

**COUNTY OF ALBEMARLE**  
**Department of Community Development**  
401 McIntire Road, Room 227  
Charlottesville, Virginia 22902-4596

Phone (434) 296-5823

Fax (434) 972-4126

January 6, 2005

Ms. Valerie Long  
McGuire Woods  
PO Box 1288  
Charlottesville, VA 22902-1288

**RE: ZMA-2004-15 Boars Head Inn and Sports Club (Signs #70, 71 & 72) - Tax Map 059D2, Section 1, Parcel 15 and Tax Map 75, Parcel 63 (part of)**

Dear Ms. Long:

The Board of Supervisors approved your rezoning application on December 8, 2004. Your rezoning from R-1, Residential to HC, Highway Commercial was approved in accordance with the attached proffers dated December 6, 2004. An application plan/plan of development dated November 22, 2004 was approved as part of the rezoning. Please refer to these documents for any future applications and requests on this property.

**Please be advised that although the Albemarle County Board of Supervisors took action on the project noted above, no uses on the property as approved above may lawfully begin until all applicable approvals have been received and conditions have been met. This includes compliance with:**

- **compliance with applicable PROFFERS;**
- **approval of and compliance with a SITE PLAN; and**
- **approval of a ZONING COMPLIANCE CLEARANCE.**

If you have questions or comments regarding the above-noted action, please do not hesitate to contact Keith Lancaster at 296-5832.

Sincerely,

  
V. Wayne Cimberg  
Director of Planning  
Planning Division

Cc: University of Virginia Host Properties  
Amelia McCulley  
Bill Fritz  
Tex Weaver  
Chuck Proctor

Steve Allshouse  
Keith Lancaster  
File

Final Approved proffers  
approved Dec 8, 2004

**BOAR'S HEAD SPORTS CLUB**

**ZMA 2004-0015**

**PROFFER STATEMENT**

The following parcels are subject to rezoning application ZMA 2004-0015 and thus to this proffer statement: tax map parcel 059D2-01-00-01500 and the portion of tax map parcel 07500-00-00-06300 shown as Parcel "X" containing 1.774 acres, on a proposed subdivision plat prepared by Thomas B. Lincoln Land Surveyor, Inc. entitled "Subdivision Plat Showing Parcel "X" - - Being a Portion of Tax Map 75 Parcel 63 Hereby Added to and Becoming a Portion of Tax Map 59D(2) Parcel 1-15, Samuel Miller District, Albemarle County, Virginia," which subdivision plat is dated November 16, 2004, and is attached hereto as Exhibit A (collectively, the "Property"). The Applicant is University of Virginia Host Properties, Inc. The owner of tax map parcel 059D2-01-00-01500 is University of Virginia Host Properties, Inc. The owner of tax map parcel 07500-00-00-06300 is the University of Virginia Foundation. For purposes of this proffer statement, University of Virginia Host Properties, Inc., and the University of Virginia Foundation are herein collectively referred to as the "Owner."

The Owner hereby voluntarily proffers that if the Albemarle County Board of Supervisors acts to rezone the portion of tax map parcel 059D2-01-00-01500 that is zoned R-1 Residential to Highway Commercial, and the portion of tax map parcel 07500-00-00-06300 shown as Parcel "X" containing 1.774 acres on Exhibit A from R-1 Residential to Highway Commercial 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 requested rezoning, and the Owner acknowledges that (1) the rezoning itself gives rise to the need for the conditions; and (2) such conditions have a reasonable relation to the rezoning requested.

In the event the request is denied the proffers shall immediately be null and void and of no further force or effect. If the zoning is granted, these proffers and conditions will supersede all proffers now existing on the Property.

1. Development of the Property shall be in general accord with the plan entitled "Boar's Head Sports Club Conceptual Plan" prepared by the University of Virginia Foundation, dated November 22, 2004, containing two (2) pages, and attached hereto as Exhibit B (the "Development Plan"). The Development 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 "14 Existing Outdoor Courts" shown on the Development Plan. The Owner will break up the massing of the proposed improvements by dividing them into

multiple segments and/or structures (or creating the appearance of multiple segments and/or structures with a terraced roof line) and then locating the different segments and/or structures at various final elevation levels, all as reasonably possible given the Property's site constraints and applicable regulations and ordinances. Unless specifically referenced on the Development Plan, or otherwise referenced in this proffer statement, all other plans and illustrations submitted as part of the Owner's rezoning materials shall be deemed illustrative only, and such plans and illustrations shall not be deemed proffers. The Owner reserves the right to develop the Property in phases, as shown on the Development Plan.

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 December 8, 2004, 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 December 8, 2004, 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. Any use classifications added to sections 24.2.1 and 22.2.1 after December 8, 2004 shall be uses which shall not be permitted on the Property.

#### **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, civic, fraternal, patriotic (reference 5.1.2).
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. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. Except as otherwise expressly provided, central water supplies and central sewerage systems in conformance with Chapter 16 of the Code of Albemarle and all other applicable law. (Amended 5-12-93).
36. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-89).
37. Temporary construction uses (reference 5.1.18).

38. ~~Indoor theaters.~~
39. ~~Heating oil sales and distribution (reference 5.1.20).~~
40. ~~Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)~~
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 5.1.36). (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)

### 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.~~
- b. The following services and public establishments:
  1. ~~Administrative, professional offices.~~
  2. ~~Barber, beauty shops.~~
  3. ~~Churches, cemeteries.~~
  4. Clubs, lodges, civic, fraternal, patriotic (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. Electric, gas, oil and communication facilities excluding tower structures and including poles, lines, transformers, pipes, meters and related facilities for distribution of local service and owned and operated by a public utility. Water distribution and sewerage collection lines, pumping stations and appurtenances owned and operated by the Albemarle County Service Authority. (Amended 5-2-93).
18. Public uses and buildings including temporary or mobile facilities such as schools, offices, parks, playgrounds and roads funded, owned or operated by local, state or federal agencies (reference 31.2.5); public water and sewer transmission, main or trunk lines, treatment facilities, pumping stations and the like, owned and/or operated by the Rivanna Water and Sewer Authority (reference 31.2.5; 5.1.12). (Amended 11-1-9).
19. Temporary construction uses (reference 5.1.1).
20. ~~Dwellings (reference 5.1.21).~~
21. ~~Medical center.~~
22. ~~Automobile, truck repair shop excluding body shop. (Added 6-3-81; amended 9-9-92)~~
23. ~~Temporary nonresidential mobile homes (reference 5.8). (Added 3-5-86)~~
24. Indoor athletic facilities. (added 9-15-95)
25. ~~Farmers' market (reference 5.1.36). (Added 10-11-95).~~
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, 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 A 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 A as Parcel "X" containing 1.774 acres, with tax map parcel 059D2-01-00-01500.

4. Prior to issuance of a certificate of occupancy for the first improvement proposed by SDP 2004-00086, the Owner shall submit for approval by the Zoning Administrator an 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 field at the northwest corner of Ednam Drive and Boar's Head Point, and/or in other parking areas controlled by the Owner, 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.

This proffer statement may be signed in two or more counterparts, each of which shall be deemed an original, and which together shall constitute one and the same instrument.

WITNESS the following signatures:

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

By: \_\_\_\_\_

Robert G. Butcher, Jr., President

**UNIVERSITY OF VIRGINIA FOUNDATION**

By: \_\_\_\_\_

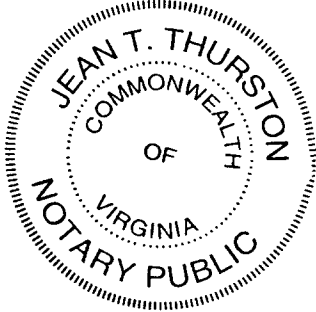
Tim R. Rose, Secretary & Chief Executive  
Officer

COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Henrico, to wit:

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of December, 2004 by Robert G. Butcher, Jr. as President of University of Virginia Host Properties, Inc.

My Commission expires: 1/31/05

Jean T. Thurston  
Notary Public



COMMONWEALTH OF VIRGINIA  
CITY/COUNTY OF Albemarle to wit:

The foregoing instrument was acknowledged before me this 7<sup>th</sup> day of December, 2004 by Tim R. Rose, Secretary and Chief Executive Officer of the University of Virginia Foundation.

My Commission expires: January 31, 2006

Cindy K. Kidd  
Notary Public

Exhibit A

(Subdivision plat of Tom Lincoln Land Surveyor, Inc. dated November 16, 2004  
showing Parcel "X" containing 1.774 acres, a portion of tax map parcel 75-63 to be  
added to and combined with tax map parcel 59D(2)-1-15  
will be attached to the final signed proffers)

Exhibit B

(Development Plan will be attached to the final signed proffers)

\\REA\235961.9

SUBDIVISION PLAT SHOWING  
PARCEL "X"--BEING A PORTION OF  
TAX MAP 75 PARCEL 63  
HEREBY ADDED TO AND  
BECOMING A PORTION OF  
TAX MAP 59D(2) PARCEL 1-15  
SAMUEL MILLER DISTRICT  
ALBEMARLE COUNTY, VIRGINIA  
SCALE: 1" = 200' NOVEMBER 16, 2004

I HEREBY CERTIFY THAT THIS SUBDIVISION  
SURVEY, TO THE BEST OF MY PROFESSIONAL  
KNOWLEDGE AND BELIEF, IS CORRECT AND  
COMPLIES WITH THE MINIMUM PROCEDURES  
AND STANDARDS ESTABLISHED BY THE VIRGINIA  
STATE BOARD OF ARCHITECTS, PROFESSIONAL  
ENGINEERS, LAND SURVEYORS AND CERTIFIED  
LANDSCAPE ARCHITECTS. I ALSO CERTIFY THAT  
THE BOUNDARY SHOWN HEREON IS BASED ON  
A CURRENT FIELD SURVEY.

COUNTY APPROVALS:

ALBEMARLE COUNTY  
PLANNING COMMISSION

DATE

ALBEMARLE COUNTY  
BOARD OF SUPERVISORS

DATE

THE DIVISION OF THE LAND DESCRIBED HEREIN IS WITH THE FREE  
CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED  
OWNER(S), PROPRIETOR(S) AND TRUSTEE(S). ANY REFERENCE TO  
FUTURE POTENTIAL DEVELOPMENT IS TO BE DEEMED AS THEORETICAL  
ONLY. ALL STATEMENTS AFFIXED TO THIS PLAT ARE TRUE AND CORRECT  
TO THE BEST OF MY KNOWLEDGE.

OWNER TMP 59D2-1-15  
UVA HOST PROPERTIES, INC.  
BY: TIM R. ROSE, SECRETARY & TREASURER

DATE

OWNER TMP 75-63  
UNIVERSITY OF VIRGINIA FOUNDATION  
BY: TIM R. ROSE, SECRETARY

DATE

NOTARY PUBLIC:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

THE FOREGOING WAS ACKNOWLEDGED  
BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_ BY \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC

NOTARY PUBLIC:

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

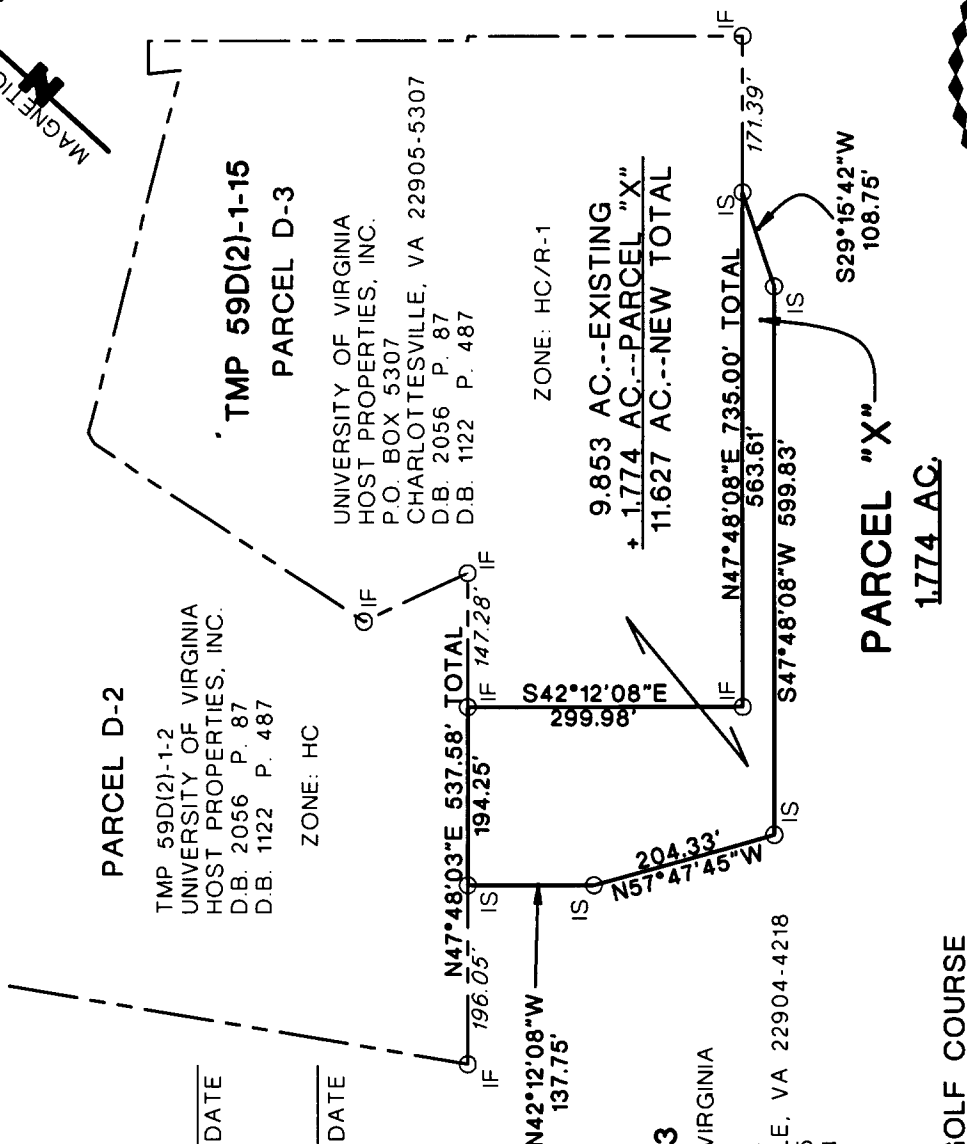
THE FOREGOING WAS ACKNOWLEDGED  
BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_  
20\_\_\_\_ BY \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_  
NOTARY PUBLIC

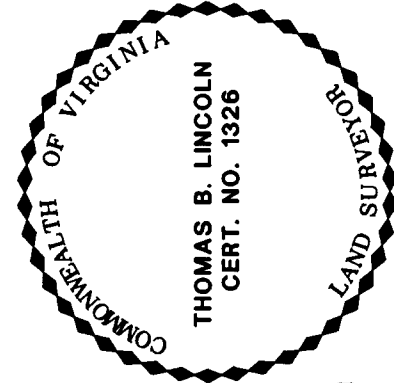
LEGEND:

IF = IRON FOUND  
IS = IRON SET

THE LAND USE REGULATIONS LISTED HEREIN ARE IMPOSED PURSUANT  
TO THE ALBEMARLE COUNTY ZONING ORDINANCE IN EFFECT ON THIS  
DATE AND ARE SHOWN FOR INFORMATION PURPOSES ONLY. THEY ARE  
NOT RESTRICTIVE COVENANTS'S RUNNING WITH THE LAND AND THEIR  
APPEARANCE ON THIS PLAT IS NOT INTENDED TO IMPOSE THEM AS SUCH.



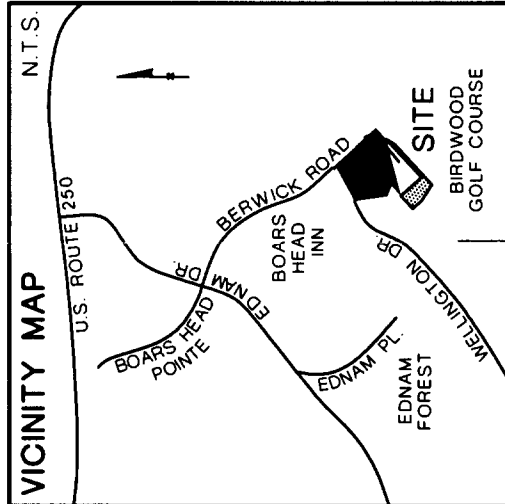
529.720 AC.--EXISTING TMP 75-63  
- 1.774 AC.--PARCEL "X"  
527.946 AC.--RESIDUE TMP 75-63

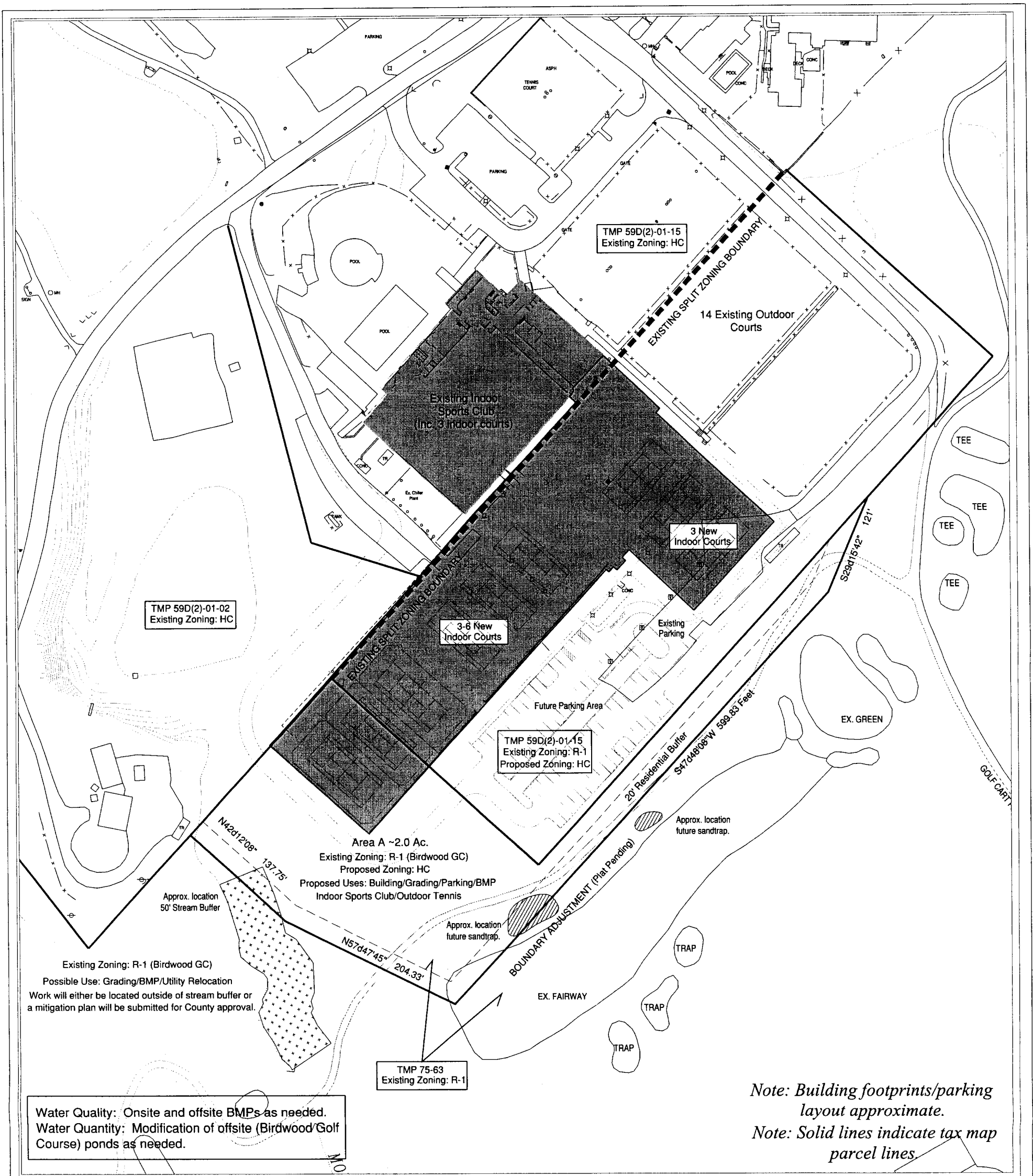


NOTE:  
PARCEL "X", BEING A PORTION OF TMP 75-63  
IS HEREBY ADDED TO AND BECOMES A PORTION  
OF TMP 59D(2)-1-15.

THOMAS B. LINCOLN LAND SURVEYOR INC.  
671 BERKMAR CIRCLE  
CHARLOTTESVILLE, VIRGINIA 22901  
434-974-1417

TMODEL SERVER1 DATA9\ 89\ 89009905.PRO 89-0099-05





Scale: 1"=50'  
11-22-04

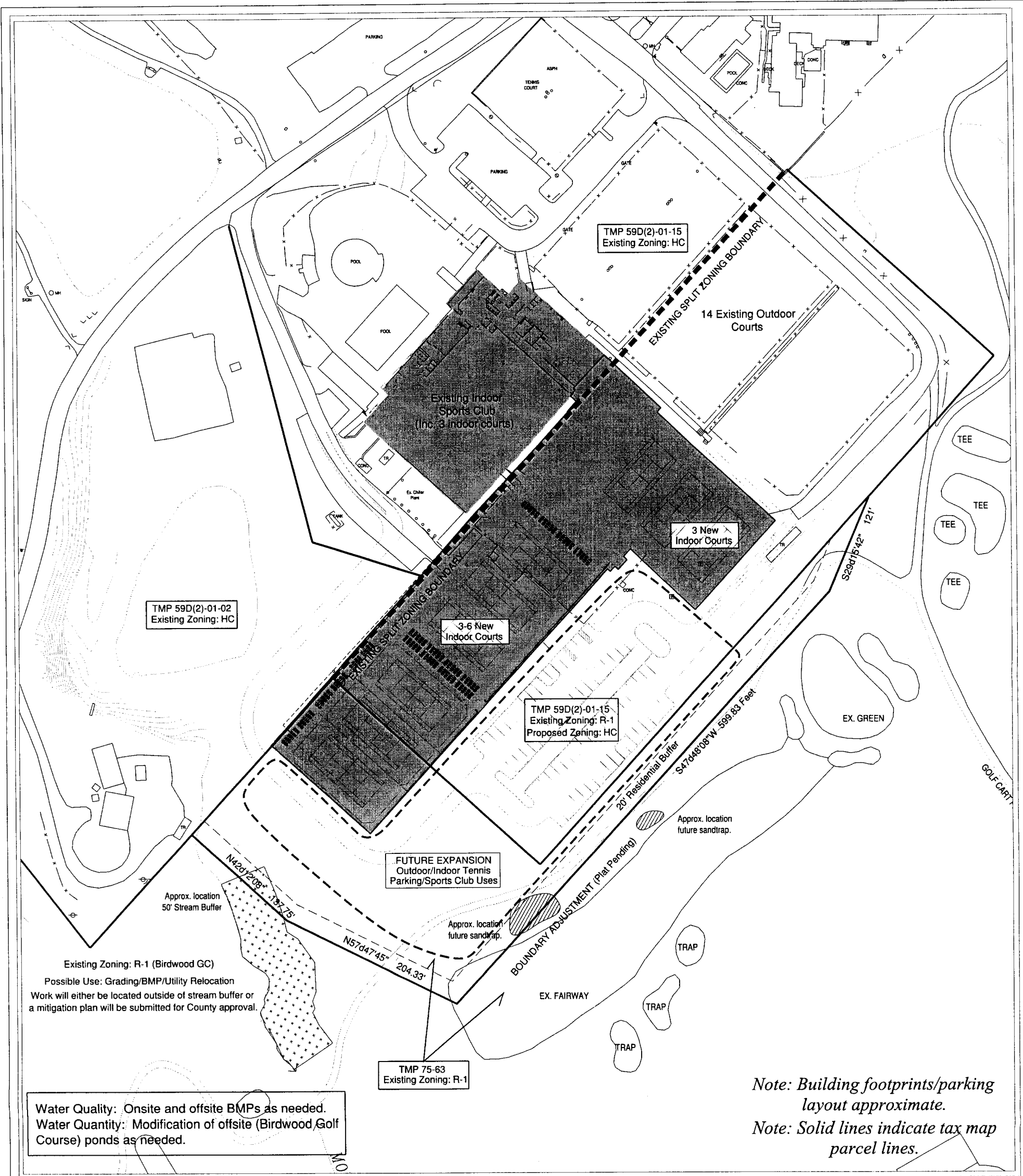


## Boar's Head Sports Club Conceptual Plan

Sheet 1 of 2

University of Virginia Foundation

465 Crestwood Drive  
Charlottesville, VA 22903



Scale: 1"=50'  
11-22-04



# Boar's Head Sports Club Concept Plan

Sheet 2 of 2

University of Virginia Foundation  
465 Crestwood Drive  
Charlottesville, VA 22903