

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

**R-08-15**

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 9<sup>th</sup> day of February, 2015:

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

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

**A RESOLUTION TO APPROVE  
CONDITIONAL USE PERMIT APPLICATION CUP-03-14,  
TO AUTHORIZE VARIOUS ENTERTAINMENT USES  
FOR TAX MAP & PARCEL 33-6 (COLONIAL DOWNS)**

WHEREAS, representatives from Colonial Holdings, Inc. (“Colonial Downs”), have submitted a “Conditional Use Permit Amendment Application” dated December 16, 2014; and

WHEREAS, said application requests an amendment to the original Conditional Use Permit (CUP-02-02) to allow Colonial Downs to host accessory events and uses at the facility whether or not the facility holds a pari-mutuel horseracing license from the Virginia Racing Commission; and

WHEREAS, said application was considered by the New Kent County Planning Commission (the “Planning Commission”) in accordance with applicable procedures at a formal and duly advertised public hearing on January 20, 2015, where they carefully considered the public comment received and voted 9:1:1 to forward a recommendation of approval to the Board of Supervisors with one additional condition; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on February 9, 2015, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors finds that the facilities at Colonial Downs are ideally suited for such proposed uses; and

WHEREAS, the Board of Supervisors has evaluated the application and the proposed conditions which are set forth below; and

WHEREAS, the Board of Supervisors finds that the standards for granting a Conditional Use Permit have been satisfied; and

WHEREAS, the Board of Supervisors finds that the Property is subject to Conditional Use Permit CUP-08-93; and

WHEREAS, the Board of Supervisors finds that the Property was zoned Equestrian PUD on July 14, 1997 and PUD when the Equestrian PUD zoning classification was removed from the County Code in 2004; and

WHEREAS, the Board of Supervisors finds that the Property is subject to Conditional Use Permit CUP-02-02; and

WHEREAS, the Board of Supervisors reserved to itself the right to approve changes to uses in a PUD zoning district in the same manner as the original application pursuant to Section 98-701(t) of the County Code.

WHEREAS, the Board of Supervisors finds that this application is appropriate because approval of a Conditional Use Permit is considered in the same manner as the original application, including an application submittal, public advertisement and notice to adjacent property owners, a public hearing by the Planning Commission, a recommendation by the Planning Commission, a public hearing by the Board of Supervisors, and a vote by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 9<sup>th</sup> day of February, 2015, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-03-14 submitted by Colonial Holdings, Inc., be, and it hereby is, approved, authorizing the following uses for the facilities and grounds at Colonial Downs, comprising 345 acres, located at 10515 Colonial Downs Parkway, and further identified as tax map parcel 33-6 subject to the following conditions:

**A. Permitted uses**

The following uses and entertainment events and programs shall be permitted on tax map parcel 33-6 under the conditions set forth in paragraph B below ~~provided that Colonial Downs holds a current and valid pari-mutuel horseracing license from the Virginia Racing Commission:~~

1. Special exhibitions and shows of equipment, articles for sale or display; and educational programming;
2. Circuses, concerts, musical events, light and firework displays, and carnivals;

3. Parties and family events, weddings, reunions, conferences, and conventions;
4. Animal shows, animal fairs, animal contests of skill, and polo matches; and
5. Athletic events, but excluding motorized vehicle racing, which is defined to include, without limitation, mud bogging events, truck pulling events, and monster truck events.

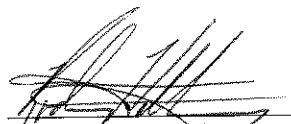
**B. Restrictions on permitted uses**


1. Uses permitted in paragraph A above and all entertainment events and programs not expressly enumerated above whether indoors or outdoors held on tax map parcel 33-6 shall only be conducted under a permit issued under Chapter 6.
2. On-site camping accessory to and in conjunction with a permitted event and/or activity will be deemed a permitted use only after written approval by the Health Department of appropriate and adequate water, sanitary, and public health facilities is given. Nothing in this shall be interpreted to permit the operation of a campground on the property or the use of the property for camping beyond the dates of the event or activity with which it is associated.
3. The preparation and sale of food and/or gift and souvenir items is permitted in conjunction with and as an accessory to one of the permitted events. If food will be prepared and/or sold, a permit from the Health Department for each food preparer or vendor will be required. All vendors are subject to the requirements of Article VI of Chapter 66 of the Code of New Kent County (Business License Taxes)

BE IT FURTHER RESOLVED that this Conditional Use Permit shall expire on the first anniversary of its approval by the Board of Supervisors.

BE IT FURTHER RESOLVED, that the Commissioner of Revenue, Director of Public Safety and the Sheriff are hereby empowered to develop such forms, plans and fee structures as may be necessary to carry out the provisions of this permit.

Attest:

  
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Rodney A. Hathaway  
County Administrator

  
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C. Thomas Tiller, Jr.  
Chairman of the Board of Supervisors