

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

**O-01-04**

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 January 2004:

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

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

**AN ORDINANCE TO APPROVE APPLICATION ZM-5-03**

WHEREAS, John A. and Ruth D. Hubbard have submitted Application No. ZM-5-03 which requests reclassification of 1.063 acres of property in Lanexa from A-1 (Agriculture) to B-2 (Limited Business); and

WHEREAS, the subject property is designated for village activities by the Comprehensive Plan; and

WHEREAS, the applicant has voluntarily proffered that certain potentially out-of-character uses otherwise permitted in the B-2 district will require the issuance of a conditional use permit in order to be allowed; and

WHEREAS, this application was referred to and considered by the New Kent County Planning Commission; and

WHEREAS, after conducting a duly advertised public hearing, the Planning Commission voted unanimously to recommend approval of the application; and

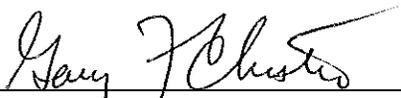
WHEREAS, this application has been advertised for public hearing before the Board in full accord with applicable provisions of the Code of Virginia; and

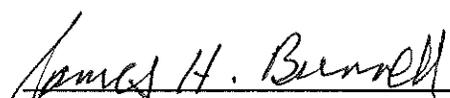
WHEREAS, in order to assure compliance with §15.2-2286.A.7 of the Code of Virginia, it is stated by the Board that the public purpose for this Ordinance is to further the public necessity, convenience, general welfare and good zoning in the County of New Kent and that approval will further these public purposes,

NOW THEREFORE BE IT ORDAINED this, the 12<sup>th</sup> day of January 2004, by the New Kent County Board of Supervisors that Application ZM-5-03 be, and it is hereby, approved reclassifying 1.063 acres of a 2.702-acre parcel identified as Tax Map Parcel 45-61E located at 15625 Pocahontas Trail in Lanexa and which is shown on "Plat Showing Proposed Rezoning on a Portion of Property being Tax Map 45, Parcel 61E" prepared by HIS Land Surveying dated 16 October 2003 from A-1 (Agriculture) to B-2 (Limited Business).

BE IT FURTHER ORDAINED that approval of this application is conditioned upon the proffers contained in the Proffer Statement submitted by the applicant and dated 3 December 2003.

BE IT FURTHER ORDAINED that the County Administrator is directed to cause this ordinance together with the proffer statement referenced above to be recorded upon the land records of the County as maintained by the Clerk of the Circuit Court.

  
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Gary F. Christie  
County Administrator

  
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James H. Burrell  
Chairman

BK0397PG0268

Statement of Proffer

Application ZM-5-03, John A. and Ruth D. Hubbard

I hereby proffer that the development of the property that is the subject of Application ZM-5-03, specifically a 1.063 acre portion of Tax Map Parcel 45-61E shall be in accordance with the condition set forth below if the requested rezoning from A-1 to B-2 is granted by the New Kent County Board of Supervisors.

The following uses permitted in the B-2 District as a matter of right shall be permitted on the subject property if rezoned from A-1 to B-2 only upon the issuance of a Conditional Use Permit by the New Kent County Board of Supervisors in full accordance with the procedures governing the application for and approval of such permits in effect on the date application for such permit is made:

- 1. Amusement parks
- 2. Auto sales and services
- 3. Farm equipment sales and service
- 4. Mini-storage units
- 5. Mobile and motor home sales and services

John A. Hubbard Date 12-03-03  
 Applicant and Property Owner

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

This day John A. Hubbard, III personally appeared before me, Lynn K. Brockwell, 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 3rd day of December, 2003.

Lynn K. Brockwell  
Notary Public

My commission expires: 3/31/07

INSTRUMENT #040000767  
RECORDED IN THE CLERK'S OFFICE OF  
NEW KENT COUNTY ON  
FEBRUARY 24, 2004 AT 11:55AM  
DEBORAH M. JANSEN, CLERK

BY: Karen A. Buder (DC)