

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

**R-35-15**

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 12<sup>th</sup> day of November, 2015:

<u>Present:</u>	<u>Vote:</u>
W. R. Davis, Jr.	Aye
Thomas W. Evelyn	Aye
James H. Burrell	Aye
Ron Stiers	Aye
C. Thomas Tiller, Jr.	Aye

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

**A RESOLUTION TO APPROVE  
CONDITIONAL USE PERMIT APPLICATION CUP-01-15,  
PHILBATES/NEW KENT COUNTY FIRE & RESCUE,  
TO ALLOW FOR A VEHICLE EXTRICATION  
TRAINING FACILITY ON TAX MAP  
& PARCEL 26-87F (GPIN #J27-1002-0745)**

WHEREAS, Rebecca Philbates (property owner) and New Kent County (applicant) have submitted a "Conditional Use Permit Application" dated June 10, 2015; and

WHEREAS, said application requests a conditional use permit to allow for a vehicle extrication training facility on a parcel identified on the New Kent County digital map as GPIN #J27-1002-0745 (Tax Map and parcel 26-87F); and

WHEREAS, said application was considered by the New Kent County Planning Commission (the "Planning Commission") in accordance with applicable procedures at a formal and duly advertised public hearing on September 21, 2015, where they carefully considered the public comment received and deferred action until the October 19, 2015 meeting;

WHEREAS, on October 19, 2015 the Planning Commission voted 9:0:1 to forward a recommendation of approval to the Board of Supervisors; and

WHEREAS, within the timeframes established by the Code of Virginia and New Kent County Code, the Board of Supervisors scheduled and conducted a formal and duly advertised public hearing on November 12, 2015, and carefully considered the comments received, the application and conditions; and

WHEREAS, the Board of Supervisors has evaluated the application based on the current zoning of the parcel, which is Business, the standards set forth in the Conditional Use Permit Provisions of the Zoning Ordinance (Article XIX, § 98-741 et seq.), and the proposed conditions in the staff memo; and

WHEREAS, the Board of Supervisors finds that the standards for granting a Conditional Use Permit have been satisfied; and

WHEREAS, the Board of Supervisors finds that approval of this application would address, protect, and promote public convenience, necessity, general welfare, and good zoning practices in the County and the health, safety, and general welfare of the Citizens in the County;

NOW THEREFORE, BE IT RESOLVED that on this, the 12<sup>th</sup> day of November, 2015, by the New Kent County Board of Supervisors, that Conditional Use Permit Application CUP-01-15 submitted by Rebecca Philbates and New Kent County, be, and it hereby is, approved, subject to the following conditions:

1. Training activities shall occur no more than six (6) times in a calendar quarter.
2. No more than six (6) vehicles shall be permitted per training activity.
3. All vehicles shall be drained of fluids prior to the training activity.
4. Vehicles may be stored on site for no more than 48 hours prior to the training activity.
5. Vehicles shall be removed no more than 24 hours after the training activity.
6. No training activity shall occur on the property between 10:00 p.m. and 7:00 a.m.
7. New Kent County shall be responsible for clean up on the site, including any spills, which may occur during the training activity.
8. This Conditional Use Permit shall expire on the 30<sup>th</sup> anniversary of its issuance.

BE IT FURTHER RESOLVED, that the County Administrator be, and he is hereby, directed to have a fully executed copy of this Resolution recorded upon the Land Records of the County in the office of the Clerk of the Circuit Court.

County Administrator/Board Clerk

  
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Rodney A. Hathaway

COUNTY OF NEW KENT  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 16th day of November, 2015 by Rodney A. Hathaway, County Administrator and Clerk of the New Kent Board of Supervisors.

  
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Notary

My commission expires: 12-31-2018

My Commission Number: 315272

INSTRUMENT #150003652  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
NOVEMBER 24, 2015 AT 10:32AM

KAREN A. BUTLER, CLERK  
RECORDED BY: KSM

Board Chairman

  
\_\_\_\_\_  
C. Thomas Tiller, Jr.



COUNTY OF NEW KENT  
COMMONWEALTH OF VIRGINIA

The foregoing instrument was acknowledged before me this 20th day of November, 2015 by C. Thomas Tiller, Jr., Chairman of the New Kent Board of Supervisors.

  
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Notary

My commission expires: 12-31-2018

My Commission Number: 315272

