

David J. Levine

BUILDING FINE HOMES & COMMERCIAL BUILDINGS

127 SOUTH RIDGELEY POINT
NORFOLK, VIRGINIA 23505

February 16, 1987

Mr. Robert J. Scott
Director of Planning
City of Virginia Beach, Va. 23456

Dear Mr. Scott,

We are today submitting eight applications for changes of Zoning District Classifications, to which we respectfully request that you give your kind consideration.

On the 12.339 acres (Parcel "1-C") we agree that there will be a maximum of two curb cuts into this acreage from Relocated Great Neck Road into this acreage. From Lynnhaven Drive we agree to only one curbcut into this acreage.

On the 4.264 acres (Parcel "1-B") we agree that there will be only one curb cut into this acreage from Lynnhaven Drive.

On the 16.330 acres (Parcel "1-D") we agree that there will be a maximum of two curb cuts into this acreage from Relocated Great Neck Road into this acreage. From Lynnhaven Drive we agree to only one curbcut into this acreage, and we agree to recorded restriction limiting the building heights to 65 feet and the density to twenty four units per acre maximum. We also agree to leaving a 75 foot wide buffer zone, a strip of land running the entire eleven hundred feet from North to South on the Eastern boundary of the acreage. This two acre, more or less, buffer strip is to be used for recreational purposes only, with as many existing trees as can practicably be preserved.

On the 14.001 acres (Parcel "1-A") we agree to the minimum number of curbcuts required by the City and ingress and egress to the acreage will be only from Lynnhaven Drive. Here again we agree to a maximum height limitation of 65 feet and a maximum density of twenty four units per acre. We also agree that this acreage shall be used only for purposes of a retirement community.

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The remaining 11.9 acres, consisting of sixteen hundred feet East to West on Long Creek, would be zoned for Marina Resort Oriented purposes. More than half of this property (6.210 acres) is already zoned B-2. In this regard we agree that the two Southeasternmost parcels on Long Creek (1.976 acres and 1.228 acres) have their uses confined to water oriented development.

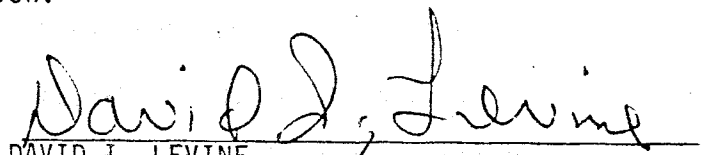
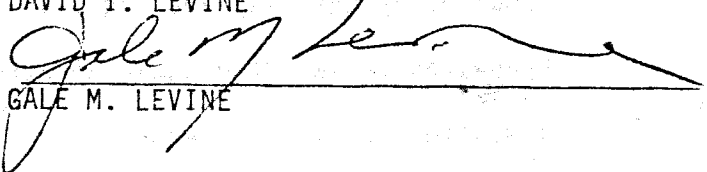
In consideration of our being granted the requested zoning changes, we agree that

I. At the request of residents on Wake Forest Street, we have already authorized the City to close off access to the boat ramp land on the Southern end of Wake Forest Street. All of Parcel "1" (4.221 acres) would remain a nature conservancy and a restriction be placed on the property forever precluding any development of that acreage.

II. We agree to deed to the City of Virginia Beach all of our ownership interest in the 12 acres, more or less, of Chesapeake Bayfront property, running East to West 1,677 feet as is designated on the accompanying survey. This is with the stipulation that none of this property will ever be developed and that the dunes will be preserved.

Thank you for your kind consideration.

Sincerely,


DAVID I. LEVINE

GALE M. LEVINE

State OKs marina on Long Creek

Disputed facility to have 179 slips

By Cyril T. Zaneski
Staff writer

NEWPORT NEWS — A haven for speckled trout will be moved aside to make room for 539 more boats on Virginia Beach's most congested waterway.

A divided Virginia Marine Resources Commission on Tuesday approved David I. and Gale M. Levine's plans for a 179-slip marina and 360-boat garage along Long Creek.

About 75 residents of Bay Island and other neighborhoods along the creek protested the marina. They said it would make boating hazardous and threaten marine life along the narrow 2½-mile corridor between Broad Bay and the Chesapeake Bay.

E. Brian Hostetter of Bay Island said the marina would add to high levels of bacteria and toxic chemicals associated with boat paints and exhaust measured by state and federal environmental agencies.

Building the marina, he said, undermines efforts to revive condemned oyster beds in the creek. The city of Virginia Beach plans this summer to replace leaching septic tanks with sewers along waterways that drain into the creek, a tributary of the Lynnhaven River.

The marina also would destroy a ditch along the creek that Hostetter called the region's "best speckled-trout hole."

"There has been an excellent run of speckled trout here," he told the commission. "And I am only divulging this spot because (the marina) threatens it."

However, Gale Levine said residents of Bay Island, which divides Long Creek and the man-made Long Creek Canal, were trying to deprive people of boat slips in their neighborhood. She displayed photographs showing docks in every back yard along the creek.

"This property is the last in the city of Virginia Beach that can be developed as a marina without extreme environmental impacts," she said. "There's not a place in the city . . . where you don't have to take down five or 10 acres of marshland to get a marina."

Gale Levine said she was dedicating four acres of salt marsh at the east end of the marina as part of the plan under which the City Council agreed in 1987 to allow increased accommodations for boats on the 12-acre parcel.

Moreover, she said she had reduced the number of slips from 214 to shorten the encroachment of piers into the navigation channel and lessen the opportunity for poisons to leach into the water from anti-fouling paint on boat bottoms.

The issue split the commission, which, after an hour's debate, supported the project by a 5-3 vote.

CITY OF VIRGINIA BEACH AGENDA REQUEST

<p>To: <u>The Honorable Mayor</u> <u>Members of the Council</u></p> <p>From: <u>Thomas H. Muehlenbeck</u> <u>City Manager</u></p> <p>Subject: <u>David I. and Gale M. Levine - R-6</u> <u>B-2</u></p> <p>AGENDA ON: <u>June 1, 1987</u></p>	<p>NATURE OF ITEM:</p> <p><input checked="" type="checkbox"/> Zoning/Use Permit <input type="checkbox"/> Contract</p> <p><input type="checkbox"/> Transfer/Appropriation; 1st/2nd Reading</p> <p><input type="checkbox"/> Other _____</p> <hr/> <p>BUDGET SECTION: Amount \$ _____</p> <p>Funding Source: _____</p> <p>Recommendation _____ Signature _____</p>
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HISTORY:

David I. & Gale M. Levine have applied for a Change of Zoning District Classification from R-6 Residential District to B-2 Community-Business District on certain property located 2600 feet more or less South of Shore Drive beginning at a point 2300 feet more or less East of N. Great Neck Road. Said parcel contains 1.228 acres. Plats with **more** detailed information are available in the Department of Planning, LYNNHAVEN BOROUGH.

FACTS/DISCUSSION/OPTIONS:

A motion was passed unanimously by the Planning Commission by a **recorded** vote of 9 to approve this request, subject to the following **conditions:**

1. Recordation of deed restrictions limiting density to **24 units per** acre on the A-4 zoned parcels.
2. Retention of the 75 foot wide buffer zone adjacent to the **existing** residential neighborhood along the eastern portion of the **site.**
3. Recordation of deed restrictions limiting the building heights to 65 feet on the A-4 zoned parcels.
4. Deed to the City of Virginia Beach all the 12 acres, more or less, of Chesapeake Bayfront property as shown on Exhibit B.
5. The applicant agrees to have rezoned by the City the area labeled as Parcel 1 (referenced Exhibit A) to P-1 Preservation District.
6. Utilization of BMP's that are reasonably applicable to this development. BMP's to be determined during detailed development review.