

CLR202506711

Tax Parcel Number 1910900012A

PROFFERS

CHICKAHOMINY HAVEN MARINA

April _24th_ , 2025

Prepared by:
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CHICKAHOMINY HAVEN MARINA PROFFERS

THESE PROFFERS (“Proffers”) are made this 24th day of April, 2025, by and between **SINCERE ESTATES LLC**, a Virginia limited liability company (“Owner”) (to be indexed as grantor), and **THE COUNTY OF JAMES CITY, VIRGINIA**, a political subdivision of the Commonwealth of Virginia (“County”) (to be indexed as grantee), provides as follows:

RECITALS

R-1. Owner is the owner of certain real property located in James City County, Virginia, being more particularly described on EXHIBIT A attached hereto and made a part hereof (the “Property”).

R-2. The Property is now zoned R-2 – General Residential. The Property is designated Rural Lands on the County’s Comprehensive Plan Future Land Use Map.

R-3. Owner has applied to rezone the Property from R-2 – General Residential to A-1 – General Agriculture, with proffers. The rezoning of the Property to A-1, with proffers, is consistent both with the land use designation for the Property in the County’s Comprehensive Plan and the statement of intent for the General Agricultural zoning district set forth in Section 24-211 of the County Zoning Ordinance, Section 24-1 *et seq.* of the County Code of Ordinances, in effect on the date hereof (the “Zoning Ordinance”).

R-4. A community impact study (“Community Impact Study”) entitled “Community Impact Statement Rezoning and Special Use Permit of Chickahominy Marina” prepared by AES Consulting Engineers, dated November 1, 2024, has been submitted to the County Planning Director for review by the County in connection with this proposed rezoning. The Community Impact Study is on file in the office of the County Planning Director.

R-5. Developer has submitted to the County a conceptual plan of development (“Master Plan”) entitled “Rezoning for Chickahominy Marina”, dated October 17, 2024 and last revised January 31, 2025, prepared by AES Consulting Engineers, for the Property in accordance

with the County Zoning Ordinance. The Master Plan is on file in the office of the County Planning Director.

R-6. The County constitutes a high-growth locality as defined by Section 15.2-2298 of the Virginia Code.

R-7. The provisions of the Zoning Ordinance, may be deemed inadequate for protecting and enhancing orderly development of the Property. Accordingly, Owner, in furtherance of the above-described application for rezoning, desires to proffer certain conditions which are limited solely to those set forth herein in addition to the regulations provided for by the Zoning Ordinance for the protection and enhancement of the development of the Property, in accordance with the provisions of Sections 15.2-2303 and 15.2-2303.4(D)(1) of the Code of Virginia, as amended (the "Virginia Code"), Ordinance N0.31A-346 adopted by the James City County Board of Supervisors on October 8, 2019 and Sec 24-16 of the Zoning Ordinance.

NOW, THEREFORE, for and in consideration of the approval by the Board of Supervisors of the County of the rezoning set forth above and the Master Plan, and pursuant to Sections 15.2-2303 and 15.2-2303.4(D)(1) of the Virginia Code, and Section 24-16 of the Zoning Ordinance, it is agreed that all of the following conditions shall be met and satisfied in developing the Property.

PROFFERS:

1. Master Plan. The Property shall be developed generally in accordance with the Master Plan subject only to changes thereto that the County or its duly authorized designee determines do not alter the basic concept or character of the development in accordance with Section 24-23(a)(2)(f) of the Zoning Ordinance in effect on the date hereof; provided, however, such development shall be expressly subject to such changes in configuration, composition and location as required by all other governmental authorities having jurisdiction over such development.

2. Permitted Uses. Use of the Property shall be limited to:

a. Waterfront business activities which shall include, but not be limited to, marina, boat ramp for watercraft launching and retrieval, boat docks, piers, wet slip rental for watercraft, dry storage of watercraft and/or watercraft trailers, and retail store;

b. Restaurant; and

c. Accessory buildings, structures, and uses for each of the foregoing uses;

3. **Headings.** All section headings and subheadings of these Proffers are for convenience only and shall not be read as a part of these Proffers or utilized in interpretation thereof.

4. **Delegation of Subsequent Approvals.** The County Board of Supervisors by accepting these Proffers is exercising its legislative function. While these Proffers may provide for subsequent approvals by the County or by its duly authorized designees appointed by the County, such subsequent approvals by any duly authorized designee of the County shall not include the exercise of any legislative function.

5. **Severability.** In the event that any clause, sentence, paragraph, section or subsection of these Proffers shall be adjudged by any court of competent jurisdiction to be invalid or unenforceable for any reason, including a declaration that it is contrary to the Constitution of the Commonwealth of Virginia or of the United States, or if the application thereof to any owner of any portion of the Property or to any government agency is held invalid, such judgment or holding shall be confined in its operation to the clause, sentence, paragraph, section or subsection hereof, or the specific application thereof directly involved in the controversy in which the judgment or holding shall have been rendered or made, and shall not in any way affect the validity of any other clause, sentence, paragraph, section or provision hereof.

6. **Successors and Assigns.** These Proffers shall be binding upon and shall inure to the benefit of the parties hereto, and their respective heirs, successors and/or assigns;

provided, however once a party ceases to own any portion of the Property, such party shall have no continuing liability hereunder.

7. **Void if Rezoning Not Approved.** In the event that any of the proposed rezoning sought by this application is not approved by the County as submitted or is overturned by subsequent judicial determination, these Proffers shall be null and void.

8. **Reasonable Proffers.** The Owner, as evidenced by its signature below, deems these proffers to be reasonable and appropriate.

[SIGNATURES APPEAR ON THE FOLLOWING PAGES]

[COUNTERPART SIGNATURE PAGE TO PROFFERS]

WITNESS the following signatures, thereunto duly authorized:

SINCERE ESTATES LLC

By: [Signature]
Name: Steven Barone
Title: President / CEO

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF Newport News

The foregoing instrument was acknowledged before me this 21 day of April, 2025, by Steven P. Barone, member of Sincere Estates LLC, on its behalf.

[Signature]
Notary Public

My commission expires: 11.30.26
My registration number is: 7783304

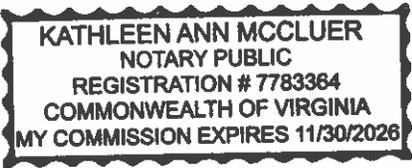


EXHIBIT A

All that certain lot, piece or parcel of land, state, lying and being in James City County, Virginia, as more particularly shown in that certain plat entitled "Plat Showing Commercial Area of Section 8, Chickahominy Haven" dated May 27, 1967 and made by S. V. Camp, III, C.L.S., a copy of which is recorded in James City County Plat Book 21, page 46 in the Office of the Clerk of the Circuit Court of James City County Deed Book 137, page 28 in the aforementioned Clerk's Office.

INSTRUMENT 202506711
RECORDED IN THE CLERK'S OFFICE OF
WMSBG/JAMES CITY CIRCUIT ON
MAY 16, 2025 AT 12:30 PM
ELIZABETH E. O'CONNOR, CLERK
RECORDED BY: SPA