

ADOPTED

MAR 12 2024

**Board of Supervisors
James City County, VA**

ORDINANCE NO. 31B-19

AN ORDINANCE TO AMEND EXISTING PROFFERS RECORDED IN DEED BOOK 0687 AT PAGE 0105 (INSTRUMENT NO. 008224), PREVIOUSLY APPROVED AS PART OF Z-17-89, TO ELIMINATE THE REQUIREMENT TO DEDICATE THE INTERNAL ROAD TO THE VIRGINIA DEPARTMENT OF TRANSPORTATION.

CASE NO. Z-23-0010. LUCK STONE TOANO PROFFER AMENDMENT

WHEREAS, on May 11, 1994, the Board of Supervisors approved Case No. Z-17-89 which included a conditional rezoning of the properties shown on a plat entitled, "Cokes Lane Rezoning Legend" and which included the acceptance of voluntary Proffers which were recorded in Deed Book 0687 at Page 0105 (Instrument No. 008224) (the "Existing Proffers"); and

WHEREAS, as a part of the Existing Proffers, the following sections, "Proffers - The M-2 Property; 3. Industrial Access Road" and "Proffers - The M-1 Property; 6. Industrial Access Road", include certain conditions that require the dedication of the internal Industrial Access Road 50 feet in width to the Virginia Department of Transportation (VDOT) as a public use road, in accordance with the standards published by VDOT for similar industrial access roads, on the parcels located at 7734 Richmond Road and 3920 Cokes Lane, James City County, Virginia and further identified as James City County Real Estate Tax Map Nos. 1330100001 and 1330100009, respectively (together, the "Property"); and

WHEREAS, the applicant, Ms. Kimberly Shepherd of Troutman Pepper, LLP, has now applied on behalf of Luck Stone Corporation to amend Nos. 3 and 6 of the Existing Proffers to remove the requirement to dedicate the access road for public use in accordance with the standards published by VDOT for similar industrial access roads, and the requirement for a 50-foot minimum right-of-way width. Specifically, this proposed amendment would change both Proffer No. 3 ("Proffers - The M-2 Property") and Proffer No. 6 ("Proffers - The M-1 Property"); and

WHEREAS, the Planning Commission, following its public hearing on February 7, 2024, recommended approval of Case No. Z-23-0010. Luck Stone Toano Proffer Amendment by a vote of 7-0; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case No. Z-23-0010 to be required by public necessity, convenience, general welfare, and good zoning practice.

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of James City County, Virginia, that Case No. Z-23-0010 is hereby approved as described therein and the amended voluntary proffers are accepted.

Ruth M. Larson
Ruth M. Larson
Chairman, Board of Supervisors

ATTEST:

Teresa J. Saenger
Teresa J. Saenger
Deputy Clerk to the Board

	VOTES			
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
NULL	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
HIPPLE	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
MCGLENNON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ICENHOUR	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LARSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Adopted by the Board of Supervisors of James City County, Virginia, this 12th day of March, 2024.

Z23-10LuckStTPAm-ord