

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND THE EXISTING PROFFERS AND MASTER PLAN TO ALLOW FOR THE CONSTRUCTION OF AN ADDITIONAL TEN-PLEX BUILDING AND FOR CHANGES IN LAND USE DESIGNATIONS.

CASE NOS. Z-19-0014 AND MP-19-0016. THE PROMENADE AT JOHN TYLER HIGHWAY

PROFFER AND MASTER PLAN AMENDMENT

WHEREAS, on December 9, 2014, the Board of Supervisors approved Case Nos. Z-0003-2014/MP-0003-2014, which rezoned certain property from B-1, General Business to MU, Mixed Use, with proffers (the “Original Proffers”) and permitted the development known as The Promenade at John Tyler Highway; and

WHEREAS, the Original Proffers were amended by the Board of Supervisors on April 12, 2016 (Case No. Z-0001-2016) and June 14, 2016 (Case No. Z-0005-2016), which amended Condition Nos. 2 and 8 of the Original Proffers, respectively, and retained all other proffers contained in the Original Proffers (all together the “Existing Proffers”); and

WHEREAS, Mr. Jerry L. Bowman has submitted a request to amend the Existing Proffers and Master Plan for a portion of The Promenade at John Tyler Highway to allow for the construction of an additional ten-plex building and for changes in land use designations in the Master Plan; and

WHEREAS, the properties subject to the application are located at 5299, 5303, 5307, and 5311 John Tyler Highway and can be further identified as James City County Real Estate Tax Map Parcel Nos. 4812200025, 4812200026, 4812200027, and 4812200028, respectively; and

WHEREAS, the Planning Commission of James City County, following its consideration on November 6, 2019, recommended approval of Case Nos. Z-19-0014 and MP-19-0016, by a vote of 5-0 with one abstention; and

WHEREAS, the Board of Supervisors of James City County, Virginia, finds Case Nos. Z-19-0014 and MP-19-0016 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 Nos. Z-19-0014 and MP-19-0016 are hereby approved as described herein and the amended voluntary proffers are accepted.

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James O. Icenhour, Jr.  
Chairman, Board of Supervisors

ATTEST:

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Teresa J. Fellows  
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
HIPPLE	_____	_____	_____
LARSON	_____	_____	_____
SADLER	_____	_____	_____
MCGLENNON	_____	_____	_____
ICENHOUR	_____	_____	_____

Adopted by the Board of Supervisors of James City County, Virginia, this 10th day of December, 2019.

Z19-14MP19-16JTHwyProm-res