

Item V-M.6.

PLANNING

ITEM # 51543

Attorney Edward Bourdon, Phone 499-8971, advised Stan Tseng has been owner of this property for over 20 years. In 1999, the applicant had a site plan approved by the City for a 40-unit condominium on this site. Mr. Tseng decided to wait and upgrade the project. The site plan was distributed to City Council. The units are a minimum of 2200 square feet in size with values of \$1/2-MILLION and above. Twelve (12) live oak trees shall be preserved on the property.

Gary Mah, 2956 Buccaneer Road, Phone 961-9180, resident of Lynnhaven Colony

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

Wade Ogg, 3558 Shore Drive #704, Phone 363-8442, represented the Board of Directors of the Chesapeake House and distributed concerns and requested Conditions to be added

Todd Solomon, 2260 First Landing Lane, Phone 496-5833, represented the Shore Drive Community Coalition, submitted statement from the Coalition, which is hereby made a part of the record

Jack Bryan, 4201 Blackbeard Road, Phone 409-6586, represented Bay Lake Pines Civic League

*Tim Solanis, 3612 Dupont Circle, Phone 464-4922, advised the Ocean Park Civic League voted in **OPPOSITION***

Tracy Estep, 2230 Maple Street, Phone 481-2549, her father previously owned the property, distributed copies of Minutes from February 26, 1979 (W W Rose Change of Zoning from B-4 to R-8)

Dr. Judith Johnson, 3739 Dupont Circle, Phone 363-9798, legislative representative of the Ocean Park Civic League and Women's Club

*A **MOTION** was made by Vice Mayor Jones, seconded by Council Lady McClanan, to **DENY** the Ordinance upon application of **FORT WORTH DEVELOPMENT, INC.** for a Conditional Use Permit re multi-family Condominium*

*Voting 5-6 (**MOTION LOST TO A NEGATIVE VOTE**)*

Council Members Voting Aye

Vice Mayor Louis R Jones, Reba S McClanan, Richard A Maddox, Mayor Meyera E Oberndorf, and James L Wood

Council Members Voting Nay

Harry E Diezel, Margaret L Eure, Jim Reeve, Peter W Schmidt, Ron A Villanueva and Rosemary Wilson

Council Members Absent

None

Item V-M.6.

PLANNING

ITEM # 51543 (Continued)

*Upon motion by Councilman Schmidt, seconded by Council Lady Wilson, City Council **ADOPTED**, with **REVISED** Conditions, Ordinance upon application of **FORT WORTH DEVELOPMENT, INC.** for a Conditional Use Permit re multi-family Condominium*

*ORDINANCE UPON APPLICATION OF **FORT WORTH DEVELOPMENT, INC.**
FOR A CONDITIONAL USE PERMIT RE MULTI-FAMILY CONDOMINIUM
RO80331117*

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) (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*
- 2 The building shall be constructed as depicted on the rendering entitled, "Shore Drive facade 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*

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ITEM # 51543 (Continued)

ADDED REVISIONS AT REQUEST OF RESIDENTS OF THE CHESAPEAKE BAY HOUSE ON THE BAY:

- 1 *That a retaining wall be constructed to protect the integrity of the parking garage of The Chesapeake House On The Bay*
- 2 *That the developer and owners work with homeowners of The Chesapeake House on the Bay to install a device to restrict traffic flow through the parking lot and driveway of The Chesapeake House*

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 Twelfth of August, Two Thousand Three

Voting 6-5

Council Members Voting Aye

Harry E. Diezel, Margaret L. Eure, Jim Reeve, Peter W. Schmidt, Ron A. Villanueva and Rosemary Wilson

Council Members Voting Nay

Vice Mayor Louis R. Jones, Reba S. McClanan, Richard A. Maddox, Mayor Meyera E. Oberndorf, and James L. Wood

Council Members Absent

None

August 12, 2003