APPROVED MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
November 13, 2002

MEMBERS
Andrew A. Simasek
Robert D. Heavner
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Michael H. Hendricks
Ann F. White

CALL TO ORDER

Chair Michael Hendricks called the regular meeting to order at 7:00 p.m. The roll was called and all members were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, Amy M. Parker, and Maggie Hedberg.

REMARKS BY THE CHAIR

Chair Hendricks remarked 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. Its 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. The York County Planning Commission is acknowledging its fiftieth anniversary, having been established in August 1952.

APPROVAL OF MINUTES

Minutes of the following meetings were unanimously approved, in turn, by motion of Mrs. White: September 23, 2002; October 9, 2002; and October 17, 2002.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARING

Application No. ZT-69-03, York County Board of Supervisors: Amend Chapter 24.1, Zoning, of the York County Code to add a new section (proposed Section 24.1-377, Yorktown Historic District Overlay) creating an historic district zoning classification pursuant to the authority provided under Section 15.2-2306, Code of Virginia, and consider adoption of a companion document setting forth the architectural design guidelines to be applicable within the proposed Yorktown Historic District Overlay.

Mr. Mark Carter referred to the staff memorandum dated October 30, 2002 and presented slides to define the Yorktown district overlay and compare what is proposed with what is currently permitted.

Mr. Carter elaborated on the history and evolution of the current draft guidelines, mentioning that discussions took place about a historic zoning district and design guidelines before the first Focus on Yorktown workshop in 1989. He used slides to compare current recommendations to the first draft and also to the current Zoning Ordinance. Mr. Carter mentioned the proposed name and composition of the review committee and that the draft guidelines are written as pro active rather than retroactive inasmuch as all existing conditions would be grandfathered. He noted that no requirement exists in the proposal for landscaping review by the committee. He said the draft guidelines should recognize that townhouses and cluster homes are different from existing single-family residences and suggested that language be added to cover that. Mr. Carter further noted the County Attorney has suggested several minor changes that will need to be addressed.

Hearing no questions, the Chair opened the public hearing.

Mr. Robert Deramo, 32 Windy Point Drive, Poquoson, introduced himself as owner of a townhome at 211 Ambler Street and the land immediately beside the existing townhomes at the end of Ambler, which land is pre-platted, he stated, for six more townhomes. He believes an architectural review board is necessary to control growth within a village such as Yorktown but did not understand why the revised guidelines propose the property west of the Coleman Bridge to become a part of the main historic district. He did not believe Ambler and Pulaski Streets are in the same historic category as the rest of Yorktown because their history is more recent and different from the older sections of the village.

Mr. David Brown, 213 Nelson Street, said that a few months ago more than 90 percent of the landowners had voted not to support the proposal. In addition, he said, it had been voted down several years ago. He did not believe the guidelines could accomplish much because most lots are built and the homes are well tended. Most of the current homeowners plan to remain in Yorktown and they do not want this, he said, and believed a hardship would result for the homeowners if the historic district and guidelines were adopted.

Ms. Beverly Krams, 266 E. Queens Drive, stated that she owns the properties at 105 and 107 Church Street. Ms. Krams said she could not think of a town more regulated than Yorktown because "most of the land is owned by federal, state, or local government" and is additionally governed by Trustees. Now, she said, another level of zoning laws are proposed, over and above those that exist, to be administered by a board of seven individuals. She said there should be another way to protect Yorktown without asking landowners to forfeit their property rights and wanted a compromise that the residents could support.

Ms. Martha Hamel, 101 Pulaski Street, appeared to oppose the proposed district. Ms. Hamel stated, "Government that governs least, governs best." The opposition to an historic district and review board has a long history in Yorktown, she said, and read from a newspaper article published in January 1981 entitled, "Residents Oppose Historic District" (copy attached to minutes of record). She said a petition had opposed a previously proposed historic district and had been presented to [former Supervisor and Delegate] Shirley Cooper. She said the stated purpose of the draft ordinance was to protect, enhance

and perpetuate the historic significance of the town area, but the residents believe it would deter future development. According to Ms. Hamel, only 14 people attended the most recent landowners' meeting during which 10 people voted in favor of the proposed draft guidelines, but two others voted no and two abstained. She pointed out that today, more than 21 years after the newspaper published the aforementioned article, Ms. Hamel remains opposed to the district and a review board because the village does not need more regulations and they would open the door to possible seizure of private Yorktown property by eminent domain.

Mr. Chuck Murray, 118 Chiskiak Watch, appeared as Chairman of Yorktown Village Landowner group. He believed a misunderstanding had developed over the stand taken by the landowners. Last year a vote almost unanimously rejected the previous draft of the guidelines. There was a subsequent meeting held on October 23, 2002 to review the revised guidelines, subsequent to which the residents voted to recommend adoption of the revised guidelines.

Mr. John Carver, 236 Nelson Street, did not think an architectural review board is needed because only two to four lots remain to be developed and they should present no problem. He said he appreciated the hard work of many individuals, but he believed such guidelines are written for the purposes of historic trust, not for individual property rights. He said the Yorktown landowners in 2001 had rejected the implementation of <u>any</u> architectural review guidelines. He did not think all of the landowners had been aware of the meeting on October 23, to which Mr. Murray had referred.

Mr. George Sage, 112 Church Street, was adamantly opposed because he did not think the guidelines were needed, they would be an imposition for him to implement and would infringe on his property rights and liberties; and because the very discussion about guidelines has brought about antagonism among neighbors. The architectural review board would further increase the chance for neighbors to become enemies. His opposition remains unchanged, he said.

There were no others to speak, and **Chair Hendricks** closed the public hearing. He thanked those in attendance and the public in general for its continued involvement in this issue. Mr. Hendricks added that the Board of Supervisors had requested the Planning Commission to make a recommendation on the historic district and the proposed design guidelines. The joint Planning Commission-citizen committee then undertook a detailed study of the proposal and considered all of the landowners' issues and concerns. Mr. Hendricks said he endorses the revised proposal presented by the committee.

Ms. White believed the flexibility in the revised draft has made it more compatible with the desires of the citizens who had previously been opposed.

Mr. Barba thanked all those who worked to get the draft guidelines to this point. He believed they are needed to protect from unwanted change what everyone values in Yorktown, and expressed his support.

Mr. Ptasznik said he understood the concerns expressed by the landowners in Yorktown, but pointed out that the purpose of the historic district and guidelines is to help preserve the historical significance of Yorktown, a stated desire of many residents who want to protect it for their children and future generations. He believed the proposed document could accomplish that.

Mr. Heavner said without guidelines someone could build a structure in Yorktown that is totally out of character with the village and what its landowners have said they want to preserve.

Mr. Simasek believed there still may be fear of the draft guidelines and that if some who are still opposed had read the document they should be reassured. He regretted that no amenable compromise had been reached with some individuals who had expressed firm opposition from the outset, but he believed there is a need for guidelines and, if adopted, that they will benefit everyone.

Mr. Carter recommended that language be added to define the differences between single-family homes and cluster homes or town homes. He noted that the County Attorney recommended the revision or addition of specific language in the draft ordinance that the Commission forwards to the Board of Supervisors. Mr. Simasek moved to recommend approval, with the revisions proposed by Mr. Carter and the County Attorney, by the adoption of Resolution PC02-42(R).

PC02-42(R)

On motion of Mr. Simasek, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-69-02, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO ESTABLISH A NEW SECTION 24.1-377, YORKTOWN HISTORIC DISTRICT OVERLAY, AND ADOPTION OF THE PROPOSED YORKTOWN DESIGN GUIDELINES

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-69-02 to allow consideration of the proposed Yorktown Historic District Overlay District and the accompanying Yorktown Design Guidelines, pursuant to the authority provided under Section 15.2-2306 of the Code of Virginia (1950, as amended); and

WHEREAS, the Planning Commission has considered these proposed amendments and guidelines in great detail and has had benefit of the extensive review and recommendations provided by the Yorktown Design Guidelines Study Committee; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the proposed amendments in accordance with applicable procedures; and

WHEREAS, the Commission has determined that the proposed amendments and guidelines are appropriate and necessary for the proper protection of the special historic and architectural character of Yorktown; and

WHEREAS, the Commission is of the opinion that the proposed amendments strike an appropriate balance between the public goals of preservation and enhancement of the special character of Yorktown and landowners' desires to avoid unnecessary regulation.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of November, 2002 that it does hereby recommend approval of Application No. ZT-69-02 to amend the York County Zoning Ordinance to include a new section, 24.1-377 – Yorktown Historic District Overlay, and to adopt the proposed Yorktown Design Guidelines, both as set forth in the document entitled "Draft Yorktown Historic District and Design Guidelines," dated July 10, 2002;

BE IT FURTHER RESOLVED that the recommendation for approval shall include the changes suggested by staff in its memorandum to the Planning Commission dated October 30, 2002 and those revisions mentioned at the November 13th meeting;

BE IT STILL FURTHER RESOLVED that the Planning Commission hereby recommends that the Board of Supervisors adopt the text amendment and guidelines with a delayed effective date in order to allow time for appointment, organization and training of the Historic Yorktown Design Committee and also for the sponsorship and processing of a text amendment application to eliminate the requirement for Board of Supervisors review and approval of single family detached residential construction or additions in the YVA District.

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NEW BUSINESS

- **Group Homes**

Mr. Carter noted the distribution to the members of his memorandum, dated November 4th, requesting the Commission to consider sponsoring a resolution to address group homes.

PC02-43

On motion of Ms. White, which carried 6:0, the following resolution was adopted:

A RESOLUTION TO SPONSOR AN APPLICATION TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE THE USE REGULATIONS APPLICABLE TO GROUP HOMES

WHEREAS, in accordance with Section 24.1-302 of the Zoning Ordinance, the Zoning Administrator has evaluated a proposal for a group living facility and has determined that the use is one "not provided for," thereby causing the proposal to be forwarded to the Planning Commission for consideration; and

WHEREAS, the Planning Commission has determined that it would be consistent with good zoning practice to consider amendments to expand the definition of "group home" to include opportunities for occupancy by residents who are not necessarily "handicapped," as is the current requirement;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of November, 2002, that it does hereby sponsor an application to amend Chapter 24.1, Zoning, of the York County Code to consider amendments to the following amendments pertaining to "group homes":

Amend Section 24.1-104, Definitions, as follows:

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Family. An individual, or two (2) or more persons related by blood, marriage or adoption, or a group of not more than four (4) unrelated persons, occupying a single dwelling unit. For purposes of single-family residential occupancy, the~~is~~ term also shall be deemed to encompass the residents of ~~group homes or other~~ "residential