

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Regular Meeting  
York Hall, 301 Main Street  
September 11, 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**

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

**ROLL CALL**

The roll was called and all members were present with the exception of Mr. Criner, Mr. King, and Mr. Peterman. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Justin R. Atkins, Assistant County Attorney; Amy Parker, Senior Planner; Earl W. Anderson, Senior Planner; and Daria Linsinbigler, Planning Assistant. Also in attendance was Susan D. Kassel, Director of Planning and Development Services.

**REMARKS**

**Vice Chair Titus** 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**

**Vice Chair Titus** led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

**Mr. Jons** moved to adopt the minutes of the regular meeting of August 14, 2019. The motion was approved (4:0).

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. UP-937-19, Florence Holmes:** 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 0.4-acre parcel located at 200 Hudgins Farm Drive (Route 1795) and further identified as Assessor's Parcel No. 29-29-16. The property is zoned R20 (Medium Density Single-Family Residential) and designated Medium Density Residential in the Comprehensive Plan.

**Earl Anderson, Senior Planner,** summarized the staff report dated September 4, 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. PC19-19.

**Mr. Jons** asked if there was any feedback from neighbors.

**Mr. Anderson** answered that he did not receive any neighbor response.

**Mr. Titus** asked for clarification that the driveway can have mixed types of surfaces.

**Mr. Anderson** responded that the Zoning Ordinance allows both hard and pervious surfaces.

**Vice Chair Titus** opened the public hearing.

**Florence Holmes,** 200 Hudgins Farm Drive, Yorktown spoke as the applicant. She offered to answer questions.

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

**Dr. Phillips** said he saw no reason not to approve the application since it was a previously approved use in the same location but with fewer hours and days of operation.

**Mr. Sturk** said he thought it was a great application and that he supported these types of businesses in the community.

**Mr. Titus** said it was a great application and his parking concern was alleviated.

**Mr. Jons** moved adoption of Resolution No. PC19-19.

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 200 HUDGINS FARM DRIVE

WHEREAS, Florence Holmes has submitted Application No. UP-937-17 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 0.4-acre parcel located at 200 Hudgins Farm Drive (Route 1795) and further identified as Assessor's Parcel No. 29-29-16 (GPIN S07c-2053-0299); 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 11<sup>th</sup> day of September, 2019, that Application No. UP-937-19 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) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation on a 0.4-acre parcel located at 200 Hudgins Farm Drive (Route 1795) and further identified as Assessor's Parcel No. 29-29-16 (GPIN S07c-2053-0299), subject to the following conditions:

1. This use permit shall authorize a beauty shop as a home occupation on a 0.4-acre parcel located at 200 Hudgins Farm Drive (Route 1795) and further identified as Assessor's Parcel No. 29-29-16 (GPIN S07c-2053-0299).
2. The floor area of the beauty shop shall not exceed four-hundred (400) square feet, and shall be designed as depicted on the floor plan submitted by the applicant and received by the Planning Division on July 31, 2019, 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. Retail sales on the premises shall be limited to incidental sales of beauty products, shampoo, conditioning, and other hair care products.
5. 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.
6. 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.
7. The days and hours of operation shall be limited to the following: Wednesdays from 8:00 am to 2:00 pm, Thursdays and Fridays from 8:00 am to 6:00 pm, Saturdays from 8:00 am to 12:00 pm.
8. The following emergency/life safety requirements shall apply to the operation of the beauty shop:
  - a) The beauty shop shall have a fire inspection conducted (at a minimum) initially and annually by the Department of Fire and Life Safety;

- b) If approved, a fire extinguisher shall be installed on each floor of the home with a minimum rating of 2A10BC.
- 9. 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.
- 10. 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 a roll call the vote was:

Yea: (4) Phillips, Sturk, Jons, Titus  
Nay: (0)

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**Application No. UP-939-19, Steven DeFonzo:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 11, no. 16) of the York County Zoning Ordinance, to authorize the establishment of a carryout-only pizza restaurant in Suite K of the Lightfoot Crossing retail center located on a 2.4-acre parcel of land at 312 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-16-1. The property is zoned EO (Economic Opportunity) and designated Economic Opportunity with a Mixed Use overlay in the Comprehensive Plan.

**Timothy C. Cross, Deputy Director of Planning and Development Services,** summarized the staff report dated September 4, 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. PC19-20.

**Dr. Phillips** asked about if the Lightfoot Crossing property is zoned Planned Development.

**Mr. Cross** answered that the property is zoned Economic Opportunity.

**Dr. Phillips** stated that he is not sure why this type of application would require a Special Use Permit.

**Mr. Cross** responded that he is not entirely sure why a use permit is required but that he suspects the requirement is related to the fact that when the Economic Opportunity district was established twenty five years ago, the County had a vision of large upscale types of development in those areas and that take-out restaurants were not considered to be consistent with that vision.

**Mr. Steven DeFonzo,** 3267 Newland Court, Toano, spoke as the applicant. He explained that the type of business he plans to have is a simple pizza shop with small-batch quantities with quality, locally sourced ingredients. He added that the restaurant would use a wood-fired oven.



**Mr. Jons** asked the applicant how that location was chosen.

**Mr. DeFonzo** answered that he wants to operate a small-scale business without wait staff, so the small size of the unit, which is sufficient to provide take-out service while allowing an outdoor seating options, was attractive. Mr. DeFonzo said he is used to working in a small area, being a former mobile caterer.

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

**Mr. Jons** said it was a great application and the space is appropriate.

**Dr. Phillips** agreed that it is an appropriate use for this location.

**Mr. Titus** said it was a great concept and location.

**Mr. Sturk** moved adoption of Resolution No. PC19-20.

**A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR  
A SPECIAL USE PERMIT TO AUTHORIZE A CARRYOUT-ONLY  
RESTAURANT AT 312 LIGHTFOOT ROAD (ROUTE 646)**

WHEREAS, Steven DeFonzo has submitted Application No. UP-939-19 to request a Special Use Permit, pursuant to Section 24.1-306 (category 11, no. 16) of the York County Zoning Ordinance, to authorize the establishment of a carryout-only pizza restaurant in Suite K of the Lightfoot Crossing retail center located on a 2.4-acre parcel of land at 312 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-16-1 (GPIN B19a-2055-2884); 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 11<sup>th</sup> day of September, 2019, that Application No. UP-939-19 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a carryout-only pizza restaurant in Suite K of the Lightfoot Crossing retail center located on a 2.4-acre parcel of land at 312 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-16-1 (GPIN B19a-2055-2884), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a carryout-only pizza restaurant in Suite K of the Lightfoot Crossing retail center located on a 2.4-acre parcel of land at 312 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-16-1 (GPIN B19a-2055-2884).

2. The applicant shall be responsible for obtaining all required building and other permits prior to initiating any interior modifications necessary to convert the retail space for restaurant/kitchen use.
3. Design and operation of the restaurant shall be subject to the provisions applicable to food service establishments set forth in Section 18.1-31, *Fats, Oil and Grease (FOG)*, of the York County Code.
4. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to application for a building permit.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On a roll call the vote was:

Yea: (4)        Sturk, Jons, Phillips, 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 September Development Activity Report, stating that at its August 20<sup>th</sup> meeting, the Board of Supervisors approved the Farm Fresh mini-storage adaptive reuse application and the Cookie Text home occupation with non-resident employees. He added that the tourist home application in Queens Lake was denied while the expansion of the bed-and-breakfast inn on Wichita Lane was approved. Mr. Cross further reported that at the next meeting on September 17<sup>th</sup>, the Board will be reviewing use permit applications the Tidal Wave Auto Spa on Mooretown Road and the Van Cleaves' tourist home on Ballard Street as well as the proposed Zoning Ordinance text amendment to allow second-hand merchandise retailers in the Economic Opportunity district. In addition, he stated that the only application scheduled for the upcoming October 9<sup>th</sup> Planning Commission meeting is for an expansion of the NATASHA House transitional home on Goodwin Neck Road.

**Mr. Titus** asked for the definition of a transitional home.

**Mr. Cross** responded that transitional homes provide temporary shelter for adults and children experiencing difficult situations.

**COMMITTEE REPORTS**

**Mr. Jons** reported on the York 2040 Committee's meeting on September 4. He said the main topic of the meeting was the various environmental programs managed by the County's stormwater staff. He said that one of the important issues discussed was the high expense incurred by homeowners associations for maintenance of stormwater ponds.

**Dr. Phillips** said he was impressed by the large number of citizens who identified preservation of green space and trees as a high priority. He said this is something he felt the Commission would need to take into consideration.

**Vice Chair Titus** noted that the Home-Based Business Committee will be meeting on September 30.

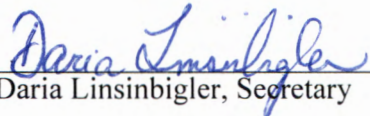
**COMMISSION REPORTS AND REQUESTS**

There were no Commission reports or requests.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 7:35 PM.

**SUBMITTED:**

  
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Daria Linsinbigler, Secretary

**APPROVED:**

  
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Glen D. Titus, Vice Chair

**DATE:**

9 Oct 2019