Excerpts
Planning Commission Minutes
August 9, 2000

> **Application No. ZM-51-00, St. Mark Lutheran Church:** Request to amend the York County Zoning Map by reclassifying six (6) parcels from IL (Limited Industrial) to GB (General Business).

Mr. Michael King, assisted by a brief video, presented the summary of the staff memorandum to the *Planning Commission dated July 24, 2000 and noted the staff recommendation of approval.*

The Chair opened the public hearing.

Elizabeth L. White, Esquire, Kaufman and Canoles, Newport News, represented the applicant and spoke in favor of approval. Ms. White spoke of the history of the church, at its present site since 1974, and explained ownership of the property. She displayed photographs of the church and its immediate environs.

Reverend Gary Erdos said St. Mark Lutheran Church is in partnership with Yorktown Elementary School and Yorktown High School to provide services and goods for the schools and is sponsor of a program called Family Focus. He said the church continues to be a contributing and supporting member of the community He requested a favorable recommendation.

Mr. Bob Magoon, 1317 Jamestown Road, Williamsburg, is architect for the proposed church expansion and displayed drawings of the existing facility, explaining what is being proposed in Phase I and future phases of the project.

Mr. James W. Noel, Jr., Executive Director, York County Industrial Development Authority, spoke on behalf of the applicant. Mr. Noel observed the problems that the applicant and the County have faced in resolving the problem since the inadvertent rezoning and believed that approval of the application would meet the needs of both.

There were no others to speak and the Vice Chair closed the public hearing.

Mr. Beil inquired how many undeveloped lots remain in Victory Industrial Park and Mr. Noel replied there are four or five undeveloped lots. Mr. Simasek inquired about the membership and projected membership of the church, to which Pastor Erdos stated there are currently 800 members and the expansion is designed for a membership of 1,500, which the church hopes to reach within the next 12 years. He explained the current uses of the church facility and potential uses with expansion to include children's preschool and expanded youth activities.

Mr. Simasek asked if any traffic problems would be expected with an expanded membership of 1,500, and Mr. King said it is not an issue of the application, but inasmuch as church traffic is primarily on Sundays he did not think it would be problematical.

Mr. Shepperd asked how the specific proffers were determined, and Ms. White explained the members addressed certain staff concerns before they submitted the proffers.

Mr. Hendricks moved the adoption of Resolution PC00-21 for approval. It reads:

PC00-21

On motion of Mr. Hendricks, which carried 5:0 (Semmes and White absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZM-51-00 TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING 7.5 ACRES LOCATED AT 118 OLD YORK HAMPTON HIGHWAY (ROUTE 634) FROM IL (LIMITED INDUS-TRIAL) TO GB (GENERAL BUSINESS) SUBJECT TO THE CONDITIONS VOLUNTARILY PROFFERED BY THE PROPERTY OWNER

WHEREAS, St. Mark Lutheran Church has submitted Application No. ZM-51-00, which requests to amend the York County Zoning Map by reclassifying a 7.5-acres, a total of six (6) parcels, located at 118 Old York Hampton Highway (Route 634), and further identified as Assessor's Parcel No(s). 24-185A, 24-(60)-4, 24-(60)-17, 24-(60)-18, 24-(60)-20, and 24-(60)-21, from IL (Limited Industrial) to GB (General Business), subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been referred 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 and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of August, 2000 that Application No. ZM-51-00 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval subject to all the conditions voluntarily proffered by the property owner as set forth in the proffer statement entitled "Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Maps: 24-185A, 24-60-4, 24-60-17, 24-60-18, 24-60-20, 24-60-21 and dated July 28 2000 and listed below:

1) The property shall not be used for the following land uses:

   a) Restaurant/Fast Food
   b) Restaurant/Drive In
   c) Car Wash
   d) Automobile Fuel Dispensing Establishment/Service Station
   e) Neighborhood Shopping Center
   f) Community or Regional Shopping Center
   g) Toy Store

h) Bait and Tackle Store
i) Convenience Store

2) In Connection with any submission of a final site plan for the property, the applicant agrees to vacate the lot lines among the various lots comprising the property to form one large parcel provided all the following conditions are met:

a) The Subdivision Agent of York County deems it necessary for the property owner to vacate such lines; and

b) The vacation of such lines will not violate, contradict or contravene the easements, terms, conditions and obligations set forth in that certain Declaration of Covenants, Conditions, and Restrictions for Victory Park Property Owners Association, Inc. dated December 22, 1987 and recorded in the Clerk's Office of the Circuit Court for the County of York in Deed Book 506 at Page 321 (the Declaration) as may have been, or may in the future be, amended pursuant to the terms set forth in the Declaration; and

c) The property owner is able to obtain all consents, if any, required by the Declaration to be obtained in connection with the vacation of such lot lines; and

d) The vacation of such lot lines is permitted under the Zoning and/or Subdivision Ordinances of the County of York, Virginia

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