

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

☒ Request for a waiver, modification, variation or substitution permitted by Chapter 18 = \$457

☐ Variation to a previously approved Planned Development rezoning application plan or Code of Development = \$457

OR

☐ Relief from a condition of approval = \$457

Provide the following

☒ 3 copies of a written request specifying the section or sections being requested to be waived, modified, varied or substituted, and any other exhibit documents stating the reasons for the request and addressing the applicable findings of the section authorized to be waived, modified, varied or substituted.

Provide the following

- ☐ 3 copies of the existing approved plan illustrating the area where the change is requested or the applicable section(s) or the Code of Development. Provide a graphic representation of the requested change.
- ☐ 1 copy of a written request specifying the provision of the plan, code or standard for which the variation is sought, and state the reason for the requested variation.

Project Name and Assigned Application Number (SDP, SP or ZMA):

SUB201700203 - University of Virginia Foundation Temporary Golf Course Connector Road

Tax map and parcel(s): 07500-00-00-06300 and

05902-01-00-01500

Contact Person Valerie Long, Williams Mullen (agent for Owner)

Address 321 E. Main St., Suite 400 City Charlottesville State VA Zip 22902

Daytime Phone# () 951-5709 Fax# () Email vlong@williamsmullen.com

Owner of Record University of Virginia Foundation and University of Virginia Host Properties Inc.

Address P.O. Box 400218 City Charlottesville State VA Zip 22904

Daytime Phone# () 982-3777 Fax# () Email cschooley@uvafoundation.com

Applicant (Who is the Contact Person representing?) UVA Foundation, c/o Chris Schooley

COUNTY OF ALBEMARLE

APPLICATION FOR A SPECIAL EXCEPTION

Owner/Applicant Must Read and Sign

Each owner-initiated application for a zoning map amendment shall be signed by the owner of each parcel that is the subject of the proposed zoning map amendment, provided that:

a. An owner whose parcel is subject to proffers may apply to amend the proffers applicable solely to the owner's parcel, provided that written notice of the application is provided to the owners of other parcels subject to the same proffers under Virginia Code §§ 15.2-2204(H) and 15.2-2302. However, the signatures of the owners of the other parcels subject to the same proffers shall not be required.

b. An owner within an existing planned development may apply for a zoning map amendment, and the signatures of any other owners within the planned development is required only if the amendment could result in or require:

- (i) a change in use, density or intensity on that parcel;
- (ii) a change to any regulation in a code of development that would apply to that parcel;
- (iii) a change to an owner's express obligation under a regulation in a code of development; or
- (iv) a change to the application plan that would apply to that parcel.

The applicant must submit documentation establishing ownership of any parcel and the authority of the signatory to sign the application on behalf of the owner.

SEE PAGE 3 FOR SIGNATURES

COUNTY OF ALBEMARLE**APPLICATION FOR A SPECIAL EXCEPTION****Owner/Applicant Must Read and Sign**

The foregoing information is complete and correct to the best of my knowledge.

By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.

Valerie W. Long

Signature of Owner, Contract Purchaser, Agent

3-5-18

Date

Valerie W. Long

Print Name

951-5709

Daytime phone number of Signatory

***If multiple property owners are required to sign the application per Section 33.2 b (1b) then make copies of this page and provide a copy to each owner to sign. Then submit each original signed page for the Special Exception Application. N/A

Tax Map & Parcel Number : _____

Owner Name of above Parcel: _____

FOR OFFICE USE ONLY SDP, SP or ZMA # _____ Fee Amount \$ _____ Date Paid _____

By who? _____ Receipt # _____ Ck# _____ By _____

WILLIAMS MULLEN

Direct Dial: 434.951.5709
vlong@williamsmullen.com

March 5, 2018

by email: tpadalino@albemarle.org

Tim Padalino, AICP
Senior Planner
Community Development Department
County of Albemarle, Virginia
401 McIntire Road
Charlottesville, VA 22902

RE: UVa Foundation, Birdwood Connector Road - Special Exception Application

Mr. Padalino:

On behalf of our client, the University of Virginia Foundation (the "Foundation"), we would like to request relief from Section 21.7(c) of the Zoning Ordinance in the form of a special exception, which would allow grading within twenty (20) feet of the adjoining R-4 Residential district (Ednam Village) and R-1 Residential district (Birdwood) in order to construct the proposed Birdwood Connector Road (the "Connector Road"), as shown on the attached Roadway Plans (Sheets C4.01 and C4.02, the "Roadway Plans") and Grading Plans (Sheets C7.01 and C7.02, the "Grading Plans"), which are related to SUB201700203, currently under review by the County.

The Connector Road is to be located on Albemarle County Tax Map Parcels 07500-00-00-06300 and 059D2-01-00-01500 (the "Property"). In addition, minimal construction activity is proposed in areas along the existing roads that the Connector Road will bridge. Such proposed minimal construction activity includes the installation of sidewalks, street lamps, and planting of vegetation (together with construction of the Connector Road, the "Construction Activity"). Further details of the Construction Activity are shown on the Roadway Plans and Grading Plans.

Temporary use of and the initiation of construction of the Connector Road was requested by the Foundation in an application for a special use permit amendment, known as SP-2017-23 (the "Temporary SUP"). The Board of Supervisors approved the Temporary SUP on December 13, 2017. Subsequently, the Foundation requested the permanent use of the Connector Road in a combined application for another special use permit amendment and a rezoning of the applicable properties; such applications are known as SP-2017-32 and ZMA-2017-10, respectively (together, the "Permanent SUP"). The County staff comment letter for the Permanent SUP noted that to construct the Connector Road and proceed with the Construction Activity, the Foundation must request a special exception application and obtain relief from Section 21.7(c) of the Zoning Ordinance.

Section 21.7(c) of the Zoning Ordinance provides that, "no construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district." Exhibit "A," enclosed with this letter, depicts the applicable parcels and their zoning designations overlaid upon the design of the Connector Road and the proposed

Construction Activity (the "Exhibit"). The Exhibit shows that the Construction Activity will take place within twenty (20) feet of an R-4 Residential District (Ednam Village, shown in yellow on the Exhibit) and an R-1 Residential District (the Birdwood Golf Course property, shown in green on the Exhibit).

Section 21.7(c) of the Zoning Ordinance provides for relief from the above restrictions if certain criteria are met. The language of Section 21.7(c) is as follows:

"The board of supervisors may waive by special exception the prohibition of construction activity, grading or the clearing of vegetation in the buffer in a particular case upon consideration of whether: (i) the developer or subdivider demonstrates that grading or clearing is necessary or would result in an improved site design; (ii) minimum screening requirements will be satisfied; and (iii) existing landscaping in excess of minimum requirements is substantially restored."

Applying the special exception criteria to this request:

(i) Grading or clearing is necessary or would result in an improved site design:

The Connector Road would connect Golf Course Drive to Berwick Road, shown as Point A and Point B on Figure 1 on the next page. The Construction Activity must take place within areas close to residential districts due to the already established location of Berwick Road along the property line of Ednam Village and the Boar's Head and Birdwood properties. As shown on the Exhibit, grading and pipe replacement along the already established and existing Berwick Road will help to improve stormwater management facilities on the Property. The Foundation also proposes to install a brick sidewalk, street lamps and planting of new vegetation. These minor infrastructure improvements are necessary to construct the Connector Road and such improvements necessarily must be located where the existing roadway is already established. It would not be possible to build the Connector Road if the Construction Activity were forced to be pushed back 20 feet from the residential district boundaries.

In addition, not only is the Construction Activity necessary, but also, would result in an improved site design. The Connector Road will provide for inter-parcel connections, better traffic flow, and a reduction in the number of vehicular trips on Route 250. The Connector Road serves to unify Birdwood and Boar's Head into a single, immersive experience for visitors, members and guests of the various facilities on site. The enhancement of traffic flow will also be beneficial in emergency situations. Emergency vehicles and trucks will be able to use the Connector Road as an alternative access way to both the Property and the surrounding neighborhoods, such as Ednam, Ednam Village, and Ednam Forest. Currently, such neighborhoods have only one entrance/exit from Route 250, through Ednam Drive. Creating a second access point and a better network of interconnected streets and pedestrian paths will allow for traffic to dissipate more quickly during peak hours and special events. The connection will also keep certain resort and neighborhood traffic internal to the site rather than accessing the golf course through Route 250. By keeping certain traffic internal, the Connector Road will result in a *reduction* in the number of trips on Route 250.

For all these reasons, the Connector Road and related Construction Activity is necessary and would result in an improved site design.



Figure 1

(ii) Minimum screening requirements will be satisfied;

The Connector Road has been carefully designed to maximize functionality, satisfying a critical need for enhanced traffic flow, while also minimize any adverse impacts on the surrounding areas. We believe the *specific* and more comprehensive screening requirements referenced by Section 21.7(c), which details the recommended screening types, sizes and depths, are not applicable, due to the unique circumstances related to the Construction Activity.

Section 21.7(c) states, "Screening shall be provided as required in Section 32.7.9."

Section 32.7.9 states that the minimum screening standards shall be required in only five instances. We believe that the five instances in which the minimum screening standards would apply are not applicable to the circumstances of the Construction Activity related to the Connector Road and therefore the Construction Activity should not be subject to the minimum screening requirements of Section 32.7.9.

The following language details the first instance in which the screening requirements of Section 32.7.9 are required. In this instance, the requirements can be waived based on the discretion of County staff.

*Commercial and industrial uses. Commercial and industrial uses shall be screened from the adjacent **rural areas zoning district**. Commercial and industrial uses shall be screened from **residential uses** when deemed necessary by the agent upon considering the proximity of the commercial or industrial use to the residential use, the*

nature of the commercial or industrial use, whether the uses are in single-use or mixed use developments, and other considerations he determines to be relevant under sound zoning principles.

The commercial use in this instance would be the incidental benefit of the Connector Road to the adjacent Boar's Head Inn & Sports Club and related facilities, including, the Birdwood Golf Course. The Connector Road is not adjacent to a *rural areas zoning district*. While it is adjacent to *residential uses*, we believe the screening requirements of Section 32.7.9 should be deemed unnecessary due to the proximity of the Connector Road to such residential uses and the nature and context of the use, given the existing conditions of the Property and surrounding parcels.

As stated earlier, the Exhibit shows that the Construction Activity will take place within twenty (20) feet of an R-4 Residential District (Ednam Village, shown in yellow on the Exhibit) and an R-1 Residential District (the Birdwood Golf Course property, shown in green on the Exhibit). The Construction Activity is adequately screened from the Ednam Village residential district due to the existing landscaping and fencing along the property lines of nearby residences, as shown in Figure 2 below.



Figure 2

In addition to buffering from the Ednam Village residential district, pursuant to Section 21.7(c), a buffer is required from the R-1 Residential (Birdwood) property as well. This property is owned by the Foundation in combination with the Boar's Head parcel, zoned Highway Commercial.

March 5, 2018
Page 5

Construction of the Connector Road will take place through these two parcels. Since one of these two parcels is zoned R-1 Residential (Birdwood), a 20-foot buffer between the two jointly owned parcels is technically required by the Zoning Ordinance. However, because the Construction Activity will serve to benefit the R-1 Residential (Birdwood) parcel, the screening requirements are not feasible, nor necessary.

Importantly, the purposes and intent of the screening requirements of Section 32.7.9 stated in Section 32.7.9.1 are still satisfied. For instance, as stated earlier, public safety and traffic safety is enhanced by the second access point provided by the Connector Road. In addition, much of the view of the nearby residences is already screened by existing fencing and landscaping.

Because the *specific* minimum requirements of Section 32.7.9 are inapplicable, and because Section 21.7(c) states that screening shall be provided as *required* in Section 32.7.9, minimum screening should be considered satisfied for purposes of determining whether relief under Section 21.7(c) is appropriate.

(iii) Existing landscaping in excess of minimum requirements is substantially restored.

Even though the screening requirements are not necessary, as stated above, the Foundation still recognized the benefits that additional landscaping may provide both the nearby residences and the aesthetics of the Birdwood Golf Course. The Foundation worked with the surrounding neighborhood to ensure the protection and preservation of the appearance, character and value of the Property's neighboring lands by collaborating on desired screening on the residential properties and portions along the Connector Road. The proposed additional landscaping is shown on the Exhibit.

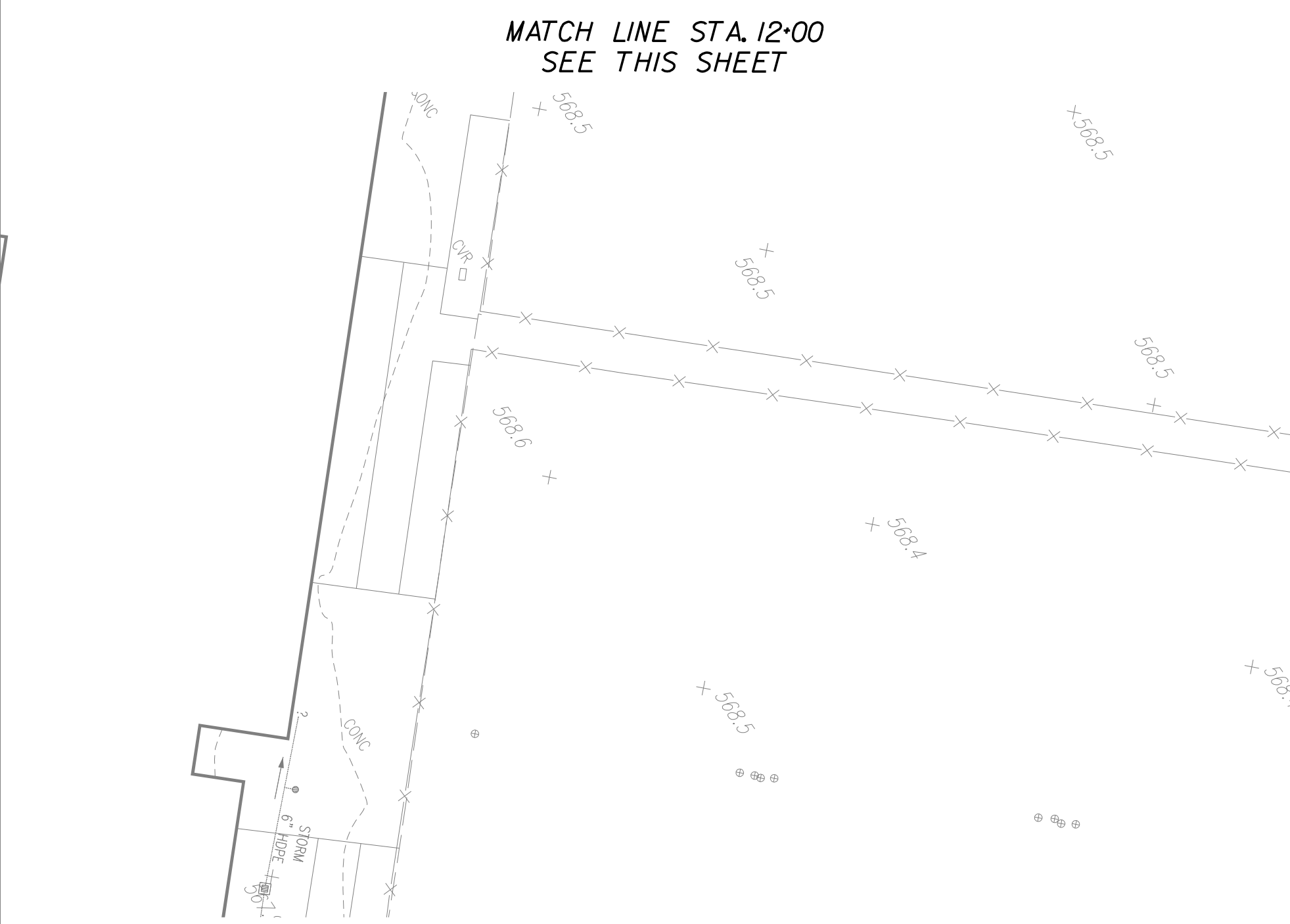
In sum, the Connector Road, which must be constructed in its currently proposed location due to the extension from the existing roadway, has been carefully designed to maximize functionality, satisfying a critical need for enhanced traffic flow, while also minimize any adverse impacts on the surrounding areas by proposing adequate screening and landscaping, satisfying the purposes of Section 20.7(c) and Section 32.7.9.1, which are to promote the public health, safety, and welfare; promote traffic safety by controlling views and defining circulation patterns; and protect and preserve the appearance, character and value of the site's neighboring lands. For all these reasons, the criteria of Section 21.7(c) that allows for relief from the required buffer from residential districts has been satisfied and therefore the related special exception request should be granted and the Construction Activity allowed to proceed.

We appreciate your time and efforts in considering our request. Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,

Valerie W. Long

Curve Name	PC Station	PT Station	PI Station	Tangent (ft)	Radius (ft)	Length (ft)	Degree of Curvature	Delta
PR_CONNECTOR1	11+00.00	13+79.45	12+40.31	140.31	1250.00	279.45	04° 35' 01.18"	12° 48' 33.11" (RT)
PR_CONNECTOR2	16+12.43	18+10.88	17+13.37	100.94	440.00	198.45	13° 01' 18.37"	25° 50' 32.27" (LT)



LEGEND

Denotes Prop. Full Depth Pavement

Denotes Mill & Overlay Existing Pavement

Denotes Brick Paver Sidewalk



1	12+07.37	19.35' RT
2	12+22.49	14.20' RT
3	13+52.09	12.90' RT
4	13+61.67	17.80' RT
5	14+01.90	20.21' RT
6	14+08.58	15.50' RT
7	14+25.16	10.00' RT
8	14+15.78	10.87' LT
9	14+28.04	10.00' LT
10	15+43.69	10.00' LT

* BUFFER STRIP VARIES. MAINTAIN 1.5' MINIMUM

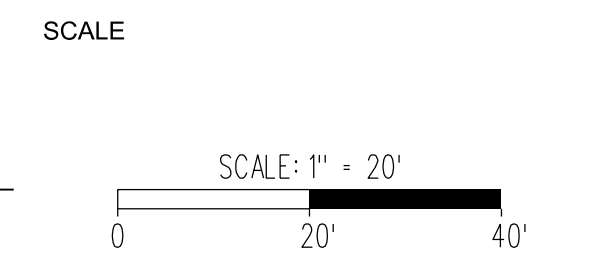
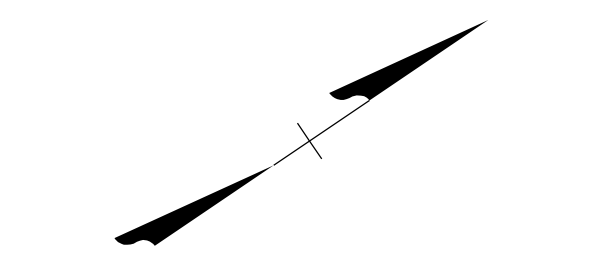
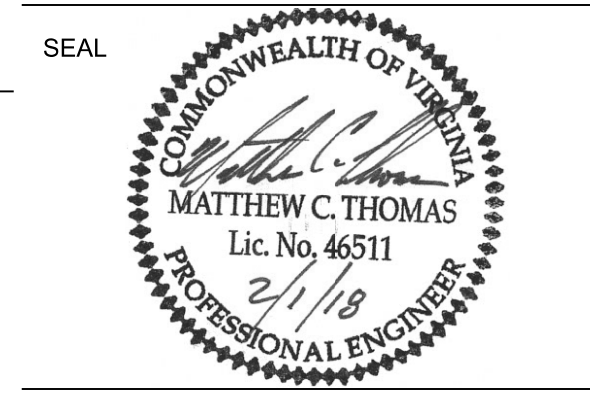
MATCH LINE STA. 12+00
SEE THIS SHEET

MATCH LINE STA. 16+25
SEE SHEET C4.02



Dewberry Engineers Inc.
4805 LAKE BROOK DRIVE
SUITE 200
GLEN ALLEN, VA 23060
804.290.7957 (PHONE)
804.290.7928 (FAX)

TEMPORARY
GOLF COURSE
CONNECTOR ROAD
FROM GOLF COURSE DR
TO BERWICK ROAD
100% CONSTRUCTION
DOCUMENTS



No.	DATE	BY	Description

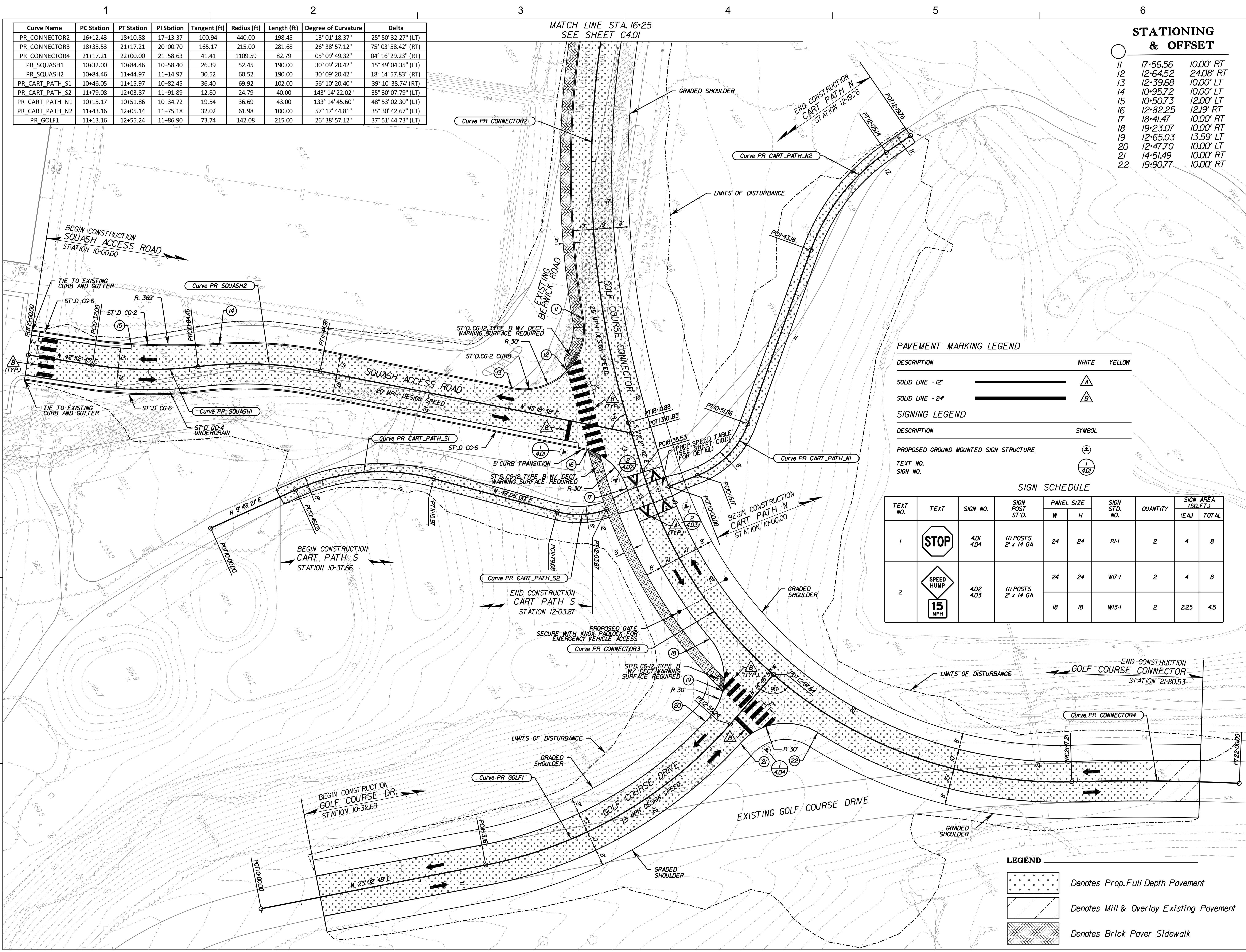
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APPROVED BY: DMK
CHECKED BY: MCT
DATE: FEBRUARY 2018
TITLE:

ROADWAY PLAN
STA. 10+00 TO
STA. 16+25

PROJECT NO. 50097555

C4.01

SHEET NO. OF



E
D
C
B
A

Curve Name	PC Station	PT Station	PI Station	Tangent (ft)	Radius (ft)	Length (ft)	Degree of Curvature	Delta
PR_CONNECTOR2	16+12.43	18+10.88	17+13.37	100.94	440.00	198.45	13° 01' 18.37"	25° 50' 32.27" (LT)
PR_CONNECTOR3	18+35.53	21+17.21	20+00.70	165.17	215.00	281.68	26° 38' 57.12"	75° 03' 58.42" (RT)
PR_CONNECTOR4	21+17.21	22+00.00	21+58.63	41.41	1109.59	82.79	05° 09' 49.32"	04° 16' 29.23" (RT)
PR_SQUASH1	10+32.00	10+84.46	10+58.40	26.39	52.45	190.00	30° 09' 20.42"	15° 49' 04.35" (LT)
PR_SQUASH2	10+84.46	11+44.97	11+14.97	30.52	60.52	190.00	30° 09' 20.42"	18° 14' 57.83" (RT)
PR_CART_PATH_S1	10+46.05	11+15.97	10+82.45	36.40	69.92	102.00	56° 10' 20.40"	39° 10' 38.74" (RT)
PR_CART_PATH_S2	11+79.08	12+03.87	11+91.89	12.80	24.79	40.00	143° 14' 22.02"	35° 30' 07.79" (LT)
PR_CART_PATH_N1	10+15.17	10+51.86	10+34.72	19.54	36.69	43.00	133° 14' 45.60"	48° 53' 02.30" (LT)
PR_CART_PATH_N2	11+43.16	12+05.14	11+75.18	32.02	61.98	100.00	57° 17' 44.81"	35° 30' 42.67" (LT)
PR_GOLF1	11+13.16	12+55.24	11+86.90	73.74	142.08	215.00	26° 38' 57.12"	37° 51' 44.73" (LT)

STATIONING & OFFSET		
11	17+56.56	10.00' RT
12	12+64.52	24.08' RT
13	12+39.68	10.00' LT
14	10+95.72	10.00' LT
15	10+50.73	12.00' LT
16	12+82.25	12.19' RT
17	18+41.47	10.00' RT
18	19+23.07	10.00' RT
19	12+65.03	13.59' RT
20	12+47.70	10.00' LT
21	14+51.49	10.00' RT
22	19+90.77	10.00' RT

PAVEMENT MARKING LEGEND		
DESCRIPTION	WHITE	YELLOW
SOLID LINE - 12"		
SOLID LINE - 24"		

SIGNING LEGEND	
DESCRIPTION	SYMBOL
PROPOSED GROUND MOUNTED SIGN STRUCTURE	
TEXT NO.	
SIGN NO.	

SIGN SCHEDULE									
TEXT NO.	TEXT	SIGN NO.	SIGN POST ST'D.	PANEL SIZE		SIGN STD. NO.	QUANTITY	SIGN AREA [SQ.FT.]	
				W	H			EA	TOTAL
1		401 404	(1) POSTS 2' x 14 GA	24	24	RH-1	2	4	8
2		402 403	(1) POSTS 2' x 14 GA	24	24	W17-1	2	4	8
				18	18	W13-1	2	2.25	4.5

LEGEND	
	Denotes Prop.Full Depth Pavement
	Denotes Mill & Overlay Existing Pavement
	Denotes Brick Paver Sidewalk

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TEMPORARY
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SEAL

SCALE

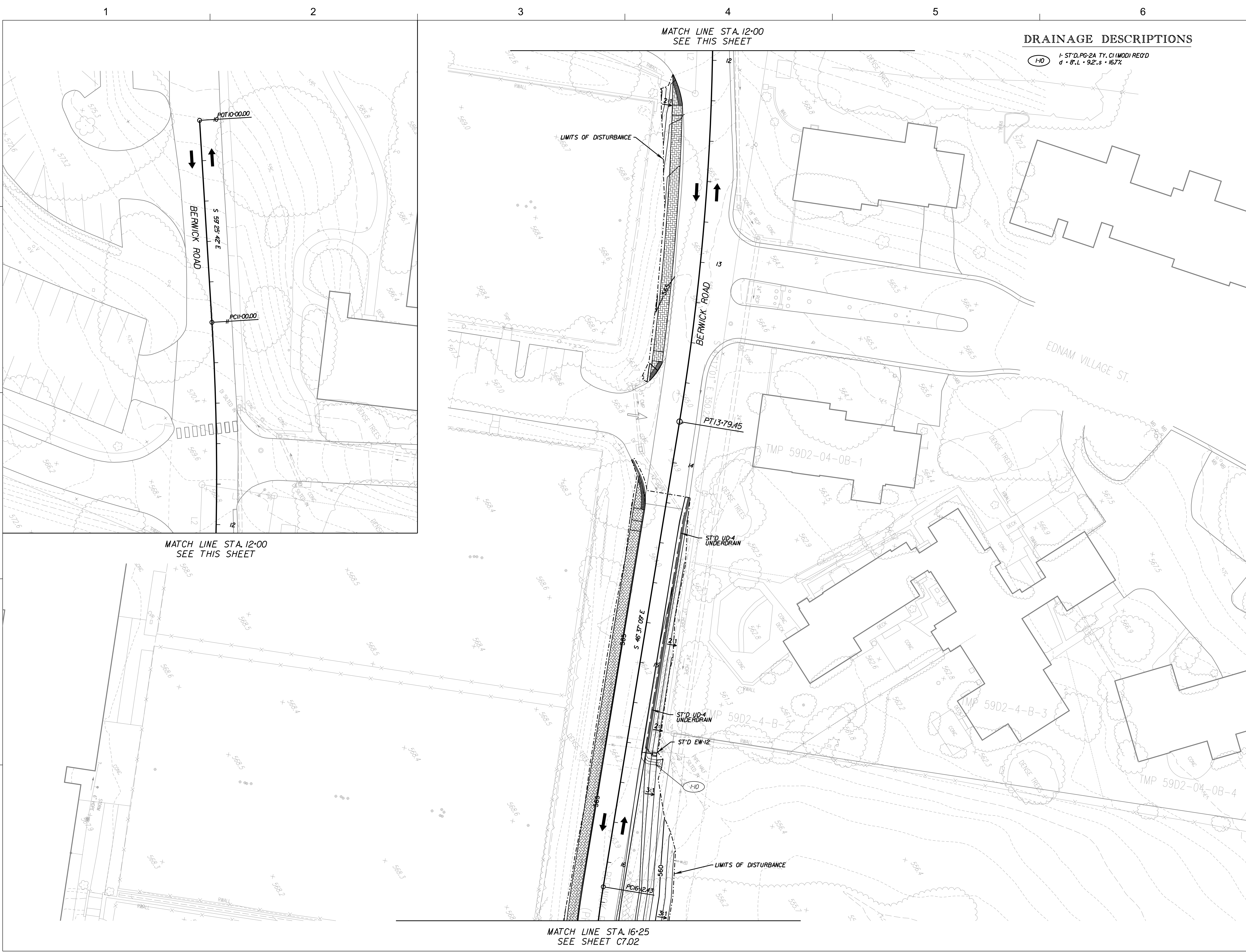
No.	DATE	BY	Description
REVISIONS			
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APPROVED BY DMK			
CHECKED BY MCT			
DATE FEBRUARY 2018			
TITLE			

ROADWAY PLAN
STA. 16+25 TO
STA. 22+00

PROJECT NO. 50097555

C4.02

SHEET NO. OF



DRAINAGE DESCRIPTIONS

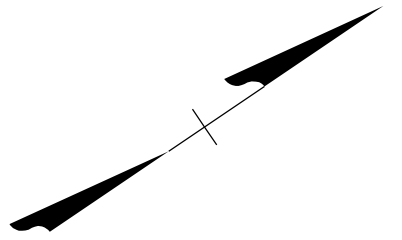
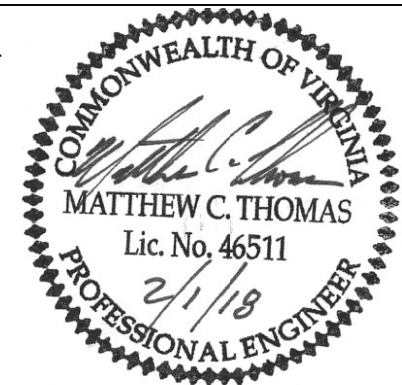
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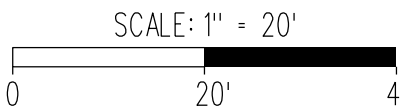
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TEMPORARY
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CONNECTOR ROAD
FROM GOLF COURSE DR
TO BERWICK ROAD
100% CONSTRUCTION
DOCUMENTS

SEAL



SCALE



No.	DATE	BY	Description
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REVISIONS

DRAWN BY	TMR
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APPROVED BY	DMK
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CHECKED BY	MCT
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DATE	FEBRUARY 2018
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TITLE

GRADING &
DRAINAGE PLAN
STA. 10+00 TO
STA. 16+25

PROJECT NO.	50097555
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C7.01

SHEET NO.

OF

MATCH LINE STA. 16+25
SEE SHEET C7.01

DRAINAGE DESCRIPTIONS

- 1 - S'd, Df: 3B Req'd.
 H = 12 ft, H + 3.91 ft, Inv. + 599.09 ft.
 Connect 1 - S'd, UD-4
- 51 ft. - 15 In, RCP Req'd, (3 ft. Cover)
 Inv. (In) + 559.09 ft.; Inv. (out) + 558.80 ft.
- 1 - S'd 15 In EW-1 Req'd.
 Inv. + 558.80 ft.
 ID Cu, Yds, EC: 1 Class 1 Required
 Type A Installation; Depth +2.0 ft.
- Modified 1B In EW-1 with Weir Wall
 See sheet C10.01 for detail
- 26 ft. - 1B In, RCP Req'd, (3 ft. Cover)
 Inv. (In) + 544.70 ft.; Inv. (out) + 544.40 ft.
 S'd SWM-DR Concrete Cradle Req'd
- 1 - S'd 1B In ES-1 or 2 Req'd.
 Inv. + 544.40 ft.
- 1 - Level Spreader at Outlet
 See Sheet C10.01 for Detail
- 1 - Std, Yard Inlet Req'd
 H + 2.42 ft.; Inv. + 550.58 ft.
 Connect 1 - S'd, UD-4
- 54 ft. - 15 In, RCP Req'd, (3 ft. Cover)
 Inv. (In) + 550.58 ft.; Inv. (out) + 550.20 ft.
- 1 - S'd 15 In ES-1 or 2 Req'd.
 Inv. + 550.20 ft.
- ID Cu, Yds, EC: 1 Class 1 Required
 Type A Installation; Depth +2.0 ft.
- 1 - Std, Df-7 Req'd
 H + 4.6 ft.; Inv. + 547.50 ft.
- 26 ft. - 15 In, RCP Req'd, (5 ft. Cover)
 Inv. (In) + 547.50 ft.; Inv. (out) + 547.30 ft.
 S'd SWM-DR Concrete Cradle Req'd.
- 1 - S'd 15 In ES-1 or 2 Req'd.
 Inv. + 547.30 ft.
- ID Cu, Yds, EC: 1 Class 1 Required
 Type A Installation; Depth +2.0 ft.
- 15 ft. - 12 In, RCP Req'd (1 ft. Cover)
 Inv. (In) + 558.0 ft.; Inv. (out) + 557.9 ft.
 2 - 12 In Std ES-1 or 2 Req'd
 ID Cu, Yds, EC: 1 Class 1 Required
 Type A Installation; Depth +2.0 ft.
- Existing Pipe to be extended with
 15 ft. - 1B In, CMP (5 ft. cover)
 Extend at Existing Slope

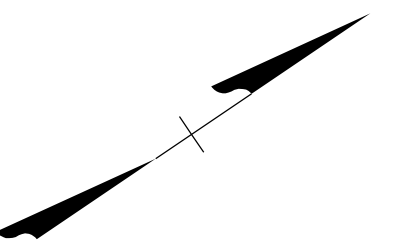
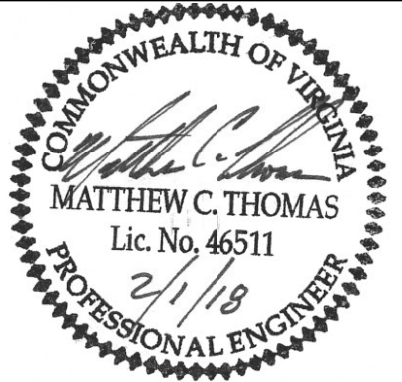


Dewberry®

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TEMPORARY
GOLF COURSE
CONNECTOR ROAD
FROM GOLF COURSE DRIVE
TO BERWICK ROAD
100% CONSTRUCTION
DOCUMENTS

SEAL



SCALE

SCALE: 1" = 20'

No.	DATE	BY	Description	

No.	DATE	BY	Description
REVISIONS			
DRAWN BY			TMR
APPROVED BY			DMK
CHECKED BY			MCT
DATE	FEBRUARY 2018		

TITLE

GRADING 3

GRADING &

DRAINAGE PLAN

STA. 16+25 TO

STA. 22+00

PROJECT NO. 50097555

07.00