

PROFFERS

THESE PROFFERS are made this 22 day of March, 2019 by Toano NCC Investments, LLC a Virginia corporation (together with its successors in title and assigns, the "Owner"), the Grantor, and the County of James City, Virginia, Grantee for the purposes of indexing only.

RECITALS

A. The Owner owns a parcel of land in James City County, Virginia, containing approximately 2.11 acres, more or less, located at 8231 Richmond Rd., and further identified as James City County Tax Map Parcel No. 1240100007 (the "Property").

B. The Property was rezoned in 1986 from B-1, general business, to A-1, general agriculture. There are no proffers associated with the Property. There is a special use permit, SUP-0006-2009, for the sale/repair of lawn equipment and garden supplies. The Owner has applied to rezone the Property from A-1 to M-1, Limited Business/Industrial, with proffers.

NOW, THEREFORE, for and in consideration of the approval of the requested rezoning, and pursuant to Section 15.2-2303 of the Code of Virginia, 1950, as amended, and the County Zoning Ordinance, the Owner agrees that it shall meet and comply with all of the following conditions in developing the Property. If the requested rezoning is not granted by the County, these Proffers shall be null and void.

CONDITIONS

1. Master Plan. The use and layout of the Property shall be generally located as shown on the document entitled "Bicast Master Plan" and date stamped March 22, 2019 (the "Master Plan"), with any deviations considered per Section 24-23(a)(2) of the Zoning Ordinance, as amended.

Prepared by:
Anthony Cianelli
15402 Rolfe Court
Lanexa, VA 23089

Return to:
James City County Attorney
101-D Mounts Bay Road
Williamsburg, VA 23185

2. Architectural Review. Expansions to the building shown on the master plan shall be submitted to the Director of Planning for review and approval. The intent of this condition is to ensure that all future changes to the Property are uniform and compatible with existing structures in terms of design, materials, and colors, and are designed for minimal visual impact.

3. Landscaping. A fifty (50) foot wide community character corridor buffer shall remain along Richmond Road. Existing plantings along the perimeter of the Property shall remain preserved in accordance with the landscape section of the Zoning Ordinance

4. Odor/Noise/Dust. All noise, dust, and odor effects shall be limited to a fully enclosed building.

5. Stormwater Management. The on-site stormwater management facility (the "BMP"), shall be inspected by a professional engineer for determination of functionality. The professional engineer's full report, including any testing and performance evaluations shall be submitted to the Director of the Stormwater & Resource Protection Division for review and approval prior to issuance of a Certificate of Occupancy. If the evaluation determines that the BMP is inadequate, or not functioning properly, proper maintenance, repairs, or upgrades as determined by the Director of Stormwater & Resource Protection shall be required and the Owner shall enter into a new maintenance agreement with the County prior to issuance of a Certificate of Occupancy.

6. Exterior Lighting. All new exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing and meet requirements of the Zoning Ordinance. No light poles shall exceed twenty (20) feet in height unless otherwise approved by the Director of Planning.

7. Fencing. Information on the colors for any proposed fencing, which is either designed for security and/or ornamental purposes, shall be submitted to the Director of Planning or designee for review and approval prior to final site plan approval. All fencing shall be brown, black or another neutral color.

8. Dumpster/HVAC. All dumpster and heating and cooling units visible from any public street or adjoining property shall be screened from view with landscaping or fencing approved by the Director of Planning or designee prior to site plan approval.

9. Irrigation. All new or existing irrigation systems shall not use the James City Service Authority (“JCSA”) public water supply, except as otherwise provided by this condition. If the Owner demonstrates, to the satisfaction and approval of the General Manager of the JCSA, through the drainage area studies and irrigation water budgets that the Impoundments cannot provide sufficient water for all Irrigation, the General Manager of the JCSA may, in writing, approve shallow (less than 100 feet) irrigation wells to supplement the water provided by the impoundments. No JCSA water will be used for in-ground irrigation systems.

10. Water Conservation. The Owner shall be responsible for enforcing water conservation standards previously agreed upon and approved by JCSA. The standards may include, but are not limited to, such water conservation measures as limitations on the installation and use of irrigation systems and irrigation wells, the use of approved landscaping materials including the use of drought tolerant plants, warm season grasses, and the use of water conserving fixtures and appliances to promote water conservation and minimize the use of public water resources.

11. Delivery Trucks/Heavy Machinery

Deliveries to the site shall be limited to 8am to 6pm on weekdays only. No heavy machinery, trucks, or equipment shall be stored on the Property without approved landscaped screening or fencing as described herein.

12. Outdoor Storage

All outdoor storage shall be screened with approved landscape and fencing from the public right of way and adjacent properties. No outdoor storage or display shall be located within the parking area or landscape buffers.

13. Uses.

- a. Uses that require a Special Use Permit as determined by the M-1 Zoning District use list shall be permitted with the approval of a Special Use Permit.
- b. Any use otherwise permitted in M-1 not listed below, is not permitted. The following uses otherwise permitted by-right in M-1, , are permitted:

Accessory uses and structures as defined in section 24-2

Barber shops and beauty salons

Business and professional offices

Catering and meal preparation

Contractor offices, equipment storage yards, shops and warehouses (with materials and equipment storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Data processing centers

Dry cleaners and laundries

Janitorial service establishments

Laboratories, research and development centers

Laser technology production

New and/or rebuilt automotive parts sales (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Photography, artist and sculptor stores and studios

Plumbing and electrical supply and sales (with storage limited to a fully enclosed building or screened with landscaping and fencing with a maximum height of 12 feet from adjacent property)

Printing, mailing, lithographing, engraving, photocopying, blueprinting and publishing establishments

Radio and television stations and accessory antenna or towers, self-supported, (not attached to buildings) which are 60 feet less in height

Research, development and design facilities or laboratories

Security service offices

Small-scale alcohol production

Warehousing, wholesaling, storage and distribution centers (with storage limited to a fully enclosed building or screened by landscaping and fencing with a maximum height of 12 feet from adjacent property)

Water well drilling establishments

Welding and machine shops (with storage limited to a fully enclosed building or screened from adjacent property with landscaping and fencing with a maximum height of 12 feet)

Manufacture and assembly of musical instruments, toys, novelties, and rubber and metal stamps

Manufacture and processing of textiles and textile products

Manufacture and storage of ice, including dry ice

Manufacture, assembly, or fabrication of sheet metal products

Manufacture, compounding, assembly or treatment of products made from previously prepared paper, plastic, metal, textiles, tobacco, wood, paint, fiber, glass, rubber, leather, cellophane, felt, fur, horn, wax, hair, yarn, and stone

Manufacture, compounding, processing and packaging of cosmetics, toiletries and pharmaceutical products

Manufacture of cans and other products from previously processed metals

Manufacture of carpets and carpet yarns

Manufacture of furniture

Manufacture of glass and glass products

Manufacture of pottery and ceramic products using kilns fired by gas or electricity

Manufacture or assembly of appliances, tools, firearms, hardware products and heating, cooling or ventilation equipment

Manufacture or assembly of electronic instruments, electronic devices or electronic components

Manufacture or assembly of medical, drafting, metering, marine, photographic and mechanical instruments and equipment

WITNESS the following signature.

Toano NCC Investments, LLC



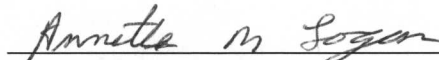
Anthony Cianelli

Title: owner

INSTRUMENT 190008032
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
JUNE 3, 2019 AT 12:07 PM
MONA A. FOLEY, CLERK
RECORDED BY: JLZ

STATE OF Virginia
CITY/COUNTY OF James City, to-wit:

The foregoing instrument was acknowledged before me this 22 day of March,
2019, by Anthony Cianelli, as owner of Toano NCC Investments, LLC.


NOTARY PUBLIC

My commission expires: 4/30/2022
Registration No.: 7611602



DATE: 06/03/2019 @09:12 AM



11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18

11/11/18