

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Regular Meeting  
York Hall, 301 Main Street  
May 11, 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 except Mary P. Leedom, Michael S. King, and Joseph P. Smith. 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**

**Mr. Criner** moved to adopt the minutes of the regular meeting on April 13, 2022. The motion was approved (4:0).

**CITIZEN COMMENTS**

There were no citizen comments

**PUBLIC HEARINGS**

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**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, summarized the staff report dated April 25, 2022, stating the staff recommends that the Commission forward the application to the Board of Supervisors with the recommendation of approval through the adoption of proposed Resolution No. PC22-10.

**Mr. Peterman** noted that the staff report states that the distance between the subject parcel and residential lots in Tabb Lakes ranges from 120 to 170 feet, whereas the diagram in the noise study submitted by the applicant identifies the distance between the barrier and the typical noise received as 360 feet. He asked Mr. Cross to explain the discrepancy.

**Mr. Cross** responded that the numbers in the staff report refer to the distance between the boundary line of the subject parcel and the parcel boundaries in Tabb Lakes, whereas the noise study is referring to the distance between the shipping container wall and the houses in Tabb Lakes.

**Mr. Holroyd** stated that information that he found online suggests that at least one internal wall of the shipping container has to be insulated and that otherwise the container acts like a steel drum. He asked if anything has been proposed to address the issue of internal baffling.

**Mr. Cross** responded that there is nothing in the conditions of approval that require any insulation in the container walls and that staff relied on the expertise of the acoustical engineer who prepared the noise study, which showed a reduction in noise from the shipping container walls.

**Mr. Holroyd** responded that the height of the container causes sound to be reduced but only if sound is prevented from coming through the containers.

**Mr. Cross** responded that the applicant plans to seal the gaps between the containers with metal plates.

**Mr. Holroyd** asked how the noise would be prevented from coming through the container.

**Mr. Cross** stated that he believes the applicant is prepared to address the noise issue in detail. He added that Sims Metal has successfully utilized shipping containers for noise attenuating in at least one of its other locations.

**Mr. Criner** asked what the captured space between the container walls and the stockpile area would be used for.

**Mr. Cross** responded that it would be used for storage of equipment and salvage vehicles.

**Mr. Criner** stated that his understanding is that this should not be confused with expansion of the recycling operation.

**Mr. Cross** said that is correct. He said the recycling operation takes place in the stockpile area within loop road, so any salvage vehicles would have to be moved to that area to be processed for scrap metal.

**Chair Titus** noted that the noise study does not address the container wall along the property's southern boundary, which he felt would create an echo chamber between the north and south walls.

**Mr. Cross** responded that because Sims is such a loud operation, the southern container wall was added to the plan at the recommendation of staff as a means of containing the noise.

**Chair Titus** asked how the height of the container walls compares to VDOT noise walls.

**Mr. Cross** responded that the container walls are approximately nineteen feet tall with double stacking but that he did not know the height of VDOT noise walls.

**Chair Titus** summarized his understanding of the application, stating that if it is denied, the shipping containers would have to be removed and the noise situation would not be improved since the operation would be allowed to continue.

**Mr. Cross** said that is correct and that staff believes that removing the containers would make the noise problem worse because Sims could still operate and then noise complaints would be addressed through code enforcement. He stated that zoning staff has taken noise measurements which showed instances where the 65-decibel limit was exceeded, but that these are sporadic events and not continuous, which makes it difficult to prosecute. He stated that noise ordinances in general are difficult to enforce and that even if the applicant were found guilty, it would result in only a \$250 fine but would do nothing to eliminate the noise issue.

**Chair Titus** reopened the public hearing.

**Jeremy Laws**, 1102 Toler Place, Norfolk, spoke on behalf of the applicant, Sims Metal, stating that he has worked there since 2016. He stated that he wanted to address some of the questions raised by the Commission members. Regarding the concern about the containers creating an echo chamber, he explained that the density of the steel prevents this, and he added that Sims has effectively employed this method of noise attenuation in several locations including New York where an auto shredder is located next to residential condos. He stated that Sims has placed sound monitors on both the front and back sides of the containers to make sure they are mitigating the noise, and he said there is a thirty-decibel difference between the edge of the property and western side of the containers, which confirms that the containers are stopping the noise as described in the noise study. Regarding height of the interstate barriers, Mr. Laws said they are typically between 15 and 25 feet, and he stated that one benefit of using shipping containers is that they provide flexibility in case there is a need to adjust something in the future. Mr. Laws explained that Sims Metal began using the shipping containers in 2018 to address noise complaints and, after receiving a Notice of Violation in 2021, initiated discussions with the County on how best to address the issue. With respect to a concern that was raised earlier regarding the potential for containers to blow over, he explained that the containers are meant to be stacked and are welded together which, combined with the shape of the containers, ensures that they will not topple over. Lastly, he stated that there would be no activities east of the container walls, and he offered to answer questions.

**Mr. Holroyd** asked Mr. Laws to confirm that the containers would be welded together to prevent them from toppling over.

~~**Mr. Laws** responded the containers are welded together on all four corners and welded together on the top and bottom.~~

**Chair Titus** asked why the U shape is more stable.

**Mr. Laws** responded if there is a straight wall and wind hits the containers, it would give the opportunity to push the wall down, whereas if the wall is U shaped, it gives a point to push against but because the containers are welded together, one wall would push against the other.

**Chair Titus** asked Mr. Laws for clarification regarding his statement about making additional modifications that address the noise concerns of neighbors outside the area benefiting from the existing sound barrier.

**Mr. Laws** responded if there is a line of sight, there is probably a line of sound as well. He stated if the container is not far enough onto the Sims Metal property on one side or the other, the neighbors are not going to get any benefit from the sound wall, so if modifications are needed in the future, the wall can be modified to address the other residents.

**Michael Ware**, 4000 George Washington Memorial Highway, stated that he is an attorney representing the property owner, Blackie's, and is available to answer any questions.

**David W. Allen**, 404 Tabb Lakes Drive, stated that he lives two blocks away and that the noise is often quite loud and continuous. He said there has been no discussion with the residents as to the legality of the business expansion already in place. He asked how Sims Metal was allowed to expand without informing the public first and asked Sims Metal was able to build the container walls before there was public input. Finally, he asked how many regulations and laws have been broken and he stated that since Sims Metal is a nonconforming use, it cannot be expanded without authorization from the Board of Supervisors and site plan approval, which has not happened.

**Rob Cook**, 104 Adele Court, requested that the Commission deny the Special Exception. He said Sims Metal hasn't acted in good faith to the community since expanded without approval. He expressed concern about noise that is loud and continuous throughout the day, traffic entering the facility from Route 17, and the general appearance of this portion of Route 17. Finally, he stated that he is concerned about the possibility of a fire such as the one that recently occurred at the Sims plant in Chesapeake. He said the County should find a new use for the property.

**Ellis Sharadin**, 135 Leslie Lane, stated that he has lived in Tabb Lakes since 1991 and is vice president of the homeowners' association. He said he is concerned that Sims Metal expanded on its own without County approval and cannot believe they are asking for approval after they have ignored the requirements for approval. He stated that the plant is very loud and that three weeks ago, at 6:25 AM, there were loud crashing noises coming from Sims Metal, which is not allowed. Regarding the noise analysis, he stated that it assumes the containers are made of 14 gauge steel, which has not been verified, and he questioned the findings of the study, which have not been proven. In conclusion, he expressed concern about the impact on him and his neighbors in terms of both noise and the appearance of the containers.

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

**Mr. Peterman** said this is a difficult situation because if the expansion is not allowed, the containers will have to be removed and the residents will be exposed to a much higher level of noise. He said the noise cannot be eliminated and that he agrees with the staff report and supports

the application.

**Mr. Holroyd** stated that the applicant acted irresponsibly in expanding without the required authorization from the County. He said this is indicative of a lack of attention on the part of the applicant. He said he supports the neighbors and thinks there is a lack of concern for the issues of the neighborhood. He said that while the containers might reduce noise impacts, denying the application and requiring the recycling operation to move back to its original location would also help with the noise. Mr. Holroyd said he is not inclined to support the application.

**Mr. Criner** responded that in fact, the distance between the recycling operation and the neighbors will not change if the application is denied.

**Mr. Holroyd** responded that he thought distance would increase because the applicant would have to move back from where all the material is stored.

**Mr. Peterman, Mr. Criner, Chair Titus and Mr. Cross** said that is not correct.

**Mr. Cross** explained that the expansion of the recycling operation was authorized by the Zoning Administrator in 2013.

**Chair Titus** added that the expansion being requested tonight is only for the shipping containers.

**Mr. Holroyd** said he misunderstood.

**Mr. Criner** said he views this as a simple issue: either the application is denied and the sound barrier is removed, or the application is approved and it remains in place. He said the same amount of sound would be generated in either event. He said it makes sense to approve the application in order to improve the situation.

**Chair Titus** agreed with Mr. Criner and stated that if the sound barriers come down, the full noise will come towards Tabbs Lakes. He said the sound barrier will have some impact on noise and that there is no other recourse since Sims Metal is grandfathered. He added that he would have like the applicant to provide a backup plan, such as VDOT-type sound wall, in the event that the containers don't work.

**Mr. Holroyd** asked Mr. Cross when the Notice of Violation was issued and it was for.

**Mr. Cross** responded that the notice was issued in 2021 for the installation of shipping containers, which constituted an expansion.

**Mr. Criner** moved the adoption of Resolution No 22-10(R-1)

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR  
A SPECIAL EXCEPTION TO AUTHORIZE AN EXPANSION OF A  
NONCONFORMING METAL RECYCLING PLANT AT 2114-A GEORGE  
WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, SMM Southeast LLC has submitted Application No. SE-26-22 to request 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); 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 11th day of May, 2022, that Application No. SE-26-22 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval of a Special Exception to authorize an 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) subject to the following conditions:

1. This Special Exception shall authorize an 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).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted for approval by the Division of Development Services within sixty (60) days of the approval of this application. Said site plan shall be in substantial conformance with the sketch plan titled "Exhibit for Special Exception, Sims Metal" prepared by AES Consulting Engineers and dated June 2, 2021, a copy of which shall remain on file in the office of the Planning Division.
3. The expansion shall be limited to the 0.48-acre area depicted on the referenced sketch plan. Permitted uses in the expansion area shall be limited to installation of shipping containers in the locations depicted on the sketch plan and storage of equipment and salvage vehicles. No crushing of vehicles or other metal products or loading of metal products into containers shall be permitted in the expansion area.
4. Shipping containers serving as sound barriers shall be stacked two high, and all gaps between shipping containers shall be sealed with steel plates fastened to the containers on both sides of each container.
5. The sides of all shipping containers along the east side of the noise barrier facing toward the Tabb Lakes subdivision shall be painted a buff tan or other neutral color approved by the Zoning Administrator and shall be maintained to protect views from neighboring residences.
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 Exception 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 Exemption 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: (3) Criner, Peterman, Titus  
Nay: (1) Holroyd

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**Application No. YVA-48-22, C2J Properties, LLC:** Request for Yorktown Village Activity approval, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, to authorize the establishment of a tourist home within an existing single-family attached dwelling on a 0.03-acre parcel (GPIN P12c-2013-1543) located at 210 Ambler Street (Route 1009). The property is zoned YVA (Yorktown Village Activity) and is designated Yorktown in the Comprehensive Plan.

**Jeanne Sgroi**, Management Analyst, summarized the staff report dated May 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. PC22-14.

**Mr. Holroyd** asked if the applicant is a property management firm rather than the owner.

**Ms. Sgroi** responded C2J properties, LLC is the applicant and that Claudia Caso and Jacob Pultrone would be the managers of the property.

**Mr. Holroyd** asked if Frank Wood is the property owner.

**Ms. Sgroi** responded that the property is owned by 210 Ambler Street, LLC, which is owned by Frank Wood.

**Mr. Holroyd** asked why the owner did not submit the application.

**Ms. Sgroi** deferred to the applicant.

**Chair Titus** said he is concerned that there are two LLCs involved with this application and it is important that the County look closely at LLCs running tourist homes and also consider how many tourist homes and bed-and-breakfasts are in the surrounding neighborhood. He said he is also concerned that not all of the required parking is being provided on-site.

**Ms. Sgroi** responded that there are proposed conditions that would require the renters to have only two vehicles and use two parking spaces. She said if they wanted to change that requirement, they would have to apply for an amendment to the conditions of approval. She added that there is space for an additional parking lot if additional townhouses are built on the undeveloped lots.

**Chair Titus** asked if the application would be nullified in the event that one of the owners should sell either of the LLCs.

**Ms. Sgroi** responded there is a proposed condition of approval that if C2J Properties, LLC ceases to operate the tourist home or Claudia Caso is no longer the principal owner of C2J Properties, LLC, the approval would become null and void.

**Chairman Titus** opened the public hearing.

**Jacob Pultro**, 212 Ambler Street, stated that he and his wife, Claudia Caso, live approximately fifty feet from 210 Ambler Street. He stated he is the homeowners' association (HOA) president and has gotten support from all of the neighbors and the HOA directors regarding this short term rental. He stated the home has been vacant for two years and that they plan to reinvest some or all of the proceeds back into repairs and upkeep of the property. He explained that the owner, Mr. Wood, wants the property to be available for family and friends, so their intent is to rent it out on a periodic basis using online platforms and word of mouth. Mr. Pultro explained that Mr. Wood has not lived at 210 Ambler Street for two years and is currently living in Richmond and unable to attend the meeting. He stated that they will ensure that all regulations are followed by any occupants and will vet guests prior to booking. With regard to parking, he stated that they will limit guests to a maximum of two vehicles.

**Claudia Caso**, 212 Ambler Street, stated this is where they live, so they have a vested interest in ensuring that the tourist home is operated properly and safely. She said their main goal is to help Mr. Wood maintain the home while keeping it available for him and his family to visit periodically. She explained that the purpose of the LLC is for protection from liability.

**Mr. Holroyd** asked how the County would ensure that the YVA approval is void if the applicants move out of their home at 212 Ambler Street.

**Mr. Hill** responded that the LLC would be responsible to obtaining a business license and paying the taxes, so if that ceased to be the case, that would be a trigger for nullifying the YVA approval. He said it would also be triggered if Ms. Caso is no longer an owner of the LLC. He said there is nothing in the resolution that addresses what would happen if they cease to live at 212 Ambler Street, but he noted that there is a condition requiring that a resident of that property be present whenever rentals are taking place.

**Chair Titus** asked what the contractual relationship is between Mr. Wood's LLC and C2J Properties LLC.

**Ms. Caso** responded that there is a written contract but it will be edited if necessary to incorporate any changes that come about as a result of this YVA approval.

**Chair Titus** asked if it would have been easier for Mr. Wood to submit this application.

**Ms. Caso** responded that because of Mr. Wood's age and declining health, he resides in Richmond. She stated this is not a business venture and it is really to help Mr. Wood care for his home and share the home with people who want to explore Yorktown.

**Chair Titus** asked Mr. Hill what would happen if Mr. Wood sells the property or cannot do anything with it.

**Mr. Hill** responded that there is no condition in the resolution that relates to Mr. Wood's ownership of the property.

**Chair Titus** asked if the approval would be nullified if Mr. Wood were to sell the property.

**Mr. Hill** responded that ownership of the property itself is not a condition of the resolution. He stated that this case is unusual and the approval runs with the applicants and not the owner of the property.

**Dianne Howell**, 104 Horseshoe Drive, stated that she is opposed to this application because of the ambiguity as to the relationship between the owner and the applicant.

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

**Mr. Criner** said he understands the relationship between the LLCs and the owners and operators but that his only concern is that the current owner could sell the property and maintain the same LLC. He said this is an opportunity for the owner to maintain the property, which has been empty for two years.

**Mr. Peterman** said the situation is complicated but that he feels there are enough safeguards to make sure everything is taken care of. He said the village is a tourist area rather than a typical residential area and that he did not feel the tourist home would be disruptive to surrounding homeowners.

**Mr. Holroyd** stated that he would support the application if there were a condition stating that if Mr. Wood sells the property or dies or is no longer the owner of the property, then the YVA approval would be null and void and the applicants would have to re-apply to operate the tourist home. He asked Mr. Hill if it would be possible to include such a condition.

**Mr. Hill** responded that it would be.

**Chair Titus** said the arrangement between the owner and the applicants is overly complicated. He said he also has concerns about the parking arrangement and that he does not support the application.

**Mr. Criner** stated that if the owner were to pass away, his family inherit the property and would likely want to keep the exact situation so they can use the property on occasion and nothing would change. He said he is comfortable with or without the revised condition.

**Mr. Holroyd** moved adoption of Resolution No. PC22-14(R) with the revision being to require that the current owner of 210 Ambler Street continue to own the property for the approval to be valid.

**Mr. Hill** suggested revising Condition No. 6 to read as follows: The term of this Special Use Permit shall expire upon any of the following events: a) C2J Properties, LLC ceases to operate the tourist home; b) Claudia Caso is no longer a principal owner of C2J Properties, LLC; or c) 210 Ambler Street, LLC ceases to own the property at 210 Ambler Street.

~~A RESOLUTION TO RECOMMEND APPROVAL OF A YORKTOWN  
VILLAGE ACTIVITY APPLICATION TO AUTHORIZE A TOURIST HOME~~

WITHIN AN EXISTING SINGLE-FAMILY ATTACHED DWELLING AT 210  
AMBLER STREET

WHEREAS, Jacob Pultro and Claudia Caso, members of C2J Properties, LLC, have submitted Application No. YVA-48-22, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, to request authorization for the establishment of a tourist home within an existing single-family attached dwelling on a 0.03-acre parcel (GPIN P12c-2013-1543) located at 210 Ambler Street (Route 1009); 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 11th day of May, 2022, that Application No. YVA-48-22 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 within an existing single-family attached dwelling on a 0.03-acre parcel (GPIN P12c-2013-1543) located at 210 Ambler Street (Route 1009), subject to the following conditions:

1. This approval shall authorize the establishment of a tourist home within an existing single-family attached dwelling on a 0.03-acre parcel (GPIN P12c-2013-1543) located at 210 Ambler Street (Route 1009). Except as set forth herein, the establishment shall be operated in accordance with the sketch plan and floor plans provided by the applicant and received by the York County Planning Division on May 23, 2022 and narrative description provided by the applicant and received by York County Planning Division on April 8, 2022, copies of which shall remain on file in the office of the Planning Division.
2. The tourist home shall be supervised and managed by a person that resides and is present at 212 Ambler Street during all times of all tourist home rentals.
3. The tourist home shall be rented out as three (3) bedrooms only. The maximum number of guests occupying the tourist home at any one time shall be six (6).
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 operators of the tourist home.
5. The off-street parking area for guest vehicles shall be limited to the two (2) parking spaces assigned to 210 Ambler Street as shown on the sketch plan referenced above.
6. The term of this Special Use Permit shall expire upon any of the following events: a) C2J Properties, LLC ceases to operate the tourist home; ~~or b) Claudia Caso is no longer a principal owner of C2J Properties, LLC; or c) 210 Ambler Street, LLC ceases to own the property at 210 Ambler Street.~~

7. For purposes of the preceding paragraph, the operator is defined as the person (or entity, etc.) who is on record as having obtained the York County business license, and County transient occupancy tax account as required by York County Code §24.1-409(i).
8. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, 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 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: (3) Criner, Peterman, Holroyd  
Nay: (1) Titus

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**Application No. UP-988-22, Michael and Valerie Marshall:** 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 in an existing single-family detached dwelling on a 1.3-acre parcel (GPIN N11c-0330-1332) located at 714 Baptist Road (Route 660). The property is zoned R13 (High-density single family residential) and designated High Density Residential in the Comprehensive Plan.

**Mr. Cross** summarized the staff report dated April 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 set forth in proposed Resolution No. PC22-16.

**Mr. Holroyd** stated that a proposed amendment to the short-term rental regulations in the City of Newport News would prohibit simultaneous rentals by separate entities. He asked if having two couples rent the property under a single contract as the applicants have described it would avoid this situation.

**Mr. Cross** responded that it would be a single contract but that there is no such provision in York County. He stated the County has approved several STRs where involving the rental of individual rooms.

**Chair Titus** opened the public hearing.

**Valerie Marshall**, 714 Baptist Road, stated that she and her husband would not rent to two separate parties individually but only to a single group traveling together. She stated that they have lived in the home since 2018 and have hosted family and friends roughly 40% of the time since her daughter and her family moved out of the second floor. She said their goal for the short term rental is to maintain flexibility for personal use and put the space to good use during downtimes. Ms. Marshall said they want to make the rental available for people visiting the area as well as the military community. She stated that they have contacted their adjacent neighbors, three of whom

have expressed no objections, while the others either are out of town or do not live on-site and were sent a letter by mail. She stated that she is confident that the traffic generated by guests will be less than when her daughter and son-in-law live in the home and added that there is ample parking.

**Chair Titus** said this is the kind of application he likes to see where the owners live on the property and come in with a business plan.

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

**Mr. Holroyd** said he agreed with Chair Titus's comments.

**Mr. Peterman** stated that he has no concerns about this application, noting that it is a large parcel on a relatively sparsely developed portion of Baptist Road, which is a dead-end road.

**Mr. Criner** and **Chair Titus** both said they have no concerns about the application.

**Mr. Criner** moved the adoption of Resolution No. PC22-16

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR  
A SPECIAL USE PERMIT TO AUTHORIZE A TOURIST HOME AT 714  
BAPTIST ROAD

WHEREAS, Michael and Valerie Marshall have submitted Application No. UP-988-22 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 in an existing single-family detached dwelling on a 1.3-acre parcel (GPIN N11c-0330-1332) located at 714 Baptist Road (Route 660); 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 11th day of May, 2022, that Application No. UP-988-22 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval of 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 1.3-acre parcel (GPIN N11c-0330-1332) located at 714 Baptist Road (Route 660) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a two-bedroom tourist home in an existing single-family detached dwelling on a 1.3-acre parcel (GPIN N11c-0330-1332) located at 714 Baptist Road (Route 660).
2. The tourist home shall be operated in accordance with the performance standards set forth in Section 24.1-409 of the York County Zoning Ordinance, Standards for boarding houses and short-term rental homes (tourist home and bed and breakfast establishments), and with the sketch plan, floor plans, and narrative description submitted by the applicant and received by the York County Planning Division on May 18, 2022, copies of which shall remain on file in the office of the Planning Division.
3. Signage identifying the tourist home shall be prohibited.
4. The owner/operators of the tourist home shall reside on the property at 714 Baptist Road during times of all tourist home rentals.
5. Guest rentals shall be limited to the two upstairs bedrooms depicted on the referenced floor plans.
6. A maximum of six (6) guests may occupy the tourist home at any one time.
7. Guests' lengths of stay shall range from a minimum of two nights to a maximum of thirty nights.
8. Exterior cooking appliances used by tourist home guests 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.
9. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant.
10. 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.

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: (4) Criner, Peterman, Holroyd, Titus  
Nay: (0)

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**Application No. UP-989-22, SHJ Construction Group:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 1) of the York County Zoning Ordinance, to authorize the establishment of a car wash facility (Tidal Wave Auto Spa) on a 1.2-acre portion of a 2.1-acre parcel of land located at 5441 George Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

**Earl Anderson**, Senior Planner, gave a brief overview of the application, stating that the applicants have requested that the application be tabled until the June 8 meeting to give them an opportunity to conduct a community meeting with the residents of Rainbrook Villas. He stated that staff recommends the Commission open the public hearing, take comments, and then continue the hearing to its June 8 meeting. He added that there would be a full staff presentation at that time.

**Chair Titus** asked if the community meeting with Rainbrook Villas has been scheduled.

**Mr. Anderson** responded that it has not.

**Chair Titus** asked Mr. Anderson to let him know when the meeting is scheduled.

**Mr. Holroyd** stated that he will not be at the June 8 meeting and wanted his comments to be reflected in the minutes. He said he has four concerns that he would like to be addressed. First, he stated that there is a Tidal Wave Auto Spa on Mooretown Road where the developer basically cleared the vegetation on the berm between Mooretown Road and the shopping center and was required to replace any plantings that were removed but that all of those plantings are now dead and have not been replaced them. He said he said he wants to see specific landscaping details demonstrating a commitment on the part of the applicant to maintain the number of trees that are required in resolution. Secondly, he stated that he felt all of the vacuum stations should be under canopy and that it is unsightly to have stations that are not under canopy, as there are at the Mooretown Road site. Third, Mr. Holroyd he said he would like to see the engineering report with specifics in terms of how much water would be used, how much would be recycled, what level of conservation would be applied, and what the disposal plans are for water. He said the report addresses solid waste disposal but needs to address liquid waste or a mixture of liquid and soil. Lastly, he stated that he used a phone app to measure the noise levels, which averaged 94 decibels at the outside of the wash bay. He said he wants the applicant to provide a plan on how they will address the noise levels. Mr. Holroyd stated that he feels each of these items needs to be addressed by the applicant.

**Chair Titus** opened the public hearing.

**Michael Sukman**, 113 Sheila Way, stated that he feels the applicant's traffic impact analysis is inadequate because the engineer took counts on only one day. He opined that counts should be taken for at least a week, including weekends.

There being no one else wishing to speak on this application, **Mr. Holroyd** moved that the public hearing be continued to the June 8 meeting.

On a roll call the vote was:

Yea: (4) Peterman, Holroyd, Criner, Titus  
Nay: (0)

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### OLD BUSINESS

There was no old business.

### NEW BUSINESS

There was no new business.

### STAFF REPORTS

**Mr. Cross** referred to the May Development Activity Report, stating that at its April meeting, the Board of Supervisors approved two Special Use Permits, one for a tourist home on Fenton Mill Road and one for the So Lux Reception Hall on Hampton Highway. He said, the Board will consider the application for a tourist home on Allen's Mill Road at its May 17 meeting and the proposed proffer amendments for Commonwealth Green at its June 7 meeting. Mr. Cross explained that normally the first meeting of the month is a work session but that the June 7 meeting will be a regular meeting. He also reported that in addition to the Tidal Wave Car Wash application, the June Planning Commission agenda will include applications for a pet grooming business on Penniman Road, a tourist home on Oaktree Road, and an application for an HVAC contractor shop with outside storage in the Edgehill area. Lastly, Mr. Cross stated that May 20<sup>th</sup> is Amy Parker's 20<sup>th</sup> anniversary of working for the County, and he presented her with a twenty-year service pin and thanked her for service to both the Planning Division and the citizens of York County.

### COMMITTEE REPORTS

In the absence of Mr. King, **Mr. Cross** presented the York 2040 Committee report, stating that the Committee met on May 4 and discussed the draft Housing element of the Comprehensive Plan, which he said is available for review on the project website. He stated that the Committee will meet again on June 1 if another draft element is ready for review.

### COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

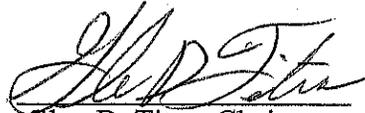
### ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:01 PM.

SUBMITTED:

  
Catherine G. Tartabini  
Planning Commission Secretary

**APPROVED:**

  
Glen D. Titus, Chair

**DATE:**

06/08/2022