

**HEARING DATE:** MAY 9, 2001  
APRIL 11, 2001

**TO:** CHESAPEAKE PLANNING COMMISSIONERS  
**FROM:** GARY R. PUSEY, PLANNER  
**THROUGH:** BRENT R. NIELSON, PLANNING DIRECTOR  
**DATE:** April 30, 2001  
**RE:** **UP-01-03**  
**PROJECT:** Etheridge Greens  
**APPLICANT:** Robert S. Diberardinis  
**AGENCY:** Hassell & Folkes, P.C.  
**PROPOSAL:** Conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217± acre site.  
**ZONE:** A-1 Agricultural District  
**SIC CODE:** 7992, 7999  
**LOCATION:** Southeast corner of the intersection of Centerville Turnpike & Whittamore Road.  
**TAX MAP SECTION/PARCEL:** 0620000000020  
**BOROUGH:** Butts Road

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of a conditional use permit to construct and operate an 18 hole golf course, a golf driving range and related facilities on a 217 acre parcel. (See Attachments A and B for the site plan.) The property is located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road in the Butts Road Borough, and is also located within the Fentress Airfield Overlay District.

This application was continued from the April 11, 2001, Public Hearing in order to allow the applicant an opportunity to address issues related to the "fly ash" that will be used in the construction of the golf course.

**BACKGROUND:**

The subject site is zoned A-1 Agricultural District. Adjacent zoning designations are as follows:

<b>DIRECTION</b>	<b>ADJACENT ZONING DESIGNATIONS</b>
<b>North</b>	<b>A-1 Agricultural District</b>
<b>South</b>	<b>RE-1 Residential Estate District</b>
<b>East</b>	<b>A-1 Agricultural District, R-15 Residential District</b>
<b>West</b>	<b>A-1 Agricultural District</b>

**DEPARTMENTAL COMMENTS:**

**Public Works:**

- This department will require a final construction plan.

Requirements:

- Provide a left turn lane on Centerville Turnpike.
- Reserve 45' of right-of-way along Centerville Turnpike.
- Ditch and shoulder improvements will be required along Centerville Turnpike. A corresponding right-of-way dedication may be required for these improvements.
- Address method to prevent stray golf balls from entering adjacent roadways. A stipulation should be provided to allow Public Works to direct the owner/developer to take corrective measures if Public Works determines that a hazard to motorists is created along Centerville Turnpike. See advisory comment below.

Advisory:

- The adjacent portion of Centerville Turnpike is on the "Draft Trails Plan" for a proposed Class III (with paved shoulders) bike path.
- Site plan approval for this development will be contingent upon the recordation of a plat showing the required right-of-way reservation and any required right-of-way dedication.

- Public Works feels that the layout for the course could be revised to reduce the risk of errant golf balls striking vehicles on Centerville Turnpike (keeping in mind that a six-lane divided highway will be adjacent to the course under the ultimate conditions).

**Public Utilities:**

- City water and sewer are not available to this site. City water and sewer are not required for this use permit.

**School Administration:**

- No impact.

**Parks and Recreation:**

- No impact.

**Environmental/Landscaping:**

- Buffer yard "F" required along the rights-of-way.
- A waiver to the 10% tree canopy requirement and the size of the trees at planting in the designated reforestation areas is approved.

**Fire Prevention:**

- Contingent approval. A dry hydrant drawing supply from the 14.6 acre lake is required in accordance with PFM and NFPA 1231 for water supply for fire fighting operations.

**Zoning:**

- This department will require a final construction plan.
- This site is in the Fentress Overlay District and must comply with the development standards listed in Section 12-406 et. seg. of the Chesapeake Zoning Ordinance including building setbacks. The setback for the maintenance building is 150 feet from the right-of-way reservation for Whittamore Road. This setback may be reduced to 50 feet if landscaping is approved by the City Council which screens the building from public view from the street.
- Signs must comply with Section 14-700 of the Chesapeake Zoning Ordinance.
- Handicap parking must comply with CABO/ANSI standards.

- One 12-foot x 35-foot loading space is required.
- Separate permits are required for fences, signs, and flagpoles.

**Code Enforcement:**

- This department will not require a final construction plan.

**Library:**

- No impact.

**Police:**

- This department will not require a final construction plan.

**Bikes/Trails:**

- At the Chesapeake Bicycle/Trails Advisory Committee meeting of March 26, 2001, a motion was adopted requesting a 3' paved shoulder be installed along both sides of Centerville Turnpike. Centerville Turnpike is included in the City's Trail Plan for future shoulder/bike land improvement. The recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The installation of these shoulders will enhance safety and provide easier maintenance for Centerville Turnpike.

**Department of the Navy:**

- The proposal is compatible with the Naval Air Station (NAS) Oceana and Naval Auxiliary Landing Field (NALF) Fentress, Air Installations Compatible Use Zones (AICUZ) study. The project will be impacted by frequent overflight by jet aircraft 24 hours a day at an altitude often below 800 feet. At these times, the single event noise may exceed 98 dB. The clubhouse should be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level.

**STAFF ANALYSIS:**

The applicant is requesting approval of a conditional use permit to construct and operate a golf course, a golf driving range and related facilities on a 217 acre parcel located at the southeast corner of the intersection of Centerville Turnpike and Whittamore Road. The property is also located within the Fentress Airfield Overlay District.

Improvements proposed on the site include an 18 hole golf course, driving range, clubhouse, cart storage building, maintenance building and an 83 space parking

lot. According to the applicant, the golf course will be open to the public daily from 7 a.m. to dusk and will have 20 employees on the largest shift.

Departmental review raised several issues that require further discussion.

In response to comments from Public Works, the applicant has performed traffic counts along Centerville Turnpike and agrees that a left turn lane is necessary on Centerville Turnpike. Public Works is also requiring that 45' be reserved for the right-of-way along Centerville Turnpike and that a dedication may be required to accommodate ditch and shoulder improvements that may be necessary. The applicant is in agreement with stipulations that are included requiring the left turn lane be provided and that a subdivision plat be recorded prior to final site plan approval indicating the right-of-way reservation and/or dedication for Centerville Turnpike. Public Works is also requesting that a stipulation be provided that allows the City to require that corrective measures be taken in the event that errant golf balls prove to be a hazard to motorists along Centerville Turnpike. Public Works notes that this roadway is planned to be a six-lane divided highway at its ultimate development. The applicant has incorporated a 150 foot "fairway safety buffer" along Centerville Turnpike that is based on standards developed by the golfing industry for roadway separation, according to the applicant's agent. While the applicant is confident that this buffer, in combination with the 10 foot high landscaped berm, will provide adequate safety for motorists on Centerville Turnpike, the applicant has agreed to a stipulation that additional corrective measures will be implemented in the future, if required by the Department of Public Works. In addition, in response to concerns from Planning Commissioners and residents of the area, the applicant has agreed to expand this stipulation so that it applies to Whittamore Road as well. Also in response to residents' concerns, the applicant has agreed to increase the pavement width of Whittamore Road to 24 feet from the entrance of the golf course to the intersection of Whittamore Road and Centerville Turnpike. This is included as a stipulation as well.

The City Arborist has noted that the Code requires a buffer yard "F" along both Centerville Turnpike and Whittamore Road. In addition, the Code requires that a 10 percent tree canopy be provided. The applicant has agreed to provide the required buffer yard "F" along both streets, and has further offered to vary its width beyond what the Code requires in order to provide a more natural appearance. A stipulation is included addressing the buffer. A minor landscaping waiver has been approved by the City Arborist and the Planning Director to allow the tree canopy to be reduced from the required 10 percent to 5 percent, and to allow some of the trees to be smaller in size than required by the Code. The waiver was based on the characteristics of the use; i.e., the golf course is a recreational use with large amounts of green space, and the nature of a "links-style" course is that the course is designed to be open, with limited wooded areas. As part of the tree canopy requirement, the applicant is proposing a forested area along the eastern boundary of the property that will be designated a "tree preserve" and will provide a buffer for adjoining properties. It

is in this area that a waiver was approved to allow smaller trees than required by the Code. All other trees to be planted on the site will meet Code requirements. A stipulation addressing the tree canopy requirement is included.

The Fire Department has noted that a dry hydrant drawing water from the proposed lake is required in accordance with the Public Facilities Manual since City water is not available. A stipulation addressing this requirement is included.

Zoning has noted that the Fentress Airfield Overlay District regulations require a 150 foot setback for buildings from a public street. This setback can be reduced to 50 feet, if landscaping approved by the City Council is provided which screens the building from public view from the street. The maintenance building is shown as being approximately 35 feet from the proposed right-of-way along Whittamore Road. The applicant indicates the 50 foot setback can be accommodated and is proposing landscaping that will screen the building from view from Whittamore Road. A stipulation addressing this is included. Zoning has also noted that a loading space is required. A stipulation requiring this is included as well.

The Bicycle/Trails Advisory Committee has requested that a 3 foot, paved shoulder be installed along both sides of Centerville Turnpike. The City's Trails Plan designates Centerville Turnpike as a Class III (with paved shoulders) bike path. The applicant has requested that the provision of bike trails not be required, since there are no trails north or south of the proposed project on Centerville Turnpike and the project will not generate the need for this improvement. As noted by the Advisory Committee, the recently completed City project to realign Centerville Turnpike at Land of Promise Road included shoulders of similar width. The applicant is in agreement with the staff's recommendation that a subdivision plat be submitted prior to final site plan approval that would provide for the reservation for the future right-of-way of Centerville Turnpike and for a dedication, if determined to be necessary by Public Works, for ditch and shoulder improvements. Under this scenario, the applicant would not be responsible for constructing the bike path but the land would be available for this use.

Finally, the Department of the Navy was provided with the application and site plan for this proposed development since the project lies within the Fentress Airfield Overlay District. The Navy found that the proposed use is compatible with the AICUZ study, but recommended that the clubhouse be located outside of the Accident Potential Zone 2 (APZ-2) and be sound attenuated to 45 dB interior level. These items are provided for the applicant's information. The original site plan for this development indicated the clubhouse would be located within the APZ-2 area. The revised site plan locates the clubhouse closer to Centerville Turnpike and, as currently proposed, is outside of the APZ-2 area. Stipulations are included addressing Zoning Ordinance requirements for properties located in the Fentress Overlay District (see stipulations #14 and #15).

Section 17-106.A of the Chesapeake Zoning Ordinance requires Conditional Use Permit applications to meet the following standards:

1. **STANDARD:** The proposal, as submitted or as modified, is in conformity with the Comprehensive Plan, including specific applicable elements of the Plan, and with official policies adopted in relation to the plan, including the purposes of this ordinance.

**FINDING:** The Land Use Plan designates this site for Countryside/Large Lot Residential use. This designation is intended for low density residential development which serves as a buffer between the city's agricultural sector and the more dense and developed areas of the city. Although a golf course is not a residential use, its low intensity nature with the preservation of extensive open space is compatible with the intent of the Countryside land use designation. In addition, the proposal is consistent with objectives of the Land Use element of the Comprehensive Plan that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** The proposal, as submitted or as modified, is compatible with the surrounding community and will have no more adverse effects on the health, safety, or comfort of persons living or working in or driving through the area than would any other use generally permitted in the same district.

**FINDING:** The proposed use should not have any adverse effect on the surrounding area, which is a mixture of agricultural and residential uses. The golf course will be open only during the day, with no night operation. Although the property borders both Centerville Turnpike and Whittamore Road, the entrance to the site is provided only from Whittamore Road, which should provide a safer option with less disruption to traffic along Centerville Turnpike. The adjoining residential properties to the south, along Murray Drive, are separated from the golf course by a 120 foot wide power easement. In addition, these lots are a minimum of 3 acres, with the houses located approximately 250 feet from the applicant's property. In combination with the power easement and the golf course's fairway safety buffer, the houses will be located a minimum of 400 feet from any of the fairways.

Residents in the area have expressed concern about the effect of the golf course's use of wells on their water supply (properties in the area are served by private wells) and the possible contamination of the water supply from the use of "fly ash" for the golf course's construction. The applicant has agreed to a stipulation that would require the replacement of any well (at the applicant's expense) within a 2,000 foot radius of the golf course property that is adversely affected by the construction or operation of the golf course and its related facilities. The wording of this stipulation

is based on similar stipulations used for borrow pit applications, and the applicant's responsibility for well replacement would expire seven years from the date of approval of the permit by City Council. In addition, the applicant has agreed to test the water from the clubhouse twice annually in an effort to measure water quality. The well supplying water to the clubhouse is expected to draw water from the same depth as the wells supplying water to the surrounding area. A stipulation addressing the testing of the water is included, and the stipulation discussed earlier pertaining to well replacement addresses wells contaminated by any activity associated with the golf course. Also, the applicant will have water trucks on site that will continuously keep the fly ash wet to keep it in place. As the fly ash is delivered, it will be taken to the area where it is needed and then it will be covered with one to two feet of topsoil. The maximum length of time that the fly ash will be exposed will be seven days. A stipulation is included addressing the maintenance of the exposed fly ash.

Attachment C contains preliminary test results from Dominion Power on samples of the fly ash. The row at the top of the table lists the toxicity levels (measured in parts per million) and the numbers in the remainder of the table lists the amounts of the various elements (arsenic, barium, cadmium, etc.) in parts per million from the samples. The samples indicate the measured levels were well below the toxicity levels. In response to residents' concerns, the applicant will also be providing the measures for each of these elements that are considered safe for drinking. These were not available at the time this report was written, but will be provided prior to the Planning Commission meeting.

Section 17-106.B. offers factors which may be considered in determining whether a Conditional Use Permit application meets the required standards. Only those factors considered applicable to this application are discussed below:

1. **STANDARD:** Whether the proposed conditional use will be consistent with the adopted policies in the Chesapeake Comprehensive Plan.

**FINDING:** As noted above, the low intensity of the proposed use is compatible with the Countryside designation of the City's Land Use Plan. In addition, the use is consistent with policies of the Plan contained in the Land Use element that encourage the provision of public and private open space for leisure and recreation.

2. **STANDARD:** Whether the existing or proposed streets and highways are adequate to safely accommodate and serve the site, with particular attention being given to the following:
  - a. The capacity of existing or proposed streets and highways located on or near the site to accommodate projected traffic volumes.



- b. The adequacy and safety of the size and design of access roads, entrance and exit drives, and traffic circulation patterns, for both vehicular and pedestrian traffic on and near the site.

**FINDING:** In response to comments received from the Department of Public Works, the applicant conducted a traffic analysis of Centerville Turnpike, with the analysis indicating a left turn lane on Centerville Turnpike is needed. The applicant has agreed to provide the left turn lane from Centerville Turnpike to Whittamore Road. The applicant has also agreed to the right-of-way reservation on Centerville Turnpike as requested by Public Works.

3. **STANDARD:** Whether the proposed conditional use will be adequately served by other essential public facilities, including but not limited to the following: water and sewers, drainage facilities, schools, recreational facilities, police and fire protection, refuse disposal.

**FINDING:** Departmental review indicated no objections to the proposed development in regards to public facilities. In response to comments from the Fire Department, a stipulation will be included requiring that a dry hydrant that draws water from the proposed lake be provided since City water is not available. As noted earlier, the applicant has agreed to a stipulation that will address his responsibility in replacing residents' wells that may be adversely affected by the golf course.

4. **STANDARD:** Whether the proposed conditional use will have any adverse effect upon or will be incompatible with the use or enjoyment of adjacent and surrounding property, with particular attention being given to the following:
  - a. The noise characteristics of the proposed use and whether they exceed the maximum sound levels that are typical of uses permitted as a matter of right in the district.
  - b. The anticipated glare from vehicular and stationary lights and the extent to which such lights will be visible from any residential district.
  - c. The vulnerability of the proposed use to fire and related safety hazards.
  - d. The interference by the proposed use with any easement, roadways, rail lines, utilities and public or private rights-of-way.
  - e. The possible destruction, loss, or damage of a natural, scenic, or historic feature of significant importance.

- f. The adequacy of proposed landscaping and buffering measures to screen the site from neighboring properties zoned for or containing less intensive uses.

**FINDING:** None of the items listed above will exist to an extent that will adversely affect surrounding properties. Noise associated with the golf course will be minimal and will not exceed sound levels typical of other uses permitted in the A-1 Agricultural District. Glare from vehicular and stationary lights will also be minimal. The golf course will only be open during the day, which will limit glare from vehicular lights. In addition, the clubhouse, parking lot and related facilities are located in the northwest portion of the site, away from any residential development. Buffering is also proposed around each of these facilities. The applicant has stated that stationary lighting will be limited to that necessary for security purposes only. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road that will provide additional buffering, especially for the purpose of preventing golf balls from entering these roadways. A 150 foot fairway safety buffer is also proposed for this purpose. Roadside landscape buffers, exceeding Code requirements, are provided along both Centerville Turnpike and Whittamore Road. As noted earlier, stipulations are included that address possible effects of the golf course operation on the wells of residents in the community. Samples of the fly ash indicate levels of various elements are well below toxicity levels, and additional information will be provided about acceptable drinking water levels.

5. **STANDARD:** Whether the proposed conditional use will be constructed, arranged, and operated so as not to dominate or interfere with the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable district regulations. In determining whether the proposed conditional use will so dominate the immediate neighborhood, considerations shall be given to:
  - a. The location, nature, and height of buildings, structures, walls, and fences on the site; and
  - b. The overall compatibility of the appearance of the site as proposed with neighborhood sites;
  - c. The nature and extent of landscaping and screening on the site.

**FINDING:** Development of the property as a golf course should not interfere with the development and use of neighboring property. The proposed golf course is not an intensive use of the site. The number of buildings is limited to a clubhouse, cart barn and maintenance building and a parking lot containing 83 spaces. These facilities are located in the northwest portion of the site away from any residential development. The

closest use to these facilities is the Fentress Fire Station located near the intersection of Centerville Turnpike and Whittamore Road. Landscaping is proposed around each of these structures to buffer their view from adjoining properties. In addition, the applicant has agreed to a stipulation addressing the appearance of the clubhouse and maintenance building to ensure their compatibility with surrounding development. The applicant has agreed to construct these buildings with either brick, block with a brick appearance, split block or other stone/masonry veneer acceptable to the Planning Director. Ten foot high berms are proposed along Centerville Turnpike and a portion of Whittamore Road to help prevent errant golf balls from entering these roadways. As discussed earlier, the applicant has also agreed to a stipulation that additional corrective measures will be made if the City's Public Works Department determines that the safety of motorists along both Centerville Turnpike and Whittamore Road is being compromised. The berms and landscaping will also serve as a visual buffer from adjoining properties. By its very nature (i.e., extensive open space and landscaped greens and fairways), the appearance of the golf course will be compatible with the surrounding agricultural and residential area.

#### **STAFF RECOMMENDATION:**

Based on the findings contained in this staff report, staff recommends that **UP-01-03** be **APPROVED** with the following stipulations:

1. As agreed upon by the applicant, the applicant shall be responsible for providing a left turn lane on Centerville Turnpike at Whittamore Road prior to the initial delivery of fly ash to the site.
2. As agreed upon by the applicant, the applicant shall be responsible for providing a minimum twenty-four (24) foot width of pavement on Whittamore Road from the project entrance to the intersection of Centerville Turnpike. These improvements shall be completed prior to the initial delivery of fly ash to the site.
3. A subdivision plat shall be submitted for recordation prior to final site plan approval for the purpose of providing a 45 foot right-of-way reservation along Centerville Turnpike and any right-of-way dedication that may be necessary for ditch and shoulder improvements along Centerville Turnpike, as determined by the Department of Public Works.
4. As agreed upon by the applicant, the applicant shall implement corrective measures to ensure the safety of motorists along Centerville Turnpike and Whittamore Road from errant golf balls if required by the Department of Public Works.

5. As agreed upon by the applicant, an enhanced street buffer varying from 10 feet to 50 feet in width will be provided along Centerville Turnpike and Whittamore Road in order to soften the appearance from the public rights-of-way and to avoid a rigid linear effect. Landscaping shall be subject to approval by the City Arborist.
6. The applicant agrees that a 5 percent tree canopy coverage of the property shall be provided prior to finalization and formal opening of the golf course. The canopy coverage shall be accomplished through a combination of reforestation areas, street buffers and plantings internal to the golf course, subject to approval by the City Arborist. Reforestation areas shall be planted with large and small canopy tree seedlings a minimum of 6" to 12" in height at the time of planting and at a spacing of one tree per 400 sq. ft., subject to approval by the City Arborist. Street buffer trees and internal golf course trees shall be in accordance with the specifications of the Chesapeake Zoning Ordinance.
7. A dry hydrant shall be provided drawing supply from the proposed lake in accordance with the PFM prior to the issuance of a certificate of occupancy.
8. If approved by the City Council, the building setback for the Maintenance Building shall be at least 50 feet from the right-of-way reservation line along Whittamore Road. Landscaping, subject to approval by the City Arborist, shall be provided that screens the Maintenance Building from public view from the street if the setback is approved to be less than 150 feet.
9. A 12' x 35' loading space shall be indicated on the final site plan and provided prior to the issuance of a certificate of occupancy.
10. In the event any private potable well located within a 2,000 foot radius of the subject property's boundaries fails due to contamination or diminution of groundwater, the applicant agrees to promptly provide a replacement well equal in water quality to the failed well. The applicant agrees that he will provide such replacement wells upon receiving a complaint of well damage unless professional hydraulic and/or water quality studies show conclusively that the diminution of groundwater and/or contamination was not caused or contributed to by the construction or operation of the golf course and related facilities. The applicant agrees to post and maintain a twenty-four hour telephone number at the entrance to the site during construction of the golf course to ensure an immediate response to local inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).

11. The applicant acknowledges that it is his legal responsibility to ensure safe public drinking water to his patrons. As such the developer agrees that he shall monitor the domestic water supply for the clubhouse and have prepared water quality reports by an independent consultant on a semi-annual basis. Such report shall be filed with the State Water Control Board with a copy provided to the City of Chesapeake Department of Utilities. The term of these reports shall extend from six (6) months from the date of the initial land disturbance to two (2) years after the formal opening of the golf course.
12. The applicant shall fully comply with all applicable state, local, and federal laws relating to the use of "fly ash" or other coal combustion byproduct in the construction and maintenance of the golf course and related features. The applicant further agrees that no more than four (4) acres of uncovered fly ash or similar byproduct will be exposed at any given time and that the maximum period of exposure, from the time of delivery to the time of topsoil coverage will be seven (7) days. In addition, the applicant shall take all necessary action to prevent the fly ash from being carried by winds to neighboring properties by maintaining the condition of the fly ash, to include, at a minimum, watering on a regular basis.
13. As agreed upon by the applicant, the clubhouse and maintenance building will be constructed with either brick, block with brick appearance, split block or other stone/masonry veneer, with colors and materials to be approved by the Planning Director or designee prior to the issuance of a building permit.
14. In accordance with Section 12-406.E. of the Chesapeake Zoning Ordinance, prior to the issuance of a building permit associated with this conditional use, the building plan must be certified by an acoustical engineer as meeting the noise level reduction (NLR) standards established by the U.S. Navy for buildings located within AICUZ noise zone greater than 75 dB Ldn (noise zone 3). Certification by an acoustical engineer that such sound abatement procedures have been installed shall be provided prior to issuance of a certificate of occupancy for such building or structure.
15. In accordance with Section 12-407 of the Chesapeake Zoning Ordinance, the following statement shall be included on the final site plan: "This development is located partially or wholly within an aircraft noise and/or accident zone and may be subject to above average noise levels (including noise levels experienced in United States Navy AICUZ noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents."

cc: Dorothy Kowalsky, Current Planning Coordinator

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