

BK0522PG0305

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

O-04-08(R)

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 10th day of March 2008:

Present:	Vote:
Stran L. Trout	Aye
W. R. Davis, Jr.	Aye
Thomas Evelyn	Aye
David M. Sparks	Aye
James H. Burrell	Aye

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

**AN ORDINANCE TO APPROVE APPLICATION PUD-01-08
TO AMEND THE PATRIOTS LANDING PLANNED UNIT
DEVELOPMENT LOCATED IN THE BLACK CREEK
MAGISTERIAL DISTRICT**

WHEREAS, East West Partners and the Patriots Landing Management Corporation have submitted an application to amend the Patriots Landing Planned Unit Development (PUD) to include 13.5 contiguous acres currently zoned B-1, Business General; and

WHEREAS, the subject property is identified on the New Kent County tax maps as parcel 19-73 and on the New Kent County digital map as GPIN # J04-3848-4781; and

WHEREAS, said application will not result in an increase in the number of approved units or any other change to terms of the original PUD Ordinance, O-16-03, approved on December 8, 2003 by the New Kent Board of Supervisors; and

WHEREAS, the applicant submitted a proffer statement on February 22, 2008; and

WHEREAS, said application was formally referred to the New Kent County Planning Commission in accordance with applicable State and local procedures; and

WHEREAS, within the timeframes established by Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on 19 February 2008, carefully considering the public comment received; and

WHEREAS, the Planning Commission voted 9:0:1 to recommend approval of the application; and

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

WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning in the County of New Kent and that approval will further these public purposes; and

WHEREAS, the New Kent County Board of Supervisors has made the following findings with regard to this application:

- The application is generally in conformance with the New Kent County Comprehensive Plan, "Vision 2020"
- The proposed rezoning would provide for the long-range development of the subject property in a coordinated and well-planned fashion
- The proposed rezoning would provide a positive, long-range fiscal impact to the community
- Approval of the subject application would further the health, safety and general welfare of the citizens of New Kent County and support the implementation of good zoning practice within the County.

NOW THEREFORE BE IT ORDAINED this, the 10th day of March 2008, by the New Kent County Board of Supervisors that application PUD-01-08 be, and it hereby is, approved by amending the New Kent County Zoning Map to reclassify the approximately 13.5 acres of property depicted on the New Kent County digital map as GPIN number J05-3848-4781 and more particularly described below from B-1, Business General to PUD, Planned Unit Development.

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BE IT FURTHER ORDAINED that ordinance O-16-03 (Patriots Landing PUD) be, and it hereby is amended as follows:

1. Include within the Property Description the following parcel:

Description of a 13.5 acre parcel of land located in the County of New Kent, State of Virginia, in accordance with a plan entitled "**Exhibit A, A 13.503 acre parcel of land lying along the south right-of-way of interstate 64 and the north and west side of residential Patriots Landing Phase 1.**" dated 10/09/07, prepared by AES Consulting Engineers. Said parcel being more fully described as follows:

All that certain tract or parcel of land situate, located on the southern right of way line of interstate 64 (variable width right-of-way/limited access) within the Black Creek District, lying and being in the County of New Kent, Virginia being more particular described as follows:

Commencing at a point on the northern right of way of route 60 and the intersection of the eastern right of way line of route 249;

Thence running along the eastern right of way line of route 249;

Thence running along the eastern right of way line of the east bound on-ramp to interstate 64;

Thence running along the southern right of way line of interstate 64 all totaling 0.70 miles +/- to a point; said point also being the point and place of beginning,

Thence from said point of beginning S81°18'50"E along the southerly right of way line of interstate 64 for a distance of 383.66' to an iron rod found;

Thence leaving said right of way line S08°22'30"E, for a distance of 540.79' to an iron found;

Thence N72°22'10"E for a distance of 210.53' to a point;

Thence S18°52'30"E for a distance of 633.65' to an iron rod found;

Thence N12°46'10"W for a distance of 328.40' to an iron rod found;

Thence N22°02'50"W a distance of 733.71' to a point 1.82' from an iron rod found;

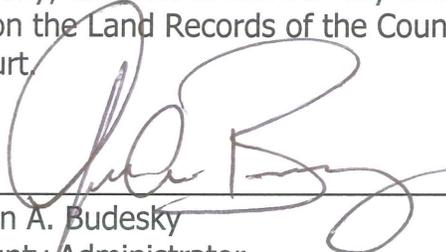
Thence N67°50'34"E for a distance of 152.02' to an iron rod found;

Thence N22°14'45"W for a distance of 233.77' to a point 0.53' from an iron rod found, also being the point and place of beginning,

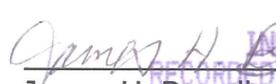
Containing 13.503 acres, more or less.

2. Include tax map parcel 19-73 in the listing of tax map parcels contained in the Patriots Landing PUD.
3. Include the above described 13.5 acre parcel as being in Residential Development Area "A".
4. Change references to "East-West Partners of Virginia" to "Patriots Landing Management Company, Inc."

BE IT FURTHER ORDAINED that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance with it recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.



 John A. Budesky
 County Administrator



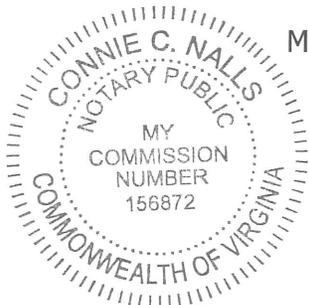
 James H. Burrell
 Chairman

INSTRUMENT #080000985
 RECORDED IN THE CLERK'S OFFICE OF
 NEW KENT COUNTY ON
 MARCH 18, 2008 AT 02:32PM
 KAREN A. BUTLER, CLERK
 RECORDED BY: KAB

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

Subscribed to before me, the undersigned Notary Public, on the 14th day of March, 2008, in New Kent County, Virginia.

My commission expires 5/31/08





 Notary Public