MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
February 12, 2020

MEMBERS
Montgoussaint E. Jons
Glen D. Titus
Donald H. Phillips
Michael S. King
Robert T. Criner
Robert W. Peterman
Bruce R. Sturk

CALL TO ORDER

Vice Chair Titus called the meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present with the exception of Mr. King and Mr. Sturk. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Justin R. Atkins, Assistant County Attorney; Amy Parker, Senior Planner; Earl W. Anderson, Senior Planner; and Daria Linsinbigler, Planning Assistant. Also in attendance was Susan D. Kassel, Director of Planning and Development Services.

REMARKS

Vice Chair Titus 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. He explained that this responsibility is exercised through recommendations conveyed by resolutions or other official means, all of which are matters of public record. He stated that the Commission is comprised of seven citizen volunteers appointed by the Board, including one representative from each voting district and two at-large members.

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

Vice Chair Titus led the Pledge of Allegiance.

Dr. Phillips moved to adopt the minutes of the regular meeting of January 8, 2020. The motion was approved (5:0)

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. PD-52-20, Marlyn Development Corporation: Request to amend the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail (Route 60) from General Business (GB) to Planned

Development Residential (PDR), subject to voluntarily proffered conditions, for the purpose of establishing an independent living senior housing development consisting of a maximum of 150 dwelling units (a maximum density of approximately 20 dwelling units per acre). The property is further identified as Assessor's Parcel Nos. 15-9-38 and 15-9-39, is designated in the Comprehensive Plan for General Business. The General Business designation is intended to provide opportunities for retail and other commercial uses oriented primarily toward supplying goods or services for a community or regional market that need access to arterial highways. The high intensity activity levels envisioned by this designation dictate that it be located with a full understanding of the potential impacts on adjacent residential and commercial development and traffic and circulation patterns.

Earl Anderson, Senior Planner, summarized the staff report dated February 4, 2020, stating that staff recommends 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. PC20-3(R), as revised.

Vice Chair Titus opened the public hearing.

Timothy O. Trant II, 4801 Courthouse Street, spoke as the applicant's representative. He stated that he is an attorney at Kaufman and Canoles and is representing Marlyn Development Corporation. He introduced the project team members in attendance as Brian Staub and Ben Rountree from Marylyn Development and Howard Price from AES Consulting Engineers.

Brian Staub, 308 35th Street, Virginia Beach, stated that he is the chief financial officer for Marlyn Development Corporation. He gave a brief history of the company and said that it has been involved in development and construction for over thirty years in Hampton Roads. He said it is an employee-owned company and has built over 10,000 apartment units of all types across Virginia, including more than 1,300 age-restricted apartments, which he said are 99% occupied. He stated that Marlyn has developed one other senior apartment complex in the County, the 130-unit Arbors at Towne Park, which received a Certificate of Occupancy in April 2019 and was fully leased within six months. He said the demand for senior housing reflects the shifting demographic makeup of the population and that senior communities provide security and an attractive carefree lifestyle.

Timothy O. Trant II, said the shopping center property proposed for the project has been in decline for a while with occupancy just below 20%. He attributed this decline in part to the design of the center and the construction of the Busch Gardens I-64 interchange, which diverted a significant amount of tourist traffic off of Pocahontas Trail. He said that the plans include a modern 7,500 square foot-retail building with frontage on Route 60. He added that the existing tenants have been notified and have been given the option to lease in the new space or receive up to three thousand dollars for relocation assistance. Mr. Trant stated that this property is part of the Busch Corporate Center and has unanimously passed for approval by their voting members. He said the property is ideally located near a hospital, medical offices, and a retail corridor and that the building design is flexible and uniquely adaptable to a redevelopment scenario. He concluded by showing photos of similar projects, and he noted the high-quality design both inside and out. He said the project would include a dog park, community garden plots, hair salon, activities room, exercise room, media room, and a game room. He said that this project would resolve uncertainty for the declining property and give economic support for the remaining businesses in addition to addressing the housing needs within the community. He stated that the redevelopment project would result in a net reduction of impervious cover with a substantially improved appearance and

he noted that it will also be a low traffic generating use. Lastly, he added that a multi-use path will be installed along the Route 60 frontage in that area.

Dr. Phillips asked Mr. Trant to elaborate on the restrictions that would apply if the applicant had elected to pursue a Special Use Permit rather than a rezoning that he characterized as a spot zoning that would not be consistent with the Comprehensive Plan.

Mr. Trant responded that he does not consider it a spot zoning since the PDR district is intended to be applied to different areas of the County to encourage flexibility and innovative design. He explained that because of the challenges of redeveloping a previously developed site, some relief from the performance standards, particularly the required fifty-foot (50') perimeter buffer, is being requested. He added that the proposed amount of usable open space would make up for the reduction in the perimeter buffer.

There being no one else wishing to address the Commission on this matter, **Vice Chair Titus** closed the public hearing.

Mr. Peterman commented that it is a good use of the property and meets a County need for affordable housing. He said the project is well designed and located in a desirable area for a senior community.

Mr. Criner said the project will revitalize the diminished retail businesses currently located in the vicinity and that local businesses will welcome the new customers.

Dr. Phillips agreed that there is a need to redevelop this property and said that it is not in the County's best interest to have vacant shops. He said he also liked the plans for open space. He stated that his only concern is that the application is for a rezoning rather than a Special Use Permit.

Mr. Jons stated he is very impressed with the proposed project. He said he likes the fact that it is in close proximity to medical facilities. In addition, he noted that when he toured The Arbors at Towne Park, there was not a distinction between the living quarters of residents paying market-rate rents and those who are median- or low-income. He said it is viable and much-needed project.

Mr. Titus agreed that it is a good project and approved of the minor changes related to AEDs and emergency generators.

Mr. Criner moved the adoption of Resolution No. R20-3(R).

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 7.5 ACRES LOCATED AT 1915 POCAHONTAS TRAIL (ROUTE 60) FROM GENERAL BUSINESS TO PLANNED DEVELOPMENT RESIDENTIAL

WHEREAS, Marlyn Development Corporation has submitted Application No. PD-52-20, which is a request to amend the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail and further identified as a portion of Assessor's Parcel Nos. 15-9-38 and 15-9-39 (GPINs G12b-4433-3390 and G12b-4695-3050) from General Business (GB) to Planned Development Residential (PDR) for the purpose of developing an independent living senior housing development consisting of a maximum of 150 apartment units; 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 12th day of February, 2020, that Application No. PD-52-20 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying approximately 7.5 acres of land located at 1915 Pocahontas Trail and further identified as a portion of Assessor's Parcel Nos. 15-9-38 and 15-9-39 (GPINs G12b-4433-3390 and G12b-46953050) from General Business (GB) to Planned Development Residential (PDR) for the purpose of developing an independent living senior housing development consisting of a maximum of 150 apartment units, subject to the following conditions:

1. General Layout, Design, and Density

The development shall be designed and constructed in accordance with the provisions of 24.1-361, Planned Development Residential district and 24.1-411, Standards for Senior Housing (Housing for Older Persons), except as modified herein.

A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the overall development master plan titled "Master Plan for 1915 Pocahontas Trail," prepared by AES Consulting Engineers, dated December 2, 2019 and revised February 3, 2020, supplemented by the Project Narrative, Community Impact Assessment, Fiscal Impact Study, Rendered Concept Elevations of Proposed building (prepared by Cox, Kliewer & Company, P.C. on January 22,2020), and the "Proffered Conditions, 1915 Pocahontas Trail, Williamsburg, VA" statement, copies of which shall be kept on file in the office of the York County Planning Division.

The maximum number of residential units shall be 150.

~~c)~~d) Twenty-percent (20%) of the units shall be income-restricted to 50% of the Area Median Income established by the U.S. Housing and Urban Development Department.

~~d)~~e) Maximum building height shall not exceed a mean elevation of fifty feet (50'), which is defined as the halfway point between the ridgeline and the edge of the roof.

~~e)~~f) Architectural design of all buildings shall be in substantial conformance with the Rendered Concept Elevations of Proposed building submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.

~~f)~~g) The perimeter landscape buffer shall be as depicted on the submitted master plan referenced above, except as modified below:

i) Landscaping of the buffer along Pocahontas Trail and along the western property line between the proposed 7,500-square foot commercial building and the PDR zoning shall meet the LCU (landscape credit unit) requirements for a Type 50 Transitional Buffer.

ii) Landscaping of the buffers along the northern and eastern property lines shall meet the LCU requirements for a Type 25 Transitional Buffer.

~~g)~~h) The normally required 25-foot building perimeter landscape yards shall be reduced as depicted on the master plan referenced above.

2. Open Space and Recreation

A minimum of 3.4 acres of common open space and 0.86 acre of recreation space shall be provided as depicted on the overall development master plan and in accordance with the provisions set forth in Section 24.1-361 of the Zoning Ordinance.

Core recreational facilities shall consist of, at a minimum, the facilities as described in the application documents, to include, but not be limited to sitting areas, dog park, grilling area, raised gardens, sidewalks surrounding the building and a multi-use path along the property frontage or such other facilities as deemed appropriate by the Zoning Administrator. Said facilities shall be available to all residents of the development and their guests.

A minimum of 25,000 square feet of interior building space shall be required for recreation space to include: common areas, community room, hair salon, media room, game room, and exercise room or such other facilities as deemed appropriate by the Zoning Administrator.

3. Fire and Life Safety

a) The independent living facility shall have adequate radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication system of York County.

b) Elevators be sized to accommodate an ambulance stretcher in accordance with VCC 3002.4.

c) Aerial apparatus access roads shall have a minimum width of twenty-six feet (26'), and shall be located within a minimum of fifteen feet (15') and a maximum of thirty feet (30') from the structure.

d) At least one employee shall be on call twenty-four (24) hours per day, seven (7) days per week and at least one employee will be ~~a full-time resident~~present at the property to provide a twenty-four (24) hours per day, seven (7) days per week management presence at the facility. An emergency pull-cord system shall be installed in each unit to be monitored twenty-four (24) hours per day, seven (7) days per week by a third-party monitoring company (or other similar emergency notification and monitoring system or technology as approved by the Zoning Administrator).

e) The facility shall be equipped with standby power sufficient to support fire suppression, emergency lighting, and one elevator.

~~d)~~f)The facility will be equipped with Automatic External Defibrillation devices (or other comparable devices as approved by the Zoning Administrator).

4. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "Proffered Conditions, 1915 Pocahontas Trail, Williamsburg, VA" dated February 11, 2020 and signed by Lauren K. Pugliese, Second Vice President of Ameritas Life Insurance Corp. and Brian L. Staub, Executive Vice President of Marlyn Development Corporation.

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 rezoning, together with a duly signed copy of the proffer statement, shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for site plan approval.

On a roll call the vote was:

Yea: (5) Titus, Phillips, Criner, Peterman, Jons
Nay: (0)

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Application No. ZT-182-20, York County Planning Commission: Consider amendments to Sections 24.1-409 of the York County Zoning Ordinance, Standards for Boarding Houses, Tourist Home and Bed and Breakfast Establishments, and 24.1-606(a), Minimum Off-Street Parking and Loading Requirements. The proposed amendments would establish Special Use Permit application submittal requirements for tourist homes and bed and breakfasts; establish emergency/life safety requirements for these uses; revise the evaluation criteria for such uses to include the adequacy and capacity of the adjacent roadway network; revise parking standards for such uses; and require the owner/proprietor of a tourist home either to reside in the home or in an adjacent premises or to designate a responsible party who shall be available to promptly respond to and resolve problems or complaints that arise while rentals are taking place.

Mr. Cross summarized the staff report dated January 30, 2020, stating that the proposed amendments were triggered by the large number of Special Use Permit applications for tourist homes and bed and breakfast establishments in recent years. He said this is not just a local but a national trend resulting from the advent of various web platforms for vacation rentals. He stated that tourist homes and bed-and-breakfasts (B&Bs) are already provided for in the Zoning Ordinance as a permitted use in commercial zoning districts and as a specially permitted use in residential zoning districts. He said that following a Planning Commission work session in August, staff developed the proposed zoning text amendments to add clarity and guidelines with regard to short-term rentals. He stated that staff recommends that the Commission forward the amendments to the Board of Supervisors with a recommendation of adoption, and he offered to answer questions.

Mr. Peterman asked if the floor plan and sketch plan are two separate documents.

Mr. Cross replied that the floor plan is a plan of the interior of the premises, whereas the sketch plan is a drawing of the property showing the home and all existing and planned improvements. He added that the floor plan allows staff to determine how much of the building will be utilized

for the short term rental.

Mr. Peterman inquired about the definition of rooming houses in the off-street parking and loading requirements, noting that he could not find it in the definitions section of the Zoning Ordinance.

Mr. Cross said the reference to rooming houses might not be necessary, but he added that there might be references elsewhere in the ordinance, so staff would need to go through the County Code before removing the reference.

Mr. Atkins noted that Chapter 11 of the County Code includes a reference to rooming houses with respect to smoke detector requirements.

Mr. Criner commended the staff for its compilation of information. He said the most contentious issue is whether to require a resident onsite full-time or to allow other arrangements on a case-by-case basis.

Mr. Cross stated that if the ordinance is changed as proposed, the opportunity for an applicant to designate a responsible party who does not live in the house would be lost.

Dr. Phillips noted that for B&Bs, the owner is required to live on-site and he asked for the history of that requirement.

Mr. Cross replied that he was not sure, but he stated that it would make sense since B&B owners are essentially hosting guests and providing meals. He added that it may be possible to merge the two definitions of tourist home and bed and breakfast if on-site residency were to be made a requirement.

Mr. Jons said he was glad to see additional guidelines for consistency.

Vice Chair Titus asked if an application could still be denied if the applicant lives far away, even if there is a local responsible party and all other requirements met.

Mr. Cross replied in the affirmative.

Vice Chair Titus stated that some residents think that a tourist home or B&B should be allowed by right but that he prefers to require a Special Use Permit so that applications can be judged on a case-by-case basis.

Mr. Jons said that he has heard from residents that they want to know who is responsible for the property while it is being rented and noted that if someone is living on-site, it will make their neighbors more comfortable with the process.

Mr. Cross noted that the three documented cases where problems occurred and the owners were not present were all operating illegally.

Vice Chair Titus opened the public hearing.

Richard Howell, 104 Horseshoe Drive, thanked the Planning Commission and staff for their hard work on this complicated matter. He said that the biggest issue is residency and it is important to keep the requirement for a Special Use Permit. He stated that if the owner is not living on the

premises or immediately adjacent, it is a question as to who has a vested interest in the property and urged the Commission to take that into consideration for the benefit of County residents. He said he believes signage is not appropriate for many communities.

Dianne Howell, 104 Horseshoe Drive, said that she spoke in opposition to a proposed tourist home in her neighborhood at the August Board of Supervisors meeting and urged the Board at the time to come up with guidelines. She requested that applicants be required to reside in the home or an adjacent property. She suggested that Special Use Permit authorization be limited to the individual and not the property, and she felt that signage should not be allowed in residential communities. Lastly, she said that there does not seem to be a penalty for short-term rentals that are operating illegally.

John Sepanski, 106 Montague Circle, said that he lives in a residential neighborhood and would like it to stay residential. He said he does not want to live next to a commercial property.

Jack Dooley, 165 West Queens Drive, stated that a small business owner who believes strongly in capitalism, he feels conflicted. He stated that landlords should have to apply for a business license, file sales tax returns, and pay appropriate taxes. He stated that a home in a residential neighborhood should not have commercial properties located next door and that although people should be allowed to operate short-term rentals, they should be required to live in the home.

Richard Toth, 241 East Queens Drive, stated that zoning laws are the bedrock rules defining a residential property to protect homeowners from the commercialization and misuse of their neighborhood. He said that through the Special Use Permit process, exceptions can be made to those rules on a case-by-case basis. He stated that use permits for tourist homes should be tied to the owner and subject to expiration and that the owner should live on the property. He proposed that the County make a list of defined residential neighborhoods and survey the residents in each neighborhood to determine if the majority are in favor of short-term rentals and to act in accordance with the results when short-term rentals are proposed.

Sylvia Martin, 101 Valor Court, said that she has had past negative experiences with a neighbor renting out their property to transients and stressed the importance of requiring the owner to stay on-site. She stated that the permit should stay with the applicant and not the property. She agreed that signage should not be allowed and parking should be restricted.

Laura Nanartowich, 211 West Queens Drive, stated that she is looking for the most conservative approach in regard to short-term rentals to keep the integrity of the neighborhood intact. She stated that owners should be present, that signage should not be allowed, and that approval should not run with the land.

Vice Chair Titus commented on the practicality of conducting neighborhood polls on short-term rentals.

Mr. Cross interjected that zoning cannot be done by survey and that certain rules apply throughout the County uniformly.

Mr. Atkins stated that the question has arisen before about attaching a Special Use Permit to an individual rather than the land, and he stated that when a use permit is approved, a certified copy of the approving resolution has to be recorded in the Circuit Court Clerk's Office. He said this ensures that the conditions are attached to the land and easily found in a future title search. He stated that approving use permits for specific individuals is analogous to granting a license, which

the Planning Commission does not have the power to do. He said that the requirement to have an owner live on the premises of a short-term rental would be an allowable change in the ordinance if the Commissioners make that decision.

Dalila Johnson, 216 Ashton Drive, said she thinks that if the amendments are approved, there should be a set time limit to allow the short-term rental to be reevaluated. She stated that the permit should be attached to the owner rather than the land. She stated that there should be a checklist that the owner would have to comply with to meet the new standards. She added that if the property is located in a development that has a homeowners association (HOA), a letter of approval from the HOA should be required.

Mr. Atkins clarified that use permit resolutions must be recorded in the land records of the Circuit Court.

Ms. Howell asked if additional short-term rental policies that are not addressed in the proposed amendments will be addressed in the future.

Mr. Cross replied that the proposed Zoning Ordinance amendments are the only ones currently under consideration for short term rentals and that if adjustments are needed in the future, further amendments can be considered. He added that he wanted to respond to some of the questions and issues raised. Regarding signs, he noted that they are currently permitted and no change is proposed. He reminded the Commission that the County rewrote its sign ordinance last year in response to a Supreme Court ruling where the fundamental issue was content neutrality, which he said makes it difficult to differentiate between different types of signs based on their content. He added that the majority of applications did not propose signage. As for the definition of "short-term", he clarified that it is embedded in the definition of transient occupancy, which is defined as ninety days or less. With regard to parking, he said new language is proposed to specifically require parking to be located off the street in a suitably paved location. He added that with regard to the suggestion about developing a checklist, staff plans to put together an informational packet that will be provided to prospective applicants to spell out the criteria for short-term rentals, which he said would serve basically the same purpose as a checklist.

Vice Chair Titus asked if it would be possible for an applicant to designate the HOA as the responsible party and Mr. Cross replied that it would have to be a specific person and their contact information would have to be on file with the Sheriff's Office.

Mr. Atkins added that the Planning Commission's scope is very limited with respect to zoning decisions and that it has only the authority that is granted to it by the General Assembly.

Mr. Peterman stated that he feels the proposed ordinance is adequate and that the Special Use Permit process provides wide authority to consider the particular aspects of each application on a case-by-case basis. As an example, he noted a recent application involving a tourist home where the owner did not live in or adjacent to the home but was deemed to be acceptable because the property was surrounded by National Park Service land and did not have any residential neighbors. He stated that the Commission does not have the authority to attach use permits to the person instead of the land given that use permits are based on the use of the land and not the person who owns it. He added that in those situations where it might be warranted, the County has the ability to require an applicant to come back to the Board for re-approval after a designated period of time to make sure there are no problems.

Mr. Criner asked if the sign standards are the same for a short term rental as for a home

occupation. He also inquired if the County makes any follow-up inspections after a use permit is granted.

Mr. Cross replied that Zoning and Code Enforcement regularly inspect properties for which a use permit has been approved to make sure they are in compliance, and he added that a use permit can be revoked if an applicant is found in violation. He said the requirements for signage requirements for short term rentals and home occupations – maximum area of three (3) square feet and maximum height of three feet (3') – are identical.

Mr. Criner stated that staff did a great job drafting the amendments and that he supports them.

Dr. Phillips commended the staff's work and said the one open question is whether to require the owners to reside in or adjacent to the short term rental home. He said he would favor such a requirement to prohibit investors from operating short-term rentals as a business venture, which he said is not consistent with the original intent of the tourist home provisions.

Mr. Jons said that he shares Dr. Phillips' concern. He stated that requiring the owner to live on-site would be consistent with the overall intent of these provisions, which is to maintain the residential character of the property, so he would support such a requirement. Mr. Jons suggested other considerations such as limiting the number of days per year that a rental can operate and limiting the number of short term rentals in any given area.

Vice Chair Titus asked Mr. Cross if, in the event that the amendments were changed to require the owner to live on-site, there would still be flexibility to allow an applicant through the use permit process to designate a responsible party.

Mr. Cross replied that the latitude to assign another responsible party would be lost and the owner would be required to reside in the home or an adjacent premises.

Mr. Criner asked if the amendments as drafted would give the latitude to determine whether the owner or another party would be responsible.

Mr. Cross replied that under the amendments as drafted, the Commissioners would still have the option to recommend denial of an application for which the owner proposes to designate a responsible party rather than live in the house.

Vice Chair Titus commented that originally he had felt the owner should live on the premises but that he now feels this might not be necessary since the Commission would have the latitude to assess each application individually so that short-term rentals are approved only in those cases where they are a good fit for the area.

Mr. Peterman agreed, stating that this is how the Commission has consistently approached such applications. He stressed the importance of keeping the flexibility to consider special circumstances when making a determination on an application. Mr. Peterman stated that as a general rule, he feels that for short-term rentals located in purely residential areas, the owner should be required to live there, but he said that sometimes there will be circumstances where an off-site management arrangement is appropriate.

Vice Chair Titus noted the similarity between policies for home occupations and short-term rentals.

Mr. Criner moved the adoption of Resolution No. R20-4.

A RESOLUTION TO RECOMMEND ADOPTION OF AMENDMENTS TO SECTIONS 24.1-409, STANDARDS FOR BOARDING HOUSES, TOURIST HOME AND BED AND BREAKFAST ESTABLISHMENTS, AND 24.1-606(A), MINIMUM OFF-STREET PARKING AND LOADING REQUIREMENTS, OF THE YORK COUNTY ZONING ORDINANCE

WHEREAS, pursuant to Section 24.1-113(a)(2) of the York County Zoning Ordinance, amendments to the Zoning Ordinance may be initiated by the York County Planning Commission whenever the public necessity, convenience, general welfare, or good zoning practice so requires; and

WHEREAS, the Planning Commission has determined that in accordance with good zoning practice, it is necessary to amend portions of the Zoning Ordinance relative tourist homes and bed-and-breakfast inns;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of February, 2020, that Application No. ZT-182-19 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to amend Sections 24.1-409 and 24.1-606(A) of the York County Zoning Ordinance to read and provide as follows:

ARTICLE I. IN GENERAL

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Sec. 24.1-104. Definitions.

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Bed and breakfast inn. A dwelling in which, for compensation, breakfast and overnight accommodations are provided for transient guests. ~~When the establishment is located in a residential zoning district, the owner of the property shall live on the premises or in an adjacent premises and shall be the operator/provider of the bed and breakfast accommodations and services.~~

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Tourist home. An establishment, either in a private dwelling or in a structure accessory and subordinate to a private dwelling, in which temporary accommodations are provided to overnight transient guests for a fee.

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ARTICLE IV. PERFORMANCE STANDARDS FOR USES

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Sec. 24.1-409. Standards for boarding houses~~,~~ <u>and short-term rental homes (</u>tourist home and bed and breakfast establishments<u>)</u>.

(a) When located in single-family residential zoning districts, boarding houses~~,~~ <u>and short-term rental homes (</u>tourist homes~~,~~ and bed and breakfast establishments<u>)</u> shall have the appearance of a single-family detached residence and normal residential accessory structures.

(b) Signage for properties occupied by ~~tourist home or bed and breakfast uses~~<u>short-term rental homes</u> shall be permitted in accordance with section 24.1-703(b)(2).

(c) ~~In all residential districts, required off-street parking for the subject use shall be effectively screened by landscaping from view from adjacent residential properties and shall not be located in any required front yard area~~Any parking demand generated by the conduct of such use shall be accommodated off the street in a suitably located and surfaced space.

(d) When a bed and breakfast establishment is located in a residential zoning district, the owner of the property shall live on the premises or in an adjacent premises and shall be the operator/provider of the bed and breakfast accommodations and services.

(e) The owner/proprietor of a tourist home shall reside either in the home or in an adjacent premises or shall designate a responsible party, who may be the applicant, and who shall be available to promptly respond to and resolve problems or complaints that arise while rentals are taking place. The owner shall be responsible for providing the Sheriff's Office with the responsible party's contact information, including name, address, phone number, and email address.

(f) The owner/proprietor of a short-term rental home shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code and the Department of Fire and Life Safety prior to use of a structure as a short-term rental home.

(g~~d~~) The board shall specify the maximum number of persons who may be accommodated in the proposed use. Such determination shall be based on a consideration of the density and character of the vicinity in which located and of the size and characteristics of the proposed site.

(h) The following emergency/life safety requirements shall apply to the operation of a short-term rental home:

(1) An Emergency Action Plan identifying exit routes, fire extinguisher locations, and other life safety procedures shall be submitted to and approved by the Fire Marshal and posted conspicuously for guests' review.

(2) One or more fire extinguishers with a minimum rating of 2A10BC shall be installed. The location(s) shall be determined by the fire code official.

(3) The establishment shall be maintained in accordance with the State and Local Fire Prevention Code and the Virginia Residential Code and shall have a fire inspection conducted by the Department of Fire and Life Safety prior to the commencement of the short-term rental home and annually thereafter.

(4) All smoke detectors shall be interconnected and installed in accordance with the 2012 Virginia Residential Code, Section R314, or as it may from time to time be amended.

(i) The owner/proprietor shall obtain a York County business license, establish a County transient occupancy tax account, and file with the Virginia Department of Taxation for a Virginia State Sales Tax account.

(j) In addition to the submittal requirements set forth in section 24.1-115(a) of this chapter, any special use permit application for a short-term rental home shall be accompanied by

the following items which, in addition to the standards set forth in section 24.1-115(b)(3) of this chapter, shall be considered by the planning commission and board of supervisors in their evaluation of the appropriateness of the proposed short-term rental home:

(1) A detailed narrative description of the project specifying the proposed operating procedures; provisions for monitoring of guests' behavior; the maximum number of occupants (both children and adults); the minimum and maximum length of stay, if any; the number of bedrooms to be rented; and provisions for accommodating off-street parking. The narrative description shall also specify if individual rooms within the house will be rented or if the property will be offered as a whole house rental.

(2) A floor plan of the structure clearly delineating all of the rooms in the house and specifically identifying those rooms and areas that will be available to renters.

(k) In evaluating any special use permit application for a short-term rental home, the commission and board shall consider the adequacy and capacity of the adjacent roadway network, including pavement widths, traffic volumes, and street ownership and maintenance arrangements as applicable, to accommodate the proposed use without adversely affecting neighboring properties.

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ARTICLE VI. OFF-STREET PARKING AND LOADING

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Sec. 24.1-606. Minimum off-street parking and loading requirements.

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(a) Category 1 - *Residential and related uses.*

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(1) Dwelling: single-family detached & duplex	Two (2) spaces per unit	None.
(2) Dwelling: single-family attached (townhouse & multiplex)	Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking	None.
(3) Dwelling: multi-family	One and one-half (1½) spaces per unit; plus One (1) space per three (3) units for visitor parking.	None.
	Two (2) spaces per unit.	None.

USE	OFF-STREET PARKING SPACES	OFF-STREET LOADING SPACES
(4) Manufactured Home on individual lot		
(5) Manufactured Home Park	Two (2) spaces per unit; plus One (1) space per three (3) units for visitor parking.	None.
(6) Rooming, Boarding, Lodging House, Bed and Breakfast, Tourist Home	Two (2) spaces, or one (1) space if the owner/proprietor does not reside in the home; plus One (1) space per each sleeping room.	None.
(7) Group Home	Three (3) spaces, plus One (1) space per each two (2) beds:	None
(8) Senior Housing – Independent Living Facility	One (1) space per unit; plus one space per six (6) units for visitor parking	None
(9) Senior Housing – Congregate Care Facility, Assisted Living Facility	One (1) space per two (2) units; plus one space per six (6) units for visitors	None

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On a roll call the vote was:

Yea: (5) Phillips, Criner, Peterman, Jons, Titus,
Nay: (0)

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Cross gave an informational briefing on the proposed Capital Improvements Program (CIP) for Fiscal Years 2021-2026. He said that at its April 8th meeting a request to adopt a resolution certifying that the proposed CIP is in conformance with the goals and objectives of the Comprehensive Plan will come before the Planning Commission. He explained that the CIP is a six-year funding plan for major capital improvement projects, with the first year being the actual capital improvements budget and the latter five years serving as a plan based on projected revenues. Mr. Cross explained the different categories and financing of a CIP. He stated that this process began in August of 2019 when County agencies submitted their CIP proposals, which were

then reviewed and ranked by a multi-disciplinary review committee that forwarded its recommended project list and funding allocations to the County administrator. He noted the challenge is that the requests outweigh the revenue to pay for the projects. He said the County Administrator continues review and development of the CIP with input from the Board of Supervisors, schools, and the Planning Commission until it is adopted in May. Mr. Cross added that the County sets funding parameters for the schools but defers to the School Division in assigning funding to specific projects. He reviewed the new projects that have been included in the proposed CIP, which he said would be formally presented by the County Administrator at the March 17th Board of Supervisors meeting as part of the budget proposal. Mr. Cross said that after the Planning Commission acts on April 8, a public hearing for the budget and CIP will be held on April 21st with adoption to follow on May 5th.

STAFF REPORTS

Mr. Cross referred to the February Development Activity Report, stating that in the Board of Supervisors did not consider any land use cases at its January meeting. He reported that at the upcoming February 18th meeting, the Board will consider the proposed amendments to the proffered conditions of approval for the Commonwealth Green Planned Development. He stated there will be two home occupation applications on the March 2 Planning Commission agenda: a firearms sales/gunsmithing business on Mastin Avenue in Seaford and a day care center on Seaford Road. He said that there is also an application to a rezone a parcel on Baptist Road from General Business to R13. He noted that site plans for two developments that were recently considered by the Planning Commission – an auto impound yard in Ewell Industrial Park and the Shoppes at Merrimac adaptive reuse of a former grocery store –have been approved. Lastly, he noted that the Tractor Supply Company store, of which the Commission recommended approval in 2018, recently opened on Route 17.

COMMITTEE REPORTS

There were no Committee Reports.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:16 PM.

SUBMITTED: Daria Linsinbigler
Daria Linsinbigler, Secretary

APPROVED: Glen D. Titus
Glen D. Titus, Vice Chair

DATE: 11 March 2020