



Hassell & Folkes, P.C.
Engineers Surveyors Planners

March 13, 2001

T. Ray Hassell III, C.S.
 (1902-1904)
 Stuart G. Folkes, P.E.
 Consultant

Ray Folkes, Jr., P.E.
 Stuart G. Folkes, P.E.
 John W. Manning, III, P.E.
 A. O'Conner, P.C.
 Stephen D. Capozzi, L.S.

Mr. Mik Lestyan
 City Arborist
 DEPARTMENT OF INSPECTIONS
 Environmental Division
 City of Chesapeake
 P.O. Box 15225
 Chesapeake, VA 23328

MAR 14 2001
 10:00 AM
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RE: "ETHERIDGE GREENS"
 (UP-01-03)

Dear Mr. Lestyan:

In response to your comments for the above captioned proposal dated February 21, 2001, attached, I would like to address the contents of this letter.

As you are aware, it is my client's wish to construct an 18 hole golf course on a 217 acre parcel which is currently in agricultural use and devoid of any trees for all practical purposes. As you are also aware, this property is located on the corner of Centerville Turnpike and Whittamore Road with approximately 6,500 feet, or 1.2 miles of frontage.

Having given your comments careful consideration, I would like to offer that with the adoption of required street "buffers" into the zoning ordinance, such "buffers" were intended to mitigate the impacts of the built environment from the traveling public. If the subject property were being improved for instance with hardened surface and buildings to within 10 feet of the right-of-way, such buffering is welcomed by the Public and serves a useful purpose.

Conversely, this application seeks to create a carefully manicured 217 acre landscaped environment for the purpose of playing golf. It is my client's intension to berm and landscape the areas of play in the vicinity of public rights-of-way to prevent errant golf balls from leaving the property. At the same time my client would prefer the traveling public be given the opportunity to enjoy the view of the golf course, just as they would enjoy the view if this were a City park. It is for that reason that I request an administrative waiver from the street buffer requirements in this instance.

With regard to the treatment of this proposal as a conventional site plan, and the application of the 15% canopy coverage requirement, I would like to once again emphasize that this property is currently devoid of any trees for all practical purposes.

Mr. Mik Lestyan, City Arborist
 DEPARTMENT OF INSPECTIONS

March 13, 2001

Page - 2 -

RE: "EFFERIDGE GREENS"
 (UP-01-03)

My Client, who is a professional golfer and designer, intends to develop the property as a links style golf course. This type of golf course has been selected primarily because of the existing, cleared nature of the property. Had this property been heavily wooded, he may very well have designed the course differently and incorporated the trees into the fairway design.

Please consider however, that since the property is clear at this time, that to require the applicant to plant 2,000 trees ranging from two feet to three feet tall would destroy the integrity of the golf course.

This would be the case since it would take at least twenty years for these trees to reach something resembling maturity, and in the interim period would give the appearance that the site had been "clear out".

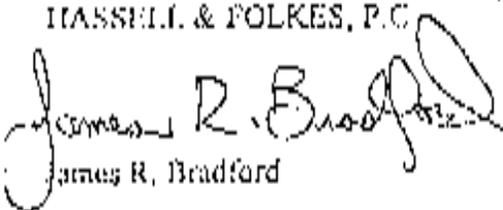
For this reason it is requested that you grant an administrative waiver to the 10% canopy coverage for the golf course as well.

Once again, it is my strong feeling that these requirements were built into the zoning ordinance to mitigate the affects of the hardened surfaces and buildings typically associated with a site plan as they relate to their surroundings, and were not intended to apply to golf course design and construction.

Thanking you for your time and consideration in this matter, I remain,

Very truly yours,

HASSELL & FOLKES, P.C.


 James R. Bradford

JRB/ak

Attachments

cc: Mr. Brent Nielson, Director of Planning
 Mr. Gary Pusey, Department of Planning

{EPPERIDGE.GRNS.001}

POWER OF ATTORNEY

Application No: FEB 12 01 UP 01 03

Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): Tax Map Section 02, Parcel 2 at Whitmore Road and Centerville Turnpike, Butts Road Borough

Nature of Use Permit Sought: Conditional Use Permit to construct and operate a golf course and driving range

I/we, hereinafter: Wesover Fertilizer Company, Inc.

- the applicant for the above referenced application
- the owner of the property described above

I/we do hereby make, constitute, and appoint Robert S. DiBarardine and James R. Bradford

my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the use permit application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: in the case of use permits, to offer conditions to which the proposed use of the property would be subject; and to modify or amend any documents in whole or in part relating to the application.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the 24th day of January, 2001, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

BY: [Signature]
 Owner Applicant G.W. BRADSHAW, PRESIDENT

State of Virginia
City of Wentzville

Subscribed and sworn to before me this 7th day of February 2001
by [Signature]

[Signature]
NOTARY PUBLIC

My commission expires: 10/31/02

* If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.



WEAVER FERTILIZER COMPANY
INCORPORATED
NORFOLK, VIRGINIA

11003 VIRGINIA
 TOWER
 MAIN STREET

MAIL P.O. BOX 3730
 ZIP CODE 23514-3730
 (757) 692-0501
 FAX (757) 692-0102

L. W. BRADSHAW, President

FEBRUARY 7, 2001

TO WHOM IT MAY CONCERN;

THIS IS TO CERTIFY THAT C. W. BRADSHAW, PRESIDENT OF
 WEAVER FERTILIZER COMPANY, INC., HAS AUTHORITY BY ORDER
 OF THE BOARD OF DIRECTORS TO SIGN LEGAL DOCUMENTS FOR
 THE COMPANY TO INCLUDE, BUT NOT LIMITED TO CHECKS,
 ENDORSEMENT OF CHECKS, DEEDS, LEASES, CONTRACTS,
 SECURITY AGREEMENTS AND ASSIGNMENTS.

THIS AUTHORITY REMAINS IN EFFECT,

YOURS VERY TRULY,

Jeanette K. Tippett
 JEANNETTE K. TIPPETT
 CORPORATE SECRETARY

SPECIAL POWER OF ATTORNEY

Application No: _____
 Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): Tax Map Section 62, Parcel 2 at Whitamore Road and Centerville Turnpike, Butts Road Borough.
 Nature of Use Permit Sought: Conditional Use Permit to construct and operate a golf course and driving range
 I/we, am/are: Robert S. Diberardinis
 the applicant for the above referenced application
 the owner of the property described above
 I/we do hereby make, constitute, and appoint James R. Bradford

my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the use permit application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: in the case of use permits, to offer conditions to which the proposed use of the property would be subject; and to modify or amend any documents in whole or in part relating to the application.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the 24th day of January, 2001, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

[Signature]
 Owner* Applicant*

State of Virginia
 City of Chesapeake

Subscribed and sworn to before me this 30 day of January 2001
 by Robert S. Diberardinis

[Signature]
 NOTARY PUBLIC

My commission expires: July 31, 2003

* If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.

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AFFIDAVIT

Application No: FEB 12 01 UP 01 03

STATE OF New York
CITY OF Ithaca

I/We, Robert S. Diberardinis

The applicant(s) listed on the attached Use Permit Application, having been duly sworn, do hereby affirm that the listing attached to, and hereby made a part of this affidavit, identifies the names and last known addresses of all of the following persons and entities in regard to the property that is the subject of the Application:

1. All applicants, title owners, contract purchasers, and lessees of the property; and, if any of the foregoing is a trustee, each beneficiary having an interest in the property.
2. Where any of those listed in (1) above is a corporation, all shareholders owning ten per cent (10%) or more of any class of stock issued by said corporation.
3. Where any of those listed in (1) above is a corporation having ten (10) or fewer shareholders, all such shareholders.
4. Where any of those listed in (1) above is a partnership, all such partners, both general and limited.

Attach a listing of names and addresses as required by this affidavit.

Robert S. Diberardinis
 Printed Name of Applicant
[Signature]
 Signature of Applicant

 Printed Name of Applicant

 Signature of Applicant

State of Virginia
City of Chesapeake

Subscribed and sworn to before me this 30 day of January 2001
by Robert S. Diberardinis

[Signature]
 NOTARY PUBLIC
 My commission expires: July 31, 2003

AFFIDAVIT (Continued)

The following is a complete list of those individuals to be disclosed pursuant to this affidavit:

- Robert S. DiBerardinis

whose business address is:

105 Cherry Street
Ithaca, NY 14850

6. **UP-01-03**

PROJECT: Etheridge Greens

APPLICANT: Robert S. Diberardinis

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A 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

(Continued from April 11, 2001 Public Hearing)

APPROVED with the following stipulations: (Collins/Wilfore 9-0)

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 Whittemore 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-D1-03).
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 Health Department. 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."



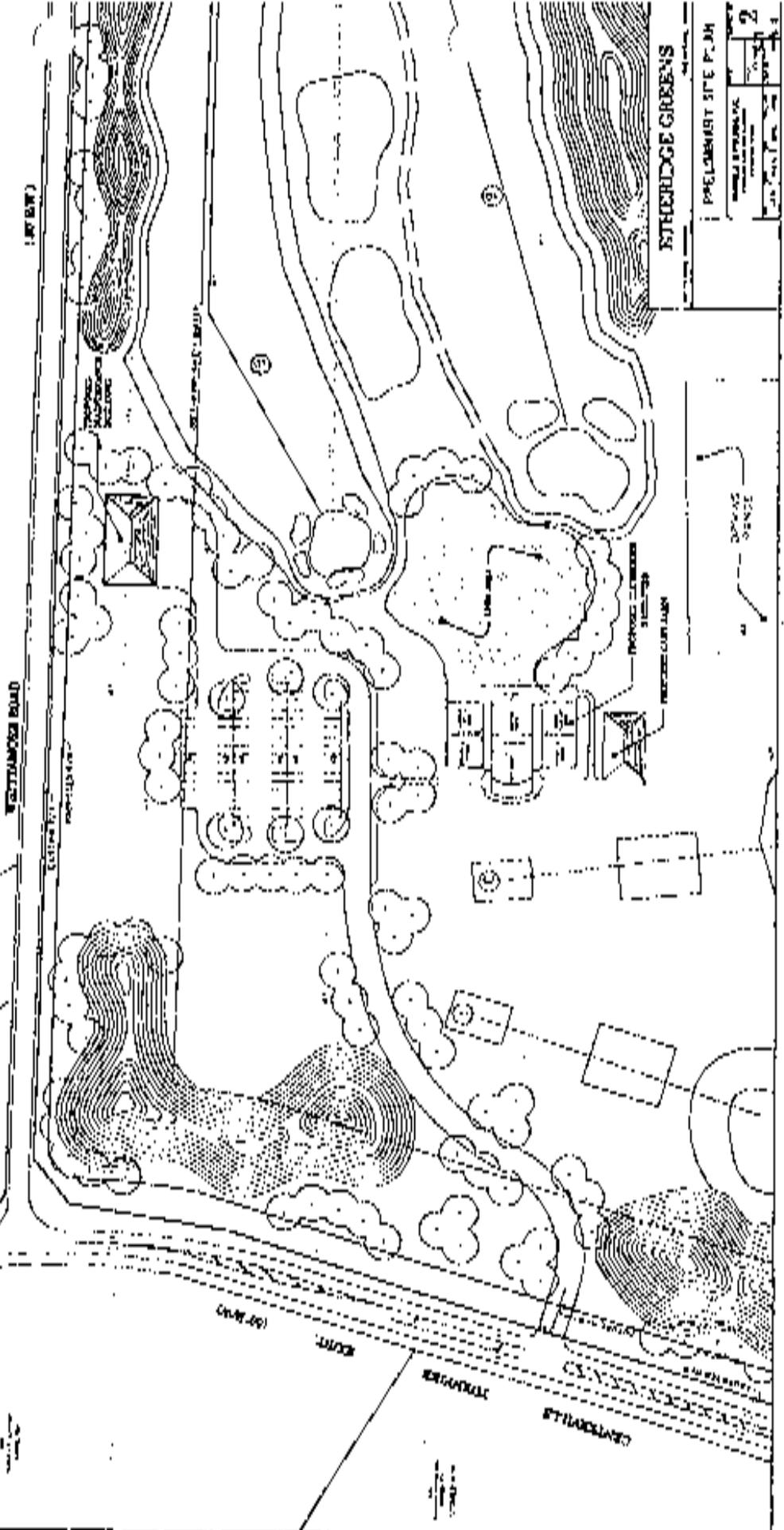
UP-01-03

-- MAP NOT TO SCALE --

Etheridge Greens**UP-01-03****APPLICANT:** Robert S. Diberardinis**AGENCY:** Hassell & Folkes, P.C.**PROPOSAL:** A 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 & Whitlamore Road.**TAX MAP SECTION/PARCEL:** 0620000000020**BOROUGH:** Butts Road*(Continued from April 11, 2001 Public Hearing)***PLANNING COMMISSION MEETING OF
MAY 9, 2004**



SCALE: 1" = 50'
DATE: MAY 4, 2001



STERIDGE GREENS
PRELIMINARY SITE PLAN

DATE	2
BY	
CHECKED BY	
SCALE	

REVISED MAY 4, 2001 UP-01-03

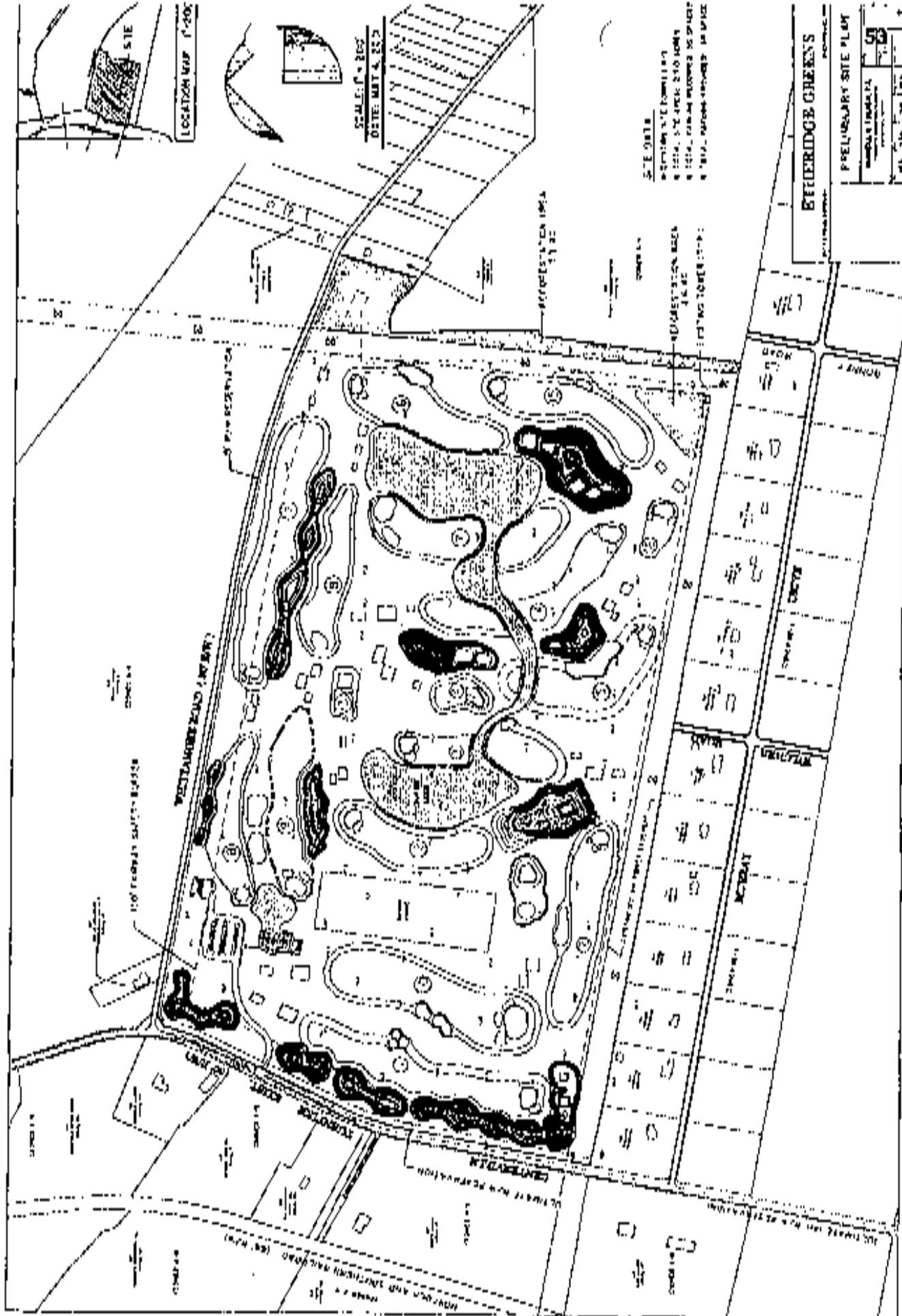
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REVISED MAY 4, 2001 UP-01-03

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UP-01-03

-- MAP NOT TO SCALE --

Etheridge Greens

UP-01-03

APPLICANT: Robert S. DiBerardinis

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A 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 & Whitamore Road.

TAX MAP SECTION/PARCEL: 0620000000020

BOROUGH: Butts Road

(Continued from April 11, 2001 Public Hearing)

PLANNING COMMISSION MEETING OF

MAY 9, 2001

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 Health Department. 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

UP-01-03

PROJECT: Etheridge Greens

APPLICANT: Robert S. DiBerardinis

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A 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

(Continued from April 11, 2001 Public Hearing)

COMMISSION ACTION:

APPROVED with the following stipulations: (Collins/Wilfore 9-0)

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).

**CITY OF CHESAPEAKE
CITY COUNCIL MEETING**

June 20, 2001

6:30 P.M.

City Hall Council Chamber

306 Cedar Road

MARKED AGENDA

1. INVOCATION
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL BY CITY CLERK - ALL MEMBERS PRESENT
4. APPROVAL OF MINUTES – APPROVED WORK SESSION AND REGULAR MEETING MINUTES OF NOVEMBER 28, 2000. COSGROVE/PARKER (9-0)
5. PUBLIC HEARING

APPLICANTS', AGENTS', AND CITIZENS' COMMENTS ON PUBLIC HEARING ITEMS

COUNCIL'S CONSIDERATION OF PUBLIC HEARING ITEMS:

- A. R(C)-01-06. PROJECT: Tangleton Oaks at Tallwood. APPLICANT: Dragas Associates VIII, L.C. AGENCY: Sykes, Carnes, Bourdon & Ahern, P.C. PROPOSAL: A conditional zoning reclassification from PUD Planned Unit Development to R-MF-1 Multifamily Residential District for approximately 3 acres. ZONE: PUD Planned Unit Development. PROPOSED COMP LAND USE / DENSITY: High Density Multi-Family Residential / 10 units per acre to something less than 16 units per acre. Note: with proffers, no dwelling units are proposed. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: Between Emerald Greens subdivision and the Virginia Beach city line, immediately east of properties known as 1400 & 1404 Baffly Loop. TAX MAP SECTION/PARCEL: Adjacent to 0285001000075 and ; 0290000000120. BOROUGH: Washington.

The Planning Commission recommends approval with the following proffer:

1. No dwellings shall be constructed upon the subject property.

**APPROVED CONTINUANCE TO THE JULY 17, 2001 CITY COUNCIL MEETING.
WILLIS/RITTER (9-0)**

- B. UP-01-07. PROJECT: Better Life Ministries. APPLICANT: Reverend Duano S. McNair, Sr. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit to operate a church in an existing building on a .054 acre parcel. ZONE: B-1 Neighborhood Business District. SIC CODE: 866. LOCATION: 2101 Atlantic Avenue. TAX MAP SECTION/PARCEL: 1540000000190. BOROUGH: South Norfolk.

The Planning Commission recommends approval with the following stipulations:

1. As agreed upon by the applicant, three landscaped islands shall be provided at the ends of the parking bays adjacent to Campostella Road and one large canopy tree shall be planted in the grassed triangular area at the intersection of Atlantic Avenue and Campostella Road, as indicated on the site plan submitted by the applicant and dated April 20, 2001, with plantings to be approved by the City Arborist.
2. The Fire Department shall review and approve the location of fire lanes and fire hydrants prior to final site plan approval.

APPROVED WITH STIPULATIONS. KRASNOFF/COSGROVE (9-0)

- C. UP-01-12. PROJECT: Salvation Army Child Daycare Facility. APPLICANT: The Salvation Army. AGENCY: Huff, Poole, & Mahoney, P.C. PROPOSAL: A conditional use permit to allow a child daycare facility in a B-3 Highway Business District within an existing building on 6.07 acres. ZONE: B-3 Highway Business District. SIC CODE: 835. LOCATION: 2099 Military Highway South. TAX MAP SECTION/PARCEL: 1610000000060. BOROUGH: South Norfolk.

The Planning Commission recommends approval with the following stipulations:

1. The daycare facility shall be for the use of current residents of the shelter and no more than ten prior residents of the shelter only. If other trip generating users are proposed for this facility, the applicant will be required to upgrade the entrance and internal circulation on the final site plan as approved by the Department of Public Works.
2. A building permit is required for interior alterations. A certificate of occupancy is required for the change of use.
3. A building permit is required for the playground fence.
4. The dumpster shall be screened and meet setbacks according to Section 14-500 of the Chesapeake Zoning Ordinance.
5. The Fire Department shall review and approve the location of fire lanes and fire hydrants prior to final site plan approval.

APPROVED WITH STIPULATIONS. PARKER/KRASNOFF (9-0)

- D. UP-01-13. PROJECT: Cavalior Gas Station. APPLICANT: MAH Corporation. AGENCY: Engineering Services, Inc. PROPOSAL: A conditional use permit to construct and operate a motor vehicle fuel supply facility and carwash on a 1.15 acre site in conjunction with a permitted convenience store. ZONE: M-1 Light Industrial District, SIC CODE: 554 and 754. LOCATION: Northwest corner of Military Highway South and Cavalior Boulevard. TAX MAP SECTION/PARCEL: 0240000000610. BOROUGH: Deep Creek.

The Planning Commission recommends approval with the following stipulations:

1. The primary material on all buildings and pump island support columns shall be brick, and shall be neutral in color (colonial red also appropriate).
2. Any accent banding on the building, car wash or pump island support columns shall be neutral in color and be approved by the Planning Director prior to final site plan approval.
3. A mansard roof, with architectural or similar shingles, shall be utilized for all buildings and the canopy. Such materials shall be neutral in color.
4. All proposed awnings shall be neutral in color.
5. No advertising shall be permitted on the exterior of the building.
6. Prior to final site plan approval, architectural plans, including colors and materials, shall be subject to Planning Department approval.
7. No outdoor telephones shall be permitted on the site.
8. No loitering shall be permitted on the site. Employees shall be required to monitor and prevent, as necessary, any evidence of loitering.
9. The site must be kept in a clean, well-maintained order at all times.
10. The location of the southern entrance and improvements to the median in Cavalior Boulevard must be approved by the Public Works Department prior to final site plan approval. In addition, the applicant shall be responsible for constructing all necessary road improvements required by the Public Works Department for this development prior to the issuance of a Certificate of Occupancy.
11. The site layout shall accommodate the largest vehicle anticipated to use this site (i.e. a fuel tanker), subject to Public Works Department approval.

12. The proposed entrance on Military Highway must be deleted from the final site plan unless a letter permitting such an entrance is provided by the Virginia Department of Transportation

APPROVED WITH STIPULATIONS. De TRIQUET/WATERS (9-0)

- E. UP-01-08, PROJECT: Mill Creek Harbor, APPLICANT: Mill Creek Harbor, L.L.C. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conditional use permit for a single-family residential cluster subdivision pursuant to Sections 6-2200 through 6-2203 of the Chesapeake Zoning Ordinance, ZONE: R-15s Residential District, LOCATION: 2057 Millville Road, TAX MAP SECTION/PARCEL: 0460000001222 and portions of 0460000001250, 0460000001260, 0460000001270, and 0460000001280, BOROUGH: Deep Creek.

The Planning Commission recommends approval with the following stipulations:

1. The Developer/Owner agrees that he/they shall reserve right-of-way for the Cedar Road Phase IV & V projects to be dedicated at a later date, as specified by the City of Chesapeake. The developer/owner also agrees that the actual limits of the right-of-way needed, as determined by the Public Works Department, may vary from that shown on the preliminary plan. The Developer/Owner further agrees that the actual right-of-way needed shall be shown on the final subdivision plan and be dedicated prior to, or concurrently with, the recordation of the final subdivision plat or the dedication date specified by the City of Chesapeake, whichever is sooner.
2. The Developer/Owner agrees that he/they shall dedicate easements that are deemed necessary by the Public Works Department to route drainage from the Cedar Road Phase IV & V projects through the proposed detention facility located on the south/west side of the proposed Cedar Road right-of-way reservation. The developer/owner also agrees that such easements shall be dedicated prior to, or concurrently with, the approval of the final subdivision plat.
3. Development of the proposed lots shall be subject to the architectural provisions that are listed in April 20, 2001 letter from James R. Bradford of Hassell & Folkes, P.C. to the Department of Planning regarding the subject conditional use permit application, except for those provisions that explicitly refer to (a) the base price of the models and (b) the estimated average sales price.
4. Water quality impact assessment shall be submitted with the final subdivision plan to demonstrate that any encroachment into the landward 50-foot portion of the 100-foot RPA buffer will comply with the buffer equivalency provisions of Section 12-508.C of the Zoning Ordinance.

5. The applicant agrees that all open space areas depicted on the revised preliminary site plan shall be dedicated to a property owners association for the perpetual use and enjoyment of its members. To the extent permitted by state law, the applicant shall ensure that the property owners association will have control over all open space areas regardless of any claim of riparian rights that may be raised by owners of lots abutting open space waterways.
6. All homeowner's association documents required under Section 13-1800 of the Zoning Ordinance shall be submitted to, and approved by, the City Attorney's Office prior to the approval of the final subdivision plan.

**APPROVED WITH STIPULATIONS. COSGROVE/PARKER (8-3)
COUNCIL MEMBERS de TRIQUET, RITTER AND WATERS VOTED
NO.**

- F. UP-01-01. PROJECT: Cavalier Ford. APPLICANT: Kenneth J. Silverman
AGENCY: Hassell & Folkes, P.C. PROPOSAL: Conditional use permit to operate a used motor vehicle dealership on a 0.35 acre lease parcel. ZONE: B-2 General Business District. SIC CODE: 552. LOCATION: 3900 Indian River Road. TAX MAP SECTION/PARCEL: portion of 0133010000070. BOROUGH: Washington.

The Planning Commission recommends approval with the following stipulations:

1. As agreed upon by the applicant, a landscape buffer type "F" shall be provided adjacent to Indian River Road at the west end of the property and planters shall be provided adjacent to Indian River Road by the existing canopy, as indicated on the site plan submitted by the applicant and dated April 10, 2001, with plantings to be approved by the City Arborist.
2. The applicant agrees to remove the existing pole mounted sign prior to obtaining a certificate of occupancy and that the proposed monument sign will conform with all requirements of the Zoning Ordinance.
3. The Fire Department shall review and approve the location of fire hydrants prior to final site plan approval.

APPROVED WITH STIPULATIONS. COSGROVE/WATERS (9-0)

- G. UP-01-03. PROJECT: Etheridge Greens. APPLICANT: Robert S. Diberardinis
AGENCY: Hassell & Folkes, P.C. PROPOSAL: A 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.

The Planning Commission recommends approval 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 right-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 (LJP-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 Health Department. 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."

APPROVED WITH STIPULATIONS. COSGROVE/WILLIS (9-0).

- H. UP-01-06, PROJECT: Master Blasters Paintball. APPLICANT: Master Blasters Paintball. PROPOSAL: A conditional use permit for an outdoor (paintball) recreational facility on a 29 acre parcel and a request for an alternative parking surface in accordance with Section 19-406(C) of the Chesapeake Zoning Ordinance. ZONE: A-1 Agricultural District. SIC CODE: 7999. LOCATION: 3648 Belle Haven Street. TAX MAP SECTION/PARCEL: portion of 0920000000090. BOROUGH: Pleasant Grove.

The Planning Commission recommends approval of the request for an alternative parking surface.

The Planning Commission recommends approval with the following stipulations:

1. The applicant shall limit the days and hours of operation to Saturday and Sunday from 9 a.m. to 4 p.m.
2. The applicant shall limit the number of players on the site to no more than 40 individuals at any one time.
3. The applicant shall install a City standard commercial entrance prior to the commencement of the activities permitted under this conditional use permit.
4. A BMP will be required if more than 10,000 square feet is disturbed during construction prior to commencement of the activities permitted under this conditional use permit.
5. The conditional use permit will expire once the Beech Wood house is sold and/or occupied.

6. Regular cleaning and maintenance of the site is required at the end of every operating day.
7. The applicant shall install a 10-foot wide Buffer "F" along Belle Haven Street prior to the commencement of activities permitted under this conditional use permit.
8. The applicant shall install a 10-foot wide Buffer "A" or "B" on the eastern side of the property and around the existing graveyard site prior to the commencement of activities permitted under this conditional use permit.
9. No overhead lighting shall be installed or utilized on the subject site.
10. As agreed upon by the applicant, the consumption or sale of alcoholic beverages shall be prohibited on the site.
11. The applicant shall ensure that the space identified on the preliminary site plan as the play area is enclosed at all times with safety netting measuring at least 10 feet in height.
12. The Office of Zoning Administration shall, at a minimum, conduct inspections of the property six and twelve months after the issuance of the conditional use permit to ensure compliance with all applicable City ordinances and with the stipulations contained herein. In the event that the Office of Zoning Administration observes one or more violations, a notice of violation shall be issued. Any subsequent violation shall be deemed sufficient to invoke the revocation process set out in Section 17-112 of the Zoning Ordinance.
13. In the interest of public health and the well being of customers and employees, the applicant shall provide screened on-site restroom facilities approved by the Department of Health. Such facilities shall be operational prior to the commencement of the activities permitted under this conditional use permit.
14. The applicant shall post and maintain a sign at the entrance to the play area that outlines safety rules for players, including the requirements that players must wear eye protection at all times.

APPROVED WITH STIPULATIONS. WILLIS/WATERS (5-4). COUNCIL MEMBERS COSGROVE, de TRIQUET, KRASNOFF, AND RITTER VOTED NO.

- I. UP-01-11. PROJECT: Piercy Height Exception. APPLICANT: Ernest L. & Cynthia W. Piercy. PROPOSAL: A conditional use permit to allow a garage to exceed the height of the primary dwelling in accordance with Section 19-205.B of the Chesapeake Zoning Ordinance. ZONE: R-8s Single Family District. LOCATION: 801 Balford Lane. TAX MAP SECTION/PARCEL: 0271014000320. BOROUGH: Washington.

The Planning Commission recommends approval with the following stipulations:

1. The garage shall not be used as a residence.
2. At the option of the applicant, either a buffer yard consisting of a row of Leyland Cypress, 6' on center, minimum height of 36" at planting, or a buffer yard "A" or "B" shall be installed along the western and southern property lines. A landscape plan shall be submitted to and approved by the City Arborist.

APPROVED WITH STIPULATIONS. KRASNOFF/WATERS (9-0)

- J. R(C)-01-02. PROJECT: Bogor Rezoning. APPLICANT: Michael G. & Judith Boger. AGENCY: Carr & Porter, LLC. PROPOSAL: A conditional zoning reclassification from R-15s Single-family Residential District to O & I Office & Institutional District for a .44 acre site. ZONE: R-15s Single-family Residential District. PROPOSED COMP LAND USE: O & I Office & Institutional. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: 2620 Taylor Road. TAX MAP SECTION/PARCEL: 0100000000661. BOROUGH: Western Branch.

The Planning Commission recommends approval with the following proffers:

1. The Applicant/Owner shall develop the subject property solely for use in conjunction with that land identified in Rezoning Application R(C)-00-16, Western Branch Wal-Mart and for replacement and expansion parking for the adjacent (Prudential Decker) office use. Specifically, the subject property shall be used only for the following purposes, provided that all applicable provisions in the Chesapeake Zoning Ordinance, the Chesapeake City Code, and the Chesapeake Public Facilities Manual are met:
 - a. subdivision and partial conveyance to the adjacent landowner, said property to be improved to allow an expanded parking area for the existing (Prudential Decker) office use and to replace parking spaces adjacent to Taylor Road, which are being conveyed to the City of Chesapeake for public road right-of-way at the time of subdivision,

- b. for the detention pond, to serve the development of the outparcels and other property rezoned under Rezoning Application R(C)-00-16,
 - c. for signage, for the Wal-Mart/Sam's Club retail center, provided that lot lines are vacated or created as necessary to meet the sign regulations in the Chesapeake Zoning Ordinance,
 - d. for landscaping,
 - e. for ingress and egress to the property that is the subject of Rezoning Application R(C)-00-16, and
 - f. other incidental uses necessary for the development of the property which is the subject of Rezoning Application R(C)-00-16.
2. The Applicant/Owner agrees that there shall be no access to the property from the ingress/egress entrance to be constructed to the immediate north, other than for the customary maintenance of the improvements identified above.

**APPROVED WITH PROFFERS. De TRIQUET/KRASNOFF (8-1).
COUNCIL MEMBER WATERS VOTED NO.**

- K. CP(M)-01-01. PROJECT: Cahoon Plantation PUD Modification. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A modification to the Cahoon Plantation PUD to reduce the size of the approved golf course (by nine holes) from 346.9 acres to 299 acres and increase the size of the residential area from 53.2 acres to 129.4 acres. ZONE: PUD Planned Unit Development. LOCATION: 1501 Cedar Road. TAX MAP SECTION/PARCEL: 0460000001560, 0460000001570, 0460000000230. BOROUGH: Deep Creek.

The Planning Commission recommends approval.

**APPROVED. COSGROVE/WILLIS (8-1) COUNCIL MEMBER de TRIQUET
VOTED NO.**

- L. R-01-04_PROJECT: Cross Rezoning. APPLICANT: William B. and Kimberly M. Cross. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conventional zoning reclassification of 1.8 acres to allow office/institutional improvements on this property to tie in with the existing O&I zoning on the front 2.3 acres. ZONE: R-15s Residential District(1.8 acre); O&I Office & Institutional District (2.3 acre); PROPOSED COMP LAND USE: General Commercial (O&I Office & Institutional District). EXISTING COMP LAND USE / DENSITY: General Commercial and Suburban Single-Family / 1 unit per acre to something less than 4 units per acre. LOCATION: north of Great Bridge Blvd., south of Route 168 Bypass and west of Battlefield Blvd. TAX MAP SECTION/PARCEL: portion of 0360000001710. BOROUGH: Washington

The Planning Commission recommends approval.

APPROVED. EDGE/PARKER (8-1) COUNCIL MEMBER WATERS VOTED NO.

- M. R-01-05. PROJECT: Etheridge Pines. APPLICANT: Ramsgate Corporation, Inc. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A conventional zoning reclassification for 23 acres from A-1 Agricultural District to R-12(a)s Residential District. ZONE: R-8s Single Family District (2.1 acres); A-1 Agricultural District (23 acres). PROPOSED COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. EXISTING COMP LAND USE / DENSITY: Suburban Single-Family Residential / 1 unit per acre to something less than 4 units per acre. LOCATION: Immediately south of New Born Court. TAX MAP SECTION/PARCEL: 0611005000010, 0611005000060, 0611005000080, portion of 0611005000090, 0611005000110, 0611005000020, 0611005000212, 0611005000260, 0611005000340. BOROUGH: Pleasant Grove.

The Planning Commission recommends approval.

APPROVED. PARKER/de TRIQUET (6-2) COUNCIL MEMBERS RITTER AND WILLIS VOTED NO AND COUNCIL MEMBER KRASNOFF ABSTAINED.

- N. TA-Z-01-05 AN ORDINANCE AMENDING APPENDIX "A" OF THE CHESAPEAKE CITY CODE, ENTITLED "ZONING," SECTIONS 3-403, 6-2101.C., 7-602, 8-601.C., 9-501.C., 9-502., 12-607 AND 14-200 THEREOF, TO DESIGNATE TATTOO PARLORS AS A CONDITIONAL USE IN THE B-2, O & I, M-1, AND M-2 ZONING DISTRICTS AND TO CLARIFY THAT TATTOO PARLORS WILL CONTINUE TO BE PROHIBITED IN ALL OTHER ZONING DISTRICTS.

The Planning Commission recommends approval of version dated May 9, 2001 as amended to prohibit tattoo parlors in the B-2 zoning district.

APPROVED THE MAY 9, 2001 VERSION OF THE ORDINANCE AMENDMENT ALLOWING TATTOO PARLORS IN M-1 AND M-2 ZONING DISTRICTS ONLY AND AS AN EMERGENCY ORDINANCE EFFECTIVE FROM TIME OF ADOPTION. RITTER/WATERS (7-2) COUNCIL MEMBERS COSGROVE AND EDGE VOTED NO.

6. DOCKET

- A. CITIZENS COMMENTS ON AGENDA ITEMS ONLY
- B. CONSENT AGENDA

APPROVED, COSGROVE/PARKER (9-0)

CITY CLERK ITEM

- (1) REFUND OF BUSINESS LICENSE
 - a. Unisys Corporation - \$7,063.39
 - b. Freedom Chevrolet Nissan, Inc. - \$22,231.24

CITY MANAGER ITEMS

- (1) REQUEST FOR APPROPRIATION (\$29,512 FEDERAL/STATE) OF SEIZED ASSET FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES AND THE U.S. DEPARTMENT OF JUSTICE - POLICE DEPARTMENT AND OFFICE OF THE COMMONWEALTH'S ATTORNEY
- (2) REQUEST FOR APPROPRIATION (\$2,040) OF INTEREST EARNINGS FROM LOCAL LAW ENFORCEMENT BLOCK GRANT FUNDS AND LAP TOP COMPUTER GRANT FUNDS - POLICE DEPARTMENT

- (3) CONSIDERATION OF A RESOLUTION APPROVING AN ECONOMIC DEVELOPMENT INVESTMENT GRANT (\$75,000 LOCAL) TO FEDEX GROUND PACKAGE SYSTEM, INC. AND TRANSFERRING APPROPRIATED FUNDS THEREFOR - INDUSTRIAL DEVELOPMENT AUTHORITY
- (4) REQUEST FOR AUTHORITY TO SUBMIT A JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT APPLICATION (\$44,528 STATE/\$4,948 LOCAL) TO THE VIRGINIA DEPARTMENT OF CRIMINAL JUSTICE SERVICES - DEPARTMENT OF HUMAN SERVICES, JUVENILE DETENTION DIVISION
- (5) REQUEST FOR APPROPRIATION (\$33,232 STATE) OF FUEL PROGRAM ASSISTANCE FUNDS ALLOCATED BY THE VIRGINIA DEPARTMENT OF SOCIAL SERVICES - DEPARTMENT OF HUMAN SERVICES
- (6) CONSIDERATION OF A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AGREEMENTS WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION REGARDING ADJUSTMENT OF WATER AND SEWER FACILITIES, RELOCATION OF SANITARY SEWER PUMP STATION #138, AND A DUAL RIGHT OF ENTRY FOR PUMP STATION #138, IN CONJUNCTION WITH IMPROVEMENTS OF I-64 FROM GREENBRIER PARKWAY TO I-464/DOMINION BOULEVARD .. DEPARTMENT OF PUBLIC WORKS

CITY ATTORNEY ITEM

- (1) A RESOLUTION AUTHORIZING THE EXECUTION OF A TEMPORARY NONEXCLUSIVE REVOCABLE LICENSE AGREEMENT WITH DOMINION TELECOM, INC. TO ALLOW FOR THE CONSTRUCTION, MAINTENANCE AND OPERATION OF TELECOMMUNICATIONS FACILITIES IN A PORTION OF THE CITY OF CHESAPEAKE'S RIGHT-OF-WAY.

C. REGULAR AGENDA

CITY MANAGER ITEMS

- (7) REQUEST FOR CONTINGENCY FUND TRANSFER (\$33,664) - REFUND OF UTILITY FEES AND PERMIT FEES FOR ELEVEN HOUSES TO BE CONSTRUCTED IN CAMPOSTELLA SQUARE -- HABITAT FOR HUMANITY, INC.

APPROVED. COSGROVE/PARKER (9-0)

- (6) REQUEST FOR APPROPRIATION (\$268,661 LOCAL) OF FUNDS FROM THE INTERAGENCY CONSORTIUM FUND BALANCE – SUPPLEMENTAL BUDGET REQUEST FOR SPECIAL EDUCATION RESIDENTIAL AND DAY TREATMENT SERVICES – CHESAPEAKE INTERAGENCY CONSORTIUM.

APPROVED. PARKER/WATERS (9-0)

CITY ATTORNEY ITEM

- (2) AN ORDINANCE AMENDING CHAPTER 26 OF THE CITY CODE, ENTITLED "ENVIRONMENT", ARTICLE VII, SECTION 26-233 THEREOF, PROVIDING FOR AN EXCEPTION TO THE INCREASE IN FEES FOR THE REMOVAL OF TOPSOIL AND OTHER MATERIALS WHERE EXISTING CONTRACTS FOR THE SALE OF SUCH MATERIALS DO NOT CONTAIN ESCALATOR CLAUSES.

APPROVED AS AN EMERGENCY ORDINANCE TO BE EFFECTIVE JULY 1, 2001. COSGROVE/PARKER (8-1) COUNCIL MEMBER RITTER VOTED NO.

- 7. CITIZENS' COMMENTS ON THE SERVICES, POLICIES AND AFFAIRS OF THE CITY (NON AGENDA SPEAKERS)
- 8. COMMITTEE REPORTS
- 9. OLD AND NEW BUSINESS
- 10. NOMINATIONS TO BOARDS AND COMMISSIONS
 - A. CHESAPEAKE REDEVELOPMENT AND HOUSING AUTHORITY – 3 VACANCIES

BRADFORD CASAS, ALTHEA GALLOP, WARREN COLE, REBECCA ADAMS, ROSEMARIE POE, ROLAND THORNTON AND LIONELL SPRUILL, JR. WERE NOMINATED. INTERVIEWS WILL TAKE PLACE AT THE JUNE 26, 2001 WORK SESSION AND APPOINTMENTS WILL TAKE PLACE AT THE REGULAR MEETING ON JUNE 26, 2001.

- 11. CLOSED SESSION (if called)
9:58 P.M. – 10:43 P.M.
- 12. ADJOURNMENT
10:47 P.M.

June 25, 2001

Robert S. DiBarardinis
105 Cherry Street
Ithaca, NY 14850

Re: UP-01-03: PROJECT: Etheridge Greens, APPLICANT: Robert S. DiBarardinis, AGENCY: Hassell & Folkes, P.C. PROPOSAL: A 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 & Whitmore Road. TAX MAP SECTION/PARCEL: 0620000000020. BOROUGH: Bulbs Road.

Dear Mr. DiBarardinis:

The application for the above referenced Conditional Use Permit Application was considered and approved with stipulations by City Council at its meeting on June 20, 2001. Enclosed are the appropriate papers that have been processed in this regard.

In addition, the Chesapeake Zoning Ordinance establishes time limitations for use permits, and after the time period the permit will expire unless the use commences or extensions are granted. The Zoning Ordinance provides for an initial time limit of two years (unless a shorter time is specified by City Council at the time of issuance), during which time period the use authorized must commence or the use permit will automatically expire. Specific questions concerning these time limitations and procedures for extending time limitations should be directed to the Zoning Administrator, who is located in the Chesapeake Department of Inspections in the City Hall Building. The telephone number is 382-6240.

As a reminder, the sign posted at this site for the purpose of advertising the proposed action must be removed from the property within five (5) days following the action taken by Council (Chapter 16, Section 105(A)(8) of the City of Chesapeake Zoning Ordinance). Failure to do so is in violation of the City's Zoning Ordinance. Also, a final construction plan may be required prior to the issuance of a building permit. Please contact the Chesapeake Planning Department if you have any questions or need assistance with this matter.

Sincerely,


Dolores A. Moore, CMC/AE
City Clerk

DAM:blp
cc: Planning, Public Works, Real Estate, Zoning

Docket Letter: G

Van Mayor Cosgrove, on a motion seconded by Council Member Walters, moved for approval of UP-01-01 with stipulations.

There was no discussion.

On the motion, voting yes: Council Members Cosgrove, de Trquet, Edgo, Kravoff, Ritter, Preker, Ward, Waters and Willis.

Voting no: None.

G. UP-01-03. PROJECT: Lionridge Golf Course. APPLICANT: Robert S. Oberwalds. AGENCY: Hazard & Folkes, P.C. PROPOSAL: A conditional use permit to construct & operate a golf course, golf driving range & related facilities on a 217+ acre site ZONE: A-1 Agricultural District. SITE COORD: 7892, 7898. LOCATION: Southeast corner of the intersection of Centerville Turnpike & Whittemore Road. TAX MAP SECTION/PARCEL: 062000000070. BOROUGH: Duke Road.

The Planning Commission recommended approval 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 Whittemore 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 Whittemore 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 Whittemore 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 Whittemore Road in order to soften the appearance from the public right-of-way and to avoid a rigid linear effect. Landscaping shall be subject to approval by the City Architect.

June 20, 2001

6. The applicant agrees that a five 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 8" 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 Public Facilities Manual (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 falls 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 well 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 the 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 Health Department. 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 12-405.1 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 Air Installation Compatible Use Zones (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 Air Installation Compatible Use Zones (AICUZ) noise zone greater than 75 dB Ldn, noise zone 3) or to aircraft accidents."

June 20, 2001

City Clerk Moore identified the following speakers:

James H. Bradford, 1025 Volvo Parkway, representing Hassell & Folkes, P.C., spoke in support of Public Hearing Item (G) - UP-01-03.

T. J. Curran, 330 Hurdle Drive, representing self, spoke in opposition to Public Hearing Item (G) - UP-01-03.

Vice Mayor Cosgrove, on a motion seconded by Council Member Willis, moved for approval of UP-01-03 with stipulations.

Mayor Ward asked that James Bradford, agent and C. Max Bastianarow, Jr. of Virginia Power explain the use of the flyash and its impacts. Mr. Bradford and Mr. Bastianarow addressed the issue.

There was no additional discussion.

On the motion, voting yes: Council Members Cosgrove, de Tregent, Inghr, Kramph, Kitter, Parker, Ward, Waters and Willis.

Voting no: None.

H. UP-01-08. PROJECT: Master Blasters Paintball. APPLICANT: Master Blasters Paintball. PROPOSAL: A conditional use permit for an outdoor (paintball) recreational facility on a 29 acre parcel and a request for an alternative parking surface in accordance with Section 19-406(C) of the Choptank Zoning Ordinance. ZONE: A-1 Agricultural District. SIC CODE: 7999. LOCATION: 3848 Belle Haven Street. TAX MAP SECTION/PARCEL: portion of 0920000000000. HOMEOWNER: Pleasant Drive.

The Planning Commission recommended approval of this request for an alternative parking surface and the following stipulations:

1. The applicant shall limit the days and hours of operation to Saturday and Sunday from 9 a.m. to 4 p.m.
2. The applicant shall limit the number of players on the site to no more than 40 individuals at any one time.
3. The applicant shall install a City standard commercial entrance sign to the commencement of the activities permitted under this conditional use permit.
4. A Best Management Practice (BMP) will be required if more than 10,000 square feet is disturbed during construction prior to commencement of the activities permitted under this conditional use permit.
5. The conditional use permit will expire once the Beech Wood house is sold and/or occupied.
6. Regular cleaning and maintenance of the site is required at the end of every operating day.
7. The applicant shall install a 10-foot wide Buffer "B" along Belle Haven Street prior to the commencement of activities permitted under this conditional use permit.
8. The applicant shall install a 10-foot wide Buffer "A" or "D" on the eastern side of the property and around the existing graveyard site prior to the commencement of activities permitted under this conditional use permit.
9. No overhead lighting shall be installed or utilized on the subject site.

Chesapeake VIRGINIA

CONDITIONAL USE PERMIT APPLICATION

CHESAPEAKE PLANNING DEPARTMENT

APPLICATION NUMBER: FEB 17 01 UP 01 05
(Assigned by Chesapeake Planning Department)

GENERAL INFORMATION

1. Applicant(s): Robert S. DiBerardinis
Address: 105 Cherry Street
Ithaca, NY 14850
Daytime Phone: (757)547-9531(agent) FAX Number: (757)547-9481 (agent)
Interest in subject property: Contract Purchaser
E-mail address: Not Available
2. Agent(s): James R. Bradford
Agency: Hassell & Folkos, P.C.
Address: 325 Volvo Parkway
Chesapeake, VA 23320
Daytime Phone: (757) 547-9531 FAX Number: (757) 547-9481
E-mail address: HandFPC@aol.com
3. Owner(s) of property: (if different from applicant)
Name: Weaver Fertilizer Company, Inc.
Address: P.O. Box 3730
Norfolk, VA 23514
Daytime Phone: Not Available FAX Number: Not Available

ACKNOWLEDGMENT

APPLICATION NUMBER: _____
PRIMARY TAX MAP NUMBER: _____

DECLARATION OF PLANNING COMMISSION/CITY COUNCIL INTEREST:

State whether any member of the Planning Commission or City Council owns or has any personal or financial interest in the land which is subject to the application, or has any personal or financial interest in the outcome of the decisions, as defined by the Virginia Conflict of Interest Act.

(No Such Interest Exists)

DECLARATION OF ACCURACY:

I, the undersigned owner (or agent), certify that all statements in this application are true and correct to the best of my knowledge, are accurate and complete and includes all required information and submittals. I also certify that the list of this application submittal. I understand that if the list of adjacent property owners is determined to be incomplete at a later date, any action taken on this application may become null and void.

DECLARATION OF FINANCIAL RESPONSIBILITY FOR ADVERTISING COSTS:

I understand that the cost of newspaper advertising for public hearing notification purposes is my responsibility and agree to pay all notices of payment due and bills associated with advertising costs for this application, including all readvertisements for continuances and appeals.

DECLARATION OF CONSENT:

By signing below, the applicant/agent consents to entry upon the subject property by public officers, employees, and agents of the City of Chesapeake wishing to view the site for purposes of processing, evaluating or deciding this application.

Name: (signature) Robert S. DiBerardinis
Name: (printed or typed) Robert S. DiBerardinis
Address: 105 Cherry Street
Ithaca, NY 14850
Phone: (757) 547-9531 (agent)
Date: January 24, 2001

DESCRIPTION OF PROPERTY (Continued)

6. Zoning Information.

- a. Zoning Sheet(s): 29 and 54
- b. Current Zoning Classification(s) and present use of the property:
(A-1) Present use of property is for the cultivation of cash crops.
- c. Proposed Zoning Classification(s), where applicable: Not Applicable
- d. Overlay District Classification(s) where applicable: Fentress Overlay
 District _____
- e. Adjacent property zoning uses:

DIRECTION	ADJACENT ZONING DESIGNATIONS/USES
North	(A-1) (RE-1) (R-15S)
South	(A-1) (RE-1)
East	(A-1) (R-15)
West	(A-1) (RE-1)(R-8S)(R-15S)

7. Land Use designation of the property as contained in the City's Comprehensive Plan: Countryside
8. Standard Industrial Classification (SIC) code for this proposed use (see Zoning Division of the Inspections Department): 7992 and 7999
9. Planning Area: Southern Chesapeake
10. Census Tract: 211.02
11. Statistical Area: 92420
12. Is the property subject to proffers approved with a conditional rezoning application?
 No Yes Application # _____
13. List any previous applications for this site There are no known previous applications on this site.
14. Are any features of the development proposed to be held in common ownership by persons residing in or owning lots in the development and are not to be dedicated to and accepted by the City or other public entity? No Yes If yes, see instructions for further requirements.

DESCRIPTION OF PROPERTY (Continued)

15. Is the development subject to the City's Open Space and Recreational requirement?
 No Yes If yes, please provide the following:
- a. Amount of park/open space offered (acres): Not Applicable
 - b. Provide Parks and Recreation fee amount (\$50.00 per unit with park site or \$100.00 per lot without park site): Not Applicable
16. Is the property located within the Chesapeake Bay Preservation Area Overlay District as determined by the Department of Planning?
 No Yes If yes, the following shall be submitted in accordance with Section 12-510 of the Chesapeake Zoning Ordinance:
- a. An environmental site assessment
 - b. A landscape plan

AFFIDAVIT

Application No: FEB 12 01 UP 01 03

STATE OF New York
CITY OF Ithaca

I/We, Robert S. Diberardinis

The applicant(s) listed on the attached Use Permit Application, having been duly sworn, do hereby affirm that the listing attached to, and hereby made a part of this affidavit, identifies the names and last known addresses of all of the following persons and entities in regard to the property that is the subject of the Application:

1. All applicants, title owners, contract purchasers, and leasees of the property; and, if any of the foregoing is a trustee, each beneficiary having an interest in the property.
2. Where any of those listed in (1) above is a corporation, all shareholders owning ten per cent (10%) or more of any class of stock issued by said corporation.
3. Where any of those listed in (1) above is a corporation having ten (10) or fewer shareholders, all such shareholders.
4. Where any of those listed in (1) above is a partnership, all such partners, both general and limited.

Attach a listing of names and addresses as required by this affidavit.

Robert S. Diberardinis
Printed Name of Applicant

Printed Name of Applicant

[Signature]
Signature of Applicant

Signature of Applicant

State of Virginia
City of Chesapeake

Subscribed and sworn to before me this 30 day of January 2001
by Robert S. Diberardinis

[Signature]
NOTARY PUBLIC

My commission expires July 31, 2003

AFFIDAVIT (Continued)

The following is a complete list of those individuals to be disclosed pursuant to this affidavit:

- Robert S. Diberardinis

whose business address is:

105 Cherry Street
Ithaca, NY 14850

LEGAL POWER OF ATTORNEY

Application No: 140 12 01 01 03 03

Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): Tax Map Section 62, Parcel 2 at Whitmore Road and Centerville Turnpike Butts Road Borough

Nature of Use Permit Sought Conditions: Use Permit to construct and operate a golf course and driving range

I/we, am/are: Weaver Fertilizer Company Inc.

- the applicant for the above referenced application
- the owner of the property described above

I/we do hereby make, constitute, and appoint Robert S. DiBarardine and James R. Bradford

my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the use permit application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: in the case of use permits, to offer conditions to which the proposed use of the property would be subject; and to modify or amend any documents in whole or in part relating to the application.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the 24th day of January, 2001, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

BY: [Signature]
 Owner* Applicant* G.W. BRADSHAW, PRESIDENT

State of Virginia
City of Roanoke

Subscribed and sworn to before me this 11th day of February 2001
by Guy W. Bradshaw

[Signature]
NOTARY PUBLIC

My commission expires: 10/31/02

* If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.



WEAVER FERTILIZER COMPANY
INCORPORATED
NORFOLK, VIRGINIA

1001 WILSON
LORRA
MAIN STREET

MAIL BOX 8124 400
ZIP CODE 23514-8124
(757) 622-6501
FAX (757) 622-6802

C. W. BRADSHAW, PRESIDENT

FEBRUARY 7, 2001

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY THAT C. W. BRADSHAW, PRESIDENT OF WEAVER FERTILIZER COMPANY, INC., HAS AUTHORITY BY ORDER OF THE BOARD OF DIRECTORS TO SIGN LEGAL DOCUMENTS FOR THE COMPANY TO INCLUDE, BUT NOT LIMITED TO CHECKS, ENDORSEMENT OF CHECKS, DEEDS, LEASES, CONTRACTS, SECURITY AGREEMENTS AND ASSIGNMENTS.

THIS AUTHORITY REMAINS IN EFFECT.

YOURS VERY TRULY,

Jeannette K. Tippet
JEANNETTE K. TIPPETT
CORPORATE SECRETARY

SPECIAL POWER OF ATTORNEY

Application No: _____
Property Description (13-digit Tax Map Number, Street Address or Common Description, Borough): Tax Map Section 62, Parcel 2 at Whitmore Road and Centerville Turnpike, Butts Road Borough

Nature of Use Permit Sought: Conditional Use Permit to construct and operate a golf course and driving range

I/we, am/are: Robert S. Diberardinis

the applicant for the above referenced application

the owner of the property described above

I/we do hereby make, constitute, and appoint James R. Bradford

my true and lawful attorney-in-fact, and grant unto my attorney-in-fact full power and authority to make application for the use permit application described above, and to perform all acts and make all representations as such person shall deem necessary or appropriate in regard to said application, without any limitation whatsoever, including but not limited to the following authority: in the case of use permits, to offer conditions to which the proposed use of the property would be subject; and to modify or amend any documents in whole or in part relating to the application.

The rights, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on the 24th day of January, 2001, and shall remain in full force and effect thereafter until actual notice, by certified mail, return receipt requested is received by the Planning Department of the City of Chesapeake stating that the terms of this power have been revoked or modified.

R. Diberardinis

| | Owner* |X| Applicant*

State of VIRGINIA
City of CHESAPEAKE

Subscribed and sworn to before me this 30 day of January, 2001
by Robert S. Diberardinis

Leona Gray Sheehy

NOTARY PUBLIC

My commission expires: July 31, 2003

* If the owner or applicant is a corporation, partnership, or similar entity, documentation must be attached which establishes that the person signing on behalf of the entity has the authority to act on behalf of and to bind that entity.

ADJACENT PROPERTY OWNERS LIST OF ADDRESSES

Tax Map #: 0610000000950	Tax Map #: 0610000000730
Name: Edna E. Vanluik	Name: McGinnis Farms, Inc.
Street: 1102 Centerville Turnpike	Street: P.O. Box 2666
City: Chesapeake	City: Sanford
State/Zip: VA/23322	State/Zip: NC/27330
Tax Map #: 0610000000951	Tax Map #: 0610000000731
Name: Ramsgate Corporation	Name: Radames M. Alvarez
Street: 1401 Precon Drive, Suite 101	Street: 1000 Centerville Turnpike S.
City: Chesapeake	City: Chesapeake
State/Zip: VA/23320	State/Zip: VA/23322
Tax Map #: 0610000000952	Tax Map #: 0610000000732
Name: Vopco c/o Real Estate Tax Department	Name: Centerville Baptist Church
Street: P.O. Box 25459	Street: 908 Centerville Turnpike S.
City: Richmond	City: Chesapeake
State/Zip: VA/23260	State/Zip: VA/23322
Tax Map #: 0610000000953	Tax Map #: 0610000000650
Name: The Plantation Shops, Inc.	Name: City of Chesapeake
Street: 1508 Blackboard Drive	Street: P.O. Box 15225
City: Chesapeake	City: Chesapeake
State/Zip: VA/23321	State/Zip: VA/23328
Tax Map #: 0610000000970	Tax Map #: 0620000000050
Name: B.M. Williams	Name: Paigo F. Custor, et al c/o Rolfe Grissom
Street: 308 Cedar Lakes Drive	Street: 228 Robert Street
City: Chesapeake	City: Chesapeake
State/Zip: VA/23322	State/Zip: VA/23322

ADJACENT PROPERTY OWNERS LIST OF ADDRESSES

Tax Map #: 0620000000031

Name: Robert G. McDonald, Jr.

Street: 112 Cedar Road

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000050

Name: Louis F. Knight

Street: 1117 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000010

Name: William R. Stephenson

Street: 1101 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000060

Name: Michael E. Calabreses

Street: 1121 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000020

Name: Joseph L. Locasto

Street: 1105 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000070

Name: Dean Leo Parker

Street: 1125 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000030

Name: James A. Stephenson

Street: 1109 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000080

Name: Benjamin M. Williams, II

Street: 1201 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000040

Name: Michael Corwin

Street: 1113 Murray Drive

City: Chesapeake

State/Zip: VA/23322

Tax Map #: 0613001000090

Name: R.E. Norfleet, III

Street: 1205 Murray Drive

City: Chesapeake

State/Zip: VA/23322

ADJACENT PROPERTY OWNERS LIST OF ADDRESSES

Tax Map #: 0613001000100	Tax Map #: 0621004000011
Name: George R. Arthur, Jr.	Name: Walter E. Mitchell, Sr.
Street: 1209 Murray Drive	Street: P.O. Box 1805
City: Chesapeake	City: Chesapeake
State/Zip: VA/23322	State/Zip: VA/23322
Tax Map #: 0613001000110	Tax Map #: 0621003000090
Name: Mark R. West	Name: Charles Taylor
Street: 1213 Murray Drive	Street: 1404 Whittamore Road
City: Chesapeake	City: Chesapeake
State/Zip: VA/23322	State/Zip: VA/23322
Tax Map #: 0613002000010	Tax Map #:
Name: Joseph E. Diaz, Jr.	Name:
Street: 1215 Murray Drive	Street:
City: Chesapeake	City:
State/Zip: VA/23322	State/Zip:
Tax Map #: 0613002000020	Tax Map #:
Name: Jerry K. Hensley	Name:
Street: 1219 Murray Drive	Street:
City: Chesapeake	City:
State/Zip: VA/23322	State/Zip:
Tax Map #: 0613002000030	Tax Map #:
Name: Dennis E. Sears, Jr.	Name:
Street: 1301 Murray Drive	Street:
City: Chesapeake	City:
State/Zip: VA/23322	State/Zip:

"ETHERIDGE GREENS"

NATURE OF PROPOSED USE

- 1) The nature of the proposed use as listed in the Chesapeake Zoning Ordinance is that of a golf course and driving range. The appropriate S.I.C. codes for this use are 7992 and 7999.
- 2) The proposed use is that of a privately owned and maintained, publically accessible, 18-hole golf course. The hours of operation are currently planned to be 7:00 A.M. to dusk seven days a week. The estimated number of employees on the largest shift is 20.
- 3) The golf course has been designed so as to internalize the driving range and the resulting area of play away from public rights-of-way and residential areas. The clubhouse and associated parking areas have also been internalized on the site, with access being promoted from Whitmore Road at a location which will not conflict with adjacent or nearby uses. It is considered that these measures will substantially ensure the continued reasonable enjoyment of neighboring properties and not adversely affect the surrounding land use pattern.
- 4
 - a) There are no noise characteristics associated with the proposed use which would exceed sound levels typically associated with this zoning district.
 - b) It is proposed that the hours of operation for this facility be from 7:00 A.M. to dusk. As such, stationary lighting will be limited to that necessary for security purposes only.
 - c) There are no fire or related safety hazards particular to the proposed use.
 - d) There are no known easements, roadways, rail lines, utilities, or public/private rights-of-way which this application would interfere with.
 - e) There are no known natural, scenic, or historic features of significant importance on this site.
 - f) The nature of the proposed use, that of a golf course, is such that the need for special buffering is not anticipated.
- 5) It is anticipated that this golf course will be visually attractive from the adjacent roadways and a beneficial ultimate land use to the adjacent three (3) acre residential lots within the "Green Haven" subdivision.
- 6) There are no known policies of the Comprehensive Plan which this application would be in conflict with.
- 7) The primary arterial which will provide access to this activity is Centerville Turnpike
 - a) Centerville Turnpike along this road segment is a 50 ft. right-of-way improved with a 24 ft. pavement section.

- b) This use is not considered as a peak hour generator of traffic. As such, a detailed traffic impact analysis is not anticipated.
 - c) Recent traffic counts on Centerville Road along this segment indicates a 24-hour volume of 8,580 VPD.
 - d) The current level of service on Centerville Turnpike along this road segment is level "D".
- 8) Ingress and egress to the subject property will be provide by Whitmore Road via Centerville Turnpike. Because of the low volume of traffic associated with the proposed use, the need for special traffic devices is not anticipated.
 - 9) Traffic routes would be north on Centerville Turnpike to the Greenbrier area and Virginia Beach or south on Centerville Turnpike to Etheridge Minor Boulevard, Hickory, and North Carolina.
 - 10) In as much as the proposed use is a golf course, impervious cover will be limited essentially to the parking area and the clubhouse. A proposed lake has been positioned in proximity to these improvements so as to maintain pre-development discharge rates.
 - 11) Sewer and water provisions for this development will be provided via septic field and well, to be located in proximity to the clubhouse.
 - 12)
 - a) The nearest existing public utilities are a 12" water main and an 8" gravity sewer located on School House Road, north of this proposal.
 - b) It is estimated that the support facilities for the golf course will generate a need for approximately 3,000 gallons per day.
 - c) Since the current zoning on this property is (A-1), and it's current use is cultivation for cash crops, no appreciable demand would otherwise occur.
 - d) As stated in item (11) above, it is currently planned that this facility will be serviced by septic drain field and well water.
 - 13) There are currently no plans for routing off-site public utilities to service this development.
 - 14) It is considered that as a consequence of the relatively small demand being generated by this proposal, that a septic drain field and well water will provide ample supply.
 - 15) At the time of this application, percolation tests for Health Department review are being scheduled and will be made available to the Department of Public Utilities in the near future.
 - 16) There are no features of this development to be held in common ownership.
 - 17) There are no P.U.D, deviations or special exceptions associated with this proposal.



FEB 12 01 UP 01 03

PIONEER TITLE

Agent for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE A

Commitment No: 0784-80094V . . .

Effective Date: February 13, 2001

Time: 08:00 am

Inquires Should be Directed to:

PIONEER TITLE
303 One Columbus Center
Virginia Beach VA 23462
(757) 611-7413 FAX (757) 671-7540

For: BOBBY DIBERARDINIS
1229 KINGSBURY DRIVE
Chesapeake VA 23322

1. Policy or policies to be issued:

ALTA Owner's Policy (10-17-92)	Amount
Proposed Insured	\$1,000.00

COMBUSTION PRODUCTS MANAGEMENT, INC	
ALTA Loan Policy (10-17-92)	Amount
Proposed Insured	

2. The estate or interest in the land described or referred to in this Commitment and covered herein is a Fee Simple.

3. Title to said estate or interest in said land is at the effective date hereof vested in:

WEAVER FERTILIZER CO., INC., a Virginia Corporation

4. The land referred to in this Commitment is described as follows:

All those certain pieces or parcels of land, with the buildings and improvements thereon, situate in Butts Road and Pleasant Grove Magisterial Districts, in the County of Norfolk, Virginia, designated as Tract 10, containing 31.9 acres, more or less, and Tract 4, containing 183 acres, more or less, as shown on Plan of W. J. and Bessie Herring Estate, recorded in the Clerk's Office of the Circuit Court of said County, in Map Book 19, at page 36, also shown as Parcel 271 on Map Book 70 at pages 87 and 87A.

LESS AND EXCEPT that portion of property conveyed to the Commonwealth of Virginia as shown in Deed Book 1258 at page 504.

Said parcel is also shown as Parcel 271 on the plat entitled "RESTRICTIVE EASEMENT AREA 6 (P 999) 1980, U.S. NAVAL AUXILIARY LANDING FIELD, FENTRESS, BUTTS ROAD) BOROUGH, CHESAPEAKE, VIRGINIA" recorded on March 30, 1981 in Map Book 70 at pages 87 and 87A.

It being a part of the same property conveyed to WEAVER FERTILIZER CO., INC., a Virginia Corporation by deed from Frank V. Atkinson, widower, dated December 8, 1948 1691 and recorded January 4, 1949 in Deed Book 935 at page 367.

PIONEER TITLE

Agent for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1 REQUIREMENTS

Commitment No: 0284-80094V

The following requirements must be met:

- a. Pay the agreed amounts for the interest in the land and/or mortgage to be insured.
- b. You must tell us in writing, the name of anyone not referred to in this Commitment who will get an interest in the land or who will make a loan on the land. We may then make additional requirements or exceptions. You must pay the premiums, fees and charges for the Policy.
- c. Documents satisfactory to us creating the interest in the land and/or mortgage to be insured must be signed, delivered, and recorded, as are as follows:
 1. Proper Deed of Bargain and Sale from WEAVER FERTILIZER CO., INC., a Virginia Corporation, vesting fee simple title to the aforescribed property in COMBUSTION PRODUCTS MANAGEMENT, INC.
- d. 123 Day Affidavit as to Mechanic's Liens.
- e. Judgments in favor of the United States of America, against the purchaser(s) listed in Item c(1) above have been checked. Those found, if any are listed below.

PIONEER TITLE

Agent for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 1

(continued)

Commitment No. 0281-80094V

REAL ESTATE TAX INFORMATION:

CPIN No.	0620000000020
Bill No.	06/117
Assessment for 2000/01	
Land Assessment	\$ 321,100.00
Building	\$
Total Assessment	\$ 321,100.00

Quarterly \$ 437.37

Paid thru the second quarter of the Fiscal year 2000/01.

PIONEER TITLE

Agent for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

EXCEPTIONS

Commitment No: 0284 80094V

II. Any policy we issue will have the following exceptions unless they are taken care of to our satisfaction.

General Exceptions:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Encroachments, overlaps, boundary line disputes, or other matters which would be disclosed by an accurate survey or inspection of the premises.
- (3) Easements or claims of easements not shown by the public records.
- (4) Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) Taxes or special assessments which are not shown as existing liens by the public records.

Special Exceptions:

- (1) Real Estate taxes accruing from the beginning of the third quarter of the fiscal year 2000/01 and subsequent quarterly payments not yet due and payable.
- (2) Storm water taxes.
- (3) Easement to Virginia Electric and Power Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 934, at page 382.
- (4) Easement to Virginia Electric and Power Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 905, at page 427.
- (5) Easement to Virginia Electric and Power Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 1247, at page 305.
- (6) Easement to Virginia Electric and Power Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 1805, at page 512.
- (7) Easement to Virginia Electric and Power Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 1247, at page 305.
- (8) Easement to Norfolk and Carolina Telephone and Telegraph Company as recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia in Deed Book 600 at page 389.
- (9) Easement to Virginia Natural Gas as recorded in the City of Chesapeake, Virginia, **1694** Deed Book 4171, at page 581.

PIONEER TITLE

Agent for CHICAGO TITLE INSURANCE COMPANY

SCHEDULE B - SECTION 2

(continued)

Commitment No: 0284-80094V

- (10) Easement to United States of America for air rights as recorded in Deed Book 1914 at page 588.
- (11) Subject to rollback taxes.

ENDORSEMENT

Attached to and forming a part of Commitment No. 0284-80094V

**Issued by
CHICAGO TITLE INSURANCE COMPANY**

The insurance afforded by this endorsement is only effective if the land is used or is to be used primarily for residential purposes.

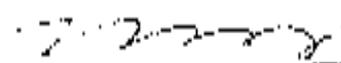
The Company insures the insured against loss or damage sustained by reason of lack of priority of the lien of the insured mortgage over:

- a) any environmental protection lien which at Date of Policy, is recorded in those records established under state statutes at Date of Policy for the purposes of imparting constructive notice of matters relating to real property to purchasers for value and without knowledge, or filed in the records of the clerk of the United States district court for the district in which the land is located, except as set forth in Schedule B;
- or
- b) any environmental protection lien provided for by any state statute in effect at Date of Policy, except environmental protection liens provided for by the following state statutes:

None

This endorsement is made a part of the commitment or policy. It is subject to all the terms of the commitment or policy and prior endorsements. Except as expressly stated on this endorsement, the terms, dates and amount of the commitment or policy and prior endorsements are not changed.

**0284-80094V
CHICAGO TITLE INSURANCE COMPANY**


Authorized Signatory

Note: This endorsement shall not be valid or binding until countersigned by an authorized signatory.

ALTA 8.1
(Environmental Protection Lien)

Owner's
Information
Sheet

The Title Insurance Commitment is a legal contract between you and the Company. It is issued to show the basis on which we will issue a Title Insurance Policy to you. The Policy will insure you against certain risks to the land title, subject to the limitations shown in the Policy.

The Company will give you a sample of the Policy form, if you ask.

The Commitment is based on the land title as of the Commitment Date. Any changes in the land title or the transaction may affect the Commitment and the Policy.

The Commitment is subject to its Requirements, Exceptions and Conditions.

THIS INFORMATION IS NOT PART OF THE TITLE INSURANCE COMMITMENT.

YOU SHOULD READ THE COMMITMENT VERY CAREFULLY.

If you have any questions about the Commitment, contact the Issuing Office.



Chicago Title Insurance Company

171 North Clark Street
Chicago, Illinois 60601-3204

ALTA COMMITMENT 1982 (Rev. 10-19-88)

Issued by:
PIONEER TITLE - VIRGINIA BEACH
ONE COLUMBUS CENTER, SUITE 303
VIRGINIA BEACH, VA 23462
(757) 671-7413
FAX (757) 671-7540

Agreement to Issue Policy

We agree to issue a policy to you according to the terms of this Commitment. When we show the policy amount and your name as the proposed insured in Schedule A, this Commitment becomes effective as of the Commitment Date shown in Schedule A.

If the Requirements shown in this Commitment have not been met within 6 months after the Commitment Date, our obligation under this Commitment will end. Also, our obligation under this Commitment will end when the Policy is issued and then our obligation to you will be under the policy.

Our obligation under this Commitment is limited by the following:

- The provisions in Schedule A.
- The Requirements in Schedule B-I.
- The Exceptions in Schedule B-II.
- The Conditions on Page 2.

This Commitment is not valid without SCHEDULE A and Sections I and II of SCHEDULE B.

CHICAGO TITLE INSURANCE COMPANY

By:

John R. ...
President

By:

Thomas J. Adams
Secy 1697



Countersigned: *[Signature]*
Authorized Signatory

	Page
AGREEMENT TO ISSUE POLICY	1
SCHEDULE A	Attached
1. Commitment Date	
2. Policies to be Issued, Amounts and Proposed Insureds	
3. Interest in the Land and Owner	
4. Description of the Land	
SCHEDULE B-I - REQUIREMENTS	Attached
SCHEDULE B-II - EXCEPTIONS	Attached
CONDITIONS	2

Conditions

1. DEFINITIONS

(a) "Mortgage" means mortgage, deed of trust or other security instrument. (b) "Public Records" means title records that give constructive notice of matters affecting your title - according to the state statutes where your land is located.

2. LATER DEFECTS

The Exceptions in Schedule B - Section II may be amended to show any defects, liens or encumbrances that appear for the first time in the public records or are created or attach between the Commitment Date and the date on which all of the Requirements (a) and (c) of Schedule B - Section I are met. We shall have no liability to you because of this amendment.

3. EXISTING DEFECTS

If any defects, liens or encumbrances existing at Commitment Date are not shown in Schedule B, we may amend Schedule B to show them. If we do amend Schedule B to show these defects, liens or encumbrances, we shall be liable to you according to Paragraph 4 below unless you knew of this information and did not tell us about it in writing.

4. LIMITATION OF OUR LIABILITY

Our only obligation is to issue to you the Policy referred to in this Commitment, when you have met its Requirements. If we have any liability to you for any loss you incur because of an error in this Commitment, our liability will be limited to your actual loss caused by your relying on this Commitment when you acted in good faith to:

Comply with the Requirements shown in Schedule B--Section I

or

Eliminate with our written consent any Exceptions shown in Schedule B - Section II.

We shall not be liable for more than the Policy Amount shown in Schedule A of this Commitment and our liability is subject to the terms of the Policy form to be issued to you.

5. CLAIMS MUST BE BASED ON THIS COMMITMENT

Any claim, whether or not based on negligence, which you may have against us concerning the title to the land must be based on this Commitment and is subject to its terms.



June 25, 2001

Weaver Fertilizer Company, Inc.
P. O. Box 3730
Norfolk, VA 23514

Re: UP-01-03; PROJECT: Ethoridge Greens. APPLICANT: Robert S. Diberardinis. AGENCY: Hassell & Folkes, P.C. PROPOSAL: A 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 & Whitamore Road. TAX MAP SECTION/PARCEL: 0620000000020. BOROUGH: Butts Road.

Dear Agent/Applicant:

The application for the above referenced Conditional Use Permit Application was considered and approved with stipulations by City Council at its meeting on June 20, 2001. Enclosed are the appropriate papers that have been processed in this regard.

In addition, the Chesapeake Zoning Ordinance establishes time limitations for use permits, and after the time period the permit will expire unless the use commences or extensions are granted. The Zoning Ordinance provides for an initial time limit of two years (unless a shorter time is specified by City Council at the time of issuance), during which time period the use authorized must commence or the use permit will automatically expire. Specific questions concerning these time limitations and procedures for extending time limitations should be directed to the Zoning Administrator, who is located in the Chesapeake Department of Inspections in the City Hall Building. The telephone number is 382-6240.

As a reminder, the sign posted at this site for the purpose of advertising the proposed action must be removed from the property within five (5) days following the action taken by Council (Chapter 18, Section 105(A)(6) of the City of Chesapeake Zoning Ordinance). Failure to do so is in violation of the City's Zoning Ordinance. Also, a final construction plan may be required prior to the issuance of a building permit. Please contact the Chesapeake Planning Department if you have any questions or need assistance with this matter.

Sincerely,



Darlene A. Moore, CMC/AAE

City Clerk

DAM:blp

Docket Letter: G

cc: Planning, Public Works, Real Estate, Zoning

June 25, 2001

James R. Bradford
Hassell & Folkes, P.C.
325 Volvo Parkway
Chesapeake, VA 23320

Re: UP-01-03: PROJECT: Etheridge Greens, APPLICANT: Robert S. Diberardinis, AGENCY: Hassell & Folkes, P.C. PROPOSAL: A 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: 7902, 7999. LOCATION: Southeast corner of the intersection of Centerville Turnpike & Whittemore Road. TAX MAP SECTION/PARCEL: 062000000020. BOROUGH: Butts Road.

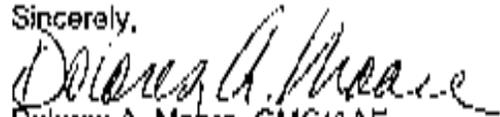
Dear Mr. Bradford:

The application for the above referenced Conditional Use Permit Application was considered and approved with stipulations by City Council at its meeting on June 20, 2001. Enclosed are the appropriate papers that have been processed in this regard.

In addition, the Chesapeake Zoning Ordinance establishes time limitations for use permits, and after the time period the permit will expire unless the use commences or extensions are granted. The Zoning Ordinance provides for an initial time limit of two years (unless a shorter time is specified by City Council at the time of issuance), during which time period the use authorized must commence or the use permit will automatically expire. Specific questions concerning these time limitations and procedures for extending time limitations should be directed to the Zoning Administrator, who is located in the Chesapeake Department of Inspections in the City Hall Building. The telephone number is 382-6240.

As a reminder, the sign posted at this site for the purpose of advertising the proposed action must be removed from the property within five (5) days following the action taken by Council (Chapter 16, Section 105(A)(6) of the City of Chesapeake Zoning Ordinance). Failure to do so is in violation of the City's Zoning Ordinance. Also, a final construction plan may be required prior to the issuance of a building permit. Please contact the Chesapeake Planning Department if you have any questions or need assistance with this matter.

Sincerely,



Dolores A. Moore, CMC/AAE

City Clerk

DAM:blp

cc: Planning, Public Works, Real Estate, Zoning

Docket Letter: G

FOR PLANNING DEPARTMENT USE ONLY

DATE APPLICATION FILED: February 12, 2001

APPLICATION #: UP-01-03

AMOUNT OF APPLICATION FEE PAID: \$225.00

PIV NUMBER: 194490

DATE APPLICATION DETERMINED TO BE COMPLETE: February 14, 2001

APPLICATION REVIEWED/ACCEPTED BY: Gary Pusey

PLANNING COMMISSION ACTION:

DATE OF PUBLIC HEARING: April 11, 2001

ACTION: Continued to the May 9, 2001 Public Hearing

DATE OF PUBLIC HEARING: May 9, 2001

ACTION: 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.

**Chesapeake Planning Commission
May 9, 2001 Public Hearing**

UP-01-03 Etheridge Greens (continued)

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 1702**

UP-01-03 Etheridge Greens (continued)

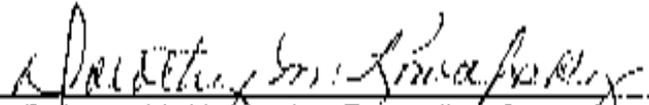
Inquiries. The applicant's obligations under this stipulation shall apply only to potable wells existing at the time that construction of the golf course begins and shall expire seven (7) years from the date of the approval of this conditional use permit (UP-01-03).

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 Health Department. 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 12-408.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 ALCUZ 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.

Chesapeake Planning Commission
May 9, 2001 Public Hearing

UP-01-03 Etheridge Greens (continued)

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."


Dorothy M. Kowalsky, Recording Secretary

CITY COUNCIL ACTION:

DATE OF PUBLIC HEARING: _____ June 20, 2001

ACTION: Approved with above stipulations.


Dolores A. Moore, CMC/AAE, City Clerk



Hassell & Folkes, P.C.
Engineers Surveyors Planners



April 28, 2003

William E. Folkes, P.E.
 Elizabeth A. Folkes, P.E.
 Ryan W. Korman, P.E.
 Robert L. Grayson, P.E.
 George S. Dutton, P.E.
 Robert W. Blanton, P.E.
 Kenneth E. Phelps, P.E.
 James H. Bradford, C.E.A.

City of Chesapeake
 Planning Department
 1000 Bay Plaza, 10th Floor
 Chesapeake, VA 23320
 Phone: (757) 463-1100
 Fax: (757) 463-1101

Mr. Brent Nielson
 DEPARTMENT OF PLANNING
 City of Chesapeake
 306 Cedar Road
 Chesapeake, VA 23322

RE: ETHERIDGE GREENS
 (UP-01-03)

Dear Mr. Nielson:

Please consider this letter as a formal request to extend the approval of the referenced use permit for a period of one (1) year.

As you are aware, the zoning ordinance requires that a conditional use permit expire two (2) years after City Council approval, should the foundation work associated with the permit not be completed within that time frame.

Etheridge Greens was approved by City Council on June 20, 2001. Since that time, my client has obtained plans approval, made substantial improvements in the public right-of-way, and steadily moved towards completion of the golf course.

The foundation work reflected in the zoning ordinance however, and the resulting clubhouse, will not become necessary for the operation of the golf course until it is at or near completion.

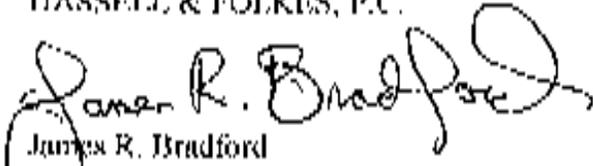
It is for this reason that my client seeks a one (1) year extension from City Council and the concurrence of your department in that effort.

Mr. Brent Nielson
DEPARTMENT OF PLANNING
April 28, 2003
Page 2 -
RE: ETHERIDGE GREENS
(UP-01-03)

Should you have any questions or require additional information, please do not hesitate to contact our office. Trusting this is as you require, we remain,

Very truly yours,

HASSELL & FOLKES, P.C.



James R. Bradford

JRM/kb

cc: Mr. Dorothy Kowalsky
Department of Planning



Enforcement

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00

e-mail: Mary Jo Leugers

Enforcement Contacts

The Central and Regional Offices play key roles in carrying out DEQ's mission and in achieving its enforcement goals. The Regional Offices are responsible for conducting compliance and enforcement action within their regional boundaries. In the Central Office, the Division of Enforcement Coordination supports the Regional Offices in their enforcement efforts.

REGIONAL OFFICES

The regional offices are the primary contacts for the regulated community and the public for permitting, enforcement and pollution response. For the majority of the cases, the regional staff is the first to deal with suspected non-compliance situations, and they are responsible for beginning and concluding enforcement actions.

Regional Office Enforcement Contacts

To view the different regional office jurisdictions, visit our regional office homepage. The regional office homepage describes regional office functions (including compliance and investigation activities) and will direct you to individual homepages for the Department's seven regional offices. Individual regional office pages list other contacts for compliance and/or pollution response activities.

Northern Virginia Regional Office John Bowden Compliance and Enforcement Manager (703) 583-3880 jjbowden@deq.state.va.us	Piedmont Regional Office James Golden Deputy Regional Director 804/527-6052 jjgolden@deq.state.va.us
Tidewater Regional Office Harold Winer Compliance and Enforcement Manager (757) 518-2153 hwiner@deq.state.va.us	Valley Regional Office Rick Anderson Compliance and Enforcement Manager (540) 574-7811 rwanderson@deq.state.va.us
Southwest Regional Office Dallas Sizemore Deputy Regional Director (540) 676-4822 dsizemore@deq.state.va.us	West Central Regional Office Norm Auldridge Deputy Regional Director (540) 582-8870 nauldridge@deq.state.va.us
South Central Regional Office	

1708

<p>David M. Mills Deputy Regional Director (804) 698-5120 dmills@deq.state.va.us</p>

Central Office

In general, the Division of Enforcement Coordination serves in a supportive role to the Regional Offices for all of their enforcement activities. The Division of Enforcement Coordination becomes involved in enforcement actions to assist the Regions and/or to provide expertise and policy guidance. In addition, the Division of Enforcement Coordination assists and coordinates successful statewide implementation of DEQ's enforcement programs by developing appropriate enforcement policies and procedures, providing appropriate training to staff, and auditing regional implementation. The Division of Enforcement Coordination staff provides case-by-case advice to the Regional Offices as needed to include developing administrative enforcement and litigation positions and strategies and preparing referrals to the Attorney General's Office. The Division of Enforcement Coordination staff also consults on multi-media cases and serves as liaison to the Attorney General's Office.

The Division of Enforcement Coordination's Criminal Investigation Unit handles and/or coordinates all case investigations and development of criminal actions with the assistance of Regional and Central Office staff. Potential criminal cases are prioritized based upon, but not limited to, the nature of the violator's knowledge, intent, willfulness, patterns of behavior, environmental impact, and economic benefit.

DIVISION OF ENFORCEMENT COORDINATION CONTACTS

Mary Jo Leugers
 Director of Enforcement Coordination
 804/698-4430
 804/698-4277 (fax)
mjleugers@deq.state.va.us

<p>Water Enforcement</p> <p>Andron W. Wortzel Water Enforcement Coordination Manager 804/698-4284 804/698-4277 (fax) awwortzel@deq.state.va.us</p>	<p>Criminal Investigations</p> <p>Ralph Mayor Criminal Investigations Manager (804) 698-4272 (804) 698-4277 (fax) rjmayor@deq.state.va.us</p>
<p>Waste Enforcement</p> <p>Paul Rogers Waste Enforcement Coordination Manager 804/698-4512 804/698-4277 (fax) prrogers@deq.state.va.us</p>	<p>Lynn Thomas Investigator 540/562-6812 540/562-6725 (fax) lthomas@deq.state.va.us</p>

Air Enforcement

Kathleen O'Connell
Air Enforcement Coordination Manager
804/698-4273
804/698-4277 (fax)
kfoconnell@deq.state.va.us

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Last Updated: Thursday, June 14, 2002 2:04 PM



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Navigate

e-mail: [Karen Slaimour](mailto:Karen.Slaimour@deq.state.va.us)

Coal ash

Regulations establish standards for the use, re-use or reclamation of coal combustion by-products (commonly called coal ash) and establish appropriate standards for siting, design, construction and operation. The regulations provide reasonable exemptions from the permit requirements and from certain substantive facility requirements to promote the development of resource conservation and resource recovery systems.

Waste Management Home

Last Updated: Friday, July 6, 2001 - 7:41 am Eastern Daylight Time



Hassell & Folkes, P.C.
Engineers Surveyors Planners



City Council
City of Chesapeake
City of Chesapeake

April 28, 2003

City of Chesapeake
City of Chesapeake

Mr. Brent Nielson
DEPARTMENT OF PLANNING
City of Chesapeake
306 Cedar Road
Chesapeake, VA 23322

RE: ETHERIDGE GREENS
(UP-01-03)

Dear Mr. Nielson:

Please consider this letter as a formal request to extend the approval of the referenced use permit for a period of one (1) year.

As you are aware, the zoning ordinance requires that a conditional use permit expire two (2) years after City Council approval, should the foundation work associated with the permit not be completed within that time frame.

Etheridge Greens was approved by City Council on June 20, 2001. Since that time, my client has obtained plans approval, made substantial improvements in the public right-of-way, and steadily moved towards completion of the golf course.

The foundation work reflected in the zoning ordinance however, and the resulting clubhouse, will not become necessary for the operation of the golf course until it is at or near completion.

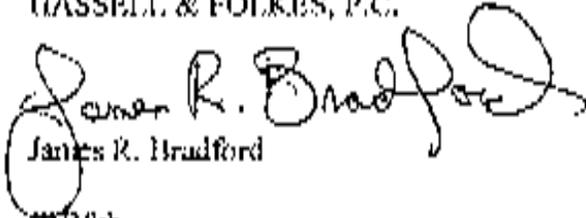
It is for this reason that my client seeks a one (1) year extension from City Council and the concurrence of your department in that effort.

Mr. Brent Nielson
DEPARTMENT OF PLANNING
April 28, 2003
Page - 2 -
RE: ETHERIDGE GREENS
(UP-01-03)

Should you have any questions or require additional information, please do not hesitate to contact our office. Trusting this is as you require, we remain,

Very truly yours,

HASSELL & FOLKES, P.C.



James R. Bradford

JRB/kb

cc: Mr. Dorothy Kowalsky
Department of Planning

RES/PLAKE PLANNING COMMISSION
SPLAKER CARD

Date: 9 MAY 2001 Agenda No.: 6
Agenda Item: UP-01-03

Name: MR. MARION G. PINE, JR.

Address: 1124 MARY DR
CHESTER

Telephone: 576-2441

Group/Organization Represented:

S.E.P.

Please indicate whether you wish to speak to the Commission in support of
or in opposition of the proposed application:

SUPPORT

OPPOSITION

Secretary Use Only: _____ Minutes allotted for Speaking
(1/2001/00)

PERSONS ADDRESSING PLANNING COMMISSION

Please PRINT requested information

Date: 9 MAY 2001 Agenda Item No.: "6" (UP-01-03)

Your Name: JAMES R. BRADFORD

Address: 325 VOLVO PARKWAY
PH # 547-9531

Are you appearing in behalf of application
in opposition to application

Group/Organization you represent: _____

HASSELT & FOLKES, P.C.

CHESAPEAKE PLANNING COMMISSION
SPEAKER CARD

Date: 5/9/01

Agenda No.: 56

Agenda Item: UP-01-03

Name: Robert Stephenson

Address: 1101 Murray Dr

Chesapeake

Telephone: 482 9110

Group/Organization Represented:

Please indicate whether you wish to speak to the Commission in support of
or in opposition of the proposed application:

SUPPORT

OPPOSITION

Secretary Use Only: _____ Minutes allotted for Speaking

CG-26012/19A

CHESAPEAKE PLANNING COMMISSION
SPEAKER CARD

Date: 9 May 01

Agenda No.: _____

Agenda Item: UP-01-03

Name: LORNA HULL

Address: 3301 Andrews Dr

Chesapeake, VA 23323

Telephone: 558-1334

Group/Organization Represented:

Whittamore Road Civic League

Please indicate whether you wish to speak to the Commission in support of
or in opposition of the proposed application:

SUPPORT

OPPOSITION

Secretary Use Only: _____ Minutes allotted for Speaking

CG-26012/19A

ESAPEAKE PLANNING COMMISSION
SPEAKER CARD

Date: 5/9/2002

Agenda No.: 6

Agenda Item: 'A-5'-33

Name:

T J. CARAWAN

Address:

330 HURDLE DR.

Telephone:

Group/Organization Represented:

SELF

Please indicate whether you wish to speak to the Commission in support of
or in opposition of the proposed application:

 SUPPORT

 OPPOSITION

1716

City of Chesapeake Planning Department

Remit to:
308 Cedar Road
Chesapeake Va. 23322

ROBERT J. DIDERAKINIS
108 CHERRY STREET
ITHACA, NY 14850

NOTICE OF PAYMENT

012801 Etheridge Greens
040101 Etheridge Greens

3107.04
3107.94

*U.P. 01-03
PIV 206292
6/15/01
M. Baker*

TOTAL AMT DUE *

3219.28

*OK
(15)*

COMBUSTION PRODUCTS MANAGEMENT

105 Army Street - Ithaca, NY 14850

DBS BANK & TRUST
60-70102213

6360

*PIV
206292*

DATE

AMOUNT

Jun 15, 2001

*****\$215.28

PAY Two Hundred Fifteen and 28/100 Dollars

TO THE
CREDITOR
OR

Chesapeake Planning Department
PO Box 15275
Chesapeake, VA 23328

Robert Baker

AUTHORIZED SIGNATURE

HASSELL & FOLKES, P.C.

PHONE 547-8531
375 VOLVO PARKWAY
CHESAPEAKE, VA 23020

201288 19066
201289

DATE: 3/25/01

ISSUANCE 01

PAY TO THE ORDER OF

City of Chesapeake

\$ 290.00

REGISTERED 290,000 00 CTS
SERIAL 27374

DOLLARS



Myranda Folkus

FOR

⑈019066⑈ ⑈051405188⑈ 011561⑈

Chesapeake VIRGINIA

CITY OF CHESAPEAKE
PAY-IN VOUCHER

201289

19066

PAID TO OF Hassell and Folkus, P.C. DATE 3-28-01
Two hundred and sixty-five DOLLARS

13 Signs Fee

(CHECK ONLY)			
ITAC G/L REV APPR #	<u>11-703</u>	\$	<u>253.07</u>
G/L REV APPR #	<u>11-521</u>	\$	<u>11.93</u>
G/L REV APPR #		\$	
G/L REV APPR #		\$	

UR 01-03

TOTAL \$ 265.00

DEPT. Planning
manage 6176

TREASURER'S COPY

RECEIVED BUSINESS ENTERPRISE INFORMATION SYSTEMS



UP-01-03

-- MAP NOT TO SCALE --

Etheridge Greens

UP-01-03

APPLICANT: Robert S. DiBarardinis

AGENCY: Hassell & Folkes, P.C.

PROPOSAL: A 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 & Whitlamore Road.

TAX MAP SECTION/PARCEL: 062000000020

BOROUGH: Buits Road

(Continued from April 11, 2001 Public Hearing)

PLANNING COMMISSION MEETING OF

MAY 9, 2001

HEARING DATE: MAY 9, 2001
APRIL 11, 2001

TO: CHESAPEAKE PLANNING COMMISSIONERS

FROM: GARY R. PUSEY, PLANNER

THROUGH: BRENT R. NIELSON, PLANNING DIRECTOR *B.R.N.*

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

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:

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

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. seq. 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 lane 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) Fontross, 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 Fontross Airfield Overlay District.

Improvements proposed on the site include an 18 hole golf course, driving range, clubhouse, cart storage building, maintenance building and an 88 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 hike 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 Whittemore 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.

6. **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 Fortress 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."

GRP

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cc: Dorothy Kowalsky, Current Planning Coordinator

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Mr. James R. Bradford
c/o Hassell & Folkes, P.C.
325 Volvo Parkway
Chesapeake, VA 23320

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