

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

O-13-08

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 8th day of September, 2008:

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

Motion was made by Mr. Trout, which carried 4:0:1, to adopt the following ordinance:

**AN ORDINANCE TO REZONE 119.27 ACRES OF LAND
IN THE WEIR CREEK MAGISTERIAL DISTRICT FROM A-1,
AGRICULTURAL TO R-1, SINGLE-FAMILY RESIDENTIAL**

WHEREAS, Lamont Myers of Mid-Atlantic Communities, LLC, and the property owner, Ms. Ada Isabel Davis White, have submitted a "Rezoning/Ordinance Change Application" dated 10 June 2008; and

WHEREAS, said application requests the rezoning of approximately 119.27 acres identified on the New Kent County digital map as GPIN # L31-1845-1168 (Tax Parcel 28-5); and

WHEREAS, the stated purpose of this rezoning request is to develop the property, along with three other properties already zoned R-1 (GPIN #'s L31-2762-0191, L31-3392-0509, and L31-3359-0473), into a 24-lot cluster subdivision dispersed around a 21-acre lake; 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 the New Kent County Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on 21 July 2008, and carefully considered the application; and

WHEREAS, the Planning Commission voted 7:1:1 to forward the subject application to the New Kent County Board of Supervisors ("the Board of Supervisors") with a 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, approval of the rezoning 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 proposed use is not prejudicial to the character of the neighborhood.
- The proposed use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use 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 rezoning would provide for the long-range development of the subject property in a coordinated and well planned fashion.
- 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 8th day of September 2008, by the New Kent County Board of Supervisors, that application ZM-04-08 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPIN # L31-1845-1168, consisting of 119.27 acres to R-1, Single-Family Residential.

BE IT FURTHER ORDAINED that the proffers voluntarily offered by the applicant as evidenced by the revised proffer statement dated 11 August 2008 and incorporated by reference herein and made a part hereof are accepted and shall be fully binding upon the applicant; and

BE IT FURTHER ORDAINED that with the approval of Rezoning Application ZM-04-08, that the Vision 2020 Comprehensive Plan be amended to remove the above property from the Eltham Public Utility Service Area.

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

James H. Burrell
Chairman

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

Subscribed to before me, the undersigned Notary Public, by John A. Budesky, County Administrator, and James H. Burrell, Chairman, on the ___ day of September, 2008, in New Kent County, Virginia.

My commission expires May 31, 2012.

Notary Public