

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
August 14, 2013

MEMBERS

Glenn A. Brazelton
Melissa S. Magowan
Todd H. Mathes
Timothy D. McCulloch
Richard M. Myer, Jr.
Mark B. Suiter

CALL TO ORDER

Chair Mark B. Suiter called the meeting to order at 7:00 PM.

ROLL CALL

The roll was called and all members were present with the exception of Ms. Magowan and Mr. McCulloch.

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

Chair Suiter led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Mathes moved to adopt the minutes of the regular meeting of July 10, 2013, and the motion was approved (4:0).

REMARKS

Chair Suiter 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.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. ZM-144-13, MRP Enterprises, LLC: Request to amend the York County Zoning Map by reclassifying an approximately 8.6-acre parcel of land located at 131 White's Road (Route 1216) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions. The IL district is intended to provide opportunities for a wide variety of light manufacturing, fabricating, assembling, processing, wholesale distributing, and warehousing uses. The applicant has indicated that the purpose of the application is to allow for future expansion of an adjacent mini-storage

warehouse facility and has proffered to exclude certain other uses that would otherwise be permitted in the IL district. The property, further identified as Assessor's Parcel No. 24-134, is located at the end of White's Road approximately 900 feet west of its intersection with George Washington Memorial Highway (Route 17) and is designated in the Comprehensive Plan for Medium Density Residential development, which allows a maximum of 1.75 single-family detached dwelling units per acre).

Timothy C. Cross, AICP, Principal Planner, summarized the staff report to the Commission dated August 5, 2013, in which staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the voluntarily proffered conditions set forth in proposed Resolution No. PC13-19.

Mr. Myer observed that in the past the Board of Supervisors has expressed concerns about the multitude of mini-storage warehouse on Route 17, and he asked what would differentiate this application from previous mini-storage warehouse applications.

Mr. Cross responded that this mini-storage warehouse is not located on Route 17 and is actually an extension of a facility that is already in operation. He added that one of the Board's previously stated concerns was that commercially zoned property along Route 17 should be put to a more economically productive use than mini-storage, and he noted that this site does not fall into that category. Mr. Cross showed a map of the County indicating where all the mini-storage warehouse facilities are located and noted that there is a cluster of such facilities in this general area of the County.

Mr. Myer asked if there have been any problems with the existing stormwater pond and if it will be able to hold the additional stormwater runoff.

Mr. Cross responded that there have been no problems with the existing pond.

Mr. Mathes stated he was not concerned about the cluster of mini-storage units on Route 17, which he felt makes sense as to orientation around the population zone. Mr. Mathes asked if the 75-foot buffers shown on the applicant's sketch plan would remain R20 or be rezoned for conservation use.

Mr. Cross responded that the entire parcel, including the buffers, would be zoned Limited Industrial if this application is approved.

Mr. Mathes asked if the watershed management buffer lines up with the Resource Protection Area (RPA).

Mr. Cross responded that the Chesapeake Bay RPA is a 100-foot buffer from the stream and any adjacent wetlands while the watershed management buffer is a 200-foot buffer from the centerline of the stream, so the RPA is entirely within the watershed management buffer.

Chair Suiter opened the public hearing.

Dale Moore, 700 Cheadle Loop Road, spoke as the applicant. He stated that he has worked with staff to put together a good plan that will allow the property to be developed while meeting the concerns of the neighbors. He said he has been trying for years to purchase this parcel, which he said is the only piece of property that will allow his existing adjacent business to expand. He stated that the existing storage facility has been open for nine years, is about 84% occupied, and that additional space will be needed by the time this project gets the necessary approvals from the County. He said the proposed storage facility would be completely hidden from Route 17 and screened from neighboring homes by a 75-foot buffer zone of

vegetation. Mr. Moore said he has spoken with some of the neighbors and that one of their concerns is that their property values would decline but that his other mini-storage facilities have not affected neighboring property values. He said he wants his neighbors to be protected from impacts by having all of the perimeter buildings face inward so that there are no travel lanes on the exterior of the development. He said the buffer is there year-round and would be a great barrier for any noise that might come from the facility. He said there was some concern about the contractor's storage yard when the screening on the fence had blown down during a storm but that the screening was replaced within 24 hours after being blown down. He added that there have also been concerns about the helipad. He said the helicopter is only used for business purposes. He also said that he has been a sworn law enforcement officer for the County for the past twenty years and the helicopter has assisted the Sheriff's Office. He said that he tries to avoid flying over residential areas except one occasion when he flew over the neighborhood for a terminally ill child who wanted to fly over his office as part of the "Make a Wish" program. He stated that he could work out any issues with the neighbors and that he felt that this is the best use for the property. In addition, Mr. Moore showed photographs depicting the vegetative buffer areas and the screening they would provide between the storage facility and surrounding homes.

Mr. Myer asked about the sketch plan and which buildings would be constructed first.

Mr. Moore responded that the buildings on the perimeter of the site would be constructed first, which would provide a buffer for the construction of the inner buildings.

Mr. Myer asked if any of the storage units would be climate-controlled.

Mr. Moore said some of the storage units would be climate-controlled but that he has not yet decided which ones. He said the climate-controlled units would be located such that the air conditioning units would not have visual or noise impacts on the neighbors.

Mr. Myer asked about the lighting of the storage facility.

Mr. Moore said all site lighting is oriented toward the fronts of the buildings and below gutter level so that all light is directed toward the interior of the site and none of the light fixtures are above the roof line.

Mr. Myer asked about stormwater flow and if the new stormwater pond would be the same size as the existing pond and if there have been any problems.

Mr. Moore responded that there have been no problems with the stormwater pond. He gave a detailed description of the design of the pond, which he stated is built, in accordance with County requirements, to ensure that post-development stormwater flow is no greater than pre-development flow.

Mr. Brazelton asked to see the photos taken of the buffer area between the storage facility and the residential area.

Mr. Moore displayed the photos and gave a description of each. He noted that the buffer area is heavily wooded.

Chair Suiter asked what the occupancy rate of the storage units is.

Mr. Moore said the occupancy rate is in the 82%-84% range.

Chair Suiter asked Mr. Moore about his timeframe for completion of his existing facility.

Mr. Moore said he would like to break ground on the last building pad in September.

Paul Garman, 4719 Newport Forest, Williamsburg, said that his company handled the sale of the subject property. He said the owners of the property live out of state and explored various options for the land, and it was determined that it would not be economically feasible for the land to be subdivided into lots for single-family detached homes. He noted that the County's timetable for extending sewer is at least ten years out. He stated that it is too expensive to try to build houses on the land and is not viable for residential use. He asked the Planning Commission to recommend approval of the application as this is the best use of the property.

C. Bryce Collier, owner of the property at 105 Second Street, said he had a petition signed by everyone who owns property abutting the subject property. He said that this application would be a commercial encroachment and the business should not be allowed to expand and surround the neighborhood. He stated that rezoning the property to Limited Industrial would change the dynamics of the neighborhood. He said he hopes Mr. Moore will purchase the lot and develop it as a residential subdivision once sewer is available, which he said probably will not be until 2025. Mr. Collier also expressed concern about the project's impact on neighborhood aesthetics and property values and said it is in the County's best interest for the property to remain residential.

Bill Baxter, 6948 Old Pinetta Road, Gloucester, said he owns two homes in the area, located at 111 White's Road and 102 Second Street, and did not receive notification of the proposed rezoning. He said his homes are served by a private sewer line and that a developer should be able to extend sewer to the subject property. He said the existing storage facility is very noisy because of construction equipment and the helicopter, and he stated that if this storage facility continues to grow it will become a bigger problem. Mr. Baxter asked if there would be a fence where the buffer is located.

Mr. Cross responded that there is no requirement for a fence to be installed on the property and if the applicant chooses to install a fence, it could be located anywhere on the property. He stated that the existing facility has a fence to screen the contractor's storage yard and not the storage facility. He added that there is fencing around the storage facility but that it is chain link and not a screening fence.

Mr. Baxter said it would be an eyesore to have a fence along the property line. He asked the Planning Commission to leave the property R20.

Cassandra Dillard, 203 Second Street, said she lives on property in the back of the cul-de-sac. She said she grew up in this neighborhood and later returned to purchase her dream home. She added that in 2004 she was not notified of the original rezoning and Special Use Permit application for the existing storage facility. She said the fencing of the contractor's storage yard is not adequate and that after a recent storm the fence was not put back up in a timely manner and a tree that fell down was moved to another property rather than being removed. She said she invested her money in her property and emphasized that the area should remain residential.

Richard Carroll, 450 Country Lane, stated with regard to the stormwater pond that the creek runs into the Poquoson River and when it is flooded his property is flooded. He said the creek cannot handle any additional runoff. He also complained about the helicopter noise and said it is a quiet neighborhood and needs to stay that way.

Todd Goodrich, 103 First Street, said the area used to have a lot of wildlife and it was a quiet and nice neighborhood. He said there is plenty of available property in County that is already zoned for this type of business. He also said he has called the Sheriff's Office twice to complain about the barking guard dog.

Randy Firth, 4033 George Washington Memorial Highway, said his company recently purchased the property at 103 Second Street for the purposes of building a spec house. He said that rezoning this property would lower the home values and there is better property in the County for this type of business.

Judy Lassiter, 513 Church Road, said she does not live in this area but feels that businesses do not have the right to encroach on residential properties.

Chair Suiter closed the public hearing.

Mr. Myer asked if the helipad is part of the application.

Mr. Cross responded that it is not. He explained that the helipad is located on the existing mini-storage site and was a permitted use in the IL district when it was built but that under the current Zoning Ordinance it would require a Special Use Permit, which makes it a legally conforming special use. He added that the applicant's proffer statement would not allow a helipad on the subject parcel.

Mr. Myer asked if the mature trees throughout the buffer area could to be taken down.

Mr. Cross responded that the Zoning Ordinance sets forth specific numerical landscape planting standards that would need to be met with both shrubs and trees. He stated that there appears to be enough natural vegetation in place to meet those landscaping standards by preserving existing trees and shrubs.

Mr. Myer asked if the property could be clear-cut if it remains zoned R20 and is developed.

Mr. Cross responded that it could but that some replanting might be required. With regard to concerns that were previously expressed about notification, he explained that notification letters were sent to all adjacent property owners as required by the Code of Virginia. He stated that Mr. Baxter did not receive a letter because neither of his lots is adjacent to the subject parcel and that likewise, Ms. Dillard did not receive a letter in 2004 because her property was not adjacent to the property proposed for rezoning. He added that the staff also takes the extra step of posting a "Zoning Notice" sign so that people who live in the area can be aware even though their property is not directly adjacent. He noted that Mr. Baxter would not likely have seen that sign since he indicated that he resides in Gloucester.

Chair Suiter asked how many homes the property could accommodate once sewer is extended.

Mr. Cross responded that with public sewer the property could potentially be subdivided into a maximum of 15 residential lots.

Mr. Brazelton said the application makes sense and the proffered 75-foot buffer looks significant and well maintained. He said he supports the application.

Mr. Mathes said a homeowner buys into a neighborhood based on the zoning and certain expectations that go along with that. He stated that if the neighboring residents supported the rezoning he probably would have no objection to it but that since they are opposed, he does not support the application.

Mr. Myer said there is a significant buffer but that he has concerns about stormwater runoff flooding a resident's property. He added that the concern about helicopter noise has been adequately addressed and he also noted that after a storm it can be difficult to find a contractor to come out and promptly remove owned trees, so it often takes a while for trees to be removed.

Chair Suiter said it appears that Mr. Moore is doing a nice job of taking care of his properties and that mini-storage warehouses seem to be a good neighbor. He added, however, that since the property is zoned for residential development, the neighboring residents have a reasonable expectation of what could be built there. He stated that the question is whether it is better for the property to be developed now as a mini-storage facility or sometime in the future as a residential subdivision once public sewer is available, even though it could be ten or twenty years away. Chair Suiter noted that business and residential uses have to meet somewhere but that he is very reluctant to rezone this property from residential to industrial and therefore cannot support the application.

Mr. Brazelton moved adoption of Resolution No. PC13-19.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 8.6 ACRES AT 131 WHITES ROAD FROM R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL TO IL (LIMITED INDUSTRIAL)

WHEREAS, MRP Enterprises, LLC has submitted Application No. ZM-144-13 requesting to amend the York County Zoning Map by reclassifying an 8.6-acre parcel of land located at 131 White's Road (Route 1216) and further identified as Assessor's Parcel No. 24-134 (GPIN Q07b-4690-4793) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions; 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 14th day of August, 2013 that Application No. ZM-144-13 be, and it is hereby transmitted to the York County Board of Supervisors with a recommendation of approval to reclassify an 8.6-acre parcel of land located at 131 White's Road (Route 1216) and further identified as Assessor's Parcel No. 24-134 (GPIN Q07b-4690-4793) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions set forth in the proffer statement titled "Conditions voluntarily proffered for the reclassification of property identified as York County Assessor's Parcel 24 134, GPIN Q07b-4690-4793, commonly referred to as 131 Whites Road, located in the County of York, Virginia" dated August 2, 2013 and signed by Kenneth Dale Moore.

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 authorizing the reclassification, together 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 permit.

Yea:	(1)	Brazelton
Nay:	(3)	Mathes, Myer, Suiter

Chair Suiter called a five-minute recess.

Chair Suiter called the meeting to order and said that, at the request of both applicants, the agenda would be revised to allow Application No. UP-829-13, Colonial Community Services, Inc. to be the next application presented, followed by UP-828-13, The Arc of the Virginia Peninsula.

Application No. UP-829-13, Colonial Community Services, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 7) of the York County Zoning Ordinance, to authorize the establishment of three group homes, each with up to four (4) occupants and staffed by non-resident shift employees, in three proposed single-family detached homes to be located at 208 and 212 Spring Road (Route 701) and 101 Sycamore Lane (private road) and further identified as Assessor's Parcel Nos. 18B-3-1 (0.97 acre), 18B-3-2 (0.97 acre), and 18B-1-6 (0.37 acre), respectively. The group home would be licensed by the Virginia Department of Behavioral Health and Developmental Services and would provide residential living facilities and various types of assistance, scheduled and unscheduled, in daily living for persons with intellectual disabilities. Special Use Permit approval is necessary due to the proposed staffing by non-resident employees. The properties are zoned R13 (High Density Single-Family Residential) and designated Medium Density Residential in the Comprehensive Plan.

Earl Anderson, Planner, summarized the staff report to the Commission dated August 2, 2013, 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. PC13-17(R). He outlined the changes that have been made to the proposed resolution, including an increase in the number of permitted employees from three to six.

Chair Suiter added that condition #3 would need to be revised to change the word in the second sentence from "facility" to "facilities."

Mr. Myer asked if one of the proposed group home locations is on a private road.

Mr. Anderson responded that the proposed home on 101 Sycamore Lane would be located at the corner of Boundary Road, which is a public road, and Sycamore Lane, which is a private road.

Mr. Myer noted that the average single-family detached home generates approximately ten trips a day, so the 13 vacant lots in the vicinity of these properties would increase traffic by 130 trips per day if they were developed.

Chair Suiter asked about parking on the Spring Road properties, stating that if the driveway is 24 feet by 64 feet, it would allow for six parking spaces plus two in the garage but that during shift changes there could be 12 workers arriving and leaving at the same time.

Mr. Anderson said the applicant would need to clarify the parking situation.

Chair Suiter asked about the property at the corner of Sycamore Lane and Boundary Road and how many vehicles would be able to park in the driveway.

Mr. Anderson said there could be parking for up to three cars with two cars behind and two cars in the garage.

Chair Suiter said nine cars would be the maximum. He also asked if Colonial Community Services currently operates any other group homes in the County.

Mr. Anderson said they do not operate any single-family detached homes in the County and that there are only apartments at this time.

Chair Suiter asked if there had been any complaints from neighbors living in the apartment complexes.

Mr. Anderson said the specific addresses of the apartments are not public knowledge. Colonial Community Services would have to answer any questions regarding complaints from neighbors.

Mr. Mathes said he wanted to reconfirm that there would be six non-resident employees per home.

Mr. Anderson said the revised proposed approval condition would allow up to six non-resident employees per group home.

Mr. Brazelton asked if the Department of Fire and Life Safety has expressed any concerns about the locations of the group homes.

Mr. Anderson said the Department of Fire and Life Safety reviewed the application and expressed no concerns.

Chair Suiter opened the public hearing.

Arthur Kamp, David, Kamp, & Frank, 739 Thimble Shoals Boulevard, Suite 105, Newport News, spoke as the attorney for the applicant. He said the applicant has no problems with the changes to condition #2, noting that Colonial Behavioral Health does not operate residential facilities for convicts or people with substance abuse problems. He said that Colonial Behavioral Health had requested a complaint log from the York County Sheriff's Office but that no information was received, although he did say that none of the residents who live in the apartments has ever been asked to leave. He explained that Colonial Behavioral Health was formed in 1971 and is a public body mandated by state law and that cities and counties have to have these types of community boards which are formed by statute. He stated that this board serves James City County, York County, Williamsburg, and Poquoson. He said that building these group homes would save the counties money and improve the lives of the residents now living in apartments. The group homes would enable the residents to have their own bedrooms and backyard areas. He explained that Colonial Behavioral Health decided to build these homes in close proximity to one another so that the residents could maintain their friendships that have been built over the years with the other residents. He stated that the proposed sites are within seven miles of the residents' current location, which will allow them to share the same grocery store, library and beach and also allow for the staffing to remain the same. He stated that there would be sufficient room for parking and the lots are large enough for sufficient setbacks. He said the purpose is to house adults with intellectual disabilities and he stressed that this is not a business and the reason the applicant asked for more staffing was to allow for physical therapists and nurses in case any of the residents have additional special needs and the applicant must comply with all licensing requirements. Mr. Kamp stated that the youngest resident is 26 years old and the oldest is 62, and that they live a mostly sedentary lifestyle, while several have mobility limitations that are primarily a function of age or medical conditions.

Mr. Myer asked what type of screening do the residents go through.

David Coe, 473 McLaws Circle, Williamsburg, spoke on behalf of Colonial Behavioral Health. He said there is a very specific set of criteria which falls under the Medicaid Intellectual Disability Waiver which

funds a plan of care for an individual. The licensing is specific and would only allow an individual who meets the criteria to reside in one of the group homes.

Mr. Myer stated that if the Medicaid criteria were to change to allow an individual with a personality disorder into a group home under the waiver, the condition set forth in the resolution would still preclude such occupancy. He also asked what types of emergency procedures are in place.

Mr. Coe said there is an emergency plan in place for hurricanes or other significant weather events; there are approved sites which are located out of the area where the residents would be located. He explained that this is a requirement under their licensing; they cannot place the residents at risk.

Mr. Myer asked if all of the group homes would have emergency generators.

Mr. Coe responded that they would.

Mr. Mathes asked what would happen to the residents if the group home application is not approved.

Mr. Coe said that if the application is not approved then they will look for other residential alternatives and until another alternative is found the residents would have to stay in the apartments where they currently live.

Mr. Mathes said he has concerns about the residents' outdoor activities. He said that if the residents want to walk around outside there are woods near the homes and there are narrow streets with no sidewalks.

Mr. Coe said the residents' outdoor activities could include a cookout or sitting out on the back deck or helping to carry trash to the road.

Mr. Mathes asked if the residents would ever be out walking in the road.

Mr. Coe said if the residents go for a walk they would be supervised.

Mr. Mathes asked if there would be fencing around the group homes.

Mr. Coe said there were no finalized plans for fencing around the group homes.

Mr. Mathes asked what type of fence would be placed around the group homes.

Mr. Coe said there are no plans for placing fences around the group homes but it is something that could be considered.

Chair Suiter asked if the number of staff would increase when the 12th resident comes to live in one of the group homes.

Mr. Kamp said there is no expectation that there would be more than six staff members in the home at one time, but thought that would be a safe maximum number to satisfy the conditions of the resolution. Colonial Behavioral Health has run a deficit since 2008, so adding more staff is not an option unless it is a state requirement.

Chair Suiter asked if that is two staff for every four residents. He asked what the maximum staffing is for one resident.

Mr. Coe said the standard is to have two staff for every four residents during the day and one staff for every four residents at night but that under new regulations, individuals are required to be seen in their home environment so there may be a need for a nurse, therapist, or case manager to be at the group home for short periods of time during the day. He said there would not be 12 staff members at the group home during a shift change.

Chair Suiter asked if there would be more than six staff at the group home at one time.

Mr. Coe said the normal shift change would be from three employees to three employees.

Chair Suiter asked about the size of the parking space and if the applicant is worried that they will run out of spaces. He also asked if the residents have family or friends come to visit and how the staff handles switching parking spaces during a shift change.

Mr. Coe said shift changes would be dealt with by preplanning the staff's coming and going and any and all adjustments would be made.

Chair Suiter said disregarding condition #2 would be a violation of the law.

Mr. Brazelton said are there other group homes like this in Hampton Roads. He asked if there have been challenges with similar group homes or if the group homes have been relatively successful.

Mr. Coe said there are hundreds of group homes across Virginia and thousands across the country and they have been very successful. He said neighborhoods normally embrace group homes and welcome them as part of the community.

Mr. Myer said one of the stated goals for these individuals is to increase their self-sufficiency. He noted that the proposed building sites are pretty far away from shopping centers and amenities

Mr. Coe said there is a base support program at 1659 Merrimac Trail where they engage in meaningful daytime activities and that some of the residents volunteer for non-profit organizations or go on field trips, while some of the residents work part-time.

Mr. Myer asked if the age range of the residents is 26 to 64 years old and if they are all York County citizens.

Mr. Coe said all residents are York County citizens and their ages range from 26 to 64 years old.

Brigitte Fox, 419 Maple Road, said she has been a resident of the Lackey area for twenty years and the residents have worked hard to change the perception of the area. She said that she is a registered nurse and has worked as a counselor and at Eastern State Hospital and that she understands that these individuals need a place to live but that three group homes in one area is too many. She opined that there is a perception that since Lackey is out in the woods that the residents' opinions do not count. She also said the applicant would never try to build three group homes in Edgehill or Marlbank.

Cathy Robins, 405 Cheadle Loop Road, said that she had signed a petition against the application for the proposed group homes in Lackey. She said that when she purchased her home in York County she did her research to determine the growth patterns within each neighborhood. She said she is opposed to the rezoning of a family neighborhood, stating that residents expect a family neighborhood to remain residential and that even if the group homes do not look like a business they technically are a business being operated in a residential neighborhood. She said she is a registered nurse and has worked with

mentally challenged patients. She said there are numerous properties for sale in the County that would be better suited for these group homes. She said much of the information she requested from the applicant was not made available to her and she is concerned about the traffic patterns and the proposed increase in the allowable number of staff. She said that a patient might have a primary diagnosis of a mental disability but could also have a secondary diagnosis of bi-polar disorder or schizophrenia.

Elizabeth McCullers, 109 Wainwrights Bend, said she is in support of the application. She said she has worked in group home settings for the past six years and group homes are a wonderful addition to a community. She said most group homes have alarm systems and residents do not wander around and they are not unsupervised. She added that since there is trained medical staff on-site the group home is actually a resource to the community, and she said mentally challenged individuals are very loving and kind people.

Raymond B. Selby, 414 Boundary Road, said that he asked Mr. Coe if there was going to be fence around the group homes and that Mr. Coe told him there would be no fence, no alarms, and no monitors at these homes. He said that he also learned that the staffs of the group homes are not allowed to physically restrain or manhandle the residents, so if one of the residents decides to go outside there would be nothing the staff could do to prevent that resident from going outside and approaching a five-year old child that is waiting at the bus stop. Mr. Selby said there is property for sale near Charles Brown Park and the applicant could put all the group homes there, where the Lackey Free Clinic is just down the road. He also said that during Tropical Storm Isabel there were Lackey residents who had no electricity for six weeks and one neighbor had over 30 trees in their driveway. Mr. Selby said the applicant cannot guarantee that they will not change the use at some point. He also noted that the Colonial Behavioral Health website has a link for drug rehabilitation and other behavioral problems.

Ida Roxanne Selby, 414 Boundary Road, said she has serious concerns regarding the construction of the group homes and the safety of the children in the neighborhood. She said the group homes would increase demand on the roadways and the utilities, and she stated that the water pressure in the area is already low and roadways are very narrow. She opined that the group homes would have minimum security and asked what would happen if the neighborhood children should happen to wander onto the group home lots. She also noted that the school bus stop is located between two of the proposed sites. Ms. Selby said that having three facilities in one neighborhood would affect property values, and she also stated that the applicant cannot give a firm guarantee that the types of residents will not change.

Hollie Randolph, 105 Boundary Road, expressed concern about the placement of the group homes in her neighborhood. She said the school bus has to make a three-point turn when it comes to pick up and drop off the children. She also said there are water table issues and there is constant standing water in the yards and that there are only four streetlights in the whole neighborhood and only one way in and one way out. She said that two trucks cannot pass each other on Sycamore Lane and that the average response time for emergency vehicles is 25 minutes. She said that after Tropical Storm Isabel the neighborhood was without phone service, cable TV, and electricity for almost six weeks. She said that even if the group homes have alarm systems, those alarms could be turned off and the residents could wander out into the densely wooded area of the National Park Service property.

John Selby, 105 Boundary Road, expressed concerns about the safety of the residents in the group homes. He said there are wild animals and a resident bear in the wooded area behind the neighborhood and if a resident should wander onto the National Park Service property they could get lost forever. He said there are no stores or shopping areas close to the neighborhood and no bus service for the residents, many of whom do not drive.

Raymond Lewis, 808 Baptist Road, said he is a new resident in the Lackey area and when he bought his home he expected the area to remain residential and not be changed to commercial. He opined that commercial uses are not compatible with the surrounding neighborhood and would have an adverse impact on the area. He stated that it appears these group homes are being built in Lackey because it is a low-income neighborhood. Mr. Lewis asked if the group homes would be run entirely by Colonial Behavioral Health or if would York County invested in the group homes as well.

Chair Suiter responded the applicant would be responsible for funding the group homes under state supervision.

Eric Hayes, 406 Boundary Road, said that not only are there water conditions to be concerned with but that water turns to ice and snow and their neighborhood is the last to be dug out in the winter. He expressed concern that the applicant would change the group home standards and that if funding is reduced the Lackey area could be turned into a dumping ground. He stated that the applicant has indicated that since 2008 they have been operating at a deficit, which he felt means they will have to lower their standards for operating the group homes in order to make up the deficit.

Virginia L. Heath, 506 Baptist Road, said she was speaking for both herself and her uncle who also owns property in this neighborhood and has signed the petition. She said this type of group home is not practical for this neighborhood. Ms. Heath read a letter from Mrs. Minton, who resides at 105 Maple Road. The letter stated that Mrs. Minton and her family had to move from their last home because of a group home that was managed by Colonial Behavioral Health. Mrs. Minton's letter stated that staff members were outside at all times of the day and night and that there was increased traffic in the neighborhood along with more noise and the residents had outbursts and wandered away from the facility. Mrs. Minton's letter stated that another location needs to be selected for these group homes.

Trina B. Graves, 309 Baptist Road, she said she loves the small-town feel of Lackey. She said she took her son to Colonial Behavior Health and was told there was nothing wrong with him. She said they misdiagnosed him. She said that if these group homes are built in her neighborhood then there is a chance she would have to move. She asked why the applicant did not choose a neighborhood closer to a shopping center, noting that there is only a corner store located in the neighborhood. She said she has nothing against people with intellectual disabilities but that Lackey is a poor location for this use and the roads are not wide enough. She opined that a better location would be closer to Colonial Behavioral Health's office on Merrimac Trail.

Stephen Vectal, 213 Spring Road, said he was against the group homes being proposed in the Lackey area.

Kevin Smith, 213 Spring Road, said that even if they are called group homes, these are businesses with full-time employees and 20 trips per day per house. He stated the residents would be traveling to and from the group homes in a Colonial Behavioral Health van or small bus, which the roads are not wide enough to accommodate. He opined that there is already a stigma about living in Lackey and that three group homes would add to the stigma. He said the average home value in York County is \$300,000 and the average home value in Lackey is \$130,000. He said if the applicant is going to spend \$1.6 million on these group homes, then why did they chose Lackey. As an example of the correct placement of a group-type home, he cited the Natasha House which is built in a residential area but with plenty of commercial amenities available for the residents. Mr. Smith asked who would be enforcing no-parking in the street during shift change.

Julia Kellum, 213 Spring Road, presented a petition to the Planning Commission with 513 signatures of people who are in opposition of the group homes. She said only 1% of the Lackey residents are in favor of

the group homes and 99% are opposed. She added that the signatures on the petition were taken from all over York County but are mostly from Lackey residents. She stated that this is clearly a business with full-time staff, and it seems like there will be a lot of people coming and going from these group homes in a quiet neighborhood. She said there would be a bus or van with identification signs on the side of it taking residents to and from the group homes. She said it would be impossible to get to know the residents and if there is something that might set the person off, the neighborhood would never be able to know because of HIPAA laws. She said the applicant told the Lackey residents that group home residents would be able to leave the homes on request.

Sandra Webster, 201 Boundary Road, said fire trucks would not be able to turn the corner on Sycamore Lane. She expressed concern about the employees' ability to operate the group homes in the event of a power failure. She said group home residents should not be allowed to wander around this isolated area. She said a lot of the Lackey residents did not receive letters informing them of the public hearing. She said she is trying to sell her home because of this application.

Stephanie Boggs, 300 Boundary Road, said the area should stay zoned R13 and the group homes should be built closer to the Colonial Services Board office on Route 143, which is served by public transit.

Holly Andrews, 301 Boundary Road, said she has been a resident of Lackey for the past 30 years and the community has been maintained and improved with no help from York County. She said when the recycling truck, school bus, or the garbage truck comes down the road there is no room to pass. She said she does not want to worry about a group home resident approaching her or her children in their yard. She questioned how the group homes would be managed in a hurricane, noting that in the past the trees were removed by the residents of Lackey. She stated that there are no sidewalks and very few street lights in Lackey.

Johnny Russell, 404 Boundary Road, said he was confused about the number of occupants in each group home.

Chair Suiter responded that there would be four residents per home and that the other number referenced in the staff presentation was related to the number of non-resident staff.

Mr. Russell expressed concern about the roads with only one way in and one way out. He said the group homes are a business to make money and that the applicant's business model could change in five years. He said property values will go down. He also said the school bus stops on Spring Road and he has concerns about group home residents walking up to the children who are at the bus stop.

John S. Boyd, 205 Boundary Road, said Lackey is a little neighborhood where residents don't have to worry about letting their children run outside and play. He stated that the group homes would change the dynamics of the neighborhood.

Judith Lassiter, 513 Church Road, expressed concern that approval of these group homes could lead to other incompatible development in Lackey. She said Lackey may have a reputation but she loves it there and putting the group homes there would change the perception of the neighborhood. She also said that there are more appropriate areas in the County to build these group homes.

Daniel Eifes, 209 Spring Road, said he lives directly across from two of the proposed group home sites and is opposed to this request. He expressed concerns about the group homes' impact on traffic, neighborhood tranquility, and property values.

James Burke, 141 York Drive, said he is shocked that York County would let down the neighborhood of Lackey. He stated that when Lackey has storm damage or drainage problems the County says there is no money to help the neighborhood, yet now the County is asking residents of Lackey to live with people they do not know, with strangers walking around the neighborhood. He stated that the applicant wants to build the group homes to make money but with no benefit to the residents of Lackey.

Carolyn Williams, 410 Maple Road, said all her concerns have been voiced so she is asking the Planning Commission to please vote no on the application and keep the neighborhood as it is. She said she has lived in Lackey for 51 years.

Phyllis Eley, 130 York Drive, said there is only one way into and out of the neighborhood. She expressed concerns that the neighbors will not be able to walk their dogs with the increase of traffic. She said there is limited lighting in the neighborhood and that there were holes in Colonial Behavioral Health's presentation.

Robert Passwater, 410 Boundary Road, expressed his pleasure at the number of neighbors who came out to support the neighborhood. He also said that if York County must fire 14 teachers and then how can it facilitate a \$1.6 million group homes project. He stated that the group home residents' current living conditions are satisfactory if not ideal.

Darrell Willcoxon, 217 Spring Road, said he has lived in the County for 13 years and does not understand why the applicant would choose Lackey. He said it is difficult to sell homes in Lackey because of the stigma that goes with the neighborhood and that the group homes would exacerbate the situation. He also said that there will be a van or bus with the operator's name on the side of the vehicle so everyone will be aware of the group homes.

Carol Pridges, 565 Ashier Lane, Newport News, said she has worked for 36 years with intellectually disabled individuals and that they are loving and caring human beings. She asked if the roadways are a problem for the residents then why do they choose to live there.

Mary Clark, 107 Rich Road, said she served nine years on the Colonial Services Board and asked the Planning Commission to approve the proposed group homes. She said the intellectually disabled individuals did nothing to create their circumstances. She noted that they are not drug addicts or substance abusers; they are mentally challenged.

David Harmon, 109 Brook Road, said he has been associated with intellectually disabled individuals for 20 years and they are wonderful people. He said Brook Road is located in Edgehill and he would welcome one of these homes to be built in his community. He also said that all neighborhoods have flooding problems, not just Lackey.

Desiree Willcoxon, 217 Spring Road, said she has nothing against intellectually disabled individuals but three group homes in one neighborhood are too many in one place. She said it would have too much of an impact on the neighborhood.

Maureen Lewis, 507 Church Road, said that she understands that group homes are necessary to assist intellectually disabled people to live somewhat normal lives, but Lackey is not the right location. She said this is a quiet neighborhood where the residents want to raise their children and not the place for a business because it is isolated and there would not be opportunities for group home residents to socialize and learn to be independent.

Chad Moniz, 203 Foster Road, said that the original traffic estimates seem to have changed and that if this data can change then he is worried about what else can change regarding the requirements for the proposed group homes and the impacts they will have on the neighborhood.

Chair Suiter closed the public hearing.

Mr. Myer asked Mr. Barnett, County Attorney, if the Code of Virginia considers group homes in a residential area to be a business.

James Barnett responded that the Zoning Ordinance indicates that if there were no non-resident staff at the home then the group home could be built without a Special Use Permit. He said it is considered residential.

Mr. Mathes said he does not question the need for the group homes but that he is concerned about the concentration and isolation of the proposed group homes. He also said that there are not many amenities and stores and he has concerns with medical responses and inclement weather.

Mr. Myer said he has been involved with the Special Olympics for 7 years and has been the lead for the Knights of Columbus collection for handicapped people for a number of years. He said that his best friend as a child was intellectually disabled and is now living in a group home. He said that intellectually disabled individuals can't learn to hate and are kinder and nicer than our own children. He expressed concern over emergency access and the response time. He opined that there has been a lot of misrepresentation and misreporting over this application. The Planning Commission is to decide if the application is an appropriate land use and the Board of Supervisors has a much broader purview to determine if Colonial Behavioral Health could possibly change their business model.

Mr. Brazelton said he hopes everyone can understand the need for the group homes. He said the residents of the group homes would be gentle people and he would be honored to have them as neighbors. He has less concern over the Spring Road lots but the Sycamore Lane location is a very wet area and the roads are terrible.

Chair Suiter said this does not seem like a good business decision on the applicant's part but that it is an appropriate use of the land and there has been specific language added to the resolution to help address the neighbors' concerns. He expressed concern about the parking at the Sycamore Lane site.

Mr. Myer asked Mr. Barnett if, under Robert's Rules of Order, could he (Mr. Myer) ask the applicant a question.

Mr. Barnett said that Robert's Rules of Order allow for a small group to suspend the rules of procedure if there is consent by the members.

Chair Suiter determined there was no objection, and said Mr. Myer could ask the applicant a question.

Mr. Myer asked the applicants if they would consider amending their request by removing the proposed Sycamore Lane site.

Mr. Coe asked to confer with his associates.

Chair Suiter declared a five-minute recess.

Chair Suiter called the meeting to order.

Mr. Coe said in response to Mr. Myer's question that the applicants feel that the best placement of these homes is the three proposed lots in Lackey, so they will not amend the application.

Mr. Mathes moved adoption of Resolution No. PC13-17(R).

Mr. Brazelton asked if the Planning Commission can amend the resolution to include only the properties at 208 and 212 Spring Road.

Mr. Barnett responded that he a motion to amend the previous motion could be offered and the Commission would then need to vote on that.

Chair Suiter said Mr. Brazelton wants to make an amendment to the motion with the changes that were made earlier.

Mr. Barnett said with a friendly amendment the group does not typically take a vote. He stated that there is a main motion on the floor and that a motion to amend takes precedence over the main amendment.

Mr. Brazelton moved to amend the resolution to delete the Sycamore Lane property and include only the lots at 208 and 212 Spring Road.

Mr. Mathes asked Mr. Brazelton what the purpose of the amendments is since the applicants have already stated that they would not consider the reducing the number of group homes to two.

Mr. Brazelton responded that the Sycamore Lane lot is a very small and constrained site and is not suitable for a group home.

Mr. Mathes said he could not support the amendment since the applicants have already stated that they would not consider amending the application by eliminating one of the proposed sites.

Mr. Myer said three group homes are not viable and there are safety concerns and he said the applicant has not provided clear answers on emergency evacuation or the number of non-residential staff. He said he is more inclined to support one or two group homes but not three.

Chair Suiter said the development of the property at 101 Sycamore Lane would have too much of an impact on the neighborhood and would be too intensive.

Chair Suiter stated that the Commission needed to vote on the amendment to the resolution.

Mr. Barnett explained that this is a vote to amend the previous motion to include only the two locations.

Yea:	(3)	Brazelton, Suiter, Myer
Nay:	(1)	Mathes

Mr. Barnett said the motion on the floor has now been amended and now the Commission needs to vote on it.

Mr. Mathes moved adoption of Resolution No. PC13-17(R-2).

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE ~~THREE~~ GROUP HOMES AT 208 AND 212 SPRING ROAD AND ~~101~~
~~SYCAMORE LANE~~

WHEREAS, Colonial Community Services, Inc. has submitted Application No. UP-829-13 requesting a Special Use Permit to authorize the establishment of three group homes, each with up to four (4) occupants and staffed by non-resident employees, in three proposed single-family detached dwellings located at 208 and 212 Spring Road (Route 701) and 101 Sycamore Lane (private road) and further identified as Assessor's Parcel Nos. 18B-3-1 (0.97 acre), 18B-3-2 (0.97 acre), and 18B-1-6 (0.37 acre), respectively (GPINs N11d-3269-0353, N11d-3281-0451, N11d-2858-1184); 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; and

WHEREAS, the Commission has determined that various concerns cause it not to support the establishment of a group home on the Sycamore Lane site;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of August, 2013 that Application No. UP-829-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit to authorize the establishment of ~~three~~ two group homes, each with up to four (4) occupants and staffed by non-resident employees, in ~~three~~ two proposed single-family detached dwellings to be located on property at 208 and 212 Spring Road (Route 701), ~~and 101 Sycamore Lane (private road)~~ and further identified as Assessor's Parcel Nos. 18B-3-1 (0.97 acre), and 18B-3-2 (0.97 acre), ~~and 18B-1-6 (0.37 acre)~~, respectively (GPINs N11d-3269-0353, N11d-3281-0451, ~~N11d-2858-1184~~), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of ~~three~~ two group homes, each with up to four (4) occupants and staffed by non-resident employees, in ~~three~~ two proposed single-family detached dwellings located on property at 208 and 212 Spring Road (Route 701) ~~and 101 Sycamore Lane (private road)~~ and further identified as Assessor's Parcel Nos. 18B-3-1 (0.97 acre), and 18B-3-2 (0.97 acre), ~~and 18B-1-6 (0.37 acre)~~, respectively (GPINs N11d-3269-0353, N11d-3281-0451, ~~N11d-2858-1184~~).
 2. These facilities shall be operated as group homes for those having an intellectual disability (mental retardation) as defined in Section 37.2-100 of the Code of Virginia and shall comply at all times with all applicable regulations and licensing requirements of the Virginia Department of Behavioral Health and Developmental Services. These facilities shall not be operated as a detention facility operated under the standards of the Department of Juvenile Justice, nursing home, alcoholism or drug treatment center, work release facility for convicts or ex-convicts, or other housing facility serving as an alternative to incarceration or where the residents are under the supervision of a court. Furthermore, the facilities shall not be operated as a "transitional home" as defined in Section 24.1-104 of the Zoning Ordinance.
- The facilities residents shall be under 24-hours-a-day care and supervision of at least one and no more than ~~three~~ six (36) professional staff persons (per group home, at any one time). The facilities may

include and offer on-site counseling, education, and training services for residents; however, such services may not be offered at the premises to non-residents.

4. The external appearance and arrangement of such facilities shall retain a form and character that is compatible with the appearance and arrangement of other residential uses in the general area.
5. No signage shall be permitted.
6. All off-street parking and loading in excess of that required for single-family detached dwellings shall be located not less than twenty-five feet (25') from any residential property line and shall be effectively screened from view from adjacent residential properties by a Transitional Buffer Type 25. On-street parking shall be prohibited.
7. The sites shall be developed in general conformance with the sketch plans and floor plans received by the Planning Division on July 2, 2013 and July 9, 2013, except as modified herein. Copies of said sketch plan and floor plans shall remain on file in the office of the Planning Division.
8. The maximum number of residents shall be four (4) in each group home, and no more than ~~three~~ six (36) non-resident employees shall work on any single shift in each group home.
9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special 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 issuance of a Certificate of Occupancy for any group home.

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:	(3)	Brazelton, Suiter, Myer
Nay:	(1)	Mathes

Application No. UP-828-13, The Arc of the Virginia Peninsula, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 7) of the York County Zoning Ordinance, to authorize the establishment of a group home with up to four (4) occupants and staffed by non-resident shift employees in a proposed single-family detached home to be located on two parcels of land at 124 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-2-28A and 36A-2-29A. The group home would be licensed by the Virginia Department of Behavioral Health and Developmental Services and would provide residential living facilities and various types of assistance, scheduled and unscheduled, in daily living for persons with intellectual disabilities. Special Use Permit approval is necessary due to the proposed staffing by non-resident employees. The property is zoned R20 (Medium-density Single-family Residential) and is designated Medium Density Residential in the Comprehensive Plan.

Amy Parker, Senior Planner summarized the staff report to the Commission dated August 2, 2013, 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. PC13-18(R).

Mr. Brazelton asked about parking.

Ms. Parker said there would be a maximum of ten to twelve vehicles during an employee shift change.

Mr. Mathes asked if the VDOT prohibition on parking on Rich Road applies to the entire road or just the section where the "No Parking" signs are located. He said the house would have 2,500 square feet and would fit in with the rest of the homes in the neighborhood and that the increase in vehicle traffic would be approximately 3%.

Ms. Parker said the applicant would be able to verify the parking information and the square footage of the home. She said traffic would increase by 22 trips a day or 3%.

Mr. Myer asked if the proposed group home would fit in architecturally with the existing houses in the neighborhood. He noted that there are nine homes in the area and two homes on that street that are larger than the proposed group home.

Chair Suiter opened the public hearing.

Kasia Grzelkowski, 2520 58th Street, Hampton, spoke on behalf of the applicant. She gave a presentation on the application, providing details regarding the daily lives of the residents and past experiences with other group homes the applicant has built and maintained.

Mr. Brazelton asked if the employee shifts are staggered to avoid overlapping parking needs.

Ms. Grzelkowski said that to avoid parking problems some of the staff would park at Wal-Mart and carpool to the group home.

Mr. Mathes asked if there would be landscaped buffering around the group home.

Ms. Grzelkowski said they would be landscaping as shown on the sketch plan.

Mr. Myer asked if the group home would be able to adhere to the changes made to condition #2 of the resolution. He also asked what are the applicant's sources of funding and how does the applicant screen potential residents for the group homes.

Ms. Grzelkowski said the Rich Road House would operate under an ICF/ID license; Intermediate Care Facility with Intellectual Disabilities. This house is intended for individuals with intellectual disabilities and who generally also have medical conditions. She said there would be no problem adhering to the change to the resolution because the Arc does not serve that population.

Mr. Myer asked the applicant what emergency procedures the Arc has in place for the group home.

Ms. Grzelkowski said there are several levels of planning in place regarding emergency procedures. She said they can shelter in place as the first option. . The group homes are stocked with extra supplies and there are employees who are designated to stay at the homes during an emergency if that is necessary. The Arc also has agreements with various hotels in the area that will supply handicap-accessible rooms for the group home residents if needed.

Mr. Myer asked about the square footage of the group home and if the home would be expanding.

Ms. Grzelkowski responded that according to the drawing the group home would have 2,800 square feet with no garage but a storage area and four bedrooms.

Mr. Myer asked about the property values of the surrounding homes and if the group home would be of comparable value.

Ms. Grzelkowski said they researched one of their properties and the surrounding properties have been increasing in value and assessment.

Mr. Myer noted that the applicant held a community information meeting at the Tabb YMCA and extended an invitation for people to come and visit one of the existing group homes

Ms. Grzelkowski responded that so far no one has taken them up on this invitation but that she would love for anyone to come and visit. She said the Arc is extremely proud of their homes and would like people to see both the inside of a home and the grounds and especially the clients they are serving.

Mr. Mathes asked if the residents of the group home are immobile and whether they would have unrestricted access to the outdoors.

Ms. Grzelkowski said the residents of the group home would be supervised when they are outside.

Paul Garman, 4719 Newport Forest, Williamsburg, expressed support for the application, stating that he is an advocate for the Arc, which is a world class organization.

Nancy Jo Baxter, 220 Rich Road, said she is a lifelong York County resident and a small business owner. She said she has seen large non-profit organizations build assisted living facilities in residential areas with staff that comes and goes and homes that are too big for the existing neighborhood. She expressed hope that the Commission would protect her neighborhood's quality of life and not force severely handicapped people into their neighborhood. She said she spoke with 40 residents in the neighborhood and 30 of them signed a petition against the group home. She stated that the group home would reduce property values in the neighborhood.

Elizabeth McCullers, 109 Wainwrights Bend, said she supports the group home application and asked that the neighbors overcome their prejudice and realize that the group home will improve their community.

Alice Aikens, 216 Rich Road, said she has lived in her home for 47½ years and has watched many children grow up on her street. She stated that children have always ridden their bikes and skateboards on Rich Road. She said it is a quiet neighborhood and most residents are in bed by 9:00 PM. She expressed concern that 24 hour staffing and the traffic it would bring would disrupt the whole neighborhood.

Joyce Wilson, 116 Rich Road, said she has lived in the same house for 43 years and is very excited about the group home in her neighborhood. She said it would be a nice challenge to reach out these residents who want to become part of the community.

Perry Narain, 132 Hedgerow Lane, opined that the group home would be an encroachment into the neighborhood and not an appropriate land use.

Robert Maness, 119 Rich Road, he said he is concerned about the traffic and that it would be like having a doctor's office in the middle of the neighborhood.

Matthew Krug, 102 Silver Fox Trace, he said he not only lives in the area but is very familiar with the Arc and the wonderful services they provide. He opined that the property values in the neighborhood

would not drop and might actually rise. He said that the group home residents would be very good neighbors and that the residents and the organization would not cause problems in the neighborhood.

Don Schilling, 222 Rich Road, said that placing a group home in his neighborhood would increase the traffic and make his street too crowded.

Ola Gayton, 221 Rich Road, said she lives in her neighborhood because it is residential and she understands that these people need a place to live but don't condemn the neighborhood just because the neighbors don't want change.

Melanie Rapp-Beale, 320 Bay Tree Beach Road, Seaford, said she is a member of the Arc Board of Directors and she is very excited about the proposed group home being built in York County. She said the Arc has nine successful group homes in Hampton Roads and the residents of the group homes are like children with childlike faith. She asked that these children be allowed to have a place where they can live.

Mary Clark, 107 Rich Road, said she has a handicapped child and has been fighting for over 50 years to allow handicapped children to live in residential neighborhoods.

Paula Nemergut, 103 Rich Road, said it is a safe neighborhood and a great plus for a group home to be built there.

Chair Suiter closed the public hearing.

Mr. Myer said he visited one of the applicant's group homes on Hollywood Avenue. He said he learned a lot about Arc and took a tour of the group home. He said after the tour he asked some of the neighbors for their thoughts on the group home on their street. He said the neighbors had nothing but positive comments about their neighboring group home. He also said there is no downward trend in the Hampton neighborhood housing values.

Mr. Mathes said the proposed site is more suitable for a group home than sites proposed in the previous application.

Mr. Brazelton said he supports the application.

Chair Suiter said access to this proposed group home is not an issue and he supports the application.

Mr. Myer moved adoption of Resolution No. PC13-18(R).

**A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO
AUTHORIZE A GROUP HOME AT 124 RICH ROAD**

WHEREAS, The Arc of the Virginia Peninsula, Inc. has submitted Application No. UP-828-13 requesting a Special Use Permit to authorize a group home with up to four (4) occupants and up to six (6) nonresident employees on any particular work shift, in a proposed single-family detached dwelling located on a 0.52-acre site located at 124 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-2-28A (GPIN S03a-2022-4392) and 36A-2-29A (GPIN S03a-1995-4474); 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 14th day of August, 2013 that Application No. UP-828-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit authorizing the establishment of a group home with up to four (4) occupants and up to six (6) nonresident employees on any particular work shift, in a proposed single-family detached dwelling located on a 0.52-acre site located at 124 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-2-28A (GPIN S03a-2022-4392) and 36A-2-29A (GPIN S03a-1995-4474) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a group home with up to four (4) occupants and staffed by up to six (6) nonresident employees on any particular work shift, in a proposed single-family detached dwelling to be constructed on a 0.52-acre site located at 124 Rich Road (Route 680) and further identified as Assessor's Parcel Nos. 36A-2-28A (GPIN S03a-2022-4392) and 36A-2-29A (GPIN S03a-1995-4474).

2. The group home facility shall be operated as a "community intermediate care facility/mental retardation (ICF/MR)" as defined in the Virginia Administrative Code Section 12VAC35-1-5-20 and shall comply at all times with all applicable regulations and licensing requirements of the Virginia Department of Behavioral Health and Developmental Services (VDBHDS) and the Virginia Department of Health (VDH). The facility shall not be operated as a detention facility operated under the standards of the Department of Juvenile Justice, nursing home, alcoholism or drug treatment center, work release facility for convicts or ex-convicts, or other housing facility serving as an alternative to incarceration or where the residents are under the supervision of a court. Furthermore, the facility shall not be operated as a "transitional home" as defined in Section 24.1-104 of the Zoning Ordinance.

3. Clients residing in the facility shall be under 24-hours-a-day care and supervision by at least one and no more than six professional staff persons at any one time. The facility may include and offer on-site counseling, education, and training services for residents; however, such services may not be offered on the premises to nonresidents.

4. A sketch plan shall be submitted to and approved by the Department of Environmental and Development Services prior to the commencement of any site modifications on the subject parcels. Said sketch plan shall be in general conformance with the sketch plan and floor plans received by the Planning Division on June 27, 2013, except as modified herein. Copies of said sketch plan and floor plans shall remain on file in the office of the Planning Division.

5. Construction of the proposed dwelling shall be in conformance with the architectural elevations submitted to the Planning Division on June 27, 2013. The external appearance and arrangement of such facility shall retain a form and character that is compatible with the appearance and arrangement of other residential uses in the general area.

6. No signage shall be permitted.

7. All parking in excess of that required for a single-family detached dwelling shall be located not less than 25 feet from any residential property line and shall be effectively screened from view from adjacent residential properties by a Type 25 Transitional Buffer. On street parking shall be prohibited.

8. The maximum number of residents shall be four (4), and no more than six (6) nonresident staff shall work on any single shift.

9. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the Resolution authorizing this Special 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 issuance of a Certificate of Occupancy for the group home.

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: (4) Mathes, Brazelton, Suiter, Myer
Nay: (0)

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Carter referred to the Development Activity Report dated August 12, 2013, and offered to answer any questions.

COMMITTEE REPORTS

There were no committee reports.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports and requests.

ADJOURN

The meeting was adjourned at 12:20 P.M.

SUBMITTED:



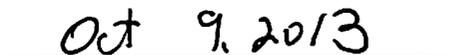
Lisa Swartz, Secretary

APPROVED:



Mark B. Suiter, Chair

DATE:



Oct 9, 2013