

RESOLUTION

CASE NO. Z-0005-2016. THE PROMENADE AT JOHN TYLER PROFFER AMENDMENT –

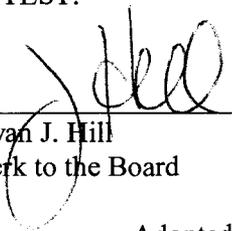
COMMUNITY CHARACTER CORRIDOR BUFFER

- WHEREAS, Mr. Gary Werner of Franciscus Homes, Inc. has applied for a change in zoning for +/-24.54 acres owned by University Square Associates from MU, Mixed Use with proffers to MU, Mixed Use with amended proffers; and
- WHEREAS, the properties subject to the application are located at 5294, 5299, 5303, 5307, 5311 and 5304 John Tyler Highway and can be further identified as James City County Real Estate Tax Map Parcel Nos. 4812200020, 4812200025, 4812200026, 4812200027, 4812200028 and 4812200029, respectively (together, the “Property”); and
- WHEREAS, on December 9, 2014, the Board of Supervisors approved Case Nos. Z-0003-2014/MP-0003-2014, which rezoned the Property from B-1, General Business to MU, Mixed Use, with proffers (the “Existing Proffers”); and
- WHEREAS, on April 12, 2016, the Board of Supervisors approved Case No. Z-0001-2016, which amended Condition No. 2 of the Existing Proffers, which did not affect the use or density of the Property and retained all other proffers contained in the Existing Proffers; and
- WHEREAS, this request proposes to amend Condition No. 8 of the Existing Proffers, which does not affect the use or density of the Property, and retain all other proffers contained in the Existing Proffers; and
- WHEREAS, in accordance with Section 24-20 of the County Code and § 15.2-2302 of the Code of Virginia, which allow for waiver of public hearings for amendments of proffer conditions that do not affect use or density, the Planning Commission and Board of Supervisors have considered Case No. Z-0001-2016; and
- WHEREAS, the Planning Commission of James City County, following its consideration on May 4, 2016, recommended approval of Case No. Z-0005-2016, by a vote of 7 to 0; and
- WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-0005-2016 to be required by public necessity, convenience, general welfare and good zoning practice.
- NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of James City County, Virginia, does hereby approve Case No. Z-0005-2016 as described herein and accepts the amended voluntary proffers.



Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Bryan J. Hill
Clerk to the Board

| | VOTES | | |
|-----------|-------------------------------------|--------------------------|--------------------------|
| | <u>AYE</u> | <u>NAY</u> | <u>ABSTAIN</u> |
| MCGLENNON | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| LARSON | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| ONIZUK | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| SADLER | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| HIPPLE | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Adopted by the Board of Supervisors of James City County, Virginia, this 14th day of June, 2016.

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