August 11, 2010 Public Hearing

APPLICANT AND PROPERTY
OWNER:
CAVALIER GOLF AND YACHT CLUB

REQUEST:
Conditional Use Permit (outdoor recreational facility)

ADDRESS / DESCRIPTION:  1052 Cardinal Road


SUMMARY OF REQUEST

The applicant requests a Conditional Use Permit to allow modifications to the site for the construction of the following items:

- A sidewalk along the northern and western sides of clubhouse and a cart path on western side of clubhouse;
- A second floor deck on northern and western side of clubhouse, and a building addition on western and southern sides of clubhouse;
- Relocation of the cooling tower and the addition of a grease recycle container and a recycle container;
- The addition of a loading dock;
- A dumpster pad with retaining wall on eastern side of clubhouse / marina parking lot; and
- Four inflatable tennis court enclosures.

The existing Birdneck Point subdivision and golf course were platted and recorded in the Princess Anne County Clerk’s office in June 1926, with the golf club opening in 1930. The first Conditional Use Permit for the subject site was obtained in 1969 to allow dining facilities to be added to the already existing golf course and boating facilities. In 1988, a Use Permit to expand the marina from 45 to 63 slips was approved. The parking lot was also approved for expansion to 324 spaces, but all of these spaces were not added at the time. In 1991, a Use Permit was approved to construct a floating dock parallel to the
bulkhead behind the clubhouse. In 1996, approval was granted to expand the clubhouse, and one year later, approval was granted to expand the tennis courts and parking lot. On May 23, 2000, City Council granted approval to close Cardinal Road north of Oriole Drive.

The Chesapeake Bay Area Preservation Board granted a variance on May 24, 2010 for demolition of the sidewalk along the northern and western sides of clubhouse; a patio area on the northern side of the clubhouse; a service entrance / loading / dumpster area; and construction of a sidewalk along the northern and western sides of clubhouse; a second floor deck on the northern and western sides of clubhouse; a building addition on western and southern side of clubhouse; to relocate a cooling tower; a grease recycle container; a recycle container; a loading dock; a cart path on western side of clubhouse; a dumpster pad with retaining wall on eastern side of clubhouse / marina parking lot; four inflatable tennis court enclosures; and synthetic turf on northern side of clubhouse with the following conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Wire re-enforced 36” erosion and sedimentation control measures (silt fences), shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed along the kick plate of the bulkhead. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.
3. Permanent and / or temporary soil stabilization measures as determined by staff shall be applied to all disturbed / denuded area(s) prior to a final civil / building inspection or certificate of occupancy.
4. Construction limits shall lay a maximum of 10’ outboard of improvements on the western, eastern and southern portions of the project. The limits of construction on the northern portion of the site shall lie at the kick plate of the bulkhead (installation of synthetic turf area).
5. The construction access way shall be noted on the site plan, as well as the stockpile / staging area.
6. Under deck treatment of sand and gravel shall be installed.
7. Areas that are currently in a natural state, shall remain in a natural state to include the forest floor (leaf litter) left intact.
8. A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.
9. A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.

Site Specific Conditions:

10. The conditions and approval associated with this variance are based on the site plan sealed April 19, 2010 by Bruce W. Gallup, prepared by Gallup Surveyors and Engineers Ltd.
11. *Stormwater runoff from proposed new impervious cover shall be conveyed to stormwater management facilities. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.
12. **As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of $825.00 and is based on 25% of the proposed impervious cover within the RPA, inclusive of the variable width portion of the buffer. Said payment shall provide for the equivalent of an approximate 900 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.
13. Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (7,202 sq. ft.) and shall install the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be in areas currently devoted to turf and shall have a mulch layer of organic material 4” – 6” in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

14. Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (8,625 sq. ft.) and shall install the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be in areas currently devoted to turf and shall have a mulch layer of organic material 4” – 6” in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.

LAND USE AND PLAN INFORMATION

EXISTING LAND USE: The site is developed with a golf course, clubhouse, tennis court, parking area and marina facilities. The site lies along Linkhorn Bay, a tributary of the Lynnhaven River and is stabilized with turf, trees and many plantings.

SURROUNDING LAND USE AND ZONING:

North:  • Little Neck Creek
         • Oriole Drive
         • Across Oriole Drive are single-family dwellings and a portion of the Cavalier Golf and Yacht Club golf course / R-40 Residential

South:  • Across Oriole Drive are single-family dwellings and a portion of the Cavalier Golf and Yacht Club golf course / R-40 Residential

East:   • Cavalier Golf and Yacht Club marina / R-40 Residential
         • Bobolink Drive
         • Across Bobolink Drive are single-family dwellings / R-40 Residential

West:   •

NATURAL RESOURCE AND CULTURAL FEATURES: Mature landscaping and trees exist on the site. The site is within both the Resource Protection and Resource Management areas of the Chesapeake Bay Preservation Area.

COMPREHENSIVE PLAN:
The Comprehensive Plan designates this site as being within the Suburban Area. The Comprehensive Plan states that the Suburban Area consists of predominately low-density residential subdivisions, shopping centers, office complexes, employment centers & industrial parks and includes open space and transportation networks. The Plan places emphasis on protecting the overall character, economic value and aesthetic quality of the stable neighborhoods in the Suburban Area.
CITY SERVICES

MASTER TRANSPORTATION PLAN (MTP) / CAPITAL IMPROVEMENT PROGRAM (CIP): Cardinal Road provides direct access to this site within the Cavalier Yacht and Country Club neighborhood, and is a two-lane local street.

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Present Volume</th>
<th>Present Capacity</th>
<th>Generated Traffic</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cardinal Road</td>
<td>1,600 ADT ¹</td>
<td>9,900 ADT ¹</td>
<td>Existing Land Use ² – 21 ADT (1 peak hour) Proposed Land Use ³ – 21(1 peak hour)</td>
</tr>
</tbody>
</table>

¹ Average Daily Trips
² as defined by the existing golf course, marina, tennis courts, and clubhouse
³ as defined by the existing golf course, marina, tennis courts, and clubhouse

WATER: There is a six-inch water line in Cardinal Drive and an eight-inch line in Oriole Drive fronting the property. There is an eight-inch water main in Bobolink Drive fronting a portion of the west side of the property. This site has an existing water meter that may be used.

SEWER: There is a four-inch sanitary sewer force main in Bobolink Drive fronting a portion of the west side of the property. There is an eight-inch sanitary sewer main extending onto the property from Bobolink Drive. There is an eight-inch sanitary sewer main in Oriole Drive fronting the property. There is a four-inch sanitary sewer force main in Oriole Drive fronting the property.

EVALUATION AND RECOMMENDATION

Staff recommends approval of this request with the conditions below.

The applicant proposes several additions and alterations to the site such as a second floor deck on the northern and western sides of clubhouse, and a building addition on the western and southern sides of clubhouse; relocation of the cooling tower and the addition of a grease recycle container and a recycle container; the addition of a loading dock; a dumpster pad with retaining wall on eastern side of clubhouse / marina parking lot; and four inflatable tennis court enclosures.

The building additions are to expand the kitchen facilities and reconfigure the inside of the building for improved efficiency in the club operations. The four inflatable tennis court bubble enclosures are similar in appearance to the existing tennis court bubbles at the Princess Anne Country Club at the Oceanfront. The bubbles will enclose the four existing courts from November 1st through April 1st each year, and will be open for play during the hours of 8:00 am through 9:00 pm. The bubbles will not exceed 35-feet in height and the roofs of the bubbles will be green in order to blend with existing vegetation.
Staff finds the request is acceptable. It is part of an overall long term plan to improve the clubhouse and tennis court facilities. The request is compatible with the existing uses in the immediate area and will not cause detriment to those uses. Therefore staff recommends approval.

**CONDITIONS**

1. The site shall be developed substantially in accordance with the Chesapeake Bay Area Preservation Board variance conditions approved May 24, 2010. Said variance information is on file in the Virginia Beach Planning Department.

2. Additions and alterations to the clubhouse facilities shall substantially adhere to the submitted plans titled "Upper Level Existing and New Work, Lower Level Existing and New Work, and North and West Elevation Cavalier Golf & Yacht Club", prepared by Tymoff + Moss Architects. Said plans have been exhibited to the Virginia Beach City Council and are on file in the Planning Department.

3. Site improvements shall substantially adhere to the submitted plans entitled "CBPA Variance Exhibit, Parcel A, Re-subdivision of Property of Cavalier Golf & Yacht Club", dated March 30, 2010, and prepared by Gallup Surveyors & Engineers, LTD. Said plans have been exhibited the Virginia Beach City Council and are on file in the Planning Department.

4. The four inflatable tennis court enclosures shall only be on the site November 1st through April 1st yearly. The inflatable enclosures shall be green in color so as to blend with the existing vegetation. The applicant shall obtain all necessary building permits, inspections, and a Certificate of Occupancy from the Permits and Inspections division of the Planning Department before occupying the enclosures. During the months of November 1st through April 1st the hours of operation shall be 8:00 am through 9:00 pm.

5. The applicant shall plant evergreen trees and shrubs along the eastern side of the entrance road to the clubhouse. The applicant shall work with Current Planning staff to determine an appropriate planting plan. The applicant shall install the plants as soon as possible upon approval by the City Council of this request.

**NOTE: Further conditions may be required during the administration of applicable City Ordinances and Standards. Any site plan submitted with this application may require revision during detailed site plan review to meet all applicable City Codes and Standards. All applicable permits required by the City Code, including those administered by the Department of Planning / Development Services Center and Department of Planning / Permits and Inspections Division, and the issuance of a Certificate of Occupancy, are required before any uses allowed by this Use Permit are valid.**

**The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.**
SITE LAYOUT

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PROPOSED PARTIAL SITE LAYOUT
Clubhouse Renovation
PROPOSED CLUBHOUSE ALTERATION
PROPOSED CLUBHOUSE ALTERATIONS

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The existing subdivision and golf course were platted and recorded in the County Clerk’s Office in June 1926, with the golf club opening in 1930. The following actions have been approved for the site:

5/26/09 – Street Closure - Approved
4/8/08 – Conditional Use Permit (Communication Tower) – Approved
7/10/07 – Conditional Use Permit (Golf Course Maintenance Facility) – Denied
5/23/00 – Street Closure – Approved
1/28/97 – Conditional Use Permit (Tennis Courts and Parking) – Approved
1/23/96 - Conditional Use Permit (Golf Course – Expansion of Clubhouse) – Approved
1/8/91 - Conditional Use Permit (Floating Dock) – Approved
3/14/88 - Conditional Use Permit (Marina Expansion) - Approved
1/13/69 - Conditional Use Permit (Dining Facilities) - Approved

ZONING HISTORY
DISCLOSURE STATEMENT

APPLICANT DISCLOSURE
If the applicant is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the applicant name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

See attached "Resolution".

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant: (Attach list if necessary)

☐ Check here if the applicant is NOT a corporation, partnership, firm, business, or other unincorporated organization.

PROPERTY OWNER DISCLOSURE
Complete this section only if property owner is different from applicant.
If the property owner is a corporation, partnership, firm, business, or other unincorporated organization, complete the following:
1. List the property owner name followed by the names of all officers, members, trustees, partners, etc. below: (Attach list if necessary)

2. List all businesses that have a parent-subsidiary\(^1\) or affiliated business entity\(^2\) relationship with the applicant: (Attach list if necessary)

☐ Check here if the property owner is NOT a corporation, partnership, firm, business, or other unincorporated organization.

\(^1\) & \(^2\) See next page for footnotes

Does an official or employee of the City of Virginia Beach have an interest in the subject land? Yes _____ No __X__

If yes, what is the name of the official or employee and the nature of their interest?

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DISCLOSURE STATEMENT
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ADDITIONAL DISCLOSURES

List all known contractors or businesses that have or will provide services with respect to the requested property use, including but not limited to the providers of architectural services, real estate services, financial services, accounting services, and legal services: (Attach list if necessary)

Gallup Surveyors & Engineers, Ltd.

Governmental Permitting Consultant - Billy Carrington

1 “Parent-subsidiary relationship” means “a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.” See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

2 “Affiliated business entity relationship” means “a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities.” See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

CERTIFICATION: I certify that the information contained herein is true and accurate.

I understand that, upon receipt of notification (postcard) that the application has been scheduled for public hearing, I am responsible for obtaining and posting the required sign on the subject property at least 30 days prior to the scheduled public hearing according to the instructions in this package. The undersigned also consents to entry upon the subject property by employees of the Department of Planning to photograph and view the site for purposes of processing and evaluating this application.

[Signatures]

[Print Name]

[Print Name]

[Print Name]

[Print Name]