

BOARD OF SUPERVISORS  
COUNTY OF NEW KENT  
VIRGINIA

O-17-09

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 18<sup>th</sup> day of November, 2009:

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

BK0564PG0175

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

**AN ORDINANCE TO REZONE 2.87 ACRES  
OF LAND IN THE CUMBERLAND  
MAGISTERIAL DISTRICT FROM A-1,  
AGRICULTURAL TO BUSINESS**

WHEREAS, Mr. William A. Walsh, Jr. of Hunton & Williams LLP, has submitted a "Rezoning/Ordinance Change Application" dated June 22, 2009; and

WHEREAS, said application requests the rezoning of approximately 2.87 acres identified on the New Kent County digital map as a portion of GPIN #K18-2953-2992 (Tax Parcel 23-15); 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 21, 2009, carefully considered the public comment received, tabled their decision to a subsequent public hearing on October 19, 2009, and carefully reconsidered the application, proffer statement, and public comment received; and

(Note: re-recorded to include the legal description)

WHEREAS, the Planning Commission voted 7:2:1 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 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 18<sup>th</sup> day of November 2009, by the New Kent County Board of Supervisors, that application ZM-07-09 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone a portion of GPIN # K18-2953-2992, consisting of approximately 2.87 acres to Business.

BE IT FURTHER ORDAINED, that the attached legal description, describing the boundary of the above-referenced, partially - rezoned parcel, be recorded with this Ordinance; and

BE IT FURTHER ORDAINED, that the proffer voluntarily offered by the applicant as evidenced by the proffer statement dated November 9, 2009 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 the Interim 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.

William H. Whitley  
William H. Whitley  
Interim County Administrator

W. R. Davis, Jr.  
W. R. Davis, Jr.  
Chairman

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

Subscribed to before me, the undersigned Notary Public, on the 20<sup>th</sup> day of November, 2009, in the aforesaid county and state.

My commission expires: 5/31/12

Connie C. Nalls  
Notary Public  
Notary Registration Number 156872



BK0564PG0177

INSTRUMENT #090004435  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
NOVEMBER 23, 2009 AT 02:03PM

KAREN A. BUTLER, CLERK  
RECORDED BY: KSM

BK0564PG0178

**Cedar Hill-New Kent LC**

**Application for Rezoning of Portion of Tax Map Parcel No. #23-15**

Description of Subject Property

BEGINNING at a point in the northern right-of-way line of State Route No. 249, which point is the southernmost point in the common boundary between Tax Map Parcel No. 23-15 and Tax Map Parcel No. 23-16B; thence N. 19° 09' 04" E. 561.61 feet to a point marked by a rod; thence S. 62° 19' 26" E. 222.50 feet to a point; thence S. 19° 09' 04" W. 561.61 feet to a point in the northern right-of-way line of State Route No. 249; thence in a westerly direction along such northern right-of-way line of State Route No. 249 approximately 222.50 feet, more or less, to a point marked by a rod, which point is the point and place of beginning, said parcel containing approximately 2.87 acres, more or less.

INSTRUMENT #090004634  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
DECEMBER 11, 2009 AT 02:57PM

KAREN A. BUTLER, CLERK  
RECORDED BY: KSM



PROFFER STATEMENT
County of New Kent, Virginia
Planning Department
Web site: www.co.new-kent.va.us/planning

OFFICE USE ONLY
\*DO NOT WRITE IN THIS BOX\*
Application #: ZM-07-09
Date Received: 11-9-09
Staff Initials: KLZL

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:

- 1. Applicant agrees to cause the portions of Parcel 23-15 situated along New Kent Highway on both the east and west sides of Old River Road, and contained within the Business zoning classification, to be subdivided from the balance of Parcel 23-15 either (a) not later than the time title to either such portion of Parcel 23-15 is conveyed separately from the balance of Parcel 23-15 that is not contained within the Business zoning classification or (b) not later than the time Applicant seeks to develop either such portion of Parcel 23-15 contained within the Business zoning classification, as evidenced by the approval of New Kent County of a subdivision, site or other development plan or the granting by New Kent County of a permit for the development of either such parcel.

BK0562PG1004

CEDAR HILL - NEW KENT LC

By: John D. Gottwald
Name: John D. Gottwald
Title: MANAGER
[ ] Applicant [ ] Agent [ ] Contract Purchaser

Date: 11/4/09

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

This day John D. Gottwald personally appeared before me, Elizabeth Carra S. Gray 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 4th date of November, 2009.

Notary registration No.: 223916
My commission expires: 11-30-2013

Elizabeth Carra S. Gray
Notary Public

