

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

O-07-03

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 12th day of May 2003:

Present:	Vote:
James H. Burrell	Aye
Dean E. Raynes	Aye
W. R. "Ray" Davis Jr.	Aye
Rebecca M. Ringley	Aye
Julian T. Lipscomb, Sr.	Aye

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

**AN ORDINANCE TO APPROVE APPLICATIONS ZM-1-03
(CONDITIONAL) AND CUP-2-03**

WHEREAS, Connie L. Terry has requested reclassification subject to proffers from A-1 (Agriculture) to B-1 (General Business) 1.7 acres of property located at 3500 New Kent Highway and further identified as Tax Map parcel 20-9C; and

WHEREAS, the applicant has also requested simultaneous issuance of a use permit in accordance with §98-10.D.4 of the Zoning Ordinance authorizing residential occupancy of an accessory structure having in excess of 1,000 square feet of floor area; and

WHEREAS, the rezoning request has been voluntarily conditioned by the applicant that the only use of the subject property under the B-1 zoning classification will be a child day care facility with an accessory residential dwelling unit; and

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

WHEREAS, subsequent to conducting a duly advertised public hearing and carefully considering the public input received, the Planning Commission voted unanimously to recommend approval of these applications; 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 12th day of May 2003, by the New Kent County Board of Supervisors that Applications ZM-1-03 and CUP-2-03 be, and they are hereby, approved subject to the following conditions:

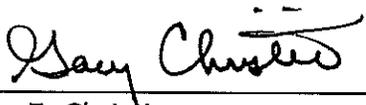
1. The subject parcel reclassified from A-1 to B-1 (Conditional) is located on the north side of State Route 249 approximately 900 feet west of Old Pond Road at 3500 New Kent Highway, contains 1.71 acres and is further identified as Tax Map parcel 20-9C.
2. The conditions voluntarily proffered by the applicant that are attached hereto and made a part hereof by reference are accepted and made a part of the reclassified zoning of the property. Said proffered conditions prohibit use of the property under the B-1 classification except as a day care center with an accessory residential unit.

BE IT FURTHER ORDAINED that approval of the use permit requested under Application CUP-2-03 is subject to the following conditions:

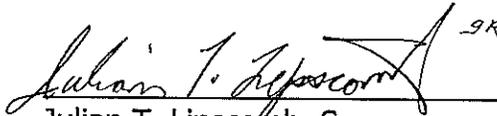
1. This use permit shall authorize in accordance with §98-10.D.4 of the Zoning Ordinance the use and occupancy of an accessory residential unit in excess of 1,000 square feet on property located on the north side of State Route 249 approximately 900 feet west of Old Pond Road at 3500 New Kent Highway, containing 1.71 acres and further identified as Tax Map parcel 20-9C.
2. A site plan meeting the site plan requirements contained in Chapter 98, Zoning, New Kent County Code shall be submitted to the County for approval within nine (9) months of approval of this use

permit or at such earlier time as the applicant may request expansion in the number of children served by the day care facility.

3. Such site plan shall be implemented on the property within six (6) months of its receiving final approval from the County.
4. The residential living space on the property shall not exceed 2,000 square feet.



Gary F. Christie
County Administrator



Julian T. Lipscomb, Sr.
Chairman