

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

R-10-13 (R)

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 April, 2013:

Present:	Vote:
James H. Burrell	Aye
Ron Stiers	Aye
Thomas W. Evelyn	Aye
C. Thomas Tiller, Jr.	Aye
W.R. Davis, Jr.	Nay

Motion was made by Mr. Evelyn, which carried 4:1, to adopt the following resolution:

**A RESOLUTION TO APPROVE CONDITIONAL USE PERMIT
APPLICATION CUP-01-13, COLONIAL HOLDINGS, INC, TO
AUTHORIZE A ONE-DAY MOTORCYCLE RACING EVENT
ON A SATURDAY TO BE DETERMINED IN 2013**

WHEREAS, representatives from Colonial Holdings, Inc. (“Colonial Downs”), have submitted a “Conditional Use Permit Application” dated February 19, 2013; and

WHEREAS, said application requests a conditional use permit to add an additional one-time use authorizing Colonial Downs (Tax Map and Parcel Number 33-6, GPIN I18-2736-0725) (“the Property”) to hold a one-day motorcycle racing event on a day to be determined in 2013; 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 March 18, 2013, 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 April 8, 2013, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application and the proposed conditions which are set forth below; and

WHEREAS, the Board of Supervisors finds that the Property is subject to Conditional Use Permit CUP-08-93; and

WHEREAS, the Board of Supervisors finds that the Property was zoned Equestrian PUD on July 14, 1997 and PUD when the Equestrian PUD zoning classification was removed from the County Code in 2004; and

WHEREAS, the Board of Supervisors finds that the Property is subject to Conditional Use Permit CUP-02-02; and

WHEREAS, the Board of Supervisors reserved to itself the right to approve changes to uses in a PUD zoning district in the same manner as the original application pursuant to Section 98-701(t) of the County Code; and

WHEREAS, the Board of Supervisors finds that this application is appropriate because approval of a Conditional Use Permit is considered in the same manner as the original application, including an application submittal, public advertisement and notice to adjacent property owners, a public hearing by the Planning Commission, a recommendation by the Planning Commission, a public hearing by the Board of Supervisors, and a vote by the Board of Supervisors; and

WHEREAS, the Board of Supervisors finds that changing the permitted uses in a PUD zoning district by Conditional Use Permit will allow the Board of Supervisors to add conditions to this additional one-time use for a one-day motorcycle racing event, and such conditions are appropriate to 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;

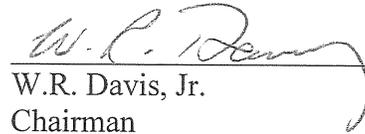
NOW THEREFORE, BE IT RESOLVED that on this, the 8th day of April, 2013, by the New Kent County Board of Supervisors, Conditional Use Permit Application CUP-01-13 submitted by Colonial Holdings, Inc., be, and it hereby is approved, subject to the following conditions:

1. This conditional use permit changes the current PUD zoning by adding an additional one-time use by authorizing Colonial Holdings, Inc. to hold a motorcycle racing event in the calendar year of 2013, which will take place on a Saturday.
2. This event is only authorized to be held once and shall not be repeated without the approval of an additional Conditional Use Permit issued by the Board of Supervisors.
3. The racing motorcycles shall only run during daylight hours; not to begin prior to 9:00 a.m. and not to end later than 6:00 p.m.

4. No racing motorcycles shall be run in the parking lot; all racing will occur on the main track.
5. To conduct the noise level monitoring required by Condition 6, Colonial Holdings, Inc. will employ a third party contractor/company to monitor and record the sound levels and duration of sounds during the motorcycle racing event. This third party will be approved by the County Administrator or his designee. Within sixty days after the race, Colonial Holdings, Inc. shall provide a report prepared by such contractor/company to the County depicting the sound levels and the duration of the sound levels for each reach.
6. Persons with calibrated Type 2 Sound Pressure Level Meters using the A scale and set to slow response shall be stationed at the three locations listed below at all times while racing motorcycles are running on the main track, in order to monitor the noise levels. Should one of the Decibel meters reach a level of 95dBA or greater for over two consecutive minutes, then the race will be discontinued.
 - a. Location 1: Intersection of Maintenance Road and Kentland Trail
 - b. Location 2: Intersection of Horseman's Road and Kentland Trail
 - c. Location 3: Between northern end of unimproved Horseman's Road and Colonial Downs' eastern property line shared with the subdivision and golf course commonly known as Brickshire.
7. The applicant shall submit a Cultural Events Permit at least 30 days prior to the date of the event. Such application shall be on forms provided by the County and shall have attached thereto plans, documents, approvals, and other materials required by the County Code.
8. At least 72 hours prior to the day of the motorcycle racing event, notice of the day on which the motorcycle racing event will be held shall be given by a representative of Colonial Downs to both the Brickshire Community Association and the Oakmont Villas Neighborhood Association.



Rodney A. Hathaway
County Administrator



W.R. Davis, Jr.
Chairman