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October 29, 2018

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County of Albemarle, Virginia
401 McIntire Road
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RE: UVA Foundation, Birdwood Mansion and Grounds - Special Exception Application

Mr. Padalino:

On behalf of our client, the University of Virginia Foundation (the "Foundation"), we would like to request relief from certain provisions of Section 4.20(a) and Section 21.7(c) of the Zoning Ordinance in the form of a special exception. This request would apply to the 18.26 acre portion of Tax Map Parcel 75-63 that is subject to the zoning map amendment application ("ZMA") for the Birdwood Mansion and Grounds, which area is shown as "Proposed Area for Rezoning, 18.26 Acres" on the attached exhibit prepared by Roger W. Ray & Assoc., Inc. entitled "Exhibit Showing HC Setback Requirements on the Proposed Area for Rezoning," dated October 18, 2018 (the "Setback Exhibit") (the "HC Property"). The proposed ZMA would rezone the HC Property from R-1 Residential to Highway Commercial ("HC"). The remaining portions of the Birdwood property, including the golf course, would continue to be zoned R-1 Residential (for purposes of this Special Exception request, the remaining portions of the Birdwood Property are hereinafter referred to as the "R-1 Property"). Because the proposed ZMA would result in the HC Property being immediately adjacent to the R-1 Property, new setback regulations and buffer requirements would apply to the HC Property.

If approved by the Board of Supervisors, the Special Exception would accomplish the following:

1. Reduction of the minimum side and rear setbacks on the HC Property.
2. Allow parking within twenty (20) feet of the edge of the district boundary
3. Allow grading within twenty (20) feet of the edge of the HC Property, within the Buffer Zone created by Sec 21.7(c).
4. Eliminate the screening requirement within the Buffer Zone.

The Foundation is the owner of the entirety of Tax Map Parcel 75-63, which contains 544 acres and includes the historic Birdwood Mansion and Grounds, as well as the Birdwood Golf Course, Clubhouse and Indoor Practice Facility (the "Parcel"). The Parcel will also soon incorporate the UVA Outdoor Tennis Facility. The Foundation proposes a ZMA that applies to the HC Property, which is the area immediately surrounding the Birdwood Mansion, to allow for the renovation of the Birdwood Mansion for use as a special events venue with overnight lodging. The HC Property will remain a part of the Parcel, however HC zoning is necessary to allow for the proposed uses. The primary goal of this application is to create uses that will allow the Foundation to carefully renovate and indefinitely sustain this important historic resource. The Parcel, including the HC Property, will remain under the common ownership of the Foundation,

and will be operated through the Boar's Head Resort. Thus, although the Parcel will have multiple zoning districts, it will function as a unified experience and will further be incorporated into the overall Boar's Head Resort. To accomplish these goals seamlessly and protect the existing historic resources, including the mansion and several of the surrounding buildings, the Foundation requests a special exception to obtain relief from Section 4.20(a) and Section 21.7(c) of the Zoning Ordinance. For all four requests, which are more specifically outlined below, the Special Exception will allow for a more sensitive treatment of the historic resource and surrounding landscape, while ensuring that it remains appropriately integrated within the setting of the Parcel and the Boar's Head Resort.

1. Reduction of the minimum 50-foot side and rear setback

Section 4.20(a) of the Zoning Ordinance established addresses minimum setbacks for the side and rear of the HC Property. No structure may be located closer than 50 feet from the district boundary. The attached Setback Exhibit displays the boundaries of the proposed rezoning as well as the required minimum setbacks for the HC district. Specifically, it depicts the 50-foot side and rear building setback as "50' SBL." Several of the existing buildings that will be retained through the ZMA are already located within the 50-foot setback line, as shown on the Setback Exhibit. Because the HC Property and the R-1 Property will continue to operate under unified control, and because the nature of the ZMA is not impactful to the surrounding R-1 Property, it is important that we continue to view both the HC Property and R-1 Property as unified. Maintaining flexibility while protecting historic resources is important to achieve this goal, thus we request that the minimum 50-foot side and rear setback be waived (reduced to zero) to ensure the existing buildings are not considered non-conforming.

2. Allowance of parking within twenty (20) feet of the edge of the district boundary

Section 4.20(a) of the Zoning Ordinance, Setbacks, Side and Rear-Minimum (ii), provides that "no off-street parking or loading space shall be located closer than 20 feet to the district boundary." The Setback Exhibit depicts the 20-foot setback line for parking and loading areas as "20' Parking SBL." The parking area for the Indoor Golf Practice Facility, as approved by SP 2017-00009, encroaches within this 20-foot parking setback area. Some additional parking will be provided on the HC Property to accommodate the special event venue at Birdwood Mansion, the exact location of which is to be decided. To preserve maximum flexibility in finding the best parking solution for the HC Property and the proposed uses thereon, we request that this regulation be waived.

3. Allowance of grading within the Buffer Zone

Section 21.7(c) of the Zoning Ordinance requires that "No construction activity including grading or clearing of vegetation shall occur closer than twenty (20) feet to any residential or rural areas district." As mentioned under request 2 above, the parking area for the Indoor Golf Practice Facility falls within this buffer zone, and additional parking areas and necessary site circulation may also occur within the buffer zone. Because the HC Property is surrounded by the Birdwood Golf Course and is not adjacent to any residences, this buffer zone is not necessary in the same way it would be for a standard commercial project that directly abuts a residential property or district. The logic of this section of the ordinance is sound, yet it just does not apply in this

particular instance. Thus, we request a waiver of this regulation to allow for the necessary flexibility to improve the site in a way that is protective of the historic resource and compliant with the proposed ZMA.

4. Elimination of the screening requirement within the Buffer Zone

See request 3 above. For the same reasons, we request a waiver of the screening requirement within the buffer zone. Section 21.7(c) of the Zoning Ordinance requires that "screening shall be provided as required in section 32.7.9."

Application of waiver provisions of Section 21.7(c) to requests 3 and 4 herein:

Section 21.7(c) of the Zoning Ordinance also 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 waiver criteria to requests 3 and 4 herein:

- (i) *Grading or clearing is necessary or would result in an improved site design;*
Grading or clearing within the buffer zone may be necessary to accommodate parking and/or circulation for the optimal functioning of the HC Property. Because the district boundary translates as the edge of the HC Property, this area is furthest away from the Birdwood Mansion. Thus, work in this area may be most appropriate to allow for preservation of some of the more sensitive areas within closer proximity to the mansion.
- (ii) *Minimum screening requirements will be satisfied; and*
The entire site landscape and planting plan will be considered in the context of what is most appropriate to the historic resources. As such, the Foundation has engaged Rachel Lloyd of AECOM to study the historic landscape and advise on any proposed plantings and other site design elements associated with the ZMA request. Thus, no minimum screening is necessary to protect the R-1 Property.
- (iii) *Existing landscaping in excess of minimum requirements is substantially restored.*
Because of the nature of the HC Property, the larger R-1 Property, and the structures on the HC Property being historic resources rather than a standard commercial development, the buffer requirement and related requirement to replace the buffer zone with additional landscaping is not applicable to this proposal. As mentioned, the overall landscape will be carefully considered in conjunction with the overall renovation of the Birdwood Mansion and Grounds.

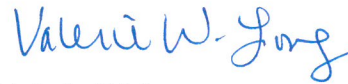
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This consideration will include the provision of buffering and other plantings as necessary and appropriate for features such as parking areas that were not historically part of the landscape.

In sum, the proposed waiver requests allow for the greatest sensitivity to the existing historic resources on the HC Property as the Foundation carefully renovates the structures and site in preparation for its use as a special events venue with overnight lodging. We appreciate your assistance as the Foundation works to ensure the viability of this important historic resource for the community and future generations.

Please do not hesitate to contact me should you have any questions or concerns.

Sincerely,



Valerie W. Long

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