

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

O-11-06

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 14th day of August, 2006:

Present:	Vote:
James H. Burrell	Aye
Stran E. Trout	Aye
W. R. Davis, Jr.	Aye
Mark W. Hill	Aye
David M. Sparks	Aye

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

**AN ORDINANCE TO REZONE APPROXIMATELY
0.49 ACRES OF LAND IN THE SAINT PETERS
MAGISTERIAL DISTRICT FROM R-2, GENERAL
RESIDENTIAL TO B-1, BUSINESS GENERAL**

WHEREAS, Mr. Cory Murphy has submitted an "Application for Rezoning" dated 07 June 2006; and

WHEREAS, said application requests the rezoning of approximately 0.49 acres identified on the New Kent County digital map as GPIN# L10-2927-2226 from R-2, General Residential to B-1, Business General; and

WHEREAS, said application 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 New Kent County Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on 17 July 2006, and carefully considered the public comment received; and

WHEREAS, the Planning Commission voted 9:0:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with an favorable recommendation; and

WHEREAS, the rezoning 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, 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 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.

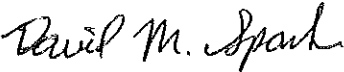
NOW THEREFORE BE IT ORDAINED this, the 14th day of August 2006, by the New Kent County Board of Supervisors that application ZM-06-06 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone 0.49 acres of property identified as GPIN # L10-2927-2226 to B-1, General Business; and

BE IT FURTHER ORDAINED, that the proffers voluntarily offered by the applicant as evidenced by the amended proffer statement dated August 14, 2006, and incorporated by reference herein and made a part hereof are hereby accepted by the County and shall, hereafter, be fully binding upon the property; and

BE IT FURTHER ORDAINED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Ordinance and the proffers associated 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



David M. Sparks
Chairman

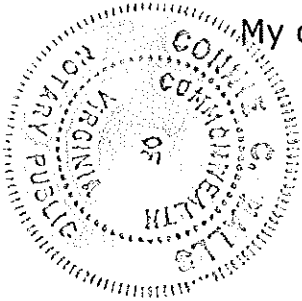
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STATE OF VIRGINIA

County of New Kent, to-wit:

Subscribed to before me, the undersigned Notary Public, on the
17th day of August, 2006, in the aforesaid County.

My commission expires 5/31/08.



Connie C. Hall

Notary Public

06 06
Cms

Rezoning Application: ZM-02-05

PROFFER STATEMENT
Dated 8-14-06

I hereby voluntarily proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth below:

1. Utilities - Except for junction boxes, meters, pedestals, transformers and existing overhead utility lines and for technical and environmental reasons, all utilities shall be underground.
2. Mechanical Equipment - Mechanical equipment shall be screened from public view at ground level. Screening material will be a minimum of six (6) inches higher than the mechanical equipment.
3. Lighting - All lighting shall utilize "cut-off" fixtures and luminaries that prevent upward light scatter and preserve the dark night sky. Luminaries shall be installed to prevent direct glare into adjacent properties.
4. Hours of Operation - The hours of operation for all customer/client contact on the property shall be limited to 6:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 noon to 6:00 p.m. on Sundays.
5. Site Access - All access for vehicle ingress and egress shall be located on Tunstall Road (State Route 612).
6. Parking - All customer parking shall be located on the west side of the office building. All employee parking shall be located to the rear of the office building. There shall be no parking on the east side of the building or in front of the building.
7. Buffering and Screening - There shall be a 10 foot ^{wide} vegetation preservation buffer along the rear of the property line to screen the parking area from the adjacent properties. There shall also be a 10 foot ^{wide} landscape buffer along the eastern property line.
Cms

- 8. Prohibited Uses - The following uses shall be prohibited: Auto sales and service, Automobile repair service and garage, Marinas, Assembly halls, *Message parlors, Adult Business, Tattoo Parlors, Convalescent Homes, miniature Golf, Veterinary Clinics*
- 9. Outdoor storage - Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways.
- 10. Security Alarms. - Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the Boundary lines of the Property shall be permitted on the property.
- 11. Refuse and Containers - All refuse containers/dumpsters shall be stored in a manner that is screened from public view at ground level.

[Signature]
 Applicant/Agent/Contract Purchaser

8-14-06

Date: 8-14-06

 Applicant/Agent/Contract Purchaser

INSTRUMENT #060003810
 RECORDED IN THE CLERK'S OFFICE OF
 NEW KENT COUNTY ON
 AUGUST 28, 2006 AT 09:16AM
 KAREN A. BUTLER, CLERK

 Applicant/Agent/Contract Purchaser

Date: _____
 RECORDED BY: ADM

 Applicant/Agent/Contract Purchaser

Date: _____

**STATE OF VIRGINIA
 CITY/COUNTY OF NEW KENT, TO-WIT:**

This day Cory Murphy personally appeared before me, Kenneth Vaughan, a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing ~~Statement of #060003810~~ are true to the best of his acknowledgement and belief. Given under my hand this 14th date of August, 2006.



[Handwritten signature]
 8/14/06

[Signature]
 Notary Public

My Commission Expires January 31, 2007

My commission expires: _____