimated average of 100-120 attendees; and
- Approximately 96 weekday events per year (such as business-related gatherings), with an estimated average attendance of 25-30 attendees.
- Event operations would be conducted in accordance with an updated Event Management Plan, which establishes protocols for managing event traffic, managing on-site and off-site parking including the use of shuttling as needed, and notifying nearby residents of upcoming events and any associated travel restrictions or other advisory information.
- Event operations would also be subject to proffers that would require all events using amplified sound to use a venue-installed "house" sound system which would have a maximum sound level output of 85 dBA, as measured at fifty (50) feet from the speaker.

As noted above, this proposal includes proffered commitments by the applicant, as described in the "PROFFERS" section of this staff report (p. 9), and as contained in the Draft Proffer Statement (Att. 5).

## APPLICANT'S JUSTIFICATION FOR THE REQUEST:

The Project Narrative Materials (Att. 3) provide a thorough explanation of the proposed rehabilitation and reuse of the Birdwood Mansion and Grounds. These Project Narrative documents also articulate the extensive amount of planning and design expertise being applied to this proposal, with particular consideration being given to the challenges associated with bringing a new era of utility to this historic site without compromising the historic integrity.

## COMMUNITY MEETING:

The Community Meeting for this proposed project was held on December 17, 2018 during the monthly Boar's Head / Birdwood update meeting at the Boar's Head Pavilion. Attendees representing Albemarle County included County Supervisor Liz Palmer and Tim Padalino (Senior Planner). Approximately 20 interested members of the public were in attendance. Mr. Fred Missel provided an overview of the application and project proposal on behalf of UVAF.

The issues and concerns addressed during the meeting included the following:

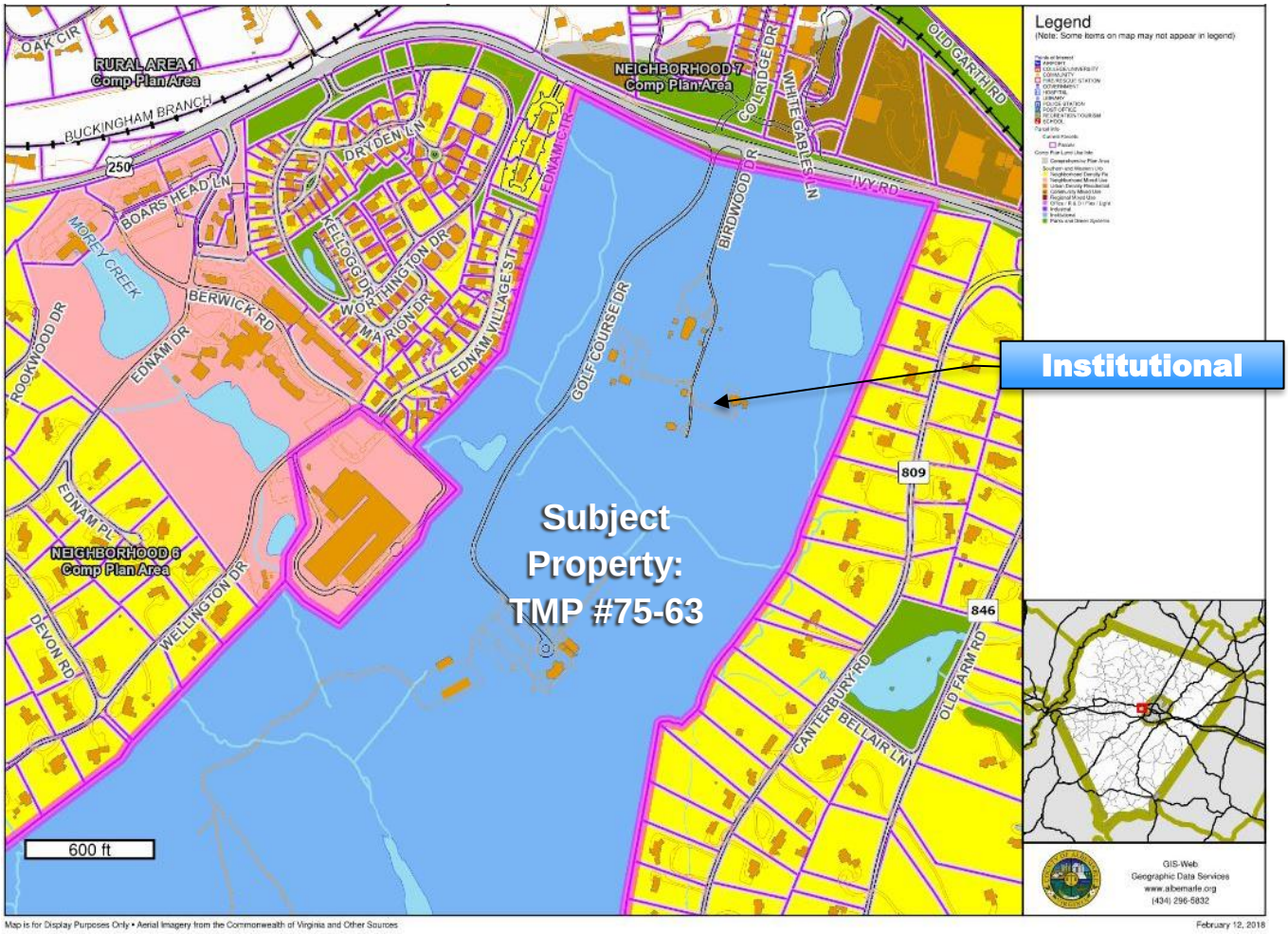
- the potential noise/sound impacts associated with events, and the Foundation's coordination with an acoustic engineer to evaluate potential impacts and develop recommendations for mitigation of any such impacts;
- the Foundation's efforts to preserve a "buffer" of existing landscaping along the edges of Birdwood Golf Course while reconstruction of the course is underway;
- concerns about increased traffic – particularly safety concerns arising from the existing conditions at the Boar's Head Drive intersection with US 250, which was described as "quite a dangerous

scenario," an "accident waiting to happen," and a "situation [that] is scary." Several attendees explained that these concerns are in regard to observed unsafe turning movements, low nighttime visibility due to insufficient roadway lighting levels, and a perceived risk of head-on collisions due to dual left-turn lanes occupying the center lane.

In response to the community meeting discussion, the applicant asserted that the road safety concerns are shared by the Foundation, and that they will continue to work on the issues identified above at VDOT's direction and in conjunction with the County. The applicant also explained that the Foundation is focused on issues relating to sound levels and sound duration, and would continue working with a sound engineer to address these concerns.

## COMPREHENSIVE PLAN:

The property is located on Tax Map Parcel #75-63, which is within Neighborhood 6 Comprehensive Plan Area (Western Urban Neighborhood) within the Development Area. The majority of the Birdwood property, including the site and vicinity involved in this proposal, is designated for "Institutional" uses on the Future Land Use Map in the Southern and Western Urban Neighborhoods Master Plan (S+W Master Plan). The Institutional future land use designation (shown in blue on the Future Land Use map, below) represents areas and uses which serve a public function. Primary uses include "universities" and "ancillary facilities," and also other developed or undeveloped publicly owned property. The Birdwood Mansion and Grounds proposal is consistent with this designation.




*Future Land Use Plan for the Birdwood property, as shown in the Southern and Western Urban Neighborhoods Master Plan (March 20, 2019). This portion of Birdwood is designated for "Institutional" future land uses.*

A Comprehensive Plan Amendment (CPA201800006) was adopted on 3/20/2019 to amend the S+W Master Plan's Future Land Use section relating specifically to the Birdwood property, which has long been identified as an "Other Area of Importance." Birdwood has also long been located in "Area B," which makes the use and development of the property subject to a three-party collaborative planning agreement with the University of Virginia, County of Albemarle, and City of Charlottesville (Planning and Coordination Council/PACC). Accordingly, this recent CPA was preceded by the Birdwood Area B Study, which was subject to review by and consultation with PACC. The Area B Study was itself preceded by the Birdwood Master Plan, which was prepared by UVAF. After the Foundation presented the Birdwood Master Plan to Community Development Department (CDD) staff, CDD staff coordinated with the Foundation on the preparation of the Area B Study. PACC endorsed the Birdwood Area B Study on 9/20/2018.

This Birdwood Mansion and Grounds proposal is consistent with the recent amendments to the S+W Master Plan, which established the following language in the "Future Land Use: Other Areas of Importance – 1. Birdwood" section:

> *"The Birdwood property also includes the historic Birdwood Mansion, which is listed on the National Register of Historic Places and the Virginia Landmarks Register. This 14-acre historic site includes the Birdwood Mansion, several contributing dependencies, and the surrounding historic landscape. In the past, the mansion has provided a venue for small University related events. The historic mansion, the surrounding historic landscape, and important dependencies should be carefully retained in any future development.*
>
> *The PACC-endorsed Birdwood Area B Study includes near-future plans for the Birdwood Mansion, dependencies, and surrounding grounds to be rehabilitated and repurposed for University-related events, other special events associated with the adjoining Boar's Head Resort, and other hospitality and short-term lodging uses. Such planned reuse of the Birdwood Mansion would bring a new era of utility and vitality to this historic site that is currently vacant, provided that it is done in a context-sensitive way that does not compromise the historic integrity of the buildings or landscape, and does not jeopardize it's listing on the state or national register."*

Please note that this "Birdwood Mansion and Grounds" proposal is the only development or land use project contained in the Birdwood Master Plan and in the PACC-endorsed Area B Study that has not already received County zoning approval(s), or which has not been either partially or fully constructed. (Such projects include the Boar's Head Drive permanent connector road, the reconstruction of Birdwood Golf Course and addition of a 6-hole short course, the UVA Golf facility, and the UVA Tennis Facility). Although the approval and implementation of this proposed project would appear to represent a "build out" of the Foundation's current and near-future plans for new uses and new improvements at the Birdwood property, additional future development remains a hypothetical possibility for the long-range future of this 544-acre property in the Development Area. For that reason, CPA201800006 included the following language:

> "*In the long-range future, portions of this large property could potentially serve a more intensive function than it does presently. Possible considerations include, but are not limited to, a mixed-use area near the entrance; additional University-related institutional, athletic, and/or hospitality uses; and/or residential uses for other parts of the property not designated as a part of the Parks and Green Systems. Before Birdwood could be further developed in ways that are not contemplated in this Master Plan or contained in the PACC-endorsed Birdwood Area B Study, an amen an amendment to the Southern and Western Urban Neighborhoods Master Plan would be needed.*"

***The Neighborhood Model:***

Staff has reviewed this proposal against the Neighborhood Model principles and has found no notable deficiencies with any of the applicable principles. A detailed analysis of Neighborhood Model Principles is provided as a separate attachment (Att. 6).

***Relationship between the application and the intent and purposes of the requested zoning district:***

The intentions of the requested Highway Commercial zoning district are contained in Zoning Ordinance (ZO) Section 24.1, and include the following:

> *"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."*

Staff has identified no issues or concerns with this proffered proposal relative to the intent and purposes of the proposed district.

The proposed combination of event uses and overnight lodging uses limited the potential types of requests that could be made by the applicants. CDD staff coordinated closely with the applicants to identify potential permit applications or other potential zoning requests, and to evaluate the advantages and disadvantages of each potential option. Highway Commercial is one of the few zoning districts which can (potentially) accommodate both types of uses.

After extensive pre-application communication, UVAF representatives and CDD staff concluded that a proposal to request a zoning map amendment from R-1 Residential to Highway Commercial for a carefully-defined portion of the overall Birdwood property was the most appropriate available option. This mutual conclusion was largely predicated on the applicant's voluntary suggestion that such a proposal could be proffered in ways that would significantly limit future uses of the property and which would also closely resemble the zoning of the nearby Boar's Head Resort.

***Anticipated impact on public facilities and services:***

Streets:

The Traffic Memo (Att. 7) conducted by VHB, Inc. was reviewed by County staff and VDOT staff; this review lead to no objections or requested revisions to the proposal. The anticipated increases in traffic volume and vehicle trips associated with this proposal are projected to occur primarily outside of "peak hours" – and as a result, no discernible negative impacts to safety or levels of service are anticipated on Boar's Head Drive intersection with US 250 or to other nearby public roads.

However, some amount of uncertainty about the Boar's Head Drive intersection with US 250 exists due the aggregate amount of recent development and redevelopment that has been occurring at both Birdwood and Boar's Head, and also due to the (potential) changes to traffic patterns and volumes following the permanent opening and unrestricted use of the new Boar's Head Drive interparcel connection. Additionally, members of the public have articulated safety concerns arising from the existing conditions at the Boar's Head Drive intersection with US 250, which was described during the community meeting as "quite a dangerous scenario," an "accident waiting to happen," and a "situation [that] is scary." The same members of the public also identified concerns about the potential for these problematic existing conditions to worsen over time due to additional development, uses, and events at Birdwood.

Regarding these uncertainties and concerns, the Foundation has committed to conducting multiple warrant analyses at the Boar's Head Drive intersection with US 250 (first in 2019 and again in 2020) that will analyze future traffic patterns and volumes and determine if any transportation improvements are warranted. The Foundation has also committed to provide a pro rata financial contribution to future transportation improvements (as may be warranted). Specifically, proffer #4 cross-references the existing conditions of approval #8 and #9 for SP201700032 (approved 8/1/2018), which first established the requirement for the Foundation to conduct such warrant analyses in both 2019 and 2020 at both the Boar's Head Drive intersection with US 250 as well as the Ednam Drive intersection with US 250. The Resolution to Approve SP201700032, including the conditions of approval, is provided as an attachment. (Att. 8)

The proposal also includes permanent closure of Birdwood Drive from the intersection with US 250 to a point partway down the historic road where a new access road is proposed to connect Boar's Head Drive to Birdwood Drive. Closure of this unsafe intersection (which is currently a restricted-use entrance that can only be used by residents of dwellings located on Birdwood Drive) in effect provides a positive impact to US 250, a public road, in the sense that a hazardous entrance will no longer be used.

Schools:
The proposal includes no dwelling units and therefore would create no impacts to, and require no services from, Albemarle County Public Schools.

Fire & Rescue:
Albemarle County Fire & Rescue indicated "No Objection" to this proposal (11/28/2018).

Utilities:
This project is in the ACSA water and sewer service jurisdictional area and both services are available. ACSA has not communicated any concerns or objections to the requested zoning map amendment or the proposed uses. RWSA also reviewed the proposal and indicated "No Objection" (11/21/2018).

***Anticipated impact on environmental, cultural and historic resources:***

As articulated in the Project Narrative Materials (Att. 3), UVAF remains committed to stewardship at Birdwood while simultaneously rehabilitating and reusing the historic site. The Project Narrative Materials indicate that the Foundation has an uncompromising commitment to maintaining the historic site's listing on the National Register of Historic Places as well as the Virginia Landmarks Register if this proposed project is approved and implemented. To help achieve this, the Foundation has assembled a highly capable project team comprised of various subject matter experts to inform and shape the proposal, as explained in the Project Narrative Materials (pp. 2-3 of the Project Proposal).

However, the proposed implementation of new improvements, such as the service road and/or potential new permanent new accessory structures, inherently creates some amount of risk to the historic integrity of the Birdwood historic site.

Regarding such potential impacts, the Project Narrative Materials document the applicant's "continued commitment to maintaining the Property's historic listing" while planning, designing, and implementing all aspects of this rehabilitation and reuse project. Such commitments identified by the applicant include future consultation with the Virginia Department of Historic Resources; adherence to "treatment guidelines" for the overall property (as described on the concept plan, and as informed by the Birdwood Historic Landscape Report); collaboration with subject matter experts who have been assembled into the Foundation's project team; and "the Foundation and University's demonstrated commitment to the preservation of its historic resources both on and off Grounds."

Please reference the Landscape Preservation Memo (Att. 9) composed by Mrs. Rachel Lloyd of AECOM, which provides important detailed information about the site analysis, planning, design, and construction

of proposed improvements within the "historic core management zone," an area designated and described on page 5 of the Birdwood Landscape Site Protection and Stewardship Strategies Plan (Att. 10).

Additionally, the development of this proposal included a Phase I Archaeological Survey (Att. 11) conducted by Rivanna Archaeological Services, LLC, (RAS). This document identifies and describes notable findings from the on-site archaeological survey, and also identifies recommended practices for conducting land disturbing activities in historically sensitive ways. The also includes a corresponding Construction Monitoring Plan (Att. 12) which would involve on-site archeological services by RAS during construction activities that are proposed for sites within the historic core.

***Anticipated impact on nearby and surrounding properties:***

The proposed weekend events (approximately 24 weekend events per year) would introduce a notable amount of sound (such as amplified music and other event-related sounds) to a site that has general proximity to existing dwellings within residential zoning districts. The closest residential properties are approximately 850-900 feet away from proposed "temporary event tent" sites A and C. Temporary event tent site B is approximately 650 feet from the nearest residential property, and approximately 800 feet from the nearest dwelling.

Regarding these potential impacts, the Sound Study (Att. 13) conducted by Acentech demonstrates to the satisfaction of CDD staff that the proposed events could be conducted in ways that would meet the applicant's programmatic needs without generating sounds that violate the applicable regulations contained in the Noise Ordinance. Additionally, the applicant has proffered a commitment for the proposed event operations to adhere to the findings and recommendations of the sound study; specifically, the applicant proffers to require all events using amplified sound to use a venue-installed "house" sound system which would have a maximum sound level output of 85 dBA, as measured at a distance of fifty (50) feet from the speaker.

***Public need and justification for the change:***

The Birdwood Mansion is a unique architectural treasure and a special historic landscape which contributes to the heritage, character, and sense of place of this portion of Albemarle County. Because of the local, state, and national significance of this historic site, and because disuse of historic properties often leads to damage to (or loss of) historic resources, the proposed rehabilitation and reuse of the Birdwood Mansion and Grounds would create a unique public benefit. Without approval of this request, the proposed uses would not be possible – a scenario which would limit the Foundation's ability to properly and fully conduct the proposed rehabilitation.

**PROFFERS:**

Proffers are contained in the Draft Proffer Statement (Att. 5) and are summarized below. *Staff comments* are provided in *italics* following a brief description of each proffer.

- **Proffer 1. Concept Plan:** This proffer is a commitment to develop the subject property in general accord with the "Rezoning Conceptual Plan" dated 5/10/2019.

  *Staff have worked closely with the applicants to identify and discuss initial concerns related to previous versions of the Concept Plan. The applicants have addressed those concerns through multiple revisions, including the detailed note about "treatment guidelines" that must be utilized if UVAF decides in the future that a new permanent accessory structure would be necessary to meet their programmatic needs.*

- **Proffer 2. Permitted Uses:** This proffer substantially restricts the potential permissible uses within the proposed district. This proposal would result in a proffered HC zoning district that is very similar to the proffered HC district established for the Boar's Head Sports Club.

*Staff has worked closely with the applicants to identify and discuss initial concerns with a small number of uses that were not initially proffered away. However, the applicants have refined their proffer commitment, and staff has no objections to or concerns with the uses that the applicant proposes to retain as permissible.*

- **Proffer 3. Event Management Plan:** This proffer is a commitment to update the previously-approved Event Management Plan to the satisfaction and approval of the Zoning Administrator prior to issuance of a Certificate of Occupancy for Birdwood Mansion and Grounds.

  *Staff has no objection to the Event Management Plan being finalized at a future date, closer to the issuance of a Certificate of Occupancy, as this will allow the applicants to modify the Event Management Plan in response to programmatic and operational details that have not yet been finalized.*

- **Proffer 4. Transportation Analysis and Improvements:** This proffer is a commitment to conduct warrant analyses in 2019 and again in 2020 at both the Boar's Head Drive intersection with US 250 as well as the Ednam Drive intersection with US 250.This proffer also includes a commitment to provide a pro rata financial contribution for any future transportation improvements that are determined to be necessary, based on the results of future warrant analyses.

  *Staff acknowledges these important commitments, which directly correlate with the previously-established SP201700032 conditions of approval #8 and #9 (Att. 8), as described in the "Anticipated impact on public facilities and services – Streets" section of this staff report.*

- **Proffer 5. Shared Parking Agreement:** This proffer is a commitment to obtain Zoning Administrator approval of a shared parking agreement with Boar's Head Resort.

  *Staff acknowledges UVAF's experience utilizing multiple parking areas at different locations on the Birdwood and Boar's Head Resort properties to manage parking demands during events (and occasionally during multiple events occurring simultaneously).*

- **Proffer 6. Maximum Sound Level:** This proffer is a commitment to install a "house" sound system that must be used for all events involving amplified music, and which must be limited to a maximum sound level output of 85 dBA, as measured at a distance of fifty (50) feet from the speaker.

  *Staff acknowledges the importance of this issue, as described in the "Anticipated impact on nearby and surrounding properties" section of this staff report (p. 9). Staff also affirms the value of this commitment to a maximum sound level output. The required use of an event-installed sound system will help ensure compliance with this commitment.*

  *However, staff believes reasonably anticipated impacts stemming from event operations could be further mitigated if this maximum sound level output commitment was combined with a commitment to restrict the hours of operation or restrict the use of amplified music to a specified time, to ensure that sounds from events would discontinue at or before a certain time of night.*

**SUMMARY:**

Staff has identified the following factors which are favorable to this request:

1. The proposal is consistent with the Future Land Use designations and recommendations in the Southern and Western Urban Neighborhoods Master Plan, which states the following:

   *"The PACC-endorsed Birdwood Area B Study includes near-future plans for the Birdwood Mansion, dependencies, and surrounding grounds to be rehabilitated and repurposed for University-related events, other special events associated with the adjoining Boar's Head Resort, and other hospitality and short-term lodging uses. Such planned reuse of the Birdwood Mansion would bring a new era of utility and vitality to this historic site that is*

*currently vacant, provided that it is done in a context-sensitive way that does not compromise the historic integrity of the buildings or landscape, and does not jeopardize it's listing on the state or national register."*

2. The proposal includes a Proffer Statement that includes proffers to develop the property in general accord with the Concept Plan, to limit the permissible uses in the proposed HC district, and to commit to several other measures (as described below in relation to varying project-specific issues) that would help mitigate reasonably anticipated impacts generated by the proposed uses.
3. The proposed uses would be conducted in accordance with the Event Management Plan, which establishes protocols for managing event traffic, for providing on-site and off-site parking and shuttling, and for notifying nearby residents of upcoming events and any associated travel restrictions or other advisory information. The Proffer Statement provides a commitment to update the (Current) Event Management Plan (Att. 14) (established with the approval of SP201700032 on 8/1/2018) prior to issuance of a Certificate of Occupancy for the Birdwood Mansion and Grounds.
4. The Traffic Memo prepared by VHB, Inc. indicates that the estimated vehicle trips expected to be generated by this proposal would generally occur outside of peak hour traffic patterns, and therefore are not expected by VDOT or CDD Transportation Planners to create any notable impacts. The Proffer Statement reconfirms the applicant's commitment to conduct future turn lane warrant analyses at the Boar's Head Drive intersection with US 250 (as required by Special Use Permit 201700032 condition of approval #8), which would identify any potential issues regarding the safety and level of service of that intersection – including any corresponding infrastructure improvements which might potentially be necessary.
5. The proposal, as shown and annotated on the Concept Plan and as described in the Project Narrative materials, is strongly shaped by principles of historic preservation and context-sensitive design. This includes the rehabilitation and reuse of existing historic structures and infrastructure, as well as the careful planning and design of a relatively small number of proposed new improvements. The proposal also includes assurances that the proposed rehabilitation and reuse would occur in ways that maintain the historic integrity of the Birdwood Mansion and historic landscape. Such commitments identified by the applicant include future consultation with the Virginia Department of Historic Resources; adherence to "treatment guidelines" for the overall property (as described on the concept plan, and as informed by the Birdwood Historic Landscape Report); collaboration with subject matter experts who have been assembled into the Foundation's project team; and continuation of "the Foundation and University's demonstrated commitment to the preservation of its historic resources both on and off Grounds."
6. The development of this proposal included a Phase I Archaeological Survey conducted by Rivanna Archaeological Services, LLC, which identifies and describes notable findings from the on-site archaeological survey, and which identifies recommended practices for conducting land disturbing activities in historically sensitive ways as specified in the corresponding Construction Monitoring Plan.
7. The development of this proposal included a Sound Study conducted by Acentech which included on-site testing as well as the development of a sound propagation model. The Sound Study concluded that each of the three sites evaluated for suitability as an outdoor event space (marked as A, B, and C on the Concept Plan) "are predicted to meet the county's noise ordinance and be below 60dBa at the property line." The Proffer Statement provides a commitment that all events involving amplified music shall be required to use a venue-installed "house" sound system which would have a maximum sound level output of 85 dBA, as measured at fifty (50) feet from the speakers.

Staff has identified the following factors which are unfavorable to this request:

1. The proposed implementation of new improvements, such as the service road and/or potential new permanent new accessory structures, inherently creates some amount of risk to the historic integrity of the Birdwood historic site.

   However, the application materials document the applicant's "continued commitment to maintaining the Property's historic listing" while planning, designing, and implementing all aspects of this rehabilitation and reuse project. Such commitments identified by the applicant include future consultation with the Virginia Department of Historic Resources; adherence to "treatment guidelines" for the overall property (as described on the concept plan, and as informed by the Birdwood Historic Landscape Report); collaboration with subject matter experts who have been assembled into the Foundation's project team; and "the Foundation and University's demonstrated commitment to the preservation of its historic resources both on and off Grounds." The proposal also includes a Construction Monitoring Plan which would involve on-site archeological services by Rivanna Archaeological Services, LLC during construction activities that are proposed within the historic core.

2. The proposed weekend events (approximately 24 weekend events per year) would introduce a notable amount of sound (such as amplified music and other event-related sounds) to a site that has general proximity to existing dwellings within residential zoning districts.

   However, the Sound Study demonstrates to the satisfaction of CDD staff that the proposed events could be conducted in ways that would meet the applicant's programmatic needs without generating sounds that violate the applicable regulations contained in the Noise Ordinance. Additionally, the applicant has proffered a commitment for the proposed event operations to adhere to the findings and recommendations of the sound study; specifically, the applicant proffers to require all events using amplified sound to use a venue-installed "house" sound system which would have a maximum sound level output of 85 dBA, as measured at fifty (50) feet from the speaker.

~~1.~~3. Proffer #6 (involving commitments to mitigate reasonably anticipated impacts from amplified music) do not include any commitments to restrict the hours of operation or restrict the use of amplified music to a specified time, which could ensure that sounds from events would discontinue at or before a certain time of night.

## RECOMMENDATION – ZMA201800014:

In consideration of staff evaluation and analysis of this proposal relative to the factors contained in Zoning Ordinance Section 33.27.B, and based on the favorable factors substantially outweighing the unfavorable factors, **staff recommends approval of ZMA201800014 "Birdwood Mansions and Grounds"** provided that a finalized and signed/notarized proffer statement is submitted prior to advertisement of a legal notice of a Board of Supervisors public hearing (or no later than Monday, July 1, 2019).

## PLANNING COMMISSION POSSIBLE MOTIONS – ZMA201800014:

A. *If the ZMA is recommended for approval*: Move to recommend approval of ZMA201800014 "Birdwood Mansions and Grounds."

B. *If the ZMA is recommended for denial*: Move to recommend denial of ZMA201800014 "Birdwood Mansions and Grounds."

## SPECIAL EXCEPTION REQUESTS:

The applicant has requested four Special Exceptions (SE) as identified and described in the Special Exhibit Application document. (Att. 15).

Specifically, the Special Exception Application contains one requested modification and three requested waivers, all of which relate to setback requirements, buffer zone requirements, and screening requirements. Such requirements would automatically take effect if this ZMA proposal is approved because the requested Highway Commercial zoning district would adjoin a R-1 Residential zoning district. However, in this scenario, both districts would be located on the same Tax Map Parcel, and would be under common ownership (UVAF).

The following (below) is a summary of the requested Special Exceptions; please refer to Attachment 15 for a complete description. Please also reference the "Exhibit Showing HC Setback Requirements" (Att. 16), which shows the various requirements and regulations that would be in effect absent any waivers or modifications being granted.

(Note: the first paragraph of the Special Exhibit Application contains outdated references to the acreage of the proposed district and to the dates of certain documents; those details correspond to earlier submittal materials which have since been replaces with revised resubmittal materials.)

1. Modify (reduce) the minimum side and rear setback from fifty (50) feet to zero (0) feet;
2. Waive (eliminate) the regulation that prohibits off-street parking within the side and rear setback areas;
3. Waive (eliminate) the regulation that prohibits any construction activity, grading, or clearing of vegetation within a buffer zone extending twenty (20) feet from an adjoining residential district; and
4. Waive (eliminate) the regulation that requires screening within the buffer zone

When evaluating these requested Special Exceptions, staff recognizes the importance of the intent of the Zoning Ordinance requirements and regulations; but staff concurs with the applicant that such requirements and regulations are not essential in this particular scenario.

This concurrence is primarily based on the existing residential district and the proposed commercial district being under common ownership, and also on the fact that the existing residential district contains the Birdwood Golf Course and does not contain residential dwellings. Additionally, strict application of the setback, buffer zone, and screening requirements and regulations would limit the ability of the property owner to plan, design, and construct the proposed uses and improvements in ways that maximize historic preservation and context-sensitive design.

In consideration of these site-specific factors, the increased spatial and programmatic flexibility that would be provided through approval of these requested Special Exceptions is more of a priority than the strict application of setback, buffer zone, and screening requirements between two districts proposed to be located on one parcel under common ownership. The flexibility would allow the rehabilitation and reuse of the historic site to occur in the most sensitive ways possible, which is an important way to allow for "an improved site design" to be achieved without compromising public health, safety, or welfare.

## RECOMMENDED ACTION:

**Staff recommends approval of the requested Special Exceptions,** as identified in the Special Exception Application document (dated 10/29/2018, and provided as Attachment 15).

## POSSIBLE PLANNING COMMISSION MOTIONS – SPECIAL EXCEPTION REQUEST:

In accordance with ZO Sections 33.47.B and 33.48.B, the Commission may include in its recommendations for ZMA and/or SP applications containing special exceptions a recommendation on the

special exceptions and any recommended conditions.

A. Should the Planning Commission choose to recommend approval of the requested special exceptions: I move to recommend approval of the requested special exceptions for the reasons outlined in the staff report.

B. Should the Planning Commission choose to recommend denial of the requested special exceptions: I move to recommend denial of the requested special exceptions (state reasons for recommending denial).

**ATTACHMENTS:**

1 – Location Maps
2 – Survey of Proposed HC District (3/21/19)
3 – Project Narrative Materials *(Project Proposal – 4/1/19 and Comment Response Letter – 5/10/19)*
4 – Concept Plan *(5/10/19)*
5 – Draft Proffer Statement *(5/10/19)*
6 – Staff Analysis of Neighborhood Model Principles
7 – Traffic Memo (10/26/18)
8 – SP201700032 Resolution and Conditions of Approval (8/1/2018)
9 – Landscape Preservation Memo (5/10/19)
10 – Birdwood Landscape Site Protection and Stewardship Strategies Plan (2015)
11 – Phase 1 Archaeological Survey (3/20/19)
12 – Construction Monitoring Plan (5/9/19)
13 – Sound Study (3/28/19)
14 – (Current) Event Management Plan (4/30/2018)
15 – Special Exception Application (10/29/18)
16 – Special Exception Exhibit Setback Requirements as Required by Ordinance (3/21/19)