



City of Chesapeake

Office of the City Clerk  
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Chesapeake, Virginia 23322  
email: council@cityofchesapeake.net  
(757) 382-6151  
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September 18, 2013

Burrell F. Saunders, AIA  
Lyll Design Architects

RE: R(PUD)12-01 Dollar Tree PUD

Dear Mr. Saunders:

The application for the above referenced Planned Unit Development was approved with the Development Criteria dated September 13, 2013 and the Master Land Use Plan dated July 2, 2013, by City Council at its regular meeting on September 17, 2013. Enclosed are the appropriate papers that have been processed in this regard.

As a reminder, the sign posted on this property for the purpose of advertising this proposed action must be removed from the property within five (5) days following the action taken by Council (Chapter 16, Section 105(A)(6) of the City of Chesapeake Zoning Ordinance). Failure to do so is in violation of the City's Zoning Ordinance. Please contact the Chesapeake Planning Department if you have any questions or need assistance with this matter.

Sincerely,

Dolores A. Moore, MMC  
City Clerk

DAM:dah

Enclosures

Docket Letter: F

cc: Planning, Real Estate, Melissa Barrett-Zoning, John King, Zoning Administrator, Jay Tate-Development and Permits

## SUMMARY ACTION

APPLICATION: R(PUD)-12-01 Dollar Tree PUD  
APPLICATION FILED: September 10, 2012  
APPLICATION FEE PAID: \$1,770.00  
PIV NUMBER: 3028  
APPLICATION ACCEPTED FOR PRELIMINARY REVIEW: September 20, 2012  
APPLICATION REVIEWED BY: Tim Howlett  
ACKNOWLEDGED BY COUNCIL: June 11, 2013

### PLANNING COMMISSION ACTION:

DATE OF PUBLIC HEARING: June 12, 2013  
ACTION: Continued to the July 10, 2013 Public Hearing  
DATE OF PUBLIC HEARING: July 10, 2013  
RECOMMENDATION: APPROVAL with the Development Criteria dated June 28, 2013 and the Master Land Use Plan dated July 2, 2013.

Beverly R. Hanson

Beverly R. Hanson, Recording Secretary

### CITY COUNCIL ACTION:

DATE OF PUBLIC HEARING: August 20, 2013  
ACTION: Continued to September 17, 2013

### REVISED DEVELOPMENT CRITERIA:

SUBMITTED: September 5, 2013  
APPROVED AS TO FORM: September 5, 2013

### CITY COUNCIL ACTION:

DATE OF PUBLIC HEARING: September 17, 2013  
ACTION: Approved with Development Criteria dated September 10, 2013 and Master Land Use Plan dated July 2, 2013.

Dolores A. Moore

Dolores A. Moore, MMC, City Clerk

13-0-106

**AN ORDINANCE AMENDING THE CHESAPEAKE ZONING ORDINANCE TO PROVIDE FOR THE ZONING RECLASSIFICATION OF 69.59 ACRES LOCATED AT VOLVO PARKWAY ON THE SOUTH, CROSSWAYS BOULEVARD ON THE WEST, EDEN WAY ON THE NORTH, AND EXECUTIVE BOULEVARD ON THE EAST, IN THE WASHINGTON BOROUGH, FROM M-2, GENERAL INDUSTRIAL DISTRICT, TO PUD-U, PLANNED UNIT DEVELOPMENT- URBAN. R(PUD)-12-01.**

WHEREAS, the Council of the City of Chesapeake finds the public necessity, convenience, general welfare and good zoning practice, so require;

BE IT ORDAINED by the Council of the City of Chesapeake, Virginia, that 69.59 acres of land, shown on the attached Exhibit "A," be and the same hereby is, rezoned from M-2, General Industrial District, to PUD-U, Planned Unit Development - Urban. R(PUD)-12-01.

The property is bounded by Volvo Parkway on the south, Crossways Boulevard on the west, Eden Way to the north and Executive Boulevard on the east, in the Washington Borough and is shown on the Chesapeake Tax Maps as Parcels No.0280000001280; 0280000001300 and 0280000001290: Dollar Tree Distribution, Inc. and Dollar Tree Properties, Inc., Owners; Dollar Tree Inc., Applicant; Williams Mullen, Agent.

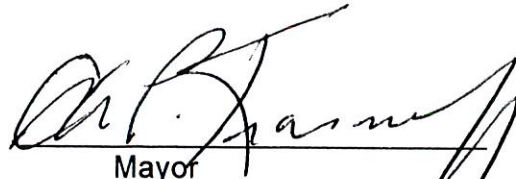
This rezoning is a Planned Unit Development rezoning, and the attached Master Development Plan dated July 2, 2013, including the Development Criteria dated September 13, 2013, submitted by the applicants/owners are hereby incorporated by reference and made a part of this ordinance. This ordinance and the Master Development Plan shall be recorded simultaneously in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia.

SIGNATURE PAGE TO FOLLOW



ADOPTED by the Council of the City of Chesapeake, Virginia, this 17<sup>th</sup> day  
of September 2013.

APPROVED:

  
Mayor

Attest:

  
Clerk of the Council

COMMONWEALTH OF VIRGINIA, CITY OF  
CHESAPEAKE, to-wit:

The foregoing instrument bearing date of September 17, 2013 was  
acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2013

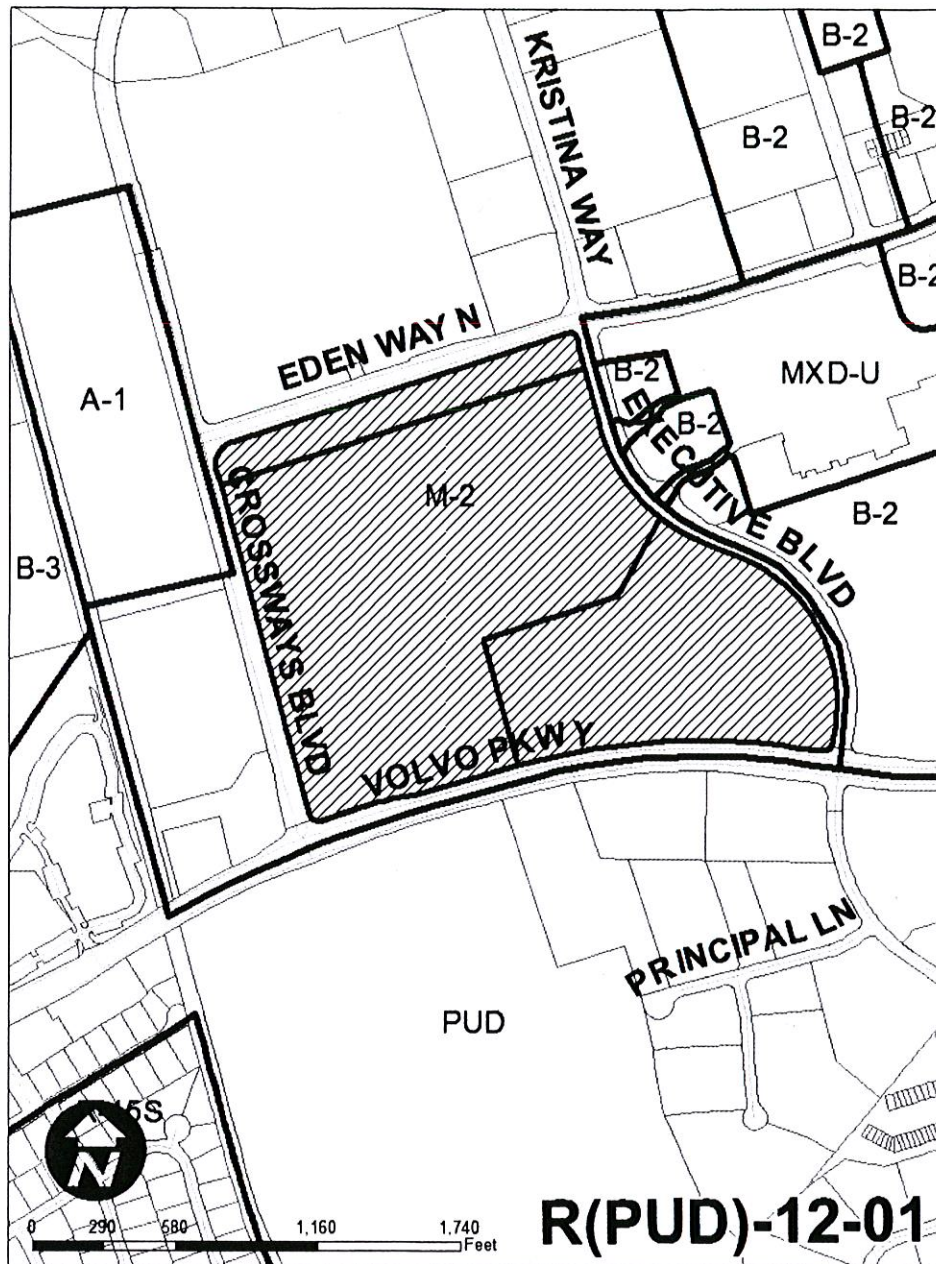
by Alan P. Krasnoff, and Dolores A. Moore, Mayor and City Clerk,

respectively of the City of Chesapeake, Virginia. They are personally known to me.

  
Notary Public

My commission expires: 12-31-14 Notary ID#: Commonwealth of Virginia  
Notary Public  
ID #257492





## Dollar Tree PUD

## R(PUD)-12-01

**APPLICANT:** Dollar Tree, Inc. **AGENCY:** Williams Mullen **PROPOSAL:** A zoning reclassification of 69.59± acres from M-2, General Industrial District, to PUD-U, Planned Unit Development-Urban. The proposed mixed-use development would include up to 1,413 residential units (condominiums and apartments); 500,000 square feet of retail space; 1,000,000 square feet of office space; 250,000 square feet of civic and hotel space; and, a minimum of 15% of the development will consist of open space. The development would be supported by 1.9 million square feet of parking decks and three parking lots located throughout the development. **PROPOSED and EXISTING COMP LAND USE / DENSITY:** Regional Mixed-Use with up to 20± units per acre/Regional Mixed-Use with up to 30 units per acre. **LOCATION:** Bounded by Volvo Parkway on the south, Crossways Boulevard on the west, Eden Way on the north, and Executive Boulevard on the east **TAX MAP SECTION/PARCELS:** 028000000001280, 0280000001300, 0280000001290 **BOROUGH:** Washington

# **Dollar Tree PUD**

**Development Criteria**

**R(PUD)-12-01**

**September 13, 2013**

## TABLE OF CONTENTS

TABLE OF CONTENTS.....	1
1. PURPOSE & GOALS .....	2
2. REGULATORY PLAN.....	6
3. BUILDING FORM STANDARDS .....	12
4. PERMITTED AND ACCESSORY USES .....	13
5. GENERAL DESIGN REQUIREMENTS .....	27
6. STREETScape STANDARDS .....	29
7. PUBLIC FACILITIES & INFRASTRUCTURE.....	34
8. PARKING .....	43
9. URBAN LANDSCAPING .....	46
10. COMMON AREAS, OPEN SPACE AND PRESERVATION REQUIREMENTS .....	48
11. PROPERTY OWNERS' ASSOCIATION .....	50
12. ARCHITECTURAL DESIGN GUIDELINES .....	51
13. PHASING .....	54



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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1. PURPOSE & GOALS

1.1. **Purpose.** The purpose of this Development Criteria is to create a flexible urban zoning that creates a mixed use pedestrian-oriented project (the “Development”) in the City, as hereinafter defined, and to establish the guidelines and standards to be followed in the achievement of those goals. This Development Criteria will regulate the Development through the creation of a structured regulatory plan, which includes, without limitation, building form standards, streetscape standards and architectural design guidelines.

1.2. **Definitions.** All capitalized terms not defined herein shall have the meaning as defined in the Chesapeake Code.

*Additional Transportation Improvements:* Any transportation facilities or improvements shown on an amendment to the Traffic Impact Study, to the extent not defined as Transportation Improvements nor otherwise required by the Chesapeake City Code or Public Facilities Manual.

*Applicant:* Dollar Tree, Inc., a Virginia corporation, its successors and assigns.

*Application:* The Planned Unit Development Creation Application for Urban PUD submitted by the Applicant for approval by the City Council.

*Association:* A Property Owners’ Association formed pursuant to Section 11.

*Business:* All uses which are permitted or which may be allowed through the granting of a conditional use permit by City Council, in the Urban Business District (B-5) and the Office and Industrial District (O&I) of the Zoning Ordinance.

*Building Form Standards:* These areas govern the physical form of the building components comprising the Development, as more specifically defined in Section 3.

*Chesapeake Code:* The Code of Ordinances of the City of Chesapeake, Virginia, as amended.

*City:* The City of Chesapeake, Virginia.

*City Council:* The City Council of the City.

*Code of Virginia:* The Code of Virginia of 1950, as amended.

*Concept Drawings:* The Land Use Concept and Pre-PUD Facilities Drawing, as provided in Section 2.2 hereof.

*Conditional Use Permit:* As defined in Article 17 of the Zoning Ordinance, entitled “Conditional Use Permits.”

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

*Corporate Offices:* The corporate offices of Dollar Tree, Inc. and its affiliates presently located in the District together with any appurtenant structures related thereto, as such structures may be expanded, contracted, renovated, or rebuilt.

*Design Guidelines:* Detailed urban design standards proposed by the Owner/Applicant and implementing these Development Criteria for all future development within the Development and approved by the Director of the Department of Planning, or designee, pursuant to Section 5.1 hereof.

*Development:* A mixed-use, urban development concept, as may be proposed by the Owner/Applicant within the District.

*Development Criteria:* These Development Criteria approved by City Council in connection with the approval of the Application.

*Distribution Center:* The distribution center facility presently located in the District and operated by Dollar Tree Distribution, Inc., together with any appurtenant structures related thereto, as such structures may be expanded, contracted, renovated, or rebuilt.

*District:* The Greenbrier Mixed Use PUD District, being the area proposed for rezoning subject to these Development Criteria, as further described in the Application.

*Final Site/Subdivision Plan:* A plan submitted to the City for approval showing the lots or portions thereof comprising the property to be included in either (i) the final site plan, pursuant to the provisions of Section 18-300 et seq. of the Zoning Ordinance, or (ii) the final subdivision plan, pursuant to the provisions of Chapter 70 et seq. of the Subdivision Ordinance, as applicable.

*Industrial:* All uses which are permitted or which may be allowed otherwise pursuant to the Zoning Ordinance, including, without limitation, through the granting of a conditional use permit by City Council, in the General Industrial District (M-2) of the Zoning Ordinance.

*Improved Lots:* Any subdivided lot within the Development upon the issuance of a Certificate of Occupancy by the City.

*Land Use Concept:* That certain concept plan labeled "Street and Block Plan", prepared by H&A Architect's & Engineers, which by this reference is made a part hereof.

*Master Development Plan:* The Concept Drawing and Development Criteria approved in connection with the Application.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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*Master Utility Plan:* That certain Master Utility Plan dated June 27, 2013, prepared by Kimley-Horn Associates and on file with the Planning Department, having been submitted to the City as a component of the Application.

*Owner:* Together, Dollar Tree Distribution, Inc., a Virginia corporation, and Dollar Tree Properties, Inc., a Virginia corporation, and each of their respective successors and assigns.

*Pre-PUD Facilities Drawing:* That certain drawing labeled “Pre-PUD Facilities”, prepared by H&A Architect’s & Engineers shown as Diagram 2.2.2 herein.

*Preliminary Site/Subdivision Plan:* A plan submitted to the City for approval showing the proposed lots or portions thereof comprising the property to be included in either (i) the proposed site plan, pursuant to the provisions of Section 18-200 et seq. of the Zoning Ordinance, or (ii) the proposed subdivision plan, pursuant to the provisions of Chapter 70 et seq. of the Subdivision Ordinance, as applicable.

*Property:* That certain real property consisting of approximately 69.59 acres,<sup>1</sup> together with all improvements located thereon, known as 500 Volvo Parkway, located within the Urban Overlay District of the City<sup>2</sup> and more particularly described in the Application.

*Public Facilities Manual:* The Public Facilities Manual approved by the Director of Development and Permits of the City, as it may be hereafter amended or modified.

*Public Utility Improvements:* Those public facility improvements shown on the Master Utility Plan, as it may be amended or supplemented.

*PUD Approval:* Final approval by City Council of the Application to create the Greenbrier Mixed Use PUD.

*Residential:* Use of property for Multifamily and/or Mixed Use dwellings, as that term is defined in Section 3-400 et seq. of the Zoning Ordinance.

*Subdivision Ordinance:* Chapter 70 of the Chesapeake Code.

*Total Developable Area:* The total area of the Development less any portion thereof used for rights of way, alleys, open space, utilities, drainage impoundments, or other public or common facilities.

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<sup>1</sup> Reference: CHESAPEAKE CODE § 11-1302 (2011) (requiring that PUD-U districts be a minimum of fifteen (15) acres in size).

<sup>2</sup> Reference: CHESAPEAKE CODE § 11-1302 (2011) (“No portion of a PUD-U shall be located in or approved for the suburban and rural overlay districts.”).



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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*Traffic Impact Study:* That certain Traffic Impact Study dated December 2011, prepared by Kimley-Horn Associates and on file with the Planning Department, having been submitted to the City as a component of the Application.

*Transect Zones:* Areas that govern the intensity of use of the building components comprising the Development by utilizing specific principles of urban form, as more specifically defined in Section 2.

*Transportation Improvements:* Those transportation improvements listed in Section 7.7.1.1 through 7.7.1.7 hereof.

*Zoning Ordinance:* Appendix A of the Chesapeake Code.

1.3. **Administration and Enforcement.** This Development Criteria shall be interpreted, administered and enforced in accordance with the Zoning Ordinance.

1.4. **Effect of Regulations.** This Development Criteria shall implement the Design Guidelines and the Concept Drawings, which together, constitute the Master Development Plan, as provided by the Zoning Ordinance and the Code of Virginia. Notwithstanding anything in this Development Criteria to the contrary, the Concept Drawing, together with all site concept plans, exhibits, diagrams and other drawings prepared in connection with the Application, are expressly conceptual in nature and shall not be construed to restrict or otherwise bind the Owner/Applicant in the future development of the District. Unless otherwise specifically provided in this Development Criteria, the provisions of the Chesapeake Code shall govern the development of the Development. The development shall conform to all other requirements of the Chesapeake City Code, Zoning Ordinance, Subdivision Ordinance and Public Facilities Manual unless such requirements are expressly waived or modified in the Development Criteria.

In the event of any conflict between any of the components of this Development Criteria, the following hierarchy shall govern all matters of interpretation (in descending order of supremacy):

1.4.1. The “Regulatory Plan”, which shall be defined as Section 2 hereof. These regulations govern the density and use of lots.

1.4.2. The “Building Form Standards”, which shall be defined as Section 3 hereof. These are the standards administered to control building form within developed lots.

1.4.3. The “General Design Standards”, which shall be defined as Section 5 hereof. These are the design standards of general application within all Transect Zones and to all Lot Types; provided, however, that these standards do not apply to any present or future buildings constructed within the Corporate Headquarters Lot and Distribution Center Lot.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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1.4.4. The “Streetscape Standards”, which shall be defined as Section 6 hereof. These are the design principles relating streets to buildings.

1.4.5. The Design Guidelines, as defined in Section 1.2 above. These are the detailed standards related to the materials, elevations, architectural style, landscape improvements and overall appearance of all components of the Development.

1.4.6. Chesapeake City Code, Zoning Ordinance and Public Facilities Manual.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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2. REGULATORY PLAN

2.1. **Structure.**

2.1.1. Intent. These Development Criteria represent regulations designed to foster an urban form of development by allowing a mixture of uses along urban streetscapes that are designed to enhance the pedestrian experience. This Chapter 2 of the Development Criteria (the "Regulatory Plan") will encourage diverse uses that are complimentary to each other within the Development. This Regulatory Plan provides standards for the disposition of each portion of the property or lot within the Development and designates how each relates to adjacent property and streets. The graphics provided in this section serve as a reference when examining the specific urban forms. This chapter is the principal tool for regulating the Development and governs the basic physical characteristics of each streetscape and building form.

2.1.2. Transect Zones. Each zone is an "urban form" governing streetscape and building types for the Development. The allocation of transect zones produces desirable variations within each building phase including a mix of land uses, streetscapes and building forms.

<u>Zone</u>	<u>Description*</u>
Core	The Core Transect Zone is designed to be the main economic center for the Development, consisting of uses in a high density setting, as depicted in Section 2.3 hereof. This area is projected to be the most intensely occupied zone within the District, with primarily attached buildings that create a continuous street façade within walking distance of surrounding mixed-use areas.
General	The General Transect Zone is designed to be an urban environment with a higher density than the Edge Zone and a lesser density than the Core Zone. This area is projected to include buildings that may be attached as depicted in Section 2.4 or detached and are typically separated from the street with small street yards
Edge	The Edge Transect Zone is designed to be located along the perimeter portions of the Development, consisting of small and medium scale Business use space, as depicted in Section 2.4 hereof. This area is projected to consist of buildings typically comprised of Business uses that may have a lower density than those located in the Core Transect Zone and General Transect Zone.
Distribution Center	The Distribution Center Transect Zone is the area surrounding the Distribution Center, as it may be expanded, contracted, renovated, or rebuilt, that permits its continued use while other phases of the Development are developed, as depicted on the Pre-PUD Facilities Drawing. This Pre-PUD Facilities Drawing denotes the area within the District where the distribution center owned and operated by Dollar Tree Distribution, Inc. is located and will remain until such time as the Owner or Applicant may choose to file and the City shall approve a Preliminary and Final Site/Subdivision Plan, as applicable, depicting its complete removal.

\* The foregoing descriptions are for illustrative purposes only and shall not be construed to restrict or otherwise regulate uses or building form, except as provided in Sections 3.1 and 4.1 hereof.

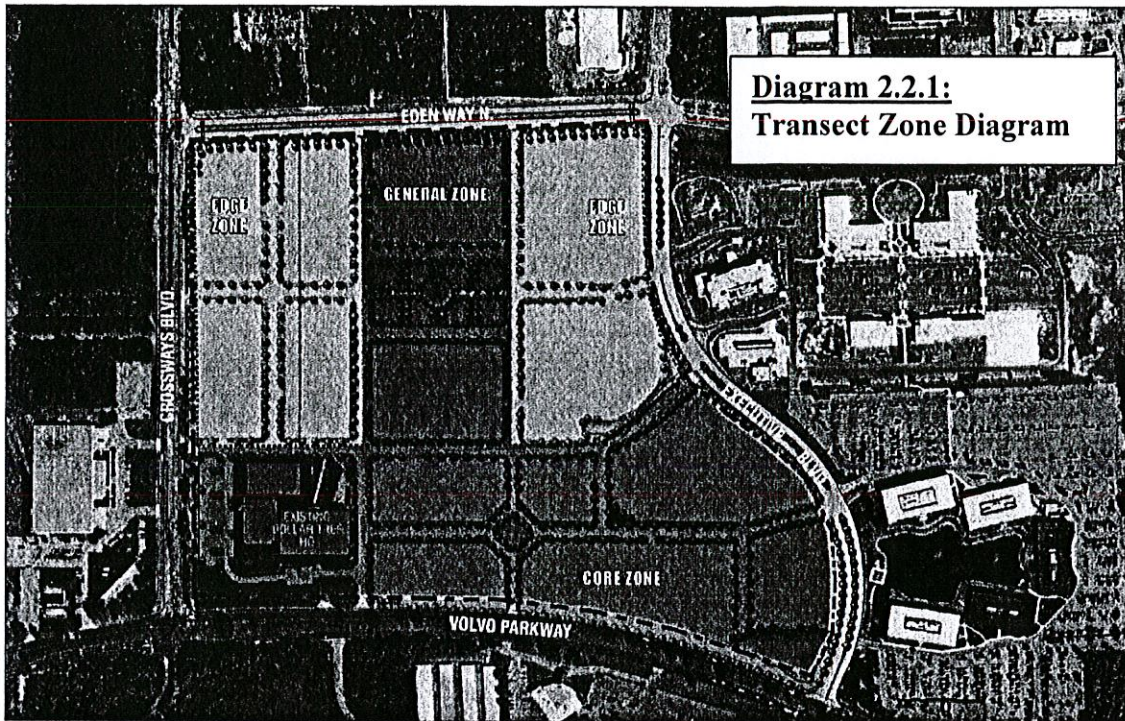


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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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2.2. Diagrams of Transect Zones.





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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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**2.3. Continuation of Corporate Offices and Distribution Center Use.**

2.3.1. Notwithstanding anything to the contrary in this Development Criteria, no term or provision herein shall be construed so as to prohibit the continued operation of the Corporate Offices or the Distribution Center, each of which shall be lawful conforming uses.

2.3.2. Any expansion or reconstruction of the Distribution Center (a "Conforming Alteration") shall not be subject to the Design Guidelines; provided, however, that the quality of any such Conforming Alteration shall be of an architectural quality or use design elements that are of quality equal to or greater than the existing facility prior to such Conforming Alteration.

2.3.3. In the event that (i) the Owner/Applicant, in its sole discretion, should choose to submit a Final Site/Subdivision Plan reflecting the development of any portion of the District designated as the Distribution Center Transect Zone, and (ii) such Final Site/Subdivision Plan is duly approved by the City, then such portion of the Distribution Center Transect Zone included in the Final Site/Subdivision Plan shall be reclassified to the corresponding Transect Zone designated on the Master Development Plan. Any portion of the Distribution Center Transect Zone not designated for redevelopment on such Final Site/Subdivision Plan shall continue to be designated as the Distribution Center Transect Zone.

**2.4. Lot Standards.** Rather than plan in advance the precise size and shape for use of each building to be constructed on every lot for the Development, the following character examples describe the form of "Lot Types" permitted within each of the Transect Zones:

*[see chart on following page]*

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

Lot Type	Building Form Description*	Permitted Transect Zones			
		Core	General	Edge	DC
Business Lot	Building(s) comprised primarily of Business uses.	X	X	X	
Multifamily Lot	Building(s) comprised primarily of Residential uses	X	X	X	
Mixed-Use Lot	Building(s) with Business uses vertically and/or horizontally configured with Residential uses	X	X	X	
Plaza Lot	Building(s) typically located on or around open space, such as a common element, parking lot or other amenity	X	X	X	
Lined Lot	Building(s) typically lined around a large footprint structure, such as structured parking	X	X	X	
Civic Lot	Building(s) and open space designed to accommodate recreation and common areas and open space	X	X	X	
Corporate Offices Lot	The corporate offices of Dollar Tree, Inc. and its affiliates, successors and assigns, presently located in the District together with any appurtenant structures related thereto, as such structures may be expanded, contracted, renovated, or rebuilt	X	X	X	X
Distribution Center Lot	The distribution center facility presently located in the District and operated by Dollar Tree Distribution, Inc., and its affiliates, successors and assigns, together with any appurtenant structures related thereto, as such structures may be expanded, contracted, renovated, or rebuilt.				X
* The building form description provided above for each lot type is for illustration purposes only and shall not be construed to restrict or otherwise regulate the uses allowed for each respective lot type.					

**2.5. Civic Lot Regulations.** These areas may be privately owned and maintained, but will be available for use by the general public (subject to reasonable regulations). Buildings or



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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structures appropriate in scale shall not be prohibited within any Civic Lot, subject to the approval of the Architectural Review Committee as provided in Chapter 12 herein. Parking facilities shall be allowed within any Civic Lot; provided, however, that the area of the footprint dedicated to parking shall not exceed ten percent (10%) of the total area of such lot.

**GREENBRIER MIXED USE PUD**  
**CHESAPEAKE, VIRGINIA**  
**DEVELOPMENT CRITERIA**

**3. BUILDING FORM STANDARDS**

**3.1. Form Matrix.** Each building form is governed by the table below.

Lot Type	Lot Area	Lot Width (min. / max. in feet)	Frontage Percentage (min. / max.)	Lot Coverage by All Buildings (max.)	Yard Dimensions				Height Restrictions					
					Street				Side (min.)	Rear (min.)	(min/max. stories; max. feet)			
					Core	General	Edge	DC			Core	General	Edge	DC
Business Lot	no min. / no max.	100 / 1,700	60% / 100%	100%	0 / 10	0 / 10	0 / 10	not applicable	0	0	1 / 4 stories; 75'	1 / 4 stories; 75'	1 / 4 stories; 75'	not applicable
Multifamily Lot	no min. / no max.	100 / 500	60% / 100%	100%	0 / 10	0 / 10	0 / 10	not applicable	5'	30'	3 / 5 stories; 75'	3 / 5 stories; 75'	3 / 7 stories; 100'	not applicable
Mixed-Use Lot	no min. / no max.	no min. / 750	60% / 100%	100%	0 / 10	0 / 10	0 / 10	not applicable	0	0	3 / 12 stories; 180'	3 / 12 stories; 180'	2 / 12 stories; 180'	not applicable
Plaza Lot	no min. / no max.	50 / 500	not applicable	75%	20 / 100	20 / 100	20 / 100	not applicable	0	0	1 / 3 stories; 50'	1 / 3 stories; 50'	1 / 3 stories; 50'	not applicable
Lined Lot	no min. / no max.	100 / 500	60% / 100%	100%	0 / 10	0 / 10	0 / 10	not applicable	0	0	3 / 8 stories; 125'	5 / 8 stories; 125'	3 / 7 stories; 100'	not applicable
Civic Lot	no min. / no max.	no min. / no max.	not applicable	10%	not applicable	not applicable	not applicable	not applicable	N/A	N/A	1 story; 20'	1 story; 20'	1 story; 20'	not applicable
Corporate Offices Lot	no min. / no max.	no min. / no max.	not applicable	100%	0 / 10	not applicable	not applicable	no min. / no max.	0	0	no min. / no max.	not applicable	not applicable	not applicable
Distribution Center Lot	no min. / no max.	no min. / no max.	not applicable	100%	not applicable	not applicable	not applicable	no min. / no max.	0	0	not applicable	not applicable	not applicable	no min. / no max.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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4. PERMITTED AND ACCESSORY USES

4.1. **Use Categories.** The following table sets out all uses which are permitted or which may be allowed through the granting of a conditional use permit by City Council in the Transect Zones of the Development.

Transect Zone	Use Regulations
<b>Core Transect Zone</b> <b>General Transect Zone</b> <b>Edge Transect Zone</b>	All uses listed on Table 4.1.1 incorporated herein.
<b>Distribution Center Transect Zone</b>	All uses listed on Table 4.1.2 incorporated herein.

4.2. **Key of Symbols Used in Table.** The symbols used in Tables 4.1.1 and 4.1.2 shall have the following meaning:

P Permitted use.

C Use permitted upon granting of a conditional use permit.

4.3. **Unspecified Use.** Where a use is not listed in the corresponding table referenced in the chart above, the use shall not be allowed as either a permitted or conditional use in the District; provided, however, that, in those instances where a proposed use not listed in the chart above is determined by the Zoning Administrator to be of a similar nature or character as a listed use, such proposed use may be treated in the same manner as the listed use.

4.4. **Accessory Uses.** Accessory uses and structures shall be permitted only in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of Section 14-101 et seq. of the Zoning Ordinance.



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

**Table 4.1.1: Land Use Tables for Greenbrier Mixed Use PUD  
Core, General, Edge Transect Zones**

SIC	Use	Classification
<i>Residential Uses</i>		
	Dwelling, Multi-family	P
	Home Occupation, Level 1	P
<i>Agricultural Uses</i>		
0752	Veterinary Services, Non-livestock only	P
	Animal training and grooming, indoor only	P
	Vietnamese Pot-Bellied Pigs Kept as Pets	C
	Temporary Stands for the Sale of Locally Grown Produce	P
<i>Construction</i>		
15	General Contractors, Offices Only, No Outside Storage	P
16	Heavy Construction Other Than Building Construction— Contractors, Offices Only, No Outside Storage	P
17	Construction—Special Trade Contractors, Offices Only, No Outside Storage	P
<i>Transportation Communications and Utilities</i>		
4121	Taxicab Operations	P
4173	Motor Vehicle Terminals	P
4215	Courier Services Except By Air	P
43	United States Postal Service	P
4522	Helistop	C
472	Transportation Arrangement	P
48	Communications, Offices	P
	Amateur Radio Antenna	P
48	Communications, Towers	C
48	Communications Towers, Building Supported	P
	Unmanned Public Facility Buildings and Related Structures	P
494	Water Supply	P
	Water Reservoirs	P
<i>Retail Trade</i>		
	Temporary Stands for the Sale of Locally Grown Produce	P

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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523	Paint, Glass and Wallpaper Stores	P
525	Hardware Store	P
526	Retail Nurseries, Lawn and Garden Supply Stores	P
53	General Merchandise Stores	P
54	Food and Beverage Stores	P
	Grocery Stores	P
5460	Retail Bakery	P
553	Auto Supply Stores	P
56	Apparel and Accessory Stores	P
571	Home Furnishings Shops	P
572	Household Appliances	P
5731	Radio and Television Stores	P
5734	Computer and Software Stores	P
5735	Record Stores	P
5736	Musical Instrument Stores	P
58	Eating and Drinking Places with Seating	P
58	Eating and Drinking Places Without Seating	P
591	Drugstores	P
592	Liquor Stores	P
593	Used Merchandise Store, Except Pawn Shops	P
593	Pawn Shops	P
5941	Sporting Good Stores and Bicycle Shops	P
5942	Bookstores	P
5943	Stationery Stores	P
5944	Jewelry Stores	P
5945	Hobby, Toy and Game Shops	P
5946	Camera and Photographic Supply Stores	P
5947	Gift, Novelty and Souvenir Shops	P
5948	Luggage and Leather Goods Stores	P
5949	Sewing, Needlework and Piece Goods Stores	P
5961	Catalog and Mail Order Houses	P
5962	Automatic Merchandising Machine Operators	P



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

5963	Direct Selling Establishments	P
5992	Florists	P
5993	Tobacco Stores and Stands	P
5994	News Dealers and Stands	P
5995	Optical Goods Stores	P
5999	Miscellaneous Retail Stores Not Elsewhere Classified	P
60-6799	Finance, Insurance and Real Estate, Except Cemeteries	P
<i>Services</i>		
	Offices, not elsewhere classified	P
701	Hotels and Motels	P
704	Organization Hotels and Lodging houses, on Membership Basis	P
7212	Garment Pressing	P
7215	Coin-Operated Laundries and Dry Cleaning	P
7219	Custom Dressmakers and Tailors	P
722	Photographic Studios, Portrait	P
723	Beauty Shops	P
724	Barbershops	P
725	Shoe Repair Shops and Shoeshine Parlors	P
7291	Tax Return Preparation Service	P
7299	Miscellaneous Personal Services, Not Elsewhere Classified, Except Tattoo Parlors	P
7299	Massage therapy establishments and massage therapists	P
7311	Advertising Agencies	P
7313	Radio, Television and Publishers' Advertising Representatives	P
7319	Advertising Not Elsewhere Classified, Offices Only	P
732	Consumer Credit Reporting Agencies, Mercantile Reporting Agencies and Adjustment and Collection Agencies	P
7331	Direct Mail Advertising Services	P
7334	Photocopying and Duplicating Services	P
7335	Commercial Photography	P
7336	Commercial Art and Graphic Design	P
7338	Secretarial and Court Reporting Services	P



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

7352	Medical Equipment Rental and Leasing	P
736	Personal Supply Services	P
737	Computer Programming, Data Processing and Other Related Services	P
7381	Detective, Guard and Armored Car Services, offices only	P
7382	Security Systems Services	P
7383	News Syndicates	P
7384	Photofinishing Laboratories	P
7389	Business Services, Not Elsewhere Classified	P
7521	Parking Facilities	P
7622	Radio and Television Repair Shops	P
7629	Electrical and Electronic Repair Shops, Not Elsewhere Classified	P
763	Watch, Clock and Jewelry Repair	P
764	Reupholster and Furniture Repair	P
7699	Instrument Repair	P
7699	Optical Goods Repair	P
7699	Leather Goods Repair	P
7699	Lock and Gunsmith Shops	P
7699	Musical Instrument Repair and Tuning	P
7699	Bicycle Repair Shop	P
7699	Antique Repair Shop	P
7699	Camera Repair Shop	P
7699	Venetian Blind, Window Shade and Tent Repair	P
7699	Mirror Repair	P
7699	Picture Framing	P
7699	Sharpening and Repairing Knives, Saws and Tools	P
7829	Services Allied to Motion Picture Distribution	P
7832	Motion Picture Theaters, Except Drive-Ins	P
7841	Videotape Rental	P
791	Dance Studios, Schools and Halls, Instructional Only	P
7922	Theatrical Producers (Except Motion Picture), Bands, Orchestras and Entertainers	C
7929	Bands, Orchestras, Actors and Other Entertainers and Entertainment	C

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

	Groups	
793	Bowling Centers	P
7991	Physical Fitness Facilities	P
7993	Coin-Operated Amusement Devices	P
7999	Indoor Recreation Facilities Not Elsewhere Classified	P
	Martial Arts Instruction and Studios	P
801— 804	Offices and Clinics of Doctors and Dentists	P
806	Medical Care Facility	C
807	Medical and Dental Laboratories not considered Medical Care Facilities	P
81	Legal Services	P
821	Elementary and Secondary Schools	P
822	Colleges, Universities, Professional Schools, Junior Colleges	P
823	Libraries	P
824	Vocational Schools, Except Auto Repair Schools, and Truck and Driving Schools	P
829	Schools and Educational Services, Not Elsewhere Classified	P
832	Individual and Family Social Services	P
833	Job Training and Vocational Rehabilitation Services	P
835	Child Day Care Services Requiring State Licensing	P
835	Home Child Day Care Services	P
836	Residential Care	P
839	Social Services, Not Elsewhere Classified	C
841	Museums and Art Galleries	P
842	Arboreta and Botanical Gardens	P
861	Business Associations	P
862	Professional Membership Organizations	P
863	Labor Unions and Similar Labor Organizations	P
864	Civic, Social and Fraternal Associations	P
865	Political Organizations	P
866	Religious Organizations, Except Convents, Monasteries and Schools	C



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

	Churches	C
869	Membership Organizations, Not Elsewhere Classified	P
	Meeting and Banquet Halls	P
	Convention Centers	P
871	Engineering, Architectural and Surveying Services	P
872	Accounting, Auditing and Bookkeeping Services	P
874	Management and Public Relations Services, Offices Only, Not Including Correctional Facilities	P
89	Services Not Elsewhere Classified	P
Public Administration		
913	Executive, Legislative and General Government, Except Finance	P
92	Justice, Public Order and Safety, Except Correctional Institutions	P
93	Public Finance, Taxation and Monetary Policy	P
94	Administration of Human Resource Programs	P
95	Administration of Environmental Quality and Housing Programs, Offices Only	P
96	Administration of Economic Programs, Offices Only	p
	Municipal Buildings and Structures	p

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

**Table 4.1.2: Land Use Tables Greenbrier Mixed Use PUD  
Distribution Center Transect Zone**

SIC	Use	Classification
<i>Agricultural Uses</i>		
01	Agriculture Crops	P
02	Agriculture: Livestock	P
0279	Kennels	P
07	Agricultural Services	P
08	Forestry	P
<i>Construction</i>		
15	General Contractor	P
16	Heavy Construction Other Than Building Construction— Contractors	P
17	Construction—Special Trade Contractors	P
<i>Manufacturing</i>		
202	Dairy Product Processing	P
203	Canned, Frozen and Preserved Fruits, Vegetables and Food Specialties	P
204	Grain Mill Products	P
205	Bakery Products	P
206	Sugar and Confectioneries	P
207	Fats and Oils, Except Animal and Marine	P
207	Bottling of Premanufactured Oils	P
208	Beverages	P
2095	Roasted Coffee	P
2096	Snack Food Products	P
2097	Manufactured Ice	P
2098	Macaroni, Spaghetti and Noodles	P
2099	Food Preparation Not Elsewhere Classified	P
21	Tobacco Products	P
2261,2262	Screen Printing of Finished Mill Products	P
23	Apparels, Except Fur Goods	P



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

265	Paperboard Containers	P
2671	Packaging Paper and Paper Films	P
2672	Coated and Laminated Paper	P
2673	Plastics, Foil and Coated Paper Bags	P
2674	Uncoated Paper Bags	P
2675	Precut Paper and Paperboard	P
2676	Sanitary Paper Products	P
2677	Envelopes	P
2678	Stationery and Related Products	P
27	Printing, Publishing and Allied Industries	P
2834	Pharmaceutical Preparations	P
	Storage of Nontoxic/Nonflammable or Liquified Gases in Bulk	P
	Gases or Liquified Gases in Portable Cylinders for Storage	P
308	Miscellaneous Plastics Products	P
31	Leather and Leather Products	P
321	Flat Glass	P
322	Glass and Glassware, Pressed	P
323	Glass Products Made of Purchased Glass	P
326	Pottery and Related Products	P
327	Concrete, Gypsum and Plaster	P
328	Cut Stone and Stone Products	P
3291	Abrasive Products	P
33	Primary Metal Industries	P
341	Metal Cans and Shipping Containers, except stacking or storage of containers not in active use	P
342	Cutlery, Handtools and Hardware	P
343	Heating Equipment	P
344	Fabricated Structural Metal	P
345	Screw Machine Products and Bolts, Nuts, Screws, Rivets and Washers	P
346	Metal Forgings and Stampings	P
347	Coating, Engraving and Allied Services	P

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

349	Miscellaneous Fabricated Metal Products	P
357	Computer and Office Equipment	P
36	Electronic and Other Electrical Equipment and Components	P
38	Measuring, Analyzing and Controlling Instruments, Photographic, Medical and Optical Goods, Watches and Clocks	P
39	Miscellaneous Manufacturing Industries, Except SIC 3996 and Paint Manufacturing	P
3996	Linoleum, Asphalt-Felt Base, and Other Hard Surface Floor Coverings	P
<i>Transportation, Communication and Utilities</i>		
4011	Railroads	P
4013	Railroad Switching	P
	Unmanned Public Facility Building and Related Structure	P
41	Local and Suburban Transit and Interurban Highway Passenger Transportation	P
42	Motorfreight Transportation and Warehousing, Except Petroleum and Chemical Bulk Station Terminals for Hire (see SIC 5171)	P
43	United States Postal Service	P
4513	Air Courier Services	P
46	Pipelines, Except Natural Gas	P
47	Transportation Services, Except Space Flight Operations	P
48	Communication, Except Communication Towers	P
48	Communications Towers	P
	Amateur Radio Antennas	P
491	Electric Services	P
4923	Natural Gas Transmission and Distribution	P
493	Combination Electric and Gas and Other Utility Services	P
494	Water Supply	P
	Water Reservoirs	P
496	Steam and Air Conditioning Supply	P
<i>Wholesale Trade</i>		
5012	Automobiles and Other Vehicles	P



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

5013	Motor Vehicle Supplies and New Parts	P
5014	Tires and Tubes (no outside storage)	P
502	Furniture and Home Furnishings	P
503	Lumber and Other Construction Materials	P
504	Professional and Commercial Equipment and Supplies	P
5051	Metal Service Center and Offices	P
506	Electrical Goods	P
507	Hardware and Plumbing and Heating Equipment and Supplies	P
508	Machinery, Equipment and Heating Equipment and Supplies	P
5091	Sporting and Recreational Goods and Supplies	P
5092	Toys and Hobbies, Goods and Supplies	P
5094	Jewelry, Watches, Precious Stones and Precious Metals	P
5099	Durable Goods, Not Elsewhere Classified	P
511	Paper and Paper Products	P
512	Drugs, Drug Proprietarys and Druggist Sundries	P
513	Apparels, Piece Goods and Notions	P
514	Groceries and Related Products	P
5153	Grain and Field Beans	P
5159	Farm-Product Raw Materials Not Elsewhere Classified, Except Horses, Mules and Poultry	P
5162	Plastic Materials and Basic Forms	P
5169	Nonhazardous Chemicals and Allied Products Not Elsewhere Classified	P
518	Beer, Wine and Distilled Alcoholic Beverages	P
519	Miscellaneous Nondurable Goods	P
<i>Retail Trade</i>		
521	Lumber and other Building Materials Dealers	P
523	Paint, Glass and Wallpaper Stores	P
525	Hardware Stores	P
526	Retail Nurseries, Lawn and Garden Supply Stores	P
551	Motor Vehicle Dealers (New and Used)	P

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

552	Motor Vehicle Dealers (Used)	P
555	Boat Dealers	P
557	Motorcycle Dealers	P
559	Automotive Dealers Not Elsewhere Classified	P
58	Eating and Drinking Places With Seating	P
58	Eating and Drinking Places Without Seating	P
596	Nonstore Retailers	P
598	Fuel Oil Dealers	P
5999	Auction Rooms	P
60—6952, 611—6799	Finance, Insurance and Real Estate, Except Cemeteries	P
<i>Services</i>		
701	Hotels and Motels	P
7211	Laundry, Cleaning and Garment Services, Except Coin-Operated Laundries and Dry Cleaning (SIC 7215)	P
722	Photographic Studios, Portrait	P
723	Beauty Shop	P
724	Barbershop	P
725	Shoe Repair Shop and Shoeshine Parlor	P
	Massage therapy establishments and massage therapists	P
73	Business Service	P
75	Motor Vehicle Repair, Services and Parking, Except Automotive Leasing	P
7521	Parking Facilities	P
7549	Towing Service, No Outside Storage Yard	P
76	Miscellaneous Repair Services	P
781	Motion Picture Production	P
782	Motion Picture Distribution	P
7991	Physical Fitness Facilities	P
7992	Golf Course, Public and Private	P
7999	Amusement and Recreation Services, Not Elsewhere Classified, Except Sexually Oriented Businesses	P
801—804	Offices and Clinics of Doctors and Dentists	P



GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

807	Medical and Dental Laboratories not considered a medical care facility	P
808	Home Health Care Services	P
809	Miscellaneous Health and Allied Services not considered a medical care facility	P
81	Legal Services	P
822	Colleges, Universities, Professional Schools, and Junior Colleges	P
824	Vocational Schools	P
832	Individual and Family Social Services	P
833	Job Training and Vocational Rehabilitation Services	P
839	Social Services Not Elsewhere Classified	P
86	Membership Organizations	P
	Churches	P
	Meeting and Banquet Halls	P
	Convention Centers	P
871	Engineering, Architectural and Surveying Services	P
872	Accounting, Auditing and Bookkeeping Services	P
873	Research, Development and Testing Services	P
874	Management and Public Relations Services, Excluding Correctional Facilities	P
<i>Public Administration</i>		
	Executive, Legislative, and General Government, Except Finance	P
921	Courts	P
9221	Police Protection	P
9222	Legal Counsel and Prosecution	P
9224	Fire Protection	P
9225	Public Order and Safety, Not Elsewhere Classified	P
93	Public Finance, Taxation and Monetary Policy	P
94	Administration of Human Resources Programs	P
95	Administration of Environmental Quality and Housing Programs	P
96	Administration of Economic Programs	P

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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9661	Space Research and Technology, Except Space Flight Operations	P
97	National Security and International Affairs	P
	Municipal Buildings and Structures	P



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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5. GENERAL DESIGN REQUIREMENTS

The standards set out below shall apply to all buildings constructed within the District:

5.1. **Design Guidelines.** The Owner/Applicant shall propose the Design Guidelines, and any amendments thereto, which shall be submitted for review and approval by the Director of Planning, or Designee. The Design Guidelines shall contain, at a minimum:

5.1.1. Street design standards, including a map of proposed street grid, including the designated functional hierarchy, to support the planned Building Lots / Form types;

5.1.2. Streetscape design standards;

5.1.3. Architectural design standards, including a map of the arrangement of the corresponding Building / Form lot types;

5.1.4. Landscape design standards;

5.1.5. Signage design standards;

5.1.6. Design Review Process.

No Preliminary Site/Subdivision Plan shall be approved for any portion of the District prior to the approval of the Design Guidelines.

5.2. **Architectural Quality Required.** Any buildings constructed within the Core Zone, General Zone or Edge Zone will be of an architectural quality or use design elements that are of quality equal to or greater than the Corporate Office or the buildings presently located on a parcel listed in Table 5.2 below. Subject to the terms and restrictions of these Development Criteria, including without limitation, building heights and building form, and subject to the standards set forth in the approved Design Guidelines, the final architectural elevations of proposed buildings and the layout of the property may vary as needed to accommodate engineering, design and market conditions and considerations.

<b>Table 5.2: Comparable Buildings in the Vicinity of the Property</b>		
<b>GPIN(s)</b>	<b>Address</b>	<b>Current Occupant or Owner</b>
0280000000764	709 Eden Way North	Hyatt Place Hotel
0280000000760	745 Eden Way North	Aura at Town Place
0280000000740	1341 Crossways Boulevard	Cox Communications Offices
0280000000770, 0280000000771	1300 Crossways Boulevard	Volvo Penta Offices

5.3. **Covenants required.** Each tract of land shown on any approved Final Site/Subdivision Plan shall be under the supervision or control of a unified, central authority for the life of the District. To this end, restrictive covenants shall be recorded for each tract to be

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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developed. Proposed restrictive covenants shall be submitted to the Planning Office for review and approval as to form satisfactory to the City Attorney prior to approval of a corresponding Preliminary Site/Subdivision Plan concerning such tract of land, and they shall be recorded prior to any building permit approval. The covenants shall, at a minimum, provide for the creation of a Property Owners' Association; maintenance of individual sites, common area, open space, landscaping, and private streets; and minimum development and operational standards for each tract.

5.4. **Permitted Density Overall.**<sup>3</sup> The maximum number of dwelling units in the District shall not exceed thirty (30) dwellings units per acre. Notwithstanding the foregoing, in the event that the Zoning Ordinance shall be amended to permit greater density of dwellings within a PUD, this Section shall incorporate by reference such greater density. Calculations for determining density in the District shall be made according to Section 5-800 of the Zoning Ordinance.

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<sup>3</sup> Reference: CHESAPEAKE CODE § 11-1303 (2011, as amended).



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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6. STREETScape STANDARDS

6.1. **Streets.** Notwithstanding any regulations in the Public Facilities Manual to the contrary, specific street types are allowed within the corresponding Transect zones as identified by "X" in the following table.

TABLE 4: STREET MOVEMENT					
Street Type	Movement	Transect Zones			
		Core	General	Edge	DC
Boulevard	Slow	X			
Avenue	Free	X	X		X
Street	Free		X		X
Drive	Yield		X	X	
Service Corridor	Yield		X	X	

6.2. **Movement.** Street designs within the Transect Zone shall promote development-appropriate driver and pedestrian movement according to the following categories:

6.2.1. **Free:** Drivers can expect to travel generally without delay at the design speed; street design supports safe pedestrian movement at the higher design speed. This movement type is appropriate for thoroughfares designed to transfer longer distance or connect to higher intensity locations.

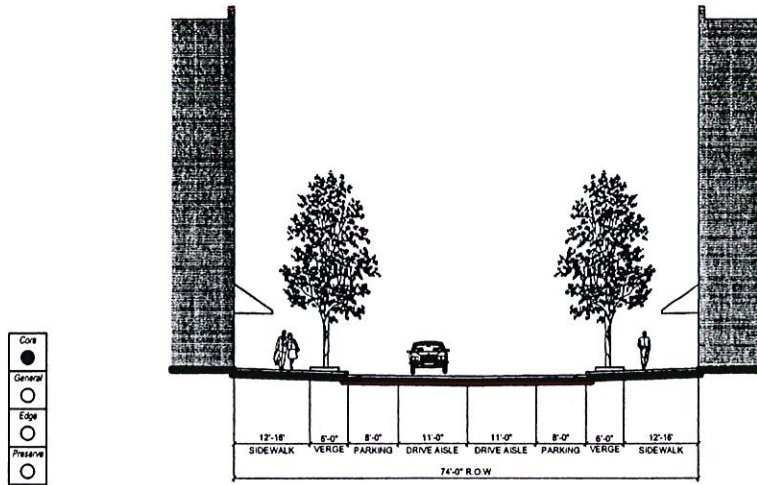
6.2.2. **Slow:** Drivers can proceed carefully with an occasional stop to allow a pedestrian to cross or another car to park. The character of the street should ensure drivers will feel uncomfortable exceeding design speed due to the presence of parked cars, enclosure, tight turn radii, and other design elements.

6.2.3. **Yield:** Drivers must proceed slowly and with extreme care and must yield in order to pass a parked car or approaching vehicle (the functional equivalent of traffic calming).

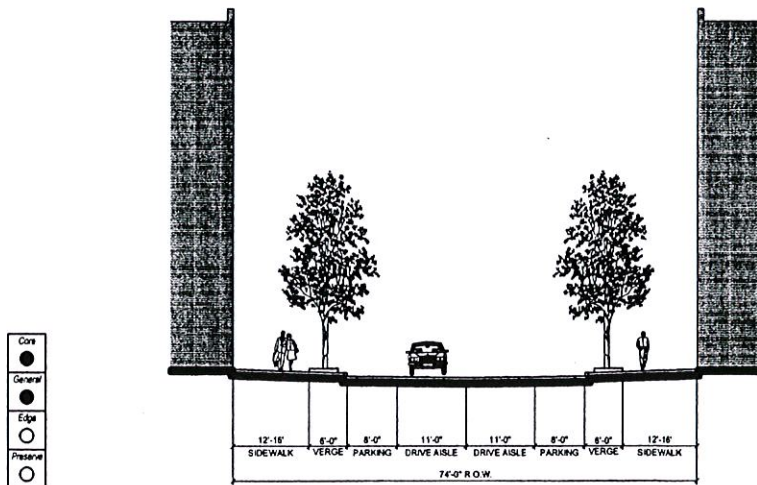
Movement	MPH
Free	25-30
Slow	20-25
Yield (Drive)	< 20
Yield (Service Corridor)	< 10

6.3. **Typical Street Cross-Sections.** The following diagrams depict typical street cross-sections by street type, which are provided for descriptive purposes only; actual street cross-sections may vary.

GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA



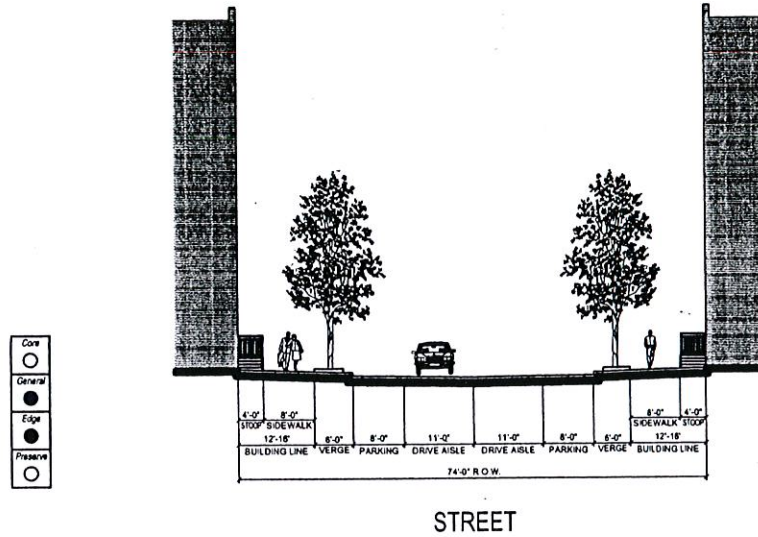
BOULEVARD



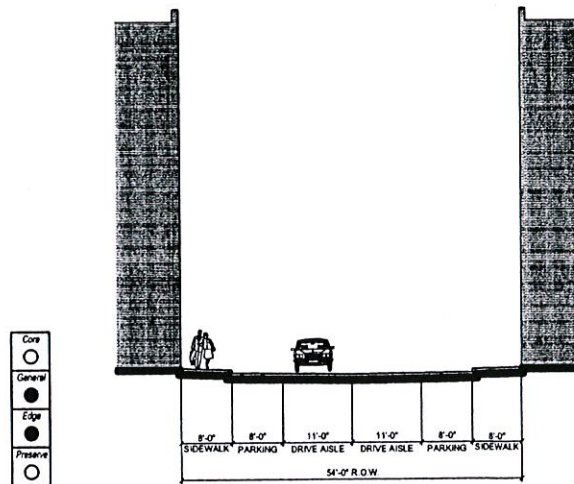
AVENUE



# GREENBRIER MIXED USE PUD CHESAPEAKE, VIRGINIA DEVELOPMENT CRITERIA



STREET

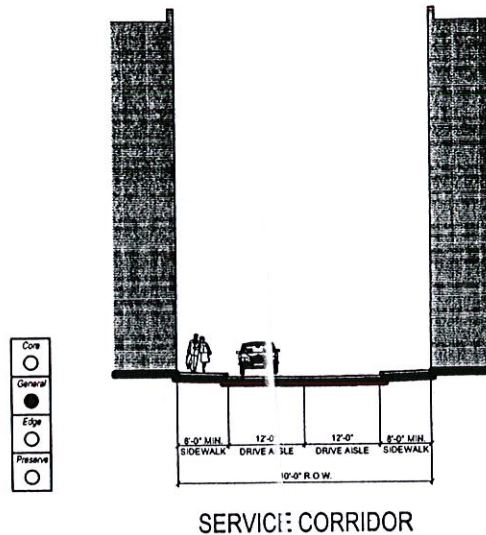


DRIVE

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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#### 6.4. Intersection Sight Distance.

6.4.1. No Preliminary Site/Subdivision Plan shall be submitted that includes any right of way intersection without a sight distance triangle as provided herein. The sight distance triangle shall include the area between the lines of an intersecting street or private drive and a straight line connecting them at a point 20 feet distant from the existing or proposed right-of-way line or private drive intersection. No trees, shrubs, or other planting or structure shall be placed where they will impede visibility above two and one-half feet or below a height of eight feet above the established curb grade within a sight distance triangle.

6.4.2. Exceptions. An exception to the above requirements may be permitted by the Director of Development and Permits, or designee, where terrain features present substantial obstacles to providing and maintaining the required clearance dimensions, but the clearance which is approved by the Director of Development and Permits, or designee, shall be the maximum which, in his/her professional judgment, is reasonably practical to provide and maintain.

6.5. **Loading and trash collection.** Loading and trash collection facilities located near the street shall be screened from the street as much as practicable. Screening materials should be similar to or similar quality to the predominant material used for buildings and landscape in the immediate area.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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6.6. **Lot and Block Lengths.** Street sections, and fire hydrant locations and appurtenances shall be addressed and approved by the development review process as then in effect.

6.7. **Street Signage.** Notwithstanding the provisions of the Public Facilities Manual, non-standard signage may be used in accordance with the provisions of the Design Guidelines, subject to approval by the development review process as then in effect.

6.8. **Street Materials.** Street improvements may be constructed using alternative type roadway paving materials in accordance with the provisions of the Design Guidelines, subject to approval by the development review process then in effect.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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7. PUBLIC FACILITIES & INFRASTRUCTURE

7.1. **Public Facilities.** All public facilities shall be constructed and maintained in accordance with the Public Facilities Manual of the City, unless superseded by the terms of this Development Criteria, as more particularly detailed in the Design Guidelines.

7.2. **Street lights.** Street lights shall be installed by the Applicant/Owner-and shall comply with the following:

7.2.1. Street lighting shall maintain an average illumination as required by the Public Facilities Manual unless an alternative level of illumination is approved by the Director of Planning or City traffic engineer for safety purposes.

7.2.2. Street light poles shall be designed and placed in accordance with the standards of Dominion Power and the Department of Development and Permits. Placement of the street light poles shall be coordinated to be on or near the side property lines of residential dwelling units.

7.3. **Parking Lot Lighting Requirements.** Adequate lighting shall be provided for surface parking facilities used at night. The minimum required lighting intensity to be provided in all parking areas is 1.0 footcandle; provided, however, that the lighting intensity for parking lots adjoining a right-of-way or residential area shall not exceed 1.0 footcandle ten feet outside the property line unless otherwise approved by the Director of Planning.

7.4. **Sidewalks.** Conventional public sidewalks, as required in the Public Facilities Manual, shall be provided on both sides of all public streets, except in such cases where, as a part of a Preliminary Site/Subdivision Plan, the development review process as then in effect approves an alternative pedestrian circulation system, with the concurrence Director of Development and Permits or designee, and Director of Planning or designee, pursuant to Section 70-86(d) of the Subdivision Ordinance. Such alternative pedestrian circulation system may include sections where a conventional sidewalk shifts outside the right-of-way, or it may include alternative materials such as a raised walks, brick pagers, aggregate, or materials of the like.

7.5. **Encroachment Easements Permitted.** Upon the dedication of any portion of the Development to the City for use as public right-of-way, the Applicant/Owner may reserve such easement rights as may be necessary or convenient to allow for design features that are typically located in or adjacent to the public right-of-way in an urban, mixed-use environment, including without limitation, building awnings, patio dining elements, and signage, subject to the terms and restrictions of the Design Guidelines. Any such easement reservation shall only be in a form reasonably acceptable to the City Attorney and recorded in the Clerk's Office of the Circuit Court of the City.

7.6. **Utility lines underground.** All new utility lines such as electric, telephone, CATV or other similar lines shall be installed underground. This requirement shall apply to lines serving individual sites as well as to utility lines necessary within the Development. All necessary underground utility improvements shall be coordinated with all proposed right-of-way



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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improvements. All junction and access boxes shall be screened with appropriate landscaping or by buildings.

**7.7. Pro-Rata Payments:** Prior to the approval of any Preliminary Site/Subdivision Plan for any portion of the Development, Applicant/Owner shall pay to the City its pro-rata share of the cost of utility improvements located off the Property installed by previous developers pursuant to the requirements of Section 70-123 of the Subdivision Ordinance.

**7.8. Public Facilities Contributions.** The Applicant/Owner hereby makes the following voluntary contributions for (i) specific roadway improvements, (ii) dedication of real property, and (iii) voluntary cash contributions to the City for capital improvements to public transportation facilities, public school facilities, public libraries and public emergency service facilities.

**7.8.1. Transportation Improvements.** The transportation facilities and improvements identified in Section 7.7.1.1 through 7.7.1.7 below (the "Transportation Facilities") shall be constructed by the Applicant/Owner, but only to the extent that the need for such Transportation Facilities is substantially generated by the portion of the Development shown on an approved Preliminary Site/Subdivision Plan. The need for such Transportation Improvements shall be identified and calculated by the Traffic Impact Study, as it may be amended or supplemented as provided in Section 13.2.5 hereof.

**7.8.1.1. Volvo Parkway at The Greenbrier Mixed Use PUD Channelized Left-In/RI/RO Access Driveway.** The following improvements are anticipated in connection with the construction of channelized left-in/right-in/right-out site driveway along Volvo Parkway approximately 600 feet east of the Volvo Parkway/Crossways Boulevard signalized intersection:

- Southbound RI/RO Access Driveway
  - Provide stop sign control on outbound (driveway) approach
  - Construct one inbound lane (16 feet in width) and one outbound lane (14 feet in width) through channelized section
  - Curb radii through the channelized section should be a minimum of 50 feet
  - Provide raised concrete island to delineate left-in and right-out movements
- Eastbound Volvo Parkway
  - Construct channelized left-in turn lane with 280 feet of storage
- Westbound Volvo Parkway
  - Construct an exclusive right-turn lane with 250 feet of storage

**7.8.1.2. Volvo Parkway at The Greenbrier Mixed Use PUD Main Entrance Driveway (Driveway "B")/Site Driveway.** The following improvements are

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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anticipated in connection with the construction of a full movement signalized intersection located along Volvo Parkway approximately 1,100 feet east of the existing Volvo Parkway/Crossways Boulevard signalized intersection.

- Construct a traffic signal at this intersection
  - Interconnect traffic signal with adjacent signals along Volvo Parkway
  - Optimize traffic signal phasing and timing plans to accommodate peak hour traffic volumes along Volvo Parkway and The Greenbrier Mixed Use PUD Entrance Driveway (Driveway "B")
  - Signal coordination improvements should facilitate the progression of traffic along Volvo Parkway
  - Coordinated signal timing optimization should occur upon construction and occupancy of early phase(s) to account for the change in traffic volumes
- Southbound The Greenbrier Mixed Use PUD Entrance Driveway (Driveway "B")
  - Construct one exclusive left-turn lane to consist of 150 feet of storage
  - Construct one shared through/left-turn lane (this will be a drop/trap lane for the inside travel lane approaching the intersection from the north)
  - Construct one exclusive right-turn lane (this will be a drop/trap lane for the outside travel lane approaching the intersection from the north)
  - Stripe pedestrian crosswalks across all approaches of the intersection and install countdown heads and pedestrian push button activation
- Eastbound Volvo Parkway
  - Construct one exclusive left-turn lane with 300 feet of storage
- Westbound Volvo Parkway
  - Construct one exclusive right-turn lane with 280 feet of storage

7.8.1.3.      *Executive Boulevard at The Greenbrier Mixed Use PUD Entrance Driveway (Driveway "C")/Liberty Executive Park.* The following improvements are anticipated in connection with the construction of a full movement signalized intersection located along Executive Boulevard approximately 700 feet north of the existing Volvo Parkway/Executive Boulevard signalized intersection.

- Construct a traffic signal at this intersection when warrants are met
  - Interconnect traffic signal with signal Volvo Parkway/Executive Boulevard intersection
  - Optimize traffic signal phasing and timing plans to accommodate peak hour traffic volumes along Executive Boulevard



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

- Signal coordination improvements should facilitate the progression of traffic along Executive Boulevard
- Coordinated signal timing optimization should occur upon construction and occupancy of early phase(s) to account for the change in traffic volumes
- Stripe pedestrian crosswalks along all approaches of the intersection and install countdown heads and pedestrian push button activation
- Northbound Executive Boulevard
  - Construct one exclusive left-turn lane to consist of 280 feet of storage
- Southbound Executive Boulevard
  - Construct one exclusive right-turn lane with 200 feet of storage
- Eastbound The Greenbrier Mixed Use PUD Entrance Driveway (Driveway “C”)
  - Construct one exclusive left-turn lane (this will be a drop/trap lane for the inside travel lane approaching the intersection from the west)
  - Construct one shared through/right-turn lane (this will be a drop/trap lane for the outside travel lane approaching the intersection from the north)
  - Construct two inbound receiving lanes

**7.8.1.4.**      *Executive Boulevard at Greenbrier Mixed Use PUD Access (Driveway “D”)/Towne Place South.* Improvements proposed at this site access driveway will be modified and/or changed over time based on the progression of the development and associated traffic volume demand. Implementation of these initial improvements or subsequent modifications will be triggered by development-related traffic demand and the need to sustain acceptable traffic operations and access management strategies. Initially, the Greenbrier Mixed Use PUD Access Driveway (Driveway “D”) shall be modified to consist of a right-in/right-out site driveway along Executive Boulevard approximately 350 feet south of the Executive Boulevard/Towne Place North/Dollar Tree Distribution Center Truck Entrance intersection and approximately 750 feet north of the Executive Boulevard/Liberty Executive Park intersection, which shall consist of the following improvements:

- Executive Boulevard
  - Close existing median crossover in vicinity of proposed RI/RO access driveway
- Southbound Executive Boulevard
  - Modify/restripe approach to reflect two exclusive through travel lanes
  - Construct one exclusive right-turn lane with 100 feet of storage
- Eastbound RI/RO Access Driveway (Driveway “D”)
  - Provide STOP control on outbound (driveway) approach

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

- Construct one inbound lane and one outbound lane 14 feet in width
- Curb radii through the channelized sections should be a minimum of 50 feet
- Provide raised concrete island to delineate right-in/right-out movements only

Traffic demand associated with the development at this location will progress over time, resulting in the need to further enhance or modify site access at Executive Boulevard at Greenbrier Mixed Use PUD Access Driveway (Driveway “D”)/Towne Place South intersection, which shall consist of the following improvements.

- Construct a traffic signal at this intersection when warrants are met and if a traffic signal has not been constructed at the Executive Boulevard at Greenbrier Mixed Use PUD Access Driveway (Driveway “C”)/Liberty Executive Park
  - Interconnect traffic signal with signals at the Volvo Parkway/Executive Boulevard and Eden Way/Executive Boulevard/Kristina Way intersections
  - Optimize traffic signal phasing and timing plans to accommodate peak hour/off peak traffic volumes along Executive Boulevard
  - Coordinated signal timing optimization should occur upon construction and occupancy of Full Build-out to account for the change in traffic volumes
- Stripe pedestrian crosswalks across all approaches of the intersection and install countdown heads and pedestrian push button activation
- Northbound Executive Boulevard
  - Construct one exclusive left-turn lane with 280 feet of storage
  - Maintain two exclusive through lanes
  - Maintain one exclusive, channelized right-turn lane
    - Movement entering the Towne Place Development should be converted to yield control
- Southbound Executive Boulevard
  - Construct one exclusive left-turn lane with 280 feet of storage
  - Maintain two exclusive through lanes
  - Maintain one exclusive right-turn lane with 100 feet of storage
- Eastbound Greenbrier Mixed Use PUD Access Driveway (Driveway “D”)
  - Provide stop sign control on outbound (driveway) approach
  - Construct one 16 foot wide inbound lane
  - Construct one exclusive left-turn lane



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

- Construct one shared through/right-turn lane with 150 feet of storage
- Westbound Towne Place South
  - Provide stop sign control on outbound (driveway) approach
  - Construct one 16 foot wide inbound lane
  - Construct one shared through/left-turn lane with approximately 50 feet of storage
  - Maintain one exclusive, channelized right-turn lane

7.8.1.5. *Executive Boulevard at Greenbrier Mixed Use PUD Access (Driveway "E")/Town Place North.* The configuration of this site access driveway will be modified and/or changed over time based on the progression of the development and associated traffic volume demand. Implementation of these initial improvements or subsequent modifications shall be clearly triggered by development related traffic demand and the need to sustain acceptable traffic operations and access management strategies. The existing Executive Boulevard/Towne Place North/Dollar Tree Distribution Center Truck Entrance intersection is located approximately 400 feet south of the Executive Boulevard/Eden Way intersection. No improvements are proposed for this site driveway initially, as the driveway currently serves as the primary means of truck access to/from the Dollar Tree Distribution Center.

As the development progresses and should the Distribution Center be moved to an off-site location, the following improvements shall be constructed for the Executive Boulevard/Towne Place North/Dollar Tree Distribution Center Truck Entrance (Driveway "E") intersection:

- Executive Boulevard
  - Close existing median crossover in vicinity of proposed RI/RO access driveway
- Northbound Executive Boulevard
  - Restripe inside travel lane to reflect one exclusive through lane
  - Restripe outside travel lane to reflect one shared through/right-turn lane
- Southbound Executive Boulevard
  - Restripe inside travel lane to reflect one exclusive through lane
  - Restripe outside travel lane to reflect one shared through/right-turn lane
- Eastbound RI/RO Access Driveway (Driveway "E")
  - Provide stop sign control on outbound (driveway) approach
  - Construct one inbound lane 16 feet in width and one outbound lane 14 feet in width

7.8.1.6. *Eden Way at The Greenbrier Mixed Use PUD Channelized Left-In/RI/RO Access Driveway.* The following improvements are anticipated in connection with



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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the construction of a left-in right-in/right-out site driveway along Eden Way located approximately 700 west of the existing Eden Way/Executive Boulevard signalized intersection at the existing median access/intersection for the secondary access to Cox Communications.

- Eastbound Eden Way
  - Modify existing left-turn lane to provide left-turn channelization
- Westbound Eden Way
  - Construct channelized left-in turn lane with 280 feet of storage
- Northbound RI/RO Access Driveway
  - Provide stop sign control on outbound (driveway) approach
  - Construct one inbound lane and one outbound lane 14 feet in width through channelized section
  - Curb radii through the channelized section should be a minimum of 50 feet
  - Provide raised concrete island to delineate left-in and right-out movements

7.8.1.7. *Eden Way at The Greenbrier Mixed Use PUD RI/RO Access Driveways.* The following improvements are anticipated in connection with the construction of two (2) right-in/right-out only site access driveways along Eden Way between the Crossways Boulevard and Executive Boulevard signalized intersections.

- Northbound RI/RO Access Driveways
  - Provide stop sign control on outbound (driveway) approach
  - Construct one inbound lane and one outbound lane 14 feet in width through channelized sections
  - Curb radii through the channelized sections should be a minimum of 50 feet
  - Provide raised concrete island to delineate right-in/right-out movements only

The foregoing does not supersede the Applicant's/Owner's obligations to make transportation improvements required by the Chesapeake City Code or Public Facilities Manual.

**7.7.2 Additional Transportation Improvements.** The City may require the Applicant/Owner to contribute its proportionate share of the cost of any Additional Transportation Improvements, but only to the extent the need for such Additional Transportation Improvements are substantially generated by the portion of the Development shown on an approved Preliminary Site/Subdivision Plan. The Owner/Applicant's proportionate share shall be identified and calculated by the appropriate amendment of or supplement to the Traffic Impact Study, as further provided in Section 13.2.5 hereof, and subject further to such credits for the prior construction of, dedication of or contribution toward any Additional Transportation

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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Improvements previously constructed as determined by the Director of Development and Permits.

**7.8.2. Right of Way for Volvo Parkway Expansion.**

7.8.2.1. **Dedication Area.** The Owner agrees to dedicate to the City, at no cost to the City, the following: (A) a portion of the Property running along the length of the entire northern boundary of the right of way of Volvo Parkway sufficient to accommodate a compressed 8-lane section for Volvo Parkway, which portion of the Property shall be of a width that is equal to one half of the total distance measured from the right of way centerline to the existing outer boundary line (the "Right of Way Expansion Area"), together with (B) such additional portions of the Property immediately adjacent to the Right of Way Expansion Area as is necessary to accommodate right turn deceleration lanes and public street appurtenances such as sidewalks, curbs and gutters into the Development (the "Deceleration Lane Area"), as determined by the Director of Development and Permits or designee. Together the Volvo Parkway Expansion Area and the Deceleration Lane Area are defined as the "Dedication Area".

7.8.2.2. **Timing of Dedication.** The Owner shall dedicate by deed of dedication the Dedication Area to the City not later than sixty (60) days following written notice to the Applicant/Owner by the Director of Development and Permits or designee requesting such dedication.

7.8.2.3. **Permitted Use of Dedication Area.** Until the time of such dedication, Owner/Applicant may install temporary landscaping within the Dedication Area. No buildings, structures or facilities shall be constructed or placed in the Dedication Area. The City shall not be responsible for any costs incurred by the Applicant/Owner or its successors or assigns in interest in removing landscaping or any other items constructed or placed in the Dedicated Area.

7.8.3. **Public Utility Improvements.** The Public Utility Improvements shall be constructed by the Applicant/Owner, but only to the extent that existing facilities serving the Development are inadequate to serve the demands generated by the portion of the Development shown on an approved Preliminary Site/Subdivision Plan as conforming to and/or as required by the Master Utility Plan, Chesapeake City Code and/or the Zoning Ordinance. Notwithstanding the foregoing, pro rata contributions shall be made and credits received for Public Utility Improvements pursuant to, and to the extent such Public Utility Improvements qualify under, Section 70-123 of the Subdivision Ordinance.

7.8.4. **Future Dedications.** All new public infrastructure improvements, including, without limitation, traffic or transportation facility improvements and right of way sections, water and sewer facilities and all other public utility infrastructure, shall be evaluated, modified and/or approved only in connection with and pursuant to Preliminary and Final Site Plan or Subdivision review.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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7.9. **Cash Contributions.** The amount of the voluntary cash contribution shall be Two Thousand and No/100 Dollars (\$2,000.00) per multifamily residential dwelling unit, which shall be paid to the City prior to the issuance of any Certificate of Occupancy for any Dwelling Unit but not before the City's approval of a final inspection, and allocated by the City as provided below.

<i>Service Allocation</i>	<i>Cash Contribution Per Dwelling Unit (\$)</i>	<i>Total Potential Contribution Liability Upon Full Build-Out (\$)</i>
Schools	685.00	967,905.00
Transportation	727.00	1,027,251.00
Libraries	351.00	495,963.00
Emergency Services	237.00	334,881.00
Total	2000.00	2,826,000.00

The Applicant/Owner acknowledges and agrees that the Cash Contributions may be deposited into the City of Chesapeake's "lock box," also known as the General Fund Reserve for Future Capital Needs and shall be subject to City Council approval prior to appropriation and used for capital improvements as permitted by the City of Chesapeake. The Cash Contributions shall only be allocated to each service (schools, transportation, libraries and emergency services) in the respective amount provided above.

7.10. **Funding of Improvements.** The cost of any improvements required to be constructed by the Applicant/Owner pursuant to this Section 7 shall be paid for by the Applicant/Owner or such sources as may otherwise be allocated. The Applicant/Owner acknowledges and understands that the City has not yet approved nor committed the use of any funds from the Greenbrier Tax Increment Financing District Fund (the "TIF") or any other discretionary source for this project. The sole discretion for the allocation of TIF or any other discretionary source funds remains with the City Council.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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## 8. PARKING

8.1. **Intent.** The Development is designed as a walkable urban community minimizing the need for an automobile while maintaining efficient traffic patterns. The street pattern promotes pedestrian access without burdening drivers. Retail blocks will be designed around urban streetscapes with on-street storefront parking, wide sidewalks, planters, benches, and other pedestrian-friendly elements. Parking structures will be removed from the street front to the interior of blocks behind multi-story facades. As contemplated by the Zoning Ordinance Section 19-405, the mixture of uses allows for the maximizing of parking spaces during hours when capacity would otherwise be under-utilized in a single-use environment.<sup>4</sup>

8.2. **Regulations.** Notwithstanding the minimum parking requirements of Section 19-400 *et seq.* of the Zoning Ordinance, the following regulations expressly supersede these restrictions:

8.2.1. **On-Street Parking.** Parking is permitted throughout the Development and, unless specifically designated for use by specific buildings, shall not be considered in connection with the off-street parking requirements set below.

8.2.2. **Off-Street Parking.** Off-street parking will be provided according to the following Parking Schedule:

PARKING SCHEDULE	
USE	RATIO
Residential	1 per dwelling unit
Business	3 per 1,000 g.f.a.
Hotel	1 per guestroom
Other Non-Residential Use	As required by Chesapeake Code §§ 7-602 and 8-602.

8.2.2.1. Parking within a garage or within an enclosed or covered space may be counted toward meeting off-street parking requirements.

8.2.2.2. Parking along alleys or lanes may be 90-degree, angle, or parallel.

8.2.3. **Parking Plan Reductions.** Notwithstanding the foregoing, parking requirements may be further reduced based upon the recommendations of a Shared Parking Plan, as defined below, upon approval by the Director of Development and Permits or designee.

## 8.3. Parking Design.

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<sup>4</sup> Section 19-405(A) permits the following: "Parking spaces required under the provisions of this ordinance may be provided cooperatively for two or more uses in a development or for two or more individual uses, subject to arrangements that will assure the permanent availability of such space as such arrangements are approved by the planning commission."



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

8.3.1. Nature and Size of Parking Spaces. For computation purposes only, an off-street parking space shall be considered to consist of an identified and marked space of at least eight feet nine inches (8' 9") wide (in surface parking) or eight feet six inches (8' 6") wide (in structured parking) by twenty-two feet (22') deep, with drive aisles of twenty-four feet (24') in width and adequate related access. Notwithstanding the foregoing, modifications in the actual dimensions of parking spaces below those set about herein may be approved by the Director of Development and Permits or designee.

8.3.2. Alternative Parking Surfaces. Alternative parking surfaces may be approved, subject to prior review and approval by the Director of the Department of Development and Permits, or designee.

**8.4. Location of Parking**

8.4.1. Off-street parking may be provided on the lot it serves or within fifteen hundred (1,500) feet, measured along the path of pedestrian access, of the building it serves. Off-site parking accessible by walking and located within fifteen hundred (1,500) feet of building it serves may be used in the calculation of the required parking for a nonresidential use. If valet parking is used within the Development, parking within three thousand (3,000) feet, measured along the path of pedestrian access, of the building may be included.

8.4.2. At the time of erection, alteration, enlargement or change in use of any structure, the Owner/Applicant shall supply to the Zoning Administrator a parking plan showing evidence, deemed acceptable in the discretion of the Zoning Administrator, of control over sufficient parking as required pursuant to this Chapter 8. If any change is planned for the use existing on the site or any expansion is planned for the occupied structures on the site which results in an increase in the required parking for the site under the standards provided in Section 8.2.2 hereof, a site plan must first be submitted to and approved by the Director of the Department of Development and Permits, or designee, before such change or expansion may occur.

8.4.3. Parking lots in front and side yards may be permitted provided the buildings such lots serve can meet the lot width and frontage percentage required by Section 3.1.

**8.5. Access to Off-Street Parking.**

8.5.1. Alleys may be incorporated into parking lots as if they were standard parking access aisles.

8.5.2. Cross-access is required between adjoining rear parking lots.

**8.6. Parking Enforcement.**

8.6.1. The Zoning Administrator shall be vested with all requisite authority to enforce the parking regulations of this Section 8.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

8.6.2. All shared parking plans and/or agreements for the use of any off-site parking facility within the District shall designate the Property Owner's Association as being authorized to receive notice from the Zoning Administrator of any violation of the parking regulations provided in these Development Criteria or the Zoning Ordinance, as applicable. A copy of any shared parking plan and off-site parking agreement shall be supplied to the Property Owner's Association within thirty (30) days following ratification or any subsequent amendment, and shall be made available to the Zoning Administrator upon request in connection with Zoning Ordinance compliance.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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9. URBAN LANDSCAPING

9.1. **Purpose.** The purpose of the District landscaping standards is to provide visual enhancement of the District; protect and promote the appearance, character and economic value of property; reduce visibility of parking areas and other unattractive areas from adjacent properties, adjacent rights-of-way and public lands; moderate climatic effects; minimize noise and glare; enhance public safety; reduce stormwater runoff; and provide visual transition between neighboring properties.

9.2. **Landscape Regulations.** The Owner/Applicant shall propose standards concerning landscaping concurrently with the Design Guidelines (the "Landscape Standards"), which shall be submitted for review and approval by the Director of Development and Permits and the Director of Planning, or their respective designee(s) prior to the approval of any Preliminary Site/Subdivision Plan for the District. Except as expressly provided herein, the landscape standards approved in connection with the Design Guidelines shall meet the requirements of the Chesapeake Landscape Ordinance, being Section 19-600 *et seq.* of the Zoning Ordinance.

9.3. **Landscape Plan.** The Owner/Applicant shall submit a preliminary landscape plan in conformance with the Landscape Standards and this Section 9 as a component of any Preliminary Site/Subdivision Plan for the District. A final landscape plan, prepared by a landscape designer, shall be submitted as part of any Final Subdivision/Site Plan for the District.

9.4. **General landscaping requirements.** Plant materials shall be selected from the "Approved Plant List", which shall be developed and disseminated by the Applicant/Owner prior to the approval of any Preliminary Site/Subdivision Plan. The Approved Plant List and all modifications shall be approved by the Director of Development and Permits in accordance with the substitutions or modifications section of the Chesapeake Landscape Specifications Manual.

9.5. **Deviations from the Landscape Ordinance.**

9.5.1. **Green Space and Structured Parking.** Parking areas covered with a structure or incorporated into a building shall be excluded from the calculation of required green space pursuant to Section 19-601(D)(1) of the Zoning Ordinance.

9.5.2. **Landscaping Plan Requirements.** The area of any building wholly or partially comprised with off-street parking shall be excluded from the "calculation area" for the purposes of calculating a canopy preservation area in connection with a Landscape Plan under Section 19-602 of the Zoning Ordinance.

9.5.3. **Buffer Yard Requirements.** No parcel developed within the District shall be required to maintain a buffer yard separating such parcel from any other parcel within the District.

9.5.4. **Tree Canopy Requirement.** No Preliminary Site/Subdivision Plan for any portion of the District shall be required to comply with the tree preservation and tree canopy

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

requirements set forth in Section 19-602(A), (B), (C), (D) and (F) of the Zoning Ordinance. A credit toward canopy requirements will be given for the preservation of any outstanding tree, as defined in the Chesapeake Landscape Specification Manual, or for the preservation of a cluster of trees, approved by the Director of Development and Permits, or designee, pursuant to the provisions of Section 19-602(E).



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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10. COMMON AREAS, OPEN SPACE AND PRESERVATION REQUIREMENTS

10.1. **Minimum Area.**

10.1.1. At such time as the Owner/Applicant submits for approval a Preliminary Site/Subdivision Plan reflecting (i) fifty percent (50%) or greater, (ii) ninety percent (90%) or greater, and (iii) one hundred percent (100%), of the Total Developable Area of the District, at least fifteen percent (15%) of the area shown on such Preliminary Site/Subdivision Plan shall consist of dedicated conservation, hardscapes, streetscapes, outdoor recreation and open space areas for the common use and enjoyment of residents, visitors and employees within the District and shall be clearly delineated in Preliminary and Final Site/Subdivision Plans. These areas shall be distributed throughout the Development, and may include bodies of water, historic sites, works of art, outdoor recreation and public meeting areas, landscaping, streetscapes, and buffer areas, if any. Pedestrian walkways and internal bikeways shall connect open space areas. Common areas may be conveyed and shall be controlled in accordance with the covenants required by this Section.

10.1.2. For the purposes of calculating minimum open space requirements, area dedicated to streetscapes shall be calculated as the area from the building façade to the curb, less the area of public pedestrian access way. For the purposes of the foregoing, the area of public pedestrian access way shall be the product of (i) the length of the hardscape, and (ii) a width of five feet (5'), being the width of the required public pedestrian access way.

10.1.3. Environmental protection, wetland, floodplain, and other environmentally sensitive areas and stormwater management and "best management practices" (BMP) areas are excluded from minimum open space area requirements unless they are designated on the Preliminary Site/Subdivision Plan as a design feature or recreational amenity.

10.1.4. Common areas and areas designated for open space and recreation shall be designed and arranged in order to provide maximum use and accessibility to all owners and residents of the Development or by the public if dedicated for public use.

10.2. **Maintenance of Common Area.**

10.2.1. Common areas shall be protected and maintained during the development process as required by the applicable provisions of this Development Criteria. During the development process, common areas shall not be used for storing, filling or dumping of any materials and shall not be denuded, defaced or otherwise disturbed without the prior approval of the appropriate city department and the Property Owners' Association. If disturbed, such areas shall be restored by the Applicant/Owner to the condition existing prior to the disturbance, including the removal of dead or damaged trees, stumps, and remnants in accordance with an appropriate plan containing performance guarantees approved by the Property Owners' Association.

10.2.2. Common areas shall be maintained by the Owner/Applicant until they are conveyed to a Property Owners' Association. The common areas shall be held by the Property

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

---

Owners' Association for use and enjoyment of its residents, visitors and employees. If the Owner/Applicant conveys the common area to a Property Owners' Association, deed restrictions and covenants, in form and substance satisfactory to the City Attorney, may provide that any assessments, charges or costs of maintenance of the common areas constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot. Property Owners' Association will comply with the requirements of Section 13-803 of the Chesapeake Zoning Ordinance.

**10.3. Dedications.** Areas dedicated to the City for public use, other than streets dedicated by recorded subdivision plat, shall be conveyed to the City only in such manner and form approved by the City Attorney.

**10.4. Improvements.** Improvements including, but not limited to, private streets, street lights, sidewalks, and encroachments, together with any non-standard appurtenances constructed within a public right-of-way, including but not limited to specialized street lighting, specialized sidewalk and street paving materials, any furniture, specialized street signage and street plantings (collectively, the "Improvements"), shall be maintained by the Owner/Applicant until they are conveyed to a Property Owners' Association, which shall thereafter assume such maintenance obligation. If the Owner/Applicant conveys the Improvements to a Property Owners' Association, deed restrictions and covenants, in form and substance satisfactory to the City Attorney, shall provide that any assessments, charges, and costs of maintenance constitute a pro rata lien upon the individual properties inferior in lien and dignity only to taxes and bona fide duly recorded first deeds of trust on each property or lot. Additionally, any privately owned Improvements that would be located in the public right-of-way would need to comply with the requirements of Section 66-121.1 of the Chesapeake City Code and obtain a permit prior to the installation of the improvement. "Improvements" and requirements as set out and described in this section shall only apply to privately owned improvements and shall not apply to publicly owned improvements nor publicly owned facilities.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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11. PROPERTY OWNERS' ASSOCIATION

A Property Owners' Association shall be established to own, operate and maintain all common areas not to be dedicated to public ownership. The Declaration, Bylaws and Articles of Incorporation establishing the Property Owners' Association shall be reviewed and approved prior to recordation by the City Attorney's Office to be in compliance with and consistent with the Application and the requirements of the Zoning Ordinance. Each private owner of real property shall be a member of the Association, with one vote for every unimproved recorded lot and one vote for every dwelling unit occupied and/or completed and ready for occupancy. The documents creating the Association shall also provide for an orderly transition of control of the functions of the Architectural Review Committee from the Applicant/Owner to the Property Owners' Association.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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12. ARCHITECTURAL DESIGN GUIDELINES

12.1. **Architectural Design Guidelines.** Prior to the approval of any Preliminary Site/Subdivision Plan, the Applicant/Owner shall prepare and promulgate "Architectural Design Guidelines" governing application and review procedures, which shall be a component of the Design Guidelines. The Architectural Design Guidelines shall incorporate all restrictions and standards relating to development and construction contained in the Design Guidelines as well as restrictions, guidelines and conditions with respect to permissible materials and architectural style, etc.

12.2. **Review and Control by Architectural Review Committee.** No building, fence, garage or other structure shall be erected, placed or altered, nor shall a building permit for such improvement be applied for on any unimproved property in the District until one (1) complete set of professionally drawn and prepared building plans (including elevations), specifications, exterior color and finish samples, site plan (showing the proposed location of such building, drives and parking areas), shall have been reviewed and approved in writing by the Architectural Review Committee.

In reviewing such materials, the Architectural Review Committee shall consider such things as aesthetic appearance, harmony with surrounding improvements, compliance with this Development Criteria, the approved Design Guidelines, and any additional criteria approved by City Council in connection with the PUD Application or adopted by the Architectural Review Committee. Approval or disapproval of plans, locations or specifications may be based by the Architectural Review Committee upon any grounds incorporated within the Development Criteria and/or Design Guidelines, including purely aesthetic considerations, which in the sole and uncontrolled discretion of the Architectural Review Committee shall be sufficient. If approval of such plans and specifications is neither granted nor denied within sixty (60) days following receipt by the Architectural Review Committee of written request for approval, the plans and specifications shall be deemed to be approved.

The Architectural Review Committee shall have exclusive jurisdiction over all original construction, modifications, additions or alterations made on or to all existing improvements and the open space, if any, appurtenant thereto, on all property within the District; provided, however, that the Architectural Review Committee shall have no jurisdiction over any construction, modifications, additions, alterations or other improvements concerning any property comprising a Corporate Offices Lot or Distribution Center Lot. Upon approval by the Director of Development and Permits of a Final Site/Subdivision plan designating a portion of a Corporate Offices Lot or Distribution Center Lot as another lot type permitted hereunder, the ARC shall have jurisdiction of that portion of the District no longer designated as Corporate Offices Lot or Distribution Center Lot.

12.3. **Amendment of Architectural Design Guidelines.** Upon the appointment of members of the Architectural Review Committee, the sole and full



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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authority to amend the Architectural Design Guidelines shall be transferred from the Owner/Applicant, as applicable, to the Architectural Review Committee. The Architectural Review Committee shall make the Architectural Design Guidelines available to owners, builders, and developers who seek to engage in development of or construction upon property within the District, and such owners, builders and developers shall conduct their operations strictly in accordance therewith.

12.4. **Approval.** No construction, which term shall include within its definition, staking, clearing, excavation, grading, and other site work, and no plantings or removal of plants, trees, or shrubs shall take place except in strict compliance with this Article, until the requirements thereof have been fully met, and until the approval of the Architectural Review Committee has been obtained.

12.5. **Declarant to Retain Architectural Control.** Until ninety percent (90%) of all property area within the District has been developed as Improved Lots, and conveyed to purchasers in the normal course of development and sale, the Applicant shall retain the right to appoint all members of the Architectural Review Committee, which shall consist of at least three (3) but no more than five (5) persons. There shall be no surrender of this right prior to that time except pursuant to a written instrument in recordable form executed by the Applicant.<sup>5</sup> Upon the expiration of such right, the Board of Directors of the Association shall appoint the members of the Architectural Review Committee.

12.6. **No Waiver of Future Approvals.** The approval of the Architectural Review Committee of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval and consent of such committee, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matters subsequently or additionally submitted for approval or consent.

12.7. **Variance.** The Architectural Review Committee may authorize variances from compliance with any of the provisions of the Architectural Design Guidelines when circumstances such as topography, natural obstructions, hardship, aesthetic, or environmental considerations require, but only in accordance with duly adopted rules and regulations. Such variances may only be granted, however, when unique circumstances dictate and no variance shall (a) be effective unless in writing, (b) be contrary to the restrictions set forth in this Development Criteria, or (c) prevent the committee from denying a variance in other circumstances. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

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<sup>5</sup> For the purposes of this Chapter 12 of the Development Criteria, "Applicant" and "Owner" shall mean the Applicant or Owner, as applicable, together its respective successor(s) or assign(s), but only to the extent that the Applicant's or Owner's rights hereunder are transferred pursuant to written instrument recorded in the land records of the City.

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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12.8. **Enforcement.** Until ninety percent (90%) of all property area within the District has been developed as Improved Lots, the Applicant shall have the authority and standing, on behalf of the Association, to enforce decisions of the Committee in any court of competent jurisdiction. Otherwise, the Association shall enforce decisions of the Committee in any court of competent jurisdiction.

12.9. **Amendment.** For so long as the Owner owns any property within the District, this Section shall not be amended without the Applicant's written consent. Otherwise, this Section shall be amended only with the written consent of as many lot owners as collectively owning property comprising greater than fifty percent (50%) of the improved lots in the District, evidence of which shall be recorded in the land records of the City.



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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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13. PHASING

13.1. **Phasing.** No Preliminary Site/Subdivision Plan shall be approved except according to the following requirements:

13.1.1. No greater than one thousand four hundred thirteen (1,413) dwelling units shall be permitted within the District (each, a "Dwelling Unit").

13.1.2. Prior to the approval of any Preliminary Site/Subdivision Plan, the City shall have issued Certificates of Occupancy for Total Business Area in excess of twenty percent (20%) of the aggregate floor area of the portion of the Development previously approved. For the purposes of this Section 13.1, "Total Business Area" shall be defined as the aggregate floor area within the Development used as Business, expressly including the Corporate Offices, except as provided below, but not including any parking decks and lots and the Distribution Center. In the event that the Corporate Offices are either (a) removed with the consent of the Applicant/Owner, (b) substantially destroyed, by fire or other casualty and not rebuilt or replaced within five (5) years of such substantial destruction, or (c) deemed to have been abandoned, which shall have occurred if the Corporate Offices are fully unoccupied for a continuous period of five (5) years or more, then in any such instance the floor area of the Corporates Offices shall not be included in the definition of Total Business Area for any subsequent Preliminary Site/Subdivision Plan review, unless and until the Corporates Offices are thereafter rebuilt, replaced or occupied in any way.

13.1.3. Notwithstanding anything to the contrary in this Development Criteria, the Applicant/Owner shall depict building(s) or structure(s), a portion of which is designated retail or office use, including those uses listed on Table 4.1.1 under the categories of "Retail Trade" and "Services", which shall be in addition to the existing Corporate Offices, on the first approved Final Site Plan.

13.2. **Components of Preliminary Site/Subdivision Plan.** At the time of submission of each tentative subdivision plan or site plan proposing the development of a portion of the District, the Owner/Applicant shall submit a Preliminary Site/Subdivision Plan showing the proposed lot(s) or portion thereof comprising the property to be included in the proposed subdivision or site plan. In addition to the requirements provided in the Subdivision Ordinance, Zoning Ordinance and any other requirements promulgated by the Director of Development and Permits, or designee, the Preliminary Site/Subdivision Plan shall show or be submitted with the following:

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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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13.2.1. The specific types and locations of all uses proposed for such lot(s) or portion thereof;

13.2.2. A phasing schedule showing that adequate utilities, pedestrian access ways and roadways that then exist or will be constructed as part of the proposed development to serve the proposed uses or level of development within the lot or portion thereof;

13.2.3. A ratio of the Residential dwelling units to square footage of Business uses;

13.2.4. A ratio of preserved open space to the Total Developable Area of the District;

13.2.5. If desired by the Owner/Applicant or required by the Director of Development and Permits, an amendment to the Traffic Impact Study, which shall include the aggregate trip general numbers of existing uses and each proposed use in the Preliminary Site/Subdivision Plan. Any and all amendments to the Traffic Impact Study shall be submitted to and approved by the Director of Development and Permits before they become effective;

13.2.6. If desired by the Owner/Applicant or required by the Director of Public Utilities, an update to the Master Utility Plan, which shall include existing public utilities and any improvements necessary to serve the portion of the Development proposed by the Preliminary Site/Subdivision Plan. Any and all amendments to the Master Utility Plan shall be submitted to and approved by the Director of Public Utilities before they become effective;

13.2.7. Any lot(s) (i) previously approved in connection with a prior Preliminary Site/Subdivision Plan, or (ii) the Corporate Offices and the Distribution Center (collectively, "Approved Facilities"), which such Approved Facilities shall not be subject to additional subdivision or site plan review by the City by reason of being included in a subsequent Preliminary Site/Subdivision Plan; and

13.2.8. Other information for tentative subdivision or site plan submissions, as required by the Chesapeake City Code and/or the Zoning Ordinance.

The proposed uses shown on each subdivision plan or site plan within each lot or portion thereof will be consistent with the uses contained in this Development Criteria.

**13.3. Conditions and Approval.** Upon submission of a Preliminary Site/Subdivision Plan, all conditions and approval shall be according to the procedure for



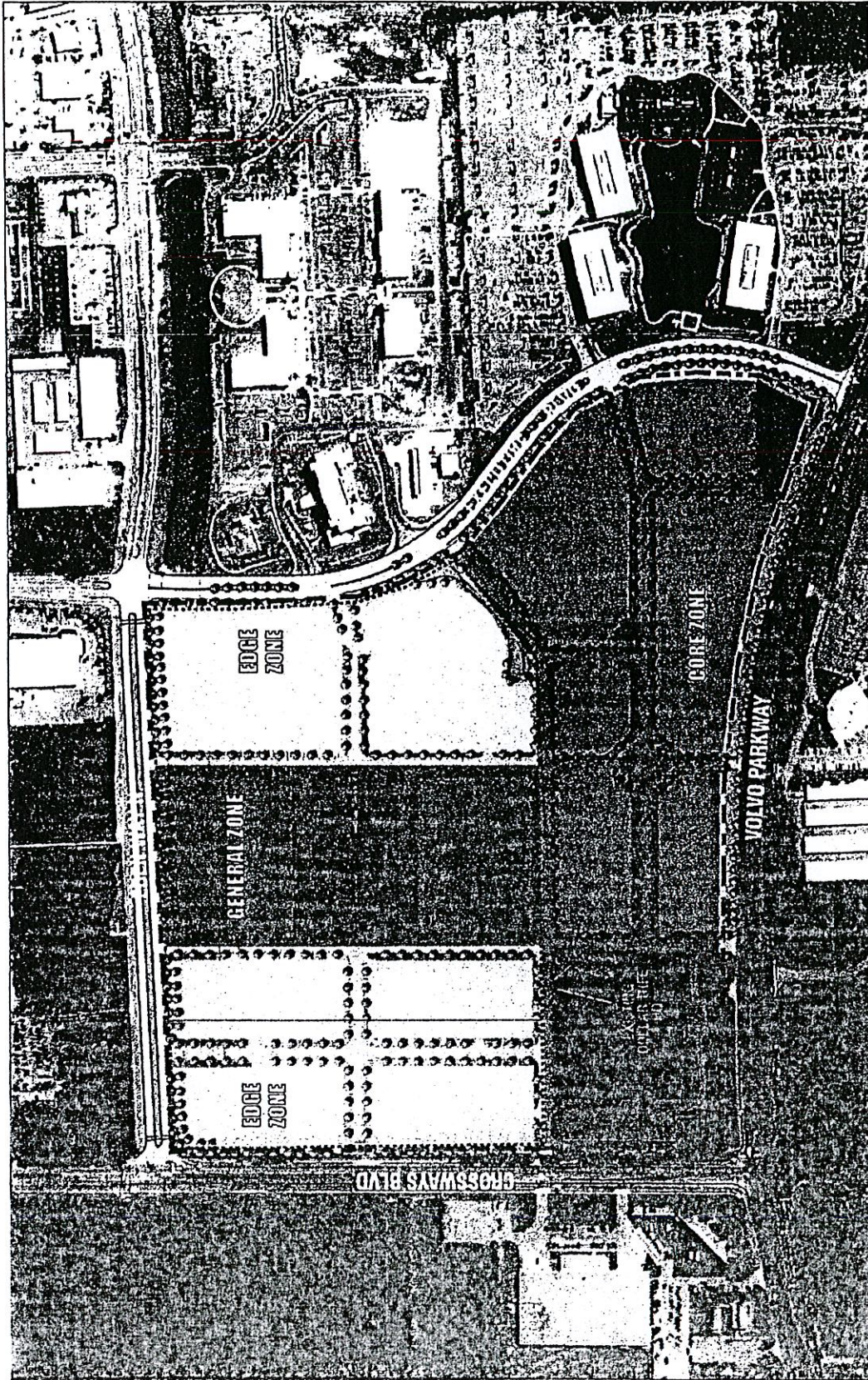
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GREENBRIER MIXED USE PUD  
CHESAPEAKE, VIRGINIA  
DEVELOPMENT CRITERIA

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Development Site Plan approval provided in Section 18-100 *et seq.* of the Zoning Ordinance.





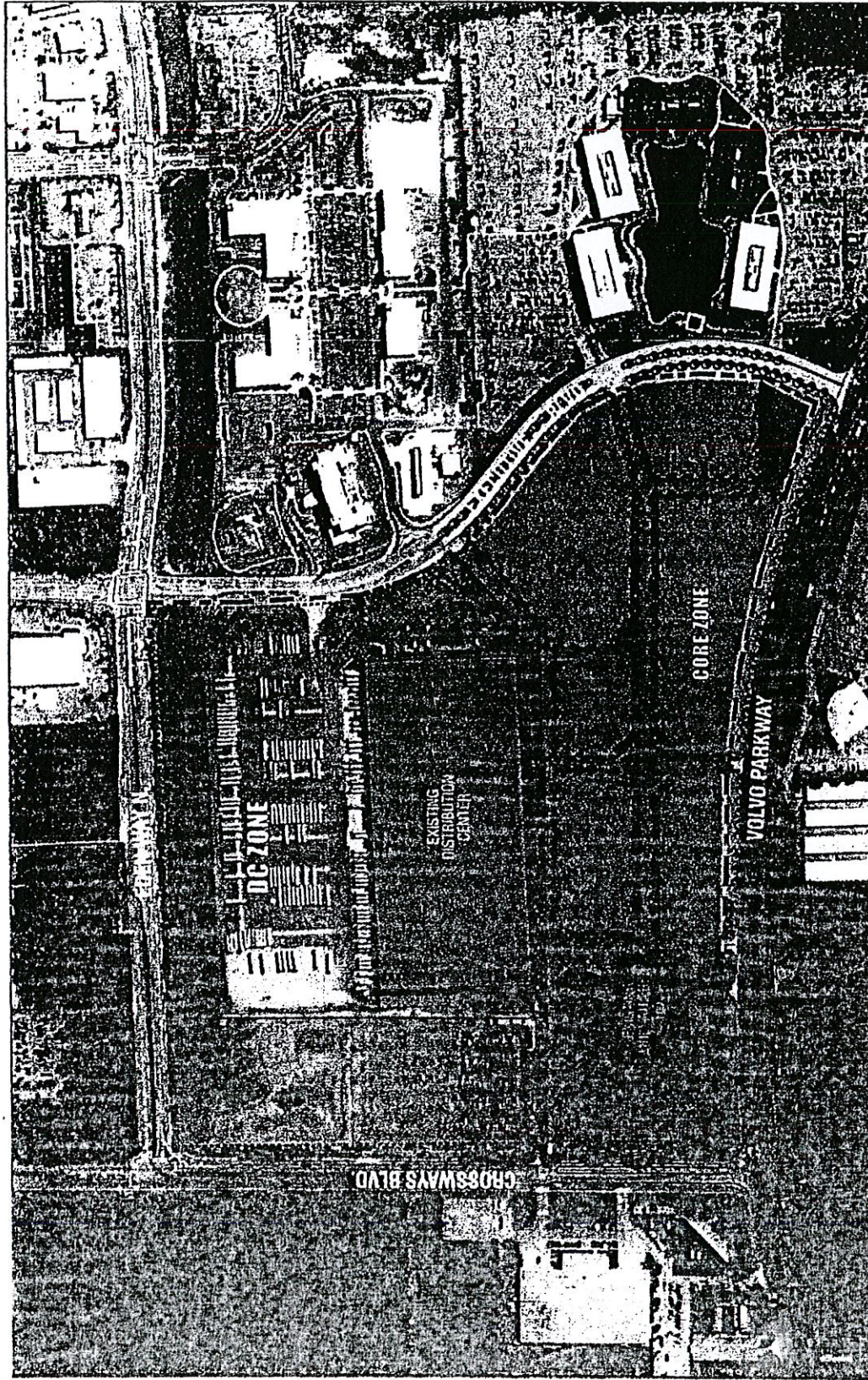
#### LAND USE DESIGNATIONS

Multi-Family Residential Units — 1413 Dwelling Units  
 Approximate Floor Area of Non-Residential\* — 1,795,371 sq. ft.  
 Open Space — 15% of Land Area  
 Total Developed Area — 85% of Land Area  
 Total Land Area — 69.59 Acres  
 \*Non-Residential uses include office, retail, lodging, civic and other permitted uses pursuant to the Development Criteria.

Phase II - DollarTree Master Development Plan  
 B.F. SAUNDERS ARCHITECTS LLC

REVISED July 2, 2013 R(PUD)-12-01





Phase I - DollarTree Master Development Plan  
B.F. SAUNDERS ARCHITECTS LLC  
July 2, 2013  
REVISED July 2, 2013 R(PUD)-12-01