

Development Criteria
for the
Edinburgh
Planned Unit Development (PUD)

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Section I. General

A. *Applicability and Purpose of Criteria*

1. These Development Criteria shall apply to the Edinburgh Planned Unit Development (PUD), which consists of approximately 713.6 ~~658~~ acres zoned to the PUD district by act of the Chesapeake City Council on October 16, 2001, amended on November 25, 2003, November 16, 2004 and March 2012, and such additional areas as may be added to the Edinburgh PUD by subsequent acts of City Council. The amendments to these Criteria adopted on November 25, 2003 and November 16, 2004, as part of EB(M)-03-01, EB(M)-04-01 and EB(M)-11-01, respectively, shall apply to all development, subdivision, use and construction within the PUD after the effective dates of each amendment. Notwithstanding this, any final site plans, subdivision plans, or construction plans for public improvements approved by the City prior to the amendments shall be considered valid for so long as permitted under the Chesapeake Zoning Ordinance and the Chesapeake City Code.
2. These Development Criteria are an integral part of the Edinburgh PUD, along with its Master Land Use Plan. They may be referred to as “the Criteria” for short in the rest of this document. The Criteria serve several important functions:
 - a. They will assist prospective buyers and others interested in the Edinburgh PUD in understanding the nature of the PUD and its development.
 - b. They supplement the *Chesapeake Zoning Ordinance* with special provisions governing development and construction within the PUD. Where a conflict exists between these Criteria and any provision in the Chesapeake City Code or Chesapeake Zoning Ordinance, these Criteria will apply.
 - c. They establish the Edinburgh Architectural Review Committee and its responsibilities, procedures, provisions for succession, and the adoption and implementation of design guidelines,
 - d. They set forth obligations and timing for a number of improvements which the Developer shall construct in support of the PUD.
3. The term "Developer," as used herein, shall mean Precon Development Corporation, Inc. Definitions of all other terms used herein shall be as set forth in the *Chesapeake Zoning Ordinance*, including, but not limited to, the definitions set out in Section 3-403 of the *Chesapeake Zoning Ordinance*.

B. *Developer’s Goals and Intentions*

Precon Development Corporation, Inc., its principals and agents have a number of goals and intentions for the Edinburgh PUD, and they are reflected in the Criteria. In developing the Edinburgh PUD, the Developer intends that...

1. ...it be of high quality, bringing a sense of pleasure to its residents, owners, patrons and visitors, and a quiet sense of satisfaction to those who have labored to create it, and that
2. ...it be responsive to the needs and desires of those who wish to buy and develop upon premium sites for residences and commercial projects, and that

3. ...it be financially successful, with rewards for its investors and other creators commensurate with the risks and efforts of a major undertaking such as this, and that
4. ...it be a good neighbor to the land uses which surround it, and that
5. ...it be developed to work harmoniously with the infrastructure systems and the natural environment in its setting, and that
6. ...it be a fiscal and aesthetic asset to the City of Chesapeake, and that
7. ...these Criteria, which will, in large part, control the development of the Edinburgh PUD, be strong and effective enough to assure the attainment of these goals, while remaining easily applied and enforced.

Section II. Land Uses

The Edinburgh PUD will be developed with three (3) Land Use categories as delineated on the approved Master Land Use Plan as follows:

A. Regional Commercial, abbreviated RC

Regional Commercial (RC) will include larger-scale retail uses marketing to the public at large, but particularly to through-traveling motorists on the VA 168 Bypass and to residents of greater Great Bridge (south of the A&C Canal). Mixed-use projects may also be approved as provided further herein.

B. Office/Business, abbreviated OB

Office/Business (OB) is designed for a mixture of pure office, flex-tech, and similar uses, such as are found in other successful office parks in Chesapeake, *e.g.* Battlefield Corporate Center and portions of Greenbrier PUD.

C. Conservation Community, abbreviated CC and Village Community abbreviated VC

Conservation Community (CC) will include a high-end residential community oriented around a protected, contiguous, wooded conservation area (the “Natural Conservation Area”) of not less than 115 acres. The Natural Conservation Area will be designed as an on-site natural area, preserved for the purposes of preserving native vegetation, wildlife habitat protection, groundwater recharge, surface water quality enhancement, as well as for sensitively-designed passive recreational uses by the residents, such as hiking, biking and wildlife observation.. The maximum number of single-family lots will be 258. No multi-family or two-family development shall be permitted in the CC Land Use category.

Miscellaneous, supporting facilities, such as major and minor roads, ponds, strips, etc. are not separate Land Use categories but shall be included with the CC, RC and OB areas which abut or encompass them.

D. Village Community (VC)

E. Village Community (VC) allows Edinburgh to introduce upscale single family homes that will continue to support the developing commercial uses of Edinburgh. These homes will be on smaller lots than previously allowed within Edinburgh while enjoying the benefits of the community. The homes will be built to a similar quality and style that exists throughout the neighborhood.

Section III. The Architectural Review Committee

A. Establishment

1. The Edinburgh Architectural Review Committee (ARC) shall be created within thirty (30) days of the date on which the Chesapeake City Council approves the original PUD zoning for Edinburgh.
2. The ARC shall consist of three members:
 - a. A representative of the Developer, Precon Development Corporation, Inc.
 - b. An Architect selected by the Developer
 - c. An Engineer selected by the Developer
3. Once the development has progressed to where more than half the CC lots have been sold, developed and occupied AND more than half of the OB and RC acreage, considered together, has been sold, developed and occupied, two additional members shall be added to the ARC:
 - a. One representative of the Department of Planning
 - b. The City Arborist, or other City staff person charged with the review and approval of landscaping matters
4. Once 100% of the lots have been sold, developed and occupied AND more than 75% of the OB and RC acreage, considered together, has been sold, developed and occupied, the entire ARC function shall be turned over to the City of Chesapeake, which may modify its membership and procedures at its discretion.
5. Any changes in the membership of ARC necessitated by the change in developers from R.G.M. Corporation to Precon Development Corporation, Inc. shall be accomplished within thirty (30) days of City Council approval of the PUD amendments adopted under EB(M)-03-01.

B. ARC to Promulgate Standards (the Detailed Standards)

1. The ARC shall, within the time frames set out below, establish written guidelines to govern the development of the Edinburgh PUD. These guidelines shall be known as the Detailed Standards and shall, at a minimum, incorporate the Design Standards set out in Section IV herein.
2. In its earliest efforts, but in any case before the Planning Commission or Planning Director acts on any non-residential preliminary site plan, and before the City approves final construction plan for any residential development, the ARC shall develop a standard design for street landscaping and other streetscape features for the entire PUD. The objective will not be to attain absolute uniformity, but rather a unifying theme. Included will be a menu of approved trees and shrubs, along with other streetscape elements. In conjunction with the Civil Engineer for the Developer and subject to review and approval by the Departments of Public Works and Public Utilities, the ARC shall establish standardized locations within and adjacent to public streets, for the installation of public, private and franchise utility lines and appurtenances.

3. In addition to a unifying theme of plant materials, the ARC shall develop a program of standards for other street ornamentation, including street furniture, lighting, and possibly statuary for the entire PUD. Uniform standards for signage shall be included in non-residential areas; such sign standards shall provide, at a minimum, that
 - a. The style, size, color, and material of all signs within the commercial center should be coordinated to include any signs for outparcel development, freestanding signs, on-site directional signs and signs to be located on buildings, and
 - b. Colors and materials should be similar to those used on the principal building or buildings constructed on or proposed for the site.
 - c. Unless otherwise expressly stated in these Criteria, all signage shall comply with Section 14-700 et seq. of the Chesapeake Zoning Ordinance.
4. The Design Standards, as set forth in Section IV herein, encourage the implementation of one of two architectural styles: Southern Colonial or Southern Plantation/French Colonial. The ARC, as part of its earliest efforts, but in any case before the Planning Commission or Planning Director acts on any non-residential preliminary site plan, shall develop more detailed guidelines for implementing these concepts in the context of the RC and OB areas as they will be developed in the Edinburgh PUD. Particularly, it is recognized that there will be larger-scale buildings where full incorporation of Colonial or Plantation styles are physically impossible and/or would appear artificial or contrived. The ARC shall, in its review as set forth below, determine in what cases strict application of these styles is inappropriate. In establishing the Detailed Standards as they relate to building design, the ARC shall provide that non-residential projects (*e.g.*, shopping centers, mixed-use areas) should be a consistent and distinct identity through the use of similar and compatible architecture and building materials. This also includes outparcels and lease-parcels. Compatibility may be achieved through the use of similar building massing, materials, scale, colors, rooflines and other architectural features.
5. The ARC, as part of its earlier efforts, but in any case before the Planning Commission or Planning Director acts on any non-residential preliminary site plan, and before the City approves final construction plan for any residential development, will develop a palette of primary exterior finish styles and colors which will promote harmony—not rigid uniformity—throughout the development of Edinburgh. This shall include standards applicable to the residences, residential outbuildings and other structures (*e.g.*, clubhouse, maintenance buildings) in the CC Conservation Community and VC Village Community.
6. In addition to the Design Standards in Section IV, the Detailed Standards shall include all development standards set out in Section V through Section VIII herein.

7. These standards developed by the ARC, as set forth above, shall be known collectively as the Detailed Standards. They shall be submitted to the Planning Department, which will review them for consistency with the Design Standards and all other provisions set forth in these Criteria. The Planning Department may recommend revisions to the Detailed Standards and require resubmittals of same prior to final approval. If the ARC and the Planning Department cannot come to agreement on some or all components of the Detailed Standards, the Planning Commission shall consider the disputed item(s), and its decision as to consistency with the Criteria shall be final. Upon approval by the Planning Department or Planning Commission, these Detailed Standards shall be considered a component of the Criteria and shall be enforceable by the Chesapeake Zoning Administrator in accordance with Article 20 of the *Chesapeake Zoning Ordinance*. The approved Detailed Standards shall not be subject to change without approval of the Planning Department. Any such change shall be consistent with the Criteria.
8. Any changes to the Detailed Standards necessitated by the PUD amendment (EB(M)-03 03-01) shall be accomplished and presented to the Planning Department for review and approval within thirty (30) days of City Council approval of said PUD amendment.

C. *Plans Subject to ARC Review*

The ARC shall review all plans which also require approval by the City of Chesapeake, as follows:

1. Residential (CC and VC)
 - a. Site plans for individual lots
 - b. Building plans for any structure requiring a building permit, including but not limited to initial dwelling construction, additions, outbuildings and fences
 - c. Landscaping plans must include all required street trees.
 - d. Site, building and landscaping plans associated with residential and passive recreational community facilities around and associated with the Natural Conservation Area.
2. Non-Residential (RC and OB)
 - a. Overall and individual site plans
 - b. Building plans for any structure requiring a building permit
 - c. Landscaping plans, including plans for internal landscaping, foundation plantings, streetscapes, statuary and signage

D. *Review Procedures*

The ARC shall conduct its review in a fair, reasonable and expeditious manner, as follows:

1. Up until such time that the ARC consists only of City employees, requests for considerations shall be delivered to the Developer at the following address: Precon Development Corporation, Inc., 1401 Precon Drive, Suite 101, Chesapeake, VA 23320.
2. At such time that the ARC consists only of City employees, requests for consideration shall be made in writing to the Director of Planning for the City of Chesapeake, P. O. Box 15225, Chesapeake, Virginia 23328-5225.

3. Two copies each of site plans, building plans (including elevations and finish schedules, plant lists, etc., as applicable) shall be submitted. They may be folded to any size the applicant desires.
4. The ARC shall endeavor to act within one week of receipt, but in no case shall take longer than two weeks, except in the case of very large (greater than 50,000 square feet, and/or greater than 10 acres), in which case the time shall not exceed three weeks.
5. The ARC shall consider whether or not the submitted proposal is consistent with the Design Standards set forth in these Criteria and the Detailed Standards promulgated by the ARC. It shall not unreasonably withhold approval.
6. Upon completion of its review, ARC shall either...
 - a. ...APPROVE as submitted,
 - b. ...APPROVE with minor modifications, or
 - c. ...DISAPPROVE, but with a list of specific changes which, if implemented, may lead to approval.
7. Upon receiving ARC approval, the applicant may apply to the City for required approvals and permits. Such plans and permit applications shall conform to all ARC approvals.

Section IV. Design Standards

A. Relationship to TCOD

1. The Edinburgh PUD represents the applicant's efforts to implement the general goals and objectives of the City's Transportation Corridor Overlay District, or TCOD.
2. The TCOD "Policy Framework and Development Guidelines," as adopted by Chesapeake City Council on June 13, 2000, with any subsequent amendments, shall be known for short as the "TCOD Policy."
3. The non-residential components of the PUD (RC, including any mixed-use development, and OB) are proposed to fulfill the goals and objectives of the TCOD Policy.
4. The non-residential components of the Design Standards set forth herein, which incorporate many of the "Standards" set forth in Appendix B of the TCOD Policy, modified and adapted to the specific setting, circumstances and goals of the Edinburgh PUD. As such, the Design Standards cited explicitly herein, in Section IV.B below, shall be the only portions of the TCOD Policy applied and enforced as regulations in the Edinburgh PUD.
5. Residential components of the PUD are intended to conform to the TCOD Policy through landscaping and other development and design standards specified in the Criteria.

B. Design Standards, Non-Residential Areas

1. Existing Natural and Historic Features
 - a. Existing natural conditions and historic sites/structures shall be identified and considered during the site design and building placement process. Natural features include a significant stand of trees, outstanding trees, other trees greater than 24" in diameter (excluding maples, sweetgums and pines), watercourses, natural drainage patterns, wetlands, and rare or endangered plant materials.
 - b. Such conditions and features shall be considered to the maximum practical extent, consistent with the nature of commercial development, by concentrating development on the most suitable portions of the site and reducing impervious cover only to what is necessary to accommodate the development.
 - c. Historic sites and structures include all properties and structures identified in the Reconnaissance and Intensive Survey of Architectural Resources in the City of Chesapeake (1999 and as amended)
 - d. There are no documented significant Historic Sites or Structures within the Edinburgh PUD.
2. Scenic Vistas

The use of billboards anywhere within the Edinburgh PUD shall be prohibited, as they would detract from existing and proposed vistas.
3. Landscaping
 - a. A minimum tree canopy of 20% shall be provided for all sites within the Transportation Corridor Overlay District.
 - b. There shall be a reforestation zone of thirty (30) feet along and adjacent to the Route 168 Bypass right of way, including its on- and off-ramps, within the PUD.

This zone shall be treated as a special “Buffer Yard” in a manner similar to the other Buffer Yards set forth in the landscaping provisions of the *Chesapeake Zoning Ordinance*, Section 19-600 *et seq.* Existing trees in the reforestation zone shall be preserved to the greatest extent feasible. In any portions of this zone which are not wooded, or in which trees cannot be preserved, as determined by the City Arborist, “Large Trees” (as defined in the Chesapeake “Landscape Specifications Manual”) shall be planted in a natural manner, at an average interval of 6 trees per 100 lineal feet. Several species shall be used, with the mix, lateral and longitudinal spacing, stagger, etc. to be varied so as to approximate natural conditions indigenous to the undisturbed, wooded areas in and around the PUD.

- c. An enhanced Street Buffer “F” shall be provided along all streets. Adjacent to public streets, the average width of the buffer shall be not less than 25 feet, and nowhere shall it be less than 15 feet. Not less than 7 feet of the buffer shall be unencumbered by any utility easement. Notwithstanding the foregoing, at minimum a 25 foot buffer shall be required along all public streets which are 80 feet or more in width. Adjacent to private drives, no enhancement shall be required to the Street Buffer “F” required by the landscape provisions of the *Chesapeake Zoning Ordinance*. The detailed design of these buffers shall be as set forth in the Detailed Standards promulgated by the ARC (see Section III.B above).
- d. Median trees shall be planted in all medians within public and private streets. Visibility triangles and clear zone requirements shall be considered when selecting the type, size and location of trees within the median. The detailed design of these plantings shall be as set forth in the Detailed Standards promulgated by the ARC (see Section III.B above).
- e. Except for entrances, driveways and utility lines to the site, existing trees located between the street and established building lines shall be protected and preserved to the greatest extent practical.
- f. At a minimum, all developments shall meet the City’s Landscape Ordinance.
- g. Property lines that abut sensitive areas such as park land, open space and residential uses may require additional landscaping and screening structures, such as walls and berms, to provide a continuous and effective buffer between such uses. The detailed design of such additional measures shall be as set forth in the Detailed Standards promulgated by the ARC (see Section III.B above).
- h. Berms used in combination with landscaping should be considered for the screening of objectionable features and parking areas and to create visual interest. Berms shall be designed after considering the following:
 - (1) *The length, shape and height of berms should be varied so they appear natural rather than man-made. Breaks between berm should also be considered.*
 - (2) *Berms and landscaping materials should not be so high as to prevent visibility to the site.*
 - (3) *Berms should not be too steep as to create maintenance difficulties.*

4. Stormwater Management Ponds as Central Features and Roadway Buffers
 - a. Stormwater retention and detention systems shall be designed as roadway buffer, open space, landscape amenity, or as naturalistic wildlife habitat areas. Vegetated swales shall be used to accommodate surface drainage where practical.
 - b. The design of the stormwater management system shall blend with the natural site features and become a design element of the overall development.
 - (1) Riparian buffers shall be incorporated around all natural and manmade stormwater systems. Such buffers shall, as a minimum, be strips not less than 10' in width which are substantially flat (slope < 10%) and not used for building, parking or other active use.
 - c. Where structural systems such as culverts are provided, City approved plant material shall be used to soften their appearance.
 - d. Stormwater ponds in the CC areas shall be owned and their banks and buffers maintained by a duly-established Homeowners Association; in other areas (RC and OB), by the owner of the overall parcel in which they lie and which they serve. Appropriate easements shall be provided to provide for City maintenance for stormwater purposes for those ponds which drain, in whole or in part, into public street/highway rights of way.
 - e. Proposed stormwater detention ponds one-quarter acre in size or larger, other than those stormwater facilities that are designed by the Developer and approved by the City specifically as naturalistic wildlife areas, should include operable fountain(s) that are of sufficient height to be visible from the right-of-way. The number and size of the fountains should be proportional to the size of the pond.
5. Site Design
 - a. Except as provided in Section IV.B.6 below, buildings shall be generally oriented towards the front of the lot within a well- landscaped green area, while parking and loading areas are located to the rear of the site.
 - b. Buildings and parking areas shall be situated on the site to promote pedestrian movement from business to business instead of vehicular movement in the form of moving from one parking space to another to get from one business to another.
 - c. Site and building design shall be pedestrian in nature. Amenity features such as public plazas, staggered storefronts, fountains, circular passenger drop-off points and distinctive storefront architecture shall be included in the design. These requirements shall be applied in proportion to the nature of the commercial activity where they are applied. These provisions shall be applied so as to encourage pedestrian-friendly design and maximize walking from store to store, but shall not be applied in an absolute fashion in settings where the size or nature of the store or office, or of its customer/employee base, clearly indicates minimal potential for pedestrian activity.
 - d. Loading docks, truck parking, outside storage, cargo containers, trash collection, utility meters, HVAC equipment, trash collection, and other service functions shall be incorporated into the overall design and landscaping so that the visual and acoustical impacts of these functions are fully contained and out of view from adjacent properties and public streets. Attention shall not be attracted to these functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

- e. All outside storage areas shall be screened to 80% height coverage within three (3) years, of commencing storage operations, through the use of natural screening materials.
 - f. Utility lines shall be installed underground in accordance with the standards set forth in the *Chesapeake Subdivision Ordinance*. Public, private and franchise utility lines and , shall be installed according to standardized locations established and promulgated by the ARC, except in cases where the Departments of Public Works and Public Utilities find these standardized locations to be impracticable.
 - g. For retail establishments that are 50,000 square feet in size or greater, the development shall include central features and community spaces that are attractive and inviting to pedestrians. For this reason, each such retail establishment shall provide at least two of the following design features: patio/seating area, pedestrian plaza with benches, window shopping walkways, outdoor playground area, kiosk area, a fountain or water feature, clock tower or other deliberately shaped area and/or focal feature or amenity, that in the judgment of the ARC, enhances such community and public spaces.
6. Parking Areas
- a. Parking should, where and to the extent practical, be located to the rear of the site and the buildings located toward the front. Further, this parking shall be broken-up into modules separated by landscaping, pedestrian plazas or other aesthetic features. In OB areas, this provision shall be applied so as to optimize the appeal of the site from both interior streets and the 168 Bypass. In RC areas, it shall be applied to the extent practical to smaller premises. For larger retail establishments, it is recognized that good design for safety, security and convenient function require that the majority of parking be in proximity to the front, main entry to the premises.
 - b. Parking areas that are visible from the public street shall have a 2 to 3 foot high curvilinear berm planted with evergreen materials.
 - c. Landscaping for the parking areas shall be strategically located to provide visual relief, shading of the lot, green areas and screening while ensuring that line-of-sight is maintained, both at the time of planting and at plant maturity.
 - d. Shopping cart storage areas that are adjacent to the front of the building shall be well screened from public view by architectural features that match the building and or landscaping. Shopping cart collection corrals that are within the parking lot shall be adequately screened by landscaping or painted silver, dark green, brown or black to compliment the retail establishment.
 - e. Shared parking between lots is encouraged to the extent permitted under the *Chesapeake Zoning Ordinance*. Access between shared parking on separate lots shall be accomplished through the use of shared-access easements. Individual curb cuts for each parking area are discouraged. Internal circulation roads and drive aisles on a parcel shall be designed with stubs to adjoining undeveloped parcels that will provide for this future shared access.
 - f. Parking lots are equally pedestrian and vehicular areas, and separation of these uses leads to comfort and safety. Continuous internal pedestrian walkways, no less than 8 feet in width, shall be provided from the public sidewalk or right-of-way to the principal entrance of all principal buildings on the site. At a minimum, the walkways

shall connect focal points of pedestrian activity such as, but not limited to, areas with a central feature, street crossing, transit stops, building and store entry points, and shall include adjoining landscape areas containing trees, shrubs, benches, flower beds, ground covers and other materials for no less than 50 percent of its length.

Exceptions may be approved by the ARC for warehousing and manufacturing parks.

- g. All internal pedestrian ways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, brick, or scored concrete to enhance pedestrian safety and comfort.
- h. Bike racks should be provided throughout the site and in close proximity to the main entrances of the retail establishments.
- i. Excessive parking shall be minimized through compliance with Section 13-2503 of the *Chesapeake Zoning Ordinance*.

7. Building Design

- a. Elements of building massing shall relate to the size and shape of buildings located on adjacent properties.
- b. The form of buildings shall reflect the history and character of the area in which they are located.
- c. The following architectural theme or styles shall be incorporated into the design of commercial buildings located within the Edinburgh PUD to the greatest extent possible:

(1) *Southern Colonial: Building materials shall be brick, stucco, wood shingle, wood clapboard or board and batten. Building elements shall include brick or stucco chimneys; brick, stucco or wooden arcades and colonnades; painted wood or painted metal posts, spindles, or balusters; stoops and exterior stairs; wooden decks, and canvas covered awnings and canopies. Roofs shall be gabled, hipped, or a combination with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings if concealed from view by parapets or sloped roofs of the character described above. Dormers and other special rooftop elements are encouraged. Walls shall be brick, stucco or concrete. Fences shall be wood picket, wrought iron or painted metal.*

(2) *Southern Plantation or French Colonial: Building materials shall be primarily stucco, wood shingle, wood clapboard or board and batten. Building elements shall include painted wood or metal colonettes; painted wood or painted metal posts, spindles, or balusters; stucco or brick columns. Roofs shall be hipped with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings if concealed from view by parapets or sloped roofs of the character described above. Cupolas, dormers and other special rooftop elements are encouraged. Walls shall be brick, stucco or concrete. Fences shall be wood split rail, wrought iron or painted metal*

- d. The side or rear of a building located adjacent to and visible from a public street shall be designed so as to possess as much detail as the primary façade oriented toward another public street. Visual interest shall be provided through window and door details, varied rooflines, consistent textures and color, and similar considerations.
- e. A variety of materials, colors and exterior treatments are encouraged. Materials used on structures shall be long-lasting, attractive and high quality. Building materials shall be brick, stucco, wood shingle, wood clapboard or board and batten. The ARC

may approve alternative materials to the above listed preferred materials for warehousing and manufacturing buildings. Smooth-faced concrete block; smooth-faced tilt-up concrete panels, or pre-fabricated steel panels are examples of inappropriate materials

- f. Facade color shall be low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors, metallic colors, black or fluorescent colors is discouraged. Brighter, trademark colors shall only be an accent.
 - g. Building elements shall include brick or stucco chimneys; brick, stucco or wooden arcades and colonnades; painted wood or painted metal posts, spindles, or balusters; stoops and exterior stairs; wooden decks, and canvas covered awnings and canopies.
 - h. Roofs shall be gabled, hipped, or a combination with a slope that is proportional to the horizontal length of the building. Flat roofs are permitted on buildings with roof areas greater than 12,000 square feet if concealed from view by sloped roofs of the character described above. Dormers and other special rooftop elements are encouraged.
 - i. Rooftop mechanical units, flues, and vents shall be organized and screened. The roofscape shall be an integral part of the design with respect to form, material and colors. Roofs shall provide visual interest and become positive additions to the City's skyline.
 - j. Lighting shall be designed as an integral part of the building's architecture to be as unobtrusive as possible. Floodlighting on the rear of buildings shall be designed and placed so that it does not direct or reflect any illumination on adjacent properties.
 - k. Walls shall be brick, stucco or concrete. Fences shall be wood picket, wrought iron or painted metal. Synthetic (plastic) fencing materials which are replicas of traditional materials may be used if approved by the ARC.
8. Additional Building Design Standards for Retail Establishments less than 50,000 square feet
- a. The street level façade of such stores shall be transparent (*i.e.*, consist of glass windows and doors) between the height of three feet and eight feet above the walkway grade for no less than 60 percent of the horizontal length of the building façade.
 - b. Windows shall be recessed and shall include visually prominent sills, shutters, or other forms of framing.
9. Additional Building Design Standards for Retail Establishments 50,000 square feet or greater
- a. Building facades visible from a public right-of-way and greater than 150 feet in length, measured horizontally, should incorporate wall plane projections or recesses having a depth of at least three (3) feet.
 - b. Ground floors that face public streets should have arcades, display windows, entry areas, awnings or other such features. Each principal building on a site should have clearly defined, highly visible customer entrances featuring canopies or porticos, roof overhangs, recesses or projections, arcades, raised cornice parapets over the door, peaked roof forms, arches or outdoor patios.

- c. Variations in rooflines should be used to add interest to and reduce the massive scale of large buildings. The roofscape should be an integral part of the design with respect to form, material and colors. Acceptable roofing materials include wood, slate, terra cotta, standing seam metal or dimensional fiberglass shingle.
- d. No building exterior which would be visible to any property zoned or used for residential purposes or from a public streets should consist of architectural materials inferior in quality, appearance, or detail to any other exterior of the same building. Recommend finishes for rear elevations include stained split block to match color of front elevation or the same finish materials as provided on other elevations.
- e. All sides of a principal building that directly face an abutting street shall feature at least one customer entrance. Where the principal building directly faces more than two abutting streets, this requirement shall apply only to two sides of the building, including the side of the building facing the primary street and another side of the building facing a second street. From the standpoint of this guideline, the Chesapeake Expressway (Rte. 168 Bypass) street frontage shall not be considered as “street frontage”.
- f. Entryway design elements and variations are encouraged. The following standards identify desirable entryway design features. Each principal building on a site shall have clearly defined, highly visible customer entrances featuring not less than three of the following: (i) canopies or porticos (ii) roof overhangs (iii) recesses or projections (iv) arcades (v) raised cornice parapets over the door (vi) peaked roof forms (vii) arches (viii) outdoor patios (ix) display windows (x) architectural details such as tile work and moldings which are integrated into the building structure and design, or (xi) integral planters or wing walls that incorporate landscaped areas and or places for sitting.
- g. To the extent the Design Standards or the Detailed Standards conflict with Section 13-2500 *et seq.* of the *Chesapeake Zoning Ordinance*, or the Design Guidelines adopted thereunder, the Design Standards and Detailed Standards shall control. However, administrative site plan review under Section 13-2504 of the *Chesapeake Zoning Ordinance* shall be contingent on substantial conformance with the requirements of Section 13-2500 and the Design Guidelines adopted thereunder.

10. Lighting

- a. Lighting shall conform to the Detailed Standards for lighting established by the ARC.
- b. Street and site lighting shall be decorative and blend with the architectural style of the development.
- c. Lighting shall provide adequate levels of illumination, while minimizing adverse impacts, such as glare and overhead sky glow.
- d. If decorative streetlights that are more expensive to maintain than City standard streetlights are proposed, provisions shall be made during preliminary site plan approval with the Director of Public Works for their maintenance.
- e. Site lighting should be designed as an integral part of the building’s architecture to be as unobtrusive as possible. The height of the lighting should be proportional to the height of the principal building located on the site. In no case, shall the lighting exceed 35 feet in height. Varied lighting techniques, such as up-lighting of trees and walkway lighting should be employed to enhance the appearance of the site.

- f. Floodlighting on the rear of buildings should be designed and placed so that it does not direct or reflect any illumination on adjacent properties. Spillover lighting on adjacent property should be minimized. Full cutoff lighting or equivalent/improved technology should be provided on all exterior fixtures.

11. Signs

- a. Signs shall conform to the Detailed Standards for signs established by the ARC.
- b. Signs shall be designed using materials compatible with the architecture of the principal building.
- c. Freestanding signs shall be incorporated into the landscaping plan for the development.
- d. One sign identifying the major tenants of complexes greater than 50,000 square feet shall be installed.
- e. Tenants and out-parcel developments shall install only wall signs proportionately scaled to the building.
- f. Individual freestanding signs located along the roadway for each tenant and/or outparcel, if used, shall be of a consistent size, shape and border treatment in accordance with the Detail Standards adopted by the ARC.
- g. In the case of any conflict between the provisions of Section IV.B.11 or the Detailed Standards adopted by ARC and the provisions regarding signs (Section 14-700 et seq.) in the *Chesapeake Zoning Ordinance* (“the Sign Ordinance”), the Sign Ordinance shall govern.

Section V. Use and Development Standards, REGIONAL COMMERCIAL (RC) Land Use Category

1. Permitted Uses:
 - a. All those uses which are designated Permitted and Conditional in the B-2 General Business District and the O&I Office & Institutional District shall be Permitted or Conditional, respectively, in RC areas. Mixed-use developments, including multi-family dwellings, shall be permitted as well, subject to the provisions and limitations set forth in 2. Development Standards below.
 - b. A use which is Permitted in B-2 but Conditional or Not Permitted in O&I shall be Permitted in RC areas.
2. Development Standards:
 - a. Except as provided herein, all development standards and other requirements for the B-2 District shall apply. The following additional provisions shall apply to a mixed-use development:
 - (1) Not more than 336 multi-family units shall be
 - (2) Building setbacks and separations standards for multi-family buildings and structures shall be as follows:

(a) From Chesapeake Expressway:	30'
	(the 30' Reforestation Zone in IV.B.3.b)
(b) From all other external property lines:	15'
(c) From property line within the mixed use development:	0'
(d) From a residential building to any residential or other building:	15'
(e) From a street or drive aisle:	15'
(f) From a parking lot:	10'
 - (3) The architectural style, level of detailing and exterior finishes of the buildings in the multi-family portion of the mixed-use development shall be, in the determination of the Chesapeake Director of Planning, of a level of quality comparable to that indicated in the elevations and renderings prepared by Humphreys & Partners, Architects, LP of Dallas, TX consisting of five (5) sheets, as submitted to the Planning Commission on April 11, 2012.
 - (4) Recognizing the provisions of paragraph I.B.6 of these criteria, developers of any mixed use development voluntarily agree to the payment of the following amounts to offset capital needs generated by the residential component of said mixed use development, to be paid for each group of 80 units or portion thereof, not later than the issuance of the certificate of occupancy for the first building in such group of 80:
 - (a) To address Road capital needs, no amount is offered, recognizing the substantial investment in road improvements made by the overall Edinburgh PUD as provided in Section IX herein.
 - (b) To address School capital needs, recognizing that multi-family dwelling units in mixed use settings generate far fewer pupils per unit than other settings, \$1,061.76 per dwelling unit is offered.
 - (c) To address Emergency Services capital needs, \$356.08 per dwelling unit is offered.
 - (d) To address capital needs for Libraries, \$526.09 per dwelling unit is offered.

- b. The maximum allowable building coverage shall be 25% of the gross lot area.
- c. A minimum of 20% landscaped open space is required.
- d. There shall be no single occupant freestanding retail establishments greater than 100,000 square feet with the exception of a hotel which may be freestanding and may be greater than 100,000 square feet unless it is on one parcel without other buildings.
- e. There shall be no more than five (5) individual retail establishments (excluding hotels) with an area greater than 100,000 square feet within the limits of the entire Planned Unit Development; and those establishments will only be permitted within the areas designated as RC.
- f. There shall be no more than two (2) individual retail establishments (excluding hotels) with an area greater than 100,000 square feet within the PUD north of Hillcrest Parkway; and those establishments will only be permitted within the areas designated as RC.
- g. No subdivision plans or site plans shall be submitted to the City on any RC parcel north of the Hillcrest Parkway until at least One (1) year has passed from the date of City Council approval of the PUD amendments in EB(M)-03-01.
- h. The provisions of Section IV.B, Design Standards, Non-Residential Areas and the Detailed Standards adopted by ARC per Section III.B above shall apply.
- i. Where there are conflicts between the provisions in the *Zoning Ordinance* governing business districts and ~~in~~ the Design Standards and Detailed Standards, the Design Standards and Detailed Standards shall take precedence.

Section VI. Use and Development Standards, OFFICE/BUSINESS (OB) Land Use Category

1. Permitted Uses:

- a. All those uses which are designated Permitted and Conditional in the B-1 neighborhood Business District, the O&I Office & Institutional District and the M-1 Light Industrial District shall be Permitted or Conditional, respectively, in OB areas.
- b. Alternatively, R-MF-1 Active Adult, 50 years and older, may be built only on a portion of the OB designated area. No more than 44 condominium units shall be built. These units must reflect the elevations provided on September 2, 2019.
- c. A use which is Permitted in any one of the B-1, O&I or M-1 Districts, but Conditional or Not Permitted in either or both of the others, shall be Permitted in OB areas.
- d. The following uses, and any other uses which are, in the opinion of the Director of Planning, of similarly excessive intensity and/or objectionable nature, shall be Not Permitted, Section VI.1.a and Section VI.1.b above notwithstanding:
 - (1) *Storage of shipping containers*
 - (2) *All uses whose SIC begins with 2 or 3, except 25, 27, 357, 36 and 38.*
 - (3) *Junk and salvage yards, including but not limited to SIC 5015, Wholesale Used Auto Parts.*
 - (4) *Correctional Institutions*
 - (5) *Wholesaling of Fuel Oil (SIC 598)*
 - (6) *Manufacture, wholesaling or storage of hazardous materials*
 - (7) *Wholesaling of Scrap or Waste Material (SIC 5093)*

2. Development Standards:

- a. Except as provided herein, all development standards and other requirements for the O&I District shall apply.
- b. The maximum allowable building coverage shall be 25% of the gross lot area.
- c. A minimum of 20% landscaped open space is required.
- d. The provisions of Section IV.B, Design Standards, Non-Residential Areas and the Detailed Standards adopted by ARC per Section III.B above shall apply.
- e. Where there are conflicts between the provisions in the *Zoning Ordinance* governing O&I districts and in the Design Standards and Detailed Standards, the Design Standards and Detailed Standards shall take precedence.

f. Development Standards for multifamily only within OB:

* Age restricted Multi-family only (50 years and older); units shall be built with master bedrooms on the first floor of the home.

* Building setbacks and separations standards for multi-family buildings and structures shall be as follows:

- | | | |
|-----|---|-----|
| (a) | From all other external property lines: | 15' |
| (b) | From a residential building to any residential or other building: | 15' |
| (c) | From a street or drive aisle: | 15' |

- (d) From a parking lot: 10'
- (e) From building to access driveway 3'

Section VII. Use and Development Standards, CONSERVATION COMMUNITY (CC) and Village Community (VC) Land Use Category

1. Permitted Uses for Conservation Community (CC):
 - a. All those uses which are designated Permitted and Conditional in the R-15s Residential District shall be Permitted or Conditional, respectively, in CC areas.
 - b. The Natural Conservation Area, along with associated trails, boardwalks, observation structures, exercise stations and other passive recreation facilities shall be Permitted. Any such improvements shall be pre-approved by all state, local and federal agencies having jurisdiction over environmentally sensitive areas
2. If provided, active social and recreation facilities (clubhouse and related facilities, e.g., restaurant, pro shop) shall be Permitted. The cumulative number of lots platted shall not exceed 258406.
3. Development Standards:
 - a. Except for the stricter provisions set forth herein, all requirements for the R-15s Residential District shall apply. Except as otherwise provided herein, all other provisions of the *Chesapeake Zoning Ordinance* shall also apply, including but not limited to those pertaining to definitions and methods of measuring and establishing yards unless a variance is granted by ARC.
 - b. In addition, along the western boundary of the PUD, from Hillcrest Parkway north to the northwestern corner of the PUD, a buffer of at least 100' in width shall be preserved. This buffer of existing trees shall be measured from the eastern edge of the drainage easement on the western property line starting at Hillcrest Parkway and continuing north to the last property fronting on Cobble Scott Way. No clearing of trees or grading shall occur within this buffer except that the Department of Public Works shall retain the right to clear and grade as necessary to maintain and improve drainage facilities located within the buffer. Except for the extension of Hillcrest Parkway, there shall be no access (pedestrian or vehicular, including golf carts) to or from Edinburgh from or to Caroon Farms or Sir Raleigh Estates.
 - c. The minimum total lot area shall be 22,500 square feet
 - d. The minimum front yard shall generally be 40 feet. Greater or lesser front yard setbacks may be indicated on the subdivision plat, but in no case shall any front yard be less than 30' unless granted and exception by ARC. On corner lots, the provisions of Section 19-202.C.2 of the *Chesapeake Zoning Ordinance* may be applied, but in no case shall any front yard thus be reduced be less than 25 feet.
 - e. The minimum width at the building setback line indicated on the plat generally shall be 150 feet, but in no case shall be less than 140 feet.
 - f. The minimum side yard for principal buildings (dwellings) shall be 15 feet. The 20% rule set forth in the *Zoning Ordinance* shall not apply unless an exception is approved by ARC.
 - g. The minimum rear yard shall be 30 feet.
 - h. The minimum living area of each dwelling shall be 3,000 square feet.

- i. Not less than 90% of the exterior wall finish materials of each dwelling shall be brick, stone, or cementitious siding (“Hardiplank,” or similar material approved by the ARC). Other accent and trim materials shall be as set forth in the Detailed Standards developed and promulgated by the ARC.
 - j. No dwelling or other structure shall be heated or cooled by the use of a water-to-air heat pump, except that closed-loop systems not including a source well are acceptable.
4. Permitted Uses for Village (VC):
- a. All those uses which are designated Permitted and Conditional in the R-10 Residential for property adjacent to CC and West of Edinburgh Parkway extended. District shall be Permitted or Conditional, respectively, in VC areas.
 - b. Additional homes may be built conforming with R-10 Residential District Standards on the parcel West of the extension of Edinburgh Parkway and South of Peaceful Road only.
5. The cumulative number of lots platted shall not exceed 93 single family
6. Development Standards VC Single Family:
- a. Except for the stricter provisions set forth herein, all requirements for the R-10 Residential District shall apply. Except as otherwise provided herein, all other provisions of the Chesapeake Zoning Ordinance shall also apply, including but not limited to those pertaining to definitions and methods of measuring and establishing yards unless a variance is granted by ARC.
 - b. The minimum living area of each dwelling shall be 2,640 square feet.
 - c. Lots directly adjacent to CC lots shall be no less than 10,000 square feet.
 - d. Not less than 90% of the exterior wall finish materials of each dwelling shall be brick, stone, or cementitious siding (“Hardiplank,” or similar material approved by the ARC). Other accent and trim materials shall be as set forth in the Detailed Standards developed and promulgated by the ARC.
 - e. No dwelling or other structure shall be heated or cooled by the use of a water-to-air heat pump, except that closed-loop systems not including a source well are acceptable.

Section VIII. Access Standards

Unless otherwise expressly set out in this section, all street improvements referenced below shall be designed and constructed by the Developer in accordance with the specifications and requirements imposed by the Department of Public Works. All costs of land acquisition, design and construction shall be the responsibility of the Developer, including without limitation, costs of curb, guttering, drainage improvements, permitting and wetlands mitigation. Unless otherwise expressly required herein, all determinations under the Criteria shall be made by the Department of Public Works. Improvements and standards shall include the following:

1. Careful attention shall be given to the design and configurations of street connections and commercial entrances for high volume and high-speed roadways.
 - a. Acceleration, deceleration, and turn lanes should be required in accordance with AASHTO recommendations and the Chesapeake Public Facilities Manual (PFM), as determined by the Public Works Department.
 - b. Entrances on intersecting roads within the Transportation Corridor Overlay District should be limited so as to meet desirable entrance and crossover spacing requirements for the future road configuration as required by the City's Public Facilities Manual. However, where insufficient distance exists between the two adjacent median breaks for the "desirable" spacing to be attained, median break spacing of not less than 500 feet shall be permitted to allow access essential to the function of the RC areas in locations approved by the Department of Public Works.
 - c. Only one single right-in, right-out entrance shall be allowed between any two adjacent median breaks; however, no such entrance shall be allowed where it would be closer than 300 feet from any median break. This and all such measurements of spacing in the Criteria shall be from center to center.
 - d. The number of entrances to property will be limited to the maximum extent practical as determined by the Director of Public Works in accordance with the Public Facilities Manual. Entrances onto Hillcrest Parkway shall only be as set forth in these Criteria.
 - e. To facilitate the establishment herein of access standards, certain points along major roads are indicated by capital letters on the Master Land Use Plan. In these Criteria, these points shall be referred to, for example, as Point B. The locations of these points are approximate and general in nature; the precise position of points of access shall be as approved by the Department of Public Works on final construction plans.
 - f. Parcels (whether separately subdivided or lease parcels) which are smaller than 1.5 acres should be served by internal access lanes and shall not enter directly onto Hillcrest Parkway or Edinburgh Parkway. Shared entrances will be required where land use and configuration permit as determined by the Department of Public Works.
 - g. Internal connectivity is strongly encouraged between adjacent parcels of similar use. No commercial entrances or road connections should be permitted within 300 feet (measured centerline to centerline) of any ramp of the Hillcrest Parkway Interchange (Points F and H).
 - h. No entrance onto any of the following roads shall be permitted closer to any intersection than the following, measured from the point where the right of way lines would meet if projected to intersect with no fillet:

- (1) *Hillcrest Parkway: 300 feet*
 - (2) *Edinburgh Parkway: 300 feet*
 - (3) *Battlefield Boulevard: 300 feet*
- i. In applying the standards set forth in Section VIII.1 above, the following specific requirements shall be met unless alternate access locations are approved by the Department of Public Works:
- (1) *The 30-acre RC parcel in the southeast quadrant of the interchange shall have a single point of access at Point J (right and left turns) onto Hillcrest Parkway, and not more than two points of access onto Battlefield Boulevard Point L, (rights only); at Point M, (right and left turns), provided, however, that access at Points L and M shall be allowed only if they can be designed so that, as determined by the Department of Public Works, U-turn movements can be effectively discouraged. Right-turn lanes will be provided at all entrances. No additional through lanes will be required.*
 - (2) *The 72-acre RC parcel in the southwest quadrant of the interchange shall have a single point of access on Hillcrest Parkway at Point E, if approval for same can be obtained from the Transportation Commission of the Commonwealth of Virginia (right turns in and out, and left turns in only). The westbound lanes of Hillcrest Parkway in this vicinity (Point F to Point C) shall be modified to provide for (a) a double left turn lane for turns at Point C onto Edinburgh Parkway southbound (b) a third through lane and (c) a separator to prevent traffic from the Expressway's southbound off-ramp from merging right onto Hillcrest Parkway westbound, then immediately left into this parcel, and (d) the dedication of sufficient additional right of way to accomplish these modifications. In addition, sufficient right of way shall be dedicated to enable construction of a future 3rd westbound through lane on Hillcrest Parkway between points C and F. The entrance at Point E shall be designed to allow for this future lane. Edinburgh Parkway in this vicinity shall be widened to 4 through lanes, with sufficient width at Point C to allow proper alignment with the through lanes north of Point C when double left turn lanes are provided for the southbound to eastbound movement. Right turn lanes shall be provided at all entrances. A point of access (left and right turns) shall be provided at Point P.*
 - (3) *The remaining, 73-acre RC parcel in the northwest quadrant of the interchange shall have not more than three (3) median breaks (each with an entrance allowing lefts and rights) spaced not closer than 800' apart and generally at Points Q, R and S, each with not more than one rights-only entrance approximately halfway in between. Of these median breaks, only one may be signalized, and only if it is at least 1,200' from Point C. Edinburgh Parkway will be constructed as a 4-lane, divided facility on a 90' right of way, except at the intersection with Hillcrest Parkway, where it will widen to 110' to enable dual left turn lanes for the southbound-to-eastbound movement. This construction shall be required in conjunction with the earlier of (a) the development of this RC parcel or (b) the development of the portion of the CC area across from this RC parcel. A right turn lane shall be provided from Hillcrest Parkway onto Edinburgh Parkway. Bike lanes will be provided. Right turn lanes will be provided at all entrances. On Hillcrest Parkway, this parcel shall have only a single entrance, at Point D, which shall be right in only, if approval for same can be obtained from the Transportation Commission of the Commonwealth of Virginia. Because this parcel may generate high volumes of traffic turning from southbound Edinburgh Parkway onto eastbound Hillcrest Parkway, its development may generate the need for the 3rd eastbound lane mentioned in Section VIII.1.i(2) above. If the development of this parcel, or portion of it, causes, as determined by the Department of Public Works, the total eastbound volumes between points C and F to require a 3rd through lane to maintain a level of service D, the owner and/or developer of such parcel or portion shall be required to construct such lane. This*

determination of need shall include traffic generated by other parcels in the PUD along with the 20,000 vehicles per day of through traffic assumed for Hillcrest Parkway in the traffic analysis done for the design of the 168 Bypass, which analysis is on file with the Department of Public Works.

- (4) The 31 acre OB parcel shall have not more than two points of access, generally at Points T and U. One shall be left and right turns, the other, if used, shall be right turns only. Edinburgh Parkway in this vicinity shall be constructed to the same standards set forth in Section VIII.1.i(3) above, including turn lanes and bike lanes. This construction shall be required in conjunction with the earlier of (a) the development of the OB parcel or (b) the development of the portion of the CC area across from the OB parcel.*
- (5) The CC parcel south of Hillcrest Parkway shall have a single street connection onto Hillcrest Parkway, at Point B. A right-turn lane and a left turn lane shall be provided. Hillcrest Parkway shall be constructed as a 4-lane, divided facility on a right of way planned for 6 ultimate lanes, as provided for in Section IX.A below. Until this construction of the extension of Hillcrest Parkway is accomplished, a second access at Point N shall be provided, which shall include no break in the median of Edinburgh Parkway.*
- (6) The CC parcel north of Hillcrest Parkway shall have a single street connection onto Hillcrest Parkway at Point B. A right-turn lane and a left turn lane shall be provided. Hillcrest Parkway shall be constructed as a 4-lane, divided facility on a right of way planned for 6 ultimate lanes..*

In addition, this northern portion of the CC parcel shall have entrances onto Edinburgh Parkway which meet the same standards set forth in Section VIII.1.i(3) and Section VIII.1.i(4) above for the RC and OB parcels across Edinburgh Parkway. In each case, each section of Edinburgh Parkway shall be constructed in conjunction with the development of the earlier of (a) the development of the CC parcel or (b) the development of the portion of the RC or OB parcel across from it.

2. Internal circulation within developments should promote an environment that is safe and functional for both vehicular and pedestrian traffic.
3. Bikeways and/or trails shall be provided on all portions of Edinburgh Parkway and Hillcrest Parkway to be constructed with the development of the Edinburgh PUD.

Section IX. Improvements and Their Timing

In addition to other improvements required by these Criteria, the following list of capital improvements and amenities shall be accomplished prior to certain development milestones, as required below:

A. *Hillcrest Parkway*

1. Precon Development Corporation, Inc. shall dedicate right-of-way to the City for the extension of Hillcrest Parkway from its intersection with Edinburgh Parkway, westward approximately to the western boundary line of the PUD, in general conformance with the alignment shown on the Master Land Use Plan. The final alignment and extent of Hillcrest Parkway within the PUD shall be determined by the City Manager or designee. The Developer shall also design, construct and dedicate improvements for the extension of Hillcrest Parkway from its intersection with Edinburgh Parkway westward to approximately Point X as shown on the Master Land Use Plan (the "Hillcrest Parkway Extension").
2. The City and the Developer acknowledge and agree that the Developer is fully responsible for the right-of-way acquisition costs and improvements proffered in the 1989 rezoning of Edinburgh (R(C)-89-06). The Developer's proffered obligations expressly include all costs associated with right-of-way and easement acquisition, and the design and construction of streets and related improvements, required by the proffers for R(C)-89-06 and the Chesapeake City Code ("Proffered Improvements"). The Developer and the City further acknowledge and agree that a portion of the Proffered Improvements were performed or completed by the City as part of the Chesapeake Expressway (Route 168 Bypass) project and that the Developer is required to reimburse the City for all costs associated with the City's partial performance of the Proffered Improvements. In calculating the amount the Developer is required to reimburse the City, the City will deduct (allow credit for) reasonable construction costs incurred by the Developer for the actual construction of portions of the Hillcrest Parkway Extension not included in the Proffered Improvements. Specifically, credit will be allowed for the construction of 1) two lanes from the intersection of Hillcrest Parkway and Edinburgh Parkway (Point C as shown on the Master Land Use Plan) to a point approximately 1200 feet to the west of said intersection (Point B, the location of the 1989 rezoning line), and 2) four lanes from Point B to Point X, the westernmost extent of the Hillcrest Parkway Extension.
3. The City and the Developer acknowledge and agree that the value of the Proffered Improvements performed and constructed by the City is \$ 2,675,612.00. Said value includes credit given to the Developer for reasonable costs incurred by the Developer for non-construction activities associated with the Hillcrest Parkway Extension, including without limitation, design, construction administration, right-of-way acquisition, wetlands permitting and mitigation, easement acquisition, and other miscellaneous expenses.

4. The value of the Hillcrest Parkway Extension for four lanes from Point B to Point X and for two lanes Point C to Point B (to be credited by the City against the costs owed by the Developer for the Proffered Improvements performed or constructed by the City) shall be based solely on reasonable construction costs incurred by the Developer in constructing the Hillcrest Parkway Extension, as reviewed and approved by the City Manager or designee. Said construction costs may, in the discretion of the City Manager or designee, include reasonable costs incurred by the Developer to correct or compensate for deficiencies in the Proffered Improvements performed and constructed by the City, provided that such corrections or compensation were expressly authorized by the Director of Public Works. Reasonable cost shall be determined by the City on the basis of average unit costs the City has accepted in the award of public projects during 2003. The Developer's calculation of such costs, along with supporting documentation for all charges, has been submitted to the City prior to the approval of the PUD amendment EP-(M)-03-01 and is currently under review by the City Manager. The Developer and the City acknowledge and agree that revisions to the submitted costs will be necessary in accordance with reasonable deadlines established by the City Manager.
5. Any remaining funds due by the Developer to the City, representing the amount by which the costs of the construction of the Hillcrest Parkway Extension fall short of the value of the Proffered Improvements (\$2,675,612.00) shall be paid by the Developer to the City upon the first to occur of:
 - a. The recordation of the 101st residential lot within the PUD, or
 - b. Thirty-two (32) months have elapsed from the date on which City Council originally approved the PUD (October 16, 2001).The City Manager may grant an extension of this payment deadline based on extenuating circumstances; provided that a specific date is set for payment in full.
6. The Hillcrest Parkway Extension shall be installed according to the following time schedule:
 - a. Construction Plans shall be submitted to the Department of Public Works for review not later than 12 months after the original approval of this PUD Application, and resubmitted promptly in response to said review until said Construction Plans are approved.
 - b. Construction itself shall be completed within 12 months after approval by the Public Works Department of said Construction Plans, but in no case later than 30 months after the original approval of this PUD Application.
 - c. The standards for design and construction of the Hillcrest Parkway extension shall conform with the recently constructed portion to the east in terms of pavement design and other design features, as determined by the Department of Public Works.
7. The Developer's obligations under these Criteria include the provision for wetlands permitting and mitigation, bike trails, landscaping measures required by these Criteria and a storm drainage system, with detention, and all associated property rights (rights of way and easements).

B. Chesapeake Expressway Right of Way

If not already accomplished, the Developer shall, within 15 days after the approval by City Council of this PUD, dedicate by deed of general warranty that portion of the right-of-way and necessary drainage and utility easements for roads being built with the VA 168 Bypass project which lie within Tax Parcel 0730000001700 to the City of Chesapeake without compensation or credit, said land right-of-way having been proffered in R(C)-89-06. The Developer shall convey the subject land free and clear of all liens, assignments, tenancies, and encumbrances of every kind. The right-of-way and easements to be conveyed to the City are shown on a plat entitled "Plat Showing Property to be acquired from R.G.M. Corporation by the City of Chesapeake, Virginia, Battlefield Boulevard South, State Route 168, Pleasant Grove Borough - Chesapeake, Virginia," said plat consisting of 12 pages, made by Rouse-Sirine Associates, Ltd. dated September 30, 1998, Revised October 19, 1998, Revised January 5, 2000, Revised July 23, 2001, and to be recorded with the deed of conveyance.

C. Edinburgh Parkway

The Developer shall be solely responsible for 1) widening Edinburgh Parkway from two lanes to four lanes from Hillcrest Parkway to the southern boundary of the PUD, and 2) extending Edinburgh Parkway from Hillcrest Parkway to the northern boundary of the PUD in accordance with specifications and requirements of the Department of Public Works. Included in the Developer's obligations is right-of-way dedication, design, construction, wetlands permitting and mitigation, bike trails, landscape measures as required by these Criteria, and a storm drainage system designed and constructed in accordance with the requirements of the Department of Public Works. The extension and widening of Edinburgh Parkway shall be completed in accordance with the requirements and timing restrictions set out in Section VIII of these Criteria.

D. Utilities and Stormwater Improvements

Prior to the first building permit for any building within the PUD, the Developer shall accomplish the following:

1. The design, construction and activation of the South Battlefield Interceptor Force Main, Part 2.
2. The construction and activation of a City-standard Sewage Pumping Station with a gravity sewer connection stubbed across Battlefield Boulevard to the Southeastern Elementary School site.
3. The construction and activation of a 20" water main from Battlefield Boulevard west along Hillcrest Parkway to its intersection with Edinburgh Parkway, also known as the North-South Connector.
4. The construction and activation of Phase 1 of the Stormwater System, including the Detention Pond at the intersection of Hillcrest and Edinburgh Parkways, and its outfall connecting to the St. Brides Ditch.

E. Natural Conservation Area

1. The Developer shall provide a natural, wooded open space area ("Natural Conservation Area") within, and as a focal point of, the CC Conservation Community area north of Hillcrest Parkway
 - a. This Natural Conservation Area shall consist of a contiguous area not less than 115 acres in size. There may be additional noncontiguous open space or conservation areas provided as well, but any such isolated areas shall not be counted toward the 115-acre minimum. For purposes of this subsection, the Natural Conservation Area may be traversed by recreational trails and still be considered contiguous. The Natural Conservation Area shall be delineated prior to the approval of the first certificate of occupancy for the 82nd residence in the PUD. The Natural Conservation Area shall be perpetually preserved and maintained pursuant to a preservation or conservation easement or by conveyance with restrictive covenants as specified in subsection c. below.
 - b. The Developer shall generally locate home sites, recreational facilities and other buildings and structures in a manner designed to protect the environment, native vegetation and wildlife on-site. Home sites should, to the extent feasible, be established so as to afford the residents with the potential for views of protected open space and access to trails and natural areas. Landscaping within the Natural Conservation Area shall consist of native plant materials when possible to blend harmoniously with natural areas and native vegetation.
 - c. Prior to the issuance of a certificate of occupancy for the 130th home within the CC, the Developer shall ensure that the natural conservation area shall be protected in perpetuity by its conveyance to an environmental protection organization such as The Nature Conservancy or by the recordation of preservation easements and/or restrictions preventing its development or other uses, with the exception of approved passive recreational activities such as hiking trails, boardwalks, fitness stations, observation platforms, and similar facilities. Such uses, and associated improvements, shall be subject to prior approval by the City and by any and all state, local and federal agencies have jurisdiction over any wetlands or other environmentally sensitive areas within the PUD.
2. Around the periphery of the Natural Conservation Area, the Developer may install facilities for more active community functions, such as community gatherings, social activities and active recreation (*e. g.*, tennis); provided that all required state, local and federal approvals are obtained prior to the issuance of a building permit for any such facility.
 - a. The area used to construct or operate such facilities, if they are provided, shall not count toward the minimum 115 acre required area of the Natural Conservation Area.
 - b. More detailed plans, showing the type and approximate number of passive and active recreational facilities, trails, etc., shall be submitted for review by the Chesapeake Planning Director in conjunction with the first application for approval of a preliminary subdivision plan in the CC area north of Hillcrest Parkway.

Section X. Amendment and Enforcement

These Criteria may only be amended by City Council by approval of a revised rezoning application. Notwithstanding anything to the contrary herein, a violation of any provision of the Development Criteria shall be considered a violation of the Chesapeake Zoning Ordinance and subject to all enforcement measures set out in Article 20 of the Zoning ordinance.