

# **CULPEPPER LANDING**

**A  
Planned Unit Development (PUD)**

**R-PUD-05-01 (REV)**

***By***

***Culpepper Landing, L.C.***

**PLN-PUDM-2016-002**

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- I. **PURPOSE:** The Purpose of these Development Criteria is to set forth the goals of Culpepper Landing, L.C., and its successors and/or assigns, for the Development of **CULPEPPER LANDING** 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 "**CULPEPPER LANDING.**" The term "Developer" and "applicant/owner" shall mean Culpepper Landing, L.C.
- II. **THE LAND:** The property to be developed as **CULPEPPER LANDING** consists of approximately 488 acres lying south of the Mill Creek and Elmwood Landing subdivisions, north of the Great Dismal Swamp National Wildlife Refuge, west of the Great Dismal Swamp Canal and within 2 miles of Interstate 64. **CULPEPPER LANDING** consists of primarily farmland with an area of non-tidal wetlands towards the west and rear of the property.

With its eastern boundary fronting on the Great Dismal Swamp Canal and with the proposed landing construction, portions of the site will enjoy a striking visual amenity of the Intracoastal Waterway. Moreover, the Waterway, the Great Dismal Swamp National Wildlife Refuge, the proposed regional City park across the Waterway and Highway 17, and the nearby pedestrian/bicyclist trail on the old Highway 17 roadway affords the chance to provide both passive and active recreational areas tying in the Deep Creek area with numerous features heretofore not linked and somewhat cumbersome to access and utilize to their full extent. Areas in **CULPEPPER LANDING** nearest the Waterway and the Dismal Swamp national preserve will require special attention and cooperation with the City of Chesapeake 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 **CULPEPPER LANDING**. Deep Creek High School was over capacity, but the new Grassfield High School has reduced or eliminated that concern. The primary, intermediate and middle schools in the school district serving this site are not over capacity.

- III. **THE GOALS:** The goals of Culpepper Landing, L.C. in developing **CULPEPPER LANDING** Planned Unit Development are:

- ❖ The development must reflect the ideals of Culpepper Landing, L.C., the Culpepper family 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 project. The Culpepper family has deep roots in the Deep Creek community. They are committed to ~~on~~ this project that creates a "head of trail" which maximizes the use of current and future recreational facilities in the area;

- ❖ 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; and
- ❖ The development must be profitable.

IV. **THE PLAN:** These Development Criteria and the General Land Use Plan constitute the Master Land Use Plan for **CULPEPPER LANDING**. Residential and commercial development purposes in **CULPEPPER LANDING** shall cover approximately 260 acres, or about 53% of the PUD. Approximately 150 acres, or about 33% of the PUD will be utilized for Conservation areas. This figure does not include the green areas in the Virginia Power easement nor the right of way reservation for the future Pleasant Grove Parkway. It also does not include the village squares, the lakes, nor the landing area. Therefore, it is anticipated that approximately 33% of the project will be utilized for aesthetic amenities.

Single-Family development shall consist of Single-Family “Large House” (SF-LH) and Single-Family “House” (SF-H). The Developer will not be required to have a minimum or maximum number of SF-LH or SF-H units; however, the applicant/owner agrees that in no event shall the number of SF-LH and SF-H units, as defined below, exceed seven hundred forty (740) units.

A. **Single-Family Residential “Large House” (SF-LH):**

**General Description:** There will be a “Large House,” estate type parcel similar to typical R-12 zoned lots. These SF-LH units will be dispersed throughout the community. However, they will generally be located adjacent to the conservations areas to the north and west of the site.

1. **Dimensional Standards:** The following minimum standards are generally established for the Single-Family Residential “Large House” (SF-LH) land use areas designated on the approved Master Land Use Plan:

**Minimum Lot Width:** 75 feet

**Minimum Lot Frontage:** 34 feet

**Minimum Lot Area:** 12,000 square feet

**Front Yard:** 20 feet minimum, except for front porches which shall have 15 feet minimum excluding any steps. For the purposes of calculating yard setbacks, all SF-LH units shall only have one front yard.

Rear Yard: 3 feet minimum

Side Yard: 6 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

**B. Single-Family Residential "House" (SF-H):**

1. General Description: Of the other land to be used for single-family detached residential purposes in **CULPEPPER LANDING**, completing the 740 proposed units, it will be comprised of this smaller "House" unit. The land where these units are located will be throughout the bulk of the remainder of the developed portions of the site. These areas will be characterized by the following:

- a. Interconnecting streets as utilized in Traditional Neighborhood Design, instead of cul-de-sacs. This will provide more opportunities for "green square" areas and will also serve to better disperse traffic rather than have it collecting on one specific street before reaching Mill Creek Parkway.
- b. Use of commons or plazas to provide more formal public green space in highly visible, accessible areas.
- c. Houses with small front yard setbacks to minimize the usage of garages visible from the main travelway. Instead, access will generally be from alleyways at the rear of the lots and additional parallel parking will be offered along the main travelways.

Varying lot sizes, with widths ranging generally from 50 feet to 80 feet and depths generally from 100 feet to 150 feet to create typical lot areas from approximately 4,000 square feet to 12,000 square feet. The intent of condensing the lot area down to this size is to allow the preservation and creation of natural amenities in **CULPEPPER LANDING**. To create the flexibility needed to achieve the project's goals, less stringent standards are established below. However, in no case will the number of lots in the areas designated for Single-Family Residential "House" (SF-H) land use create more than seven hundred forty (740) lots when combined with the aforementioned Single-Family Residential "Large House" (SF-LH) lots. In keeping with the intent of Culpepper Landing as a traditional neighborhood development reflective of the historic Village of Deep Creek that maximizes the protection of environmentally sensitive areas, the total

number of single-family detached lots 8,000 square feet or less is permitted to exceed 370 as allowed under Section 11-909 of the Chesapeake Zoning Ordinance. Single-family lot sizes less than 8,000 square feet shall be dispersed throughout all phases of Culpepper Landing.

2. Dimensional Standards: To promote the goals outlined above, the following minimum standards are generally established for the Single-Family Residential "House" (SF-H) land use areas designated on the approved Master Land Use Plan:

Minimum Lot Width: 50 feet

Minimum Lot Frontage: 23 feet

Minimum Lot Area: 3,500 square feet

Front Yard: 5 feet minimum, excluding any steps. For the purposes of calculating front yard setbacks, all SF-H units shall only have one front yard.

Rear Yard: 3 feet minimum.

Side Yard: 6 feet minimum, excepting architectural features 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: 80% maximum

C. Residential "Row House" (RH) and (RHA):

1. General Description: This product will be single family attached units available for sale. There are to be a maximum of 355 RH units in CULPEPPER LANDING. These units shall consist of individual "pods" ranging from two to six units per "pod." The Developer shall also have the flexibility to locate these units above commercial areas or to create "manor houses" which contain multiple units and would be interspersed throughout the development.

Alternatively, the maximum 355 units allowed under this category may be partially reached via multi-family units located in the Mixed Use (MX) portion of the site, but in no event shall the number of multi-family units exceed 270 units. These multi-family units may be flat over flat style units, but done in an upscale manner in keeping with the rest of the

project. There shall be no more than 8 units per floor in a single building and no more than 24 units per building.

Exterior materials shall be consistent with the materials used throughout the project or approved equivalent. See Section, VI. ARCHITECTURAL STANDARDS AND REVIEW.

All buildings shall include gables and dormers in the roof details. Buildings within the MX portion of the site shall also use two (2) or more exterior materials. This will be done to keep the scale of the building consistent with the rest of the Culpepper Landing. Buildings shall also include balconies with railings or screened in porches. All proposed buildings will be submitted to the Architectural Review Committee for both architectural and landscape approval.

The applicant/owner agrees that at least 75 dwelling units will be constructed and marketed ("R-RHA" units) on the subject property as affordable housing in accordance with the following:

- a. Affordable housing units shall be marketed and sold to the first purchaser for occupancy who is not a builder for a base purchase price no higher than an amount, excluding interest and taxes, amortized over thirty (30) years equal to fifteen (15) percent of the gross annual income of a household with an income at one hundred twenty (120) percent of the City of Chesapeake median income. As an example, assuming the City of Chesapeake median income is \$57,000 then the maximum base purchase price for the affordable housing units under this section would be  $\$57,000 \times 120\% = \$68,400 \times 15\% = \$10,260 / 12 \text{ months} = \$855 \times 360 \text{ months} = \$307,880$ .
  - b. All affordable housing units required under this proffer shall be designated as such by reference to address and tax parcel identification number ("affordable housing lots") and provided to the Chesapeake Office of Housing.
2. Dimensional Standards: The following minimum standards are generally established for the Residential "Row House" (R-RH) and (R-RHA) land use areas designated on the approved Master Land Use Plan:

Minimum Lot Width: 20 feet

Minimum Lot Frontage: 0 feet

Front Yard: 5 feet minimum, excluding any steps

Rear Yard: 3 feet minimum

Side Yard: 6 feet minimum excepting architectural features 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. In the event the R-RH or R-RHA units are attached, the side yard set backs outlined above would apply only to the "end units" on each individual pod of units.

Lot Coverage: 80% maximum

D. Mixed Use (MX):

1. General Description: It is the goal of the Developer to ultimately construct approximately 40,000 square feet of retail/office area which is intended to recreate the feel of the village center of Deep Creek from the old days. The Developer shall maintain the flexibility to increase the MX area of the development by an additional 10,000 square feet to respond to market dynamics. Part of this may include initially some live work spaces incorporating the R-RH criteria above. Any R-RH units included in the MX area shall count towards the total R-RH units allowable as outlined herein. In addition to the square footage area outlined herein, the developer may include a lodging/conference center. Any lodge in **CULPEPPER LANDING** shall not exceed 45 guest rooms and it is the goal of the Developer to partner with the City should they choose to establish a conference facility which could accommodate community and corporate events. This would take advantage of the nearby, and newly created, natural amenities of the project to offer an alternative to the typical convention center locale. Any square footage constructed by, or for, a non-profit, community service organization shall not count towards the square footage requirements outlined in this section.
2. 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, RMF-1 Residential Multi-Family, R-TH-1 District, and the O&I Office & Institutional District shall be Permitted or Conditional, respectively, in the MX areas with the exception that outdoor recreation facilities shall be a permitted use within the MX areas.

- b. A use which is Permitted in any one of the B-1, B-2, RMF-1, R-TH-1, or O&I Districts, but Conditional or Not Permitted in any of the others, shall be Permitted in MX 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: 60% maximum
- f. Dimensional Standards:
  - i. Lot Area: 1,000 – 16,000 square feet building footprint
  - ii. Lot Width: 16 feet minimum building width on street facing side
  - iii. Lot Depth: 40 feet minimum building depth
  - iv. Yard Dimensions:
    - 1. Front Yard: 0 feet minimum; 15 feet maximum
    - 2. Side Yard: 0 feet minimum, if attached to adjacent building; 6 feet minimum for unattached buildings
    - 3. Rear Yard: 15 feet minimum
  - v. Building Height: 3 stories, or 47 feet maximum
- g. Parking areas shall be provided in accordance with the approved General Land Use Plan for Culpepper Landing.
- h. Mixed-Use 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, RMF-1 Residential Multi-Family, and the O&I Office & Institutional District shall not apply in the MX district of **CULPEPPER LANDING**.

E. **Landing (L):**

1. **General Description:** It is the goal of the Developer to construct a landing to serve as a way station for the traveler on the Great Dismal Swamp Canal and to allow for a certain amount of docking slips. Its primary purpose would be for enjoying the waterfront amenities and to encourage the aforementioned Canal travelers to stop and utilize the retail facilities of the project. Except as provided herein, all development standards and other requirements for the B-2 District shall apply, except that the storage, sale and discharge of any type of petroleum based fuel or oil shall not be permitted. Likewise, this part of the development would be contingent upon obtaining all appropriate permits from the local, state and federal agencies. In addition to these permits, the Corps of Engineers would have to allow, encroachment and installation of waterfront-related improvements within the limits of their property which surrounds the Great Dismal Swamp Canal. Waterfront improvements are envisioned to include, but are not limited to, bulk heading, piers, waterfront walkway, waterfront green area, and other pedestrian features, upon successful issuance of permits from the Army Corp of Engineers. The Landing (L) area and any pedestrian/bicycle bridge over the Great Dismal Swamp Canal shall be open for use by the general public and shall be maintained by the City of Chesapeake, if accepted by the City for maintenance. In the event the City of Chesapeake desires to accelerate the development of the Landing (L) area, the Developer shall work with the City to grant any rights or easements within the direct control of the Developer that may be necessary to facilitate the City's construction of the Landing (L) area.

While the Developer feels it is feasible to receive the required permits and approvals for construction of the Landing area, in the event the permits and approvals can not be obtained, the Developer will construct a large, public waterfront park adjacent to the Great Dismal Swamp Canal. The Landing (L) area and any pedestrian/bicycle bridge over the Great Dismal Swamp Canal shall be open for use by the general public and shall be maintained by the City of Chesapeake, if accepted by the City for maintenance.

In the event permits are not obtained as required by local, state and federal agencies, or if the City of Chesapeake does not accept the Landing for maintenance as a public park, a private park or open space to be maintained by a property owners association will be constructed prior to the issuance of the seven hundred fortieth (740<sup>th</sup>) certificate of occupancy for a SF-LH and SF-H unit.

F. **Conservation (C)**

1. **General Description:** Central to this development is the provision of common open space. In **CULPEPPER LANDING**, the Conservation (C) land use area will consist of a large amount of land, generally located to the western side of the site and bordering the neighboring developments of Mill Creek and Elmwood Landing. There will be environmentally sensitive areas that will remain relatively undisturbed. There will also be extensive areas created throughout which will be zoned for Conservation such that they can never be developed. A 60' 100' Conservation buffer (the "100' 60' Buffer") will be established between **CULPEPPER LANDING** and the neighborhoods of Mill Creek and Elmwood Landing except in areas where streets, bike/pedestrians paths, and other point of ingress and egress may be located.

Parks and playgrounds, picnic shelters, bike paths, hiking and walking trails, numerous lakes and the landing complex 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.

**CULPEPPER LANDING** represents a viable option to accommodating sustainable community growth while at the same time upholding a deep respect for natural preservation. Culpepper Landing L.C.'s devotion to conserving and sustaining **CULPEPPER LANDING'S** natural beauty takes the form of allocating approximately 33 percent, or approximately 150 acres, of its land to open, green space, including the right of way reservation area for the Pleasant Grove Parkway on the southern boundary of the site.

To ensure the protection of environmentally sensitive areas, no uses or improvements shall be commenced in **CULPEPPER LANDING** without first obtaining any and all required permits from local, state and federal agencies. Furthermore, the Culpepper 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.

2. **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, picnic shelters, 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. If permission is granted from the Corps of Engineers (COE), it is the Developer’s intent to improve the existing trail from George Washington Highway south along the Canal to tie into the project. There will then be trails and/or paved paths connecting to an area where some type of crossing facility (contingent upon approval by the COE) will get users to the other side where the City’s new Deep Creek regional park is going to be constructed. Part of that project will include a trail connecting the park to the new Route 17 Trail. Additional trail connections in the development will lead users to easier access into the numerous trails already existing in the Great Dismal Swamp National Wildlife Refuge.
  
- ❖ Active recreation – This shall include a clubhouse with a pool, meeting room(s), and limited indoor and outdoor facilities for sports, along with associated parking. Additionally, there will be an area within the landing that will have a launching area for canoes, kayaks and crew boats (contingent upon approval of the COE and any other required agencies). Likewise, the aforementioned landing facility will have many waterfront related facilities including a scenic waterfront area and boat mooring areas.
  
- ❖ Pleasant Grove Parkway – Any use which is Permitted in A-1 Agricultural District, with the exception of any residential use, shall also be permitted within the right of way reservation area for Pleasant Grove Parkway, as more particularly described in Section G(2) below.

G. Roadways: Streets, drives and alleys are not classified as a separate land use. Rather, all public rights-of-ways within the Single-Family (SF) land use area are included in the density calculations for that land use. To better assimilate the feel of the old Deep Creek village, the Developer will utilize alternative, decorative street lighting as approved by Dominion Power and the Department of Development and Permits. Likewise, the Developer shall maintain the flexibility to use alternative type roadway paving materials with possibilities such as “tar chip” or aggregate surfacing within the MX land use areas. Such alternative

surfaces shall be approved by the Department of Development and Permits. However, all roadways may incorporate pedestrian crossings utilizing paver blocks, painted asphalt and the like to better distinguish these areas and to maintain the character of the development. The Developer shall maintain the flexibility to use non-standard signage which shall be approved by the Department of Development and Permits and Fire Department for purposes of emergency access to make it more of an integral part of the neighborhood aesthetics, while still serving its functional purpose. The Department of Development and Permits shall have the authority to consider and approve all of these potential variations to their current standards without the application having to go back to City Council for possible amendments. The following minimum standards shall apply to roadways in **CULPEPPER LANDING**:

1. **CULPEPPER LANDING** The Developer will extend Mill Creek Parkway to the southern terminus of the property, as reasonably determined appropriate by the Department of Development and Permits. The applicant/owner shall dedicate the ultimate right of way for Mill Creek Parkway in accordance with the 2050 Master Transportation Plan (the "MTP") or as modified for appropriate compressed section by the Department of Development and Permits. The Developer shall also use commercially reasonable efforts to work with the Department of Development and Permits and the Mill Creek/Elmwood Landing civic league to design and construct traffic calming measures in the section of Mill Creek Parkway beginning at Mistletoe Way south to **CULPEPPER LANDING**. Such traffic calming measures shall consist of painted and/or stamped asphalt.
2. The applicant/owner agrees to provide for a 250' width right of way reservation along the southern boundary of the development for the proposed Pleasant Grove Parkway. This right of way may be acquired at no cost to the City at the time of right-of-way acquisition from the construction of the Pleasant Grove Parkway or other public transportation purpose. The Developer shall insure that the reservation area is reflected on all subdivision plans and plats for the lots within Culpepper Landing that are adjacent to the aforementioned Pleasant Grove Parkway right of way.
3. The applicant/owner agrees to dedicate the ultimate right of way for Mill Creek Parkway, and the Mill Creek Parkway/Pleasant Grove Expressway interchange, in accordance with the MTP, or as modified for appropriate compressed section by the Department of Development and Permits. The dedication shall be made concurrently with the recordation of plats for lots adjacent to MTP facilities.
4. The applicant/owner agrees to dedicate the ultimate right of way for Galberry Road Extended in accordance with the MTP, or as modified for appropriate compressed section by the Department of Development and

Permits. The dedication shall be made concurrently with the recordation of plats for lots adjacent to MTP facilities.

5. All other public streets in the project area shall meet the non-standard roadway sections which are a supplementary drawing to the Master Land Use Plan. All roadways shall have a minimum street pavement width of thirty (30) feet, unless City Council approves an amendment to the Chesapeake Zoning Ordinance allowing reduced pavement widths. In this case, roadways, other than Mill Creek Parkway and Galberry Road Extension throughout the project, shall consist of 22 feet of pavement including curbing, as approved by the Department of Development and Permits. Where parallel parking is desired, an additional 8 feet shall be installed. Notwithstanding the foregoing, roadways adjacent to residential lots where the unit is over 30 feet in height shall consist of 26 feet of pavement including curbing. In an effort to maximize the Conservation areas and maintain the natural environment, the Developer shall not be required to install curbing on roadways adjacent to ~~Conservation~~ Conservation areas subject to the approval of the Department of Development and Permits. Minimum centerline radii can be reduced to 75 feet when anticipated traffic volumes will be less than 200 vehicles per day, as determined by the Department of Development and Permits.
6. Alleyways will be utilized extensively throughout 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.
7. Lots and buildings may front on MTP facilities; however, no access or parking will be permitted on these facilities.
8. 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.
9. Any extension of Appaloosa Trail and adjacent concrete sidewalk shall be located at the most southern alignment as will be permitted by both the U.S. Army Corps of Engineers and the Virginia Department of Environmental Quality. In addition, the applicant/owner shall:
  - i) install the minimal number, and most downward-directional street lights allowable by the Department of Development and Permits;
  - ii) install evergreen shrubbery in areas along the northern side of the extension where necessary, as determined by the Planning Director or designee, to provide aesthetic screening to existing residents, however, this shrubbery shall not be installed in areas that will adversely impact wetlands, as determined by the U.S. Army Corps of Engineers, or in areas where existing trees and/or mature shrubs are present, as determined by the Planning Director or designee; connect the bicycle/pedestrian path

network within Culpepper Landing to the existing terminus of Appaloosa Trail in Elmwood Landing. The applicant/owner further agrees that this path will be constructed out of crushed stone, crushed shells, or a similar material as approved by the Department of Development and Permits and Parks & Recreation.<sup>2</sup>

10. If approved by the Department of Development and Permits, golf carts are permitted on streets and alleys in Culpepper Landing.

- H. **Timing of Improvements:** The Developer agrees that to insure the phasing of Culpepper Landing, no more than 125 lots shall be approved for recordation during any calendar year until the Road Improvements referenced in Section XI have been completed as determined by the Director of Development and Permits. The Conservation (C) land use will be fully established upon recordation of the 393<sup>rd</sup> single-family lot; however, the Developer will establish the 60' 400<sup>2</sup> Buffer prior to the recordation of the thirty-first (31<sup>st</sup>) single-family lot. The Landing (L) area will be established within thirty-six (36) months of receipt of all necessary permits and approvals to construct the landing/marina area. The Mixed Use (MX) 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.

The Developer shall provide a temporary, secondary access point, as approved by The Department of Development and Permits, prior to the recordation of the thirty-first (31<sup>st</sup>) single family lot. The Developer shall provide a permanent, secondary access point, as approved by The Department of Development and Permits, prior to the recordation of the one hundred fifty-first (151<sup>st</sup>) SF-LH or SF-H lot. In the event the Director of Development and Permits, or its designee, determines that an adverse safety condition exists on Appaloosa Trail as a result of the connection of Appaloosa Trail to Culpepper Landing, then the applicant/owner shall make any combination of the following improvements, as determined by the Director of Development and Permits, or its designee, to help remedy the adverse condition:

- a) install traffic calming measures on Appaloosa Trail consistent with those constructed along Mill Creek Parkway, as outlined in Section IV, G., 1. above;
- b) work with the Department of Development and Permits on the installation of signage limiting thru traffic on Appaloosa Trail, and;
- c) work with the Department of Development and Permits to restrict the use of Appaloosa Trail to emergency, and other necessary city vehicles only, as may be determined appropriate by the Director of Development and Permits, or its designee.

The improvements listed in the paragraph shall be completed within six (6) months of the applicant/owner receiving written notice from the Director of Public Works, or its designee, that an adverse safety condition exists and the improvements pursuant to this paragraph are required. The applicant/owner's obligation to perform the above obligations shall expire upon the earlier to occur of i) the completion of the widening of the U.S. Army Corps of Engineers Deep Creek Lock Bridge to four (4) or more lanes, or ii) the issuance of a certificate of occupancy for the 740<sup>th</sup> SF-LH or SF-H unit.

All other roadway and utility improvements within **CULPEPPER LANDING** will be constructed as required by The Department of Development and Permits and Public Utilities in order to receive approval of corresponding subdivision plats and/or certificates of occupancy.

All recreational improvements, except those required by sections 19-700, et seq. of the Zoning Ordinance, including but not limited to walking/bicycle paths, public parks, etc. shall be constructed in proportion with the residential units.

The Developer has conveyed to the City of Chesapeake School Board, via general warranty deed which was recorded in the clerks office dated Dec. 2<sup>nd</sup> 2008, an elementary school site consisting of 24.487 acres for purposes of constructing a public school in Culpepper Landing. The market value of the School Site is assessed at \$1,224,400. This conveyance resulted in a net loss of 40 single family detached homes.

**I. Description of Water and Sewer Services:** Existing water mains are available to this property at Mill Creek Parkway and Appaloosa Trail. The results of ongoing hydraulic studies 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. A standard City pump station has been provided by this project.

Adequately sized water mains as required and approved by the Department of Public Utilities will be constructed through the project between Mill Creek Parkway and Appaloosa Trail with Phase One. The subsequent water system improvements will be installed with each phase as required and approved by the Department of Public Utilities. Sewer – The City standard pump station and all force main improvements were constructed concurrently with Phase One. Gravity sewer for each subsequent phase will be installed as that phase is constructed.

Improvements to the City's existing water and sewer systems will be made with each phase as required and approved by the Department of Public Utilities.

- V. **OTHER STANDARDS:** In setting forth the nature of each land use category in Section IV above, many standards and criteria pertaining to the several 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 **CULPEPPER LANDING**. In the case of the Zoning Ordinance, the rules applying to the most similar zoning district shall apply (i.e., R-12 for "SF-LH", R-6 for "SF-H", R-MF-1 for "R-RH" and "R-RHA" multi-family units, "R-TH-1" for "R-RH" and "R-RHA," B-2 for "MX", C-2 for "L", 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 be no less than 2 spaces per dwelling unit for the residential uses. 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 MX land uses excluding any lodge 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 MX, R-RH and R-RHA 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 the Planning Department. Parking spaces shall be a minimum of 9 feet by 18 feet with a 24-foot wide drive aisle for two way traffic. All parking lots shall be paved with mountable curbing, unless alternative materials and/or curbing is waived by the Department of Development and Permits.
  - 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 Department of Development and Permits approves an alternative pedestrian circulation system. 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 **CULPEPPER LANDING**, 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 **CULPEPPER LANDING** shall be directed toward the Dismal Swamp Canal, or Big Entry Ditch, and away from Elmwood Landing, in accordance with Development and Permits requirements. The Developer shall construct a berm or other appropriate measures, in accordance with Development and Permits requirements, to deter drainage away from the Elmwood Landing area and towards the development's drainage system.
- F. With each phase, a generalized landscape plan will be submitted. Variances from buffer yards will be considered with joint approval of the Planning Director and City Arborist. In no case shall the tree canopy coverage be less than 20% for each phase in accordance with section 11-906 of the Zoning Ordinance.

VI. **ARCHITECTURAL STANDARDS AND REVIEW:** All construction and development within **CULPEPPER LANDING**, 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 **CULPEPPER LANDING**, generally as follows:

A. **THE ARCHITECTURAL STANDARDS OF CULPEPPER LANDING:**

- 1. **Purpose:** The applicant/owner agrees to the following architectural standards. The purposes and the general objectives of the Architectural Standards of **CULPEPPER LANDING** are as follows:
  - i. The primary purpose of the Architectural Standards is to promote the development of appealing architectural designs in **CULPEPPER LANDING**. These Architectural Standards will ensure that the development of structures in **CULPEPPER LANDING** are unobtrusive in form, location, and color and complement their natural setting. The goal is to re-create the character and quality of a historic town. The Developer's vision is that most of the construction will generally be modeled after the historic craftsman, or cottage style architecture that was predominant in the early stages of Chesapeake and Deep Creek. This means the project will be a "Tidewater"/"Chesapeake Bay Village" type architecture which will complement the natural settings.

- ii. The Architectural Standards and detailed architectural regulations will assure that individual homes in the residential land use areas complement each other. 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.
  - iii. 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 residential 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, marine and wetlands setting and surroundings of **CULPEPPER LANDING**. Detailed architectural standards were submitted to the Planning Director and approved 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.
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 R-RH and R-RHA units within **CULPEPPER LANDING** 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 **CULPEPPER LANDING** 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 at least three (3) but no more than seven (7) 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, unless the application has been issued by the City without approval of the proposed construction by the Architectural Review Committee.
4. Detailed 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 (SF) land use area to be applied by the Architectural Review Committee in evaluating all submissions for construction.
  - b. Square Footage:
    1. SF-LH and SF-H units shall have a minimum square footage of heated living space of 1,500 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-RH 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-RHA units shall have a minimum of 1,000 square feet of heated living space, determined pursuant to the same general standards as used for single-family homes.

c. Floor Elevations:

1. No occupied floor elevation, and no internal mechanical system or equipment, shall be less than 8 feet above project datum, which shall be the North American Vertical Datum of 1988 (NAVD '88). No garage floor shall be placed less than 7.5 feet above project datum.
2. Interior ceiling heights shall be no less than 9' on main floors.

- d. 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 will be permitted on a frequency of only every fourth dwelling unit. Preferred exterior finish materials are fiber-cement siding (embossed wood grain finish is discouraged), brick, stone, stucco (heavy textures discouraged, EIFS will not be allowed), wood, and machine cut shingles. There shall be no vinyl siding permitted. There shall be a minimum 4" width corner board, window trim and door trim. Windows on the first floor shall be a minimum 6" taller than upper floor windows. Chimneys element shall be from grade with same skirt treatment as house. Porches shall be a minimum of 6' deep, 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. Flat roofs in the MX land use area may be approved by the Architectural Review Committee. Roofs

conflicting with the neighborhood character will not be approved. Primary roof slopes shall be a minimum of 8:12 (8" vertical per 12" horizontal). 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.

- e. 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. 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.
- f. Exterior Appurtenances: Exposed roof vent stacks shall be located for minimum visibility and shall be either painted black or another color matching the roof. The chimneys shall match the character of the house. Solid or veneer brick or stone masonry construction is acceptable.
- g. Railings and Foundation Screening: All detached single family houses shall be built on a crawl space or raised slab. 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: 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.
- i. 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 SF-LH and SF-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.
- j. Landscaping: 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 **CULPEPPER LANDING** and the amount of Conservation ~~Conversation~~ area, parks, village greens and other open areas, **CULPEPPER LANDING** 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.

- k. Miscellaneous Site Features: Garbage can racks must be located behind 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 **CULPEPPER LANDING**.
- l. Lighting: No exterior lighting shall encroach across property lines to the detriment of the surrounding property owner.
- m. Fencing: No fence higher than four feet will be allowed unless an exception is granted by the Architectural Review Committee. 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.
- n. Signage: All exterior building and pylon signage will be consistent in design to that of the corresponding buildings. No exterior neon signs will be permitted. No exterior back lit signs will be permitted. Exterior building and pylon signage shall be lit by flood lights. Exterior building and pylon signage may be within public right of ways so long as such signage does not impair access. Notwithstanding the foregoing, no pylon signage shall be within 5 feet of any public street. Blade



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.

- 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 IMPROVEMENTS AND CASH CONTRIBUTIONS:

Road Impacts – The City of Chesapeake has commenced construction on the replacement and widening of the Long Bridge on US Route 17 and will utilize the Road Improvement Plans to make the Road Improvements. The applicant/owner agrees to make a voluntary cash contribution to the City of Chesapeake for the Road Improvements on all SF-LH and/or SF-H lots in all phases of **CULPEPPER LANDING** with the exception of any SF-LH or SF-H lot in Phase 1A and Phase 1B. The amount of the voluntary cash contribution shall be \$5,705 per SF-LH or SF-H dwelling unit or SF-LH or SF-H lot, whichever is greater. The applicant/owner agrees to make each proffered cash contribution prior to the issuance of a building permit for each respective SF-LH or SF-H unit in **CULPEPPER LANDING**. In the event the actual cost of the Road Improvements, excluding right of way, are less than three million six hundred thousand dollars (\$3,600,000.00), determined by the City of Chesapeake, then the amount of the voluntary cash contribution pursuant to this paragraph shall be revised according to the following criteria: The difference between total actual costs incurred for Road Improvements, not including right of way acquisition, and total cash contributed by applicant/owner for Road Improvements divided by the number of SF-LH and SF-H lots, excluding Phases 1A and 1B, remaining to have building permits issued. As an example, assuming the actual costs of the Road Improvements not including right of way acquisition is \$2,200,000 and the applicant/owner has contributed \$285,250 in cash contributions towards the Road Improvements then the adjusted cash contribution for Road Improvements would be  $\$2,200,000 - \$285,250 = \$1,914,750 \div 581 = \$3,296$ .

School Impacts – The applicant/owner has previously conveyed a 24.5 acre site to the City of Chesapeake Public Schools Administration that is assessed at \$1,224,400. This conveyance resulted in a net loss of 40 single family detached homes. In addition to this significant contribution to the expansion of classroom space in impacted public school attendance zone, 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, an additional land acquisition for the expansion of public school facilities and construction of new schools and additions in the current attendance zone for Culpepper Landing. The amount of the voluntary cash contribution shall be \$12,271 for SF-LH or SF-H dwelling units or SF-LH or SF-H lots, whichever is greater, in Phase 1A

and Phase 1B. On all SF-LH or SF-H dwelling unit outside of Phase 1A and Phase 1B, the amount of the voluntary cash contribution shall be \$6,566 per SF-LH or SF-H dwelling unit or SF-LH or SF-H lot, whichever is greater. The applicant/owner agrees to make each proffered cash contribution prior to the issuance of a building permit for each respective SF-LH or SF-H unit in **CULPEPPER LANDING**. 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 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 classroom expansion within time constraints imposed by state law, the applicant/owner 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.

**Parks & Recreation** – It is the Developer's intent that **CULPEPPER LANDING** will provide significant recreational opportunities for its residents and the citizens of the City of Chesapeake. To that end, the Developer will be dedicating public park land and investing significant capital in public park amenities, trails, canoe/kayak launches, pedestrian/bicycle bridge, etc. In addition, private recreation amenities will be provided to include trails, benches, exercise equipment, a clubhouse with a pool, meeting room(s), and limited indoor and outdoor facilities for sports, along with associated parking. All public and private recreation improvements shall be in accordance with Section 19-700 of the Chesapeake Zoning Ordinance, subject to the approval of the Director of Parks and Recreation. The location, configuration and improvements to public and private park land shall be approved by the Director of Parks and Recreation prior to preliminary subdivision and/or site plan approval. For public park land, all improvements shall be completed prior to the recordation of fifty percent (50%) of the dwelling units or lots shown on the approved final subdivision plan or approved final site plan for public park improvements (546<sup>th</sup> SF-LH or SF-H lot or R-RH/R-RHA unit). For privately owned amenities, all improvements shall be completed prior to the issuance of certificates of occupancy for more than seventy-five percent (75%) of all dwelling units or lots shown on the approved final subdivision plan or approved final site plan for privately owned amenities (821<sup>st</sup> lot or R-RH/R-RHA unit) or at such time that a homeowner's association accepts dedication of the private park land and improvements, whichever occurs first. The applicant/owner acknowledges that open space required by Article 11 of the Zoning Ordinance cannot be used as credit to meet the requirements of section 19-700 et seq. of the Zoning Ordinance.

**Fire/EMS** – 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 \$642 per SF-LH and SF-H dwelling unit or SF-LH and SF-H lot, whichever is greater. The applicant/owner agrees to make

the proffered cash contribution prior to the issuance of a building permit for SF-LH and SF-H unit in **CULPEPPER LANDING**.

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 applicant/owner further agrees all or a portion of the voluntary cash contribution outlined in this paragraph may be appropriated by City Council for the Deep Creek Regional Park to enhance recreational activities and complement the opportunities provided by the public libraries. The amount of the voluntary cash contribution shall be \$949 per SF-LH and SF-H unit or SF-LH and SF-H lot, whichever is greater. The applicant/owner agrees to make the proffered cash contribution prior to the issuance of any building permit for any SF-LH and SF-H unit in **CULPEPPER LANDING**.

ADOPTED by the Council of the City of Chesapeake, Virginia, the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk