

**MINUTES  
YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
April 10, 2019

**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**

**Chair Peterman** called the meeting to order at 7:00 p.m.

**ROLL CALL**

The roll was called and all members were present. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Justin R. Atkins, Assistant County Attorney; and Amy Parker, Senior Planner. Also in attendance was Susan D. Kassel, Director of Planning and Development Services.

**REMARKS**

**Chair Peterman** 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**

**Chair Peterman** led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Mr. Jons** moved to adopt the minutes of the regular meeting of March 13, 2019, and the motion was approved (7:0).

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. UP-903-18, Tara Stevens:** Request for a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize

a beauty shop as a home occupation on a 3.1-acre parcel located at 404 Faulkner Road (Route 1231) and further identified as Assessor's Parcel No. 24-49-3. The property is zoned R20 (Medium Density Single-Family Residential) and designated Medium Density Residential in the Comprehensive Plan.

**Amy Parker, Senior Planner**, summarized the staff report dated March 27, 2019, 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. PC19-6.

**Mr. Jons** noted that the applicant's proposed hours of operation are more limited than the maximum hours established by the Zoning Ordinance, and he asked if the hours could be expanded administratively in the event that she were to expand the hours of operation.

**Mr. Parker** responded that to expand the hours would require a use permit amendment approved by the Board of Supervisors.

**Chairman King** asked if Saturday hours are permitted under the Zoning Ordinance.

**Ms. Parker** responded that they are.

**Chair Peterman** opened the public hearing.

**Tara Stevens**, 404 Faulkner Road, spoke as the applicant. She stated that her proposal is similar to her previous Special Use Permit for a home beauty shop in another location, which was approved several years ago. She offered to answer questions.

**Donna Davis**, 407 Faulkner Road, stated that her home is directly behind Ms. Stevens's home and that the proposed home occupation would generate minimal traffic and would not affect the residential character of the area. She encouraged the Commission to recommend approval.

There being no one else wishing to address the Commission on this application, **Chair Peterman** closed the public hearing.

**Mr. Titus** stated that he has no objection to this particular application while expressing a minor general concern about chemicals going into the sewer and water systems.

**Mr. Criner** stated that he does not oppose the proposed use but he wanted to make sure the applicant will have to go through the process of obtaining a Building Permit as stated in the staff report.

**Chairman Peterman** responded that his understanding is that the previous owner did not obtain the required permits, so the applicant will need to follow through on that before moving forward.

**Mr. King** asked if the applicant understands that she will need to obtain the necessary permits.

**Ms. Stevens** responded that she has spoken with the Building Official, Marianne Harris, and was advised to proceed with the Special Use Permit application to establish the legality of the use before applying for a building permit.

**Dr. Phillips** moved the adoption of Resolution No. PC19-5.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE A BEAUTY SALON AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT ON PROPERTY LOCATED AT 404 FAULKNER ROAD

WHEREAS, Tara Stevens has submitted Application No. UP-903-18 requesting a Special Use Permit, pursuant to Section 24.1-283(b) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation on a 3.1-acre parcel located at 404 Faulkner Road (Route 1231) and further identified as Assessor's Parcel No. 24-49-3 (GPIN R07a-0108-4004); 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10<sup>th</sup> day of April, 2019, that Application No. UP-903-18 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation on a 3.1-acre parcel located at 404 Faulkner Road (Route 1231) and further identified as Assessor's Parcel No. 24-49-3 (GPIN R07a-0108-4004), subject to the following conditions:

1. This use permit shall authorize a beauty shop as a home occupation on a 3.1-acre parcel located at 404 Faulkner Road (Route 1231) and further identified as Assessor's Parcel No. 24-49-3 (GPIN R07a-0108-4004).
2. The floor area of the beauty shop shall not exceed two-hundred forty (240) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on March 1, 2018, a copy of which shall remain on file in the office of the Planning Division.
3. No person other than individuals residing on the premises shall be engaged in the home occupation.
4. Customer visits shall be scheduled by appointment only. Not more than one (1) customer at any one time shall be served within the applicant's home. The term "customer" may include a family group provided such group accesses the premises in a single vehicle.
5. A minimum of two (2) off-street parking spaces, in accordance with all applicable Zoning Ordinance requirements, shall be provided on the premises (i.e., off-street) to accommodate customers. These spaces shall be in addition to the two (2) spaces that are otherwise required for the single-family residence.

6. The days and hours of operation shall be limited to Tuesday through Saturday between the hours of 10:00 AM and 6:00 PM.
7. 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.
8. A certified copy of the resolution approving this application 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 the issuance of a Certificate of Use and Occupancy for the beauty salon.

BE IT FURTHER RESOLVED that these conditions of approval are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

Yea: (7) Titus, Phillips, King, Criner, Sturk, Jons, Peterman  
Nay: (0)

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#### **OLD BUSINESS**

There was no old business.

#### **NEW BUSINESS**

**Mr. Cross** stated that each year the Commission is asked to adopt a resolution to certify conformance of the proposed Capital Improvements Program (CIP) with the goals and objectives of the Comprehensive Plan. He stated that the staff report includes a cross-reference table listing all of the proposed projects and the corresponding Comprehensive Plan goal, objective, or implementation strategy for each. Mr. Cross recommended that the Commission certify conformance of the proposed CIP with the Comprehensive Plan through the adoption of proposed Resolution No. PC19-7.

**Mr. Jons** moved adoption of Resolution No. PC19-7.

#### **A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2020 THROUGH 2025 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 10<sup>th</sup> day of April, 2019, that it does hereby certify the York County, Virginia Proposed Capital Improvements Program for Fiscal Years 2020 through 2025 as being in conformance with *Charting the Course to 2035: The County of York Comprehensive Plan*.

On roll call the vote was:

Yea: (7) Phillips, King, Criner, Sturk, Jons, Titus, Peterman  
Nay: (0)

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## STAFF REPORTS

**Mr. Cross** referred to the April Development Activity Report, stating that at its March 19 meeting, the Board of Supervisors approved Special Use Permit applications for a Wawa convenience store in Lightfoot and a tourist home on Tom Thomas Road while denying an application for a tourist home Carters Neck Road. He stated that at its April 16 meeting, the Board will consider the proposed rezoning on Pocahontas Trail that the Commission recommended approval of in March. Mr. Cross also reported that there are three applications scheduled for the May 8 Planning Commission meeting, including applications to authorize mini-storage warehouses on the former Farm Fresh property on Merrimac Trail and a car wash on Route 17 at the site that was recently denied for an auto repair garage. In addition, Mr. Cross highlighted several projects that have come before the Commission that are now moving through the site plan review and approval process, including the Tranquility senior housing project behind Kings Creek Plantation, the Sam's Xpress care wash on Bypass Road, the Wawa convenience store and the adjacent Valvoline Instant Oil Change facility on Route 17, Joseph's Drive, and Theatre Road, the Tractor Supply Company store on Route 17, and the William & Mary storage facility on Lightfoot Road, and the apartment portion of the Kelton Station mixed-use development on Lightfoot Road.

**Mr. Jons** noted the Kelton Station project and the fact that one of the Commission's concerns was the lack of a commitment to the commercial component of that project. He asked if the Board of Supervisors approved the project without a required timeline for completing the commercial portion.

**Mr. Cross** responded that the approval does not include a threshold that would require the commercial portion to be built at a certain time as has been the case with other mixed-use developments, where only a certain number of residential units could be built prior to commercial construction. He stated that the approval includes a condition stating that the developer will conduct a market study and potentially proceed with the commercial development, depending on the results of that study.

**Mr. King** asked about the status of the Smith Farms development on Yorktown Road.

**Mr. Cross** responded that the first phase of the project, which includes 37 lots, is under review

and that a Land Disturbing Activity permit has been issued. He added that Phase 1 includes the proffered improvement along Yorktown Road.

**Mr. King** asked if Phase 1 is on the east or west side of the power lines.

**Mr. Cross** responded that Phase 1 includes lots on both sides of the power lines.

### COMMITTEE REPORTS

**Mr. King** reported that the York 2040 Committee met on Monday, April 8 and received a presentation on transportation in the Historic Triangle from members of the Hampton Roads Transportation Planning Organization staff and a presentation on the Williamsburg Area Transit Authority (WATA) from the WATA Executive Director. He added that the Committee also discussed public outreach, and he stated that Committee members and staff will have a table at the upcoming Yorktown Market Days event on April 27<sup>th</sup> to inform citizens about the Comprehensive Plan review and collect feedback. Mr. King also reported that the County has established a phone line (890-3282) for people to leave recorded comments on the Comprehensive Plan review. He asked Mr. Jons if he had anything to add.

**Mr. Jons** spoke on the importance of mass transit to help address our future transportation needs and that road improvements cannot be the sole solution to the region's congestion problems.

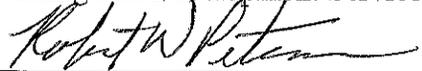
### ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:31 PM.

**SUBMITTED:**

  
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Timothy C. Cross, Deputy Director of  
Planning and Development Services

**APPROVED:**

  
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Robert W. Peterman, Chair

**DATE:**

5/8/2019