

**MINUTES  
YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
January 9, 2013

**MEMBERS**

Christopher A. Abel  
Alexander T. Hamilton  
Melissa S. Magowan  
Todd H. Mathes  
Timothy D. McCulloch  
Richard M. Myer, Jr.  
Mark B. Suiter

**CALL TO ORDER**

Chair Richard M. Myer, Jr. called the meeting to order at 7:00 PM.

**REMARKS**

Chair Myer stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. The responsibility is exercised through recommendations conveyed by resolutions or other official means and all are matters of public record. He indicated that the Commission is comprised of citizen volunteers, appointed by the Board, representing each voting district and two at-large members.

**ROLL CALL**

The roll was called and all members were present with the exception of Mr. Hamilton.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

Chair Myer led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Mr. Abel moved to adopt the minutes of the regular meeting of December 12, 2012, and the motion was approved (6:0).

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. ZM-139-13, Kevin Rollins:** Request to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive (Route 1703) from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20. The property owners have voluntarily proffered that the property will be developed with a maximum of nine (9) single-family detached homes. The proposed maximum density is 0.98 single-family detached dwelling unit per acre. The Comprehensive Plan designates

this property for High Density Residential development with a maximum density of 3.0 dwelling units per acre.

**Timothy Cross, Principal Planner** summarized the staff report to the Commission dated December 28, 2012, in which 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. PC13-1.

**Mr. Mathes** noted that the applicant is requesting R20 zoning but the proposed density is closer to one unit per acre, and he asked Mr. Cross if that was correct.

**Mr. Cross** responded that the existing 9.2 acres would be subdivided into a maximum of nine lots, including the two existing lots, based on the applicant's proffer statement. He added that the road would eventually need to be extended into the existing property, which would require and that the resulting loss of land for right-of-way would affect the ultimate lot yield.

**Chair Myer** opened the public hearing.

**Mr. Kevin Rollins**, 342 Atlanta Drive, Newport News, Virginia, spoke as the applicant and said his family has no immediate plans to develop the property but is seeking the rezoning in order to make the property more marketable for development.

**Chair Myer** closed the public hearing.

**Mr. Abel** said the application is consistent with the Comprehensive Plan and that he supports it.

**Ms. Magowan** and **Mr. Suiter** also expressed support for the application.

**Chair Myer** said the application is within the scope of the Comprehensive Plan and he supports it.

**Mr. Suiter** asked if the neighboring church had expressed any concerns.

**Mr. Cross** said a representative of the church had contacted him and did not express any concerns about the application.

**Mr. Suiter** moved adoption of Resolution No. PC13-1.

**A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 9.2 ACRES AT 313 AND 315 DOROTHY DRIVE FROM PD, GB, AND RMF TO R20 SUBJECT TO A VOLUNTARILY PROFFERED CONDITION**

WHEREAS, Kevin Rollins has submitted Application No. ZM-139-13, which seeks to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive (Route 1703), further identified as Assessor's Parcel Nos. 24-72-3B and 24-46-2A (GPIN R07d-4858-1220 and R07d-4996-1595), from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20 subject to a voluntarily proffered condition; and

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

WHEREAS, the Planning Commission had 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 12th day of December, 2013, that Application No. ZM-139-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying approximately 9.2 acres of land located at 313 and 315 Dorothy Drive (Route 1703), further identified as Assessor's Parcel Nos. 24-72-3B and 24-46-2A (GPIN R07d-4858-1220 and R07d-4996-1595), from PD (Planned Development), RMF (Residential Multi-Family), and GB (General Business) to conditional R20 subject to the voluntarily proffered condition set forth in the Proffer Statement signed by Betty A. Rollins, Susan R. Voss, and Dennis L. Rollins and dated December 17, 2012.

BE IT FURTHER RESOLVED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the Ordinance accepting the proffered condition, together with a duly signed copy of the proffer statement, 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 a building

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

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**Application No. UP-821-13, James Sasin:** Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment on the second story of a proposed detached garage located at 149 Wynne Road (Route 657) approximately 620 feet northeast of its intersection with Boathouse Cove (private road). The 1.48-acre parcel is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

**Earl Anderson, Planner** summarized the staff report to the Commission dated December 20, 2012, in which 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. PC13-2.

**Mr. Mathes** asked about an email from the adjacent property owners regarding the application and their ability to retain their existing rights of ingress and egress.

**Mr. Anderson** said he had been contacted by owners of the adjacent property at 152 Wynne Road, who expressed concerns about their driveway but had no concerns about the application itself. He added that he was also contacted by the other adjacent property owners and several others who saw the use permit sign, none of whom had any concerns about the application.

**Mr. Suiter** asked if the applicants are building an addition to the house in order to increase the allowable square footage of the apartment and how the two construction projects would be sequenced to ensure all regulations are met. He added that the applicants would be better able to explain their rationale.

**Mr. Anderson** responded that the Division of Building Regulation would monitor the building of the addition through the inspection process and that if the addition is not built then the apartment would have to be smaller.

**Chair Myer** asked if the applicant is aware of the performance standards pertaining to accessory apartments.

**Mr. Anderson** responded that they are and that they will have to record a deed restriction with the Clerk of Court affirming that they will abide by those requirements.

**Chair Myer** opened the public hearing and there being no one wishing to speak, he closed the public hearing.

**Ms. Magowan** asked the applicant who would be living in the accessory apartment.

**Debora Sasin**, 149 Wynne Road, Yorktown, spoke as the owner of the property, saying she plans to move into the accessory apartment, which would allow her son to purchase and move into the house.

**Mr. Suiter** asked why they don't build the addition to the house first so that they would know how large the apartment can be, which he felt would make the process smoother.

**Debra Sasin** responded that they had hoped to build the accessory apartment first so she could move into it, which would then allow her son and his family to move into the vacant home.

**James Sasin**, 113 Glenn Cove, Seaford, Virginia, spoke as the applicant, saying he is in the process of selling his home and then he would move into his mother's home.

**Chair Myer** said all restrictions pertaining to the accessory apartment must be followed.

**Ms. Magowan** moved adoption of Resolution No. PC13-2.

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 149 WYNNE ROAD**

WHEREAS, James Sasin has submitted Application No. UP-821-13 to request a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, to authorize the establishment of an accessory apartment exceeding the normally allowable 600-square foot/25% floor area limits in a detached structure in conjunction with an existing single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836); 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12<sup>th</sup> day of December, 2013 that Application No. UP-821-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-407(b)(2) of the York County Zoning Ordinance, for the establishment of an accessory apartment in a detached structure in conjunction with an existing single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836) subject to the following conditions:

1. This use permit shall authorize the establishment of a detached accessory apartment in conjunction with a single-family detached home on a 1.48-acre parcel of land located at 149 Wynne Road and further identified as Assessor's Parcel No. 25G-1-11 (GPIN U08d-4454-0836).
2. The apartment shall be contained within a structure located at least 50 feet from the Wynne Road right-of-way line, as depicted on the sketch plan, and in general accordance with the floor plan submitted by the applicant, copies of which shall remain on file in the office of the Planning Division.
3. Construction and occupancy of the accessory apartment shall be in compliance with the performance standards set forth in Sections 24.1-407 (Standards for accessory apartments in conjunction with single-family detached dwellings).
4. The habitable floor area of the accessory apartment unit shall not exceed 35% of the floor area (either current or enlarged) of the principal residence, or 640 square feet, whichever is less. If the size of the accessory apartment is dependent on an enlargement of the principal residence, the Certificate of Occupancy (C.O.) for the enlargement must be issued prior to issuance of the C.O. for the accessory apartment.
5. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling or by a bona fide medical/health caretaker or domestic employee of the occupant of the single-family dwelling.
6. Prior to issuance of a Certificate of Occupancy for the accessory apartment, the applicant shall be responsible for recording with the Clerk of the Circuit Court, a copy of the resolution authorizing this use permit. A court-certified copy of the document shall be submitted to the County at the time of building permit application.

BE IT FURTHER RESOLVED that the above conditions are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

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

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#### OLD BUSINESS

Chair Myer said he would like to discuss the feedback received regarding the draft update of the Comprehensive Plan. He noted that the Commission has received a letter from a property owner, and he asked Mr. Cross to elaborate.

**Mr. Cross** stated that the letter was from Mr. Matthew Egger, whose family owns property along the Colonial Parkway that the current Comprehensive Plan designates Economic Opportunity with a Mixed Use overlay, which means it could potentially be appropriate for mixed-use development consisting of residential and commercial uses. He stated that at a work session in October, staff had proposed to redraw the Mixed Use overlay designation to focus more on the area immediately surrounding the Route 199/Interstate 64 interchange, which, has excellent access and is served by public water and sewer. He stated that the Egger property, in contrast, has no public utilities and is in a fairly isolated location at the end of a very narrow mile-long road, Winchester Road. Mr. Cross added that the proposed redrawn Mixed Use node, nevertheless, was deliberately drawn to include a portion of the Egger property so that it would not lose the opportunity for mixed-use development. Mr. Cross added that no other comments have been received yet.

**Mr. Abel** asked if the proposed Mixed Use overlay designation could be all the way to the Colonial Parkway to encompass the entire Egger property.

**Mr. Cross** responded that it could.

**Chair Myer** said he is not currently looking for a decision from the Commission on this issue but that it can be revisited at a later date. He noted that the draft Plan was distributed to the Commission in December and he asked the members if they had any significant comments on the Plan at this time.

**Mr. Mathes** noted that the Plan appears to contain more information than just what the state code requires and he asked if that was correct.

**Mr. Cross** responded that it was.

**Mr. Mathes** asked if guidance from the Virginia Institute of Marine Science regarding shoreline resources and management has been included in the document in accordance with the Code of Virginia.

**Mr. Cross** responded that he has discussed this with Anna Drake of the County's Stormwater Division, who wrote most of the Environment element. He noted that the language in the state code is ambiguous as to whether it applies to this Comprehensive Plan review but that the language will be added if deemed necessary.

**Mr. McCulloch** said the draft plan had incorporated all of the changes from the prior work sessions and that he would like a synopsis highlighting the draft Plan's proposed changes to the current Comprehensive Plan.

**Mr. Abel** said the draft is a first-rate product and that while not everyone will necessarily be happy with everything in the Plan, nobody can say their views were not heard. He stated that Plan was the product of a very inclusive process, and he commended the staff on both the process and the product. In addition, Mr. Abel noted but there are some duplicate page numbers and an empty text box in the Historic Resources element.

**Mr. Cross** responded that the staff encountered some technical difficulties in putting the document together and that these problems have been corrected in the online version of the Plan.

**Ms. Magowan** said her comments have been submitted to staff in writing. She said she is impressed with the draft Plan, particularly the Environment element, which she felt is a critical component given the County's topography. Ms. Magowan stated that her only concern is a need to emphasize the opportunities

and threats relative to the military and other federal facilities, and she mentioned Joint Land Use Studies as one way to address compatibility and encroachment issues.

**Mr. Suiter** said his comments have also been previously submitted to staff. He said he would like each objective to be linked to at least one implementation strategy and vice versa. He also asked if the "affordable housing" calculations include just principal and interest or if they also consider taxes, homeowners' association fees, insurance, and utilities.

**Mr. Cross** responded that the calculations include principal and interest, taxes, homeowner's insurance, and private mortgage insurance but not utilities or association dues.

**Chair Myer** said he had submitted his comments to staff. He noted that much of the discussion of affordable housing is based on prevailing mortgage interest rates, which are at historically low levels and may give a false impression as to the need for more moderately priced housing. He also recommended the addition of a diagram showing the proposed runway configuration for Newport News/Williamsburg International Airport. In addition, he recommended that any terms that are defined within the body of the Plan be included in the Glossary. He added that he also would like to see summary of the significant proposed changes.

**Mr. Carter** asked if the Commissioners are in agreement to advertise the public hearing for the February 13<sup>th</sup> meeting.

**Mr. Mathes** said that he feels there are some changes that he would like to see addressed in an updated draft.

**Mr. McCulloch** and **Mr. Abel** said a February public hearing would be fine.

**Mr. Suiter** said that some issues could be addressed before the February meeting.

**Ms. Magowan** said there are some changes that will need to be made but that she is comfortable with the February public hearing.

**Mr. Carter** noted that in addition to the Commission's comments, there will likely be citizen comments at the public hearing and that the Commission will have an opportunity to consider these comments prior to giving guidance to staff in preparing the second draft of the Plan. He also noted that there are no applications for the February meeting, so it would be a convenient time for the Comprehensive Plan public hearing .

**Chair Myer** added that setting a February public hearing date might inspire the commissioners to complete their review.

## **NEW BUSINESS**

**Chair Myer** said there was no new business.

## **STAFF REPORTS**

**Mr. Carter** referred to the Development Activity Report dated January 9, 2013.

**Chair Myer** asked why the Earl Storage mini-warehouse application was denied by the Board of Supervisors.

Mr. Carter responded that the Board had concerns about both the amount of undeveloped mini warehouse space that has already been approved on Route 17 and about using commercial property with Route 17 frontage for mini-storage warehouses.

**COMMITTEE REPORTS**

There were no committee reports.

**COMMISSION REPORTS AND REQUESTS**

There were no Commission reports and requests.

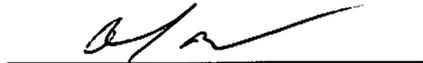
**ADJOURN**

The meeting was adjourned at 7:57 P.M.

**SUBMITTED:**

  
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Lisa N. Swartz, Secretary

**APPROVED:**

  
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Richard M. Myer, Jr., Chair

**DATE:**

13 Feb 2013