

Item IV-G.1.g.

PUBLIC HEARING

PLANNING

ITEM # 27448

The following spoke in **favor** of the application:

Gale M. Levine, 127 S. Ridgeley Point, Norfolk, Phone: 489-2596, the applicant, represented herself and presented an agreement of conditions which will govern the development of approximately 59 acres. Gale Levine had advised since Thanksgiving Meetings had been held with Members of the Planing Staff, the City Engineering Department, the City Attorney's Office, and various Civic Legues within her area as well as any interested individual. Gale Levine advised she possessed the endorsements of the Planning Staff, the Planning Commission and the Cape Henry Shores, Cape Story by the Sea and Lynnhaven Colony Civic Leagues. This property shall be didvided into three sections. Along the southern side of the property along Long Creek, a marina oriented complex will be developed. Directly north of the Marina facility, a luxury apartment complex will be developed with a restriction of 24-units per acre. Along the western side of relocated Great Neck Road all of the property will be developed as a commercial complex.

Captain Les Fenlon, 2224 Scallop Road, Phone: 481-2501, President of the Lynnhaven Colony Civic League

Richard L. Brothers, 2214-B Sandalwood Road, Phone: 481-6155, President of the Cape Story by the Sea Civic Association

Rocco J. Lassiter, 241 Southgate Avenue, Phone: 490-9221, represented the business community and have a financial interest in 28 individual residents. Mr. Lassiter recently purchased 2/3 of the waterfront for a new subdivision on Bay Island.

Commander Art Hawley, 2800 Powciana Drive, Phone: 496-0296, resident in the southwest corner of Cape Story by the Sea.

Ron Makela, 2225 Wake Forest, Phone: 481-3183, Past President of the Cape Story by the Civic Association, and was one of the individuals engaged in the initial discussions with the Levine's.

Did not register in **APPROVAL** or **OPPOSITION**:

Michael Combs, 2200 Beech Street, expressed concern relative the Southeast Quadrant as he believed this would be a retirement community only. Mr. Combs also reiterated concern relative the buffer, as he had anticipated same would be retained in its natural state

OPPOSITION:

Glenn A. Huff, 2133 Windward Shore Drive, Bay Island, Phone: 481-0589, Vice President of the Bay Island Civic League, expressed concern relative density and the number of ambiguities that exist in the plans. Mr. Huff expressed apprehension relative the already congested boat traffic.

Edward E. Cunningham, 2016 Bay Road, Phone: 481-6834, represented the Broad Bay Civic League and presented a petition in **OPPOSITION** (Said petition is hereby made a part of the record).

Richard Short, 2105 Windward Shore Drive, Phone: 481-3549, President of Broad Bay Civic League, advised the various votes of the Civic Leagues: Against: Alanton, Baycliff, Bay Island, Cheslea and Great Neck; Abstained: States, First Colonial, North Alanton and Woodhurst; For: Bay Shore, Cape Story and Lynnhaven Colony.

Glenn M. Hicks, 2231 Beech Sreet, Phone: 481-3383, adjacent landowner expressed concern relative the useage of the Buffer Zone and the height of the buildings as there will be no parking underneath as previously stated.

Item IV-G.1.g.(a).

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Upon motion by Councilman Balko, seconded by Councilman Perry, City Council ADOPTED an Ordinance upon application of DAVID I. AND GALE M. LEVINE for a Change of Zoning:

ORDINANCE UPON APPLICATION OF DAVID I. & GALE M. LEVINE FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM A-1 TO A-4 Z06871154

Ordinance upon application of David I. & Gale M. Levine for a Change of Zoning District Classification from A-1 Apartment District to A-4 Apartment District on the following parcels:

Parcel 1: Located 1000 feet more or less south of Shore Drive beginning at a point 1000 feet more or less east of North Great Neck Road.

Parcel 2: Located 1625 feet more or less south of Shore Drive beginning at a point 1000 feet more or less east of North Great Neck Road. Said parcels contain 22.002 acres. Plats with more detailed information are available in the Department of Planning. LYNNHAVEN BOROUGH.

The following conditions shall be required:

1. Recordation of deed restrictions limiting density to twenty-four units per acre and limiting building heights to sixty-five feet (65') on the A-4 zoned parcels.
2. Retention of the seventy-five-foot (75') wide buffer zone adjacent to the existing residential neighborhood along the eastern portion of the site.
3. Deed to the City of Virginia Beach all the twelve acres, more or less, of Chesapeake Bayfront property as shown on Exhibit B.
- 4. The applicant agrees to have rezoned by the City the area labeled as Parcel 1 (referenced Exhibit A) to P-1 Preservation District.
5. Utilization of BMP's that are reasonably applicable to this development. BMP's to be determined during detailed development review.
6. "Fitness centers" shall be rephrased to "individual fitness stations not to exceed three exercises per station" in the Agreement dated May 28, 1987, (Page 5, Paragraph 4).
7. In the event the property shall be used for a Marina, there shall be no access to the Marina by the City's haul road.

This Ordinance shall be effective upon the date of adoption.

Adopted by the Council of the City of Virginia Beach, Virginia, on the First day of June, Nineteenth Hundred and Eighty-seven.

Item IV-G.1.g.(a)

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Voting: 7-4

Council Members Voting Aye:

Albert W. Balko, John A. Baum, Robert E. Fentress,
Harold Heischober, Barbara M. Henley, Mayor Robert G.
Jones and John L. Perry

Council Members Voting Nay:

Reba S. McClanan, John D. Moss, Vice Mayor Meyera E.
Oberndorf and Nancy K. Parker

Council Members Absent:

None

Item IV-G.1.g.(b).

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Upon motion by Councilman Balko, seconded by Councilman Perry, City Council ADOPTED an Ordinance upon application of DAVID I. AND GALE M. LEVINE for a Change of Zoning:

ORDINANCE UPON APPLICATION OF DAVID I. & GALE M. LEVINE FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM A-1 TO B-2 ZO6871155

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

Ordinance upon application of David I. & Gale M. Levine for a Change of Zoning District Classification from A-1 Apartment District to B-2 Community-Business District on the following parcels:

Parcel 1: Located 1075 feet more or less south of Shore drive beginning at a point 400 feet east of North Great Neck Road.

Parcel 2: Located 1600 feet more or less south of Shore Drive beginning at a point 410 feet east of North Great Neck Road.

Parcel 3: Located 2375 feet more or less south of Shore Drive beginning at a point 1000 feet more or less east of North Great Neck Road.

Parcel 4: Located 2600 feet more or less South of Shore Drive beginning at a point 1950 feet more or less east of North Great Neck Road.

Said parcels contain 11.753 acres. Plats with more detailed information are available in the Department of Planning. LYNNHAVEN BOROUGH

The following conditions shall be required:

1. Recordation of deed restrictions limiting density to twenty-four units per acre and limiting building heights to sixty-five feet (65') on the A-4 zoned parcels.
2. Retention of the seventy-five-foot (75') wide buffer zone adjacent to the existing residential neighborhood along the eastern portion of the site.
3. Deed to the City of Virginia Beach all the twelve acres, more or less, of Chesapeake Bayfront property as shown on Exhibit B.
4. The applicant agrees to have rezoned by the City the area labeled as Parcel 1 (referenced Exhibit A) to P-1 Preservation District.
5. Utilization of BMP's that are reasonably applicable to this development. BMP's to be determined during detailed development review.
6. "Fitness centers" shall be rephrased to "individual fitness stations not to exceed three exercises per station" in the Agreement dated May 28, 1987, (Page 5, Paragraph 4).
7. In the event the property shall be used for a Marina, there shall be no access to the Marina by the City's haul road.

Item IV-G.1.g (b)

PLANNING

PUBLIC HEARING

ITEM # 27448 (Continued)

This Ordinance shall be effective upon the date of adoption.

Adopted by the Council of the City of Virginia Beach, Virginia, on the First day of June, Nineteenth Hundred and Eighty-seven.

Voting: 11-0

Council Members Voting Aye:

Albert W. Balko, John A. Baum, Robert E. Pentress,
Harold Heischober, Barbara M. Henley, Mayor Robert G.
Jones, Reba S. McClanan, John D. Moss, Vice Mayor
Meyera E. Oberndorf, Nancy K. Parker and John L.
Perry

Council Members Voting Nay:

None

Council Members Absent:

None

Item IV-G.1.g.(c)

PUBLIC HEARING

PLANNING

Upon motion by Councilman Balko, seconded by Councilman Perry, City Council ADOPTED an Ordinance upon application of DAVID I. AND GALE M. LEVINE for a Change of Zoning:

ORDINANCE UPON APPLICATION OF DAVID I. & GALE M. LEVINE FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM B-2 TO A-4 Z06871156

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

Ordinance upon application of David I. & Gale M. Levine for a Change of Zoning District Classification from B-2 Community-Business District to A-4 Apartment District on certain property located 475 feet more or less south of Shore Drive beginning at a point 950 feet more or less east of North Great Neck Road. Said parcel contains 8.329 acres. Plats with more detailed information are available in the Department of Planning. LYNNHAVEN BOROUGH.

The following conditions shall be required:

1. Recordation of deed restrictions limiting density to twenty-four units per acre and limiting building heights to sixty-five feet (65') on the A-4 zoned parcels.
2. Retention of the seventy-five-foot (75') wide buffer zone adjacent to the existing residential neighborhood along the eastern portion of the site.
3. Deed to the City of Virginia Beach all the twelve acres, more or less, of Chesapeake Bayfront property as shown on Exhibit B.
4. The applicant agrees to have rezoned by the City the area labeled as Parcel 1 (referenced Exhibit A) to P-1 Preservation District.
5. Utilization of BMP's that are reasonably applicable to this development. BMP's to be determined during detailed development review.
6. "Fitness centers" shall be rephrased to "individual fitness stations not to exceed three exercises per station" in the Agreement dated May 28, 1987, (Page 5, Paragraph 4).
7. In the event the property shall be used for a Marina, there shall be no access to the Marina by the City's haul road.

This Ordinance shall be effective upon the date of adoption.

Adopted by the Council of the City of Virginia Beach, Virginia, on the First day of June, Nineteenth Hundred and Eighty-seven.

Item IV-G.1.g (c)

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Voting: 7-4

Council Members Voting Aye:

Albert W. Balko, John A. Baum, Robert E. Fentress,
Harold Heischober, Barbara M. Henley, Mayor Robert G.
Jones and John L. Perry

Council Members Voting Nay:

Reba S. McClanan, John D. Moss, Vice Mayor Meyera E.
Oberndorf and Nancy K. Parker

Council Members Absent:

None

Item IV-G.1.g.(d)

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Upon motion by Councilman Balko, seconded by Councilman Perry, City Council ADOPTED an Ordinance upon application of DAVID I. AND GALE M. LEVINE for a Change of Zoning:

ORDINANCE UPON APPLICATION OF DAVID I. & GALE M. LEVINE FOR A CHANGE OF ZONING DISTRICT CLASSIFICATION FROM R-6 to B-2 Z06871157

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

Ordinance upon application of David I. & Gale M. Levine 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 North Great Neck Road. Said parcel contains 1.228 acres. Plats with more detailed information are available in the Department of Planning. LYNNHAVEN BOROUGH.

The following conditions shall be required:

1. Recordation of deed restrictions limiting density to twenty-four units per acre and limiting building heights to sixty-five feet (65') on the A-4 zoned parcels.
2. Retention of the seventy-five-foot (75') wide buffer zone adjacent to the existing residential neighborhood along the eastern portion of the site.
3. Deed to the City of Virginia Beach all the twelve acres, more or less, of Chesapeake Bayfront property as shown on Exhibit B.
4. The applicant agrees to have rezoned by the City the area labeled as Parcel 1 (referenced Exhibit A) to P-1 Preservation District.
5. Utilization of BMP's that are reasonably applicable to this development. BMP's to be determined during detailed development review.
6. "Fitness centers" shall be rephrased to "individual fitness stations not to exceed three exercises per station" in the Agreement dated May 28, 1987, (Page 5, Paragraph 4).
7. In the event the property shall be used for a Marina, there shall be no access to the Marina by the City's haul road.

This Ordinance shall be effective upon the date of adoption.

Adopted by the Council of the City of Virginia Beach, Virginia, on the First day of June, Nineteenth Hundred and Eighty-seven.

Item IV-G.1.g.(d)

PUBLIC HEARING

PLANNING

ITEM # 27448 (Continued)

Voting: 10-1

Council Members Voting Aye:

Albert W. Balko, John A. Baum, Robert E. Fentress,
Harold Heischober, Barbara M. Henley, Mayor Robert G.
Jones, John D. Moss, Vice Mayor Meyera E. Oberndorf,
Nancy K. Parker and John L. Perry

Council Members Voting Nay:

Reba S. McClanan

Council Members Absent:

None