



CITY OF VIRGINIA BEACH AGENDA ITEM

ITEM: Fort Worth Development, Inc. – Conditional Use Permit

MEETING DATE: November 25, 2003

■ **Background:**

An Ordinance upon Application of Fort Worth Development, Inc. for a Conditional Use Permit for multi-family dwellings in B-4 (SD) on the north side of Shore Drive between Dinwiddie Road and Dupont Circle (GPIN 1489590079). DISTRICT 4 – BAYSIDE

The purpose of this request is to construct 27 multi-family dwellings in a condominium form of ownership.

This request was approved by the City Council on August 12. On September 9, the City Council, as provided for by Section 107(f) of the City Zoning Ordinance, voted to reconsider the approval of August 12. The City Council established the date of October 28 for that reconsideration to occur.

On October 28, City Council deferred this matter to the November 25 meeting, allowing time for the applicant and the staff to discuss alternative site and building designs that would, in particular, increase the distance of the building from the live oak trees located on the western edge of the subject site.

■ **Considerations:**

The applicant is requesting to develop this 1.14-acre site with 27 mid-rise (6-story) multifamily units (24 units per acre). The Zoning Ordinance identifies multifamily dwelling units in the B-4 District as a “conditional use” rather than a “permitted” use thereby requiring the applicant to seek a Conditional Use Permit. The proposed 27-unit condominium development does meet the density allowed under the B-4 zoning (albeit the maximum allowed at 24 units per acre); however, Staff did not recommend approval of the proposal to the Planning Commission based on specific concerns regarding the height of the structure, the overall massiveness of the building, and the lack of adequate setback from the ultimate right-of-way recommended by the Master Transportation Plan for Shore Drive. The Planning Commission passed a motion by a recorded vote of 6-3 to approve this request with the conditions.

Since the October 28 deferral of this matter by the City Council, the staff and the applicant have discussed several alternative site and building changes. The latest changes accomplish the following:

- The building footprint has been reduced so that the western building wall is now approximately 40 feet from the live oak tree located on the western parcel boundary. The building footprint has decreased from 24,631 square feet to 16,220 square feet.
- The building façade adjacent to Shore Drive has been reduced in width by approximately 30 feet and has been redesigned to provide a more appealing appearance.
- The architecture of the building is fundamentally the same style as the plan approved by the City Council; however, the materials have changed to increase the amount of brick, particularly on the front façade. The height of the building is approximately the same as the originally approved building, with a slight reduction from 87 feet and 8 inches in height to approximately 85 feet.
- The number of parking spaces has fallen from 63 to 61, but still meets the requirements of the City Zoning Ordinance, which calls for 54 spaces. Seven spaces, therefore, are for 'guests.'
- The revised layout and building elevation changes eliminate the need for variances from the Board of Zoning Appeals.
- Details on protecting five live oak trees located on the western parcel boundary have been provided, including the use of chain link fencing around the trees and logging mats between the fence and the building to minimize soil compaction. Staff requested opinions on the proposed method of protection from four experts in the field of horticulture, including the City Arborist. As of November 19, 2003, one of the experts had responded, noting that the proposal seemed to be a reasonable method of protecting the trees.

■ **Recommendations:**

The Planning Commission passed a motion by a recorded vote of 6-3 to approve this request with the following conditions:

1. The development of the site (including site layout, ingress/egress, fence location and materials, etc.) shall substantially conform to the submitted plan entitled, "Parking Lot Layout of Dupont Circle, Shore Drive, Virginia Beach, VA," prepared by MSA, P.C., dated 11-17-03, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department.
2. The building shall be constructed as depicted on the elevation drawings entitled, "The Dupont, Shore Drive, Virginia Beach, Virginia, pages A.1 and A.2," prepared by McEntire Design, and dated 15 Nov 2003, which have been exhibited to the Virginia Beach City Council and are on file in the

Planning Department.

3. The Landscape Plan to be submitted during final site plan review shall mimic the plan identified above in Condition 1. Any additional planting shall adhere to the Landscape Guidelines established in the adopted Shore Drive Corridor Plan, Appendices. Any trees identified to be saved shall be adequately protected with chain link fencing surrounding the entire tree at the drip line until construction is complete. In addition, a certified arborist shall be present at the time of clearing and shall periodically inspect the site to ensure the health of the preserved trees.
4. Identification signage shall be monument style and shall adhere to all applicable Shore Drive Corridor Design Guidelines.

■ **Attachments:**

Staff Review (of originally approved plans)
Disclosure Statement
Location Map

Recommended Action: Approval with conditions.
Submitting Department/Agency: Planning Department

City Manager: