

Prepared by: Rob D. Lang Rob the Builder, Inc. 8813 Six Mount Zion Rd Toano, VA 23168	Return to: County Attorney's Office 101-D Mounts Bay Road P.O. Box 8784 Williamsburg, VA 23185
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JCC Tax Map Nos. 1240100009B  
1240100009C

**PROFFERS**

THESE PROFFERS are made this 23 day of March, 2021, by ROB THE BUILDER, INC., a Virginia corporation (together with its successors in title and assigns, the "Owner"), to be indexed as the Grantor, and the COUNTY OF JAMES CITY, VIRGINIA, (the "County"), to be indexed as the Grantee.

**RECITALS**

The Owner owns two parcels of land in James City County, Virginia, located at 8189 Richmond Road and 8193 Richmond Road, and further identified as James City County Tax Map Parcel Nos. 1240100009B and 1240100009C, respectively, further described on Exhibit A (together, the "Property").

The Owner has applied to rezone the Property from B-1, with proffers, to M-1, Limited Business/Industrial, with proffers. These proffers will replace any proffers previously recorded for the Property.

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 "Conceptual Site Plan 8189 Richmond Road Parcel B1 and B2" and date stamped December 12, 2020.
2. Architectural Review. All building elevations, colors, and future expansions shall be generally consistent with the building elevations submitted, as shown on the document entitled "Building Elevations" and date stamped February 23, 2021, and shall be submitted to the Director of Planning for review and approval prior to any site plan approval. The goal of this proffer is to ensure consistency with the adjacent Toano Business Center Property.
3. Limited Access. There shall be no direct access from the Property onto Route 60. All access to the Property shall be from the strip of land located south of the Property and shown as "Industrial

Boulevard West” on the subdivision plat entitled “Plat of Subdivision Being Parcel “B1” and “B2” Containing 2.447 Acres± Owned by Michael C. Brown, LTD.” made by AES Consulting Engineers, dated 11/19/1999, and recorded in the Williamsburg-James City County Circuit Court Clerk’s Office in Plat Book 77 at Page 72.

4. Noise/Dust/Odor. All noise, dust, or odor effects from any use on the Property shall be limited to inside a fully enclosed building.

5. Lighting. No light poles shall exceed twenty (20) feet in height unless otherwise approved in writing by the Director of Planning prior to site plan approval.

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

7. Fencing. Any fencing on the Property shall be brown, black, or another neutral color, and shall be submitted to the Director of Planning for review and approval for consistency with this condition prior to site plan approval.

8. Irrigation. Irrigation systems serving the Property shall not use the James City Service Authority (“JCSA”) public water supply.

9. Water Conservation. The Owner shall be responsible for enforcing water conservation standards for the Property agreed upon and approved by JCSA. The standards may include, but are not limited to, such water conservation measures as limitation 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. The standards shall be approved by JCSA prior to approval of the site plan for development of the Property.

10. Deliveries. Deliveries to the Property shall be limited to between 6:00 A.M to 6:00 P.M Monday to Friday.

11. Outdoor Storage. All outdoor storage on the Property, including heavy machinery, trucks, equipment, and materials, shall be screened from the right-of-way and adjacent properties with landscaping or fencing as approved by the Director of Planning prior to site plan approval.

12. Uses.

a. Uses that require a Special Use Permit in the M-1 Zoning District use list, as amended, 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 office, 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 or 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 or less in height.

Research, development and design facilities or laboratories.

Security service offices.

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 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:

Rob the Builder, Inc.

  
\_\_\_\_\_  
Robert D Lang 23 March 2021

Robert D Lang

Date

STATE OF VIRGINIA

CITY/COUNTY OF JAMES CITY, to wit:

The foregoing instrument was acknowledged before me this 23 day of MARCH, 2021, by Robert D Lang, as owner of Rob the Builder, Inc.

*Michael Miller*

NOTARY PUBLIC

My commission expires: 08/31/2022

Registration Number: 7612238



INSTRUMENT 210007634  
RECORDED IN THE CLERK'S OFFICE OF  
WMSBG/JAMES CITY CIRCUIT ON  
APRIL 16, 2021 AT 09:30 AM  
MONA A. FOLEY, CLERK  
RECORDED BY: SPA

## EXHIBIT A

Those certain pieces or parcels of land in Stonehouse District of James City County, Virginia, more particularly shown and described as "PARCEL 'B1'" and "PARCEL 'B2'" on a plat of survey entitled, "PLAT OF SUBDIVISION BEING 'B1' AND 'B2' CONTAINING 2.447 ACRES+/- OWNED BY MICHAEL C. BROWN, LTD., STONEHOUSE DISTRICT JAMES CITY COUNTY VIRGINIA," which plat is dated November 19, 1999, made by AES, Consulting Engineers, a copy of which is recorded in the Clerk's Office for the City of Williamsburg and County of James City in Plat Book 77, at page 72 and to which plat reference is here made for a more complete description of the property.



OFFICIAL RECEIPT  
WILLIAMSBURG/JAMES CITY COUNTY CIRCUIT  
DEED RECEIPT

**DATE :** 04/16/2021                      **TIME :** 09:30:41                      **CASE # :** 830CLR210007634  
**RECEIPT # :** 21000013122    **TRANSACTION # :** 21041600023  
**CASHIER :** SPA                      **REGISTER # :** B216                      **FILING TYPE :** OTHER                      **PAYMENT :** FULL PAYMENT  
**INSTRUMENT :** 210007634                      **BOOK :**                      **PAGE :**                      **RECORDED :** 04/16/2021                      **AT :** 09:30  
**GRANTOR :** ROB THE BUILDER INC                      **EX :** N                      **LOC :** CO  
**GRANTEE :** COUNTY OF JAMES CITY VIRGINIA                      **EX :** N                      **PCT :** 100%  
**RECEIVED OF :** COUNTY OF JAMES CITY VIRGINIA  
**ADDRESS :**  
**CASH :** \$0.00  
**DESCRIPTION 1 :** PARCEL B1 & PARCEL B2 STONEHOUSE DISTRICT                      **PAGES :** 006                      **OP :** 0  
**NAMES :** 0  
**CONSIDERATION :** \$0.00                      **AVAL :** \$0.00                      **PIN OR MAP :** 1240100009B

ACCOUNT CODE	DESCRIPTION	PAID
035	VIRGINIA OUTDOOR FOUNDATION	\$0.00

**TENDERED : \$**                      0.00  
**AMOUNT PAID : \$**                      0.00