

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
March 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. 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. Cross noted a correction to the minutes of the February 9, 2022, meeting, which incorrectly identify Mr. Criner as making the motion to approve the January minutes, when, in fact, it was Mr. Holroyd who made the motion.

Mr. Criner moved to adopt the minutes of the regular meeting on February 9, 2022 as amended. The motion was approved (7:0).

CITIZEN COMMENTS

There were no citizen comments

PUBLIC HEARINGS

Application No. SE-26-22, SMM Southeast LLC d/b/a Sims Metal Management: Request for a Special Exception, pursuant to Section 24.1-801(a)(2) of the York County Zoning Ordinance, to authorize a 50% expansion of a nonconforming metal recycling plant on a 2.9-acre parcel (GPIN S03d-4557-1424) located at 2114-A George Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

Timothy Cross, Deputy Director of Planning and Development Services, gave a brief overview of the application, stating that the owner of the property has requested the application be tabled until the April 13 meeting and that the applicant has no objection. He stated that staff recommends the Commission open the public hearing and take comments, then continue the hearing to its April 13 meeting, which would save the County the cost of re-advertising the public hearing. He added that any citizen who speaks at tonight's meeting will also have the opportunity to speak at the April meeting.

Chairman Titus asked if there will be a full staff presentation at the April meeting.

Mr. Cross responded that there will be.

Mr. Holroyd asked if Sims Metal has already expanded its operation without approval.

Mr. Cross said that is correct and that the applicant is seeking approval retroactively.

Mr. Holroyd asked that the Deputy County Attorney review the Code of Virginia as it pertains to nonconforming uses prior to the next meeting and advise the Commission as to whether or not Sims Metal can legally seek approval given the fact that an expansion has already occurred without authorization.

Chair Titus opened the public hearing.

Mike Ware, 4000 George Washington Highway, stated that he is an attorney representing the property owner and a representative from Sims Metal are available to answer any questions.

Kurt Severance, 101 Jonathan Junction, stated that the Sims Metal plant in Chesapeake had a serious fire over the weekend. He said that he lives in Tabb Lakes, which is adjacent to the Sims Metal facility in York County, and that he hopes that at some point Sims Metal will provide some assurance to the residents of Tabb Lakes that proper measures are in place to preventing a similar event at its York County location.

There being no one else wishing to speak with regard to this application, **Mr. Smith** moved that the public hearing be continued to the April 13 meeting.

On a roll call the vote was:

Yea: (7) Leedom, King, Criner, Smith, Peterman, Holroyd, Titus
Nay: (0)

Application No. UP-986-22, So Lux Event Center, LLC: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 19) of the York County Zoning Ordinance, to authorize the establishment of a commercial reception hall in Units P and Q in the Yorkshire Downs Shopping Center on a 4.1-acre parcel (GPIN V02c-1965-1959) located at 3301 A Hampton Highway (Route 134). The property is zoned GB (General Business) conditional and is designated General Business in the Comprehensive Plan.

Earl Anderson, Senior Planner, summarized the staff report dated March 2, 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. PC22-9.

Mr. Holroyd stated he presumed parking behind the building is not allowed and asked if there is any way to prevent traffic from entering that area.

Mr. Anderson responded that there is no parking in the back and there is not much space there. He added that there would be on-site staff who would be available to monitor traffic.

Mr. Holroyd stated that he appreciated the follow-up regarding the issue of soundproofing.

Mr. Smith asked if there are any conditions regarding the re-planting of the buffer landscaping that address the height and types of trees so as to reduce noise.

Mr. Anderson responded that there are no such conditions in the resolution but that the Commission could add a condition specifying a certain minimum height.

Mr. Criner stated that in his presentation he stated that the event center would open at 6:00 AM but the resolution says it would open at 7:00AM.

Ms. Combs responded that the resolution is correct.

Ms. Leedom asked how the County can ensure that the landscaping will remain in place this time.

Mr. Anderson responded that Zoning and Code Enforcement staff inspects all Special Uses annually.

Chair Titus asked who would be responsible for maintaining the tree buffer.

Mr. Anderson responded that the Special Use Permit is tied to the applicant but that in this case, the owner has indicated that he will plant and maintain the buffer.

Chair Titus asked if a screen can be installed in front of the back door so that it cannot be seen from neighboring homes.

Mr. Anderson responded that currently the residents can see the back doors but that the evergreen plantings would screen views of the back door.

Mr. King asked if pets are boarded overnight at the pet grooming store next door to the proposed event center site.

Mr. Anderson responded that it is specifically for grooming and no pets are kept overnight.

Mr. Smith confirmed that it is a pet spa and not a kennel.

Chair Titus opened the public hearing.

Shannon Combs, spoke as the applicant, stating that she also operates a reception hall in Newport News. She said York County has a need for this type of venue and that she plans to utilize other tenants in the shopping center that can provide services to the reception hall such as the laundromat and restaurants. Ms. Combs noted that concerns has been expressed by the day care center about the serving of alcohol, but she said that any time alcohol is served, the day care center will be closed. Finally, she stated that the reception hall will be help the shopping center by bringing in new customers and activity.

Chairman Titus commented that he liked her business plan and her quick response to the questions about soundproofing.

Ms. Combs responded that she is very concerned about the neighbors and does not want any complaints and feels that soundproofing is the best option. She stated there would be soundproofing in the ceiling tiles and throughout the walls. Lastly, Ms. Combs stated that the area behind the shopping center is very small and that her security staff will ensure that no one parks in that area.

Ms. Leedom asked how long the original location has been in operation and where it is located.

Ms. Combs responded that it is in Newport News and opened in June 2021 and is booked every weekend through October.

Mr. Smith asked if the Newport News facility is also in a strip mall.

Ms. Combs responded that it is and that it required both a zoning amendment and a Special Use Permit.

Mr. Smith asked if there have been any issues or complaints.

Ms. Combs responded that there have not.

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

Mr. Smith stated that he visited the property and was impressed with the buffer, even though the portion that is missing happen to be behind the location of the proposed event center. He said he also likes the fact that she will be filling a vacant space with a venue that is much needed in the southern part of the county. He said he supports the application.

Mr. Criner said he also supports the application and appreciates the soundproofing efforts, adding that he had a similar situation with a commercial building located next to a gym. He stated that it

fits in well with the businesses on both sides, neither of which is an especially noise-sensitive use, and that he also liked her business plan.

Mr. Peterman stated that he supports the application and feels the event center would be a positive thing for the location. He noted that the applicant has prior experience operating such facilities and has been successful.

Mr. King said he agrees with the other Commissioners and thinks it is a good idea but questioned whether two bathrooms are enough for a facility with up to 70 people.

Ms. Leedom stated she agreed with everyone else and is impressed that Ms. Combs is moving to a second venture.

Mr. Holroyd stated that his concerns about noise and parking were adequately addressed and that the applicant has made a sound proposal and that he likes the overall plan.

Chairman Titus stated that the parking, soundproofing, and business plan are all good and that he has nothing negative to say about the application.

Mr. Holroyd moved the adoption of Resolution No. PC22-9.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A COMMERCIAL RECEPTION HALL AT 3301 HAMPTON
HIGHWAY

WHEREAS, So Lux Event Center, LLC has submitted Application No. UP-986-22, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 19) of the York County Zoning Ordinance to authorize the establishment of a commercial reception hall in a 1,892-square foot space (Units P and Q) in the Yorkshire Downs Shopping Center on a 4.1-acre parcel (GPIN V02c-1965-1959) located at 3301 Hampton Highway (Route 134); 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 March, 2022, that Application No. UP-986-22 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a commercial reception hall in a 1,892-square foot space (Units P and Q) in the Yorkshire Downs Shopping Center on a 4.1-acre parcel (GPIN V02c-1965-1959) located at 3301 Hampton Highway (Route 134) subject to the following conditions:

1. This use permit shall authorize the establishment of a commercial reception hall in an approximately 1,892-square foot space (Units P and Q) in the Yorkshire Downs Shopping

Center on a 4.1-acre parcel (GPIN V02c-1965-1959) located at 3301 Hampton Highway (Route 134).

2. An application for a building permit for a Change of Occupancy shall be submitted to and approved by the Division of Building Safety prior to the issuance of a business license for the reception hall. Except as set forth herein, the establishment shall be operated in accordance with the sketch plan, floor plans, and narrative description provided by the applicant and received by the York County Planning Division on January 6, 2022, and February 18, 2022, copies of which shall remain on file in the office of the Planning Division. Any permit shall be in substantial conformance with the above-referenced documents.
3. A security guard shall be present during all events and shall be trained on the fire safety and emergency action plan and clearly understand their role and responsibilities in the event of an emergency.
4. The rear doors shall be used only for emergency egress and shall remain closed during all events. The front door shall remain closed at all times except in the case of ingress or egress.
5. The Department of Fire & Life Safety/Prevention and Community Safety Division may require trained fire watch personnel at any time where, in the opinion of the Department of Fire and Life Safety staff such action is essential for public safety.
6. The facility operator shall be responsible for ensuring that parking occurs only in designated off-street parking spaces and shall not allow facility patrons to park in access drives, service drives, fire lanes, or landscaped areas.
7. The hours of operation for the use shall be Sunday through Thursday from 7:00 am to 11:00 pm, with events ending at 10:00 pm and the premises vacated by 11:00 pm. Hours on Friday and Saturday shall be 7:00 am to 12:00 am with events ending no later than 11:30 pm and the premises vacated no later than 12:30 am.
8. Prior to the issuance of a Certificate of Occupancy, a landscape plan shall be submitted to and approved by the Division of Development Services and implemented for the replacement of evergreen trees within the existing rear transitional buffer located along the northern property line between the Yorkshire Downs Shopping Center and the Yorkshire Downs condominiums to the rear. The plan shall be in accordance with the standards set forth in Section 24.1-243 of the Zoning Ordinance.
9. 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 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: (7) King, Criner, Smith, Peterman, Holroyd, Leedom, Titus
Nay: (0)

OLD BUSINESS

There was no old business.

NEW BUSINESS

Proposed Capital Improvements Program, FY 2023-2028: Certify the proposed Capital Improvements Program for conformance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia

Mr. Cross stated that every year the Commission is asked to adopt a resolution certifying that the projects in the County Administrator's proposed Six-Year Capital Improvements Program (CIP) are in conformance with the goals and objectives of the Comprehensive Plan. He noted that has provided a cross-reference table linking the different projects to one or more of the goals, objectives, and strategies in the Comprehensive Plan and recommend adoption of Resolution No. PC22-11.

Mr. Holroyd stated that a number of the projects are in the Yorktown area. He said there have been a lot of citizen comments during the Comprehensive Plan review process about the need to improve sports facilities and recreational facilities in the County. He recommended that there be more of a focus on this area in next year's CIP, and he asked that the upper County be considered for such improvements.

Chairman Titus asked about the Passenger Mini-Bus Replacement, stating that at the Senior Center Board meeting, it was stated the bus is not for the Senior Center.

Mr. Cross responded that his understanding is that the bus will be used partly for the Senior Center but also for other Community Services and Parks and Recreation programs.

Mr. King moved to adopt Resolution No. PC22-11.

A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2023 THROUGH 2028 WITH THE YORK COUNTY COMPREHENSIVE PLAN

WHEREAS, Section 15.2-2232 of the *Code of Virginia* requires public facilities to be substantially in accord with the local comprehensive plan; and

WHEREAS, the York County Planning Commission has been requested to review the Capital Improvements Program for conformance with the Comprehensive Plan; and

WHEREAS, the Planning Commission finds that the projects contained in the proposed Capital Improvements Program will further the objectives and policies set forth in the Comprehensive Plan and not obstruct their attainment;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of March, 2022, that it does hereby certify the County Administrator's Proposed Capital Improvements Program for Fiscal Years 2023 through 2028 as being in conformance with *Charting the Course to 2035: The County of York Comprehensive Plan*.

On a roll call the vote was:

Yea: (7) Smith, Peterman, Holroyd, Leedom, King, Criner, Titus
Nay: (0)

STAFF REPORTS

Mr. Cross referred to the March Development Activity Report, stating that at its February meeting, the Board of Supervisors approved the application to rezone the new Sheriff's office site on Goodwin Neck Road from LB to IL. He said the Board also approved a use permit application for a car rental business in the former Dairy Queen on Bypass Road and use permits for two tourist homes, one on Penniman Road and the other in Yorkshire Downs. He said that at its March 15 meeting, the Board will consider an application from Locke Supply Company to authorize a wholesale trade establishment with outdoor storage in the former Kmart on Bypass Road and two tourist homes, one on Nelson Street in the Yorktown village and the other on Haymaker Place in Williamsburg Bluffs. He added that the application for a tourist home on Allen's Mill Road was advertised for the March 15th meeting but is going to be deferred to the May 17th meeting at the applicant's request. Mr. Cross reported that in addition to the Sims Metal application, the April Planning Commission agenda will include an application to amend the proffers for Commonwealth Green and an application for a Special Use Permit for a tourist home on Railway Road.

COMMITTEE REPORTS

Mr. King reported for the York 2040 Committee, stating that the Committee met at the Senior Center on March 2 and received informative briefings on the importance of land conservation from three guest speakers representing the American Battlefield Trust, Historic Virginia Land Conservancy, and the Conserve York County Foundation.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:47 PM.

SUBMITTED:



Catherine G. Tartabini
Planning Commission Secretary

APPROVED:



Glen D. Titus, Chair

DATE:

17 APR 2022

