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

**O-06-10**

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 9th day of August, 2010:

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

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

**AN ORDINANCE TO REZONE 1.10 ACRES OF LAND IN THE WEIR CREEK MAGISTERIAL DISTRICT TO BUSINESS**

WHEREAS, Mr. Tommy Whitmore of Whitmore Chevrolet, applicant, has submitted a "Rezoning/Ordinance Change Application" dated June 1, 2010; and

WHEREAS, said application requests the rezoning of approximately 1.10 acres identified on the New Kent County digital map as GPIN #K31-1849-3585 (Tax Parcel 28A1-1-4) and GPIN #K31-1916-3647 (Tax Parcel 28A1-1-4A); 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 July 19, 2010, and carefully considered the application; and

WHEREAS, the Planning Commission voted 8:1:1 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 proposal is not prejudicial to the character of the neighborhood.
- The proposal will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposal 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 9th day of August 2010, by the New Kent County Board of Supervisors, that application ZM-01-10 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPIN # K31-1849-3585 and GPIN # K31-1916-3647, consisting of approximately 1.10 acres to Business.

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

G. Cabell Lawton, IV
County Administrator

David M. Sparks
Chairman

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

Subscribed to before me, the undersigned Notary Public, By G. Cabell Lawton IV and David M. Sparks, in New Kent, Virginia, on August 13, 2010.

My commission expires 5/31/12.

Connie C. Nalls
Notary Public

INSTRUMENT #100002329
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY ON
AUGUST 25, 2010 AT 02:58PM

KAREN A. BUTLER, CLERK
RECORDED BY: TMK

#100002329

CONNIE C. NALLS
NOTARY PUBLIC
MY COMMISSION NUMBER 156872
COMMONWEALTH OF VIRGINIA