

**RESOLUTION TO APPROVE
SP 2017-32 UVA OUTDOOR TENNIS, PERMANENT CONNECTOR ROAD,
AND BIRDWOOD GOLF COURSE ADDITION**

WHEREAS, the University of Virginia Foundation filed an application to amend a previously-approved special use permit (SP 201700023) for Tax Map Parcel 07500-00-00-06300 to construct a new UVA outdoor tennis facility, to add a short course to the Birdwood Golf Course, and to allow unrestricted permanent vehicular use of a private street between Golf Course Drive on the Birdwood property and Berwick Road on the Boar's Head Sports Club property, and the application is identified as Special Use Permit 2017-00032 UVA Outdoor Tennis, Permanent Connect Road, and Birdwood Golf Course Addition ("SP 2017-32"); and

WHEREAS, on June 19, 2018, after a duly noticed public hearing, the Albemarle County Planning Commission recommended approval of SP 2017-32 with modified conditions; and

WHEREAS, subsequent to the Planning Commission, staff worked with the applicant to modify the conditions to address the Planning Commission's concerns and to incorporate conditions that were established for previously approved special use permits; and

WHEREAS, on August 1, 2018, the Albemarle County Board of Supervisors held a duly noticed public hearing on SP 2017-32.

NOW, THEREFORE, BE IT RESOLVED that, upon consideration of the foregoing, the staff report prepared for SP 2017-32 and all of its attachments, the information presented at the public hearing, and the factors relevant to a special use permit in Albemarle County Code § 18-33.8, the Albemarle County Board of Supervisors hereby approves SP 2017-32, subject to the conditions attached hereto.

* * *

I, Claudette K. Borgersen, do hereby certify that the foregoing writing is a true, correct copy of a Resolution duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of _____ to _____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	<u>Aye</u>	<u>Nay</u>
Mr. Dill	_____	_____
Mr. Gallaway	_____	_____
Ms. Mallek	_____	_____
Ms. McKeel	_____	_____
Ms. Palmer	_____	_____
Mr. Randolph	_____	_____

**SP 2017-32 UVA Outdoor Tennis, Permanent Connector Road,
and Birdwood Golf Course Addition Conditions**

1. Development of the Birdwood Property shall be in general accord with the concept plan entitled “Birdwood SP 2017-00032 Concept Plan” prepared by Elise Cruz, University of Virginia Foundation (“UVAF”), dated April 27, 2018, which includes sheets 1-4 (the “Concept Plan”), attached hereto, as determined by the Director of Planning and Zoning Administrator. To be in general accord, development and use shall reflect the following major elements shown on the Concept Plan and on each corresponding Concept Plan Detail, as noted below:
 - A. Exhibit A – Concept Plan (Sheet 1 of 4):
 - i. Locations of structures, improvements, and uses;
 - ii. Limits of Golf Course, including 18-hole Golf Course, Par 3 Short Course, Practice Ground, Short Game area, and associated improvements; and
 - iii. Location and alignment of Connector Road between Golf Course Drive and Berwick Road.
 - B. Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4):
 - i. Location of Tennis Facility within area shown in green shading;
 - ii. Location of future tennis courts within area outlined in a dashed oval and entitled, “Future tennis courts”, and prohibition of high mast lighting in this area; and
 - iii. Provision of ADA-compliant pedestrian infrastructure to connect Birdwood property (TMP #75-63) with neighboring Boar’s Head Sports Club property (TMP #59D2-01—15).
 - C. Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4):
 - i. Building location, orientation, and mass;
 - ii. Parking lot location;
 - iii. Installation of new landscaping for screening purposes;
 - iv. Retention of trees shown for preservation; and
 - v. Earthen berms adjacent to the new parking lot.
 - D. Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4):
 - i. Location and alignment of Connector Road between Golf Course Drive and Berwick Road; and
 - ii. Pedestrian infrastructure (including sidewalks, crosswalks, and outdoor lighting)

Any new construction and/or improvements at the subject property, other than the site improvements that are in general accord with the Concept Plan and with each corresponding Concept Plan Detail as determined by the Director of Planning and Zoning Administrator, shall require an amended special use permit, except for the following:

- Modifications to golf course layout within the boundaries of the existing 18-hole golf course, and outside of the boundaries of the Birdwood Mansion “Historic Core” and “Outer Precinct” as identified in the *Birdwood Landscape Site Protection and Stewardship Strategies Plan* (2015);
 - Construction of athletic-related accessory structures or other athletic-related improvements which primarily support the use of the golf course facilities and/or tennis facilities and which occur within the general area of those uses.
 - Other minor modifications to the Concept Plan or corresponding Concept Plan Details that do not otherwise conflict with the elements listed above may be made to ensure compliance with the Zoning Ordinance, as determined by the Zoning Administrator.
2. Design and development of the improvements shown on Exhibit C – Golf Practice Facility Detail (Concept Plan Sheet 3 of 4) shall be subject to the following, as determined by the Planning Director or designee:
 - a. Placement of the parking lot within the “bowl” created by the existing terrain in a way that minimizes grading of the slope to the north of the new parking lot, which is to be preserved for its screening effect;

- b. Construction of earthen berms adjacent to the parking lot which are compatible with existing topographic variation and which further reduce the visibility of the parking lot and parked cars from Golf Course Drive;
 - c. Approved planting plan and planting schedule which, at minimum, include:
 - i. New landscaping materials planted in naturalistic or informal arrangements which are consistent and compatible with the existing landscape in terms of character, density, and species;
 - ii. A meadow or similar grass landscape along Golf Course Drive; and
 - iii. The use of native plant materials; and
 - d. Submittal of a conservation plan prepared by a certified arborist to preserve trees identified for preservation, including the treatment of all ash trees (species *Fraxinus*) that are to be preserved for protection against the emerald ash borer (*Agrilus planipennis*), to be used in conjunction with any required conservation checklist. If all reasonable alternatives for preservation have been explored, and such trees cannot be retained due to the health of the tree as determined by the certified arborist, removal may occur.
3. Design and development of the improvements shown on Exhibit D – Connector Road Detail (Concept Plan Sheet 4 of 4) shall comply with the Special Exception (Grading Buffer Waiver) and all Special Exception Conditions approved by the Board of Supervisors on April 4, 2018, including but not limited to compliance with the requirements identified on the “Landscaping and Screening Exhibit” dated March 5, 2018.
 4. Expansion or replacement of the Clubhouse is permissible, provided that all site plan, building permit, and all other applicable permit approvals are properly obtained.
 5. No change in use of the Birdwood Mansion is permitted through this Special Use Permit Amendment.
 6. All proposed outdoor lighting for the property shall comply with Albemarle County Code, except as otherwise modified or waived by the Board of Supervisors through the approval of a Special Exception request (as may be applicable). Tall mast lighting (lighting that is on a pole more than 35 feet in height) shall not be permitted for tennis courts in the area designated as “Future tennis courts” on Exhibit B – Tennis Facility Detail (Concept Plan Sheet 2 of 4), dated April 27, 2018.
 7. Sound studies that demonstrate compliance with the Albemarle County Noise Ordinance, as determined by the Zoning Administrator or her designee, shall be submitted to Albemarle County prior to the issuance of a Certificate of Occupancy for the Tennis Facility.
 8. The owner’s traffic consultant shall conduct signal warrant analyses for the Golf Course Drive and Ednam Drive intersections with U.S. Route 250 to determine if volumes indicate that any modification to intersection controls should be implemented. Such analyses shall be conducted a minimum of two times (the first shall occur twelve (12) months after the permanent opening of the connector road, and the second shall occur twenty-four (24) months after the permanent opening of the connector road), and shall be submitted to Albemarle County for review. If any modification is indicated based on traffic volumes collected per standard procedures of the Virginia Department of Transportation (“VDOT”), the owner’s consultant will prepare and submit the requisite Signal Justification Report evaluating alternative intersection control to VDOT and Albemarle County and engage in discussion about the appropriate measures, if any, to be taken at either intersection.
 9. Potential future transportation improvements:
 - a. If the signal warrant analyses referenced in condition #8 or any subsequent additional signal warrant analyses (collectively, the “Analyses”) demonstrate that any change to the traffic control type or means of access are appropriate at either the intersection of Golf Course Drive and U.S. Route 250 and/or the intersection at Ednam Drive and U.S. Route 250 (collectively, the “Transportation Improvements”) prior to the date that is five (5) years after the date of the permanent opening of the Connector Road, the Foundation will pay its pro rata share toward the

cost of the Transportation Improvements, which pro rata share shall be based on the Analyses (the “UVAF Contribution”).

- b. For purposes of calculating the monetary amount of the UVAF Contribution, the cost of the Transportation Improvements shall be based on the cost of a new traffic signal and any modifications to the existing traffic signal (collectively, a “Signal”) at the time the UVAF Contribution is requested by the County, even if the Transportation Improvement that is ultimately installed is something other than a Signal (such as a roundabout, or other alternative intersection control device that costs more than a Signal). However, in the event that the Transportation Improvement that is ultimately installed costs less than the cost of a Signal, the UVAF Contribution shall be based on the cost of the improvement ultimately installed, rather than the cost of a Signal.
 - c. Upon a determination by VDOT and the Albemarle County Director of Community Development that any Transportation Improvement is required pursuant to the terms of paragraph 9(a) herein, the County shall provide written notice to the Foundation (the “Notice”), of the amount of the UVAF Contribution for the Transportation Improvements. The Foundation shall have One Hundred Twenty (120) days from the date of delivery of the Notice to provide the UVAF Contribution, which may be in the form of a bond. If the Transportation Improvements have not been completed within five (5) years after the Foundation’s delivery of the UVAF Contribution, the UVAF Contribution shall be returned to the Foundation. If the County has not delivered the Notice within five (5) years after the date of the permanent opening of the Connector Road, the Foundation shall be relieved of any obligation for the Transportation Improvements.
10. The owner shall continue to implement an Integrated Pest Management/Nutrient Management Plan to reduce adverse water quality impacts.
11. Ingress and egress along Birdwood Drive shall continue to be restricted, to the satisfaction of the Zoning Administrator, to only those residences served by Birdwood Drive and shall not be used as an access to the Indoor Golf Practice Facility or other areas of Birdwood.
12. Use of the property must adhere to the Events Management Plan as described in Proffer #4 of ZMA201700010.
13. SP201700032 shall remain valid so long as construction of any one of the uses proposed herein is commenced on or before August 1, 2023.