

CITY OF VIRGINIA BEACH

MARSHVIEW PARK MASTER PLAN

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PREPARED BY
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Cover Photo: Marshview Park, view facing west



Marshview Park

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CITY OF VIRGINIA BEACH



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Contextual aerial showing development patterns and key destinations within one-mile of Marshview Park

Background

In the early 1980s the Marshview property was slated for development and platted into more than 400 planned residential lots that would have expanded the adjacent Salt Marsh Point neighborhood. In 1983, Naval Air Station (NAS) Oceana acquired the property as part of their Air Installation Compatible Use Zone (AICUZ) program to prevent the expansion of the residential neighborhood of Salt Marsh Point.

In the early 1990s, the City of Virginia Beach and U.S. Navy officials began discussions about conveying the property to the City for a park. Over the next decade, key stakeholders from the City and the U.S. Navy worked together to build consensus for the transfer and to identify allowable outdoor recreational uses. The City commissioned a conceptual park planning process that involved key stakeholders and the general public. That plan was completed in 2002 and all stakeholders considered the preliminary park concept plan acceptable.

After many years of discussions, in May 2010 the U.S. Navy conveyed the Marshview property to the City in exchange for a restrictive easement on land in the Interfacility Traffic Area between NAS Oceana and Fentress NALF. The Navy also placed deed restrictions on the Marshview property to ensure future development of the site was in keeping with the policies of the AICUZ program. The City's park development plans fall within those restrictions.

Purpose

Due to the amount of time that passed since the first Marshview Park Concept Plan was developed, the City wanted to re-engage community members as to the future use of the site with additional

detail of planned uses and improvements. The City pursued, and was awarded, a Recreational Trails Grant through the Commonwealth of Virginia to implement a multi-use trail linking Marshview Drive to Virginia Avenue as envisioned in the 2002 master plan. The purpose of this master plan update is to affirm community buy-in for the trail and explore possibilities for the future development of the park based on the direction provided by the recently approved Virginia Aquarium/Owls Creek Master Plan.

The following activities formed the foundation for the master plan update.

- Phase 1 Cultural Resource Survey of the entire 100-acre parcel
- Topographic survey and wetland delineation of the northern 32-acres of the site
- Cultural Resources and Threatened and Endangered Species Review
- Contextual and Site Analysis
- Stakeholder and public comments from the 2002 conceptual park master plan, the aquarium plan public involvement sessions, and recent public involvement sessions held specifically for this update

The Site

Marshview Park is located in the Oceanfront Planning Area of the city. It includes over 100 acres of undeveloped, wooded property on Owls Creek, a tributary of Lake Rudee. The site is generally located between the neighborhoods of Lands End Condominiums, Salt Marsh Point, Seatack, and Shadowlawn.

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Aerial showing development patterns immediately surrounding Marshview Park

Contextual Analysis

The Marshview property lies on the fringe of the oceanfront resort area which is characterized by a mix of residential neighborhoods, destinations and a thriving beachfront resort. It is located south of Norfolk Avenue and east of Birdneck Road. It is surrounded by a variety of residential land uses and impacted by the presence of NAS Oceana to the west. A variety of popular recreational and tourist destinations surround the site.

Long Range Planning Documents and Land Use Guidelines

The property lies within the geographical boundaries of several long range planning documents that can help to guide the future use of the park and its potential contribution to the surrounding area. Each of these documents are discussed below.



Virginia Beach Comprehensive Plan Resort Strategic Growth Area

The northeastern most part of the site lies within the Resort Strategic Growth Area. The plan for this area is to develop synergies between the cultural and commercial life, the recreational and natural life with an overall focus on drawing residents and visitors into the area. Marshview Park's target patronage is primarily adjacent neighborhood residents.

Virginia Beach 2008 Outdoors Plan

According to the Virginia Beach Outdoors Plan, additional park acreage is needed to keep up with its growing population. Approximately 180 additional acres, made up of neighborhood, community and metro parks, are desired. The size and location of Marshview Park can play a key role in meeting these needs. The Outdoors Plan specifically identifies the need for additional trail and sports fields in the Oceanfront area.

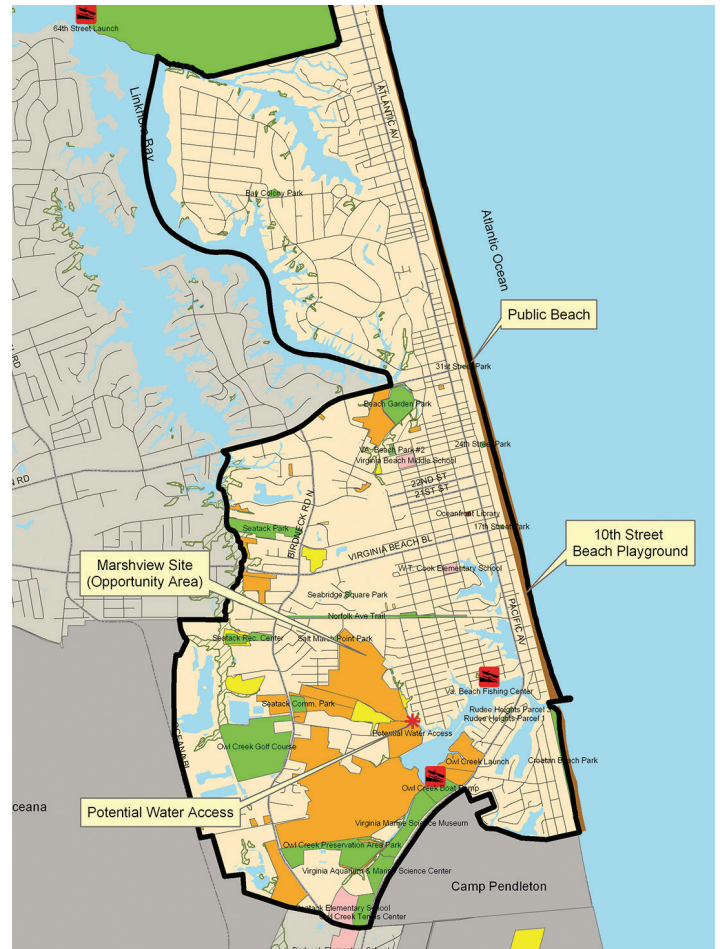
Virginia Aquarium/Owls Creek Area Master Plan

The Virginia Aquarium/Owls Creek Master Plan encompasses all lands within the Owls Creek watershed. Development of the Plan was a 10-month process that involved numerous stakeholders and citizens. Owls Creek and the surrounding environment served as the inspiration for the plan from the beginning and the Creek is the heart of the master plan.

Key concepts that helped to form the plan were:

- Natural Network
- Technology Integration
- Personal/local/global stories
- Creation of a Destination

The final plan encourages development that shares a common theme with the Virginia Aquarium and Marine Science Center



Virginia Beach Outdoors Plan - Oceanfront Planning Area

and that benefits the community both socially and economically. The Virginia Aquarium & Owls Creek Area will consist of multiple venues all with a common purpose related to marine and inshore environment education and entertainment.

Marshview Park is an important element in the overall character of the Owls Creek Area and should integrate the key concepts of this plan into its development.



Naval Air Station Oceana

Naval Air Station Oceana is located just west of the Marshview property. This base played a key role in the preservation of the property through its Air Installation Compatible Use Zone (AICUZ) program. The purpose of the AICUZ program is to protect the health, safety and welfare of civilians and military personnel by

encouraging land use which is compatible with aircraft operations. Much of the property lies within the Navy's Accident Potential Zone (APZ) 2 and Noise Level Zone of greater than 75. The Marshview Property, which was under development for residential homes, was purchased by the Navy in 1983. The property has since been

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transferred to the City but with restrictions on the future use of the property. Restrictions placed on the property are listed below. See **Appendix A - Marshview Deed** for a detailed listing of restrictions and permitted uses.

- Human Habitation - permanent or temporary including campgrounds and cabins
- Programmed Activities - organized team games
- Structures or Buildings over 35' above sea level
- External Lighting
- Meeting Places

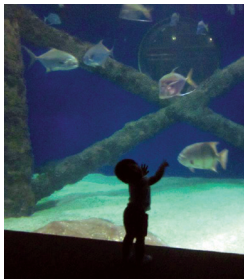
Adjacent Land Uses

Marshview Park is located in the midst of numerous unique and attractive land uses. Those surrounding land uses can help to shape the future of the site so that it becomes its own unique destination adding to the cultural and recreational draw of the oceanfront area.

Adjacent Recreational Amenities

There are multiple recreational destinations surrounding the site. Several of which draw large numbers of tourists to the area and others that primarily serve Virginia Beach residents. The Oceanfront Planning Area is anchored by First Landing State Park on the north, the Virginia Aquarium and Marine Science Center to the south, beaches to the east and the Convention Center in the central west.

Regional Tourist Attractions



Virginia Aquarium and Marine Science Center

Visitors can explore over 800,000 gallons of one of the best aquariums and live animal habitats in the country at the Virginia Aquarium and Marine Science Center. The facility includes hundreds of hands-on exhibits, outdoor aviary, nature trail, and marshlands.



Oceanfront

The extensive clean beaches, fishing pier, three-mile boardwalk, and the many gift shops, restaurants and hotels make the Virginia Beach Oceanfront a quality destination for all.



First Landing State Park

Located on Cape Henry in the northern section of Virginia Beach, this 2,888 acre park offers a wide range of activities for visitors including: swimming, hiking, biking, boating, fishing and camping. The park is actually the site of the first landing of the Jamestown colonists in 1607. Native American canoes, colonial settlers, 20th century schooners and modern cargo ships have navigated the park's waterways.



Virginia Aquarium/Owls Creek Area Master Plan

This plan encompasses all lands within the Owls Creek watershed. Owls Creek and the surrounding environment served as the inspiration for the plan from the beginning and the Creek is the heart of the master plan.

- | | |
|---|---|
| 1 OWLS CREEK | 14 CITY DREDGE OPERATIONS |
| 2 EXISTING VIRGINIA AQUARIUM BUILDING | 15 MARINE ANIMAL CARE CENTER (MACC) |
| 3 PROPOSED VIRGINIA AQUARIUM EXHIBIT BUILDING | 16 EXISTING RESIDENTIAL |
| 4 WET-LAB RESEARCH/OFFICE/PARKING STRUCTURE | 17 EXISTING RECREATIONAL PARK |
| 5 SKY LIFT/PARK PRESERVE | 18 PROPOSED RECREATIONAL PARK |
| 6 COASTAL SCIENCE PAVILION WITH EXPANSION | 19 CITY NATURE PRESERVE (MARSHVIEW PARK) |
| 7 RETAIL/RESTAURANTS | 20 COLLABORATIVE RESEARCH FACILITY |
| 8 AMUSEMENT/WATER PARK | 21 EXISTING COMMERCIAL |
| 9 EXISTING SEATACK ELEMENTARY SCHOOL | 22 ENHANCED RESORT TOURISM/MIXED USE/MARINA |
| 10 AQUARIUM ADVENTURE PARK/ENTERTAINMENT | 23 PROPOSED RESIDENTIAL |
| 11 GOVERNMENT PRESERVE | 24 BOAT RAMP |
| 12 EXISTING WATCHABLE WILDLIFE EASEMENT | 25 GREEN ENERGY RESEARCH FACILITY |
| 13 ACCESS ROAD | 26 PARKING |
| | 27 WATER TAXI STOP |
| | 28 GATEWAY |

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(L-R going clockwise) Prepping for a paddle on the water at Owls Creek Boat Ramp; strollers on South Beach Trail; playground at Seatack Community Park and front entrance to Seatack Community Recreation Center.

Local Recreational Amenities

Neighborhood Parks

Salt Marsh Point Park and Seatack Community Park are near the Marshview property to the west and south. These parks offer a variety of recreational amenities such as playgrounds, tennis courts, ball fields and picnic shelters.

Multi-Use Trails

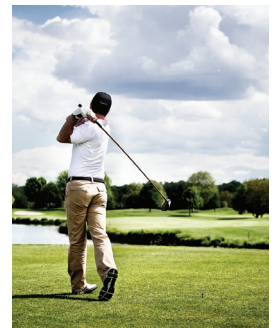
The South Beach Trail is an eight-mile multi-use trail that provides direct access to the oceanfront beaches. The 1.5 mile trail along Norfolk Avenue links at either end with multi-use trails along General Booth Boulevard and Birdneck Road. Together they create a complete loop providing safe pedestrian and bicycle access to the oceanfront, aquarium and other destinations along the route.

Joseph V. Grimstead, Sr. Seatack Community Recreation Center

The Joseph V. Grimstead, Sr. Seatack Community Recreation Center is a 22,000 square foot multi-faceted recreational space within walking distance of the neighborhoods of Lands End Condominium, Salt Marsh Point, Seatack, and Shadowlawn. Amenities include a weight room, indoor pool, gymnasium, and climbing wall.

Owl's Creek Golf Course

This semi-private golf facility is just west of the Marshview Property. The 18-hole executive course is Par 62, comprised of many par-3s and some par-4s and par-5s. Interlaced with lakes, streams, hilly terrain and tree lined fairways, Owl's Creek Golf Course includes a Pro Shop, practice greens chipping area, heated and lighted driving range, club rentals, lessons, snack bar and picnic area. A popular choice of tourists to the area, it is perfect for beginners, family fun, seniors or anyone who enjoys golf but does not wish to spend the entire day on the course.

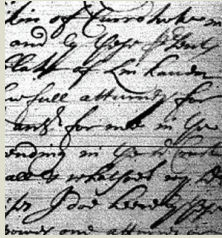


Owls Creek Boat Ramp

Located next to the Virginia Aquarium & Marine Science Center, Owls Creek Boat Ramp is a public boat launch facility that provides access to Owls Creek, Rudee Inlet and the Atlantic Ocean. Motorized and non-motorized craft are welcome.

Property Timeline

Marshview Park



1767

Henry Lamount was granted a 186-acre tract situated on the north side of "Old's Creek," the name of a prominent Princess Anne County family (early 19th century deed books began to use the variant "Owls Creek.")

Early 1800s-1937

Project area encompassed by a 126-acre farm owned by John Whitehurst. Property transferred hands many times. The first detailed map of the project area indicates what appear to be two farmsteads. Much of the project area consisted of cleared agricultural land with the portion nearest Owls Creek remaining wooded. In 1937, the earliest aerial photograph of the area was taken, showing the same agricultural and wooded patterns. The American entry into World War II prompted the development of a substantial military presence in the region.

1952

At the end of World War II, Princess Anne County's rural past was being replaced with a sprawling suburban city. The 100-acre farm was sold to Triangle Construction Company and Chesapeake Housing Inc.

1979

Land is sold to the development firm of Hudgins & Associates, and they begin development of the property for an expansion of the Salt Marsh Point neighborhood.



1983/84

U.S. Government purchased the property to limit residential development in the AICUZ zone for the use of Naval Air Station Oceana.

2010

U.S. Government deeded the property to the City of Virginia Beach for a public park.

Site Analysis

Phase I Cultural Resource Survey

In order for the City to comply with the property deed and perform its own due diligence, a Phase I Cultural Resources Survey was performed on the entire property. Archaeologists excavated 849 shovel test holes and identified three archaeological sites and six isolated finds. All three sites date to the historic period. Sites 44VB0364 and 44VB0365 represent the two farmstead sites depicted on 19th- and 20th-century maps. Site 44VB0363 dates to the first half of the 18th century, and probably extends back into the 17th century (see Figure 4 on page 12). Archaeologists did not recover any evidence of prehistoric activity.

Recommendations

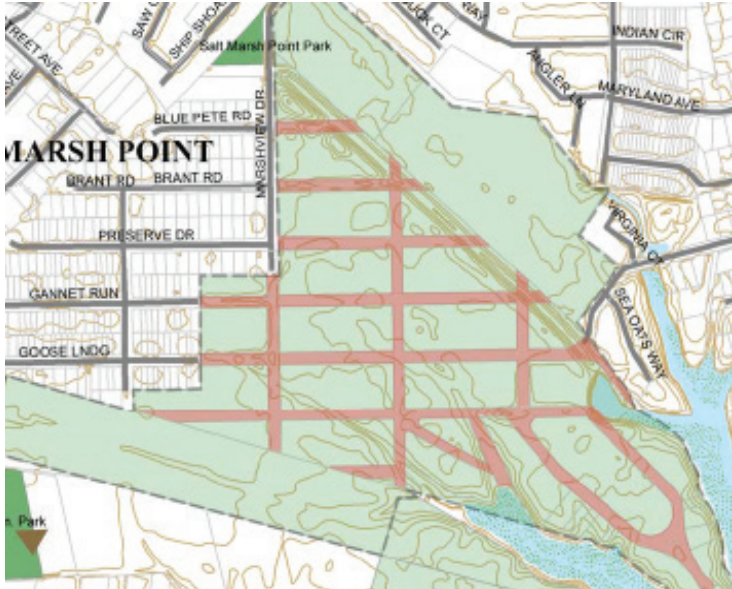
Site 44VB0363 is recommended for potential listing on the National Register of Historic Places. It may represent the household of a small or middling farmer from the second half of the seventeenth century and into the first half of the 18th century. The amount of historical or archaeological research devoted to the events that shaped Princess Anne County in the latter 17th and early 18th centuries is very limited. Site 44VB0363 is the type of site that could add immeasurably to the historical record of Virginia Beach and fill a gap in the historical

and archaeological record. Moreover, the site is well preserved and almost certain to contain intact subsurface features such as structural postholes, trash pits, ditches, fence lines, and storage pits. A Phase II significance evaluation is recommended for 44VB0363 if disturbances or construction impacts are expected to occur within its bounds.

Seatack Community History

The Seatack community has a long history. Its name is believed to be originally derived from an 1813 "sea attack" by British ships along the coast. The name over time became blended into Seatack, referring to that stretch of shoreline and the neighborhood it encompassed. According to the Seatack Community Civic League, the community was originally settled by African Americans in the late 1700s or early 1800s. The individuals who lived in Seatack owned their own farms, and built their own homes. They were builders, craftsmen, farmers, fishermen, and hunters. Members of the Seatack community formed the first school for Negro children and built the first black-owned and operated fire department known as the Seatack Volunteer Fire Department.

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(Above) **Figure 2: 2010** - Map of planned residential roads on the property

(Right) **Figure 5: 1990** - Aerial map of the property



(Left) **Figure 1: 1919** - Location of the project area on detail of USGS Cape Henry topographic quadrangle map.

(Below) **Figure 3: 1937** - Location of the project area on aerial photograph of Princess Anne County, (USDA 1937). Image courtesy of VDOT

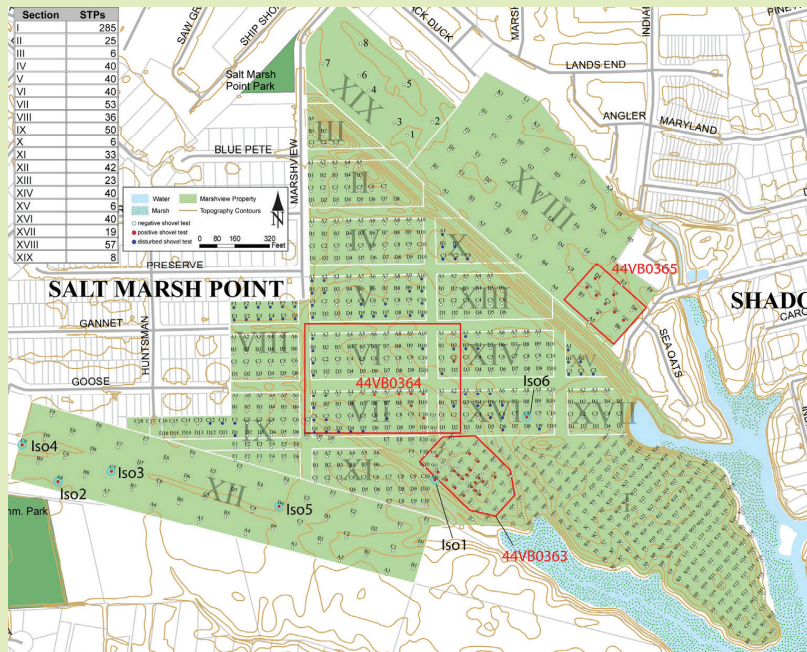
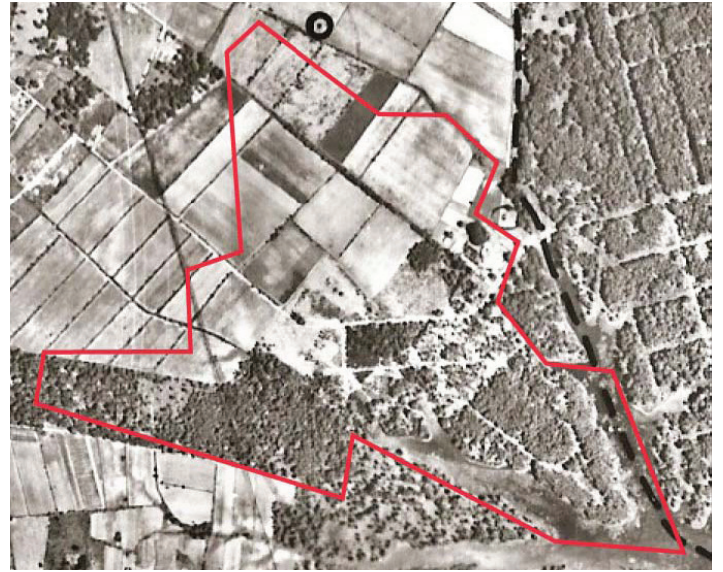


Figure 4: Location of shovel test and finds during the 2011 Phase I cultural resource survey

849 Shovel Tests

- Three concentrations of mid- to late-20th century trash (debris fields)
- Three archaeological sites and six isolated finds
- 44VB0363: 17th and Early 18th Century Domestic Site
- 44VB0364: 19th and 20th Century Domestic Site
- 44VB0365: 19th and 20th Century Domestic Site

Site Analysis

Existing Conditions

Recent events over the past 30 to 40 years have had a direct impact on the current condition of the Marshview property. In the early 1980s, portions of the property were cleared for planned residential development. Most of a planned road system was cleared and trenches were dug in preparation for installing a sewer system under the roads. Much of the northern-most portion of the property may have been fully cleared at that time. According to a 1990 aerial map (see Figure 5 on page 10), the northwest half of the property was cleared and the northeast area also appears to have been cleared with just a covering of scrub brush at that time.



Vegetation

Much of the site is covered by a dense second growth forest, which is defined as a forest or woodland area that has regrown after a major disturbance. However, there are small pockets of the property where limited disturbance has occurred and large tree specimens occur.

Hydrology and Wetlands

A wetland delineation was performed on the entire site in 2002 and found a total of nine acres of wetlands. Concurrent with this Master Plan update, a subsequent wetlands delineation was performed on the 35 most northeastern acres of the property. Approximately six acres of wetlands were identified (does not include the wetlands located adjacent to Owls Creek or any that may be located in the southwestern portion of the site). When comparing the common areas of the two wetland delineations, most of the wetland is generally consistent with one exception. The wetland area south of the ditch near the Virginia Avenue terminus significantly increased in size. This wetland area is identified with an "A" on the inset map on this page.

Branches of Owls Creek, a tributary of Lake Rudee which drains directly into the Atlantic Ocean, and associated tidal wetlands surround much of the southeastern portion of the property and create a large peninsula of land. Views from this peninsula are relatively unobstructed by vegetation making it a prime area for viewing the marsh flora and fauna of Owls Creek.

The branches of Owls Creek are fed by a number of jurisdictional waters of the U.S., primarily comprised of man-made drainage ditches throughout the site. These drainage ditches are a combination of the past agricultural use and more recent development attempt. The largest, which is a predominate characteristic of the site, runs from Marshview Drive through the site to Owls Creek.

Wildlife

Virginia Department of Game & Inland Fisheries (VDGIF) and U.S. Fish & Wildlife Service (USFWS) databases identified multiple threatened and endangered bird and reptile species within a two-mile radius of the project area. The identified species (ferns and sea turtles) are primarily



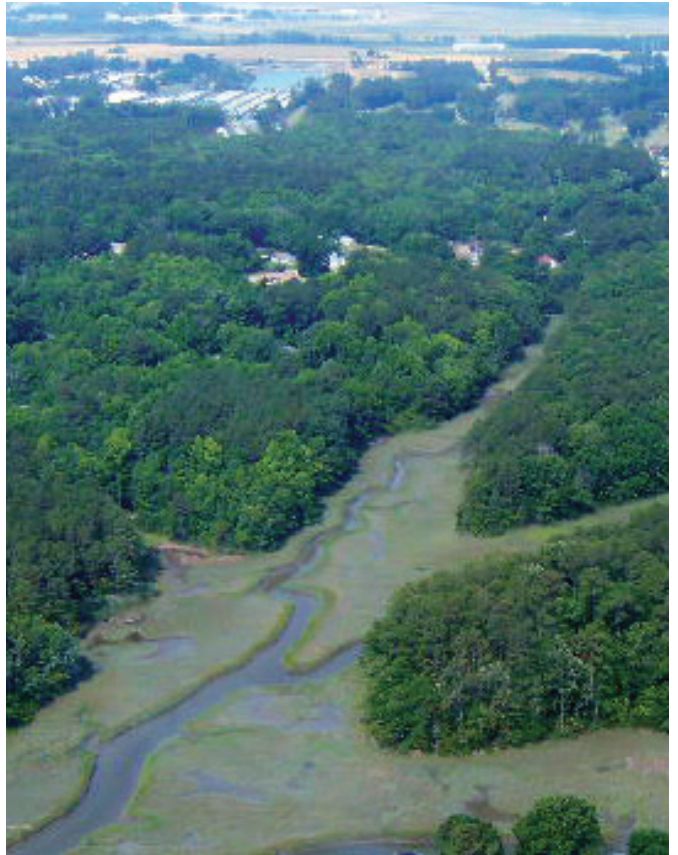
related to the nearby oceanic beaches and sand dunes and should not encumber development within the Marshview Park property.

Current Uses

Prior to the transfer of the property to the City, the Navy held the property for over 20 years. During that time, motorized bike and mountain bike enthusiasts carved out a network of bike trails throughout the property that are used to this day by bicyclists, walkers and joggers. (See Circulation Map located on page 15.) The primary unimproved trail through the site links the Salt Marsh Point neighborhood to the Shadowlawn neighborhood. It is located just south of the large drainage channel and was established from the construction activities performed to create the channel. This is the route along which a formal trail is planned. In addition to the numerous informal trails, a couple of active bicycle trails and courses (pump tracks) as pictured below spur off of the main trail spines.

In addition to the numerous informal walking and bicycle trails throughout the site, the size of the site and the remote nature of the central and southeastern portions, have attracted illegal "squatters" from time to time.

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(L-R) Informal bicycle and pedestrian trail in the interior of the park; Marshview Drive adjacent to the park showing planned, but never constructed, vehicular access points; Virginia Aquarium tour boat; aerial of southeastern portion of Marshview Park showing Owls Creek tributaries and wetland areas.

Site Analysis

Access & Circulation

The Marshview property is within close proximity to existing primary vehicular and multi-use (bicycle and pedestrian) facilities and future multi-modal (potential light rail) facilities. Should access improvements be extended from the park out to these facilities, it will improve the accessibility of the park to a variety of users.

There are multiple vehicular and pedestrian access point opportunities to the site. Many of these are created by adjacent roads that at one time were anticipated to continue through the site.

Vehicular Access

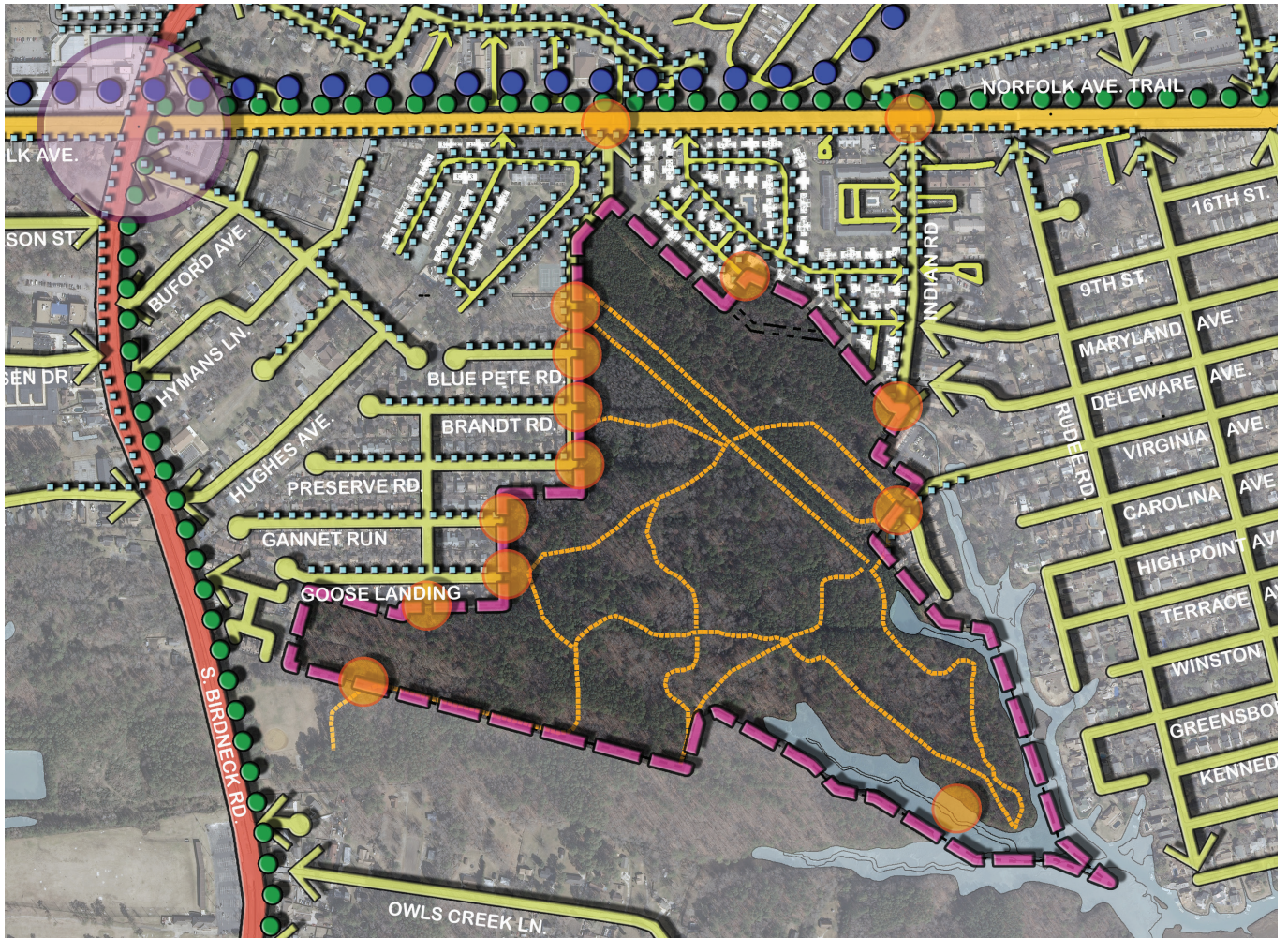
Currently, there is not an improved vehicular access point to the site. Three primary opportunities for vehicular access exist: along Marshview Drive, at the end of Indian Avenue, and at the end of Virginia Avenue. A fourth potential access point from Birdneck Road could be developed at the south west corner of the park. The City would need to acquire an easement across a narrow strip of land just north of Seatack Community Park. Community desires and funding do not support Birdneck Road access at this time.

Pedestrian Access

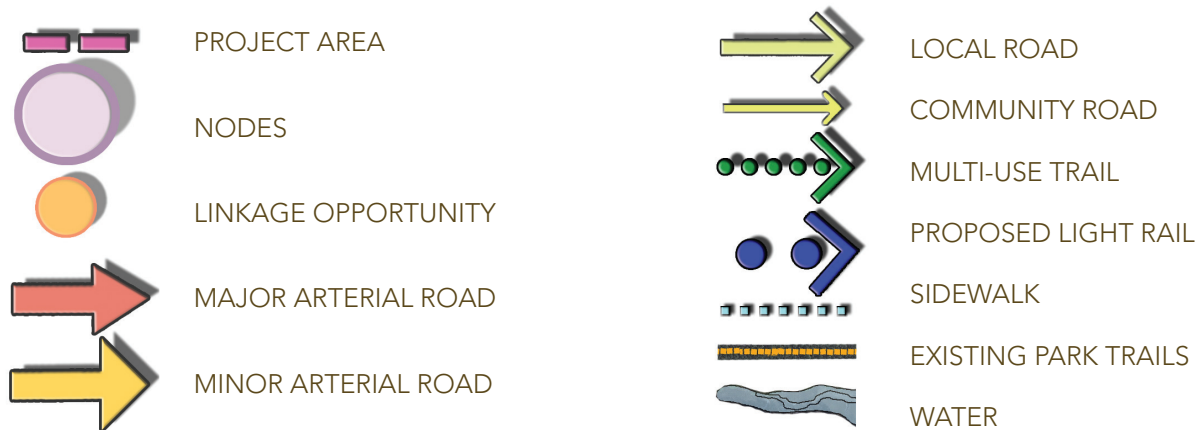
There are numerous opportunities for informal pedestrian access. The more heavily utilized access points include the end of Virginia Avenue and along Marshview Drive across from Salt Marsh Point Park. The map on the following page depicts the location of the informal bike/pedestrian park trails throughout the site and their predominant access points. Many of these trails follow the routes of platted but unimproved roadways with adjustments to avoid obstacles and/or take advantage of views and footpaths extending from adjacent parcels.

Water Access

While the site is located on Owls Creek, expansive wetlands, shallow water depths, and the lack of vehicular access to the creek make the placement of a developed public canoe/kayak put in point problematic. However, it would be feasible to accommodate an informal canoe/kayak access point to the site from Owls Creek. This access point could be used informally by touring groups.



Circulation Patterns surrounding Marshview Park



Goals & Recommendations

The Marshview property has numerous opportunities to provide unique cultural, recreational and environmental benefits and experiences to the city and its residents. Depending on the final program, these elements can play a primary or secondary role in the site's development. At either level, to take advantage of the full potential of the site, the following overarching themes and recommendations should be incorporated into the site's development. Many of these themes mesh well with the City's vision for the surrounding area as laid out in the Comprehensive Plan, the Outdoors Plan, and the recently completed Virginia Aquarium/Owls Creek Area Master Plan.

Cultural and Historic Interpretation

The documented evolution of the site from the second half of the seventeenth century to today offers a window into Virginia Beach's historic past and growth through modern times. It is rare to find the magnitude and breadth of cultural and historic interpretation opportunities at one site.

17th Century Homestead

Site 44VB0363, as identified in the Phase I Cultural Resource Survey, dates to the late 17th century and the early 18th century, ca. 1660 to 1730, and probably functioned as the homestead for a small farmer, his family, and a small bound workforce (possibly enslaved Africans or English indentured servants). Very little information has come to light about this period of history in the City of Virginia Beach, and even less is known about non-elite members of society at this time. The test excavations at site 44VB0363 can begin to fill a gap in the historical and archaeological research of what was at that time Princess Anne County. A Phase II Architectural Investigation should be completed to identify an appropriate level of interpretation of this site.

Seatack Community

The 200-year-old Seatack community is an important element in the history of the area and the roots of Virginia Beach. Interpreting that history in conjunction with the historic homestead has the potential to span local, national and global stories.

NAS Oceana

Anyone who visits Marshview Park will be instinctively aware of the presence of a Naval Air Station close by from the sound of the jets as they fly overhead. The military presence in Virginia Beach has had an effect on its growth and development at both a large and small scale. This site offers an opportunity to exemplify those impacts.

Interpretative options range from timeline storyboards about the site and the area, to the use of naval air stationed themed play structures and elements memorializing Oceana's role in making the park a reality.



(From top, clockwise): Opportunities to explore Seatack maritime history; explore and research 17th century homestead of Princess Anne County; existing culverts at beginning of primary drainage channel adjacent to Marshview Drive

Environmental Preservation and Restoration

Much of the site, especially within the central area and areas along Owls Creek, has seen little development impact over the last 100 years. These areas offer important environmental benefits to the City.

Buffer for Owls Creek

The Marshview property acts as a natural buffer cleaning the sediment and pollutants out of stormwater prior to entering Owls Creek. Exceptions to that include areas where man-made drainage patterns, many of which are left over from the agricultural roots of the property, concentrate flow to the creek. The most prominent of these drainage channels is the one extending southeast across the property from Marshview Drive to Owls Creek. As the park is developed, opportunities to improve the environmental functionality of the drainage channels should be explored.

Tree Resources

Urban tree canopy provides numerous environmental, economic, and quality of life benefits. Much of the central and southeastern portions of the site are wooded with trees at least 50 years old with pockets and individual trees that are 100+ years old. Tree preservation should be a top priority in these areas and others throughout the site where large trees are found.



BMX Track

Recreational Amenities

Development of the Marshview Park property fills a need in the Oceanfront area for additional park acreage. The location and characteristics of the property offer it the opportunity to serve both adjacent residents and visitors to the area. As such, it can have attributes of both a metro park and community or neighborhood park. Metro parks are typically 50-100 acres, staffed full time and have a number of recreational opportunities. Community parks are typically 15-50 acres, and generally not staffed. Neighborhood parks are typically five to 15 acres which are not staffed and provide a basic level of outdoor recreational amenities.

Two existing parks are near the Marshview property: Seatack Community Park which serves the Seatack Neighborhood, and Salt Marsh Point Neighborhood Park which serves the Salt Marsh Neighborhood. There is a need for a neighborhood park to serve the Shadowlawn neighborhood. This need can be accommodated in the northeastern section of the site adjacent to Virginia and Indian Avenues. The remainder of the site can be utilized to accommodate metro and community park level improvements with the northern section providing improvements such as a dog park and informal play fields. The central and southeastern portions of the park can provide the metro level of improvements such as a mountain bike or BMX track facility, cultural/historic interpretation of the site and its resources, a network of trails, and potential water access to the site. Each of these recreational opportunities are discussed in the following paragraphs.

Trail Network

The use of the site for informal walking and biking trails has occurred for many years. The formalization and strategic modification, where needed to avoid obstacles or link to features, of those trails will be an important component of the parks long term development. The first phase of trail improvements should include a multi-use trail linking Marshview Drive to Virginia Avenue and the soft trail loop on

the peninsula adjacent to Owls Creek. The developed trail network should integrate aspects of historical, cultural and environmental interpretation.

The Virginia Aquarium/Owls Creek Master Plan calls for the development of Research Center Buildings for local and visiting researchers on Owls Creek Point. It also proposes a trail network that would link up with the overall trail system throughout the Marshview Park property.

Off-Road Biking and/or Pump Track Facility

Unless you are an avid mountain biker, you probably have not heard of the latest craze to hit the mountain bike world - the pump track. The local youth surrounding the Marshview property have, and have constructed several small renditions on the site. A pump track is basically a small, looping trail system that you can ride continuously without pedaling. Once you master your "pump," the track becomes like a freestyle bobsled course. Currently, Virginia Beach has limited areas for off-road biking. The City should work with the local bike organizations to explore the development of a pump track or off-road bike trail at Marshview.

Informal Practice Fields

The Virginia Beach Outdoors Plan identifies a need for additional sports fields. While the deed restrictions on the Marshview property do not allow lighted fields or organized team play, they do not preclude informal practice fields.

Playgrounds

As mentioned previously the Shadowlawn Community does not have a park with play equipment. Development of a neighborhood park type facility at the northeast portion of the park is recommended.

Water Access

While the addition of a public canoe/kayak launch at the site seems like a reasonable idea, the distance from the parks entrance and characteristics of the shoreline at the appropriate location make it problematic. However, exploring the possibility of a location on the peninsula where canoe/kayaks could be rented or establishing a canoe/kayak landing point to the site are feasible alternatives. This type of facility could be programmed in association with potential future canoe/kayak tours Virginia Beach Parks & Recreation, the Virginia Aquarium, or another outfit may provide.

Dog Park

Dog walking is currently a popular activity on the Marshview property. The addition of a dog park would provide a much welcomed enhancement to the area.

Crime Prevention Through Environmental Design (CPTED)

Due to the wooded and secluded aspects of portions of the site, CPTED principles should be applied to all development phases. These principals are: natural surveillance, natural access control, natural territorial reinforcement, maintenance, and activities support. These principles will become extremely important as the central and southeastern sections of the park are developed. Activation of these areas through a variety of potential uses will reinforce the ownership and management of the property and discourage undesired activities.

Public Involvement

Key stakeholders, adjacent residents and general citizens have been engaged in discussion about the future development of Marshview Park since 2002 with the development of the first conceptual master plan. Below is a list of public comments from those meetings. These comments along with the performance of a detailed contextual and site analysis led to the development of two conceptual master plan alternatives described below.

2002 Public Input and Guidance

- Expansion of existing Seatack Park to west of park
- Multi-use path system
- More active recreation opportunities near the entrance

Top 5 Desired Park Elements

- Trail network
- Community gardens
- Non-motorized bike trails
- Keep Seatack park name
- Multipurpose pathways

2002 Informal Public Input

Seatack: more parking, fix drainage, larger family gathering opportunities

Condos: no parking, looking forward to trails

Youth: BMX

2012 Preliminary Site Concepts

2012 Concept 1 Key Aspects

(see pages 22-23)

- Responds to existing trail alignment integrity
- Provides active recreation areas at the park perimeter
- Acquires the triangular piece of property adjacent to the northern edge of Seatack Community Park to facilitate access to the southwest portion of the site across City owned property, as well as to provide additional buffer space
- Trail linkage to the Virginia Aquarium proposed research buildings
- Develops a comprehensive multi-use path system through the property for passive recreational use
- Provides wooded buffers for surrounding existing residential development
- Activates the center of the park with a centrally located park office
- Dog park and multipurpose fields
- Playground at end of Virginia Avenue
- Preservation and interpretation of historic site
- Small parking areas at key entrances
- Park restroom
- Tree preservation



Concept 2 Key Aspects

(see pages 24-25)

- Activates the center of the park with bike trails/pump tracks and a central park office/interpretative center
- Creates a destination, provides something unique to the area oceanfront tourism
- Provides for both community park and metro park elements
- Trail linkage to the Virginia Aquarium proposed research buildings
- Expands and improves Seatack Community Park providing more parking for special events
- Incorporates three (3) multi-purpose fields
- Acquires and utilizes the vacant parcels south of the park for park improvements
- Dog park
- Playground at end of Virginia Avenue
- Improved multi-use trail and soft trails
- Bike recreation area (BMX or pump track)
- Perimeter buffers
- Preservation and interpretation of the historic site
- Stormwater quality improvements
- Limited parking around the perimeter, bulk of parking is provided in the center portion of the park
- Restroom
- Tree preservation

2012 Marshview Public Meeting Summary of Citizen Concerns

Virginia Aquarium/Owls Creek Plan Steering Committee

- Supportive of Concept 2

Seatack Civic League

- Requests no money spent on additional properties
- Opposed to the entrance road off Birdneck
- Opposed to the integration of Seatack neighborhood park to the broader Marshview park

Rudee Inlet Foundation

- Retrofit stormwater ditch
- Requests Phase 2 archeological study on historic site

Lands End Condominium Association

- Dog park important
- Requests fence along condo side
- Historic site valuable; should be interpreted as part of Phase 2
- No parking at the tip of Marshview Drive (too close to open space at condos)
- Requests restroom building is away from the street

Salt Marsh Point

- Remove parking that accesses Marshview Drive
- Requests sign to designate Marshview Drive as “no parking”
- Opposes entrance off Birdneck because it “opens up” the woods behind their homes
- Fear of crime

Shadowlawn Civic League

- Dog park important
- Neighborhood playground important
- Approves idea of pockets of parking in different areas of the site as shown on Concept 2
- Discourage people hanging out on the point, very visible from houses
- Opposes disc golf or ropes course on the point
- Proposes canoe/kayak docking point at Marshview, not a launch site (too hard to get canoes to the point)
- Youth already have BMX track in north field area, will they have permanent place in Marshview?

Rudee Heights & Croatan Civic Leagues

- Concern over project cost
- Approve dog park

Sea Oats Condominium Association

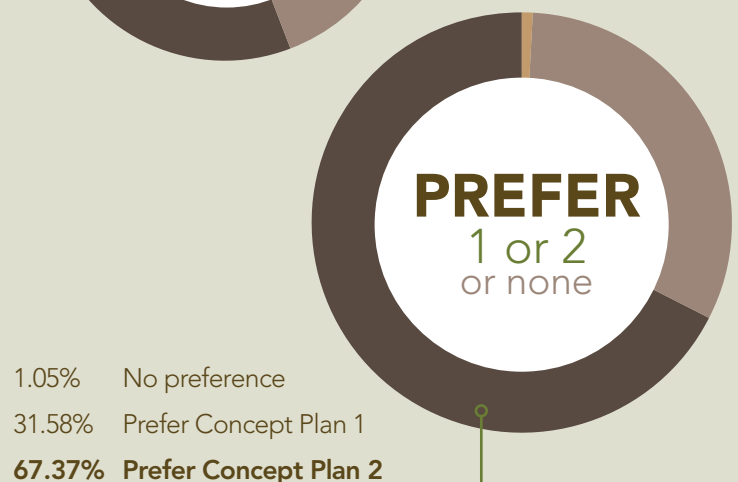
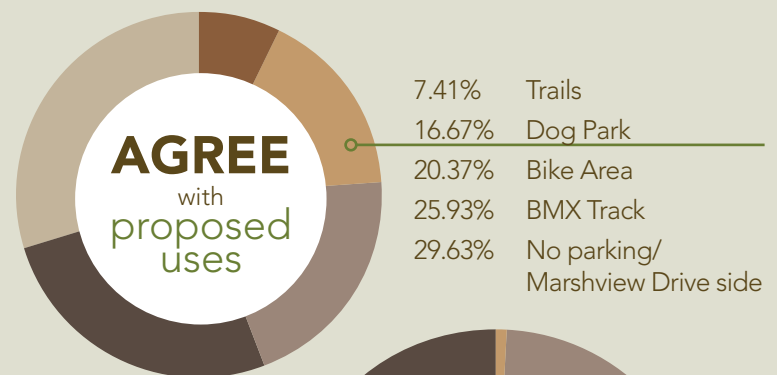
- Fear of crime
- Wish to retain benefit of condo parallel parking in right of way along Virginia Avenue
- Need to cut off access to spillway behind condos
- Requests extensive involvement in location of playground/shelter

2012 Preferred Master Plan

The two conceptual alternatives were presented to key stakeholders such as adjacent civic leagues, the Virginia Aquarium/Owls Creek Plan Steering Committee, and the Rudee Inlet Foundation. The following comments were received that helped to guide the development of the final preferred master plan on pages 26-27.

Preferred Master Plan Key Aspects

- Dog Park and Multipurpose Fields
- Playground at end of Virginia Avenue
- Improved multi-use trail and soft trails
- Bike recreation area (BMX or pump track)
- Disc golf
- Preservation and Interpretation of historic site
- Perimeter buffers
- Limited parking at entrances
- Park office/restroom
- Tree preservation



MARSHVIEW PARK MASTER PLAN



MARSHVIEW PARK
Master Plan Concepts





MARSHVIEW PARK MASTER PLAN



APPENDIX A
Marshview Park Property Deed

APPENDIX A: PROPERTY DEED

20100518000473590 1/11
City of Virginia Beach
05/18/2010
11:44:42 AM DEED
Tina E. Sinnen, Clerk

Prepared by:
United States of America
Commanding Officer (Attn: Code OPHRRES)
Naval Facilities Engineering Command Mid Atlantic
9742 Maryland Avenue,
Norfolk, VA 23511-3095

All correspondence pertaining to
this Quitclaim Deed should reference
No. N40085-08-RP-00041

EXEMPTED FROM RECORDATION TAXES
UNDER SECTIONS 58.1-811(A)(3)
AND 58.1-811(C)(4)

QUITCLAIM DEED

THIS QUITCLAIM DEED made this 14th day of May, 2010 by and between the UNITED STATES OF AMERICA, acting by and through the Commanding Officer, Naval Facilities Engineering Command, Mid Atlantic, acting under direction of the Secretary of the Navy, hereinafter called the GOVERNMENT (“the GRANTOR”) and the CITY OF VIRGINIA BEACH, a municipal corporation of the Commonwealth of Virginia, hereinafter called “the GRANTEE”, and

WHEREAS, the GOVERNMENT is the sole owner in fee simple of that certain tract of land, as hereinafter described, comprising 98.664 acres, more or less, hereinafter called “Marshview”, in the City of Virginia Beach, Commonwealth of Virginia, comprising land under the cognizance of the Department of the Navy, at the Naval Air Station, Oceana, Virginia Beach, Virginia, hereinafter referred to as the “INSTALLATION”; and

WHEREAS, the GOVERNMENT, pursuant to 10 U.S.C. §2869 is authorized to convey real property, including any improvements thereon, in exchange for interests in real property that limit encroachments and other constraints on military training, testing and operations; and

WHEREAS, the GOVERNMENT seeks to exchange the GOVERNMENT’s interest in Marshview as consideration, at its appraised fair market value, for an equivalent dollar amount of restrictive easement on certain real property located in the Interfacility Traffic Area (ITA); and

GPINs: 2417-63-8556; 2417-73-1546; 2417-63-8455; 2417-73-0186; 2417-73-4027; 2417-72-1866; 2417-72-4866; 2417-82-0890; 2417-62-5690; 2417-62-9740; 2417-72-4771; 2417-72-9577; 2417-62-5475; 2417-62-8462; 2417-72-4423; 2417-72-9477; 2417-62-5179; 2417-62-8177; 2417-72-4128; 2417-72-9178; 2417-61-5907; 2417-61-8978; 2417-71-5918; 2417-61-7659; 2417-71-3734; 2417-71-4742; 2417-71-4942; 2417-71-9838; 2417-81-0879; 2417-81-1611; 2417-81-2549; 2417-81-3504; 2417-81-3407; 2417-81-8250; 2417-81-7439; 2417-81-7518; 2417-81-6663; 2417-73-6469; 2417-62-1142; 2417-81-1567; 2417-81-6320; 2417-81-7377; 2417-81-5865; 2417-81-6078

RECEIVED
VIRGINIA BEACH CIRCUIT CT.
2010 MAY 18 AM 9:26
TINA E. SINNEN, CLERK

WHEREAS, the GRANTOR desires to convey the excess property known as Marshview, with certain restrictions over the property, to the GRANTEE in exchange for the simultaneous conveyance of a restrictive easement over the specified property owned by the GRANTEE in the ITA; and

NOW THEREFORE, in consideration of the premises and the simultaneous conveyance of aforesaid restrictive easement to the GOVERNMENT over said ITA properties, the UNITED STATES OF AMERICA, acting by and through the Department of the Navy, does hereby remise, release and forever quitclaim to the GRANTEE, its successors and assigns, subject to the terms and conditions hereinafter set forth, all of its rights, title, interests, and claim in or to that certain assemblage of lots, blocks and parcels known as Marshview and more particularly described as follows (hereinafter the "Property"):

See Legal Description attached as Exhibit A and made a part hereof

SUBJECT, HOWEVER, to existing rights of way for roads and highways, and existing easements for utilities, railroad, pipelines, and drainage facilities, and expressly subject to the conditions, restrictions, reservations and easements, if any, contained in the duly recorded deeds, plats and other instruments constituting constructive notice in the chain of title to aforesaid property.

RESERVING, HOWEVER, unto the United States of America and its assigns, a perpetual easement and rights as described as follows:

1. **Restricted Uses.** All uses and activities, except for Limited Recreational Uses as defined herein, are prohibited. The term "Limited Recreational Use" shall include all passive recreational uses and permitted active recreational uses as follows:

a. **Passive Recreational Use.** The term "Passive Recreational Use" means leisure activities such as, but not limited to, walking, jogging, hiking, wildlife observation, children's play areas, dog parks, general public recreation, fishing and the use of non-motorized watercraft, such as canoes and kayaks.

b. **Permitted Active Recreation Use.** The term "Permitted Active Recreational Use" means recreational activities, such as practices and non-programmed participation, in ball field and court sports by the general public; non-motorized, wheeled activities, such as skateboarding, rollerblading/skating and bicycling.

2. **Activities and Uses Expressly Prohibited.** The authorized use of the Property, described in Paragraph 1 above, shall not involve any of the following:

a. **Human Habitation:** Human habitation, including but not limited to, temporary accommodations such as cabins, trailers, recreational vehicles, and tents.

APPENDIX A: PROPERTY DEED

- b. Programmed Activities: Team play or spectator sports, where the public is invited to view sporting activities such as games. Team practices and “pick up” games are permitted as a Permitted Active Recreation Use.
- c. Visual Hazards: Activities of any type that produce smoke, glare or other visual hazards; however, charcoal grills are permitted.
- d. Encouragement of Concentrations of Birds: Activities of any type that encourage concentrations of birds, such as bird feeding stations and ponds.
- e. Dumping: Other than trash cans necessary to serve participants in Limited Recreational Use, the dumping of garbage is prohibited. This includes, but is not limited to, landfills, disposal, composting, recycling, burying, storage, or processing of garbage or waste materials.
- f. Other Prohibited Uses: Golfing; horseback riding; recreational campgrounds or marinas.

3. **Improvements and New Construction**. Construction or improvements to the Property are prohibited except those necessary for or incidental to Limited Recreational Use as defined in herein. The following requirements and prohibitions apply to Limited Recreational Use construction and improvements:

- a. Height Restrictions. The erection, construction, installation, alteration of any structure, building, or other edifice extending above 35 feet above sea level is prohibited. Trees shall not extend more than 150 feet above sea level.
- b. Lighting Prohibited. External lighting is prohibited. This includes, but is not limited to, lighted baseball or softball fields; lighted tennis courts; lighted basketball courts; lighted recreation areas; and lighted football or soccer fields.
- c. Permitted Improvements Incident to Limited Recreational Use. Improvements and/or buildings necessary for or incidental to Limited Recreation Use as defined in Paragraph 1, are permitted, including but not limited to the following:
 - i. picnic shelters;
 - ii. gazebos, such as covered overlooks;
 - iii. playgrounds;
 - iv. dog parks;
 - v. skate parks;
 - vi. benches;
 - vii. water fountains;
 - viii. charcoal grills;
 - ix. fences and restrooms;
 - x. trails, walkways, vehicular access roads;
 - xi. parking areas;
 - xii. piers for fishing and non-motorized watercraft;
 - xiii. park management , maintenance and storage facilities; and

xiv. Installation of public utilities, storm water management facilities and water control structures are permitted to a scale that are designed and constructed only to serve the improvements that are permitted as listed above or otherwise control flooding on the subject Property.

d. Meeting Places are prohibited. The following improvements are prohibited:

- i. Clubhouses, meeting places, auditoriums, classrooms, game bleachers and similar facilities, except that small-scale bleachers for parents to view practices are permitted;
- ii. public utility substations;
- iii. public dredging operation staging areas;
- iv. borrow pits;
- v. watershed;
- vi. water reservoirs;
- vii. storm water management facilities and water control structures other than as noted in paragraph 3(c);
- viii. fish hatcheries or man-made ponds.

4. Preservation Covenant for Conveyance of Property that May Include Archaeological Sites

In consideration of the conveyance of real property, identified as the Marshview property, that may include as yet undiscovered significant archaeological sites that are eligible for inclusion on the National Register of Historic Places, the City of Virginia Beach hereby covenants on behalf of itself, its heirs, successors, and assigns at all time to the Virginia Department of Historic Resources, which serves as the Virginia State Historic Preservation Office (SHPO) to maintain and preserve as yet undiscovered significant archaeological sites in accordance with the provisions of the following paragraphs of this covenant:

- a. The Grantee shall notify the SHPO in writing prior to undertaking any ground-disturbing activities that will extend below the historic plow zone, The Grantee shall prepare and submit a written assessment of project effects. The historic plow zone is defined as from present ground surface to 6 inches below present ground surface. The assessment of project effects shall describe the proposed undertaking in reasonable detail, discuss its potential effects upon unrecorded archaeological resources, and will conclude with recommendations concerning the need for archaeological survey to identify archaeological resources or other actions to avoid or mitigate adverse effects to archaeological resources. All assessment, surveys, and documentation will be conducted at the expense of the Grantee or its designee.
- b. Within thirty (30) calendar days of the SHPO’s receipt of notification provided by the Grantee pursuant to paragraph (a) of this covenant, the SHPO will respond to the Grantee as follows:
 - 1. That the Grantee may proceed with the proposed undertaking, or

APPENDIX A: PROPERTY DEED

2. That the Grantee must continue consultation with the SHPO and conduct archaeological surveys as needed before it can proceed with the proposed undertaking.
- c. In the event significant archaeological resources are identified that will be affected by a proposed action, the Grantee will take reasonable measures to avoid or minimize effects to those archaeological resources. In the event adverse effects cannot be avoided, all parties will then so consult in good faith to arrive at mutually agreeable and appropriate measures that the Grantee will employ to mitigate any adverse effects associated with the proposed undertaking. Pursuant to this covenant, any mitigation measures to which the Grantee and the SHPO agree to shall be carried out solely at the expense of the Grantee or its designee.
- d. The Grantee shall make every reasonable effort to prohibit any person from knowingly or inadvertently disturbing any archaeological object or archaeological site. In the event that any archaeological object or site is knowingly or inadvertently disturbed, the Grantee shall immediately stop the activity causing the disturbance and make every reasonable effort to protect the archaeological object or site from further disturbance. Within one (1) working day of the discovery, the Grantee shall have an archaeologist meeting the Secretary of Interior's *Professional Qualification Standards* inspect the work site and determine the general boundary and the nature of the affected archaeological property and whether the site is significant. Work may then proceed in the project area outside the site boundary. Within fifteen (15) calendar days of the discovery, the Grantee will provide written notification of the findings to the SHPO, as well as a draft Site Treatment and Restoration Plan to describe the actions the Grantee will take to mitigate the damage, restore the site of discovery, and provide for the treatment and disposition of any significant archaeological resources recovered. Within thirty (30) calendar days of the SHPO's receipt of notification provided by the Grantee, the SHPO will respond as follows:
 1. That the SHPO agrees with the findings and the Grantee may proceed with the proposed undertaking after the Site Treatment and Restoration Plan is implemented if required, or
 2. That the Grantee must conduct additional consultation with the SHPO.

The Grantee shall provide the SHPO a report on the mitigation actions when they are completed.

- e. The SHPO shall be permitted at all reasonable times to inspect the Marshview property in order to ascertain conditions and to fulfill its responsibilities hereunder.
- f. In the event that any federally recognized Indian tribes attach religious or cultural significance to archaeological resources that may be affected by future actions on this property, then these tribes will receive copies of the notifications provided to the SHPO

MARSHVIEW PARK MASTER PLAN

under paragraphs (a) and (d) of this covenant and will be invited to participate in the consultations.

- g. In the event that any federally recognized Indian tribes identify traditional cultural properties or sacred sites on this property, the Grantee shall ensure reasonable access to and use of this property by those tribes for cultural, ceremonial, and religious purposes.
- h. This covenant is binding on the Grantee, its heirs, successors, and assigns in perpetuity. Restrictions, stipulations, and covenants contained herein shall be inserted by the Grantee verbatim or by express reference in any deed or other legal instrument by which it divests itself of either the fee simple title or any other lesser estate that may contain unrecorded archaeological sites or any part thereof.
- i. The failure of the SHPO to exercise any right or remedy granted under this instrument shall not have the effect of waiving or limiting the exercise of any other right or remedy or the use of such right or remedy at any other time.
- j. The covenant shall be a binding servitude upon the real property and shall be deemed to run with the land.

GOVERNMENT shall have the right, by and through their agents and employees, to enter the Property at all reasonable times, with forty-eight (48) hours' prior notice to the Grantee, and for the purposes of determining compliance with the terms of this instrument. Government reserves the Environmental easement attached as Exhibit B.

IN WITNESS WHEREOF, this QUITCLAIM DEED has been executed on behalf of the GRANTOR as of the date first above written and has been executed on behalf of the GRANTEE in acceptance of the terms and conditions as above set forth.

UNITED STATES OF AMERICA

By: Patricia M. Hankins
Patricia M. Hankins
Real Estate Contracting Officer
By direction, Naval Facilities
Engineering Command, Mid-Atlantic
9742 Maryland Avenue
Norfolk, Virginia 23511-2699



VIRGINIA BEACH PARKS & RECREATION
PLANNING, DESIGN & DEVELOPMENT DIVISION

2408 COURTHOUSE DRIVE, BLDG 21
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