

Item V-K.14

PLANNING

ITEM # 51932

*The following registered in **SUPPORT**:*

Attorney R Edward Bourdon, Pembroke One Building, 5th Floor, Phone 499-8971, represented the applicant and their principal, Stanley Tseng Attorney Bourdon distributed documents illustrating revisions to the plan The footprint of the building is now 33% of the total size of the lot which is a significant reduction The front of the building is 76 feet back from the pavement along Shore Drive The building is now 32 feet less in width on the west side, 6 feet on the east side The base of the building is set back 40 feet from the base of the large oak tree and the smaller oak trees located along Dinwiddie Road Additional brick has been added and the recreational area has been reduced Correspondence of May 7, 1999, from the Ocean Park Civic League is hereby made a part of the record

Wade Ogg, represented Chesapeake House, 3558 Shore Drive #704, Phone 363-8442

William G Sykes, 3669 Seagull Bluff, Phone 464-2015, President - Ocean Park Civic League

*The following registered in **OPPOSITION**:*

Todd Solomon, Shore Drive Community Coalition, 2260 Firrst Landing Lane, Phone, 496-5733

Jack Bryan, 4401 Blackbeard Road Phone 460-3520, represented the Baylake Pines Civic League

David Webster, 3736 DuPont Circle, Phone 464-0486

*Upon motion by Vice Mayor Jones, seconded by Councilman Schmidt, City Council **ADOPTED** an Ordinance upon application of **FORT WORTH DEVELOPMENT, INC.** for a Conditional Use Permit re a multi-family Condominium*

ORDINANCE UPON APPLICATION OF FORT WORTH DEVELOPMENT, INC. FOR A CONDITIONAL USE PERMIT RE MULTI-FAMILY CONDOMINIUM RO11031145

BE IT HEREBY ORDAINED BY THE COUNCIL OF THE CITY OF VIRGINIA BEACH, VIRGINIA

*Ordinance upon application of **FORT WORTH DEVELOPMENT, INC.** for a Conditional Use Permit re multi-family Condominium in the B-4 Shore Drive Corridor Overlay District on the north side of Shore Drive between Dinwiddie Road and DuPont Circle (GPIN 1489590079) (Approved August 12, 2003) (Reconsidered and Deferred October 28, 2003)(DISTRICT 4 - BAYSIDE)*

The following conditions shall be required

- 1 The development of the site (including site layout, ingress/egress, fence location and materials, etc) shall substantially conform to the submitted plan entitled, " Conceptual Site Layout & Landscape Plan of Dupont Circle Shore Drive, Virginia Beach, VA," prepared by MSA, P C , dated 2-3-03, which has been exhibited to the Virginia Beach City Council and is on file in the Planning Department*

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- 2 *The building shall be constructed as depicted on the rendering entitled, "Shore Drive façade at Dupont Circle" prepared by Howard Architectural Presentations, and the elevations entitled, "Dupont Circle Condominiums pages A.2, and A 7," dated March 5, 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*
- 5 *The applicant shall work with the City staff to identify existing trees on the site that are eligible for relocation from the site The applicant shall cooperate with the City to allow the City to enter the site for the purpose of moving identified trees from the site to a site or sites of the City's choosing*

This Ordinance shall be effective in accordance with Section 107 (f) of the Zoning Ordinance

Adopted by the Council of the City of Virginia Beach, Virginia, on the Twenty-fifth of November, Two Thousand Three

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ITEM # 51932 (Continued)

Voting 7-2

Council Members Voting Aye

Harry E Diezel, Margaret L Eure, Vice Mayor Louis R Jones, Richard A Maddox, Peter W Schmidt, Ron A Villanueva and James L Wood

Council Members Voting Nay

Mayor Meyera E Oberndorf and Reba S McClanan

Council Members Absent

Jim Reeve and Rosemary Wilson

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ITEM # 51932a.

*Councilman Schmidt advised the developer has agreed to have the **ten (10) live oak trees** on the site moved to an appropriate location before development commences. The developer will voluntarily contribute **\$10,000** to the **Shore Drive Tree Trust Fund** (for general preservation of trees along Shore Drive).*

ITEM # 51932b.

*Councilman Villanueva requested the **Shore Drive Community Coalition** prioritize open space needs*