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THE OCEAN PARK ECHO

September 1, 2006 Volume 10. Issue 4

e're on the Wel

Meeting Notice
Thursday, September 7, 2006
7:00 8:30 pm
Ocean Park Fire & Rescue Headquarters

Membership in the Ocean Park Civic League is open to all Ocean Park residents or property owners. Annual dues are only \$10 per household per calendar year. Please attend our meetings to provide another voice into those issues which effect your community. Current members please bring a neighbor with you.

Meeting Agenda

Call to order & Pledge of Allegiance Approval of minutes Treasure's Report

Revote position regarding Pleasure House Point (Indigo Dunes) Revote funds for legal counsel for Pleasure House Point

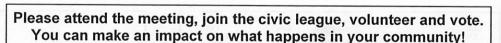
Pleasure House Point update

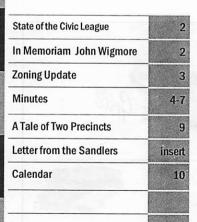
Filling of vacancies for President and Board members

R5R zoning changes

Holiday Care Packages for our troops

New Business





September Door Prizes—must come to win!

- \$25 gift certificate to H20 Restaurant
- \$25 gift certificate to Dockside Restaurant
- \$25 gift certificate to CP Shuckers Caféé & Raw Bar
- \$25 gift certificate to The Smokehouse & Cooler
- Gift from Lynn Hume—ReMax Allegiance

The State of the Civic League

This is a critical time for the Shore Drive community, especially Ocean Park, with the proposed development of Indigo Dunes on Pleasure House Point which would increase our neighborhood by 1096 units. We have a number of people working diligently on this issue but can always use more support from the community. We will need to have volunteers to circulate petitions opposing the development in its present form. We will need people willing to attend hearings, and we will need **everyone** to plan to attend the city council meeting when it is finally heard. (The League is even considering chartering a party bus to take us down to the Municipal Center if enough people sign up!)

Unfortunately, at this critical time we now find ourselves at this writing without a President of the Civic League and also in need of new board members, one to represent the North Side and one for the South Side. If you might be willing to serve in one of these positions or know someone who you would like to nominate please call one of the current board members to let them know.

In Memoriam of John Wigmore

E. Sidney Vaughn III, Ed.D.

John Wigmore, resident of Ocean Park died suddenly on August 13th. All of us who live on Tazewell Road are well aware of John's contributions to the civic league and, more importantly, what a fine person and wonderful neighbor he was. Members of the broader Ocean Park community may not be aware of his contributions and many fine qualities.

John's approach to civic issues was to get done that which needed to be done, without fanfare and without any desire for personal recognition for his efforts. He was responsible for getting bids and supervising sub-contractors to insure the old fire house was brought up to code. As part of this process, he personally took part in re-tarring the roof and paid for many of the needed supplies out of this own pocket.

John regularly delivered the civic league newsletter to south side homes and served as the south side representative on the civic league board, was instrumental in the installation of "scoop the poop" boxes throughout Ocean Park, and provided his truck and labor to pick-up trash from the McLesky property during bay clean-up days. While these contributions may not seem glamorous and receive little recognition, they are precisely the type of tasks that are needed for a community to thrive and remain vibrant.

Those of us who live in Ocean Park are in his debt and those of us who were fortunate to know him are far better people for that experience. The finest tribute Ocean Park residents could offer would be to live up to his high standards of community service and personal integrity.





Zoning Committee Update

Diane Muhlendorf

The site at 3709 Jefferson is getting cleaned up only because they are about finished. As long as the construction crew has a fence up, they can scatter the debris as they like on the property until they are finishing up. At that point they need a waste container and must leave the site in good condition. I pointed out that there is an element of danger due to wind and children playing in the area, but they said that they were not breaking any rules.

The Traffic Department has removed the trees in front of the new condos at the corner of Shore and Powhatan. They were causing a hazard for cars turning onto Shore.

The person in the Planning Department (Ms. Christi) in charge of the Colley Marine site replied to my questions that "nothing new is happening".

A surveyor returned to 3796 Jefferson to make sure that the builder was complying with the agreement to move the structure twenty feet back toward the street away from the duneline. There was some question as to whether he was in compliance. The City surveyor said that he is in compliance and construction continued.

A variance for reduced rear and side setbacks was requested for a site on West Stratford Road.. The staff for the Board of Zoning Appeals recommended denial. The Board voted to deny the rear request and reduced the allowable variance on the side yard. The builder had chosen to build a single family home instead of a duplex (which would have been allowed under current regulations) even before BZA ruling.



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Highlight of Minutes from May 4, 2006

Treasurer's Report reflects an end balance of \$8,545.57 in the Savings Account and a balance of \$2,230.42 in

the Checking Account.

Jennifer Downin recapped developments on the proposed building of a duplex on Jefferson Blvd. Through the efforts of Co-Chair Diane Muhlendorf and our attorney, David Hay, an appeal to the Virginia Marine Resources Commission (VMRC) was scheduled to rescind the approval of the Virginia Beach Wetlands Board. Prior to that a compromise was reached relocating the structure 20 feet farther away from the primary dune than originally planned, contingent upon Mr. Bradshaw obtaining a side setback variance at the June 7, 2007 Board of Zoning Appeals (BZA) hearing.

It was further noted that our state Delegate Leo Wardrup assisted by supplying information and making a key

phone call to VMRC due to the efforts and interest expressed by the Zoning Committee.

At Shore Drive Community Coalition (SDCC) meeting April 24, 2006 recommendations of the Shore Drive Task Force were to be presented to the City Council at 6 p.m. on May 23, 2006 in Council chambers. View the SDCC Website, www.SDCC.info and we encourage all members to contact City Council members requesting the

necessary funding.

The Shore Drive Advisory Committee also focused on the Shore Drive Safety Task Force recommendations to the City. Most of the recommendations were contained in the Shore Drive Corridor Plan issued in 2000. Phase I of the Shore Drive Corridor Plan is currently underway and the need now is for funding for Phases II and III. Many of the Task Force recommendations are for additional studies. Phase I is to include a bike path from the Taste Unlimited intersection to the Marlin Bay/Shady Oaks intersection. Another option on the North side of Shore Drive from Marlin Bay/Shady Oaks to Baylake Pines had been approved, but not funded. To a question why the speed limit on Shore Drive could not be reduced to the rate on the North End Moran replied that the zoning on Shore Drive was not principally residential as it was at the North End. Judy Connors added that one of the City Attorneys has said that there were legalities involved, as Shore Drive is also a State highway, Route 60. As to how the 35 mph speed limit had been accomplished on Ocean View Blvd. in Norfolk, as it was also Route 60, Connors reiterated the opinion of the City Attorney.

Connors explained the best way to approach City Council, noting Ocean Park Civic League had long had a reputation with Council for being courteous in their address, is with non-confrontational messages which are more effective than aggressive demands. To reach City Council members see the City Website, www.vbgov.com, click first on "City Hall" and then on "City Leaders." City schedules could also be found on cable channels 47 and 48. Regarding the proposed 77 unit condominium complex proposed just west of Pleasure House Road, currently 9 residential lots, Morrison has been asked by other civic leagues to speak in opposition at the May 10, 2006 Planning Commission hearing addressing traffic concerns, citing the increased crossings per day and the high risk this

poses. Community support at the hearing is imperative.

Concerning Pleasure House Point Judy Connors predicted that nothing would happen until after the elections, and that now the Sandlers have apparently begun talking to various city officials, but that nothing had been formally proposed yet. Bill Miller, formerly of Duck Inn, has offered live oak trees which will soon need to be removed from that property.

After a quorum was attained during the course of the meeting, a motion to return to bi-monthly meetings with

the Board meeting in the off-months was offered and carried.

The TGIF party planning currently lacks leadership. For the Community Yard Sale all who wanted to participate would be given a place on the Yard Sale map and a balloon or perhaps a bunch of balloons to identify their participation. It is to be a one-day event, date to be determined.

A newsletter before the July OPCL meeting will be forthcoming and due to a postal employees complaint about the illegality of placing newsletters in or on mailboxes it was asked that the civic league investigate the pos-

sibility of establishing non-profit mailing status for future distribution.

In new business, Andrew Cohn asked about imposing restrictions on jet skis and about the possibility of getting power lines moved underground. He stated, and many concurred, that he would be willing to pay a special assessment to have it done. Cohn was asked to write up the topic for the upcoming newsletter.

Liz Dyer noted that the post-Fourth of July beach was trash-laden, and asked if anyone cared to join her in

cleaning it up the day after the fireworks.

Business was closed by an announcement by Bob Leavenworth about the Community Emergency Response Team. He explained that it was funded by FEMA grant-in-aid and consisted of five classes of 20-25 people and was always looking for volunteers.

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Door prizes from C.P. Shuckers, Dockside, H2O and Smokehouse Grill restaurants were awarded, party fa-

vors and a floral arrangement were provided by Amaryllis Flowers.

Highlights of Minutes from July 6, 2006

Anne Kane summarized the Treasurer's Report to be posted and also noted that she had an updated roster

showing who owed dues for the year 2006 and that only current members were entitled to vote.

Diane Muhlendorf from zoning comm. reported that the proposed duplex at 3796 Jefferson Boulevard would proceed as agreed by the builder/owner and OPCL, 20 feet closer to Jefferson than originally planned, to avoid encroaching upon a primary dune. It was noted that a member of our community should volunteer to serve on the Wetlands Board. Judy Connors explained how the city clerk chooses among Talent Bank applicants for such committee positions. It might help to contact our representative, Louis Jones, to express a desire to serve, once an application is submitted. The Talent Bank application is available online at the city Website. Members are encouraged to call either her or Co-Chair Jennifer Downin to alert them to possible neighborhood issues. For the Shore Drive Advisory Committee (SDAC) report a meeting is to be held July 13, 2006, at 3:30 p.m. in the Baylake United Methodist Church on the subject of the proposed development of Pleasure House Point. The presentation will be made by the Sandler group. Also on the agenda is the proposed revision to development on the site of the former Duck-Inn.

Jennifer Downin recapped what SDCC was doing with regard to the proposed development of Pleasure House Point. A letter from Robert Berg, of the Army Corps of Engineers (ACE) explained that two permits have been issued in the past, one by the Virginia Department of Environmental Quality (DEQ) and one by the Wetlands Board. DEQ spokesperson Sherry Kattan says that there are three different issues to be addressed, Vegetative Wetlands, Tidal Wetlands and U.S. Open Waters. There had been no contact with her to date by the Sandlers. Possible actions which might be taken as delaying tactics would be to hire an attorney to seek appropriate injunctions to activity undertaken prior to the completion of the city and state approval processes and concerned citizens contacting their local elected representatives. She emphasized that the time to make such contact is now, without delay.

There has only been one conditional use permit issued from the ACE. The three conditions are, a permit must be issued from the DEQ, a permit must be issued from the wetlands board, and Mc Leskey must show ownership of the land from the water's edge to the middle of the Creek. With out these 3 things in place they can not do anything to the wetlands and the permit from the ACE is not in effect. They have until 2008 to get these things in place before the ACE permit runs out. Anyone wanting to help in this project should call or email Jennifer Downin at 464-0443 or VAJMLD@aol.com. Downin reported that residents' who backed up to the property, living on Chesterfield, are concerned and have been in touch with an attorney. Downin requested assistance in writing a letter for the benefit of those residents and others like them. She also noted that many households on the Southside are not receiving their newsletters, to which Kane made a plea for additional volunteers to come forward to deliver the newsletter. Morrison encouraged Downin to invite these people to future meetings.

At this point, a suggestion was made from the floor that it may be time for a fresh petition regarding this mat-

ter, but no specifics were decided.

In a further SDCC update there had been success recently in the failure of an application before City Council to build a 77-unit complex adjacent to WaWa on Shore Drive, and that additional density on Shore Drive was Key to the Council vote. Additionally, SDCC is holding the annual Oyster Roast at the Virginia Beach Resort Center on Saturday, October 14, 2006 and that there would be shuttles from nearby parking areas to the site.

In the Clean up the Beach effort on July 8, 2006, Liz Dyer announced that the event would run 9-11 a.m., beginning at the foot of Albemarle. The Community Yard Sale deadline for sign-up was fast approaching and plans call for an ad in the Virginian Pilot, signs, balloons and maps to participating locations. The Salvation Army was on standby for anyone who wanted to have unsold merchandise picked up after the event.

The next TGIF is scheduled for July 14, 2006 at the foot of Dupont Circle. There were reports of obstructing plantings and fencing around the property under development on Powhatan, excessive litter and debris at a construction site in the 3600 block of Jefferson Blvd and a recent flea market on the site of the old Colley Marine location. Muhlendorf agreed to check on both items in her capacity as Zoning Committee Co-Chair.

A motion was made to adjourn the official meeting in order to conduct an informal discussion about the proposed development of the parcel known as Pleasure House Point.

Highlights of Minutes from August 10, 2006

The first order of business was a presentation by L.M. Sandler & Sons, Inc. regarding the development of Pleasure House Point (aka Indigo Dunes). Members of the Sandler team included Art Sandler, Debra Williams, David Taylor and Christine Pasterczyk, accompanied by Ken Dierks, Karl Mertig and Doug Groff from Kimley-Horn & Associates; Joel Rubin of Rubin Communications (media relations); R.J. Nutter of Troutman Sanders LLP (attorney).

Art Sandler opened his presentation by expressing his disappointment that OPCL had sent a letter to the Mayor and City Council members opposing his development. He noted that he had had requests, including the letter, asking for the source studies upon which he based his proposal. He stated that he was not prepared to share them. Sandler

expected opposition to his plan, and wished to take questions before launching his presentation.

A number of questions were raised, falling into the categories of Aesthetics, Density, Traffic and Safety, Ecology and Environment. At this point, Sandler delivered his description of the proposed development, details of which are available at www.indigodunesinfo.com. He reported that a sampling of water taken from the surrounding waters contained a very high fecal count. The sample was taken from one of the outfall pipes under Marlin Bay Drive that discharges into the adjacent drainage canal during a rainfall event (Statistics provided by his Project Coordinator, Christine Pasterczyk) and the contamination was compounded by the failure of the city 's bio-filtration system and a retention pond which is not being treated, all of which Sandler says he will bring up to standard in his development.

Sandler admitted that his claim of approximately 50% open space was largely composed of undeveloped area required by various regulatory bodies. He further stated that the number of units proposed was driven by his target profit figure, amenities and improvements. Sandler disclosed that he is in discussion with the city regarding a funding mechanism to initiate Shore Drive improvements. A further question indicated that the funding mechanism would con-

sist largely of tax revenues derived from the development of the property.

Several members presented traffic observations that Shore Drive would suffer more capacity failure than it did already. It was further noted that Sandler's proposal would nearly double the population of Ocean Park. The question was raised as to how many duplexes would be allowed on such a site (600-700 with no open space). On the issue of schools, Sandler noted that school enrollments are already declining, so there should not be any overpopulation problems attendant on the development.

Sandler stated that his three main arguments for the development were that 1) It is architecturally and aesthetically pleasing. 2) It improves the property, environmentally as well as architecturally. 3) It permits approximately 50% open space.



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50% open space.

Miscellaneous questions ensued. The adequacy of 2 parking places per unit plus 250 additional unassigned space was challenged. (Exceeds city requirements) Would property values go up or down as a result of this development? (Unknown) Would permanent public access be written into Homeowners' documents? (Yes) What is the funding mechanism for Shore Drive improvements? (Future tax revenues) Where would the accesses) be for future residents and construction equipment? (One entrance on Marlin Bay Drive) How would the disruption and noise of construction and construction vehicles be mitigated? (Sandler says they are working on it.) How would this development prevent additional flooding problems, already evident in Southside Ocean Park? (Dierks replied that the storm surge problems were not impacted by the development of the parcel.) Sandler then noted that he was abdicating his riparian rights (his under a king's grant) in order to address this issue.

In a timeline of future hearings, Sandler noted that his first step would be the August 28, 2006 application to the Chesapeake Bay Preservation Area (CBPA) Board, followed by the Wetlands Board, approval by the Virginia Department of Environmental Quality and the Army Corps of Engineers. Sandler stated that the Army Corps of Engineers actually entailed three permits, of which he already has one. There would be a Flood Plain permit required, as well. Sandler closed by inviting members of OPCL to attend his Open House at Cox High School on August 17, 2006, at which he would have experts on Traffic and Safety, Ecology and Environment, and architecture on hand to answer any questions in one-on-one discussion. He also invited interested parties to call his office at 463-5000 with

any questions.

At this point, Morrison called a five-minute recess, after which discussion of the presentation would be entertained. The meeting resumed at 8:37. The minutes of the OPCL meeting on July 6, 2006 were approved and the Treasurer's Report was waived for the second time. Other agenda items (the disposition of the property at 3608 E. Stratford Road, R5R Zoning Changes and the Christmas Care Packages to the Troops) were deferred until next month's meeting.

Morrison announced that she was stepping down as President of OPCL, as life events precluded her from fully executing her duties. Shyrlee Hurwitz, Vice-President, will serve as President, *Pro-tem*, until a replacement can be found. Gifts of appreciation and the gratitude of the Board and League for her service were extended. Leslie Cornwall, a representative of Baylake Pines Civic League, also conveyed the appreciation of that organization for Morrison's cooperation, especially in defeating the proposed 77 unit development adjacent to WaWa.

...continued on page 9



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Discussion then recommenced regarding PHP. Most of the major concerns which arose during the presentation were reiterated, along with the observation that the 11 story high-rises would establish a toehold for future high-rises away from Shore Drive and along the waterway. Todd Solomon, Chairman of the Shore Drive Community Coalition recommended that one or two knowledgeable representatives attend the CBPA Board hearing, that no representatives are necessary at the Planning Commission hearing and that the community appear *en masse* at the City Council meeting, whenever it occurs.

A motion was made that OPCL adopt an official position opposing the development of Indigo Dunes due to the impact of its density on Shore Drive traffic and safety and the environment and ecology of the area. Discussion centered on whether the league should entertain a compromise number of units and whether petitions should be circulated. Liz Dyer produced a sign-up sheet for individuals willing to collect signatures, should a petition be necessary. Susan Karlau provided Vice-mayor Louis Jones' phone numbers, 583-0177 and 464-2151, for those wishing to communicate their interest to him. The motion was presented and adopted.

Attention then turned to the issue of whether or not OPCL should retain an attorney to represent OPCL in legal maneuvers pertaining to this matter. The motion was made and adopted to authorize the Executive Board to make such a decision. Diane Muhlendorf, Zoning Chair, is assigned to interview two or three candidates at the direction of the Board. The motion was then made that the Executive Board be given approval to spend money for an attorney to represent OPCL on issues regarding Pleasure House Point.

A Tale of Two Precincts

Grace Moran

On Election Day, May 2, 2006, candidates vied for positions on the Virginia Beach City Council, as well as the School Board. The next day, we learned that our district representative, Vice-Mayor Louis Jones, running unopposed, quite naturally was returned to office. Nothing remarkable there. What is worth noting, however, is that on Wednesday, May 03, 2006, *the Virginian-Pilot* reported that the Bayside precinct enjoyed the highest turnout in the city, 54.5% of its registered voters. That whopping figure dwarfed the Ocean Park turnout of 19.3%.

Louis Jones would not be human if that fact escaped him.

Granted, this was an off-year, local election. Granted also, the message about making the time to vote has become a monotonous drumbeat. However, there are crucial issues coming before the City Council in the foreseeable future, and we need the Honorable Mr. Jones' attentive ear.

As I stood outside our polling place, I saw many familiar faces. Lots of them were the same folks who attend civic league meetings, city hearings and otherwise perform above and beyond in doing their civic duties. I do not intend to preach to the choir here, but this message is for them as well.

It is too late to vote, but it is not too late to participate in on-going decisions regarding Shore Drive development, zoning, traffic safety and open space dialogue. Recently, I had the opportunity to observe what a difference an active group can make. There was an issue regarding a property in Ocean Park that had worked its way through the preliminary levels of the city permitting process.

This was an issue which struck a chord with many residents of Ocean Park, so when a petition was circulated which had only 6 days to make the rounds and be filed, 74 people signed up requesting additional consideration. The civic league retained an attorney. The Zoning Committee, chaired by Diane Muhlendorf and Jennifer Downin, aided by Carl Godwin, Anne Kane and Mike Wills, brought the matter to the attention of our state delegate Leo Wardrup.

Mr. Wardrup took an interest, made information available to the committee and placed a key phone call. He has seen Ocean Park Civic League at its most apathetic, and I sincerely believe that it was the dedication demonstrated by our Zoning Committee, and only that, which impelled Mr. Wardrup to involve himself. A compromise was finally arranged which met with our objectives of not invading the primary dune and satisfied the builder.

Ocean Park Civic League has a priceless core of caring and active residents. Notice the connection? **Caring** and **active.** Given the fact that our turnout on May 2, 2006 was so abysmal, we need to enlarge that core. We need more people on the Zoning Committee to spread the assignments out. We need more people to participate in the Traffic Safety Committee, which Nicole Felini seems to be over-seeing single-handedly. We are very fortunate in the group of volunteers who make sure we get our copies of the *Ocean Park Echo*, but we are currently in need of someone to distribute on the Southside and more substitutes.

Call any officer listed in this issue to get your name on the right task. If you cannot commit to any of the above, you can at least help to increase the attendance at OPCL meetings, not only by coming yourself, but persuading your neighbors to get there also.



The Ocean Park Echo P.O. Box 55385 Virginia Beach, Virginia 23471

www.opcl.org

Residents are invited to contribute timely news articles or stories of interest to the OPCL newsletter. Please call the editor.

MARK YOUR CALENDER

09-07-06 / 7-8:30 pm

OPCL Meeting / Ocean Park Fire & Rescue

10-05-06 / 7:00 pm

OPCL Board Meeting / Ocean Park Fire & Rescue

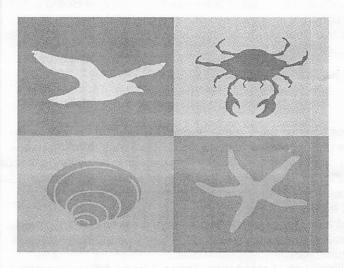
11-09-06 / 7-8:30 pm

OPCL Meeting / Ocean Park Fire & Rescue

12-07-06 / 7:00 pm

OPCL Board Meeting / Ocean Park Fire & Rescue

Christmas Party with donations for our troops - date to be determined



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MEMBERSHIP APPLICATION 2006

Now is the time to renew your membership in the civic league for the calendar year. Dues are just \$10 a year. If you are not a member, become one now. Just fill in the Membership Application and send it to our treasurer Ms. Anne Kane.

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AREAS OF INTERESET IN THE OCEAN PARK CIVIC LEAGUE (circle all that apply)

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Traffic Committee Social Events Committee

Suggestions are Welcome

Mail this Application with your dues, Ten Dollars (\$10.) to:

Ocean Park Civic League (OPCL), P.O. Box 55385, Virginia Beach, Virginia 23471

L. M. SANDLER & SONS, INC.

August 30, 2006

Dear Residents of Ocean Park,

We appreciate both your sincere interest in the proposal we have placed before the community to develop a signature House Creek and your willingness to allow us to respond to your questions at your recent civic league meeting as well as on your website and in this newsletter.

We were very proud to be the third generation of a family that has lived, worked and raised families in Hampton Roads. Today we develop quality residential communities throughout the southeast, and our goal is to make Indigo Dunes the best one of them all. Even if you have qualms about certain aspects of our proposal, we hope you will agree that our firm and national caliber team of professionals have done a superb job of land planning.

In that regard, we would like to correct some statements made in your last newsletter:

- Indigo Dunes will not, as stated, be a "dense array of multi-unit complexes". Indeed 50% of the acreage will be open space, more than triple what is required.
- Yes, the 21-acre nature park will be within the required 100-foot buffer, but this will be a premier asset provided at no cost to the taxpayers.
- Although Pleasure House Point appears from the distance to be a "unique natural beach environment", it is actually a manmade dredge disposal site that is polluted with pet feces and strewn with discarded appliances, cars, liquor bottles and drug paraphernalia. It deserves environmental stewardship, which is what we intend to supply.

Finally, we urge you to keep an open mind as we work with the City on a method to use real estate tax revenue from this project to finance safety improvements on Shore Drive. No other source of revenue exists for this singular purpose nor is one being proposed. You have waited long enough for new sidewalks, better lighting, curbing and other enhancements. Indigo Dunes may be able to fund them, without burdening the City's bond rating.

Thank you again for this opportunity, and we look forward to a continuing dialogue on this important matter.

Sixterely

Art Sandler

Steve Sandler