

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

0-17-06

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 11th day of December, 2007:

Present:	Vote:
Mark W. Hill	Aye
James H. Burrell	Aye
Stran E. Trout	Aye
W. R. Davis, Jr.	Aye
David M. Sparks	Aye

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

**AN ORDINANCE TO REZONE APPROXIMATELY
FOUR (4) ACRES OF LAND IN THE CUMBERLAND
MAGISTERIAL DISTRICT FROM R-2, GENERAL
RESIDENTIAL TO B-1, BUSINESS GENERAL**

WHEREAS, New Kent Courthouse Village, LLC has submitted an "Application for Rezoning" dated 02 November 2006; and

WHEREAS, said application requests the rezoning of approximately four (4) acres identified on the New Kent County digital maps as GPINs K20-1885-1364 and K20-2157-0699 from R-2, General Residential to B-1, Business General; and

WHEREAS, the purpose of this rezoning request is to develop the property with uses that consist of a restaurant, retail facilities, and an office building; 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 New Kent County Code, the Planning Commission scheduled and conducted a formal and duly advertised public hearing on 20 November 2006, and carefully considered the public comment received; and

WHEREAS, the Planning Commission voted 9:0:1 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, this Ordinance will further the public necessity, convenience, general welfare and good zoning practices in the County of New Kent; and

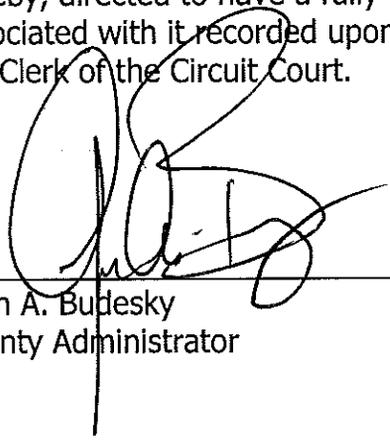
WHEREAS, the Board of Supervisors has made the following findings with regard to this application:

- 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 11th day of December 2006, by the New Kent County Board of Supervisors that application ZM-09-06 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPINs K20-1885-1364 and K20-2157-0699 consisting of approximately 4 acres to B-1, Business General.

BE IT FURTHER ORDAINED, that the proffers voluntarily offered by the applicant as evidenced by the Proffer Statement (R1) dated 06 December 2006 and incorporated by reference herein and made a part hereof are recommended for acceptance by the County and shall, if accepted, 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.



John A. Budesky
County Administrator



David M. Sparks
Chairman

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

Subscribed to before me, Connie C. Nalls, the undersigned Notary Public, on the 15th day of December, 2006, in the County of New Kent, Virginia.

My commission expires May 31, 2008.



Notary Public

(SEAL)



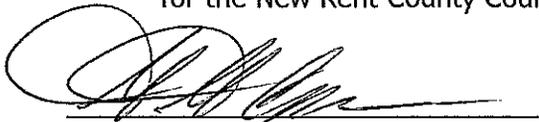
BK 04 89 PG 04 14

**New Kent Courthouse Village, LLC
Rezoning Application: ZM-09-06**

**Proffer Statement (R1)
06 December 2006**

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. The development of the subject property identified on the County's digital map as GPINs K20-1885-1364 and K20-2157-0699 shall be developed in a manner that complies with the intent of the Village future land use designation as defined in the Vision 2020 Comprehensive Plan.
2. The area designated as a park site on the plans entitled *Preservation Office Park, Preliminary Site Plan*, dated 30 October 2006, and prepared by Bury & Partners Engineering Solutions shall be placed in a conservation easement within three years from the date of site plan approval.
3. In the event that the 2-story office building as shown on the plans entitled *Preservation Office Park, Preliminary Site Plan*, dated 30 October 2006, and prepared by Bury & Partners Engineering Solutions are leased to the County of New Kent, the parking area shall be constructed and utilized as shared parking for the New Kent County Courthouse.



John Crump, CEO
New Kent Courthouse Village, LLC

Date: 12/11/06

**STATE OF VIRGINIA
CITY/COUNTY OF NEW KENT, TO-WIT:**

This day Grosjean G. Crump III personally appeared before me, Connie C. Walls, 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 11th date of Dec, 20 06.

Connie C. Walls

Notary Public

My commission expires: 5/31/08

