MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
November 12, 2003

MEMBERS
Nicholas F. Barba
John R. Davis
Frederick W. Harvell
Alexander T. Hamilton
Robert D. Heavner
Alfred E. Ptasznik, Jr.
Andrew A. Simasek

CALL TO ORDER

Chair Andrew Simasek called the regular meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members except Mr. Harvell were present. Staff members present were James E. Barnett, Jr., J. Mark Carter, Timothy C. Cross, and Amy Parker.

REMARKS

Chair Simasek 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. 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.

APPROVAL OF MINUTES

Mr. Hamilton moved to adopt the minutes of the October 8, 2003 regular meeting and they were adopted unanimously (6:0, Mr. Harvell absent). Mr. Hamilton then moved adoption of the minutes of the work session held on October 29, 2003, and they were adopted unanimously.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-626-03, Miles C. Burcher and Gary L. Brocksmith: Request for a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize the establishment of a detached accessory apartment in conjunction with a single-family dwelling located at 709 Patricks Creek Road. The

applicant is proposing to construct the approximately 765-square-foot apartment within an existing detached accessory structure. The 0.93-acre parcel is located on the south side of Patricks Creek Road (Route 616), approximately one-half mile east of its intersection with Lakeside Drive (Route 620) and is further identified as Assessor's Parcel No. 30J-1-1. The property is zoned RR (Rural Residential) and is designated for Low Density Residential development in the Comprehensive Plan.

Ms. Amy Parker, Senior Planner, summarized the memorandum to the Commission dated November 3, 2003 in which the staff recommended approval of this application by the adoption of proposed Resolution PC03-34.

Chair Simasek opened the public hearing.

Mr. Davis inquired about the distance between the subject building and the property line. Ms. Parker stated it was approximately six to seven feet.

Mr. Miles Burcher, 705 Patricks Creek Road, spoke in behalf of his application. He stated that the property abutting the existing accessory structure belongs to a family member but cannot be built upon because its size and shape would not allow conformance with the setback regulations. He stated the accessory structure is metered separately from the primary residence and is connected separately to County sewer.

Mr. Heavner inquired who would reside in the proposed accessory apartment, and Mr. Burcher stated the plan is that his mother will live there. It is possible, he added, that his uncle would reside in the apartment in the future, as have several family members over the years.

Chair Simasek asked if there were further questions of the applicant. There were none. Hearing no others who wished to speak, Chair Simasek closed the public hearing.

Mr. Davis asked the applicant if the family property sustained damage from Hurricane Isabel and Mr. Burcher said it did. He plans to raise the structure to avoid future flooding.

Mr. Ptasznik moved to adopt Resolution PC03-34.

<u>PC03-34</u>

On motion of Mr. Ptasznik, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A DETACHED ACCESSORY APARTMENT AT 709 PATRICKS CREEK ROAD

WHEREAS, Miles C. Burcher and Gary L. Brocksmith have submitted Application No. UP-626-03 to request a Special Use Permit, pursuant to Section 24.1-407(b) of the York County Zoning Ordinance, to authorize a detached accessory apartment in conjunction with a single-family detached

dwelling to be constructed on property located at 709 Patricks Creek Road and further identified as Assessor's Parcel No. 30J-1-1; 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 given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of November, 2003, that it does hereby transmit Application No. UP-626-03 to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This use permit shall authorize a detached accessory apartment in conjunction with a single-family detached dwelling to be contained within an existing accessory structure on property located at 709 Patricks Creek Road and further identified as Assessor's Parcel No. 30J-1-1.

2. The apartment shall be contained within the existing structure located at the southwest corner of the subject property as indicated on the plat submitted by the applicant titled "Construction Survey, Plat of the Property of Miles C. Burcher," dated April 21, 2003, prepared by Davis & Associates and received by the Planning Division on September 28, 2003. Building plans in substantial conformance with the floor plans submitted by the applicant and received by the Planning Division on September 28, 2003 shall be submitted to and approved by the York County Department of Environmental and Development Services, Division of Building Regulation, prior to the issuance of a building permit for the accessory apartment.

3. Not more than one (1) accessory apartment shall be permitted in conjunction with the principal dwelling unit.

4. Habitable floor area of the accessory apartment unit shall not contain in excess of 800 square feet.

5. The accessory apartment unit shall contain no more than one (1) bedroom.

6. Adequate provisions shall be made for off-street parking of motor vehicles in such a fashion as to be compatible with the character of the single-family residence and adjacent properties.

7. The accessory apartment shall not be rented separate from the principal dwelling and shall be occupied only by family members or guests of the occupant of the single-family dwelling.

8. Renovation of the existing structure for the purpose of establishing an accessory apartment shall be in compliance with Sections 24.1-372 and 24.1-373 of the County Zoning Ordinance and all

applicable State and Federal regulations relevant to development in the FEMA-designated 100-year floodplain.

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.

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Application No. UP-627-03, Kenneth Dale Moore: Request for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (category 14, number 6), to authorize the establishment of a mini-storage warehouse facility on a 1.74-acre parcel located at 5922 George Washington Memorial Highway approximately 300 feet north of the intersection of George Washington Memorial Highway (Route 17) and Wolftrap Road (Route 630) and further identified as Assessor's Parcel No. 29-4-4B. The proposed development would be an expansion of the existing Stor Moore mini-storage warehouse facility located at 6000 George Washington Memorial Highway. The property is zoned GB (General Business) and the Comprehensive Plan designates this area for General Business development.

Mr. Tim Cross, Principal Planner, summarized the memorandum to the Commission dated November 12, 2003. He said there were no substantive differences between the current application and the application submitted for the same purpose in 2000, which was denied by the Board. He added that the current proposal to add a row of 12 crape myrtles to serve as a landscape buffer does not meet the minimum landscaping requirements of the Zoning Ordinance. He stated the staff recommends denial of the application.

Mr. Davis asked if renderings were available of the proposed side or front elevations, and Mr. Cross stated the artist's sketch attached to the staff memo was submitted by the applicant, but no other drawings were submitted.

Chair Simasek opened the public hearing.

Mr. Lamont Myers, 108 Pheasant Watch, Mid-Atlantic Commercial, represented the applicant. Mr. Myers said there has been growing concern in recent years about what is happening on Route 17, noting the County's recently commissioned study of the Route 17 corridor.

Mr. Myers pointed out what he considered to be significant differences in the current application and the application that was denied in 2000, namely a brick façade on the buildings, a heavily landscaped berm, brick fencing between two buildings, and exterior improvements to the office building including modification to the roof line and installation of decorative lighting. He said that many communities are bringing buildings closer to the street and locating their parking or paved areas behind and thought increased landscaping at the front of the project, as proposed, would enhance the beautification of Route 17. Mr. Myers agreed with conditions proposed by the staff with the exception of the section of Condition No. 9 of proposed Resolution PC03-35 that requires

the berm to be set back at least ten feet from the right-of-way reservation line, which he felt was excessive. He agreed with the other recommendations contained in the proposed resolution.

Mr. Myers thought the proposed storage facilities represent a higher and better use than some uses allowed by right. He did not agree that commercially-zoned property is becoming scarce on Route 17 and said ten businesses between Ella Taylor Road and Denbigh Boulevard have closed or moved closer to the Route 171 corridor, and 27 for-sale signs are up between Ella Taylor Road and Fort Eustis Boulevard.

Mr. Myers noted the applicant's existing Stor Moore facilities on Route 17 and Wolf Trap Road are totally leased but to place another facility in an out-of-the-way location would doom it to failure. He did not see any negative impacts to the proposal and said, in fact, it offers controlled access, attractive signage, low traffic impact and liberal landscaping. He thought it would be more appropriate to reward the applicant's successes than place obstacles in his path.

Mr. Myers noted a letter that Mr. Edward L. Chambers, Jr., 6021 George Washington Memorial Highway, wrote to Mr. Cross in which Mr. Chambers supported the application. [Letter, dated October 29, 2003, attached to minutes of record.]

Mr. Barba asked how many square feet the Route 17 and Wolf Trap Road Stor Moore facilities comprise.

Mr. Dale Moore, the applicant, responded that the combined total is between 60,000 and 70,000 square feet.

Mr. Barba asked if the expansion onto Wolf Trap Road was made in lieu of developing the Route 17 frontage. **Mr. Moore** explained it was "secondary to the first one and nothing else was available." He thought the Board would be happy with the proposed improvements, including the angled exteriors, recessed lighting with accent lighting on stucco side walls, and an entirely different appearance to the office building.

Mr. Heavner asked the applicant if Victory Industrial Park would be a more appropriate location for such a facility. **Mr. Moore** said he had been told by Mr. James Noel, Office of Economic Development, that the County is adamantly against using industrial property for this purpose.

Mr. Heavner asked if the proposal provides access for 18-wheel trucks and **Mr. Moore** said their use is discouraged at his storage facilities and management recommends that customers deliver their storage items by pickup truck.

In response to **Mr. Ptasznik**, **Mr. Cross** stated that a mini-storage warehouse facility is an allowed use in the IG – General Industrial – zoning district.

Discussion followed about what impact the future widening of Route 17 might have on the project, and Mr. Cross explained that the proposed right-of-way reservation depicted on the applicant's concept plan should be sufficient to accommodate the widening. He explained that the staff's

recommendation to change the berm location was intended to prevent the widening from intruding on the berm.

Mr. Mark Carter, Zoning Administrator, added that widening this segment of Route 17 is not on the Virginia Department of Transportation's plan until at least the year 2010. The only other consideration in terms of widening, Mr. Carter added, is that sometimes there is a need for a temporary construction easement and utility line in which case the applicant's investment could be protected from disturbance.

Chair Simasek closed the public hearing.

Mr. Davis, noting his strong advocacy of property rights, asked if the members would consider tabling the application until roof elevations are available to show the project's possible effect on surrounding properties.

Mr. Simasek expressed his surprise the applicant and his agent did not present better drawings to the Commission, particularly because they are aware of the County's position on storage facilities. He agreed that the Commission should not move forward without seeing precisely what is proposed.

Mr. Davis added it is critical to see what the project would look like, considering the investment the County has made in the Route 17 beautification study.

Mr. Barba was not convinced this application represented the best use of the property.

Mr. Hamilton agreed with Mr. Barba, and was not sure there was a need for more mini-storage warehouses.

Mr. Heavner believed the proposed facilities were a good use of the property but wanted to see more pictorials.

Mr. Myers said renderings will be drawn to comply with the conditions of the proposed staff resolution concerning appearance and will be completed in time for Board consideration. Mr. Myers requested that the Commission make a recommendation rather than table or defer the application.

Mr. Ptasznik thought the facilities would be attractive but not suitable for the subject property. He did not think the proposed facilities were supportive of the long-term redevelopment of the area envisioned in the Comprehensive Plan. Mr. Ptasznik recommended the applicant consider an IG-zoned area for this project.

Mr. Simasek indicated he could not support the project because a higher and better use should be made of the property, and he would support the staff's recommendation.

Mr. Ptasznik moved the adoption of Resolution PC03-35, recommending approval. It failed by a vote of 5:1 (Mr. Harvell absent, Mr. Heavner opposing).

Application No. ZT-80-03, York County Planning Commission: Consider amendments to Section 24.1-372, EMA – Environmental Management Area Overlay District, of Chapter 24.1, Zoning (York County Code) to reflect changes in the Chesapeake Bay Preservation Area regulations promulgated by the Chesapeake Bay Local Assistance Board. These applications are on file in the Planning Division and may be examined there. For additional information or for audio or visual assistance during the hearings, contact the Planning Division, Finance Building, 120 Alexander Hamilton Boulevard, Yorktown, Virginia, or call 890-3404 (voice) or 890-3300 (TDD).

Mr. Mark Carter noted that the proposed revisions were promulgated by the Chesapeake Bay Local Assistance Board (CBLAB) to bring the County's Chesapeake Bay Preservation Area Regulations into conformance with the regulations and policy guidance adopted by CBLAB. He presented a summary of the proposed revisions, referring to the staff memorandum dated November 5, 2003, and the work session on the subject conducted by the Commission on October 29, 2003. Mr. Carter expressed thanks to Ms. Anna Drake and Mr. Joe Sisler, staff members in the Department of Environmental and Development Services, for their valuable contributions and recommendations. He offered to answer questions.

Mr. Ptasznik asked if there was any information the Commission had not been given, and Ms. Drake assured him the Commission had been advised of all of the information relative to the proposed revisions.

Mr. Simasek opened the public hearing, and, hearing no one to speak on the application, closed the hearing.

Mr. Barba moved to adopt proposed Resolution PC03-33.

PC03-33

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-80-03, YORK COUNTY PLANNING COMMISSION, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING VARIOUS PROVISIONS OF SECTION 24.1-372 – EMA – ENVIRONMENTAL MANAGEMENT AREA OVERLAY DISTRICT DEALING WITH CHESAPEAKE BAY PROTECTION AREA REQUIREMENTS

WHEREAS, the York County Planning Commission has sponsored Application No. ZT-80-03 to allow consideration of various amendments to Section 24.1-372 – EMA – Environmental Management Area Overlay District to incorporate changes made necessary by regulatory and policy guidance adopted by the Chesapeake Bay Local Assistance Board; and

WHEREAS, the Planning Commission has considered these proposed amendments at a work session conducted on October 29, 2003; 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, with the revisions incorporated as a result of the Commission's work session discussions, are appropriate and will be consistent with goals established in the Comprehensive Plan and will ensure the consistency of the County's regulations with State-mandated requirements;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of November, 2003 that it does hereby recommend approval of Application No. ZT-80-03 to amend the York County Zoning Ordinance as shown in the proposed amendment package dated November 5, 2003 (Section 24.1-372), attached to the memorandum to the Planning Commission dated November 5, 2003, and made a part of this resolution by reference.

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Application No. ZT-79-03, York County Board of Supervisors: Consider amendments to Section 24.1-402, Standards for Open Space Development, of Chapter 24.1, Zoning (York County Code) to revise the minimum principal building spacing standards to require a minimum separation of twenty (20) feet in open space (cluster) subdivisions.

Mr. Mark Carter summarized the memorandum to the Commission dated October 21, 2003. He noted the staff recommended adopting proposed Resolution PC03-32.

The Commissioners had no questions. **Chair Simasek** opened the public hearing. There were no speakers, and he closed the public hearing.

Mr. Ptasznik moved the adoption of proposed Resolution PC03-32.

PC03-32

On motion of Mr. Ptasznik, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-79-03, YORK COUNTY BOARD OF SUPERVISORS, WHICH PROPOSES AMENDMENT OF SECTION 24.1-402, STANDARDS FOR OPEN SPACE DEVELOPMENT (CLUSTER TECHNIQUES), OF CHAPTER 24.1, ZONING (YORK COUNTY CODE) TO REVISE THE MINIMUM PRINCIPAL BUILDING SPACING STANDARDS TO REQUIRE A MINIMUM SEPARATION OF 20 FEET

WHEREAS, this application was sponsored by the Board of Supervisors after determining that principal building separations of less than twenty (20) feet can be detrimental to community character, can limit access to rear yard areas, can contribute to a reduction in the amount of open space and pervious surface on a property, and can create increased risks and resource requirements for emergency services responses; and

WHEREAS, the application has been referred to the Planning Commission for review and recommendation in accordance with applicable procedures; and

WHEREAS, the Commission has conducted a duly advertised public hearing on the application and has carefully considered the comments received from the public.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission, this the 12th day of November, 2003, that it does hereby recommend approval of Application No. ZT-79-03 to amend Section 24.1-402 of the Zoning Ordinance to establish an absolute minimum spacing requirement of twenty (20) feet for principal buildings located in cluster (open space) developments, as set out below.

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Sec. 24.1-402. Standards for open space development (cluster techniques).

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(c) *Yard, size and dimension requirements*.

(1) There are no lot width or area requirements.

(2) The above notwithstanding, any lots abutting the exterior boundary of the open space development shall be of the same size as would be required of conventional development unless the abutting development shall have been developed as an open space development. A lot shall be considered to be abutting unless it is separated by an area of open space which is not less than forty-five feet (45') in width.

(4) The minimum setback from external streets shall be that which is prescribed in the underlying zoning district.

(5) The minimum setback from internal public streets shall be thirty feet (30') from internal private driveways or streets the setback shall be established on the plan of development.

(6) The minimum distance between any two principal buildings within the open space development shall be twenty feet (20') . Side yard dimensions on each individual lot shall be a minimum of ten feet (10’) in depth and rear yard dimensions shall be a

minimum of twenty feet (20') in depth. Accessory building locations and setbacks shall be governed by the provisions set out in Section 24.1-273 of this Chapter.

(7) Where flag lots are utilized, the "staff" portion shall be twenty feet (20') or greater in width.

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Application No. ZT-78-03, York County Board of Supervisors: Consider amendments to various sections of Chapter 24.1, Zoning (York County Code), as follows:

- Article II, Division 4, Landscaping, Buffer and Greenbelt Regulations: Proposed changes include revision of the preparation qualifications for landscape plans, adjustment of tree and shrub size and planting ratios, and adjustments to Transitional Buffer requirements.
- Article VI, Off-Street Parking and Loading: Proposed changes include adjustments to the parking ratio requirements, elimination of the requirements for bicycle parking, and provision of additional design and location flexibility.
- Article VII, Signs: Proposed changes include establishment of incentives for installation of monument signs and establishment of an absolute maximum of 200 square feet for wall signs.

Mr. Mark Carter addressed questions raised by members during the October 29, 2003 work session, referring also to the staff memorandum dated October 30, 2003. He elaborated on the changes recommended for the landscaping, parking and signage sections of the York County Zoning Ordinance.

Brief discussion and clarification followed regarding signage required for Route 17 frontage parcels; provisions for multiple business listings on a single entrance sign where a common access or shopping center is shared or where a group of properties share a single frontage; and benefits of monument signs and recommended heights for monument signs.

Mr. Barba moved adopting proposed Resolution PC03-31.

PC03-31

On motion of Mr. Barba, which carried 6:0 (Mr. Harvell absent), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. ZT-78-03, YORK COUNTY BOARD OF SUPERVISORS, WHICH PROPOSES AMENDMENT OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) BY REVISING VARIOUS PROVISIONS OF ARTICLE II – DIVISION 4 - LANDSCAPING, BUFFER AND GREENBELT REGULATIONS, ARTICLE VI - OFF-STREET PARKING AND LOADING, AND ARTICLE VII - SIGNS

WHEREAS, the York County Board of Supervisors has sponsored Application No. ZT-78-03 to allow consideration of various amendments to the landscaping, parking and signage regulations contained in the Zoning Ordinance; and

WHEREAS, the Planning Commission has considered these proposed amendments at a work session conducted on October 29, 2003; 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, with the revisions incorporated as a result of the Commission's work session discussions, are appropriate and will be consistent with goals established in the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of November, 2003 that it does hereby recommend approval of Application No. ZT-78-03 to amend the York County Zoning Ordinance as shown in the proposed amendment packages dated October 30, 2003 (Article II – Division 4, Article VI, and Article VII), attached to the memorandum to the Planning Commission dated October 30, 2003, and made a part of this resolution by reference.

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OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Carter reported on recent actions by the Board of Supervisors.

COMMITTEE REPORTS

Mr. Simasek remarked that the Regional Issues Committee should be pleased about the proposal to extend a buffer along Route 199.

COMMISSION REPORTS AND REQUESTS

There were no reports or requests.

ADJOURNMENT

Chair Simasek adjourned the meeting at 8:33 p.m.

SUBMITTED: _____
Phyllis P. Liscum, Secretary

APPROVED: _____ **DATE:** _____
Andrew A. Simasek, Chair