

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
April 13, 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, 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

Chair Titus noted a correction to the minutes of the March 9, 2022, meeting, which incorrectly identify Mr. Titus as closing the public hearing when in fact, the hearing was continued to the April 13, 2022, meeting.

Mr. Criner moved to adopt the minutes of the regular meeting on March 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 applicant has requested the application be tabled until the May 11 meeting. He stated that staff recommends the Commission reopen the public hearing and take comments, then continue the hearing to its May 11 meeting. He added that there would be a full staff presentation at that time.

Mr. Smith asked if the delay would potentially affect the application.

Mr. Cross responded that the communication from the applicant referred to some issues that needed to be worked out between the property owner and Sims Metal and that he did not think it would change the substance of the application.

Mr. Holroyd stated that when the application comes before the Commission for consideration, he would like the applicant to explain what will be done to secure the shipping containers so they don't topple over during periods of high winds.

Chair Titus opened the public hearing.

Mike Ware, 9024 Bar Harbor Lane, Hayes, stated that he is an attorney representing the property owner, Blackie's, and that he and a representative from Sims Metal are present to answer any questions. He stated that some issues have been addressed with regard to the shipping containers and how they would be structured and he asked that the application be tabled until the next meeting so they can finalize some details between the property owners and Sims Metal.

Jeffrey Hinkley, 604 Tabb Lakes Drive, stated that he lives directly across from Sims Metal. He said he has read the staff report and that it is thorough. He said he has lived in Tabb Lakes for thirty years and has been corresponding with Zoning and Code Enforcement staff about noise from Sims Metal since 2018. Mr. Hinkley stated that Sims Metal appears to be making a good faith effort to remediate the noise but that the current situation is not acceptable. To demonstrate the noise emanating from the recycling plant, he played an audio recording made on April 12 and said peak sound levels reach 75 decibels, which is 10 decibels louder than the County Code allows.

Ms. Leedom asked Mr. Hinkley if the containers are three stories high.

Mr. Hinkley responded that the containers had been three stories high but are now two stories high because the top level has been removed.

Mr. Smith asked Mr. Hinkley if he noticed any change in the noise levels after the containers were installed.

Mr. Hinkley responded that because of the configuration of the lot and the location of the first containers, they had no effect on the noise. He stated he can still see the crane and dumpster from

his property.

Clint Flanagan, 504 Tabb Lakes Drive, said he has the same noise situation as Mr. Hinkley but that because his property is farther up the road, the containers have no effect on the noise coming out from the side. He added that he is also concerned about the possibility of an industrial accident in such close proximity to a residential area, and he noted the recent accident at the Sims Metal plant in Chesapeake. Mr. Flanagan expressed concern about the potential for toxic fumes and flaming cinders, which could present a problem given the vegetation between the Sims property and Tabb Lakes.

Kurt Severance, 101 Jonathan Junction, thanked the County's Zoning and Code Enforcement office and the Sheriff's Office for responding to neighborhood noise complaints regarding Sims Metal over the years. He stated that one time he had to call the Sheriff's Office because Sim Metal was operating before 7:00 AM, which is not allowed, and he thanked Sims Metal for working to find a possible solution. He said the containers might work to reduce noise and they might not, and he wondered why Sims Metal hasn't proposed a more proven noise-attenuation method such as concrete walls like those along the highway. Mr. Severance stated that he shares the concern about the stability of the container walls during a tornado or other high wind events and that he hopes the County and the applicant will periodically inspect the containers since they can rust and deteriorate which can be an eyesore. He stated that the acoustic analysis report included in the package is only two pages long and that he would feel better if actual measurements had been taken to verify the claims. In conclusion, he stated that Sims Metal is a heavy, noisy, and disruptive industrial operation occurring in an area zoned for general business next to a residential neighborhood. He said that today he couldn't enjoy his property outdoors because of the noise, which he said doesn't seem right.

There being no one else wishing to speak with regard to this application, **Mr. Criner** moved that the public hearing be continued to the May 11 meeting.

On a roll call the vote was:

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

Application No. PD-57-22, Commonwealth Green, LLLP: Request to amend the previously approved overall development master plan and proffered conditions for the Commonwealth Green Planned Development on approximately 45.9 acres located on the east side of the York County-City of Newport News border approximately 980 feet south of the intersection of Commonwealth Drive (Route 1839) and Village Avenue (1838). The applicant is requesting to amend the master plan and proffers by removing the required road connection between Keener Way and Route 17 identified as Jeanette Drive and replacing the proffered extension of a public water line and a public gravity sanitary sewer line to Route 17 with a proffered dedication of a utility easement between Keener Way and Route 17. The property is zoned PDMU (Planned Development-Mixed Use) and designated Mixed-Use-with-a-Mixed-Use-overlay-designation-in-the-Comprehensive-Plan.

Mr. Cross, Deputy Director of Planning and Development Services, summarized the staff report dated April 4, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC22-13.

Mr. Titus asked if there are any other options for the road connection.

Mr. Cross responded that under the present circumstances, there are none, and that is not likely to change unless property ownership across from Coventry Boulevard changes or the property owners change their mind. He said the developers have made great efforts to connect to Route 17 but that it did not work out.

Mr. Holroyd asked if there was an opportunity to connect Jeanette Drive to Commonwealth Drive directly.

Mr. Cross responded that such an alignment would likely involve significant wetlands disturbance, so the developers would have to start the wetlands permitting process, which has already delayed the project for several years, all over again. Furthermore, he stated, that it would not fulfill the intent of the Comprehensive Plan since the Route 17 connection would still be just a right-in/right-out rather than a full access signalized intersection.

Mr. Criner asked why the applicant is proposing to eliminate the proffered utility extension and provide a utility easement only.

Mr. Cross responded that he would let the applicant address that question since proffered conditions come from the developer and not the County. He added that the proffered utility extension makes more sense if a road is being built since utilities are typically installed underneath or alongside the road pavement.

Chair Titus opened the public hearing.

Donald Davis, Land Surveyor with Davis and Associates, 3630 George Washington Memorial Highway, said he has been doing the engineering work on this site for ten years. He said the developers' request is to amend the proffered conditions to remove the requirement for Keener Way to be extended to Jeanette Drive and then to Route 17. He stated that ten or more years ago, the developers spent more than a year trying to work with property owners along Route 17 to get the best location for the roadway connection. He said that ultimately, the developers purchased a parcel on Route 17 that provided the only realistic opportunity to make the connection. Mr. Davis stated that the water and sewer lines had to be oversized greatly, at a cost of more than \$200,000 dollars, to serve adjacent land on Route 17. He stated that after the original application was approved in 2012, the developers started working with VDOT to come up with a plan that could be approved. He said VDOT wanted the Route 17 connection to come in from Commonwealth Drive, which was also the developers' preference, but the property needed for that alignment was not for sale. He stated that it took roughly five years to obtain the necessary wetlands permits from the U.S. Army Corps of Engineers, after which a revised plan was submitted and essentially rejected by VDOT, which indicated that the location was unacceptable and the road would have to be relocated and redesigned, which would have required the developers to start over with the permitting process. He said that after meeting with County officials, it was decided that the appropriate course of action would be to request an amendment to the proffers to eliminate the Route 17 connection and allow Keener Way to end in a permanent cul-de-sac. He said that without

building the road, it did not make sense to extend the utilities to Route 17, and he added that the sanitary sewer and water lines are in place at the greatest depth and size possible. In addition, he stated that anyone wishing to develop that property would be better off installing a force main rather than a gravity sewer line and serving it with a grinder pump. In summary, he stated, after working ten years on this project, the developers have hit a roadblock because VDOT will not approve the plan. He offered to answer questions.

Mr. Smith asked Mr. Davis to confirm that if the application is approved, Keener Way will end in a permanent cul-de-sac.

Mr. Davis said that is correct, and that a plan would need to be submitted to the County and VDOT showing that it will be built to current VDOT standards.

Corey Wiley, 102 Mizzen Quarter Loop, stated that his was one of the first homes in the Mainstay condominium section of Commonwealth Green and that there are a surprising number of children who now live in the area and play in the streets. He stated that he has concerns about the width of Keener Way, which has a lot of on-street parking and cannot safely accommodate the additional traffic that would occur if a through road is built. He added that there are many speeders on Commonwealth Drive and stated that he prefers a cul-de-sac to a through road.

Roselyn Graves, 147 Mainsail Loop, said her concerns have to do with the number of families in the neighborhood, the number of children, and the number of elderly people living in ground-floor condos stepping out right at the street. She said if the road is approved, she is afraid that patrons of the movie theater and the nearby church might use it as a cut-through road.

Bobby Graves, 147 Mainsail Loop, stated that the neighborhood was quiet and peaceful when he moved in. He said it is important to consider safety issues, adding that there is already a speeding problem.

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

Mr. Peterman said that for many years he has observed all the problems with this development. He said there is no realistic alternative to eliminating the Route 17 connection and that for the safety of the community, the Commission should recommend approval of the application and do away with the road to Route 17.

Mr. King said he agreed with Mr. Peterman.

Mr. Smith acknowledged the amount of effort the developers have made to make this work and that the expanded utilities will benefit the County. He said he supports the application.

Mr. Holroyd said that he does not like seeing proffers removed after an application is approved but that he doesn't see an alternative in this case.

Chairman Titus stated that he also doesn't see an alternative, although he had considered the possibility of a bike or walking path but after talking with Mr. Cross decided it probably would not be a good idea. He said it is a good application.

Mr. Holroyd moved the adoption of Resolution No. PC22-13.

AN ORDINANCE TO APPROVE AN APPLICATION TO AMEND THE
CONDITIONS OF APPROVAL APPLICABLE TO THE PREVIOUSLY
APPROVED COMMONWEALTH GREEN MIXED USE DEVELOPMENT

WHEREAS, on February 21, 2012, the York County Board of Supervisors approved Application No. PD-31-12 to amend the York County Zoning Map by reclassifying approximately 45.9 acres of land located at the end of Commonwealth Drive (Route 1839) on the east side of the York County-City of Newport News boundary from Economic Opportunity (EO) to Planned Development Mixed Use (PDMU) for the purpose of developing a mixed-use development consisting of a maximum of 334 rental apartments, 94 townhouses, 16 "live-above" condominium or rental units, and a minimum of 40,610 square feet of commercial space; and

WHEREAS, on November 15, 2016, the Board of Supervisors approved an Application No. PD-44-16 to amend the conditions of approval to provide that the proffered road connection to Route 17 will be completed within two years of the issuance of the first building permit for a townhouse in the development rather than within two years of the issuance of the first building permit for a townhouse or apartment; and

WHEREAS, on February 18, 2020, the Board approved Application No. PD-51-20 to amend the conditions of approval to 1) extend the deadline for building the road connection between Commonwealth Drive (Route 1839) and George Washington Memorial Highway (Route 17); 2) reduce the minimum amount of commercial space to be built within the project; and 3) modify the proffered sequencing requirements for commercial and residential construction;

WHEREAS, Commonwealth Green LLLP has submitted Application No. PD-57-22 to request amendments to the conditions of approval for the above-referenced Commonwealth Green development to eliminate the proffered requirement that the applicant will construct a road, including the extension of a public waterline and a gravity sanitary sewer line, between Commonwealth Drive and Route 17 on property located at 223 Apple Lane (S02b-3096-4278) and 1629 George Washington Memorial Highway (S02b-3612-4243); 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 13th day of April, 2022, that Application No. PD-57-22 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to amend the conditions of approval for the Commonwealth Green development set forth in Ordinance No. 12-1(R), as amended by Ordinance Nos. 16-13 and 20-3, by eliminating the proffered requirement that the applicant will construct a road, including the extension of a public waterline and a gravity sanitary sewer line, between Commonwealth Drive and Route 17 on property located at 223 Apple Lane (S02b-3096-4278) and 1629 George Washington Memorial Highway (S02b-3612-4243), said conditions to be amended to read and provide as follows:

1. General Layout, Design, and Density

- a) The development shall be designed and constructed in accordance with the provisions of 24.1-361.1, Planned Development Mixed Use district, except as modified herein.
- b) A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance 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 Concept Plan of Commonwealth Green," prepared by Davis & Associates, P.C., dated October 25, 2011 as revised by the concept plan titled "Master Plan Commonwealth Green," prepared by Davis & Associates, P.C., dated November 26, 2019, and revised January 21, 2022, supplemented by the Narrative Description, Residential Design Guidelines, Sign Guidelines, and Building Materials Palette, with revisions through February 6, 2012, copies of which shall be kept on file in the office of the York County Planning Division.
- c) The maximum number of residential units shall be 444, including 334 rental apartments, 94 townhouses, and 16 "live-above" units. No accessory apartment, as defined by Sections 24.1-104 and 24.1-407 of the Zoning Ordinance, shall be permitted in conjunction with any residential unit in the development.
- d) The development shall include a minimum of 35,460 square feet of commercial/office/civic/institutional (i.e., non-residential) floor area.
- e) Architectural design of all buildings shall be in substantial conformance with the building elevations and "Building Materials Palette" submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division, and with the standards set forth in Zoning Ordinance Section 24.1-361.1(f), Planned Development Mixed Use district.
- f) Off-street and on-street parking for the rental apartment buildings shall be provided in accordance with the minimum numerical standards set forth in Section 24.1-606(a) of the Zoning Ordinance (1.5 spaces per unit plus one space for every 3 units for visitor parking). Any proposed deviation from this minimum standard shall be subject to approval by the Zoning Administrator following the submission of a site- and use-specific parking space analysis and plan in accordance with the provisions set forth in Section 24.1-604(b) of the Zoning Ordinance.

2. Signs

- a) Freestanding signage shall be limited to one development identification sign at each entrance to the project. Said signs shall be monument-style and shall not exceed forty (40) square feet in area and six feet (6') in height. Materials and colors shall be compatible with overall development architecture. In addition, the apartment component of the project may be identified by a monument-style community identification sign at each of its entrances from Commonwealth Drive with such signs not to exceed twenty-four (24) square feet and six (6) feet in height.

- b) In accordance with the Zoning Ordinance standards applicable to development in the LB (Limited Business) district, wall and marquee/canopy signs having a maximum cumulative area of 1.25 square feet for each linear foot of principal building width shall be permitted for the mixed-use and commercial buildings.

3. Streets and Roads

All public road improvements shall be constructed in accordance with all applicable VDOT standards.

4. Fire and Life Safety

- a) In accordance with Section 503.1.1 of the 2009 International Fire Code, approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.
- b) The roundabout, sidewalks, inside and outside curbs, traffic islands, parking lot islands, etc. shall be designed to accommodate the turning radius (33' inside) of large fire and rescue apparatus.
- c) A water supply shall be established with a minimum of 2500 GPM (gallons per minute) in accordance with Newport News Waterworks requirements.

5. Open Space and Recreation

- a) A minimum of 10.16 acres of common open space shall be provided as depicted on the overall development master plan and in accordance with the provisions set forth in Section 24.1-361.1(g)(2) of the Zoning Ordinance.
- b) Indoor recreational amenities shall consist of, at a minimum, a 1,800-square foot town center with a kitchenette, dining area, exercise area, and restrooms. Said facility shall be available to all property owners and residents of the development and their guests and shall be completed and available to residents.

6. Utilities

The proposed gravity sanitary sewer system shall connect into the existing York County Manhole #039208 at the lowest invert possible. The sanitary sewer pipeline shall be designed with the minimum slope allowed in accordance with York County Standards.

7. Environment

- a) Prior to the approval of any site plans for this development, the developer shall submit a Natural Resources Inventory of the property prepared in accordance with Section 23.2-6 and evidence of all environmental permits.
- b) Any proposed disturbance of wetlands on the property shall require a permit from the U.S. Army Corps of Engineers and/or Virginia Department of Environmental Quality.

- c) Development of the property shall be in accordance with the provisions of the Watershed Management and Protection Area overlay district set forth in Section 24.1-376 of the Zoning Ordinance.

8. Proffered Conditions

The reclassification shall be subject to the conditions listed in the proffer statement titled "Commonwealth Green Proffers-Revised," dated October 25, 2011 and amended through January 21, 2022, and signed by Thomas R. Tucker and John Olivieri.

BE IT FURTHER ORDAINED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of this ordinance, together with a duly signed copy of the January 21, 2022, 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.

BE IT STILL FURTHER ORDAINED that the conditions set forth herein shall supersede previously approved conditions of approval set forth in Ordinance No. 12-1(R), Ordinance No. 16-13, and Ordinance No. 20-3.

On a roll call the vote was:

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

Application No. UP-987-22, Karen Richardson: 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 1.8-acre parcel (GPIN T07b-3566-3325) located at 213 Railway Road (Route 620). The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Jeanne Sgroi, Management Analyst, summarized the staff report dated March 12, 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 the Resolution No. PC22-12.

Mr. Holroyd noted that the staff report says there will be no maximum length of stay, and he asked if there should be some specified maximum given that by definition, tourist homes are limited to a maximum of ninety days.

Ms. Sgroi responded that room rentals for ninety days or more would be permitted as a matter of right.

Mr. Holroyd responded that if rentals exceed ninety days for a continuous period of two years, then the use permit for a tourist home would be voided. He said he thought the resolution should specify a maximum length of stay of ninety days.

Ms. Sgroi responded that the Commission can amend the resolution if it wishes.

Mr. Cross stated that Mr. Holroyd had raised a good point. He explained that room rentals for ninety days or more are not permitted by right but allowed only with a Special Use Permit. He said that since the application is for a tourist home and tourist homes are defined to allow occupancy for less than ninety days, the de facto limit is ninety days whether it is included in the resolution or not.

Chair Titus asked if the applicant would have to come back with another application if they wanted people to stay in their homes for more than ninety days.

Mr. Cross responded that the property owners would be limited to a maximum of ninety days under the definition of transient occupancy.

Ms. Leedom asked Mr. Cross to clarify that renters would be able to stay in the tourist home for up to ninety days.

Mr. Cross said that is correct unless the Commission were to impose a shorter maximum length of stay.

Ms. Leedom stated that she felt the ninety-day maximum length of stay should be added to the resolution.

Mr. Holroyd agreed with Ms. Leedom's recommendation.

Mr. King agreed with Ms. Leedom and Mr. Holroyd.

Chair Titus asked if VDOT has any plans to widen Old Railway Road since it seems narrow.

Mr. Cross responded that there are no plans to widen the road.

Chair Titus opened the public hearing.

Matt Schertz, 213 Railway Road, spoke as the applicant, explaining that the only reason they did not specify a maximum length of stay is because their target renters would be military members in transition or possibly travel nurses on a six- to twelve-week contract but that they are comfortable with the proposed requirement. He said he and his wife have lived in the house for seven years and that the mother-in-law suite is now empty. Finally, he stated that they both work from home and will be home whenever the room is rented out.

Tom Jennette, 115 Old Railway Road, stated that his property is the parcel that has been most adversely affected by the subject property. He said the applicants' house faces Railway Road, so all the homes on Old Railway face the applicants' backyard, which he thinks is not a good idea. Mr. Jennette questioned the VDOT traffic estimate of 1700 cars on Old Railway Road, and he stated that the road is so narrow that two cars can't pass each other at the same time. He said to allow more people to access Old Railway Road from the mother-in-law suite would increase the nuisance. He said the additional driveway was installed without approval from VDOT and does not meet VDOT sight distance standards. He said that with the sight distance deficiency, it would not be safe to allow the increase in traffic from the driveway onto Old Railway Road that a tourist home would generate.

Ms. Sgroi responded that she spoke with Glenn Brooks Land Use Engineer with VDOT, who

confirmed the second driveway was indeed approved by VDOT.

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

Mr. Smith said he supports the application because of its relatively secluded location and the existence of a separate entry to the house.

Mr. Criner said he has no concerns about the application and he complimented Ms. Sgroi on her presentation. He stated that the VDOT trip estimate seems high.

Mr. Peterman stated he doesn't have any objections to the application.

Mr. King said he is familiar with the property and that the application meets all the appropriate criteria. He said he supports the application and agrees that the VDOT estimate seems high.

Mr. Holroyd stated he supports the application.

Chair Titus stated that the Commission appears to be in agreement about adding ninety-day maximum length of stay to the resolution.

Mr. Holroyd moved the adoption of Resolution No. PC22-12(R)

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 213
RAILWAY ROAD

WHEREAS, Karen Richardson has submitted Application No. UP-987-22 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 1.8-acre parcel (GPIN T07b-3566-3325) located at 213 Railway Road (Route 620); 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 13th day of April, 2022, that Application No. UP-987-22 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 1.8-acre parcel (GPIN T07b-3566-3325) located at 213 Railway Road (Route 620) 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 1.8-acre parcel (GPIN T07b-3566-3325) located at 213 Railway Road

(Route 620). 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 February 18, 2022, copies of which shall remain on file in the office of the Planning Division.

2. The owner/operator of the tourist home shall reside on the property at 213 Railway 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.
- ~~5.6.~~ The lodging unit shall be rented on a temporary basis for less than (ninety) 90 continuous days.
- ~~6.7.~~ 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

On a roll call the vote was:

Yea: (6)	Smith, Peterman, Holroyd, King, Criner, Titus
Nay: (1)	Leedom

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Cross referred to the April Development Activity Report, stating that site work is underway for Harper's Station, located on Victory Boulevard across from Walmart, which was approved in 2020 as a 157-unit senior housing project. He reported that at its March meeting, the Board of Supervisors approved three Special Use Permits, one for the Locke Supply Company to establish

a wholesale trade establishment with outdoor storage in the former Kmart shopping center on Mooretown Road and two for tourist homes, one on Nelson Street in the Yorktown village and the other on Haymaker Place in Williamsburg Bluffs. He said that at its April 19 meeting, the Board will consider an application for a tourist home on Fenton Mill Road and the So Lux reception hall in the Yorkshire Downs Shopping Center on Hampton Highway. He also reported that in addition to the Sims Metal application, the May Planning Commission agenda will include applications for a car wash at the corner of Route 17 and Martin Farm Road and two tourist homes, one on Baptist Road and one in the Yorktown village. Lastly, Mr. Cross stated that Ms. Sgroi's internship in the Planning Division, which began a little more than a year ago, has come to an end and that her position has been made permanent. He said she will retain her title of Management Analyst, and he added that she has been a real asset to the Planning Division and that the staff looks forward to working with her for many years to come.

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 8:13 PM.

SUBMITTED:



Catherine G. Tartabini
Planning Commission Secretary

APPROVED:



Glen D. Titus, Chair

DATE:

MAY 11, 2022

