

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

**O-01-08**

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 11<sup>th</sup> day of February, 2008:

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

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

**AN ORDINANCE TO REZONE APPROXIMATELY 3.65  
ACRES OF LAND IN THE CUMBERLAND MAGISTERIAL  
DISTRICT FROM B-1, GENERAL BUSINESS, TO M-1,  
WAREHOUSING & LIGHT INDUSTRIAL**

WHEREAS, Phil Davidson and Dale Cava of Trinity Contractors, Inc, and the property owners, Dr. Jane Carswell Roberts, John W. Carswell, Virgilia Carswell Walof, Arthur D. Carswell, and Judith C. Avent, have submitted a "Rezoning/Ordinance Change Application" dated 21 December 2007; and

WHEREAS, said application requests the rezoning of approximately 3.65 acres identified on the New Kent County digital map as GPIN # E16-0047-3652 (Tax Parcel #41 A1/2/24), from B-1, General Business, to M-1, Warehousing & Light Industrial; and

WHEREAS, the stated purpose of this rezoning request is to develop the property with uses that consist of a business office, a shop to house four large trucks, eight pickup trucks, and approximately nine trailers, a paved office parking area, and a storage shed; 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 22 January 2008, 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

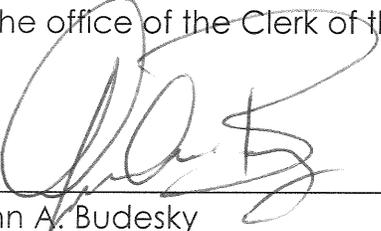
WHEREAS, with regard to this application, the Board of Supervisors has found the following:

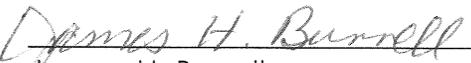
- The proposed use is not prejudicial to the character of the neighborhood.
- The proposed use will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed use will not be detrimental to the use or development of adjacent properties or the general neighborhood, nor will it impair the value of buildings or property in surrounding areas.
- The proposed use will encourage economic development activities that provide desirable employment and enlarge the County's tax base.
- 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 11<sup>th</sup> day of February 2008, by the New Kent County Board of Supervisors, that application ZM-006-07 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPIN # E16-0047-3652 (Tax Parcel #41 A1/2/24), consisting of approximately 3.65 acres, from B-1, General Business, to M-1, Warehousing & Light Industrial.

BE IT FURTHER ORDAINED that the proffers voluntarily offered by the applicant as evidenced by the proffer statement dated 21 December 2007 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 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.

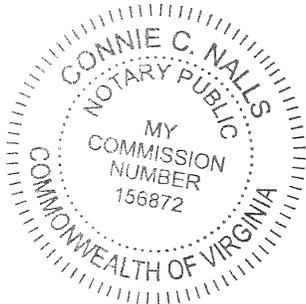
  
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John A. Budesky  
County Administrator

  
\_\_\_\_\_  
James H. Burrell  
Chairman

Commonwealth of Virginia  
County of New Kent, to-wit:

13<sup>th</sup> Subscribed to before me, the undersigned Notary Public, on the day of February, 2008, in New Kent County, Virginia.

My commission expires May 31, 2008.



  
\_\_\_\_\_  
Notary Public

### Rezoning Application: ZM-006-07

#### PROFFER STATEMENT Dated FEB 8, 2008

I 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. Adequate and well landscaped road frontage/green area.
2. Office front with brick or stone veneer.
3. Gravel and/or paved entrance, parking area, and yard.
4. Strategic large trees left on property.
5. Property partially fenced with obscure fencing behind office.
6. Aesthetically developed to a level for surrounding areas to rise to.

TRINITY BUILDERS & DEVELOPERS, LLC  
 by Phillip M. Davidson / PRESIDENT FEBRUARY 8, 2008  
 Applicant/Agent/Contract Purchaser Date

STATE OF VIRGINIA  
 CITY/COUNTY OF New Kent, TO-WIT:

This day Phillip M. Davidson personally appeared before me,  
Brenda L. Montez, 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/her acknowledgement and belief. Given under  
 my hand this 8<sup>th</sup> day of February, 2008.

Brenda L. Montez  
 Notary Public

My commission expires: 03-31-2008

BRENDA L. MONTEZ  
 NOTARY PUBLIC  
 REG. #351282  
 COMMONWEALTH OF VIRGINIA  
 MY COMMISSION EXPIRES 03-31-08

#496  
 In the Clerk's Office of the Circuit Court of  
 New Kent County, Va. February 15, 2008.  
 This Instrument was this day presented in said  
 office with the certificates annexed, admitted  
 to record at 2:58 o'clock P. M.

Karen A. Butler, Clerk

By Wm. Jackson  
 Deputy Clerk