

BK0538PG0042

BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA

O-14-08(R1)

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 12th day of November, 2008:

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

Motion was made by Mr. Sparks, which carried 4 : 0, to adopt the following ordinance:

**AN ORDINANCE TO REZONE 1.876 ACRES OF LAND IN THE
BLACK CREEK MAGISTERIAL DISTRICT FROM A-1,
AGRICULTURAL TO R-3, MULTIPLE-FAMILY RESIDENTIAL**

WHEREAS, P.D. Sweet, property owner and applicant, has submitted a "Rezoning/Ordinance Change Application" dated 15 September 2008; and

WHEREAS, said application requests the rezoning of approximately 1.876 acres identified on the New Kent County digital map as GPIN # K07-0171-3261 (Tax Parcel 19-10-2); and

WHEREAS, the stated purpose of this rezoning request is to develop the property with a five-unit townhome or condominium development; 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 20 October 2008, and carefully considered the application; and

WHEREAS, the Planning Commission voted 7:1:1 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 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 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 12th day of November 2008, by the New Kent County Board of Supervisors, that application ZM-06-08 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPIN # K07-0171-3261, consisting of 1.876 acres to R-3, Multiple-Family Residential.

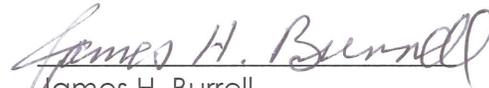
BE IT FURTHER ORDAINED that the proffers voluntarily offered by the applicant as evidenced by the revised proffer statement dated 29 October 2008 and incorporated by reference herein and made a part hereof are accepted and shall be fully binding upon the applicant; and

BE IT FURTHER ORDAINED that the Board hereby accepts the additional voluntary proffer made by the applicant that there will be no more than eight (8) bedrooms in the development; 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.

BK0538PG0044


John A. Budesky
County Administrator


James H. Burrell
Chairman

STATE OF VIRGINIA

County of New Kent, to-wit:

Subscribed to before me, the undersigned Notary Public, by John A. Budesky and James H. Burrell on the 21st day of November, 2008, in New Kent County, Virginia.

My commission expires 5/31/12.





Notary Public

156872

INSTRUMENT #080004153
RECORDED IN THE CLERK'S OFFICE OF
NEW KENT COUNTY ON
NOVEMBER 25, 2008 AT 03:13PM

KAREN A. BUTLER, CLERK
RECORDED BY: KAB

BK0538PG0045

Proffer Statement



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 #:	-
Date Received:	
Staff Initials:	

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. At least two units will be designed for handicap access.
2. No more than five units will be built on this property.
3. The exterior structural design will predominantly conform with the concepts.
4. There will be twenty-five hundred (\$2,500.00) dollars given for each certificate of occupancy.
5. The recorded covenants and restrictions will allow for the enforcement of maintenance and upkeep.
6. There will not be more than eight bedrooms.
7. _____
8. _____

Use Additional sheets if needed

[Signature]
 Applicant Agent Contract Purchaser

Date: 11-13-08

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

This day [Signature] personally appeared before me, [Signature], 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 13 date of November 2008.

Notary registration No.: 149246
My commission expires: 4/30/2011

[Signature]
Notary Public