

BRECKINRIDGE

**A
Planned Unit Development (PUD)**

R-PUD-11-01

By

Pine Grove Properties, L.C.

**Prepared By
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**February 8, 2012
Western Branch Borough
Chesapeake, VA**

- I. PURPOSE: The Purpose of these Development Criteria is to set forth the goals of Pine Grove Properties, L.C. and its successors and/or assigns, for the Development of **BRECKINRIDGE** as a Planned Unit Development (PUD) and to establish the guidelines and standards to be followed in the achievement of those goals. Throughout these Criteria, the PUD shall be referred to as “**BRECKINRIDGE.**” The term “Developer” and “applicant/owner” shall mean Pine Grove Properties, L.C.
- II. THE LAND: The property to be developed as **BRECKINRIDGE** consists of approximately 482 acres at the southwest corner of Portsmouth Boulevard and Jolliff Road, about a half mile from Interstate 664. **BRECKINRIDGE** consists of primarily farmland with areas of non-tidal wetlands towards the southwest and southeast portions of the property, in addition to streams with wetlands in them throughout the project.

With its southwestern boundary adjacent to a large wetlands area, portions of the site will enjoy a natural area in excess of 200 acres. Other wetlands areas throughout the project will be incorporated into common green areas which will create pedestrian and bike trails to connect various portions of the project. Areas in **BRECKINRIDGE** nearest the streams throughout the site will require special attention to properly develop vehicular, pedestrian, bicycling, and building areas with maximum environmental sensitivity.

Key services, such as utilities and drainage are available and will be adequate at **BRECKINRIDGE**. Western Branch High School was over capacity, but the recently completed addition to this school reduced the capacity to below 120%. The middle school in the school district serving this site is not currently over capacity. However, Chittum Elementary School, which serves the project area, is currently over capacity.

- III. THE GOALS: The goals of Pine Grove Properties, L.C. in developing the **BRECKINRIDGE** Planned Unit Development are:

- ❖ The development must reflect the ideals of Pine Grove Properties, L.C., the Wood family (who comprise Pine Grove Properties, L.C.) and the City of Chesapeake. The personal and professional integrity of the Developer cannot and will not be compromised. The timing for development of this parcel has not been right in the past; we believe that this is the right time and this is the right design. The Wood family has deep roots in the Western Branch community. They are committed to this project that creates a remarkable mixed-use community with a wide variety of housing types, and also commercial development which creates jobs and improves the tax base for the City of Chesapeake. All references to “developer” and “applicant/owner” shall include all current and future developers for this project.
- ❖ The project must balance land development with environmental preservation so that unique or essential natural resources are preserved in a pristine condition

while citizens and businesses are also able to use and enjoy the benefits of high quality natural areas.

- ❖ The development must be profitable, not only for the investors in the project, but for the businesses choosing to partner in the vision, the new and relocated residents choosing the proposed lifestyle amenities, and the City from the development of a new environment for jobs and community living.
- ❖ Approval of this Development Criteria and the rezoning associated with it shall then supersede the applicable proffers for the Pine Grove Rezoning Application dated February 12, 1999 and listed as R(C) 97-29 in City of Chesapeake records, which is the same land parcel as **BRECKINRIDGE**, with the exception of the property known as the Kramer parcel and referenced within R(C) 97-29 as Parcel D.

IV. THE PLAN: These Development Criteria dated February 8, 2012 and the Master Land Use Plan dated February 6, 2012 constitute the development regulations for **BRECKINRIDGE**, as well as the Roadway Access Exhibit dated December 6, 2011. Use of the word “block” in the development criteria shall refer to the designations on the Master Land Use Plan, unless the context requires otherwise. Residential and commercial development purposes in **BRECKINRIDGE** shall cover approximately 250 acres, or about 52% of the PUD. Approximately 232 acres, or about 48% of the PUD, will be utilized for Conservation areas. This number does not include the village squares, the lakes, or the passive common areas around the streams throughout the site. Therefore, it is anticipated that greater than 50% of the project will be utilized for aesthetic amenities. Single-Family development shall consist of various sizes of single-family lots, apartments and condominiums. In keeping with the Comprehensive Plans’ statement in the Growth Management section that “...density and intensity of land development to generally be highest in areas with public water and sewer service and good road and transit access...”, and due to the current economic trend of providing more variety of housing types, but primarily downsizing footprints, and providing affordable pricing, the applicant/owner proposes 1,504 units targeting a balance of housing types. The applicant/owner agrees that in no event shall the number of units, as defined below, exceed 1,625 units of which no more than 600 units will be apartments. The owner/applicant further agrees that the percentage of apartments that will be 3-bedroom will not exceed 20% of the total apartment units. 1,504 units are currently proposed, but the total number of units could increase to 1,625 units if the flex parcels (block 6) fail to develop as commercial and reverts to residential as described in Section IV.K of this document. Additionally to control the impact on Schools and other City resources, we will commit to a maximum numbers of apartments and residential units to be built each year. These unit counts will accrue over time if the maximums are not reached in any year. The chart below is provided for illustration purposes but shall not be construed to affect any other limitation or requirement set out elsewhere in this development criteria or applicable ordinance:

Calendar Year	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
Beginning Units	0	250	500	600	850	1,100	1,200	1,300	1,400	1,500	1,600	1,625	
Maximum Apartment Units Proposed	150	150		150	150								600
Maximum Other Residential Units Proposed	100	100	100	100	100	100	100	100	100	100	25	-	1,025
Maximum Total Units Proposed	250	250	100	250	250	100	100	100	100	100	25	-	1,625
Ending Units	250	500	600	850	1,100	1,200	1,300	1,400	1,500	1,600	1,625	1,625	

Furthermore, the project shall include both interconnecting streets as utilized in Traditional Neighborhood Design in some parcels and more prototypical neighborhoods with cul-de-sacs. Between these street configurations and some of the natural areas being preserved on site, significant opportunities will be available for common green areas and will also serve to better disperse traffic rather than have it collecting on one specific street before reaching Portsmouth Boulevard or Jolliff Road.

In the commercial areas, the development will include the use of commons or plazas to provide more formal public green space in highly visible, accessible areas.

Houses with small front yard setbacks are proposed to minimize the usage of garages visible from the main travel way. Varying lot sizes and housing types shall be utilized to create typical lot areas from approximately 1,500 square feet to 15,000 square feet. The intent of condensing the lot area down to this size is to allow the preservation and creation of natural amenities in **BRECKINRIDGE**. To create the flexibility needed to achieve the project’s goals, unique development standards are established below.

The following establish the development standards for the various land uses in the Breckenridge PUD. The Zoning Ordinance and Subdivision Ordinance will control in the event that the Development Criteria do not establish applicable requirements:

A. Residential - Large Single-Family House (LSF-H):

General Description: There will be a “Large Single-Family House,” estate type parcel similar to typical R-15(a)s zoned lots. These LSF-H units will be located along the southern portion of the developable property. They will generally be located adjacent to the wetland conservations adjacent to Jolliff Woods also adjacent to existing similar neighboring large lot subdivisions.

1. Dimensional Standards: The following minimum standards are generally established for the Large Single-Family House (LSF-H) land use areas designated on the approved Master Land Use Plan:

Minimum Lot Width: 75 feet

Minimum Lot Area: 12,000 square feet

Average Lot Area: 15,000 square feet

Note: All lots adjacent to the existing Jolliff Woods residential lots and where not already separated by a 10' enhanced wooded and/or wetlands buffer, shall be a minimum of 15,000 square foot lots.

Front Yard: 20 feet minimum, except for front porches that are at least 7 feet deep which shall have 15 feet minimum excluding any steps. For the purposes of calculating yard setbacks, all LSF-H units shall only have one front yard.

Rear Yard: 25 feet minimum

Side Yard: 10 feet minimum, excepting certain architectural features (e.g. chimneys, bay windows, etc.) and mechanical and electrical equipment, which shall have a setback of three (3) feet. The side yard setback outlined herein for mechanical and electrical equipment may be less than three (3) feet if suitable landscape and architectural screening is provided, as approved by the Planning Department.

Lot Coverage: 50% maximum (this includes principal and accessory structures).

B. Residential - Medium Single-Family House (MSF-H):

General Description: There will be a "Medium Single-Family House," estate type parcel similar to typical R-10s zoned lots (with slightly less square footage), but where 25% of the lots are allowed to be less than the normal square footage for that district, provided the average area of the lots meets the minimum square footage for that parcel. These MSF-H units will be located along the southern portion of the developable property adjacent to existing Jolliff Woods' lots.

1. Dimensional Standards: The following minimum standards are generally established for the Medium Single-Family House (MSF-H) land use areas designated on the approved Master Land Use Plan:

Minimum Lot Width: 70 feet

Minimum Lot Area: 8,000 square feet

Average Lot Area: 9,600 square feet

Front Yard: 20 feet minimum, except for front porches that are at least 7 feet deep which shall have 15 feet minimum excluding any steps. For the purposes of calculating yard setbacks, all LSF-H units shall only have one front yard.

Rear Yard: 20 feet minimum

Side Yard: 7.5 feet minimum, excepting certain architectural features (e.g. chimneys, bay windows, etc.) and mechanical and electrical equipment, which shall have a setback of three (3) feet. The side yard setback outlined herein for mechanical and electrical equipment may be less than three (3) feet if suitable landscape and architectural screening is provided, as approved by the Planning Department.

Lot Coverage: 60% maximum (this includes principal and accessory structures).

C. Residential - Small Single-Family House (SSF-H):

General Description: There will be a “Small Single-Family House,” type parcel similar to typical R-8 zoned lots, (with slightly less square footage), but where 25% of the lots are allowed to be less than the normal square footage for that district, provided the average area of the lots meets the minimum square footage for that parcel. These SSF-H units will be located along the southern portion of the developable property adjacent to the wetlands and also within the interior of the project abutted by other single-family and multi-family villages.

1. Dimensional Standards: The following minimum standards are generally established for the Small Single-Family House (SSF-H) land use areas designated on the approved Master Land Use Plan:

Minimum Lot Width: 50 feet

Minimum Lot Area: 4,000 square feet

Average Lot Area: 6,000 square feet

Front Yard: 20 feet minimum

Rear Yard: 15 feet minimum

Side Yard: 5 feet minimum

Lot Coverage: 80% maximum (this includes principal and accessory structures).

D. Residential - Small Single-Family Villa Detached Condos (SSF-VC):

General Description: This product will be detached “condominium” style units available for sale. The units will resemble small, single-family houses, but will not be built on individual lots. Instead they will be on one large condominium regime parcel where common maintenance will occur and individuals will own just that portion of the site where their unit exists. The parcel will be located adjacent to other dense products such as the small, single-family lots, multi-family apartments, and multi-family condominiums.

1. Dimensional Standards: The following minimum standards are generally established for the Small Single-Family Villa Condos (SSF-VC) land use area designated on the approved Master Land Use Plan:

Minimum Lot Width: N/A

Minimum Lot Frontage: N/A

Front Yard: 20 feet from the parking area

Rear Yard: 30 feet from the adjacent units

Side Yard: 10 feet from the adjacent units

E. Residential – Townhomes Single Family (TH-1, TH-2 & TH-3):

General Description: There will be several types of townhomes done inline with widths varying from 24’ wide (TH-1), 22’ wide (TH-2) and 18’ wide (TH-3) similar to typical R-TH-1 zoned lots. These TH-1, TH-2 & TH-3 units will be located along the southern portion of the developable property adjacent to the wetlands and also within the interior of the project abutted by other single-family and multi-family villages. The units will be sold as fee simple townhouses or on one large condominium regime parcel.

1. Dimensional Standards: The following minimum standards are generally established for the Townhomes Single Family (TH-1, TH-2 & TH-3) land use areas designated on the approved Master Land Use Plan:

Minimum Unit Width: 18' to 24' feet

Minimum Lot Area: 1,500 square feet

Front Yard: 10 feet minimum where rear loaded or remote parking for the units is utilized

Rear Yard: 15 feet minimum

Side Yard: 0 feet or 10' for interior lots – 15' for end units adjacent to streets

Lot Coverage: 80% maximum (this includes principal and accessory structures)

F. Residential –Attached Condos: Inline (AC-1, AC-2 & AC-3):

General Description: There will be several types of attached condominiums done inline with widths varying from 24' wide (AC-1), 22' wide (AC-2) and 18' wide (AC-3) similar to typical R-TH-1 zoned lots. These AC-1, AC-2 & AC-3 units will be located along the southern portion of the developable property adjacent to the wetlands and also within the interior of the project abutted by other single-family and multi-family villages. The units will resemble fee simple townhouses, but will not be built on individual lots. Instead they will be on one large condominium regime parcel where common maintenance will occur and individuals will own just that portion of the site where their unit exists.

1. Dimensional Standards: The following minimum standards are generally established for the Attached Condos (AC-1, AC-2 & AC-3) land use areas designated on the approved Master Land Use Plan:

Minimum Unit Width: 18' to 24' feet

Front Yard: 10 feet from the parking area or where rear loaded, or remote parking for the units is utilized

Rear Yard: 30 feet from the adjacent units

Side Yard: 10 feet from the adjacent units

G. Residential –Attached Condos: Quadplex (AC-4):

General Description: There will be a condominium product that consists of one structure which will contain four units. The product will be multi-family “condominium” style units available for sale. These will be built to resemble a neighborhood of large, single-family houses. They will be on one large condominium regime parcel where common maintenance will occur and individuals will own just that portion of the site where their unit exists. They are proposed to be built in the denser, interior area of the project.

1. Dimensional Standards: The following minimum standards are generally established for the Attached Condos – Quadplex House (AC-4) land use areas designated on the approved Master Land Use Plan:

Front Yard: 10 feet from the parking area

Rear Yard: 15 feet from the adjacent units

Side Yard: 10 feet from the adjacent units

H. Residential –Attached Condos: Tri-plex Cluster (AC-5):

General Description: There will be a condominium product that consists of one structure which will contain three units. The product will be multi-family “condominium” style units available for sale. These will be built to resemble a neighborhood of large, single-family houses. They will be on one large condominium regime parcel where common maintenance will occur and individuals will own just that portion of the site where their unit exists. They are proposed to be built in the denser, interior area of the project.

1. Dimensional Standards: The following minimum standards are generally established for the Attached Condos – Tri-plex Cluster (AC-5) land use areas designated on the approved Master Land Use Plan:

Front Yard: 10 feet from the parking area

Rear Yard: 15 feet from the adjacent units

Side Yard: 10 feet from the adjacent units

I. Residential – Attached Condos: 2-over-2 (AC-6):

General Description: There will be a condominium product that consists of 22’ wide inline structures which will each contain two units with one being on top of the other one. The product will be multiple units inline such that one structure could have 12 to 14 units in it. The product will be multi-family “condominium” style units available for sale. These will be built to resemble a neighborhood of larger, multi-story, inline townhomes. They will be on one large condominium regime parcel where common maintenance will

occur and individuals will own just that portion of the site where their unit exists. They are proposed to be built in the denser, interior area of the project. Parking for these units will all be rear loaded via alleyways.

1. Dimensional Standards: The following minimum standards are generally established for the Attached Condos – 2-over-2 (AC-6) land use areas designated on the approved Master Land Use Plan:

Front Yard: 10 feet from the parking area

Rear Yard: 30 feet from the adjacent units

Side Yard: 10 feet from the adjacent units

J. Residential – Multi-Family: Condo Flats and Apartments (R-GA):

General Description: There will be a “Multi-Family: Condo Flats and Apartments” type parcel similar to typical R-MF-1 zoned lots, but with a density of 20 units per acre. This will be a multi-family product that consists of flat over flat units in three-story or four-story buildings. It will resemble an apartment complex, but will be both “for sale” and “for rent” units. They will be on either one large condominium regime parcel where common maintenance will occur and individuals will own just that portion of the site where their unit exists or it will be one large parcel with one owner renting out units. They are proposed to be built in a block along some of the frontages of both Jolliff Road and Portsmouth Boulevard (as provided for elsewhere in these development criteria and the master land use plan).

Dimensional Standards: The following minimum standards are generally established for the Multi-Family: Condo Flats and Apartments (R-GA) land use area designated on the approved Master Land Use Plan:

Front Yard: 5 feet from the parking area

Rear Yard: 25 feet from the adjacent units

Side Yard: 15 feet from the adjacent units

Lot Building Coverage: 50% maximum

K. Commercial – Flex: Office/Community (C-F-OC):

General Description: There will be a “Flex: Office/Community” type parcels that adopt the O & I permitted and conditional uses and are identified as Blocks 6 on the Master Land Use Plan. These parcels could potentially be many things such as office, a private

school, a community center, retail, etc. It also includes residential multi-family as a permitted use subject to timing restrictions as provided for below.

As depicted on the **BRECKINRIDGE** Master Land Use Plan exhibit dated February 6, 2012 and incorporated into the Development Criteria, the portions of the property identified as Block 6 will be actively marketed and planned for uses consistent with commercial development (the “Commercial Marketing Period”). The property owner and/or developer agree to undertake commercially reasonable efforts to secure a user for commercial or office development for Blocks 6. No site plan shall be approved for residential development on the portions of Block 6 until seven (7) years after the approval of this rezoning application or five (5) years after the substantial completion of Portsmouth Boulevard widening, as determined by the Director of Development and Permits, or designee, whichever is less, provided wetlands permits can be obtained. If this portion of the site is developed into residential units, the total residential for the project would still not exceed the 1,625 unit cap proposed elsewhere in the development criteria.

1. Dimensional Standards for commercial and office development: The following minimum standards are generally established for the Flex: Office/Community (C-F-OC) land use area designated on the approved Master Land Use Plan:

Minimum Lot Width: 100 feet minimum

Minimum Lot Area: 1 acre minimum

Front Yard: 30 feet minimum

Rear Yard: 20 feet minimum

Side Yard: 20 feet minimum

Lot Building Coverage: 50% maximum

2. Dimensional Standards for residential development: Utilize the same standards as for the “Residential – Multi-Family: Garden Condo Flats and Garden Apartments” (R-GA)

L. Commercial – Retail/Office/Hotel (C-ROH):

General Description: There will be “Retail/Office/Hotel” type parcels similar to typical B-2 zoned lots. These parcels could potentially be many things such as retail, offices and/or hotels. The uses would blend together on the various parcels with complementary architecture and potentially shared parking to minimize the pavement areas throughout these C-ROH parcels. These parcels are located along the Portsmouth Boulevard and

Jolliff Road frontages of the development and identified as Blocks 5 on the Master Land Use Plan.

It is the goal of the Developer to ultimately construct approximately 350,000 square feet of retail/office/hotel area which is intended to further promote the growing commercial uses along the Portsmouth Boulevard corridor. The Developer shall maintain the flexibility to increase the C-ROH area of the development by an additional 50,000 square feet to respond to market dynamics.

1. Permitted Uses:

- a. All those uses which are designated Permitted and Conditional in the B-1 Neighborhood Business District, the B-2 General Business District, and the O&I Office & Institutional District shall be Permitted or Conditional, respectively, in the C-ROH areas.
- b. A use which is Permitted in any one of the B-1, B-2, or O&I Districts, but Conditional or Not Permitted in any of the others, shall be Permitted in C-ROH areas.
- c. Except as provided herein, all development standards and other requirements for the B-2 District shall apply.
- d. Where there are conflicts between the provisions in the Zoning Ordinance governing B-2 Districts and the Development Criteria, the Development Criteria shall take precedence.
- e. Lot coverage: 80% maximum
- f. Dimensional Standards:
 - i. Lot Area: N/A
 - ii. Lot Width: N/A
 - iii. Lot Depth: N/A
 - iv. Yard Dimensions:
 1. Front Yard: 35 feet minimum
 2. Side Yard: 0 feet minimum, if attached to adjacent building; 6 feet minimum for unattached buildings
 3. Rear Yard: 15 feet minimum
- g. Parking areas shall be provided in accordance with the approved General Land Use Plan for **BRECKINRIDGE** and Section V. Unless otherwise stated within these Criteria the minimum parking requirements established in the Zoning Ordinance shall apply.
- h. Retail/Office/Hotel district shall include pedestrian-oriented features such as plazas and benches.
- i. Restaurants shall be permitted to operate outdoor cafes on sidewalks, including areas within the public right-of-way subject to the approval of the Department of Development and Permits. Restaurants shall be permitted to operate in courtyards, provided that pedestrian circulation and access to store entrances shall not be substantially impaired and the

boundaries of the outdoor café area shall be within the restaurant’s storefront.

- j. Retailers and merchants shall be permitted to sell their merchandise on outdoor product displays located on sidewalks, including areas within the public right-of-way subject to the approval of the Department of Development and Permits and in courtyards, provided that pedestrian circulation and access to store entrances shall not be impaired and the boundaries of the outside display area shall be within the retailer’s storefront.
- k. The landscape buffer requirements set forth in the B-1 Neighborhood Business District, the B-2 General Business District, and the O&I Office & Institutional District shall not apply in the C-ROH district of **BRECKINRIDGE**.

M. Residential Unit Count

The Master Land Use Plan shows portions of the site labeled Large Single-Family, Medium Single-Family, Mixed Residential, Multifamily, Commercial Retail, and Flex Commercial Retail. The area designated as Large Single-Family will contain 60 units. The area designated as Medium Single-Family will contain 97 units.

The areas designated as Blocks 3 will consist of approximately 791 units with a variety of unit types including single family homes, townhomes, detached condominiums, and attached condominiums. These areas will consist of the unit counts shown below, with a layout configuration to be determined, to provide maximum flexibility to adapt to the market in the coming years.

Mixed Residential Unit Count per Chesapeake Public Schools Unit Types

Unit Type	Number Proposed	Allowable Unit Types
Multi-family style Condominium	525	AC-1 to AC-6, R-GA
Apartment	0	R-GA
Detached condominium	122	SSF-VC
Townhouse	20	TH-1 to TH-3
Single family home	124	LSF-H, MSF-H, SSF-H
Total	791	

The Multifamily areas, designated as Blocks 4, will consist of 556 multi-family condo flats or apartments as described as R-GA above.

These residential units proposed may be designated as age restricted units. If age restricted units are proposed, the development of these units will not be held to the annual limits provided in section IV, however the 1,625 maximum unit total discussed elsewhere in this document will be maintained.

There will be no project-based Section 8 housing proposed at **BRECKINRIDGE**.

If the Flex Commercial Retail area (block 6) is not developed within the time period described above, an additional 121 units will be developed as multi-family condo flats as described as R-GA above.

N. Conservation (C)

General Description: Central to this development is the provision of common open space. In **BRECKINRIDGE**, the Conservation (C) land use area will consist of a large amount of land, generally located to the southwestern side of the site, but also a significant area in the southeast side of the site, and bordering the neighboring developments of Jolliff Woods and Lakes of Jolliff. These will be environmentally sensitive areas that will remain relatively undisturbed. However, potentially passive uses included, but not limited to, walking, biking, and/or horseback riding trails, dog parks, etc. might be utilized in this area if Corps of Engineers approval can be obtained. Any active and/or passive recreational uses created within the Conservation land use area shall be included when calculating zoning ordinance open space total requirements.

Parks and playgrounds, bike paths, hiking and walking trails, and numerous lakes will provide abundant opportunities for recreation and relaxation while greenways, wetlands, trees and a natural habitat area ensure preservation of the land's natural beauty.

BRECKINRIDGE represents a viable option to accommodating sustainable community growth while at the same time upholding a deep respect for natural preservation. Pine Grove Properties, L.C.'s devotion to conserving and sustaining **BRECKINRIDGE'S** natural beauty takes the form of allocating over 50% of its land to open, green space.

To ensure the protection of environmentally sensitive areas, no uses or improvements shall be commenced in **BRECKINRIDGE** without first obtaining any and all required permits from local, state and federal agencies. Furthermore, the Wood family is personally committed to being good stewards of the environment with this development.

Nothing contained in this Development Criteria shall in any way limit, restrict or otherwise prohibit the Developer from a) conveying all or portions of the Conservation (C) area to a land conservation group or entity who shall maintain the Conservation (C) classification and/or b) granting conservation easements on all or portions of the Conservation (C) area and/or c) conveying the development rights of the Conservation (C) area to the City, a conservation group, or another entity who shall accept the development rights for the sole purpose of maintaining the Conservation (C) area into perpetuity. Areas containing natural wetlands will be utilized as a mitigation site over which preservation easements (in the form of covenants and restrictions) will be placed and be utilized by the owner/applicant for mitigation of impacts to wetlands on the property

or sold to other parties who must provide compensatory mitigation for impacts to wetlands within this development or off-site and shall be considered a permitted use. Sales of credits for existing wetlands areas are limited to those areas approved by the Corps of Engineers and shall not be offered for sale until after approval by the Director of Development and Permits, or designee, determines that the location of the credits will not adversely affect existing and future public facilities located within the limits of this PUD. No artificial wetlands will be created for mitigation in these approved areas.

1. Uses: Only the following land uses are allowed in the Conservation (C) land use areas designated on the approved Master Land Use Plan:

- ❖ Passive recreation – This is defined as hiking, biking, nature observation and similar activities, which will not require improvements other than the construction of pedestrian trails, footbridges, raised boardwalks, and similar passive recreational amenities. Pedestrian trails shall generally not be wider than 8 feet, except at widely-spaced nodes and gathering areas, where seats, exercise equipment and other permitted amenities may be provided.

O. Roadways:

Streets, drives and alleys are not classified as a separate land use. Rather, all public rights-of-ways within all of the residential land use areas are included in the density calculations for that land use. All arterial roadways shall incorporate pedestrian crossings utilizing stamped and painted asphalt and the like to better distinguish these areas and to maintain the character of the development. The Department of Development and Permits shall have the authority to consider and approve potential variations, such as

- roadway widths
- different materials for driveway entrances
- different surface materials for portions of roadways
- different materials for curbing
- elevated platform traffic calming devices, etc.

If specific requests are approved, then these will be added to the current **BRECKINRIDGE** standards, for part or whole of this project, without requiring City Council action. The following minimum standards shall apply to roadways in **BRECKINRIDGE**:

1. Where Traditional Neighborhood Design can be utilized for some of the residential development types, alleyways will be utilized to service the residential lots. These private roadway sections shall consist of a minimum of 20 feet of pavement; however, alternate materials and/or a width less than 20 feet may be approved by the Fire Department and the Department of Development and Permits.

2. Lots and buildings may front on Master Transportation Plan facilities; however, no access or on-street parking will be permitted on these facilities. Furthermore, more limited access on these roadways may be required by the Department of Development and Permits during the formal construction plan review and approval process.
3. Block lengths, street sections, and fire hydrant locations and appurtenances shall be addressed and approved by the Department of Development and Permits and Fire Department at the time of preliminary subdivision plan approval.
4. The access points shown on the Roadway Access Exhibit, dated December 6, 2011 are intended to reflect tentative locations for full access intersections if Dock Landing Road Extension develops to a 4-lane thoroughfare. In the interim, additional full access intersections may be constructed subject to the approval by the Director of Development and Permits, or designee. These additional access intersections would become right-in right-out upon full build out of Dock Landing Road Extension or as required by the Director of Development and Permits, or designee. Full intersection design will be consistent with the design criteria in the City's Public Facilities Manual. These locations may be revised upon approval of an alternative plan by the Director of Development and Permits, or designee.

P. Timing of Improvements:

It is the Developer's desire to phase the construction over a number of years. The phasing of infrastructure improvements will be determined as each section of the project is developed based upon approved calculations performed by the Developer's consultant and subject to the review and approval by the Director of Development and Permits, or designee. The Retail/Office/Hotel district will be developed in accordance with market demand. However, the Developer anticipates this demand will be in proportion with the expected phasing of the residential units.

1. Description of Traffic Allowable Under Current Conditions: Although construction of the widening for Portsmouth Boulevard is imminent, the actual completion time is unknown. The Traffic Impact Analysis (January 2012 by URS) has determined that a certain amount of traffic can utilize the Jolliff Road entrance to the project(as generally reflected on the Roadway Access Exhibit) before creating a problem with Level of Service in the surrounding roadway systems.

The Traffic Impact Analysis indicates that the total year 2014 PM peak hour volumes to acceptably use the entrance on Jolliff Road are 285. The allowable peak hour traffic volume generated by the development will be controlled by the approval of site plans and/or plat recordations.

If the peak is achieved prior to the Portsmouth Boulevard widening, the Developer has the opportunity to submit a temporary improvements plan to allow additional units to be built prior to completion of Portsmouth Boulevard improvements to the Director of Development and Permits, or designee. The allowable peak hour volume of 285 trips on Portsmouth Boulevard may be increased pursuant to the Department of Development and Permits approved Traffic Impact Analysis and construction of necessary transportation improvements to maintain an acceptable Level of Service.

2. Description of Water and Sewer Services: Existing water mains are available to this property at Jolliff Road and will presumably be available at Portsmouth Boulevard by the time **BRECKINRIDGE** is ready to develop. The results of ongoing hydraulic studies performed by the Developer's engineer will determine what upgrades of the existing or proposed water mains are required and if alternative routes or additional tie-ins will be required to meet the Developer's water demands without adversely affecting current water system customers subject to the review and approval of the Director of Public Utilities, or designee.

Current calculations indicate that 1,350 units could be built before a loop for the western branch system either across I-664 or extending northward from Jolliff Road's terminus would be required. It appears that both options can be constructed without obtaining off-site easements. Individual development plans shall be subject to review by the Department of Public Utilities Director, or designee, for the availability of public sewer and water facilities in accordance with the Chesapeake Subdivision Ordinance and applicable policies. As **BRECKINRIDGE** develops, the water analysis for the on-site and off-site systems shall be studied, reviewed, and approved by the Director of Public Utilities, or designee, to determine whether or not additional water main loops are necessary either on-site or off-site and all required easements shall be acquired by the developer. If the calculations dictate that additional pressure to meet City minimums is necessary for the project, the Developer shall be responsible for constructing the additional connection.

A small portion of this project is within the service area of PS 244 which is located behind the Lowes development. The remainder of the project is outside of all existing sewer pump station service areas. Thus, a standard City pump station will be provided with this project. It will be installed as approved with the first plans of development as required by the Director of Public Utilities, or designee. No off-site gravity sewer extensions are necessary to serve any portion of this project.

Adequately sized water mains as required and approved by the Director of Public Utilities, or designee, will be constructed through the project between

Portsmouth Boulevard and Jolliff Road. The subsequent water system improvements will be installed with each phase as required and approved by the Department of Public Utilities. The City standard pump station and all force main improvements will be constructed as necessary. Gravity sewer for each subsequent phase will be installed as that phase is constructed.

- V. OTHER STANDARDS: In setting forth the nature of each land use category in Section IV above, standards and criteria pertaining to the proposed uses are established. Some additional regulations are stated as follows:
- A. Unless otherwise specifically provided in these Criteria, the provisions of Chesapeake's City Code, Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual (PFM) shall govern the development of **BRECKINRIDGE**. In the case of the Zoning Ordinance, the rules applying to the most similar zoning district shall apply (i.e., R-15s for "LSF-H", R-8 for "SSF-H", R-MF-1 (with the exception of more density of 20 units per acre as specified in this document) for R-GA", B-2 for "C-ROH", C-1 for "C", etc.). Where provisions in these Land Use Criteria conflict with the City Code, the Zoning Ordinance or with the PFM, the Land Use Criteria shall control.
 - B. Nothing in these Criteria shall override requirements for preliminary and final subdivision and site plan approval, or the issuance of permits and all other required approvals, as reasonably required in the Chesapeake City Code and Zoning Ordinance.
 - C. Parking requirements shall vary from 1.6 spaces per unit for multi-family uses to 2 spaces per dwelling unit for the single-family residential uses subject to the review and approval of individual site plans. Parking contained within garage stalls shall count towards the parking requirement. Parking requirements shall be no less than 4 spaces per 1,000 square feet of conditioned floor area for the C-ROH land uses excluding any hotel facility which shall have a parking requirement of 1 space per guest room and 1 per employee on a maximum shift. The Developer shall also be able to include any reasonable on-street parking, as determined by the Department of Development and Permits and the Planning Department, when determining the parking requirements for C-ROH, R-C and R-GA land uses. Parking requirements for all other uses shall be as set forth in the Zoning Ordinance for the most similar type use, as determined by the Planning Department. Parking spaces shall be a minimum of 9 feet by 18 feet with a 24-foot wide drive aisle. An allowance of 20% compact spaces shall be allowed in all parking lots. All parking lots shall be paved with concrete curbing around the perimeter, unless alternative materials and/or curbing are approved by the Director of Development and Permits, or designee.

- D. Conventional public sidewalks, as required in the PFM, shall be provided on at least one side of all public streets, except in such cases where, as part of a preliminary site or subdivision plan, the Director of Development and Permits, or designee, approves an alternative pedestrian circulation system. There shall be an overall master pedestrian plan for the project which will be referenced with the individual pedestrian plans for each section of the development as it goes through the preliminary subdivision process. Such alternative pedestrian circulation system may include sections where a conventional sidewalk shifts outside the right-of-way (the “Alternative Sidewalk”) (to miss a handsome tree, or to move pedestrians past a more pleasant view), or it may include alternative materials such as raised walks, brick pavers, aggregate, or materials of the like. Generally, any such Alternative Sidewalk shall be established for perpetual ownership and maintenance by the Property Owners Association of **BRECKINRIDGE**, rather than being City-owned and maintained. A network of pedestrian trails will be provided in the residential land use areas, which will complement the system of trails in the Conservation (C) land use areas.
 - E. Drainage from **BRECKINRIDGE** shall be directed towards the northeastern portion of the site consistent with existing drainage patterns to culverts in Jolliff Road subject to review and approval by the Director of Development and Permits, or designee. Stormwater detention ponds shall be proposed throughout the site in order to keep peak flows to pre-development levels subject to the review and approval by the Director of Development and Permits, or designee.
- VI. ARCHITECTURAL STANDARDS AND REVIEW: All construction and development within **BRECKINRIDGE** shall be governed by strict Architectural Standards to insure consistency and compatibility of materials, elevations, architectural style, yard improvements and overall appearance. All construction documents will be reviewed by the Architectural Review Committee of the Property Owners Association for consistency with these Architectural Standards and detailed architectural regulations. Architectural review shall be performed to assure compliance with the Architectural Standards and detailed architectural regulations of **BRECKINRIDGE**, generally as follows:
- A. THE ARCHITECTURAL STANDARDS OF BRECKINRIDGE:
 - 1. Purpose: The applicant/owner agrees to the following architectural standards. These standards are further illustrated in the document entitled “A vision for **BRECKINRIDGE** A Western Branch village community in Chesapeake Virginia” and dated December 19, 2011. This document provides the guiding principles for the detailed architectural standards which are forthcoming and will be submitted, prior to the first plan submittal. The architectural detailed standards shall be consistent with the design book as determined by the Planning Director. The purposes and the general objectives of the Architectural Standards of **BRECKINRIDGE** are as follows:

- a. The primary purpose of the Architectural Standards is to promote the development of appealing architectural designs in **BRECKINRIDGE**. These Architectural Standards will ensure that the development of structures in **BRECKINRIDGE** are unobtrusive in form, location, and color and complement their natural setting. The goal is to create an aesthetically pleasing mixed-use development. The Developer's vision is that most of the construction will generally be modeled after a village craftsman vernacular. This means the project will be designed using regionally recognizable building forms and massing with attention to craftsman detailing and imagery. Craftsman style can best be expressed through the use of local natural materials and detailing at points of interest around the façade. Detailing with the incorporation of layered brackets or trellis type awnings or canopies is common. Layering of materials to break façades, lower sloped roofs with deeper overhangs are also common elements. Windows and doors are trimmed simply without ornate detailing. The overall effect is in the composition rather than the elements, but attention to detail at key elements is critical to the composition.
- b. The Architectural Standards and detailed architectural regulations will assure that individual homes in the Single-Family land use areas complement each other and that the Commercial (Retail/Office/Hotel) and the Flex (Office/Community) components will enhance the established vernacular complimenting the flavor of related housing types. Each building shall be treated not as an individual architectural entity, but as a carefully planned addition to the natural setting in which it is placed. Consequently, architectural enhancements and solutions may vary according to immediate surroundings.
- c. The Architectural Standards presented herein shall apply strictly to all structures governed by these Development Criteria. All buildings and structures in the residential areas or the alternative land use designation land use area shall be designed by an architect generally acceptable to the Developer, so as to achieve a unified design for the entire development. In developing the design for the all land use areas, the architect shall carefully consider the architectural standards which are established for the entire project to assure that they complement one another, as well as the natural and wetlands setting and surroundings of **BRECKINRIDGE**. Detailed architectural standards shall be submitted to the Planning Director prior to preliminary plan approval to ensure consistency with the goals and standards of the planned unit development. All final design standards can be revised and/or amended by the Planning Director after a request by the Developer.

2. Architectural Review Committee: The Architectural Review Committee shall consist of up to three (3) persons who need not be members of the Property Owners Association, from time to time appointed by the Developer until 100% of the developable lots and 100% of the condominium units within **BRECKINRIDGE** have been developed and conveyed to owners other than builders or by the Board of Directors of the Property Owners Association from and after the date on which the Developer delegates this responsibility to the Property Owners Association by written instrument in recordable form executed by the Developer. Anything falling under the authority of the Architectural Review Committee herein or in the Declaration of Protective Covenants, Conditions, Restrictions and Easements, and the **BRECKINRIDGE** property owner's association (the "Association"), as the same may be amended, shall be deemed to fall under the authority of the Developer until such time as the Developer assigns such functions to the Association. At such time as the Board of Directors is empowered to appoint the members of the Architectural Review Committee, the Architectural Review Committee shall be composed of up to three (3) members. The Developer or the Board of Directors, as the case may be, may appoint one (1) alternative member to the Architectural Review Committee, which alternative member may vote only in the absence of a regular member. The members of the Architectural Review Committee shall serve for such terms as may be determined by the Developer or the Board of Directors, as the case may be. The Declaration of Protective Covenants and Restrictions (the "Declaration") shall address but not be limited to the following: (1) establish the authority of the Architectural Review Committee; (2) contain provisions generally consistent with these Criteria; and (3) be recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake.
3. Architectural Review Required. Before commencing the construction, erection, or installation of any building, walk, fence, swimming pool, deck, animal pen or shelter, exterior lighting, sign, mailbox or mailbox support or other structure, land disturbance, landscaping or paving ("Improvement") on any Lot, including site work in preparation therefore, and before commencing any alteration, enlargement, demolition or removal of an Improvement or any portion thereof in a manner that alters the exterior appearance of the Improvement or the Lot on which it is situated, each Owner shall submit to the Architectural Review Committee a completed application on the form provided by the Architectural Review Committee. No Improvement shall be constructed, erected, installed, or maintained on any Lot, nor shall any Improvement be altered, enlarged, demolished, or removed in a manner that alters the exterior appearance of the Improvement or of the Lot on which it is situated, without approval of the proposed construction by the Architectural Review Committee. All plans for new buildings shall go to the Architectural Review Committee prior to formal plan review at the City.
4. Detailed Residential Architectural Regulations: The Architectural Review Committee shall review such plans for consistency with the Architectural Standards and the Declaration. The Architectural Review Committee shall promulgate additional regulations ("Detailed Architectural Regulations") for application by the Architectural

Review Committee as reasonably necessary to ensure conformance with the Declaration and the standards which appear following this paragraph. Prior to the recordation of any subdivision plat or condominium plat, these Detailed Architectural Regulations shall be reviewed and approved by the Planning Director, or designee to ensure consistency with the Development Criteria.

a. Construction Standards:

1. These regulations will address construction standards, structure location and site landscaping for individual lots in the Single-Family land use area to be applied by the Architectural Review Committee in evaluating all submissions for construction.

b. Square Footage:

1. LSF-H units shall have a minimum square footage of heated living space of 2,000 square feet. MSF-H, SSF-H, and SSF-VC units shall have a minimum square footage of heated living space of 1,500 square feet. TH-1 thru TH-3 and AC-1 thru AC-6 units shall have a minimum square footage of heated living space of 1,000 square feet. Total square footage of living area will be calculated on floor space, measured to the exterior walls, excluding decks, porches, unheated storage areas, and unfinished rooms over the garage. Homes having a finished and heated room over the garage greater than 300 square feet shall be considered to be two stories for square footage purposes, and such square footage shall be included in area calculations.
2. R-C units shall have a minimum of 700 square feet of heated living space, determined pursuant to the same general standards as used for single-family homes.
3. R-GA units shall have a minimum of 600 square feet of heated living space, determined pursuant to the same general standards as used for single-family homes.

- c. Exterior: Architectural motif and exterior elevations are to be aesthetically pleasing in appearance and generally compatible in terms of the overall structure and its relationship to other structures based on location, size and quality within the development. The selection of materials shall be harmonious with the architectural motif of each dwelling unit and community as a whole. Exterior walls with the same color scheme as adjacent or nearby homes are discouraged but will be permitted on a condition that colors and materials are skillfully mixed to create individualism of adjacent structures. Preferred exterior finish materials

are fiber-cement siding, premium vinyl siding or vinyl shakes, brick, cultured stone, stucco or drainable EIFS systems, wood, and machine cut shingles. Window trim and door trim shall be accentuated with trim detailing and shall be treated on all elevations with the same level of finish and detailing. Chimneys element shall be from grade with same skirt treatment as house. Porches shall be a minimum of 4' deep (except a minimum of 7' where the porch is intended to be closer than the normal front yard setback as specified elsewhere in this criteria), front to back and may be screened. There shall be a 6" minimum column width with appropriate base and capitol detailing. All exposed joists or rafters shall be painted or stained and all exposed porch and deck details visible from public right-of-ways shall be painted or stained (except for treads and floor decking). All walkways from steps to public right-of-ways shall be a minimum of 3' in width and shall be either concrete or brick pavers, or a combination of both. Roofing materials shall be darker in color than the exterior wall colors. Roof lines shall be varied in nature and overhangs shall be in balance with both the size of the roof and volume of the structure. Roofs conflicting with the neighborhood character will not be approved. Primary roof slopes with a minimum of 8:12 (8" vertical per 12" horizontal) are encouraged but lower roof slopes will be considered if appropriate to the proposed style of architecture. Exterior materials shall reflect harmony with both the environment and other structures in the neighborhood. Elevation quality, character, material and content should be continued on all sides. Composition sheet siding, unfinished wood, exposed concrete or cinder block are unacceptable exterior materials.

For LSF-H homes:

1. Where vinyl siding is used average panel thickness shall be greater than or equal to 0.046".
 2. Where fireplaces are used, the exterior of the chimney shall be masonry.
 3. The houses shall be built on a crawl space or an elevated slab with brick skirts.
 4. The houses shall have 1 and ½ car garages or larger.
- d. Roofing: Any architectural grade product with weight of 250 pounds per "square" (100 square feet) or greater will be acceptable, with a minimum 25 year warranty. Uniform color shingles are discouraged. A sample of composition shingles must be submitted with the plan application for approval by the Architectural Review Committee. Standing seam, pre-finished metal roofs, painted galvanized metal roofs, composite slate and composite cedar roofs may be approved by the Architectural Review Committee.
- e. Exterior Appurtenances: Exposed roof vent stacks shall be located for minimum visibility. The chimneys shall match the character of the house. Solid or veneer brick or stone masonry construction is acceptable.

- f. Railings and Foundation Screening: All detached single family houses shall be built on a slab or crawl space. Railing designs will be considered according to safety and coordination with overall design. Detailed drawings for decks, railings, and porches must be submitted with plans.
- g. Accessory Buildings and Structures: Detached garages or any accessory building or structure (including mailbox) must be compatible with the style, materials and color of the primary structure. Detached garages must adhere to the building setbacks defined for the main building. All other accessory structures shall comply with height and setback restrictions (if more restrictive) in the Chesapeake Zoning Ordinance.
- h. Driveways: Driveways shall be planned to cover a minimum area of the lot. All driveways must be paved with an impervious surface (no gravel) in the area of the public right-of-way. Outside of the public right-of-way area, driveways can consist of alternate materials as approved by the Architectural Review Committee. Each LSF-H, MSF-H and SSF-H unit shall have at least two (2) off-street parking spaces meeting the criteria outlined in Section V.C above. On corner lots, the driveway location shall be on the side farthest from the street intersection.
- i. Landscaping: In order to promote unification of the community through landscape design, the Developer shall establish a Master Landscape Plan prepared by a Landscape Architect for each phase of the development, including all streets, in accordance with the Chesapeake Landscape Ordinance. The Master Plan shall be approved by the Directors of the Planning Department and Development and Permits or their designee. The site shall remain as natural as possible with a minimum area cleared of trees for the proposed structure(s) and driveway. Outside of the construction area, any trees shall remain undisturbed, unless the homeowner or builder plans to extensively landscape the entire lot. In such cases, detailed landscaping plans shall be submitted with the building plans at the time of architectural review. If clearing is approved, stabilization of disturbed areas must be completed within 30 days of issuance of a building permit. Prior to stabilization of disturbed areas, the homeowner or builder shall be responsible for minimizing erosion or sedimentation caused by the land-disturbing activity, in accordance with the City Code. In areas designated as “Wetlands” absolutely no filling or other regulated land-disturbing activity will be allowed without a permit from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality and other regulatory agencies having jurisdiction. Given the design of **BRECKINRIDGE** and the amount of Conversation area, parks, village greens and other open areas, **BRECKINRIDGE** will not be subject to a standard landscape or canopy provision. Rather the Developer shall establish

landscape provisions within the recorded covenants and restrictions that promote unification of the community through landscape design.

- j. Miscellaneous Site Features: Garbage can racks must be located behind or beside the house and screened from view. Natural screen planting is encouraged around racks. Screening is mandatory for air conditioning units, pool equipment, or similar appurtenances. Landscaping plans for such screening shall be submitted to the Architectural Review Committee prior to construction. No fuel tanks or above ground pools will be permitted, other than a spa-type integrated into a deck whose design meets approval of the Architectural Standards. All residential units shall benefit from a reciprocal easement agreement for the benefit of the adjacent property owners, the Property Owner's Association, the City and necessary utilities allowing access for repair, maintenance, improvement or other similar duties as may become necessary from time to time in a development such as **BRECKINRIDGE**.
 - k. Lighting: No exterior lighting shall encroach across property lines to the detriment of the surrounding property owner.
 - l. Fencing: No fence higher than six feet will be allowed. No chain-link or opaque fencing is allowed. Written permission from the Architectural Review Committee for any fence is required. All other requirements in the Chesapeake Zoning Ordinance shall apply. A development standard shall be defined for the type, material and location in each residential neighborhood. However, in most cases fences should be discouraged.
 - m. Garages: Garages intended to meet the parking requirements as set forth in Section V.C herein cannot be converted into living area, or otherwise modified to eliminate the area designated for required parking. However, this will be acceptable in the instance of sales models provided that two parking spaces are provided for the unit and none are considered as garage spaces for the sales model where the garage has already been converted to living space.
5. Detailed Commercial, Large Retail, and Outparcel Architectural Regulations: The Architectural Review Committee shall review such plans for consistency with the Architectural Standards and the Declaration. The Architectural Review Committee shall promulgate additional regulations ("Detailed Architectural Regulations") for application by the Architectural Review Committee as reasonably necessary to ensure conformance with the Declaration and the standards which appear following this paragraph. Prior to the recordation of any subdivision plat or condominium plat, these Detailed Architectural Regulations shall be reviewed and approved by the Planning Director, or designee to ensure consistency with the Development Criteria.
- a. Construction Standards:

1. These regulations will address construction standards, structure location and site landscaping for all commercial developments within **BRECKINRIDGE** applied by the Architectural Review Committee in evaluating all submissions for construction.
- b. Exterior: Architectural motif complementary to the craftsman style utilized for the residential product shall be incorporated into the design for the commercial properties. The buildings should be a consistent and distinct identity through the use of similar and compatible architecture and building materials. This also includes outparcels and lease-parcels. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, and other architectural features. Ground floors that face public streets should have entry areas, awnings or other such features. Each principal building on a site should have clearly defined, highly visible customer entrances featuring canopies or porticos, roof overhangs, recesses or projections, arcades raised cornice parapets over the door, peaked roof forms, arches or outdoor patios. Exterior elevations are to be aesthetically pleasing in appearance and generally compatible in terms of the overall structure and its relationship to other structures based on location, size and quality within the development. The selection of materials shall be harmonious with the architectural motif of community as a whole.
 - c. Exterior finish materials: A variety of materials, colors and exterior treatments are encouraged. Materials used on structures should be long-lasting, attractive and high quality. Building materials should be primarily brick, stucco, stone, stone-faced block, wood or aluminum storefront with premium color compatible with the established motif. Also acceptable are precast concrete or block with architectural treatments, fiber-cement siding, drainable EIFS systems, machine cut shingles, and premium vinyl siding or shakes. Composition sheet siding, unfinished wood, exposed non-architectural concrete, smooth-faced concrete block, smooth-faced tilt-up concrete panels, cinder block, or pre-fabricated steel panels are examples of inappropriate materials. Façade color should be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors are discouraged other than for purposes of accents or signage for trademark colors.
 - d. Roofing: Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. This can be accomplished in ways such as varied parapet heights, faux upper floors, 3-dimensional elements, etc. The roof scape should be an integral part of the design with respect to form, material and colors. Acceptable roofing materials include wood, tin, slate, terra cotta, standing seam metal or dimensional fiberglass shingles.

- e. Exterior Appurtenances: Exposed roof vent stacks shall be located for minimum visibility and shall be either painted black or another color matching the roof. Solid or veneer brick or stone masonry construction is acceptable. Roof top mechanical units should be screened from vehicular view from adjacent rights-of-way. No building exterior which would be visible to any property zoned or used for residential purposes or from a public streets should consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Recommended, but not limited to, finishes for rear elevations include stained split block to match color of front elevations or the same finish materials as provided on other elevations.
- f. Sidewalks and pedestrian walkways: Pedestrian walkways should be installed to provide access from the sidewalks and parking area to the retail establishment and throughout the mixed use development. The walkways should be a minimum of five (5) feet in width and constructed in a manner that is readily distinguishable from driving surfaces by use of alternate materials conducive to customer convenience or by use of pavement colorized in contrasting or complementary hues such as brick, gray, white and other similar neutral or non-obtrusive colors. The pedestrian walkways should also be landscaped in an attractive manner with trees, shrubs, flowerbeds and other vegetative or ornamental features. Bike racks should be provided throughout the site and in close proximity to the main entrances of the retail establishments. The location, size, materials, color and landscaping of the pedestrian walkways must be proposed and reviewed by the Architectural Review Committee as part of the approval process.
- g. Railings and Foundation Screening: Any railing designs will be considered according to safety and coordination with overall design. Detailed drawings for decks, railings, and porches must be submitted with plans.
- h. Accessory Buildings and Structures: Any accessory building or structure (including mailbox) must be compatible with the style, materials and color of the primary structure. They must adhere to the building setbacks defined for the main building and shall comply with height and setback restrictions in the Chesapeake Zoning Ordinance or as established in the PUD criteria.
- i. Shopping cart collection and storage areas: All corrals for the temporary collection of shopping carts and all shopping cart storage areas shall be designated on preliminary and final site plans. If these areas are not shown on the plan, the plan shall contain the following note: "There shall not be any shopping collection or storage areas permitted on the site." Shopping carts shall be removed from parking lots and collection corrals on a regular basis to avoid hazards to pedestrians and vehicular traffic or when collection corrals become unsightly. Shopping cart collection corrals should be painted dark green, brown, silver or black to complement the retail establishment. Shopping cart storage areas located

adjacent to the front of the building should be fully screened from the public view by architectural features that match the principal building.

- j. Outside display, storage and sales: All permanent outside storage and display areas shall be enclosed on all sides by a high-quality decorative wall or fence. Chain link fences are strongly discouraged unless fully screened from exterior view by a decorative wall or fence. Approved decorative fencing that is used to enclose permanent outside storage and display areas and located within the setbacks for the principal building shall be exempt from fence height restrictions. Unless provided for specific screening purposes, no fence higher than four feet will be allowed. Written permission from the Architectural Review Committee for any fence is required. All other requirements in the Chesapeake Zoning Ordinance shall apply
- k. Outdoor vendors/vending machines: Outdoor vendors and vending machines shall be located only in areas designated for such purposes on the preliminary and final plans. Vending machines shall be flush with established principal building lines and shall be screened from view from all public rights-of-way in a manner approved by the Architectural Review Committee. All outdoor vendors shall comply with the restrictions set out for outdoor sales by the city of Chesapeake. No vending machines or buildings, structures, vehicles or facilities used in connection with outdoor sales shall be located in parking areas, fire lanes, loading areas and pedestrian walkways.
- l. Landscaping: The site shall be designed by an approved landscape architect or designer with a cohesive master plan consisting of native plantings to enhance the natural surroundings and consistent with approved adjacent landscape plans. This Master Plan shall be approved by the Directors of the Planning Department and Development and Permits or their designee. Berms used in combination with landscaping should be considered for the screening of objectionable features and parking areas and to create visual interest. Berms should be designed after considering the following: The length, shape and height of berms should be varied so they appear natural rather than man-made. Breaks between berms should also be considered. Berms and landscaping materials should not be so high as to prevent visibility to the site. Berms should not be too steep as to create maintenance difficulties.

Property lines that abut sensitive areas such as parkland, open space and residential uses may require additional landscaping and screening structures, such as walls, and berms, to provide a continuous and effective buffer between such uses. The use of trees along the right-of-way, in addition to the placement of berms and landscaping, should only be done after taking into account the location and placement of all underground utilities. The placement of these features should not impinge on the utility owner's ability to maintain their facilities.

Landscaping materials that exceed the Zoning Ordinance requirements in terms of quality and quantity are encouraged. Landscaping materials may be clustered to achieve a natural appearance.

Outside of the construction area, any trees shall remain undisturbed, unless the extensive landscape is proposed in those areas. Detailed landscaping plans shall be submitted with the building plans at the time of architectural review. If clearing is approved, stabilization of disturbed areas must be completed within 30 days of issuance of a building permit. Prior to stabilization of disturbed areas, the builder shall be responsible for minimizing erosion or sedimentation caused by the land-disturbing activity, in accordance with the City Code. In areas designated as “Wetlands” absolutely no filling or other regulated land-disturbing activity will be allowed without a permit from the U.S. Army Corps of Engineers, the Virginia Department of Environmental Quality and other regulatory agencies having jurisdiction. Given the design of **BRECKINRIDGE** and the amount of Conservation area, parks, village greens and other open areas, **BRECKINRIDGE** will not be subject to a standard landscape or canopy provision. Rather the Developer shall establish landscape provisions within the recorded covenants and restrictions that promote unification of the community through landscape design.

- m. Miscellaneous Site Features: Dumpster enclosures must be screened from view. Natural screen planting is encouraged. Screening is mandatory for air conditioning units, equipment, or similar appurtenances. Landscaping plans for such screening shall be submitted to the Architectural Review Committee prior to construction.
- n. Lighting: Street and site lighting should be decorative and blend with the architectural style of the development. Provisions should be made during preliminary plan approval with the Director of Development and Permits for the maintenance of decorative streetlights, if proposed to be utilized in the right-of-way, that are more expensive to maintain than City standard streetlights. Lighting should be designed as an integral part of the building’s architecture to be as unobtrusive as possible. The height of the lighting should be proportional to the height of the principal building located on the site. Varied lighting techniques, such as up-lighting of trees and walkway lighting should be employed to enhance the appearance of the site. Floodlighting on the rear of the buildings should be designed and placed so that it does not direct or reflect any illumination on adjacent properties. Spillover lighting on adjacent property should be minimized. Full cutoff lighting or equivalent/improved technology should be provided on all exterior fixtures.
- o. Signage: Signs should be designed using colors and materials compatible with the architecture of the principal building. Freestanding signs should be incorporated into the landscaping plan for the development. For the commercial

shopping center, a master sign plan should be submitted with the approval of the primary building or buildings. The style, size, color, and material of all signs within the commercial center should be coordinated to include any signs for outparcel development, freestanding signs, on-site directional signs and signs to be located on buildings. Colors and materials should be similar to those used on the primary buildings. Setbacks, size of signage, number of signs, height of signs, and other regulations of that nature shall be in accordance with the requirements of the appropriate sections of the Chesapeake Zoning Ordinance.

6. Architectural Review Procedures: Within 60 days after its establishment, the Architectural Review Committee shall meet and promulgate procedures and standards for the submission, review, and approval of applications including, but not limited to (1) time constraints for plan submittal, (2) the format and content of plans to be reviewed, (3) timing of reviews, and (4) information on how to communicate with the Committee (address, telephone, fax, e-mail).

- VII. SUBDIVISION/SITE PLANS: The processing of preliminary and final plans and plats for **BRECKINRIDGE** shall be in accordance with the Chesapeake Zoning Ordinance and Subdivision Ordinance, except as otherwise expressly provided herein.

The preliminary site plans and preliminary subdivision plans shall generally be processed by the Planning Department and Planning Commission in the same manner as a preliminary subdivision and site plans under conventional zoning. Final subdivision plans and site plans will be processed as they would be under conventional zoning, except the review by the Planning Department for compliance with the Development Criteria and Master Land Use Plan shall be completed and their approvals reflected on the site plan before the final subdivision plan or site plan approval is granted by the appropriate approval agent.

Final subdivision plats shall be processed as they would under conventional zoning.

Site plans for construction on individual lots shall be subject to architectural review and approval by the Architectural Review Committee.

Minor modifications of the master development plan may be authorized by the planning director or designee in accordance with section 11-703 of the zoning ordinance. The owner/applicant agrees that changes to the residential areas will not revise the unit count in excess of the limits previously stated.

- VIII. COVENANTS AND RESTRICTIONS: Pine Grove Properties, L.C. and its successors and/or assigns shall adopt covenants and restrictions further governing development and other activities in **BRECKINRIDGE**, but no such covenant or restrictions shall be inconsistent with these Development Criteria nor any other applicable regulation unless an appropriate amendment hereto is authorized pursuant to Section X.

- IX. PROPERTY OWNERS ASSOCIATION: A Property Owners Association shall be established to own, operate, and maintain all common areas not to be dedicated to public ownership. The Declaration, Bylaws, and Articles of Incorporation establishing the Property Owners Association shall be reviewed and approved by the City Attorney's Office prior to recordation. Each private owner of real property shall be a member of the Association, with one vote for every unimproved recorded lot and one vote for every dwelling unit occupied and/or completed and ready for occupancy. The documents creating the Association shall also provide for an orderly transition of control of the functions of the Architectural Review Committee from the Developer to the Property Owners Association. A separate association shall be provided for the commercial uses, but there may be some common elements maintained by both the commercial and residential owners' associations.
- X. ADMINISTRATION AND ENFORCEMENT: These Development Criteria shall be interpreted, administered, and enforced in accordance with Articles 11 and 20 of the Chesapeake Zoning Ordinance.
- XI. ROAD RIGHT-OF-WAY DEDICATIONS AND CASH CONTRIBUTIONS:
- A. ROAD RIGHT-OF-WAY DEDICATIONS
The applicant/owner agrees to dedicate right-of-way as necessary in accordance with the Master Transportation plan in full and condensed sections along the frontage and within the limits of the project area at no cost to the City subject to the review and approval of the Director of Development and Permits, or designee.
- The applicant/owner agrees to:
1. Dedicate approximately 76' south of and parallel to the existing 50' Portsmouth Boulevard right-of-way along the frontage to facilitate the 126' section for the Portsmouth Boulevard widening currently proposed under City Project AC#99-6001-01/ VDOT UPC# 18591 and an additional 12' reservation for future road widening in accordance with the City's 2050 Master Transportation Plan.
 2. Dedicate drainage easements as necessary for existing downstream conveyances of public right-of-way drainage as required by the Director of Development and Permits, or designee. The applicant/owner reserves the right to relocate drainage easements, subject to the requirements of state and local law and the review and approval of the Director of Development and Permits, or designee, as required to facilitate **BRECKINRIDGE** development.
 3. Dedicate for right of way the remaining 12ft reservation area at no cost to the City, as requested to facilitate future construction, These dedications and reservation shall be made as the property along that frontage develops or on demand by the Director of Development and Permits, or designee or other governmental entity.

The applicant/owner agrees to dedicate right-of-way to facilitate a 95' condensed roadway section at no cost to the City parallel to the collector road looping through the site on an alignment for Dock Landing Road Extended should the City decide to build two additional lanes. Dock Landing Road Extended shall be improved by the developer with a 60' typical right-of-way to the extent of actual development as shown on the Master Land Use Plan as a minimum one-half of a four land divided highway, with turn lanes as determined necessary by the Department of Development and Permits. An additional 35' will be reserved for the ultimate 95' right-of-way. This additional right-of-way will be dedicated upon demand at no cost to the City. The specific locations and timing of the developer's improvements, dedications and reservations shall be subject to the review and approval by the Director of Development and Permits, or designee.

The applicant/owner agrees to dedicate a 95' right-of-way across undeveloped land to the easternmost property line at no cost to the City as a stub street that would facilitate the Dock Landing Road Extension as generally shown on the Master Land Use Plan. This dedication shall occur at the time required by the Director of Development and Permits, or designee and the exact location and dimensions of the dedication shall be subject to the review and approval by the Director. The applicant/owner agrees to construct a two lane roadway extended to the easternmost property line unless it is determined that the right-of-way and adjoining property is wetlands that prohibit construction. In the event that permits can be secured in the wetlands to develop either the northern or southern portions of Block 1 (as divided by the right of way generally depicted on the Master Land Use Plan), the applicant/owner agrees to construct the stub street, as determined by the Director of Development and Permits, or designee, at no cost to the City and within the timing required by the Director.

The applicant/owner agrees to reserve a 120' right-of-way for the proposed Hampton Roads Parkway as generally shown on the City Master Transportation Plan and as generally shown on the Site Location Plan, dated December 6, 2011. The property will be dedicated upon demand at no cost to the City. The City will release this reservation if City Council modifies the Master Transportation Plan to remove this facility from the Master Transportation Plan.

The applicant/owner agrees to dedicate right-of-way at no cost to the City along the Jolliff Road frontage to ½ of the ultimate 90ft right of way and additional right of way as determined necessary by the Director of Development and Permits, or designee, to accommodate turn lanes. This right-of-way will be dedicated on demand at no cost to the City. The applicant/owner agrees to make the dedications as required by the Director of Development and Permits, or designee.

B. OFF-SITE IMPROVEMENTS:

The applicant/owner agrees to make a cash contribution in the amount of \$100,000 to the City of Chesapeake to address improvement of inadequate shoulders on the west side of Jolliff Road south of the **BRECKINRIDGE** development. This contribution shall be

expended on such improvements as approved by the City. This cash contribution will be made before the approval of final site plan or subdivision plan that would authorize development in excess of 10 acres of cumulative non-residential development as determined by the Director of Development and Permits, or designee.

The **BRECKINRIDGE** development will contribute to the need for a traffic signal at the intersection of Portsmouth Boulevard and Dock Landing Road Extension. The applicant/owner agrees to design and install the required traffic signal when warranted by site traffic volumes or pay a pro-rata share of the installation cost if installed by others as determined and approved by the Director of Development and Permits, or designee. The applicant/owner's design and installation shall conform to the requirements of the Director of Development and Permits, or designee. In the event that a pro-rata payment is made, it shall be tendered to the City before approval of the site plan or subdivision plan that would authorize development triggering the warrant of need.

The **BRECKINRIDGE** development will also contribute to the need for the installation of a right turn lane on the westbound Portsmouth Boulevard approach to Gum Road. The applicant/owner agrees to design and install this turn lane within existing right of way once the total PM peak hour traffic volumes to and from Breckinridge reach 1,600 vehicles as confirmed by a future traffic study and as determined and required by the Director of Development and Permits, or designee.

C. FIRE

The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public emergency service facilities, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the provision of emergency fire and medical services to the citizens of Chesapeake. The amount of the voluntary cash contribution shall be \$481.76 per single-family house (LSF-H, MSF-H and SSF-H); \$356.08 per apartment (R-GA); \$481.73 per detached condo (SSF-VC) and \$389.85 per attached condo or townhome (TH-1 thru TH-3 and AC-1 thru AC-6). The total amount of residential units is 1,625. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of a certificate of occupancy for the aforementioned units in **BRECKINRIDGE**.

D. SCHOOLS

The applicant/owner agrees to make a cash contribution to the City of Chesapeake for the expansion of classroom space in impacted public schools, including but not limited to, land acquisition for the expansion of public school facilities and construction of new schools and additions. The amount of the voluntary cash contribution shall be \$1,000 per residential dwelling unit or residential lot, whichever is greater. Any age-restricted units will not be subject to this proffer since no school age children will be generated. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of a

certificate of occupancy for each residential dwelling unit, or building containing residential units. The applicant/owner acknowledges and agrees that the cash contribution may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for Future School Capital Needs and shall be subject to City Council approval prior to appropriation. In the event the cash contribution is not expended for land acquisition or classroom expansion within time constraints imposed by state law, the applicant/owner agrees that the cash contribution may be used for capital improvement projects for major repair, maintenance and renovation of public schools in the same school planning area as the rezoned property.

E. LIBRARIES

The applicant/owner agrees to make a cash contribution to the City of Chesapeake for capital improvements to public libraries, including but not limited to, land acquisition; design, construction, expansion, renovation, and repair of buildings and appurtenances; and acquisition of capital assets necessary to the operation of public libraries. The amount of the voluntary cash contribution shall be \$711.77 per single-family house or detached condo (LSF-H, MSF-H, SSF-H, and SSF-VC); \$502.31 per apartment (R-GA); and \$576.09 per attached condo or townhome (TH-1 thru TH-3 and AC-1 thru AC-6). The total amount of residential units is 1,625. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of a certificate of occupancy for the aforementioned units in **BRECKINRIDGE**.

ADOPTED by the Council of the City of Chesapeake, Virginia, the _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Clerk