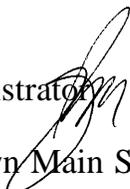


COUNTY OF YORK

MEMORANDUM

DATE: September 2, 2014 (BOS Mtg. 9/16/14)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator 

SUBJECT: Application No. YVA-34-14; Yorktown Main Street LLC, Hornsby House Inn

ISSUE

This is a request for authorization, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, to conduct private weddings and receptions for a fee as a business venture on the premises of a previously approved bed and breakfast operation located at 702 Main Street and with off-street parking proposed on adjacent properties located at 606 Main Street and 204 Smith Street.

DESCRIPTION

- Property Owner: Yorktown Main St., LLC T/A Hornsby House Inn (c/o David and Philip Bowditch)
- Location: 702 and 606 Main Street (Route 1001) and 204 Smith Street (Route 1002)
- Area: 1.34 acres (combined area of four parcels)
- Frontage: 702 Main St: 133 ft. on Main St, 234 ft. on Smith St
606 Main St: 128 ft. on Main St., 165 ft. on Smith St.
204 Smith St: 59 ft. on Smith St.
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Yorktown Village
- Zoning Classification: YVA – Yorktown Village Activity
Yorktown Historic District overlay
- Existing Development: 702 Main Street: Five-suite bed and breakfast facility with detached accessory apartment
606 Main Street: Single family detached dwelling
204 Smith Street: None
- Surrounding Development:

North: National Park Service property; Dudley Digges House/Yorktown Victory Monument

East: Single-family detached dwelling

South: Single-family detached dwelling

West: Single-family detached dwellings

- Proposed Development: Private weddings and receptions for a fee as a commercial venture in conjunction with an approved bed and breakfast establishment

BACKGROUND

In May 2010, the applicants received approval, through the adoption of Board of Supervisors Resolution No. R10-68(R), to establish a five-suite bed and breakfast (B&B) operation in the existing single-family detached home located at 702 Main Street. They have been operating a B&B establishment on the property since that time. The existing detached accessory apartment is a lawful nonconforming use on the property.

CONSIDERATIONS/CONCLUSIONS

1. The YVA-Yorktown Village Activity district provisions (Section 24.1-327) require that significant changes in the use of property within the district must be reviewed and approved in accordance with the same procedures as are applicable to Special Use Permits – i.e., review, public hearing, and recommendation by the Planning Commission and review, public hearing, and decision by the Board of Supervisors. “*Guest houses and bed and breakfast establishments*” are listed as permitted uses in the YVA District.

The YVA reference to the Special Use Permit provisions serves to define the review and approval process for land use changes in the YVA district, but it does not mandate the use of the Performance Standards that would apply to a proposal for hosting events for a fee in conjunction with a B&B operation located elsewhere in the County (e.g., in one of the standard residential zoning districts). Nevertheless, those performance standards (as set forth in Section 24.1-409(e), and listed below) will be helpful in reviewing this request and, absent any compelling need to deviate from them, would seem to provide appropriate design and operational guidance:

- (1) Frequency of events: No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.
- (2) Maximum number of guests: The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the high-

way network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

- (3) Facilities: Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.
- (4) Duration of event: Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.
- (5) Lighting: Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.
- (6) Noise: The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.
- (7) Parking: Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

- a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;
- b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping, unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

- (8) Fire and Emergency Vehicle Access: Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width, configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.
 - (9) Sanitation: Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling's on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.
 - (10) Caterers/Vendors: The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.
2. The applicants have requested approval to host private weddings and receptions for up to 130 guests for a fee on the premises of the noted B&B establishment. The request also includes use of three adjacent parcels (owned by the applicants) for event parking. Grassed parking areas would be located on the B&B parcels (the backyard area has been stabilized with a grass-pave system to accommodate B&B guests), and across Smith Street on 606 Main Street and 204 Smith Street. In addition, the applicants have an agreement with Yorktown Baptist Church (located at the corner of Smith and Ballard Streets) to allow for use of the church parking lot for event guests, provided the church has no conflicting need of the parking area (see attached memorandum of understanding). Staff estimates that the church lot can accommodate approximately 45 vehicles.
 3. Section 24.1-409(3)(7) sets forth parking standards of one parking space for every two persons plus one space for every contract employee (i.e. caterers, musicians,

etc.) associated with the event. Staff estimates approximately 75 temporary parking spaces would be required to accommodate the maximum event attendance as requested by the applicants (65 spaces for guests plus 10 for caterers, musicians, and other staff). There is ample area on the applicants' properties to accommodate the maximum number of required spaces. Currently, there are nine gravel parking spaces off of Smith Street on the bed and breakfast parcel plus the grass-pave area in the back yard, and a small gravel area on the opposite side of the street that can accommodate an additional six vehicles. The grassed area on the opposite side of Smith Street would be used for additional parking when needed. The applicant has indicated that the church parking area would be utilized when grass parking is inconvenient, such as during inclement weather. I am recommending an approval condition requiring a 25-foot parking setback and installation of evergreen screening along the western property boundary of 606 Main Street, the southern boundary of 204 Smith Street, and the eastern side of 702 Main Street in the areas to be used for temporary parking.

4. In zoning districts other than YVA, the Zoning Ordinance requires that parking areas for receptions associated with bed and breakfast establishments be constructed using all-weather materials (such as asphalt, gravel, pavers, or other geotextile materials). I am of the opinion that conversion of the subject grassed areas to visible parking surfaces, such as asphalt or gravel, would not be keeping with the character of Yorktown village landscape. I am of the opinion that the grassed areas, if maintained properly (i.e. aerated, top-dressed and seeded when needed), could be used for the occasional parking associated with reception events without installation of all-weather materials. This takes into account their infrequent use, the availability of off-site parking during inclement weather, and the residential and historic character of the property and immediate vicinity. Should all-weather parking surfaces become necessary, I am recommending they be constructed with geotextile materials that are covered with a layer of soil and grass. A proposed approval condition requiring adequate maintenance of the grass parking areas addresses this issue.
5. Guests would access the proposed grassed parking areas via Main Street or Smith Street. Portable barriers are used on Main Street between Church and Comte de Grasse Streets to delineate "pedestrians-only" restrictions between April and October. Residents (and overnight guests of the B&B) are permitted to drive around these barriers. Given the temporary high volume of traffic that could occur during large events, the preferred access would be via Smith Street during such times. A proposed approval condition would require the applicant to manage the parking of guests such that their vehicles move easily and conveniently onto the property without blocking travel on Main Street or Smith Street. Virginia Department of Transportation (VDOT) staff have reviewed the application, and expressed no concerns about the impact of the proposed use on traffic volumes.
6. The applicants have indicated that tents may be used occasionally for events. According to the applicants' justification statement, if tents were used, they would be placed in the rear yard area of the bed and breakfast parcel. A proposed approval

condition addresses location restrictions and adherence to Building and Fire and Life Safety Codes for tent facilities and places a 21-consecutive day limit on a tent remaining on the site.

7. The applicants have indicated that they would schedule events in accordance with frequency and duration limitations set forth in Section 24.1-409(e)(1) and (4). Therefore, events would be limited to no more than one per day, and no more than two events in any 7-day period. Event hours would be limited to the period between 10:00 am and 10:00 pm, with set-up and take-down activities taking place no earlier than 8:00 am and no later than 11:00 pm. A proposed approval condition addresses this issue.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its August 13 meeting and, subsequent to conducting a public hearing at which only the applicant's representative spoke, voted 6:0 (Mr. Brazelton absent) to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

The existing bed and breakfast establishment has been operating successfully for over four years without any evidence of adverse impacts on the surrounding area or the residential character of the neighborhood. Proposed parking areas located along the neighbors' common property lines would be required to be buffered with evergreen landscaping. Off-site parking at Yorktown Baptist Church is available for large events when grass on-site parking is impracticable. Approval conditions would place limits on noise, lighting, and frequency and duration of events. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve the application for the proposed home occupation subject to the conditions set forth in proposed Resolution R14-108.

Carter/3337.amp

Attachments:

- Planning Commission minutes excerpts, August 13, 2014
- Zoning Map
- Applicant's Narrative
- Memorandum of Understanding with Yorktown Baptist Church for Parking
- Aerial Photo of Subject Properties
- Applicants' Sketch Plan
- Proposed Resolution R14-108