

BK0502PG0237

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

**O-13-07**

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 14th day of May, 2007:

Present:	Vote:
W.R. Davis, Jr.	Aye
Mark E. Hill	Aye
David M. Sparks	Aye
James H. Burrell	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 2.5 ACRES OF LAND IN  
PROVIDENCE FORGE, NEW KENT COUNTY, FROM A-1,  
AGRICULTURAL TO B-2, BUSINESS LIMITED**

WHEREAS, Gene Mobley of A & M Enterprises and the property owner, Edward Kelleher, have submitted a "Rezoning/Ordinance Change Application" dated 19 March 2007; and

WHEREAS, said application requests the rezoning of 2.5 acres identified on the New Kent County digital map as GPIN # E17-1625-3372; and

WHEREAS, the stated purpose of this rezoning request (ZM-002-07), in conjunction with a conditional use permit request (CUP-001-07), is to convert the property and existing building into a "contractor service establishment"; 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 16 April 2007, and carefully considered the application; 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, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board of Supervisors that the public purpose for this Ordinance is to further public necessity, convenience, general welfare and good zoning practices in the County of New Kent and that its approval will further these public purposes; and

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

- The proposal is not prejudicial to the character of the neighborhood.
- The proposed use, in this location, will not adversely affect the general plans for the physical development of the County as embodied in the Comprehensive Plan.
- The proposed rezoning, with accompanying proffers, 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.

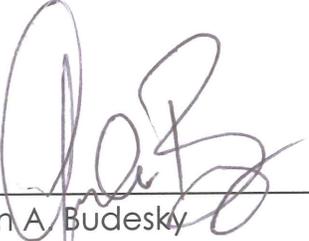
NOW THEREFORE BE IT ORDAINED this, the 14<sup>th</sup> day of May 2007, by the New Kent County Board of Supervisors, that application ZM-002-07 be, and it hereby is, approved by amending the New Kent County Zoning

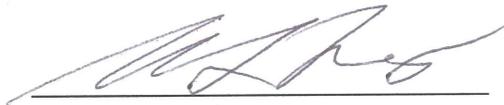
Map to rezone GPIN # E17-1625-3372, consisting of 2.5 acres, to B-2, Business Limited.

BE IT FURTHER ORDAINED, that the proffers voluntarily offered by the applicant as evidenced by the proffer statement dated 24 April 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.

This ordinance shall be effective immediately.

  
\_\_\_\_\_  
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, by John A. Budesky and Stran L. Trout, on the 22<sup>nd</sup> day of May, 2007, in New Kent County, Virginia.

My commission expires 5/31/08.

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



BK0502PG0240



PROFFER STATEMENT
County of New Kent,
Virginia
Planning Department

OFFICE USE ONLY
\*DO NOT WRITE IN THIS BOX\*
Application #: LM -002-07
Date received: 5-9-07
Staff Initials: KZ

Web site: www.co.new-kent.va.us/planning

New Kent County + Community Development Department-Planning + PO Box 50 + New Kent, VA 23124 + Phone 804-966-9690 + Fax 804-966-8531
"Use PO Box for all mail. Street address: 12007 Courthouse Circle, New Kent, VA 23124 FOR DELIVERIES ONLY"

I hereby voluntarily proffer that the rezoning of the subject property of this application shall be in strict accordance with the conditions set forth below:

- 1. Lighting - 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. Site will not be continuously lit between the hours of 8:00 PM and 6:00 AM.
2. Hours of Operation - The hours of operation for movement of equipment and materials in and out of the site shall be limited to 6:00 A.M. to 8:00 P.M. Monday through Friday and Saturday from 7:00 A.M. to 1:00 P.M.
3. Site Access - Ingress and egress shall be from U.S. Route 60. Emergency access will be provided from Carriage Rd
4. Parking - Customer parking shall be located in the front of the office building. Employee parking shall be located to the rear of the office building.
5. Outdoor storage - Outdoor storage area shall be enclosed with an 8 foot privacy fence as shown on the attached plat.
6. Buffering and Screening - A 10 foot vegetation preservation buffer will be maintained along the north property line to screen the site from Carriage Road. A 50 foot vegetation buffer will be maintained along the east property line separating this property from the adjacent residential property. The owner will retain a landscape firm to recommend plantings which will be acceptable to the County.
7. Prohibited Uses - The following uses shall be prohibited: auto sales and service, automobile repair service and garage, marinas, assembly halls, massage parlors, adult book store and tattoo parlor.
8. Security Alarms. - Outside speakers shall be prohibited. No external alarm bells or external warning devices that are audible beyond the Boundary lines of the Property shall be permitted.
9. Refuse and Containers - All refuse containers/dumpsters shall be stored in a manner that is screened from public view at ground level.

Edward C Kelleher  Owner  
BK0502PG021 Date: 4/24/07  
BK0502PG0211

STATE OF VIRGINIA  
COUNTY OF NEW KENT, TO-WIT:

This day April 24, 2007 Ed Kelleher personally appeared before me, Donna Martin, 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 24 date of April 2007.

Donna Martin  
Notary Public

My commission expires: 7/31/2010

[Signature]  
[X] Applicant

Date: 4-30-07

[Signature]  
[X] Applicant

Date: 4-30-07

STATE OF VIRGINIA  
COUNTY OF Prince William

This day Guilherme Alves and Eugene T. Mobley personally appeared before me, Bobbie J. Arnold, 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 30 date of April 2007.

Bobbie J. Arnold  
Notary Public

My commission expires: 1-31-08

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 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.

INSTRUMENT #070002190  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
MAY 25, 2007 AT 10:40AM  
KAREN A. BUTLER, CLERK

RECORDED BY: ADM