

Development Criteria for Cahoon Plantation

Planned Unit Development PUD

(R-PUD-97-01)

(CP(M)-01-01)

(CP(M)-02-01)

(CP(M)-02-02)

(CP(M)-07-01)

(CP(M)-10-01)

(CP(M)-11-01)

(R(PUD)-12-02)

Approved by City Council: April 15, 1997

Amended: (CP-M-01-01) June 20, 2001

(CP-M-02-01) May 21, 2002

(CP-M-02-02) September 16, 2003

(CP-M-07-01) June 24, 2008

(CP-M-10-01) June 15, 2010

(CP-M-11-01) May 15, 2012

(DC(M) 12-02) October 17, 2012

(R(PUD)-12-02) October 15, 2013

PLANNED UNIT DEVELOPMENT REGULATIONS

FOR

"CAHOON PLANTATION"

APPROVED BY CITY COUNCIL October 15, 2013

APPLICABILITY OF REGULATIONS

These Development Regulations, along with the Cahoon Plantation PUD Master Development Plan dated December 27, 2012 shall govern development and land uses in the Cahoon Plantation P.U.D. In addition, the approved Development Criteria and Master Development Plan for Eagle Pointe shall be incorporated herein and shall be deemed a part of the Cahoon Plantation PUD. However, the Eagle Pointe Development Criteria and Master Development Plan shall not supersede these Development Regulations and the Master Development Plan for the remaining areas of the Cahoon Plantation PUD outside of Eagle Pointe. Unless expressly waived or varied herein, all applicable provisions in the Chesapeake Zoning Ordinance shall continue to be in full force and effect within the P.U.D. The administration, interpretation, modification and enforcement of these Regulations and the Master Development Plan, including those for Eagle Pointe, shall be governed by Article 11 of the Chesapeake Zoning Ordinance.

MISCELLANEOUS

- 1) It shall be strictly prohibited for any construction vehicles, including materials delivery, to access the subject property by means of the "Las Gaviotas" community. In addition, City standard barricades shall be placed and shall remain at existing stub streets in the existing "Las Gaviotas" community adjacent to the subject property until occupancy of the 150th. single family dwelling.
- 2) All materials excavated in the construction of the golf course, including the proposed lakes, will be utilized on site.
- 3) A 4' wide City standard sidewalk shall be constructed along one side of the main access road in the single family community. Said sidewalk shall be completed with the construction of single family homes along the affected frontage.
- 4) In the event that City Council determines that private streets are not permitted within a residential condominium community, the condominium option shall not be allowed unless and until a text amendment to allow such private streets is adopted by City Council.

* SINGLE FAMILY COMMUNITY 129.4± ACRES

* The Criteria for "Single-Family Community 129.4+ Acres" shall not apply to the adult single-family condominium Eagle Pointe. Such condominium complex shall be subject to the Development Criteria and Master Development Plan for Eagle Pointe at Cahoon Plantation.

- 1) The single family community not to exceed 160 units shall be subject to all development criteria related to the (R-10S) zoning district as illustrated and periodically updated in the Chesapeake Zoning Ordinance. In addition, the single family community shall be subject to review and approval by the Planning Commission by means of the major subdivision/site plan review process.

The development of the single family community may occur as either a conventional subdivision or as a single family detached condominium development. In the event that the condominium option is exercised, the term "unit" shall be recognized as a 10,000 S.F. minimum area of land, upon which one principal residential structure may be placed. The area of land or unit described above shall be utilized to establish distances between structures and setbacks equal to or exceeding those which would otherwise be required in an (R-10S) zoning district.

Upon receiving site plan/subdivision plan approval of its development plans, the applicant will have prepared by its attorney, proper documentation for the creation of a homeowners' association for the conventional single family subdivision, or condominium, as the case may be, and for operation of the association in substantial accordance with the following:

- a. Filing of Articles of Incorporation and obtaining of certificate of incorporation.
- b. Declaration of Condominium meeting all requirements of the Virginia Condominium Act, as well as bylaws, public offering statement and miscellaneous exhibits and other documents required by the Commonwealth.
- c. Declaration to provide for mandatory membership by all homeowners, assessments to pay for the operation of the Association, and for the operation, repair and maintenance of the common elements, including the private streets. The assessment is to be supported by the right of the Association to record liens on the property of homeowners who do not pay the assessments. The ability to enforce the liens is provided by the Condominium Act, and this will be addressed in the Declaration.

- d. The Declaration will provide for professional management of the Association. The professional management company will assist in the preparation of the budget and setting of the amount of the assessment.
 - e. The condominium's organizational documents will provide the following, and will provide that these provisions may not be changed by the owners without the written consent of the City of Chesapeake:
 - (i) The City to have the authority to review all financial and related records of the Association to ensure its continued solvency and capacity to maintain the private streets and other common elements and all improvements thereon.
 - (ii) A right of entry upon the common property to be granted to City personnel, including, but not limited to, law enforcement officers, public utility and public works vehicles and personnel and inspections personnel when any of the above are performing their duties.
 - (iii) The City to have the right to repair or maintain common property, as defined in City ordinances, if it is not being maintained by the Association, and the right to assess the costs of same and administrative costs on a prorata basis against the properties, the owners of which have a right to use the common properties. The assessments shall become a charge on the properties.
 - f. The documents creating the Homeowners' Association, whether for a conventional residential subdivision or for a condominium community, shall provide that the control of the association will be transferred to the individual homeowners or unit owners at such time that 51 percent of the dwellings have been sold.
- 2) The developer agrees that he will not seek certificates of occupancy for any of the single family dwelling units prior to completion of, and formal opening of, the initial 18 hole golf course nor until June 1, 2000, whichever event is last to occur.
 - 3) The developer agrees that the single family development shall be phased in over a two year period as measured from the date of the initial issuance of the first residential certificate of occupancy.

Building permits shall not exceed 80 units for any twelve month period throughout the residential phasing.

This schedule shall be considered as non-cumulative in nature.

- 4) The developer agrees to establish a design review and approval authority who shall be responsible for the oversight and adherence of all covenants and restrictions relative to the single family development throughout its construction.
- 5) Furthermore, the following restrictive covenants, at a minimum, shall be filed in the Clerk's Office of the Circuit Court prior to issuance of building permits for the single family development.

DECLARATION OF RESTRICTIVE COVENANTS

OF

"CAHOON PLANTATION" SINGLE FAMILY COMMUNITY

ARCHITECTURAL & MAINTENANCE REQUIREMENTS

The following restrictive covenants shall be considered as a minimum standard for the development and continued maintenance of the Single Family Community. Should the criteria be in conflict with any provisions of the Chesapeake City Code or City Zoning Ordinance, as periodically amended, the more restrictive provisions shall apply. The City of Chesapeake will not be responsible for the administration or enforcement of any restrictive covenants or architectural and maintenance requirements contained in these regulations. All new construction shall be approved by the Homeowners' Association.

NEW CONSTRUCTION AND ADDITIONS:

1) Minimum square footage requirements:

- * Ranch - 1800 square feet
- * Two Story Home - 2200 Square Feet

2) To maintain diversity of architecture within neighborhood areas, essentially complete duplications of exterior architectural design will not normally be permitted for structures facing each other or within six (6) lots of one another. Staggered setbacks of two (2) to four (4) feet minimum are required.

3) Exterior colors and materials must be in harmony. Bright colors such as baby blue and purple and other exotic hues are not permitted.

4) Exterior materials of plastic, shiny metal surfaces, and simulated wood, brick, or stone will not normally be permitted.

5) The following will NOT be PERMITTED:

- | | |
|--------------------------------------|---------------------------------|
| * Plywood or Asbestos siding | * Bare metal windows or doors |
| * Exterior TV antennas | * Outside stairways |
| * Storage tanks above or below grade | * Asbestos roof shingles |
| * Gravel or asphalt driveways | * Window air conditioning units |

- * Slab homes - All homes must have a crawl space
 - * Carports
 - * Satellite dishes greater than one (1) meter (the equivalent to 39.37 inches in the metric system) in diameter
- 6) Aluminum storm doors and windows must be anodized or painted.
 - 7) Chimney enclosures for pre-fab fireplaces must be finished in brick or stucco.
 - 8) Roof pitches on the main portions of structures shall not be less than six in twelve.
 - 9) Exposed block foundations are not permitted; they must be finished with brick or stucco.
 - 10) All plumbing vents, fan exhausts or any other roof equipment must be on the rear slope of the roof or otherwise screened from the view of the street.
 - 11) Standing-seam tin or other metal (exception: copper) shall be painted.
 - 12) Decks shall be closed below with lattice or screening.
 - 13) Yards shall be landscaped as per City of Chesapeake codes.
 - 14) New Construction shall be completed within twelve (12) months of date of approval.
 - 15) Additions shall be completed within six (6) months of date of approval.

FENCE REQUIREMENTS:

- 1) Cedar full milled pickets or salt treated pickets with salt treated framework are permitted. Posts should be treated to PT-40 specifications and suited for ground contact. All posts shall be set in Portland cement gravel mix. Nails shall be aluminum or galvanized screw shank type. Pickets shall be set with a minimum of five (5) nails per picket.
- 2) The finished side shall face out on all exposed sides.
- 3) Fencing is not allowed on the golf course, except where required by City code. All City codes and setbacks must be adhered to.
- 4) Privacy fencing (where permitted) is allowed to a height of six (6) feet. If a privacy fences is erected on the golf course as required by City code, the six

(6) foot height is limited to the non-golf course sides. These non-golf course sides shall begin to taper at midpoint to meet the maximum four (4) foot height limit of fences adjoining the golf course property.

- 5) Fences on street side of corner lots shall not exceed four (4) feet in height.
- 6) If a post and rail fence is desired, it must be pressure treated and a 14-gauge galvanized wire mesh is allowed.
- 7) Stockade-type fencing is not permitted.
- 8) No fence shall be located farther forward on the lot than the rear line of the house or the side door.
- 9) All fencing installations must be completed within 120 days of approval.

BOATS, RVs AND COMMERCIAL VEHICLE REQUIREMENTS:

- 1) No owner or resident shall park a boat in their front or side yard at any time. However, boats not in excess of twenty (20) feet (including, but not limited to, canoes, kayaks and other such watercraft) may be parked in the backyard when said backyard is surrounded by a six (6) foot high privacy fence.
- 2) No owner or resident shall park a trailer, camper, or other recreation vehicle on their property or within the street for longer than twenty-four (24) hours.

SHED, BACKYARD STRUCTURE, AND POOL REQUIREMENTS

- 1) All sheds must be constructed of wood (cypress, cedar, plywood), vinyl siding or brick, and have a shingled roof. If plywood siding is used, it must be T1-11, 5/8" thick or better. No plain exterior plywood is permitted.
- 2) Maximum shed size is 120 square feet with a maximum height of twelve (12) feet.
- 3) Sheds should be constructed, to the maximum extent possible, of the same material and color scheme as the dwelling.
- 4) Location of the shed must meet City code minimum setback requirements. Please consider the impact of the shed placement with your neighbor's yard and view.
- 5) Sheds must be maintained on a regular basis to ensure uniform appearance.

- 6) If required, homeowners are responsible for moving any shed that is placed on an easement.
- 7) All City codes apply and City permits are required.
- 8) Other backyard structures such as gazebos, children's playhouses, etc., are subject to the above listed requirements.
- 9) All shed and backyard structure installations must be completed within 120 days of approval.

POOLS:

- 1) All above-ground pools are prohibited. This does not include small, inflatable children's wading pools that may be easily emptied on a daily basis, then stored out of sight.
- 2) Pools must be surrounded by fences in accordance with City code.
 - a) Fence must be at least four (4) feet in height.
 - b) Gates in fences surrounding swimming pools must have self-locking mechanisms and shall remain closed and locked as per State of Virginia Code paragraph 15.1-29 and City of Chesapeake Code section 14-166.
 - c) Self-locking latch must be installed at least one (1) foot below the top of fence.
- 3) All pool, pool decking, and fencing installations must be completed within 120 days of approval.

SATELLITE DISH REQUIREMENTS:

- 1) Satellite dishes are limited to the maximum size of one (1) meter (the equivalent of 39.37 inches in the meter system) in diameter.
- 2) Satellite dishes are to be pole mounted only, e.g., they cannot be mounted on any part of the home or other outside structure such as sheds, detached garages or fences.
- 3) Pole material must be rust resistant metal and a minimum of 1 1/2" in diameter.
- 4) The pole must be no higher than three (3) feet from the ground.

- 5) The pole must be set in concrete.
- 6) All cabling from the home to the satellite dish must be underground and not visible.
- 7) Placement of the satellite dish is limited to the rear yard only unless front yard or side yard placement is necessary for the reception of an acceptable quality signal, with appropriate landscaping. No unit is to be mounted anywhere in front of the far most rear wall of the house, e.g., no side yard mounting unless front yard or side yard placement is necessary for the reception of an acceptable quality signal.
- 8) The satellite dish installation must be completely landscaped with sufficiently mature shrubs at the time of installation so that the satellite dish shall not be visible from the street or surrounding properties at ground level.
- 9) The homeowner is responsible for the proper upkeep and maintenance of the satellite dish and landscaping as long as it is installed on their property.

GOLF BALL PROTECTIVE NETTING REQUIREMENTS:

- 1) Golf Ball Protective netting shall be pole mounted only, e.g., it cannot be mounted on or attached to any part of the home or other outside structures such as sheds, detached garages or fences. It shall be of a type specifically designed to impede the flight of golf balls and shall be black in color.
- 2) The mounting poles shall be utility type wooden poles and shall be professionally installed in the ground so as to be free standing protective netting which shall be hung from the cable.
- 3) The protective netting installation must be completely landscaped with mature shrubs and trees at the time of installation. As a minimum, Cypress trees at least four (4) feet in height must be placed between the netting and the golf course in front of each pole and two (2) or more (depending upon spacing distance) between each pair of support poles.
- 4) The protective netting installation, including the landscaping, must be installed on the homeowner's property.
- 5) The homeowner shall be responsible for the upkeep and maintenance of the protective netting installation and landscaping as long as it is installed on their property.

- 6) All golf ball protective netting installations must be completed within 120 days of approval.

MAINTENANCE REQUIREMENTS:

- 1) For the discussion of homeowner maintenance requirements, "STRUCTURES" shall include, but not be limited to dwellings, sheds, fences, walkways and swimming pools. "PROPERTIES" shall include all privately owned land within the subdivision or development upon which any or all of the above referenced structures are situated.
- 2) All structures will be maintained to be in conformance with applicable City of Chesapeake and/or Virginia State codes at all times. Damages to structures should be repaired within sixty (60) days of damage occurrence.
- 3) Trees, lawns, shrubbery and landscaping shall be maintained in a neat and orderly condition. City of Chesapeake code 62-2(b) requires that grass lawns on properties less than one (1) acre in size shall be maintained at a height of less than fifteen (15) inches at all times. Dead plants, trees and shrubbery shall be removed in a reasonable period of time so as not to present an eyesore and/or safety problem.
- 4) Gates in fences surrounding swimming pools must have self locking mechanisms and shall remain closed and locked as per State of Virginia Code paragraph 15.2-921 and City of Chesapeake Code section 14-166.
- 5) Sidewalks and curbs may be owned and maintained by the City of Chesapeake at their option. Alteration and/or modification of sidewalks and curbs by the homeowner may require City of Chesapeake approval as per City code section 70.167. This includes, but is not limited to, painting numbers anywhere on curbs.
- 6) The City of Chesapeake provides scheduled garbage and trash pickup for all homes on a regular weekly basis and recycling pickup is scheduled for every other week unless such service is provided under private contract in the event of a condominium neighborhood. Trash and recycling receptacles and debris shall not be placed at the curb earlier than twenty-four (24) hours prior to 7:00 a.m. on the day of pickup. If, for any reason whatsoever, the material placed out for collection is not picked up within twenty-four (24) hours after 7:00 a.m. on the day of collection, the homeowner or tenant is required to remove said material from the curb until alternate pickup arrangements can be made.
- 7) All debris and trash containers shall be stored on the property where is it not visible from the street. City of Chesapeake Code section 62-58 applies.

- 8) If a homeowner shall have a difference of opinion with respect to any City of Chesapeake Code, the City should be contacted before any unilateral action is taken. If a homeowner shall undertake unilateral action which shall be in violation of an existing City Code, they will be subject to penalties and/or legal action.
- 9) If a homeowner has a problem with the Golf Course, contact should be made with the General Manager of the course.
- 10) Owners of lots shall keep their lots free of garbage, trash and untidy debris litter. Should a lot become overgrown and deemed a health hazard under City of Chesapeake codes, a formal complaint may be filed with the City of Chesapeake. This may result in a fine by the City and the obligation on the owner's part to reimburse the City for costs incurred to clean up the property.

THE SEASONS @ CAHOON PLANTATION

MULTI-FAMILY COMMUNITY

(PARCEL "M") 7.3 ± ACRES

- 1) The development of the multi-family community (Parcel "M") as shown on the Master Development Plan dated December 21, 2011 shall be for single family attached Condominiums for sale.
- 2) Residential dwelling units 43 through 60 as shown on the preliminary site plan dated December 21, 2011 shall be constructed with rear loading garages.
- 3) The maximum number of residential dwelling units shall not exceed 66.
- 4) A variable width landscape buffer as generally shown on the preliminary site plan dated December 21, 2011 and Concept Site Plan, Section, and Elevations, Seasons at Cahoon, prepared by wpl Landscape Architects Land Surveyors Civil Engineers dated December 21, 2011 shall be established for the entire length of the property's frontage on Cahoon Parkway. Such buffer shall include undulating berms at a maximum 3:1 slope and be improved with vegetation to achieve a buffer yard "F" requirement at a minimum.
- 5) Required minimum building setback and separation lines shall be as shown on the preliminary site plan dated December 21, 2011. However, in yards adjacent to public streets building setbacks shall be measured from edge of curb rather than from edge of right-of-way.
- 6) The owner/applicant agrees to dedicate the right-of-way along the frontage of Tax Parcel #0463003000002 necessary for the improvement of Cahoon Parkway in accordance with the ultimate cross section multi-use path. This dedication shall take place prior to final site plan approval. In the event the adjacent development "Dominion Commons East" phased build out for the multi-use path precedes this development, the owner/applicant agrees to submit a plan to record dedication of the right-of-way as generally shown on the preliminary site plan dated December 21, 2011 within 30 days of written request from the Department of Development and Permits.
- 7) The owner/applicant agrees to dedicate non-ingress/egress easements along the parcel frontage, except for the entrances. Dedication shall take place prior to final site plan approval.

- 8) Residential structures shall be substantially similar in appearance to those elevations entitled "Front and Rear Elevations of Front Load Garage and Front Elevation 2 of Rear Load Garage. Additionally, the Club House and Shade Structure shall be substantially similar in appearance to the submitted elevations depicting those structures. All elevations are dated December 21, 2011. Final elevations shall be approved by the Planning Director or designee prior to final site plan approval.
- 9) The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements to impacted schools, including but not limited to, land acquisition, design, construction, expansion, renovation and repair of buildings and related facilities. The amount of voluntary cash contribution shall be \$1,000.00 per dwelling unit. The owner/applicant 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 School Capital Construction Costs and shall be subject to City Council approval prior to appropriation. In the event the cash proffer is not expended for land acquisition or capital improvements within time constraints imposed by state law, the owner/applicant agrees that the cash proffer 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. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.
- 10) The owner/applicant 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 facilities and acquisition of capital assets necessary to the operation of public libraries. The amount of voluntary cash contribution shall be \$576.09 per dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis as certificates of occupancy are issued.
- 11) The owner/applicant 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 voluntary cash contribution shall be \$389.85 per dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a unit by unit basis at the time that any certificate of occupancy is issued.

- 12) The owner/applicant agrees to make a cash contribution to the City of Chesapeake for capital improvements within the Great Bridge Planning District for public roads, including but not limited to, land acquisition, design, construction, expansion, renovation. The amount of the voluntary cash contribution shall be \$2,075.00 per dwelling unit. The owner/applicant agrees to make the proffered cash contribution on a lot by lot basis prior to issuance of a certificate of occupancy.
- 13) The owner/applicant agrees to create a Home Owners' Association, which shall be responsible for maintenance of common areas to include, but not limited to, open space, recreational areas and roads.

GOLF COURSE 183.4 ACRES

1. A Master Water and Sewer Plan for the entire Cahoon Plantation Master Development Plan shall be submitted to, and approved by the Public Utilities Department prior to the submittal of any final site plan for the Golf Course.

The design and construction criteria to be used for the private on-site water and sewer facilities shall be the City of Chesapeake "Public Facilities Manual."

The property served by the private water and sewer facilities shall not be subdivided in such a manner that more than one parcel of land will be served by the private water and sewer facilities.

2. A street frontage buffer yard shall be installed along all private streets within the proposed golf course area.
3. The proposed golf course will not be provided with lighting for night use.
4. Commercial sites A, B, C, D, & F shall be maintained by Golf Course Management until such time as the subject properties and any improvements thereon are subdivided and ownership is transferred.
5. The Golf Course and related accessory facilities shall be subject to the minimum parking and loading requirements as established for such uses in the Chesapeake Zoning Ordinance.
6. The Golf Course, clubhouses, and maintenance facilities, shall be considered as permitted uses within the area so depicted on the Master Development Plan, with minor modifications subject to review and approval by the Planning Commission.

7. Irrigation of the golf courses associated with this development shall be provided by on-site wells and lakes as opposed to City water.
8. In the event that the golf course area is ultimately rezoned to a conservation district by act of City Council, these "Golf Course" criteria, as well as the golf course designation on the Cahoon Plantation and Eagle Pointe Master Development Plans shall be considered null and void, with the exception of paragraphs 5 and 6 above as they pertain to those facilities remaining in the PUD. Facilities to remain in the PUD include the clubhouse, driving range areas, golf course maintenance facility, and the Cahoon Parkway reservation area.

DRIVING RANGE AND RELATED FACILITIES

1. Outdoor lighting shall be turned off by 10:30 p.m.
2. The applicant shall not install any type of sound/intercom system for the proposed facility.
3. There shall be no lighting directed toward the Las Gaviotas subdivision.
4. The applicant shall install the type of lighting which is shielded to prevent direct illumination towards the existing "Las Gaviotas" Community.
5. The applicant shall relocate all landscaped berming along Cedar Road behind the reservation line at such time as the 17.5' is needed for street widening.
6. There shall be no outside storage of equipment and/or machinery on the site.
7. The Driving Range and related facilities shall be considered as permitted uses within the area so dedicated on the Master Development Plan, with minor modifications subject to review and approval by the Planning Commission. Such modifications shall be exclusive of the agreements and provisions contained within the Development Criteria.

COMMERCIAL DEVELOPMENT 71.8± ACRES

1. The commercial community shall be subject to all development criteria related to the (B-2) zoning district as illustrated and periodically updated in the Chesapeake Zoning Ordinance. All uses permitted within the (B-2) zoning district shall be permitted within the commercially designated sites unless otherwise qualified herein. In addition, outdoor recreational uses otherwise conditional in the (B-2) district shall also be considered as permitted within this development. Preliminary site plans for commercial development on the Master Development Plan shall be subject to review and approval by the Planning Commission, as necessary with respect to current policies.

All remaining uses listed as conditional within the (B-2) zoning district may be requested by conventional means of the Use Permit process to City Council.

2. The following criteria shall apply to the commercial development of Parcels C, D, E, F G, H, I, & J as shown on the Master Development Plan dated February 25, 2008 (hereinafter referred to as "Dominion Commons East"). Additionally, the criteria shall apply to the 2.2 acre parcel of property to be conveyed to Chesapeake Development of Hampton Roads, LLC as shown on that exhibit dated 10/6/10 and entitled "Exhibit Showing Proposed Land Transfer for CDHR & Messiah United Methodist Church." The term "developer" as used herein shall mean Chesapeake Development of Hampton Roads, LLC (CDHR), or its successors in interest. In addition to the following provisions, Dominion Commons East shall be subject to all regulations set out in these Development Criteria.

- A. Primary vehicular access to Dominion Commons East shall be located at Cahoon Parkway in accordance with the current Traffic Impact Analysis (TIA) on file with the Department of Public Works dated _____. In the event the developer opts to pursue additional or alternative access, or the developer is unable to secure permanent access to Cahoon Parkway, the developer may present a new TIA to the Department of Public Works in support of additional or alternative access at Grassfield Parkway. Any such additional or alternative access shall be subject to the approval of the Director of Public Works, including any acting director or designee ("Public Works"). No final site plan or subdivision plan for any portion of Dominion Commons East, except Parcel C, shall be approved unless and until (i) sufficient public right-of-way is acquired for the primary access, and (ii) all required and proposed access points have been approved by Public Works.

Secondary vehicular access shall include an entrance on Cedar Road, if required by Public Works.

In no event shall the existing entrance on Dominion Boulevard be used as an access to any portion of Dominion Commons East, which shall include and apply to all properties listed in the application for CP-M-07-01.

- B. Acquisition or dedication of the right-of-way necessary for the improvement of Cahoon Parkway in accordance with Section VII.B.3. of the Development Criteria for Eagle Point at Cahoon Plantation Planned Unit Development shall take place prior to final site plan approval for any portion of Dominion Commons East. The right-of-way shall be at the ultimate width of 140 feet from Cedar Road to Grassfield Parkway, as shown on 2026 Master Transportation Plan. Ultimate width shall be as shown on the construction plans for Cahoon Parkway (City account # 04201000), approved on September 17, 2004 and on file with the Department of Public Works. The developer agrees that in the event the City acquires the right-of-way necessary to widen Cahoon Parkway, the developer shall reimburse the City all costs associated with such acquisition and shall improve Cahoon Parkway as a four lane divided highway from Cedar Road to Grassfield Parkway.
- C. Prior to the approval of a final site plan for any portion of Dominion Commons East other than Parcel C, the developer shall record or file for recordation in the Clerk's Office of the Circuit Court, a non-access easement along the frontage on Dominion Boulevard beginning at point (2) and running to point (3) as shown on the Master Development Plan dated February 25, 2008. The deed of easement shall be approved by Public Works and the City Attorney prior to recordation.
- D. Subject to the acquisition of necessary right-of-way for access point (1) shown on the Master Development Plan dated February 25, 2008, the developer agrees to construct and extend access point (1) to provide safe ingress and egress to Cedar Road Elementary School in accordance with a Public

Works approved plan. Such entrance shall be constructed (or bonded for construction at site plan approval) prior to the issuance of any Certificate of Occupancy for improvements to Parcel "C". In any event the entrance shall be completed no later than six months after the date the necessary right-of-way for access point (1) is acquired.

E. The developer agrees that to relinquish any and all claims it may have against the City of Chesapeake for the property acquired by eminent domain condemned with the submittal of any preliminary or final site plan for any development in Dominion Commons East, it shall establish by the City to construct a roadway as shown on that certain Plat entitled, "Project Parcel #017 Plat Showing Proposed Acquisition For Proposed Right Of Way & Limited Access Line Proposed Permanent Ingress/Egress Easement Proposed Temporary Construction Easement Proposed Permanent Drainage Easement And Proposed Franchise & Public Utility Easement For The City of Chesapeake Tax Parcel 0460000001560 Owned by Chesapeake Development of Hampton Roads, Inc. City of Chesapeake Virginia Project: Dominion Boulevard Improvements" revised dated September 27, 2012, and as shown on that certain Plat entitled "Project Parcel #018 Plat Showing Proposed Acquisition for Proposed Right of Way & Limited Access Line and Proposed Franchise & Public Utility Easement for the City of Chesapeake Tax Parcel 0460000000260 Owned by Chesapeake Development of Hampton Roads, Inc. City of Chesapeake Virginia Project: Dominion Boulevard Improvements" revised June 12, 2012, all of which said property interests were the subject of Certificate of Take filed by the City in the Circuit Court of the City of Chesapeake in Deed Book 8927, page 323. The developer agrees to accept the City's deposit of \$223,796.00 in full settlement of any additional compensation for the property taken including the land taken, temporary and permanent easements and any damages to the residue of the property. ~~a 50-foot right-of-way reservation between points (4) and (5) as shown on the Master Development Plan dated February 25, 2008. At such time that the developer files a preliminary site plan or other type of plan for improvements in the vicinity of points 4 and 5, the developer shall construct a roadway over and across the reservation area in a manner that provides access to the adjoining parcels or as otherwise required by the Department of Public Works. The developer shall dedicate this improved roadway to the City for the purpose of furthering the City's transportation system.~~

3. The developer agrees to design and construct (or bond for construction) the following off-site road improvements prior to approval of any site plan or subdivision plat for development in excess of the first ten acres, exclusive of Parcel C, unless a different triggering event is listed below. Public Works may approve, but is not obligated to approve, additional acreage based on reliable traffic studies and analysis.

- A. The developer agrees to widen Grassfield Parkway within the existing right-of-way to a four lane divided highway in accordance with a Public Works approved plan. Construction of Grassfield Parkway shall be in accordance with all requirements and regulations of the Department of Public Works and shall include all appurtenances such as turn lanes, striping, curb and gutter, sidewalks, drainage facilities and signage.
- B. The developer agrees to widen Cahoon Parkway within the ultimate right-of-way, plus additional right-of-way as may be needed for turning radii, to a four lane divided highway. Construction of Cahoon Parkway shall be in accordance with all requirements and regulations of the Department of Public Works and shall include all appurtenances such as turn lanes, striping, curb and gutter, sidewalks, drainage facilities and signage.
- C. The developer shall construct a dual left turn lane at the intersection of Cedar Road and Dominion Boulevard for northbound traffic on Dominion Boulevard and to extend the southbound right turn lane on Dominion Boulevard at Cedar Road. The developer shall also modify the existing traffic signal at this intersection to accept this improvement as specified by Public Works.
- D. The developer shall construct a dual left turn lane at the intersection of Grassfield Parkway and Dominion Boulevard for southbound traffic on Dominion Boulevard. The developer shall also modify the existing traffic signal at this intersection to accept this improvement as specified by Public Works.
- E. The developer shall construct an acceleration lane for the northbound Cahoon Parkway free flow right turn lane within the existing right-of-way at Cedar Road. The acceleration lane shall extend from Cahoon Parkway to the existing right turn lane at Greens Edge Drive. The developer shall also modify the existing traffic signal at this intersection as necessary to accept this improvement as specified by Public Works.
- F. The developer shall extend the right turn lane for the eastbound approach of the Cedar Road/Cahoon Parkway intersection. to provide adequate length to function as a free flow turn lane. The developer shall also construct an additional lane on Cahoon Parkway to receive the free flow right turn traffic. Such improvements shall be located within the ultimate 140' rights-of-way for Cedar Road and Cahoon Parkway. In lieu of a free flow right turn lane for the

eastbound approach of the Cedar Road/Cahoon Parkway intersection and additional lane on Cahoon Parkway, the Director of the Development and Permits may approve a double right turn lane based on an approved level-of-service analysis. Further, that portion of the Dominion Commons property located adjacent to Cahoon Parkway shall have right turn in/out access via the variable width cross reciprocal ingress/egress and proposed variable width cross reciprocal ingress/egress easement as depicted on that exhibit prepared by wpl Landscape Architecture Land Surveying Civil Engineering entitled "Exhibit C Variable Width Cross Reciprocal Ingress/Egress Easement Exhibit of a Portion of PARCEL "B-1" Amended Resubdivision of Cahoon Plantation Sheet 3 of 4" dated March 28, 2013. Such access to be designed in accordance with city site plan review procedures.

- G. The developer shall dedicate one-half of the ultimate 140' right-of-way on Cedar Road or one-half of the ultimate section if a lesser section is approved by Public Works based on actual geometry. Such dedication shall be provided prior to final site plan approval for any portion of Parcels "C" and "D" respectively.
- H. The developer shall provide an acceptable warrant of need analysis for geometric and/or signalization improvements at the intersection of Cahoon Parkway and Grassfield Parkway. Such analysis shall be submitted to the Department of Public Works for review and approval prior to construction plans submittal for road improvements to Cahoon Parkway and Grassfield Parkway. The developer agrees that it will make such right-of-way improvements as are required based on the approved warrant of need analysis and in accordance with a Public Works approved plan.
- I. The developer shall provide an acceptable warrant of need analysis for geometric and signalization improvements at each access point to Dominion Commons East. Such analysis shall be submitted to the Public Works for review and approval prior to construction plans submittal for the intersection in question.

The developer agrees that it will make such right-of-way improvements as are required based on the approved warrant of need analysis and in accordance with a Public Works approved plan.

- J. The developer shall construct pedestrian/bike path facilities as follows:

- i). Cedar Road to have a multi-use path (Class I) from the school site/Parcel "C" to Greens Edge Drive.
 - ii). Cahoon Parkway to have a 5' paved bike lane southbound from the intersection of Cedar Road to Grassfield Parkway.
 - iii). Grassfield Parkway to have a 5' sidewalk westbound from the intersection of Cahoon Parkway to the development entrance.
4. "The developer agrees that the improvements resulting from the development of Parcel "A" on the Master Development Plan shall not be for an eating establishment."
5. "The applicant agrees that he shall establish a 15 foot buffer type "D" on the commercially zoned property designated as Site "A" on the Master Development Plan. Said buffer shall extend the entire length of Site "A" where it adjoins the "Las Gaviotas" community, and shall be installed in its entirety within 90 days of City Council's favorable consideration of this application. In addition, the tree selection for this buffer shall be Leyland Cypress, spaced 20 feet on center, and 8 feet to 10 feet in height at the time of planting. An alternative tree selection may be approved by the City Arborist. A 6 foot cedar privacy fence shall also be constructed for the entire length of the buffer, as opposed to a berm."
6. The developer agrees to establish a design review and approval authority who shall be responsible for the oversight and adherence of all covenants and restrictions relative to the commercial development.

Such covenants and restrictions shall apply to sites A, B, C, D, E, F, G, H, I, & J and are as follows:

- A. All exterior walls of each building shall be constructed of brick, stucco, split block, stone, or such alternative material as may be approved by the Design Review and Approval Authority.
- B. Exterior structure colors shall be limited to natural or earth tones and promote a continuity of the colors utilized on the exterior walls.
- C. Roof mounted mechanical equipment shall be screened from view at ground level from all sides of any proposed structure by use of parapets wherever flat roofed structures are promoted.

Angled parapets to give the appearance of a pitched roof shall be incorporated whenever architecturally compatible, as determined by the design review and approval authority.

- D. All monument signage, decorative walls, and dumpster enclosures shall be constructed utilizing the same materials as used on the exterior walls of principal structure for any given site subject to the criteria.
- E. Exterior facade treatment shall be so architecturally designed, or principal structures shall be so orientated, so as to avoid the appearance that the rear of any such structure is facing Cedar Road.
- F. All signage shall be in accordance with the Chesapeake Zoning Ordinance, as periodically amended, with exception to the property known as Dominion Commons East. In such case signage shall be in accordance with the signage plan dated ~~September~~^{October} 4, 2012. *Kb corrected per DC(M)-12-02* However, as it relates to signage proposed on Cedar Road, Dominion Commons East shall be limited to one sign, either in Sign Location A or Sign Location B. Dimensions, materials and sign graphics of any such signage shall be in accordance with the requirements of the Chesapeake Zoning Ordinance. The final exact sign location and size must be submitted to the Director of Development and Permits, or designee, for review and approval. Sign locations shall comply with setbacks from the ultimate right-of-way per the development criteria, traffic safety clear zone and sight triangle requirements in accordance with the Chesapeake Zoning Ordinance and Public Facilities Manual. To promote visual consistency, the three signs proposed on the September 4, 2012, signage plan shall be constructed of similar materials and use the same color palettes and lettering. Maintenance of signs depicted on the September 4, 2012, signage plan shall be the responsibility of the entity that request and is granted a permit for the sign.

Notwithstanding anything to the contrary in the Chesapeake Zoning Ordinance such signage may be located on property other than the property on which the corresponding use is located without the need for a use permit or compliance with lot size requirements, so long as the sign and corresponding use are within that property now known as Dominion Commons East, whether hereafter subdivided or not and as depicted and outlined in bold boundary lines on the September 4, 2012 signage plan.

The following requirements shall apply with sites D through J in addition to the foregoing:

- G. Where the rear wall of a principal structure is oriented toward a public right-of-way, the exterior façade treatment of such wall shall

be of similar materials utilized on the front façade of such structure. In addition, lighting associated with such rear wall shall be "cut-off" in nature so as to minimize glare within the public right-of-way and ground level HVAC systems shall be screened from view.

In addition, an enhanced landscape buffer shall be established between the rear of such structure and the public right-of-way. Such buffer shall be the equivalent of a buffer type "E" as illustrated and periodically updated in the Chesapeake Zoning Ordinance and improved with 50% more plant materials than otherwise required in addition to a three foot (3') tall berm. Fences and walls within such buffer shall not be required. Such improvements shall be in accordance with a City Arborist approved plan.

- H. Stormwater management areas shall be well maintained and kept with an orderly appearance. In addition, stormwater management areas which are permanently inundated shall be provided with aeration devices to oxygenate the water in accordance with a Department of Development and Permits plan.
 - I. Individual site developments within the Dominion Commons East area shall provide a minimum 15% tree canopy coverage. Such percentage shall be calculated after first having deducted the gross floor area, stormwater management areas, as well as areas subject to easements on the subject property. All trees planted on site, to include those within required landscape buffers, shall be credited toward the minimum 15% canopy coverage requirement.
 - J. Linear landscape islands which are located wholly within a parking field with parking on both sides and which are oriented perpendicular to the principal building façade shall be a minimum of ten (10') feet in width. Such islands shall be improved with a four (4') foot sidewalk constructed of pavers, brick or brick red stamped concrete for the entire length of such islands and supplemented with canopy trees and shrubs in accordance with a City Arborist approved plan. Pedestrian connection shall be provided between such planter island walkways and the sidewalks within the public right-of-way when within a (100') foot proximity of such right-of-way.
 - K. Shopping cart corrals within the parking areas shall be painted dark green, brown, silver or black.
7. In addition to the requirements contain in paragraph 6, Home Improvement Centers greater than (50) thousand square feet in gross floor area within the commercial development area shall be subject to the following criteria:

- A. Gross floor area for the purpose of establishing required parking shall be defined as follows: "The area within the perimeter of the outside walls of a building, including all stories, without deductions for hallways, stairs, closets, thickness of walls, columns or other similar features. This definition shall also include garden centers within an enclosure such as a wall or a fence".
- B. Pursuant to the above definition, parking shall be required at a ratio of one space per 400 square feet of gross floor area.
- C. Outdoor display areas exclusive of enclosed garden centers shall not exceed 20,000 square feet in area, and shall not encroach upon the minimum number of parking spaces required.
- D. A rough textured split face block veneer shall be utilized on the front, side and rear elevations of the principal structure.
- E. Cornice treatment shall be utilized at the roof line on the front, side and rear elevations of the principal structure.

SCHEDULE OF DEVELOPMENT

PHASE ONE (YEAR ONE)

- Master Utility Plan review and approval.
(See Golf Course, Stipulation #1)
- Master Drainage Plan review and approval.
- Construction plans review and approval Dominion Boulevard access.
- Initial 18 holes of "links" golf course review, approval and construction.
- Marketing and possible improvement of commercial sites A, B, C, D, F, G
(See Commercial Development, stipulations # 3)

PHASE TWO (YEARS TWO AND THREE)

- Detailed plans review and approval for Single Family Development.
(See Single Family Community, stipulations # 2 & 3)
- Final 18 holes of "links" golf course review, approval, and construction.

PHASE THREE (YEARS THREE AND FOUR)

- Installation of off-site improvements to Dominion Boulevard.
- Detailed plans review, approval, and construction of internal private street with utilities.
- 18 hole par 3 golf course review, approval, and installation.
- Expansion of golf course club house, pro-shop, maintenance facilities.

PHASE FOUR (YEARS FOUR AND FIVE)

- Detailed plans review, approval, and construction of outdoor recreation facility phase one.

PHASE FIVE (YEARS FIVE AND SIX)

- Construction of outdoor recreation facility phase two.

NOTE:

The adherence to the above outlined development schedule is subject to adjustment based on actual market demands and other factors, provided that, however, no such adjustment shall contravene or nullify the phasing and timing of residential and commercial development required elsewhere in these regulations.

