

BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA

DK0579PG0476

O-08-10

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 12<sup>th</sup> day of October, 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 ACRE  
OF LAND IN THE ST. PETERS MAGISTERIAL  
DISTRICT TO BUSINESS**

WHEREAS, Cleveland W. and Margaret B. Adamson, applicants, have submitted a "Rezoning/Ordinance Change Application" dated June 29, 2010; and

WHEREAS, said application requests the rezoning of approximately 1 acre identified on the New Kent County digital map as a portion of GPIN #H09-3904-2051 (Tax Parcel 31-12); 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 September 20, 2010, and carefully considered the application; and

WHEREAS, the Planning Commission voted 8:0:1 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 12<sup>th</sup> day of October 2010, by the New Kent County Board of Supervisors, that application ZM-03-10 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone one acre (a portion of GPIN #H09-3904-2051 (Tax Parcel 31-12)) as Business. The one acre to be rezoned to Business shall match the geometry shown on the plat entitled "Boundary Line Adjustment Cleveland W. Adamson II and Margaret B. Adamson, Located in New Kent County, VA - For Exhibit Purposes", prepared by Gardy & Associates PC and dated April 2, 2010, a copy of which geometry is attached hereto and made a part hereof.

BE IT FURTHER ORDAINED, that proffers voluntarily offered by the applicant as evidenced by the proffer statement dated June 29, 2010 and incorporated by reference herein and made a part hereof are accepted and shall be fully binding upon the applicant;

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*

G. Cabell Lawton, IV  
County Administrator

*David M. Sparks*

David M. Sparks  
Chairman

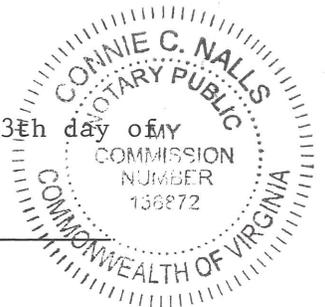
COMMONWEALTH OF VIRGINIA, County of New Kent, to-wit:

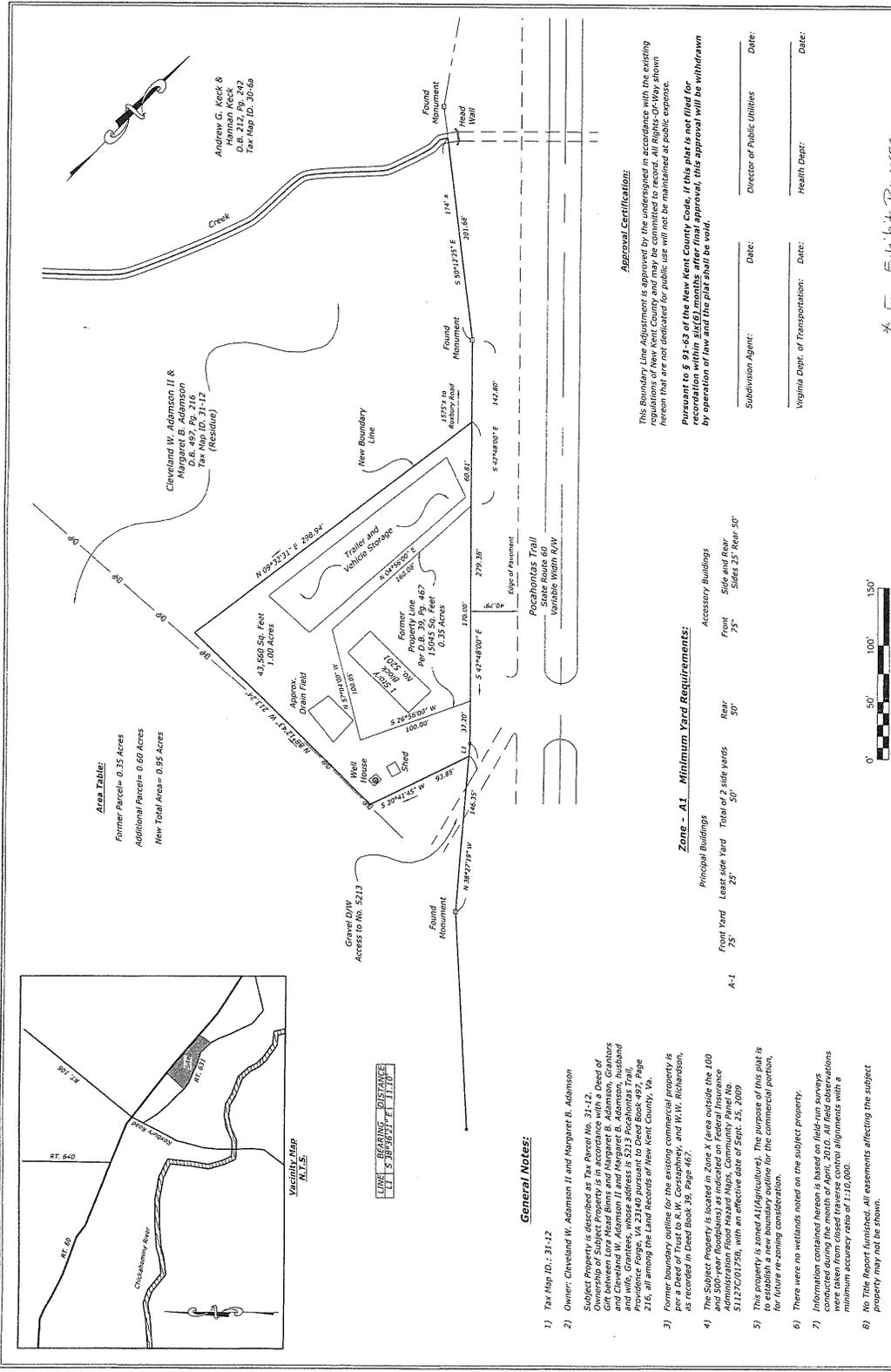
Subscribed to before me, the undersigned Notary Public, on the 13<sup>th</sup> day of  
October, 2010, in the County and State aforesaid.

My commission expires 5/31/12.

*Connie C. Nalls*

Notary Public





**Area Table:**

Former Parcel= 0.35 Acres
Additional Parcel= 0.60 Acres
New Total Area= 0.95 Acres

**General Notes:**

- 1) Tax Map ID: 31-12
- 2) Owner: Cleveland W. Adamson II and Margaret B. Adamson  
Subject Property is described as Tax Parcel No. 31-12. Ownership of Subject Property is in accordance with a Deed of Gift between Lora Mead Binn and Margaret B. Adamson, Grantors and Cleveland W. Adamson II and Margaret B. Adamson, Grantees, whose address is 5213 Peachblow Trail, Providence Forge, VA 23146 pursuant to Deed Book 497, Page 216, all among the Land Records of New Kent County, Va.  
3) Former boundary outline for the existing commercial property is per a Deed of Trust to R.W. Constabley, and W.W. Richardson, as recorded in Deed Book 39, Page 467.  
4) The Subject Property is located in Zone X (area outside the 100 and 500-year floodplains) as indicated on Federal Insurance Administration Flood Insurance Study for New Kent County, Virginia 51127C(01)25b, with an effective date of 5/09/25, 2009.  
5) This property is zoned A1(Agriculture). The purpose of this plat is to establish a boundary line for the commercial portion, for future re-zoning consideration.  
6) There were no wetlands noted on the subject property.  
7) Information contained herein is based on field-run surveys completed during the month of April, 2016. All field observations were made by the surveyor and are subject to the minimum accuracy ratio of 1:10,000.  
8) No Title Report furnished. All easements affecting the subject property may not be shown.

**Approval Certification:**

This Boundary Line Adjustment is approved by the undersigned in accordance with the existing regulations of New Kent County and may be committed to record. All Rights-Of-Way shown hereon that are not dedicated for public use will not be maintained at public expense.

Pursuant to § 91-52 of the New Kent County Code, if this plat is not filed for recordation within SIX(6) months after final approval, this approval will be withdrawn by operation of law and the plat shall be void.

Subdivision Agent: \_\_\_\_\_ Date: \_\_\_\_\_ Director of Public Utilities  
 Virginia Dept. of Transportation: \_\_\_\_\_ Date: \_\_\_\_\_ Health Dept: \_\_\_\_\_



WAG. DISTRICT: ST. PETERS COUNTY-NEW KENT  
 DATE: APRIL 2, 2010 SCALE: 1"=50'  
 SHEET: 7 OF 1 J.M.: JD-0016  
 DRAWN BY: RL CHECKED BY: DAG  
 REV: \_\_\_\_\_ DATE: \_\_\_\_\_

Boundary Line Adjustment  
 Cleveland W. Adamson II  
 and Margaret B. Adamson  
 Located in New Kent County VA.  
 Tax Map ID. 31-12  
 D.B. 497 Pg. 216



(804) 178-2551 • (804) 966-2810  
 www.gardysurveying.com  
 P.O. Box 11 • New Kent, VA 23154

*Gardy*  
 & ASSOCIATES PC  
 Surveying and Mapping Services

\* For Exhibit Purposes



**PROFFER STATEMENT**  
County of New Kent, Virginia  
Planning Department  
Web site:  
[www.co.new-kent.va.us/planning](http://www.co.new-kent.va.us/planning)

OFFICE USE ONLY	
<b>*DO NOT WRITE IN THIS BOX*</b>	
Application #:	<u>24-03-10</u>
Date Received:	<u>6/29/10</u>
Staff Initials:	<u>KLZL</u>

New Kent County ♦ Community Development Department-Planning ♦ P O Box 50 ♦ New Kent, VA 23124 ♦ Phone 804-966-9690 ♦ Fax 804-966-8531  
\*\*Use P O Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY\*\*

**Information and Instructions:**

Sections 98-781 to 98-790 of the New Kent County Code govern the establishment of conditions at the time of rezoning of property. The proffer of conditions must be prepared and submitted voluntarily by the property owner. Conditions must be specific and must bear a direct relationship to the rezoning request. Conditions may not impose any obligations upon the County beyond the granting of the requested zoning.

Proffers or amendments thereto must be filed within (ten) 10 business days prior to the public hearing at which the rezoning request will be heard.

**All property owners of record must sign the proffer statement before a Notary Public.** If a person signs on behalf of a company or organization, or if someone other than the property owner signs, then a Power of Attorney Form will need to accompany the Proffer Statement.

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

- Application for subdivision with plat to be submitted to NK county for approval upon conditional approval of rezoning application
- This will be done & submitted within one year of conditional approval of rezoning.

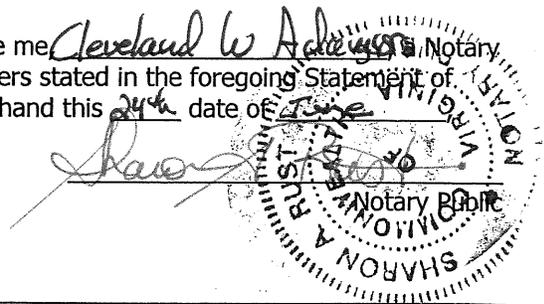
**Use Additional sheets if needed**

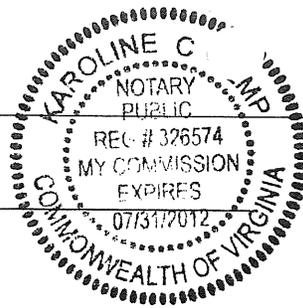
[Signature]  
 Applicant     Agent     Contract Purchaser  
 Date: 6-24-10

STATE OF VIRGINIA  
CITY/COUNTY OF Henrico, TO-WIT:

This day 24<sup>th</sup> of June, 2010 personally appeared before me Cleveland W Adams Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffer are true to the best of his acknowledgement and belief. Given under my hand this 24<sup>th</sup> date of June 2010.

Notary registration No.: 7021199  
My commission expires: 9-30-2010





Margaret B. Adamson  
[  ] Applicant [  ] Agent [  ] Contract Purchaser

Date: 6-3-2010

STATE OF VIRGINIA  
CITY/COUNTY OF Hennico, TO-WIT:

This day Margaret Adamson personally appeared before me, Karoline Kemp, a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffer are true to the best of his acknowledgement and belief. Given under my hand this 3rd date of June, 2010.

Notary registration No.: 326574  
My commission expires: 7/31/2012

Karoline Kemp  
Notary Public

[  ] Applicant [  ] Agent [  ] Contract Purchaser

Date: \_\_\_\_\_

STATE OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, TO-WIT:

This day \_\_\_\_\_ personally appeared before me, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffer are true to the best of his acknowledgement and belief. Given under my hand this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_\_\_.

Notary registration No.: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Notary Public

[  ] Applicant [  ] Agent [  ] Contract Purchaser

Date: \_\_\_\_\_

STATE OF VIRGINIA  
CITY/COUNTY OF \_\_\_\_\_, TO-WIT:

This day \_\_\_\_\_ personally appeared before me, \_\_\_\_\_, a Notary Public in and for the County and State aforesaid, swore or affirmed that the matters stated in the foregoing Statement of Proffer are true to the best of his acknowledgement and belief. Given under my hand this \_\_\_\_\_ date of \_\_\_\_\_, 20\_\_\_\_.

Notary registration No.: \_\_\_\_\_  
My commission expires: \_\_\_\_\_

Notary Public

INSTRUMENT #100002968  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
OCTOBER 21, 2010 AT 11:29AM

KAREN A. BUTLER, CLERK  
RECORDED BY: TNK