

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

**O-07-07**

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 9th day of April, 2007:

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

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

**AN ORDINANCE TO REZONE APPROXIMATELY 6  
ACRES OF LAND IN THE BLACK CREEK MAGISTERIAL  
DISTRICT FROM R-2, GENERAL RESIDENTIAL TO B-1,  
GENERAL BUSINESS**

WHEREAS, Malachi Mills of Rummel, Klepper & Kahl, LLP and the property owner, Gorpt, LLC have submitted a "Rezoning/Ordinance Change Application" dated 20 February 2007; and

WHEREAS, said application requests the rezoning of approximately 6.001 acres identified on the New Kent County digital map as GPIN # K04-3031-0948; and

WHEREAS, the stated purpose of this rezoning request is to develop the property with uses that consist of a medical/professional office complex with specialty retail; 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 19 March 2007, 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, 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 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 9<sup>th</sup> day of April 2007, by the New Kent County Board of Supervisors, that application ZM-001-07 be, and it hereby is, approved by amending the New Kent County Zoning Map to rezone GPIN # K04-3031-0948, consisting of approximately 6 acres, to B-1, General Business.

BK0499PG0674

BE IT FURTHER ORDAINED, that the proffers voluntarily offered by the applicant as evidenced by the proffer statement dated 9 March 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.



John A. Budesky  
County Administrator

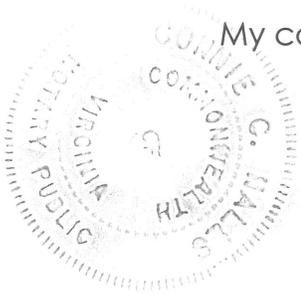


Stran L. Trout  
Chairman

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

Subscribed to before me, the undersigned Notary Public, in New Kent County, Virginia, by John A. Budesky and Stran L. Trout, on the 10<sup>th</sup> day of April, 2007.

My commission expires 5/31/08.



Notary Public

BK0499PG0675

**Rezoning Application: ZM-001-07**

**PROFFER STATEMENT**

**Dated March 9, 2007**

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. All buildings constructed on the property shall have exposed exterior walls above the finished grade predominantly (40% coverage) of face brick, natural stone, decorative block, or an equivalent permanent architecturally finished material. Other material may be specifically requested and approved by staff at the time of Site Plan approval.
2. Lighting - Parking lot lighting shall be produced from concealed sources and shall be reduced to no more than security levels following the close of business conducted on the property. Parking lot lighting fixtures shall not exceed twenty (20) feet in height. All lighting shall utilize "cut-off" fixtures and luminaires that prevent upward light scatter and preserve the dark night sky. Luminaires shall be installed to prevent direct glare into adjacent properties.
3. Utilities - Except for junction boxes, meters, pedestals, transformers and existing overhead utility lines and for technical and environmental reasons, all utilities shall be underground.
4. Mechanical Equipment – All roof top heating and air conditioning equipment shall be appropriately screened from public view from adjacent properties and public streets. Mechanical equipment shall be screened from public view at ground level. Screening material will be a minimum of six (6) inches higher than the mechanical equipment.
5. Prohibited Uses - The following uses shall be prohibited: auto sales and service, convenience stores, laundromats, miniature golf, fast food restaurants, retail auto parts sales, service stations/auto repair stores, retail grocery stores, pay day loan operations, massage and/or tattoo parlors, adult businesses, and adult bookstores/video stores.

- 6. Refuse and Containers – All containers/dumpsters/trash receptacles shall be screened with materials compatible to those materials used on the principal buildings. All refuse containers/dumpsters shall be stored in a manner that is screened from public view at ground level.
- 7. Signs – All free standing signs shall be ground mounted monumental signs not to exceed six (6) feet in height.
- 8. Low impact development design (LIDD) shall be implemented throughout the development to the extent reasonable and practicable, and in accordance with sound engineering practices. All reasonable and practical measures will be undertaken and each site plan submission shall specifically address the LIDD measures to be employed.

[Signature]  
 Applicant/Agent/Contract Purchaser

3/9/07  
 Date

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 Applicant/Agent/Contract Purchaser

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 Date

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 Applicant/Agent/Contract Purchaser

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 Date

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 Applicant/Agent/Contract Purchaser

\_\_\_\_\_  
 Date

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

This day Anup J. Gokli personally appeared before me, Lawanda Celeste Johnson, 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 9th day of March, 2007.

[Signature]  
 Notary Public  
 # 1702

RECORDED IN THE CLERK'S OFFICE OF  
 NEW KENT COUNTY ON  
 APRIL 24, 2007 AT 09:38AM  
 KAREN A. BUTLER, CLERK

My commission expires: 9-30-07

RECORDED BY: ADM