

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-09-12

At the regular meeting of the Board of Supervisors of the County of New Kent, in the Boardroom of the Administration Building in New Kent, Virginia, on the 13th day of August, 2012:

Present:	Vote:
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
W.R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye

Motion was made by Mr. Davis, which carried 5:0, to adopt the following ordinance:

**AN ORDINANCE TO AMEND THE ROCK CREEK
VILLAS PLANNED UNIT DEVELOPMENT
ORDINANCE (O-09-06 (R))
AND PROFFER STATEMENT**

WHEREAS, the New Kent County Board of Supervisors approved Ordinance O-09-06(R) on July 10, 2006, which approved the Rock Creek Villas Planned Unit Development (PUD) and its associated proffer statement (dated July 10, 2006, recorded in the Circuit Court Clerk's Office in Deed Book 477, page 952); and

WHEREAS, William and Peggy Cunningham of Cunningham Development Company, have submitted a "Planned Unit Development (PUD) Application" Dated June 8, 2012; and

WHEREAS, said application requests several amendments to the Rock Creek Villas Planned Unit Development, which encompasses the 62 parcels listed below; and

WHEREAS, said applicants amended their original application at the Planning Commission public hearing on July 16, 2012;

WHEREAS, the amended application (PUD-01-12) was formally referred to the New Kent County Planning Commission (the "Planning Commission") in accordance with applicable procedures; and

WHEREAS, within the timeframes established by the Code of Virginia and the New Kent County Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on July 16, 2012, and carefully considered the application; and

WHEREAS, the Planning Commission voted 9:0:1 to forward the amended application to the New Kent County Board of Supervisors with a favorable recommendation; and

WHEREAS, the PUD Amendment application has been advertised for public hearing before the Board of Supervisors in full accord with applicable provisions of the Code of Virginia; and

WHEREAS, approval of the PUD Amendment request through the adoption of this Ordinance will further the public necessity, convenience, general welfare and good zoning practices in the County of New Kent; and

WHEREAS, the Board of Supervisors has found the following, with regard to this application:

- The proposal is not prejudicial to the character of the neighborhood.
- The proposal will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposal will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.
- The application is generally in conformance with the New Kent County Comprehensive Plan, "Vision 2020".
- The proposed amendment would provide for the long-range development of the subject property in a coordinated and well planned fashion.

The Rock Creek Villas PUD consists of the following tax map & parcel numbers/real property in New Kent County:

19H-1-A	19H-1-B	19H-1-1	19H-1-2	19H-1-3
19H-1-4	19H-1-5	19H-1-6	19H-1-7	19H-1-8
19H-1-9	19H-1-10	19H-1-11	19H-1-12	19H-1-13
19H-1-14	19H-1-15	19H-1-16	19H-1-17	19H-1-18
19H-1-19	19H-1-20	19H-1-21	19H-1-22	19H-1-23

19H-1-24	19H-1-25	19H-1-26	19H-1-27	19H-1-28
19H-1-29	19H-1-30	19H-1-31	19H-1-32	19H-1-33
19H-1-34	19H-1-35	19H-1-36	19H-1-37	19H-1-38
19H-1-39	19H-1-40	19H-1-41	19H-1-42	19H-1-43
19H-1-44	19H-1-45	19H-1-46	19H-1-47	19H-1-48
19H-1-49	19H-1-50	19H-1-51	19H-1-52	19H-1-53
19H-1-54	19H-1-55	19H-1-56	19H-1-57	19H-1-58
19H-1-59	19H-1-60			

NOW THEREFORE BE IT ORDAINED this, the 13th day of August, 2012, by the New Kent County Board of Supervisors, that application PUD-01-12 be, and it hereby is, approved by amending, restating, and readopting the Rock Creek Villas Planned Unit Development Ordinance (O-09-06 (R)), Paragraph 2, Permitted Uses, as follows:

2. Permitted Uses

The following uses shall be constructed or appropriate land shall be provided for the uses within each of the specified and they shall be the only principal uses permitted:

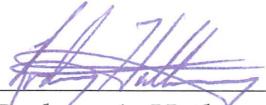
a. Residential

- i. A maximum of 65 lots for the construction of new single family attached **and detached** dwellings each with a minimum square footage of 1,200 square feet of finished space excluding the garage. These units shall be age restricted to owners that are at least 55 years of age. Also at least 80% of the population residing within this development shall be 55 years of age or greater. 100% of the population residing within this development shall be 18 years of age or greater.
- ii. No more than seven (7) residential apartments may be constructed on the second floor of the commercial area, shall not be age restricted, and may be rented to the general public. All such apartments shall be either studio or one-bedroom apartments.

BE IT FURTHER STATED that the proffer statement associated with the Rock Creek Villas PUD is hereby amended, restated, and readopted as follows:

17. Cash Proffers. At the time of the issuance of a ~~building permit~~ **certificate of occupancy** for each residential dwelling unit, the Applicant shall pay the following to New Kent County:

UPON APPROVAL BY THE BOARD OF SUPERVISORS, the County Administrator is hereby directed to have a fully executed copy of this Ordinance and amended proffer statement recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.



Rodney A. Hathaway
Acting County Administrator



James H. Burrell
Chairman

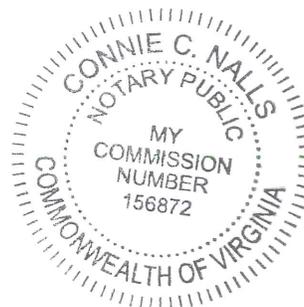
STATE OF VIRGINIA
County of New Kent, to-wit:

Subscribed to before me, the undersigned Notary Public, in New Kent County, Virginia, on the 15th day of August, 2012.

My commission expires 5/31/16.



Notary Public



INSTRUMENT #120002632
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY ON
AUGUST 21, 2012 AT 12:27PM

KAREN A. BUTLER, CLERK
RECORDED BY: LAH