

**DEVELOPMENT CRITERIA
GREENBRIER PUD – ZONE 4
COMMERCIAL/BUSINESS/INDUSTRIAL**

The material included within this Statement of Development Criteria is applicable to Greenbrier, Zone 4, and replaces criteria and land use approved prior to the date affixed to this criteria. These criteria shall be approved by the Chesapeake Planning Commission and signed by its chairman; and Greenbrier Associates, except that Greenbrier Associates shall not be required to sign the criteria applicable to the property currently owned by Mitsubishi Chemical of America (MCA) (identified as tax parcels 0280000000790 and 0373010000390 and all subsequently subdivided parcels) (the “MCA Property”). This zone is planned for general light industry, warehousing, residential, business, office and commercial use. The development criteria presented are based on the General Guides and Standards for Greenbrier as approved by the Chesapeake City Council. The MCA Property is more particularly shown on the attached map entitled “Land Use Map at 401 Volvo Parkway and Yupo Court”, prepared by Kotarides Developers (the “MCA Land Use Plan”).

1. Public Improvements:

All streets and utilities shall be public, unless specifically approved by the Planning Commission, and shall be installed to City standards for public improvements, including concrete curb and gutter and piped storm sewer systems. This paragraph shall not apply to the MCA Property.

2. Public Right-of-ways:

- a. Shall be in compliance with approved subdivision plats.
- b. Vehicular ingress and egress to Greenbrier Parkway shall be as approved by the Chesapeake Planning Commission.
- c. Vehicular ingress and egress to Greenbrier Parkway shall be in accordance with City of Chesapeake standards for median breaks and access shall be limited to the following locations:
 1. The Junior High School Site (Parcel 12, Section L).
 2. The public right-of-way between industrial Parcel 3, Section C and industrial Parcel 8, Section H, as shown on the attached Land Use Plan of Greenbrier Commerce Park.
 3. A single point along the commercial Parcel 1, Sections A and B, as shown on the attached Land Use Plan of Greenbrier Commerce Park.
- d. Vehicular ingress and egress to all interior streets shall be in accordance with a site plan approved by the Chesapeake Planning Department, the Chesapeake Public Works Department and Greenbrier Associates.

- e. There shall be not street connections across the railroad right-of-way to developed streets in Essex Meadows.

3. Major Utility Right-of-ways:

Shall be shown on the subdivision plats.

4. Drainage and Retention Facilities:

- a. Shall be show on the subdivision plats.
- b. Construction of the major storm water retention system and drainage outfall system shall be the responsibility of the Developer, in accordance with plans approved by the City of Chesapeake.
- c. Upon satisfactory completion of the drainage system, the City of Chesapeake shall be responsible for the maintenance of acceptable outfall drainage channel within dedicated easements. Maintenance of the storm water retention volume and the lake bank landscaping shall be the responsibility of the Developer, designated property owners, or bona fide association of property owners.
- d. Except for the MCA Property, individual sites shall be adequately drained by surface drainage and/or piped storm sewers, in a manner which allows open swales carrying private storm water only alongside and rear lot lines not closer than 100 feet from any street right-of-way.

5. Permitted Uses:

a. Commercial Use:

Parcel 1, Sections A and B, of Zone 4 may be used for general commercial uses, offices, retail sales, and services, shopping centers and other uses noted in the O&I, B-1 or B-4 Districts of the Chesapeake Zoning Ordinance with the exception of those items specifically prohibited as shown on Exhibit A attached hereto and made a part of hereof. Example of typical permitted uses are shown on Exhibit B attached hereto and made a part hereof. Any use requiring a use permit in the Zoning Ordinance shall also require a use permit in the Greenbrier Planned Unit Development, Zone 4.

b. Wholesaling/Distribution/Light Industrial Use:

Sections C, D, F, G, H, I, J and K of Greenbrier, Zone 4, may be used for light industry which does not pose a threat to environmental quality, wholesaling and distribution, offices and general commercial activity and other uses noted in the B-2, B-3 or M-1 Districts of the Chesapeake Zoning Ordinance with the exception of those items specifically prohibited as shown on Exhibit A attached hereto and made a part hereof. Examples of typical permitted uses are shown on Exhibit B attached hereto and made a part hereof. Any use requiring a use permit in the Zoning Ordinance shall also require a use permit in the Greenbrier Planned Unit Development, Zone 4.

c. Educational Use:

Parcel 12, Section L, of Greenbrier Zone 4, shall be used exclusively for a school.

d. Preservation Parcel:

Section E, of Greenbrier Zone 4, may be used for any of the uses identified in a and b on Page 2 with special consideration for the site planning to preserve and restore existing specimen plants in the former nursery demonstration garden and adjoining specially landscaped areas.

- e. Parcel D of MCA Property, shown on the MCA Land Use Plan may be developed and used for multi-family in accordance with the MCA Mixed Use District set out below.

6. Permitted Location of All Buildings and Structures:

- a. The term "structure" shall include all cornices, eaves, roof of building overhangs, chimneys, porches, bay windows, privacy walls or screens, and all parts of any building and accessory building.
- b. Except for the MCA Property, no structure shall be located within 100 feet of Greenbrier Parkway, 75 feet of Volvo Parkway and 50 feet of any other street or within 200 feet of the Southern Railway north of the Virginia Power substation and 60 feet from the Southern Railway south of the Virginia Power substation.
- c. No materials, supplies, equipment, trash or refuse shall be stored on any site except inside a building or behind a visual barrier which screens the stored matter from observation from the same elevation, and which are harmonious with the main structure. Storage areas shall not be located between a building and a street. Exterior storage of materials, supplies or equipment shall not be permitted on any site in Parcel 7, Section G, Zone 4.
- d. Fences will be permitted only as shown on the final site plan. No fence, hedge, or other object shall be permitted which is likely to obstruct traffic vision on a public street. Development of any site in Parcel 7, Section G, Zone 4, shall include installation of eight foot high standard design solid privacy fence across rear property line.
- e. All above ground fuel storage tanks, trash dumpsters, and other such appurtenances shall be screened from observation from the same elevation as outlined in item C of this section.

7. Parking and Loading Requirements, except for the MCA Property:
 - a. The number of parking spaces required shall be as prescribed in the Chesapeake Zoning Ordinance. This information shall appear on the site plan submitted for approval. No expansion or change in use of the facility that requires additional parking shall occur without the addition of necessary parking spaces.
 - b. Parking space size shall be in accordance with Planning Commission policy standards and access according to general standards of design.
 - c. A minimum of 10 feet of landscaped area shall be maintained between parking surfaces and any street right-of-way and a minimum of 5 feet of landscaped area shall be maintained between parking surfaces and all other property lines.
 - d. Surfacing and curbing of onsite parking areas and access drives shall be constructed in accordance with an approved site plan. All areas subject to vehicular traffic shall be paved with an all-weather, dust free surface and edged by approved wheel stops to prevent traffic encroachment onto landscaped areas.
 - e. Parking shall not be permitted within 100 feet of Greenbrier Parkway, 25 feet of Volvo Parkway and 10 feet of any other public right-of-way, or within 200 feet of the Southern Railroad north of the Virginia Power substation.
 - f. Loading docks and truck entrance doors shall not be located on the street side of any building.
 - g. No rail access shall be provided to any site in Parcel 7, Section F, Zone 4.
8. Coverage and Space Requirements, except for the MCA Property :
 - a. The minimum of distance between buildings on adjacent sites shall be 20 feet.
 - b. Building coverage shall not exceed 45 percent of the total lot area, and building and paved area coverage shall not exceed 80 percent of the total lot area.
9. Architectural Review, except for Parcel D of the MCA Property:
 - a. Exterior walls of each building shall be constructed of tilt-up concrete, concrete panel, brick, stone, enameled or aluminum, porcelain enameled steel or equivalent material impervious to deterioration.
 - b. All four sides of each building shall receive equal design consideration to adequately provide for the view from streets and surrounding properties.

- c. All roof structures and appurtenances in excess of 6 inches in diameter and 12 inches in height shall be shielded or screened from observation from the same elevation in harmony with the building elevation.
- d. All electrical and mechanical apparatus, equipment fixtures, conduits, ducts, flues and pipes located on the exterior of any building shall be concealed from observation from the same elevation.
- e. Exterior structure colors shall be limited to natural or earth tones on at least 60% of the walls which are visible from the street or adjoining property.

10. Exterior Sign Requirements, except for the MCA Property:

- a. Exterior signs shall be in accordance with specific sign standards to be established and as approved by Greenbrier Association.
- b. All signage shall conform to the City of Chesapeake sign regulations.
- c. Billboards and flashing or moving signs shall not be permitted.

11. Exterior Lighting:

Site exterior lighting for automatic illumination during nighttime hours shall be of an intensity which will not adversely affect neighboring areas. Specific criteria will be established.

12. Buffer Area:

Areas 100 feet in width as identified on the Land Use Plan of Greenbrier Commerce Park shall be adequately landscaped to provide a visual barrier and shall not be penetrated for road or rail access, except as identified in paragraph 2 c on page 1 or as approved by the Planning Commission. This section shall not apply to the MCA Property.

13. Final Plan Submission, except for the MCA Property:

- a. Plans for each structure in Greenbrier Zone 4, shall be prepared by a Virginia licensed Architect and approved by Greenbrier Associates before submission to the City for a building permit. Plans shall show details of structures including all dimensions, materials, colors and signage.
- b. Landscaping plans for each site shall be prepared by a qualified nurseryman, Horticulturist, or landscape architect and approved by Greenbrier Associates before Submission to the City for a building permit.
- c. A final site plan shall be prepared for each site by a Virginia licensed Professional Engineer and approved by Greenbrier Associates prior to submission to the City for a

building permit. Final site plan shall be drawn at a scale of not less than 1" - 100' and shall indicate at least the following features:

1. Dimensions of the property and adjacent lots and streets.
2. Location and proposed use of all buildings, with dimensions and ground floor area and total square feet.
3. The parking areas with spaces, channelization and ratios shown.
4. Service areas, off-street loading facilities, service drives and dimensions thereof.
5. The location, size, height and orientation of all signs.
6. All pedestrian ways and open areas.
7. A title giving the names of the developer, the zone and parcel identification number, the date, the scale of the plan and the person or firm preparing the plan, and signature of approval by Greenbrier Associates.
8. A signature block for the Director of Planning indicating final approval for construction review and building permit application.

14. Building Permit:

No building permit shall be issued for any building in Greenbrier, Zone 4, until a final site plan is approved by the Planning Commission or the Planning Director, nor shall a building permit be issued for any building not shown on the final site plan.

15. Development Restrictions and Conditions, except for the MCA Property unless otherwise provided below :

- a. A Declaration of Restrictions, Conditions, etc., which Constitute Covenants Running with the Land shall be recorded by Greenbrier Associates concurrently with the sale of all or any of Greenbrier, Zone 4.
- b. Restrictions will constitute perpetual development criteria as outlined herein and shall be binding on the owner of any property in Greenbrier, Zone 4, and enforcement shall be by any proceeding at law or in equity against any person or persons violating or attempting to violate or circumvent any covenant or restriction.
- c. Except for the MCA Property, no initial construction or subsequent alterations shall commence unless specifically approved by Greenbrier Associates.
- d. All structures, including buildings, fences and signs shall be maintained in good condition and repair by the property owner.

- e. No resubdivision shall be permitted which would create a lot less than one acre or frontage on a public street of less than 100 feet, except for the MCA Property.
- f. Resubdivisions and subdivisions on the MCA Property do not require frontage on a public road so long as access to a public street is provided in an access easement.

16. Mitsubishi Chemical of America (MCA) Mixed Use District

Notwithstanding anything to the contrary set out in the Greenbrier Planned Unit Development, the following provisions shall apply to the property known as the MCA property (tax parcels 028000000790 and 0373010000390 and all subsequent parcels.)

- A. Multi-Family District. Unless, otherwise set out below the standards of the RMF-2 District shall govern the development and uses in this District. The MCA Property is also located in the Urban Overlay District, which allows 30 dwelling units per acre.

Minimum lot size 0ft

Minimum lot width 0 ft

Minimum lot frontage (including section 70-92 of the City Code) 0 ft

Maximum building height 60 ft

Maximum principal building setback along Volvo Parkway 10ft.

Minimum principal building rear and side setback 15ft

Maximum building coverage 75%

Minimum off-street parking one (1) space per bedroom up two (2) spaces per residential unit.

Maximum density shall be 30 dwelling units per acre.

Exterior walls of each building shall consist of a minimum of 40% brick (excluding window and door areas) with the balance of each structure including cement or aluminum siding.

- B. Retail and Commercial District. The standards for the B-2 General Business District govern for the uses and development in this District. In addition, this District is intended to allow for the flexibility to be converted to the Multi-Family District. Parcel D-2 in the Multi-Family District shall also be included in the Retail and Commercial District.

- C. Industrial and Advance Manufacturing District. The standards for the M-1 Light Industrial District govern the uses and development in this District.

Minimum lot frontage (including section 70-92 of the City Code) 0 ft

Minimum lot width 0ft

Approved by:

Chesapeake City Council