



**PLANNED UNIT DEVELOPMENT (PUD)  
APPLICATION**

County of New Kent, Virginia  
Planning Department

Web site: [www.co.new-kent.va.us/209/Planning](http://www.co.new-kent.va.us/209/Planning)

New Kent County ♦ Planning Department ♦ P O Box 150 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531  
\*\*Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY\*\*

**DESCRIPTION OF PROPERTY**

Tax Map Parcel Number(s): See Exhibit A Total Lot Area (Acres): 117.43  
 GPIN: See Exhibit A  
 Property street address: See Exhibit A  
 Current Zoning: Bus & A1 Proposed Zoning: PUD  
 Current Use: Agricultural Proposed Use: Mixed Use  
 Does proposed zoning/use include entire property?  YES  NO  
 If no, how much will be used for proposed use? \_\_\_\_\_

**OFFICE USE ONLY  
\*DO NOT WRITE IN THIS BOX\***

Application No: \_\_\_\_\_  
 AFD Status: \_\_\_\_\_  
 Date Received: \_\_\_\_\_  
 Tax Receipts: Yes No  
 Fee Amount: \$ \_\_\_\_\_  
 Staff Initials: \_\_\_\_\_

**TYPE OF PLANNED UNIT DEVELOPMENT**

Please check the appropriate box below:

- Residential  Commercial  Industrial  Village  Equestrian  
 Other: Planned Unit Development

**PROPERTY OWNERS INFORMATION**

Name: Bridgewater Crossing, Inc. Attn: David S. Rudiger and/or Kenneth S. Memer (See Exhibit A for Additional Property Owner Information)  
 Address: c/o Boyd Corporation, 544 Newtown Road, Suite 128  
 City: Virginia Beach State: VA Zip: 23462  
 Telephone: Work: 757-490-1959 Home: N/A  
 Cellular/Pager: 757-943-0078 / 757-831-6074 Fax: 757-552-0975  
 E-mail Address: Davidr@boydhomes.com / Kenm@boydhomes.com

**APPLICANT'S INFORMATION**

Name: Bridgewater Crossing, Inc. Attn: David S. Rudiger and/or Kenneth S. Merner  
 Address: c/o Boyd Corporation, 544 Newtown Road, Suite 128  
 City: Virginia Beach State: VA Zip: 23462  
 Telephone: Work: 757-490-1959 Home: N/A  
 Cellular/Pager: 757-943-0078 / 757-831-6074 Fax: 757-552-0975  
 E-mail Address: Davidr@boydhomes.com / Kenm@boydhomes.com

**AGENTS INFORMATION**

Name: Jeffrey P. Geiger  
 Address: P.O. Box 500  
 City: Richmond State: VA Zip: 23218-0500  
 Telephone: Work: 804-771-9557 Home: n/a  
 Cellular/Pager: 804-931-1605 Fax: 804-644-0957  
 E-mail Address: \_\_\_\_\_

**ADJACENT PROPERTY OWNER INFORMATION**

ALL adjacent property owners must be listed on a separate sheet and submitted with the application—include names, mailing addresses, tax parcel numbers and property addresses. Applicant must also include evidence of having sent a notice to each of the adjacent property owners detailing the application and providing the owner with contact information should they wish to discuss it with the applicant.

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**SUBMITTED PLANS NEED TO INCLUDE (IN ELECTRONIC VERSIONS AS WELL AS HARD COPY)**

- The County requires ~~thirty-five~~<sup>25</sup> (35) sets plus both a reproducible copy and electronic versions of all documents, plans, details, pictures, renderings and specifications associated with this application.
- 35 sets plus both a reproducible copy and an electronic version of the following items must be submitted with this application:
  1. Archeological, Historic and Cultural Resources Survey
  2. Traffic Impact Study
  3. Storm Water Management Plan
  4. Waste Stream Study
  5. Environmental Impact Analysis
  6. Wetlands Identification and Protection Plan
  7. Economic Impact Assessment
  8. School Impact Assessment
  9. Utilities Requirements & Implementation Plan
  10. Phasing Plan

All of the above studies and documents must be prepared by a professional acting within his or her area of professional competency.

- An overall layout on a single plan sheet of manageable size
- Renderings and details sufficient to convey
- Existing topography at five-foot intervals at a scale not less than 1 inch = 100 ft.
- Floodplain limits as established by current soils survey, Army Corps of Engineers and/or engineering methods acceptable to the Director of Planning
- Connections to Virginia Department of Transportation (VDOT) Roads
- Minimum of 2 data references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey and County GIS data
- A report identifying all property owners within the proposed district and giving evidence of unified control of its entire area. The report shall state all present property owners are in agreement to:
  - a. Proceed with the proposed development according to regulations existing when the map amendment creating the planned unit development district or conditional use permit was approved.
  - b. Provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the Board of Supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at the general public expense; and such dedications, contributions or guarantees as are required for provision of needed public facilities or services; and
  - c. Bind their successors in title to any commitments made in (a) or (b) above.
- All signatures obtained and verified on pages 3 and 7.

The Director of Planning reserves the right to require additional information and reports based upon the nature of the specific application and may contract for outside review of applications.

For those plans requiring review by the Planning Commission, the applicant shall, in addition to the plan sheets required above, submit an overall plan on one (1) or more eleven-inch by seventeen inch (11" x 17") reproducible sheets and shall provide sufficient copies of larger plan sheets as required for the Planning Commission distribution list of twelve (12). In addition, the applicant shall provide electronic copies of all applicable documents.

I/We as the  property owner,  applicant,  agent give permission for County personnel to enter and post notices upon the subject properties in relation to the administration of this application and to any applicable New Kent County, State of Virginia or U.S. Federal Government regulations. Additionally, if the County Director of Planning deems it necessary for an outside agency, organization or firm to review any technical part of this application, I/we agree to reimburse the County **within 15 business days** or being presented with an invoice for all costs associated with such outside reviews and consultation. **Failure to promptly pay review costs shall result in the review ceasing and the application being returned to the applicant. Subsequent resubmission will require a new fee and start the review cycle from the beginning.**

|                                                    |                      |
|----------------------------------------------------|----------------------|
| Property Owner Signature: _____                    | Date: _____          |
| Property Owner Signature: _____                    | Date: _____          |
| Property Owner Signature: _____                    | Date: _____          |
| Applicants Signature: _____                        | Date: _____          |
| Agents Signature: <u>JS attorney in fact for</u>   | Date: <u>3/22/22</u> |
| Agents Signature: <u>Bridgewater Crossing, Inc</u> | Date: _____          |

**APPLICATION FEE**

The fees for this application consist of an application fee and a map maintenance fee (see below for calculations).

The fee for this application is **\$2,200.00 plus \$40.00 per acre and \$35.00 map maintenance fee plus \$10.00 per acre.**

Make checks payable to *Treasurer of New Kent County.*  
**Fees must be submitted at time of application.**

|                                                    |                         |
|----------------------------------------------------|-------------------------|
|                                                    | Fee: \$ <u>2,200.00</u> |
| + \$40.00 per acre (fraction),                     |                         |
| Number of acres(fraction): <u>117.4</u> x \$40.00= | \$ <u>4,696.00</u>      |
| Map Maintenance Fee:                               | \$ <u>35.00</u>         |
| + \$10.00 per acre (fraction),                     |                         |
| Number of acres(fraction): <u>117.4</u> x \$10.00= | \$ <u>1,174.00</u>      |
| <b>Total Due:</b>                                  | \$ <u>8,105.00</u>      |

## ARTICLE XVIII. PLANNED UNIT DEVELOPMENTS

### Sec. 98-701. Specific conditions for planned unit developments.

(a) Planned unit development districts are intended to provide for variety and flexibility in design necessary to implement the varied goals and objectives of the county as set forth in the comprehensive plan. Through a planned unit development approach, these special regulations are intended to accomplish the purposes of zoning and other applicable regulations to the same extent as regulations of conventional districts. In addition, planned unit development regulations are intended to promote: economical and efficient land use through unified development; improved levels of amenities; appropriate and harmonious physical development; creative design; and a better environment than generally realized through conventional district regulations. In view of the substantial public advantages of planned unit developments, these regulations are intended to encourage the planned unit development approach in areas appropriate in terms of location and character.

(b) Planned unit development districts shall be developed to provide for the comfort and convenience of residents; to facilitate protection of the character of surrounding neighborhoods; and to lessen traffic impact through a reasonably short travel time between origins and destinations of persons living, working or visiting in such developments. Housing, commercial and service facilities, places of employment and parks shall be related either by physical proximity or by adequate street networks so as to promote these objectives.

(c) The following provisions shall apply generally to the establishment and regulation of all planned unit development districts. Where conflicts occur between the special provisions herein and general zoning, subdivision or other regulations or requirements, these special regulations shall apply in planned unit development districts unless the board of supervisors shall find, in the particular case that:

(1) Provisions in this article do not serve public purposes to a degree at least equivalent to such general zoning, subdivision or other regulations or requirements; or

(2) Actions, designs or solutions proposed by the applicant, although not literally in accord with these special or general regulations, satisfy public purposes to at least an equivalent degree. It is specifically provided, however, that where floor area and similar ratios have been established by these regulations, the board shall not act in a particular case to alter such ratios.

(d) Except as provided in subsection (c) of this section, procedures and requirements as set forth in this section and standards adopted by ordinance in approving a particular planned unit development shall apply in such planned unit development.

(e) Applications for planned unit development districts shall be submitted as for other zoning map amendments. Material submitted with the application shall include all plans, maps, studies and reports which may reasonably be required to make the determinations called for in the particular case, with sufficient copies for necessary referrals and records. More specifically, all of the following shall be required:

(1) An archeological and historic site survey.

(2) A traffic impact study.

(3) A storm water management plan.

(4) A waste stream impact study.

(5) An environmental impact study.

(6) A wetlands identification study and protection plan to include the Chesapeake Bay Management Area.

(7) An economic impact assessment.

(8) A school impact assessment.

(9) A utilities requirement and implementation plan.

(10) The phasing schedule which defines when, within the development of the planned unit development, the proffered or required school sites, library sites, recreation and green space areas, major streets, commuter parking lots, and similar amenities or community facilities will be dedicated or reserved. The phasing schedule shall include the timing of providing all improvements as proffered. The phasing schedule shall also consider the need for future amendments, due to the trend of development in the planned unit development and the county. The director of community development and the director of public works may jointly approve minor revisions to the phasing

schedule where it can be shown to be in the best interest of the planned unit development and the county. All other revisions to the phasing schedule may only be approved by an amendment of the planned development.

(11) Existing topography accurately shown with a maximum of five-foot contour intervals at a scale of not less than 100 feet to the inch. Other interval and/or scale may be required or permitted by the director of community development where topographic considerations warrant or to facilitate showing the project on a single sheet.

(12) Floodplain limits which shall be established by current soil survey, U.S. Army Corps of Engineers survey, and/or engineering methods.

(13) Connection to existing and proposed state department of transportation constructed and to comprehensive plan proposed thoroughfares when necessary.

(14) A minimum of two data references for elevations to be used on plans and profiles and correlated, where practical, to U.S. Geological Survey or Global Positioning System horizontal and vertical data.

(15) A report identifying all property owners within the proposed district and giving evidence of unified control of its entire area. The report shall state agreement of all present property owners to:

a. Proceed with the proposed development according to regulations existing when the map amendment creating the planned unit development is approved, with such modifications as are set by the board of supervisors and agreed to by the applicant at the time of amendment.

b. Provide bonds, dedications, guarantees, agreements, contracts, and deed restrictions acceptable to the board of supervisors for completion of such development according to approved plans, and for continuing operation and maintenance of such areas, facilities and functions as are not to be provided, operated or maintained at general public expense; and such dedications, contributions or guarantees as are required for provision of needed public facilities or services; and

c. Bind their successors in title to any commitments made in subsections (e)(15)a or b of this section.

(16) Paved state-maintained roads will be provided for in the site and all interior roads dedicated for purpose of vehicular access will be built to standards for state-maintained paved roads.

(17) Applications must be submitted on the form provided by the Zoning Administrator together with the requisite review fees. In addition to the stipulated fees, the applicant shall be required to reimburse the County for the costs of outside consultants that may be required to assist in the review of the application. The applicant shall remit such reimbursement within 15 days of receiving an invoice from the County; failure to do so shall cause review of the application to cease and have it returned to the applicant as incomplete.

(f) If recreation areas, green space areas, library sites, fire station sites, streets, commuter parking areas, and other sites for necessary public facilities or services are proffered, provisions must also be proffered for maintenance of such public facilities by an association unless the County has accepted responsibility for the construction and or maintenance of such facilities. Sites proffered for elementary, middle and high schools shall be dedicated jointly to the County and the School Board. [See 15.2-2265, Code of Virginia]

(g) Subsequent to approval of the planned unit development, all preliminary and final subdivision and site plans shall be submitted to the director of community development unless the approval ordinance shall stipulate otherwise. The submission of these plans must conform to the phasing schedule. These plans shall be reviewed and approved in accordance with applicable state statutes and ordinances of the county. Any required dedications, reservations or required improvements shall be made in accordance with the phasing schedule, and must be provided with the approval of final subdivision or site plans.

(h) Applications for planned unit developments shall proceed in general as for other rezoning applications with special consideration to those aspects of the proposed planned unit development that provide for a clearly superior form of development and demonstrate a unity and cohesiveness of design.

(i) Applicants are required to meet with the planning staff and other qualified officials to review the application plan and original proposal prior to submittal. The purpose of such pre-application conference shall be to assist in bringing the application and material submitted therewith as nearly as possible into conformity with the regulations of this article and/or other regulations applying in the case, and/or to define specific variations from application of regulations which would otherwise apply which seem justified in view of equivalent service of public purposes of such regulations. Where the director of community development determines that outside consultants or other resources are required to assist or complete the County's review of the development proposed by the application, he or she shall obtain the required services in the most expeditious manner and the applicant shall promptly reimburse the County for all costs associated

with such outside review services. These reimbursements shall be in addition to the application review fee paid at the time of application. Applications for planned unit developments shall incorporate a statement to this effect and applicants shall acknowledge and agree as a part of executing the application.

(j) In the course of such pre-application conferences, any recommendations for changes shall be recorded in writing, and shall become part of the record in the case. All such recommendations shall be supported by stated reasons for the proposed changes. Applicants shall indicate, in writing, their agreement to such recommendations, or their disagreement and their reasons therefore. Response by applicants shall also be included in the record.

(k) At such time the pre-application conferences appear unnecessary and the application is deemed complete, or at any time on request of the applicant, the staff shall proceed to prepare its recommendations to the planning commission and board of supervisors. The date of the board's determination to proceed, or of the applicant's request for preparation of recommendations, shall be deemed the formal date of submission of the application. Specifically, recommendations to the planning commission and the board of supervisors shall include findings as to:

(1) The suitability of the tract for the general type of planned unit development proposed in terms of:

- i. conformity to the comprehensive plan;
- ii. physical characteristics of the land; and
- iii. relationship to surrounding areas.

(2) Relationship to major roads, utilities, public facilities and services.

(3) Adequacy of evidence on unified control and suitability of any proposed agreements, contracts, deed restrictions, sureties, dedications, contributions, guarantees or other instruments, or the need for such instruments or for amendments in those proposed; and

(4) Specific modifications in planned unit developments or general regulations as applied to the particular case, based on determination that such modifications are necessary or justified by demonstration that the public purposes of planned unit development or general regulations as applied would be satisfied to at least an equivalent degree by such modifications.

(l) On applications for planned unit developments, the planning commission and board of supervisors shall proceed in general as provided for other map amendments. The planning commission may recommend and board of supervisors may approve the application in accordance with planned unit development and general regulations, may include specific modifications of planned unit development or general regulations, or may deny the application.

(m) Approval of planned developments shall be by ordinance and shall contain all the specific requirements and modifications of general zoning provisions that are to apply to the planned development. In cases of conflict between general zoning provisions and specific provisions contained in the planned unit development approval ordinance, the specific provisions of the planned unit development approval ordinance shall apply.

(n) Unless modification is permitted by the board of supervisors' action, all site plans shall comply with article XXII of this chapter, site plans, and all subdivision plats shall comply with chapter 90 of this Code. Not less than ten percent of the land area or one acre, whichever is greater, shall be shown on any final plan or plat.

(o) Approval of site plans and subdivision plats shall be based on: compliance with site plan or subdivision regulations applying at the time the land was designated as a planned unit development district; or at the option of the applicant, compliance with such regulations currently in effect; provided that the board of supervisors shall find that application of current regulations would satisfy the public purpose to at least an equivalent degree in the particular case.

(p) Variations in site plans and subdivision plats from approved application plans may be permitted by the board of supervisors upon a finding that such variations are generally in keeping with the spirit and concept of the approved application plans; in accordance with the comprehensive plan; and in accordance with regulations currently in effect. Changes other than permitted in this section shall be made only by rezoning application.

(q) After planned unit development designation, no building permit including special footings and foundation permits and no grading permit shall be issued in such district until such time as approval of site plans or subdivision plats for the development of the area in which such permits would apply has been granted.

(r) The minimum size of any planned unit development shall be twenty-five (25) acres of contiguous land area, provided however, that the board of supervisors by majority vote may accept a planned unit development application of smaller size for good cause shown. Additions to existing planned unit developments shall have no minimum size requirement and shall be processed as an amendment to the planned unit development.

(s) The preponderance of uses within any planned unit development shall be in accord with the uses envisioned by the Comprehensive Plan for the general area in which the planned unit development is proposed and shall bear reasonable relationship to the density and activity levels reasonably inferred from the Comprehensive Plan designations. Usual and typical accessory uses to the principal uses shall be permitted.

(t) Uses, densities, heights, bulk, yards, setbacks, buffers, parking, signage, landscaping, fencing, and other development features and requirements shall be specified in the ordinance approving the planned unit development and those specifications shall form the zoning requirements for the planned unit development. Subsequent changes to these requirements shall be approved in the same manner as the original application. Architectural and design criteria may be stipulated as a part of the approval ordinance. Development criteria not stipulated in the approval ordinance shall be accomplished in accord with the relevant provisions of subdivision, zoning and other provisions of the county code.

(u) Planned unit developments shall have no less than twenty-five percent (25%) of the total land area devoted to landscaped open space provided, however that the board of supervisors may approve less for planned developments with no residential component or where the open space provided is of exceptional quality (e.g. waterfront). In planned unit developments with residential components, no less than seven and one-half percent (7.5%) of the total area in residential use shall be set aside for active and passive recreation and the development of recreational facilities serving the planned unit development.

(v) Access and circulation within planned unit developments shall be designed to provide safe accommodation of all users of the transportation network including pedestrians and bicyclists. Sidewalks, bicycle lanes and multi-use trails shall be provided where appropriate. Intersections of the internal road system and existing public roads shall be permitted to the extent necessary to provide reasonable access and service to uses contained within the planned unit development and shall be developed using the principles of access management. In planned developments with mixed uses, the circulation system shall be designed to give priority to internal walking and bicycling trips.

(w) Planned unit developments shall be served by public water and sewer, however the ordinance approving the development may provide for public utilities to be phased or for certain specified portions of the development to be served by private utilities. All utilities within a planned unit development shall be placed underground except necessary above-ground appurtenances.

(x) Unless otherwise stipulated by the ordinance approving a planned unit development, all structures to be located on the outer perimeter of a planned unit development shall conform to the setback and yard regulations of the adjoining district.

**CERTIFICATION**

I, Jeff Geiger (Name, Please Print or Type), hereby certify that the attached plats and this completed application form contain all the required information for a Planned Unit Development submitted in accordance with **ARTICLE XVIII. PLANNED UNIT DEVELOPMENTS** of the New Kent County Code. I understand that the submission of incomplete or inaccurate information may delay the processing.

Bridgewater Crossing, Inc.

By:

Signature

JS attorney in fact

Date

3/22/22

## **Exhibit A**

### **Tax Map and Parcel Numbers for Power of Attorney for Bridgewater Crossing, Inc.**

| <b><u>Tax Map</u></b> | <b><u>GPIN</u></b> |
|-----------------------|--------------------|
| 19 11 1               | I06-0026-5401      |
| 19 11 2               | J06-0076-0544      |
| 19 11 3               | J05-3790-0116      |
| 19 11 4               | J05-3625-0395      |
| 19 11 5               | J05-3595-0816      |
| 19 11 A               | I05-3417-4710      |
| 19 11 B               | I05-2715-5420      |
| 19 46 A               | I06-0429-5299      |
| 29 2A                 | I06-0260-4947      |
| 29 2B                 | I06-0795-5318      |