

Returned to JAMES CITY COUNTY  
ATTORNEY  
WILMSBURG, VA 23185

170 007501

### Proffer Modification Statement

Whereas, the Berry Revocable Living Trust, Jonathan Berry, and Edwin Berry (collectively the "Owner") own 2.0+/- acres located at 144 Tewning Road, further identified as James City County Tax Map Parcel No. 3910100015 (the "Property"); and

Whereas, Williamsburg Gymnastics, LLC (the "Applicant") is the contract purchaser of the Property and, with consent of the Owner, has applied for a change in zoning from M-1, Limited Industrial with proffers to M-1, Limited Industrial with amended proffers; and

Whereas, the Property was previously rezoned by the Board of Supervisors on November 3, 1986 as Case No. Z-0012-1986 for approximately 13.6+/- acres described on a plat entitled "Compiled Plat of 13.6+/- Acres located in Berkeley District, James City County, Virginia, Prepared for the Purpose of Rezoning"; and

Whereas, this requested rezoning will only apply to the Property; and

Whereas, as part of the rezoning, for purposes of Proffer Modification, Williamsburg Gymnastics, LLC, voluntarily agrees to the proffer conditions which shall be in addition to the limitations provided for in the zoning district; and

Whereas, such modifications conform to the past and recent developments in the surrounding area, and have reasonable relation to the current business corridor.

Therefore, the following conditions are proffered in consideration for the rezoning of the Property:

1. Prohibited Uses: The following uses otherwise allowed under James City County Code Section 24-411 shall not be permitted uses on the above referenced property.
  - a) Hotels and motels with accessory retail sales, barber shops and beauty shops located within the hotel or motel, for the principal benefit of the resident guest,
  - b) Convention centers,
  - c) Farmers market,
  - d) Places of public assembly,
  - e) Fire Stations,
  - f) Post offices,
  - g) Retail food stores,
  - h) Retail and service stores, including the following stores: alcohol, appliances, books, cabinets, cameras, candy, carpet, coin, department, dressmaking, electronics, florist, furniture, furrier, garden supply, gourmet foods, greeting card, hardware, home appliances, health and beauty aids, ice cream, jewelry, locksmith, music, optical goods, paint, pet picture framing, plant supply, shoes, sporting goods,

stamps, tailor, tobacco and pipes, toys, travel agencies, upholstery, variety, wearing apparel, and yard goods,

- i) Drug Stores,
- j) Barber shops and beauty salons,
- k) Banks and other financial institutions,

2. Water Conservation: The Applicant shall be responsible for developing water conservation standards to be submitted to and approved by the James City Service Authority. The Applicant shall be responsible for enforcing these standards. The standards shall address such water conservation measures as limitations on the installation and use of irrigation systems, the use of approved landscaping materials, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources. The standards shall be approved by the James City Service Authority prior final site plan approval.

*Pete Walker*

Pete Walker, Williamsburg Gymnastics, LLC

*Cindy Walker*

Cindy Walker, Williamsburg Gymnastics, LLC

State of Virginia at Large

City/County of James City to witt:

The foregoing Instrument was acknowledged before me this 6 day of April, 2016  
2016, by Pete Walker

*J. Elaine VonCannon*  
Notary Public

My commission Expires: 7/31/16

State of Virginia at Large

City/County of James City, to witt:

The foregoing Instrument was acknowledged before me this 6 day of April, 2016  
2016, by Cindy Walker

*J. Elaine VonCannon*  
Notary Public

My commission Expires: 7/31/16

JOSEPHINE ELAINE VONCANNON  
NOTARY PUBLIC  
REGISTRATION # 323639  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES  
JULY 31, 2018

INSTRUMENT 170007501  
RECORDED IN THE CLERK'S OFFICE OF  
WILLIAMSBURG/JAMES CITY COUNTY ON  
April 13, 2017 AT 10:50 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: CAF



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

DATE : 04/13/2017                      TIME : 10:50:20                      CASE # : 830CLR170007501  
RECEIPT # : 17000013330      TRANSACTION # : 17041300041  
CASHIER : CAF                      REGISTER # : WD19                      FILING TYPE : OTHER                      PAYMENT : FULL PAYMENT  
INSTRUMENT : 170007501              BOOK :                      PAGE :                      RECORDED : 04/13/2017                      AT : 10:50  
GRANTOR : WILLIAMSBURG GYMNASTICS LLC                      EX : N                      LOC : CO  
GRANTEE : WILLIAMSBURG GYMNASTICS LLC                      EX : N                      PCT : 100%  
RECEIVED OF : JAMES CITY COUNTY VIRGINIA  
ADDRESS : N/A  
DATE OF DEED : 04/13/2017  
CASH : \$0.00  
DESCRIPTION 1 : PROFFER MODIFICATION DATED 4/6/2016                      PAGES : 003                      OP : 0  
NAMES : 0  
CONSIDERATION : \$0.00                      AVAL : \$0.00                      MAP :                      PIN :

ACCOUNT CODE	DESCRIPTION	PAID
301	DEEDS	\$0.00

TENDERED : \$                      0.00  
AMOUNT PAID : \$                      0.00

CLERK OF COURT : MONA A. FOLEY

PAYOR'S COPY  
RECEIPT COPY 1 OF 2