

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
February 9, 2022

MEMBERS
Douglas Holroyd
Glen D. Titus
Mary P. Leedom
Michael S. King
Robert T. Criner
Robert W. Peterman
Joseph P. Smith

CALL TO ORDER

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

ROLL CALL

The roll was called and all Commissioners were present with the exception of Mr. Criner. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Richard E. Hill, Jr., Deputy County Attorney; Amy Parker, Senior Planner; Earl W. Anderson, Senior Planner; Jeanne Sgroi, Management Analyst Intern, and Cathy Tartabini, Planning Assistant. Also in attendance was Susan D. Kassel, Director of Planning and Development Services.

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

Chair Titus led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Holroyd moved to adopt the minutes of the regular meeting on January 12, 2022. The motion was approved (6:0).

CITIZEN COMMENTS

There were no citizen comments

PUBLIC HEARINGS

~~Application No. UP-983-22, Tres Pollitos, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home on a 6.0-acre parcel~~

(GPIN T07c-0329-2424) located at 533 Allens Mill Road (Route 655). 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 dated January 28, 2022, stating that 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. PC22-6. She stated that late this afternoon the Planning Division received a letter from a citizen expressing opposition to the application.

Chairman Titus asked if the property is owned by an individual or a company.

Ms. Parker responded that the property is owned by a Limited Liability Company (LLC).

Chairman Titus stated that if the LLC sells the property, that would be a change in ownership and the use permit would expire, but if the LLC is sold to another party there would be no change in property ownership and the condition would not apply. He asked if that is correct.

Ms. Parker deferred to the Deputy County Attorney, and **Mr. Hill** responded that Mr. Titus is correct.

Mr. Smith asked how the tourist home would be advertised since the application stated that the applicants are trying to support the military community during moving cycles.

Ms. Parker deferred to the applicant.

Chair Titus opened the public hearing.

Rosimar Verella Gradaille, 106 Treis Trail, stated she and her husband created the LLC last April and own several properties under the LLC. She said they do not plan to sell the property but that if they did, it would be sold separate from the LLC. In response to the question about renting to military members, she stated that military families are often on a long waiting list to get on-base housing and families have a hard time getting into hotels for that period of time, so the tourist home would provide an alternative for the military families that have to wait six months to one year to get base housing. Ms. Gradaille stated that the house has been abandoned for five years and that they are bringing it back to life and that they want to show guests everything Yorktown has to offer. She stated that the wooded, secluded location is well-suited for a tourist home targeted to families.

Mr. Peterman asked the applicants how they plan to advertise the tourist home.

Ms. Gradaille, responded that they would probably advertise on Airbnb since that is where most people look for rental housing and it allows the owners to be selective in screening potential guests. She added that they would also advertise through Facebook groups for military spouses and by word of mouth.

Mr. King asked the applicants how many other properties they rent out.

Ms. Gradaille responded this would be their first short-term rental but that they own four houses in Virginia, one of which, located in Hampton, is rented out.

Chair Titus asked how the applicants would respond to York County residents who are opposed to all short term rentals but especially those where a real estate company converts a house into a short term rental. He asked how they would mitigate these citizens' anxiety.

Ms. Gradaille responded that she feels short-term rentals are no different from long-term rentals other than the fact that with long-term rentals, the neighbors get to know the renters and the renters take care of the property. She stated that they live nearby and will ensure that the property is maintained and guests are thoroughly screened.

Josh Gradaille added that the home has been vacant for five years and is undergoing significant renovation that will make a positive contribution to the County. He stated that they have a vested interest in the property and are going to make sure guests are screened.

Ms. Gradaille added that there will be stipulations, including a prohibition on parties. She said their vision is to rent to families who want to enjoy the backyard, hiking, and taking nature walks on the property.

Chairman Titus asked the applicants if they have discussed the application with their neighbors.

Ms. Gradaille responded that the property on one side of their property is unoccupied and was recently sold and they don't know who the new owner is.

Mr. Gradaille added that they spoke to a nearby neighbor who is renting their home and informed them of their intentions and established a rapport with them.

Ms. Gradaille added that they use the property, which is highly wooded, for hiking, hunting, and bow hunting and that others who use the property for these activities have asked them for permission to continue.

Chair Titus commented that the applicants live at least fifteen to twenty minutes away from the subject property, and he asked if they view that as a long time for them to respond to any incidents that might occur.

Mr. Gradaille responded that he doesn't see the distance as a problem and that he hopes to establish rapport with the neighbors such that they could assist in the event of an emergency.

Gary Lowe, 111 Burcher Road, stated that he lives on an adjoining property off of Dare Road and has several relatives living in the immediate vicinity and that he was not aware of any conversations with the applicants. He stated that the proposed tourist home seems like a hotel and does not belong in an area made up of single-family detached homes. He added that there have been problems in the past with hunting, hiking, and four-wheeling and that such activities are considered trespassing.

Jammie Goode, 2303 Lakeside Drive, stated that he recently purchased a parcel adjacent to the subject property. He said he is not opposed to the application but that he has some questions. He said he had read that there would be no mail delivered to the property and he didn't understand how that was possible. He stated he supports the military and that he understands that the applicants intend to rent the house as a whole to families but stated that he does not want it to become a boarding-house.

Richard Howell, 104 Horseshoe Drive, stated that both applicants are in the military and are subject to being relocated, and he recommended that if the application is approved, a condition be added to the resolution nullifying the use permit if the applicants move farther away from the tourist home. He asked the Commission to consider the views of neighboring property owners in making its recommendation, and he added that he has other concerns about short-term rentals that he has voiced on previous occasions.

There being no one else wishing to speak with regard to this application, **Chair Titus** closed the public hearing.

Mr. Holroyd said he had a legal question for Mr. Hill. He quoted from an article in a legal journal stating that when a rental property is owned by a business entity, at least one court has held that businesses can never reside there but can only conduct business there and that whenever a property is not being used as a permanent or long-term residence, but rather to conduct a short-term-rental business, it is not consistent with a residential use. He asked Mr. Hill to comment on whether this has any application to this case since the applicant is an LLC.

Mr. Hill responded that it has no relevance to this case. He explained that the decision referenced in the article involved a case that questioned whether a homeowners' association (HOA) or common interest communities can exclude short-term rentals based on whether they are consistent with the residential use of the HOA, so it is not applicable to this case. He said there was a larger issue about whether or not an LLC can properly reside in a residence, which also is not applicable in this case because the issue is ownership of the property and under Virginia law, an LLC can own property. He stated that people can own property through LLCs, trusts, or corporations and there are no restrictions on an LLC owning land, applying for a use, or running a business. Mr. Hill stated that an LLC is essentially treated as if it were an individual.

Mr. Peterman said he is concerned that the owners live a long distance from the property and that he considers eight miles to be too far for a whole-house rental, although he likes the idea of renting to military families. He stated that he is not convinced that there are enough controls to address an incident if one were to occur and that he does not support the application.

Mr. King agreed with Mr. Peterman and said he also cannot support the application. He noted that two adjacent property owners have expressed concerns and that he also has concerns about trespassing and the LLC ownership.

Ms. Leedom said she agrees with the previous statements and is uncomfortable with the fact that the home would not be owned by an individual.

Mr. Holroyd expressed concern about the loss of affordable housing as businesses purchase available homes and convert them into short-term rentals, which he said is inconsistent with the goals of the Comprehensive Plan relative to affordable housing. He said for that reason he does not support the application.

Chair Titus stated he does not support this application and that he has concerns about the distance between the property and the applicants' home, the LLC ownership, and the concerns expressed by adjacent property owners.

Mr. Holroyd moved the adoption of Resolution No. PC22-6.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 533
ALLENS MILL ROAD

WHEREAS, Tres Pollitos, LLC has submitted Application No. UP-983-22 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home on a 6.0-acre parcel (GPIN T07c-0329-2424) located at 533 Allens Mill Road (Route 655); 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 9th day of February, 2022, that Application No. UP-983-22 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a tourist home on a 6.0-acre parcel (GPIN T07c-0329-2424) located at 533 Allens Mill Road (Route 655) subject to the following conditions:

1. This use permit shall authorize the establishment of a tourist home on a 6.0-acre parcel (GPIN T07c-0329-2424) located at 533 Allens Mill Road (Route 655). Except as set forth herein, the establishment shall be operated in accordance with the narrative description provided by the applicant and received by the York County Planning Division on December 16, 2021, a copy of which shall remain on file in the office of the Planning Division.
2. Layout of the required parking for the tourist home shall be as generally depicted on the plan titled "Sketch Plan, UP-983-22" prepared by the York County Planning Division. The tourist home interior configuration shall be as depicted on the floor plans received by the York County Planning Division on December 16, 2021. Copies of said sketch plan and floor plan shall remain on file in the office of the Planning Division.
3. Operation of the tourist home shall be in compliance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code prior to use of the dwelling as a tourist home.
4. The maximum number of bedrooms shall be four (4), and the maximum number of guests occupying the tourist home at any one time shall be eight (8).
5. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited.
6. Retail sales shall not be permitted on the premises.

7. The driveway and parking area serving the tourist home as depicted on the sketch plan referenced in Condition No. 2 above shall be finished with gravel or other dust free surface meeting the approval of the Zoning Administrator prior to commencement of the tourist home use on the subject property.
8. "No parking" signs shall be placed along the driveway to prevent vehicles from blocking access to the dwelling by emergency vehicles prior to commencement of the tourist home use on the subject property.
9. Written verification by the Peninsula Health District of the adequacy of the private septic system serving the subject dwelling shall be submitted to the Director of Planning and Development Services prior to commencement of the tourist home use on the subject property.
10. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant.
11. Approval of this application shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owners association to enforce compliance with any applicable covenants.
12. A certified copy of the resolution approving this application shall be recorded at the expense of the applicants in the name of the property owners as grantor in the office of the Clerk of the Circuit Court prior to commencement of the tourist home use on the subject property.

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.

On a roll call the vote was:

Yea: (0)

Nay: (6) Leedom, King, Smith, Peterman, Holroyd, Titus

Application No. UP-984-22, Locke Supply Company: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 14, no. 3b) of the York County Zoning Ordinance, to authorize the establishment of a wholesale trade establishment with outdoor storage in the former Kingsgate Greene shopping center located at 118 Waller Mill Road (Route 713). The 16.5-acre parcel (GPIN D15a-1247-3462) is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

Timothy Cross, Deputy Director of Planning and Development Services, summarized the staff report dated January 17, 2022, stating that 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. PC22-7.

Chair Titus stated that when he visited the property last weekend he noticed that two sections of the brick wall surrounding the outdoor storage area had been removed and he asked what the plans are.

Mr. Cross responded that when he visited the property in January the walls were intact and that the applicant would be able to answer that question.

Ms. Leedom asked how wide the gate area is.

Mr. Cross responded that he believes it to be about ten to twelve feet wide.

Chair Titus opened the public hearing.

Mike Bourn, 208 B 84th Street, Virginia Beach, Vice President of East Operations for Locke Supply, spoke as the applicant. He stated that Locke Supply likes to take big box properties and clean them up for reuse, and he showed photos of other properties the company has redeveloped. He said all outdoor storage would be screened with nothing protruding above the walls of the storage yard, similar to other Locke Supply properties. He stated that there would be fifteen to eighteen well-paid employees and anticipated revenues of \$8 million. Mr. Bourn added that a typical lease would be for ten to twelve years. He said Locke Supply has been in business for sixty five years and has 180 locations.

Mr. Smith asked if the storage yard would be mainly for customers and if there would be forklifts or commercial vehicles entering and exiting.

Mr. Bourn responded that loading will be by forklift but that there would not be any trucks going into and out of the storage yard.

Mr. Smith noted the large size of the building and asked where equipment and commercial vehicles would be kept.

Mr. Bourn clarified that Locke Supply would be occupying only 37,000 square feet of the building and that the rest of the building is occupied by Ollie's Bargain Outlet and Ashley Home Store. He stated that there would be three or four trucks that would be parked on the side of the building facing Mooretown Road.

Chair Titus asked what the plan is for the two sections of wall that have been removed.

Gray Bowditch, 210 Mistletoe Drive, Newport News, introduced himself as General Manager of Taylor Construction, based in Virginia Beach, which came into partnership with the principal owners of the shopping center about two and a half years ago. He stated that through that partnership, the company helped manage the renovation of the shopping center and parking lot and the fitting out of commercial space for new tenants. During that time, he said, occupancy of the shopping center has increased from approximately 20% to 80%. With regard to the walls surrounding the storage yard, Mr. Bowditch explained that the existing gate is not wide enough for a forklift, so at the owner's request, a wider swing gate is being installed in the area where the sections of wall have been removed. He added that a 20' by 20' garage door is being installed at the rear of the building behind the shopping center, so any offloading by forklifts or large trucks would occur behind the center out of public view.

Mr. Bourn added that the new gate will be opaque.

Mr. Holroyd asked if any flammable material would be stored in the outdoor area.

Mr. Bourn said there would not.

Mr. Smith asked if Locke Supply would be accepting and storing old appliances or equipment being replaced.

Mr. Bourn responded that it would not. He explained that the company is not an installer and sells strictly to installers.

There being no one who wished to speak on this application, **Chair Titus** closed the public hearing.

Mr. Smith said he was in support of this application because it would take an existing vacant space and make improvements to it that will be compatible with the existing building.

Mr. Holroyd said he supports this application.

Mr. Peterman stated that taking over an existing location and fixing it up is good for the County and that he supports this application.

Mr. King said he supports the application.

Mr. King moved the adoption of Resolution No. PC22-7.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR
A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A
WHOLESALE TRADE ESTABLISHMENT WITH OUTSIDE STORAGE AT
118 WALLER MILL ROAD

WHEREAS, Locke Supply Company has submitted Application No. UP-984-22 to request a Special Use Permit to authorize a wholesale trade establishment with outside storage in an existing shopping center on a 16.5-acre parcel (GPIN D15a-1247-3462) located at 118 Waller Mill Road (Route 713); 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 9th day of February, 2022, that Application No. UP-984-22 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit to authorize a wholesale trade establishment with outside storage in an existing shopping center

on a 16.5-acre parcel (GPIN D15a-1247-3462) located at 118 Waller Mill Road (Route 713) subject to the following conditions:

1. This Special Use Permit shall authorize a wholesale trade establishment with outside storage in an existing shopping center on a 16.5-acre parcel (GPIN D15a-1247-3462) located at 118 Waller Mill Road (Route 713).
2. All outside storage shall be limited to the existing brick enclosure located at 118-A Waller Mill Road and shall not extend above the height of said enclosure.
3. Outdoor storage under eaves, canopies, or other projections or overhangs shall be prohibited except where automatic sprinklers are installed.
4. Storage arrangements shall comply with the Virginia Construction Code and Statewide Fire Prevention Code. Plans showing the design and layout of shelving or storage racks shall be submitted for review.
5. A Hazardous Materials Contingency Plan for all hazardous materials used or stored shall be submitted to the Department of Fire and Life Safety for review and approval.
6. In accordance with Section 24.1-115(b)(6) 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 application for a building permit.

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.

On a roll call the vote was:

Yea: (6) King, Smith, Peterman, Holroyd, Leedom, Titus
Nay: (0)

Application No. UP-985-22, Angela and Gregory Walters: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home on a 2.3-acre parcel (GPIN B20b-4742-4736) located at 407 Fenton Mill Road (Route 602). The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Jeanne Sgroi, Management Analyst Intern, summarized the staff report dated January 20, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions of approval set forth proposed Resolution No. PC22-8.

Chair Titus opened the public hearing.

Angela and Gregory Walters, 407 Fenton Mill Road, spoke as the applicants. Ms. Walters stated that they do not intend to rent the room out 365 days a year. She stated that this is their family home, so privacy, peace of mind, safety, and security are their top priorities. She stated that for much of the year, the room would be used as a guest bedroom for visiting family and friends and that their intent is to make it available on an occasional basis for people interested in visiting the historic area. Ms. Walters stated that they have spoken to all of their neighbors, including those across the street, all of whom have expressed their approval. She stated that since they live there, they would be available to address any issues that might arise, and she added that they plan to purchase additional insurance to protect from against personal or property damage. She added that it is a large, wooded lot that is not part of a homeowners' association and offers a lot of privacy.

Mr. Smith asked Ms. Walters if she has any documentation of the neighbors' support.

Ms. Walters responded that all three immediate neighbors signed letters of support.

Mr. Peterman asked how the tourist home would be advertised.

Ms. Walters responded that advertising would be mainly through Airbnb and by word of mouth.

There being no one else wishing to speak on this application, **Chair Titus** closed the public hearing.

Mr. Peterman stated that this is the right way to do a tourist home, noting that rentals would be on an occasional basis and the owners will be there at all times. He said he supports this application.

Mr. King said he also supports the application because of the neighbors' support, the fact that the applicants will reside on the property, the small scale of the operation, and the large size of the parcel.

Ms. Leedom agreed with Mr. Peterman and Mr. King and stated that the application is consistent with the intent of the Zoning Ordinance provisions for short-term rentals.

Mr. Smith agreed with the comments previously made.

Mr. Holroyd said he has spoken to some residents of Old Quaker Estates who are not immediate neighbors and were not aware of this application until recently. He said some of them plan to write letters to the Board of Supervisors in opposition to the application and that for that reason, he does not support the application.

Mr. King moved the adoption of Resolution No. PC22-8.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 407
FENTON MILL ROAD

WHEREAS, Angela and Gregory Walters have submitted Application No. UP-985-22 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on a 2.3-acre parcel (GPIN B20b-4742-4736) located at 407 Fenton Mill Road (Route 602); 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 9th day of February, 2022, that Application No. UP-985-22 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a tourist home in an existing single-family detached dwelling on a 2.3-acre parcel (GPIN B20b-4742-4736) located at 407 Fenton Mill Road (Route 602) subject to the following conditions:

1. This use permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on a 2.3-acre parcel (GPIN B20b-4742-4736) located at 407 Fenton Mill Road (Route 602). Except as set forth herein, the establishment shall be operated in accordance with the floor plans, and narrative description provided by the applicant and received by the York County Planning Division on January 4, 2022, and January 6, 2022, copies of which shall remain on file in the office of the Planning Division.
2. The owners/operators of the tourist home shall reside on the property at 407 Fenton Mill Road during times of all tourist home rentals.
3. The tourist home shall be rented out as a single bedroom only. The maximum number of guests occupying the tourist home at any one time shall be two (2).
4. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited. Any outside fire pits must be lit, supervised, and extinguished by the property owners.
5. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant.
6. In accordance with Section 24.1-115(b)(6) 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 commencement of the tourist home use on the subject property.

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.

On a roll call the vote was:

Yea: (5) Smith, Peterman, Leedom, King, Titus
Nay: (1) Holroyd

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Holroyd stated that with the resignation of Mr. Jons from the Comprehensive Plan Review Steering Committee, he felt the Commission should ask the Board of Supervisors if there should be a process to select a replacement for the vacant position.

Mr. King responded that he and Mr. Jons were appointed to represent the Commission and that if the Board decides to replace Mr. Jons, it would be the Commission's responsibility to select a replacement.

Chair Titus asked Mr. Cross if it would be staff's responsibility to carry this question forward to the Board.

Mr. Cross responded that he believed the Board is aware of the vacancy and that the County Administrator is certainly aware. He said the Committee serves at the pleasure of the Board, so it would be up to the Board to decide whether or not it wants to fill the position this late in the process. He added that as Mr. King said, if the Board were to make that decision, it would be the Commission's responsibility to choose one of its members to replace Mr. Jons, just as Mr. King and Mr. Jons were appointed by the Commission.

STAFF REPORTS

Mr. Cross referred to the February Development Activity Report, stating that at its January meeting, the Board of Supervisors approved the rezoning application at the end of Back Creek Road from RR to WCI as well as a use permit application for a car wash on Route 17 in front of the Kroger Shopping Center and the Ryan Moberley application to amend the conditions of his previously approved use permit for a tourist home on Edale Avenue. He said that at its February 15 meeting, the Board will consider four applications, including a rezoning for the new Sheriff's Office site on Goodwin Neck Road, a car rental business on Bypass Road, and two tourist homes located on Penniman Road and on York Downs Drive. He added that the application for the operation of a nightclub on Route 17, which was recommended for denial by the Commission, has been withdrawn by the applicant and will not go before the Board. Mr. Cross stated that the March Planning Commission agenda will include an application for a Special Use Permit for a commercial reception hall in the Yorkshire Downs Shopping Center on Hampton Highway and an application for a Special Exception to expand a non-conforming use. He explained that Sims Metal on Route 17 is a non-conforming metal recycling plant, meaning it was legal when it was established but no longer conforms to the current zoning requirements. He stated that the Zoning Ordinance provides for the expansion of non-conforming uses up to 50%, subject to approval by the Board. Lastly, he stated that the March agenda will also include adoption of a resolution certifying the proposed Capital Improvements Program as being consistent with the goals and objectives of the Comprehensive Plan.

COMMITTEE REPORTS

Mr. King reported for the York 2040 Committee, stating that the Committee met at the Senior Center on February 2 and completed its review of the future Land Use Map. He stated that almost all of the Committee's recommended changes are to recognize new development that has occurred

or been approved since the adoption of the current Comprehensive Plan in 2013. He stated the Steering Committee talked a lot about mixed-use development and ultimately decided to recommend removing the Mixed Use overlay designation from the Land Use Map while retaining existing language stating that mixed-use development can be proposed anywhere in the County. He stated that the Committee agreed to include language in the plan targeting the Marquis area for mixed-use development based on the idea that residential development might be needed to help the shopping center succeed. Lastly, Mr. King stated that the March meeting will be devoted to a discussion of conservation and will include guest speakers on the topic.

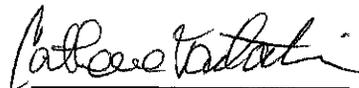
COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:28 PM.

SUBMITTED:



Catherine G. Tartabini
Planning Commission Secretary

APPROVED:



Glen D. Titus, Chair

DATE:

9/MAR/2022

