

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

R-31-20

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 August, 2020:

<u>Present:</u>	<u>Vote:</u>
C. Thomas Tiller, Jr.	Aye
Ron Stiers	Aye
John N. Lockwood	Aye
Thomas W. Evelyn	Aye
Patricia A. Paige	Aye

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

**A RESOLUTION TO APPROVE
CONDITIONAL USE PERMIT APPLICATION CUP-02-20,
BRANDON JOHNSON COMMERCIAL KENNEL FACILITY
ON TAX MAP & PARCEL 35-3B (GPIN #I23-0593-3122)**

WHEREAS, James and Verline Moody (property owners) and Brandon Johnson (applicant) have submitted a “Conditional Use Permit Application” dated June 15, 2020; and

WHEREAS, said application requests a conditional use permit to construct a commercial kennel, dog boarding, training, breeding, and grooming facility on a parcel identified on the New Kent County digital map as GPIN #I23-0593-3122 (Tax Map and parcel 35-3B); 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 July 20, 2020, where they carefully considered the public comment received and voted 10:0:1 to forward a recommendation of approval to the Board of Supervisors; 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 August 10, 2020, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Business, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; 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 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 10th day of August, 2020, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-02-20 submitted by James and Verline Moody (property owners) and Brandon Johnson (applicant), be, and it hereby is, approved, subject to the following conditions:

1. The kennel facility shall be constructed to reflect the architectural renderings submitted with the Conditional Use Permit application. The applicant shall include sound-proofing materials in the construction of the kennel facilities.
2. The location of the kennel facilities shall be set back at least 150 feet from any residential dwelling unit and the applicant shall provide a 75-foot undisturbed vegetative buffer around the perimeter of the property except in the areas utilized for ingress/egress, utilities, or stormwater management.
3. All animals shall be kept in pens or other enclosures designed and maintained to secure safety and confinement. There shall be a maximum of 30 kennel runs within the facility, and the kennel shall not “host” more than 35 dogs at one time, with the exception of puppies within whelping areas and the applicant’s personal dogs.
4. Hours of operation shall be limited to normal business hours of Monday – Friday 9:00 a.m. to 5:00 p.m., with exceptions made outside these hours via appointment only.
5. Applicant shall work with the Health Department to acquire any necessary permits in order to address waste and water, and to keep the facility neat and clean, free of dirt, fecal accumulation, odors, and parasite infection.
6. Applicant shall work with VDOT to ensure all entrance requirements are met.
7. Parking shall be provided (and shown on the site plan) for clients.

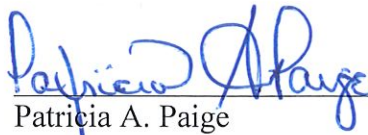
8. Any lighting that is installed shall be oriented away from neighboring residential properties and shall provide adequate illumination for pedestrian/customer safety.
9. The size of any business sign for the kennel facility shall meet the size and height requirements found in the Zoning Ordinance.
10. This Conditional Use Permit shall expire on the fifth anniversary of its approval if a certificate of occupancy has not been issued.

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

Attest:



Rodney A. Hathaway
County Administrator



Patricia A. Paige
Chairwoman

COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 11th day of August 2020 by Rodney A. Hathaway, County Administrator and Clerk of the New Kent Board of Supervisors.

My commission expires: 12-31-2022
My Commission Number: 315272



Notary



COUNTY OF NEW KENT
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 12th day of August 2020 by Patricia A. Paige, Chairwoman of the New Kent Board of Supervisors.

My commission expires: 12-31-2022
My Commission Number: 315272

Wanda Faye Watkins
Notary



INSTRUMENT 200003194
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY CIRCUIT COURT ON
AUGUST 12, 2020 AT 02:35 PM
AMY P. CRUMP, CLERK
RECORDED BY: KSM