

Application No. YVA-34-14, Yorktown Main Street, LLC: 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 bed and breakfast operation located at 702 Main Street and with off-street parking proposed on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002). The properties are located in the southeast and southwest quadrants of Main and Smith Streets and are further identified as Assessor's Parcel Nos. 18A-1-64, 18A-1-65A, 18A-1-61, and 18A-1-60. The properties are zoned YVA (Yorktown Village Activity), and are designated Yorktown Historical District in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report to the Commission dated August 4, 2014, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC14-23(R).

Mr. Suiter noted that the proposed hours of operation are from 10:00 a.m. to 10:00 p.m., and he asked what the noise standards are in the Yorktown village.

Ms. Parker stated that the increased noise restrictions begin at 9:00 p.m.

Mr. Suiter asked if the noise ordinance specifies a decibel limit that would be applicable to this operation.

Ms. Parker quoted from Section 16-19 of the York County Code, which addresses unnecessary or excessive noise and prohibits the operation or playing of any radio, stereo system, loudspeakers, or other sound reproduction device, or any drum, musical instrument, or similar device when the sound is plainly audible at a distance of one hundred feet or more from its source and on property other than that from which the sound originates, or within an occupied detached residential dwelling with all windows and doors closed located on property other than that from which the sound originates, or between the hours of 9:00 p.m. and 7:00 a.m. in such a manner as to permit sound to be plainly audible across a residential real property line.

Mr. Myer asked where on the property a tent would be permitted.

Ms. Parker pointed out the location on an aerial photo of the property.

Mr. Mathes asked if the proposed limit on the number of guests is what the applicant requested or if it is in some way related to the County's estimate of the carrying capacity of the property. He asked if staff had calculated what the maximum number of guests should be.

Ms. Parker responded that the proposed maximum number of guests was based on the applicant's request and that the capacity would be dictated by the amount of parking and that building occupancy would be determined by the Building Code.

Mr. Jons asked if the required 25-foot landscape buffer includes existing vegetation or if it would consist entirely of new plantings.

Ms. Parker responded that existing vegetation would count toward the applicable landscaping requirements.

Chair Magowan opened the public hearing.

Doug Hornsby, spoke on behalf of the applicants, noting that David Bowditch is out of the country. He stated that the bed-and-breakfast has proven to be a wonderful addition to Yorktown and that the staff has done a good job of coming up with reasonable conditions that will prevent any adverse impacts.

Chair Magowan asked if the 9:00 noise curfew would cause a problem for the applicants.

Mr. Hornsby responded that it would not. He stated that if there is excessive noise after 9:00, the applicants will instruct the guests to quiet down.

Chair Magowan asked if outdoor music would cease at 9:00.

Mr. Hornsby responded that it would.

There being no one else present wishing to speak on this matter, **Chair Magowan** closed the public hearing.

Mr. Jons stated that he visited the property and was very impressed. He said the grounds and the parking areas are well thought-out and that he supports the application.

Mr. McCulloch noted that there were several emails of support from the neighbors, and he stated that shared parking arrangement between the bed-and-breakfast and the Yorktown Baptist Church is a good thing. He said he supports the application.

Mr. Mathes said he has no concerns about this application.

Mr. Myer asked Ms. Parker if the proposed conditions of approval are consistent with the conditions approved for a previous application to allow weddings and receptions at a bed-and-breakfast.

Ms. Parker responded that the only difference is that with the current application, the applicant would be allowed to have cars parked on the grass as long as it is well-maintained.

Mr. Suiter stated that the bed-and-breakfast has already established a strong relationship in the area and that he is confident that the owners will not do anything to endanger that. He said he supports the application.

Chair Magowan stated that this is a compatible use of the property and that she supported the application.

Mr. Jons moved the adoption of proposed Resolution No. PC14-23(R).

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE PRIVATE WEDDINGS AND RECEPTIONS FOR A FEE AS A BUSINESS VENTURE AT AN EXISTING BED AND BREAKFAST OPERATION LOCATED AT 702 MAIN STREET AND WITH OFF-STREET PARKING ON PROPERTIES LOCATED AT 606 MAIN STREET AND 204 SMITH STREET.

WHEREAS, on May 18, 2010, the York County Board of Supervisors approved Application No. YVA-31-10, through the adoption of Resolution No. R10-68(R) and pursuant to the terms of the YVA-Yorktown Village Activity District, to authorize a bed and breakfast establishment on property located

at 702 Main Street (Route 1001) and further identified as Assessor's Parcel Nos. 18A-1-64 and 18A-1-65A; and

WHEREAS, Yorktown Main Street LLC has submitted Application No. YVA-34-14 to request 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 the previously approved bed and breakfast operation located at 702 Main Street and with off-street parking proposed on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002) and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621), 18A-1-65A (GPIN P11b-3239-4525), 18A-1-60 (GPIN P11b-3190-4741), and 18A-1-61 (GPIN P11b-3127-4647); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of August, 2014, that Application No. YVA-34-14, be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This approval shall authorize, pursuant to section 24.1-327(b) of the York County Zoning Ordinance, the conducting of private weddings and receptions for a fee as a business venture on the premises of the previously approved bed and breakfast operation located at 702 Main Street and with off-street parking on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002) and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621), 18A-1-65A (GPIN P11b-3239-4525), 18A-1-60 (GPIN P11b-3190-4741), and 18A-1-61 (GPIN P11b-3127-4647).
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the conducting of private weddings and/or receptions on the subject property. Said site plan shall be in substantial conformance with the sketch plan received by the Planning Division on July 1, 2014, a copy of which shall remain on file in the office of the Planning Division, except as modified herein.
3. Operation of events on the subject property shall be in compliance with all applicable requirements of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the International Fire Prevention Code.
4. The maximum number of guests permitted at any one event shall be one hundred thirty (130), not including caterers and other contract employees associated with individual events. Not more than one (1) event per day, or two (2) events in any 7-day period, shall be permitted.
5. Off-street parking shall be arranged and provided to accommodate a minimum of one (1) space for every two (2) guests (i.e., 65 spaces, based on the maximum allowable 130 guests) plus employees, caterers, or others attending an event. Such parking may be provided in the areas indicated on the referenced sketch plan or at the off-site location covered by the Memorandum of Understanding dated July 24, 2014 between the applicant and the Yorktown Baptist Church.

In accordance with the special parking accommodations that may be authorized in the YVA District, and given the periodic nature of the wedding/reception activity, the use of the unstabilized grass lawn areas for off-street parking, as depicted on the sketch plan, is hereby approved, subject to the following stipulations:

- a. The grassed parking areas shall be maintained in a healthy vegetative condition, to include periodic aeration, annual top-dressing with compost, seeding as needed, mowing at recommended heights, and avoiding use when the soil is saturated so as to minimize compaction.
- b. In the event the grassed areas are damaged by over-use, heat, lack of or excess rainfall, or other causes that result in an appearance inconsistent with the residential character of the surroundings, the use for weddings and reception events shall be discontinued until the area is repaired or recovers naturally and the ability to schedule events shall be totally dependent on the availability of the off-site parking accommodations.
- c. Nothing herein shall prevent the applicant from installing any of the various methods of natural area engineered parking stabilization systems such as geotextile fabric or grass-pave systems, subject to the approval of the Division of Development and Compliance.

Wedding or reception guests shall not park on public street rights-of-way, and the applicant shall take all necessary steps to insure that movements in and out of the grassed parking areas do not disrupt travel by residents of Main Street and Smith Street or other vehicles using the streets.

6. The applicant shall procure building permits and zoning approval for any temporary tents to be used in accordance with the conditions set forth herein prior to commencement of events. No tent shall remain in place for more than twenty-one (21) consecutive days. Location of any temporary tents shall be limited to the south side (back yard) of the existing bed and breakfast establishment located at 702 Main Street. In accordance with applicable Virginia Statewide Fire Prevention Code requirements, tent structures shall be set back a minimum of 20 feet from any adjacent property not owned by the applicant.
7. The applicant shall maintain a 25-foot landscaped buffer and parking setback along the western property boundary of 606 Main Street, the southern and western boundary of 204 Smith Street, and the eastern boundary of 702 Main Street adjacent to areas to be used for temporary parking. Said buffer shall be planted with evergreen trees of a variety that will maintain branching to ground level or with evergreen shrubs of sufficient density and height to screen the view of parked cars from adjoining residences.
8. 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.
9. Operation of events shall be in compliance with applicable requirements of County Code Section 16-19 – Unnecessary or Excessive Noise, and lighting standards as set forth in Section 24.1-260(g) of the Zoning Ordinance.
10. Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. 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.

11. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

Yea: (6) Myer, Jons, McCulloch, Mathes, Suiter, Magowan
Nay: (0)
