

MINUTES
YORK COUNTY PLANNING COMMISSION

Regular Meeting
York Hall, 301 Main Street
May 13, 2020

MEMBERS

Montgoussaint E. Jons
Glen D. Titus
Donald H. Phillips
Michael S. King
Robert T. Criner
Robert W. Peterman
Bruce R. Sturk

CALL TO ORDER

Chair King called the electronic meeting to order at 7:00 p.m.

ROLL CALL

The roll was called and all members were present or participating remotely via electronic means. Staff members participating remotely 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.

REMARKS

Chair King called the meeting to order and stated that the meeting was being held by electronic means without a quorum being physically assembled in one place, pursuant to an emergency ordinance adopted by the York County Board of Supervisors on April 21. He stated that the meeting is being held remotely under the emergency “continuity of government” ordinance adopted under Code of Virginia Section 15.2-1413, allowing public meetings of County boards, commissions, and authorities to meet remotely. He said the action was taken because of the health emergency resulting from the coronavirus pandemic, making an assembly of the Commission and staff and members of the public in one place unsafe because of the highly contagious nature of the coronavirus pandemic. Chair King noted that as with all live Planning Commission meetings, this meeting is available to watch live on WYCG-TV, Cox Cable Channel 46, Verizon FiOS Channel 38, or live streaming at yorkcounty.gov/TV. He introduced himself, stating that he was physically present in the Board Room at York Hall, along with the other Commission members and County staff participating remotely.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

Mr. Criner moved to adopt the minutes of the regular meeting of March 11, 2020. The motion was approved (6:0) with Mr. Peterman abstaining.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-950-20, Auto Haus Body Shop, Inc.: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, to authorize an auto body repair and painting establishment on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-11-11, 24-11-12A, and 24-125. The subject site, located at the southwest corner of Greene Drive and George Washington Memorial Highway (Route 17), is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report dated April 23, 2020, 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. PC20-8.

Chair King opened the public hearing.

Hans Hohlrieder, 101 Greene Drive, spoke as the applicant, participating electronically. He stated that he has owned and operated the Auto Haus, an automotive sales and service establishment, since 1992. He said that the service and sales department was recently relocated from the 101 Greene Drive location to a separate building across the street. He said the purpose of this application is to allow the relocation of the body shop portion of the business to the existing building at 101 Greene Drive. He reported that the body shop has been in operation at 115 Greene Drive since 1998. He said the move will give the growing shop a larger and better facility that is more visible. He added that the current location at 115 Greene Drive will most likely be sold to a non-body shop business and that there are multiple interested buyers.

Chair King asked if the Planning Commission members had any comments or questions, and there were none. He then asked Mr. Anderson if any phone comments on the application had been received.

Mr. Anderson responded that no phone comments have been received.

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

Mr. Titus said it was good use of the land and that he would vote for approval.

Mr. Jons said it was a straightforward application for an established business expansion. He noted that Zoning Ordinance requirements are being met and that he has no objection.

Dr. Philips agreed that it is an appropriate use and that he supports the application.

Mr. Peterman said it is a good application and that he also supports it.

Mr. Sturk agreed and expressed his support for the application.

Mr. Criner agreed with his fellow Commissioners that it is a good use and that he supports it.

Chair King said that it is a good use for a successful business and that he also will support the application.

Dr. Phillips moved the adoption of Resolution No. PC20-8.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR A SPECIAL USE PERMIT TO AUTHORIZE AN AUTO BODY REPAIR AND PAINTING ESTABLISHMENT AT 101 AND 107 GREENE DRIVE (ROUTE 1290) AND 7335 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Auto Haus Body Shop Inc. has submitted Application No. UP-950-20 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, to authorize the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846); 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 May, 2020, that Application No. UP-950-20 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 4) of the York County Zoning Ordinance, for the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified collectively as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an auto body repair and painting establishment in an existing building currently used for auto sales and service on three parcels of land totaling approximately 2.01 acres located at 101 and 107 Greene Drive (Route 1290) and 7335 George Washington Memorial Highway (Route 17) and further identified collectively as Assessor's Parcel Nos. 24-11-11 (GPIN R08c-0387-0979), 24-11-12A (GPIN R08c-0117-0855), and 24-125 (GPIN R08c-0273-0846).
2. Internal redevelopment of the existing building and change in use of the property from auto sales and service to auto body work and painting shall be in accordance with Section 24.1-479, *Standards for vehicle body work and painting*, of the York County Zoning Ordinance.
3. Prior to commencement of the auto body and painting use in the existing building on the subject site, the applicant shall be responsible for installation of all landscaping not already existing on the site as shown on the site plan titled "Site Development Plan of Auto Haus (Sheets 1, 2,

and 3 of 3), dated May 22, 1996, and approved by the Director of Environmental and Development Services on December 18, 1998, a copy of which shall remain on file in the office of the Department of Planning and Development Services. Replacement landscaping to be installed along Greene Drive in front of the building's service bay door shall be evergreen species that maintain branching to ground level.

4. Any alterations to the site layout as shown on the site plan referenced in Condition No. 3 above shall require prior approval of an amendment of this Special Use Permit in accordance with Section 24.1-115(d), *Amendment of special use permits*, of the York County Zoning Ordinance.
5. 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(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to commencement of the auto body and painting use on the subject property.

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

On a roll call the vote was:

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

Mr. Cross stated that each year the Commission is asked to adopt a resolution to certify conformance of the proposed Capital Improvements Program (CIP) with the goals and objectives of the Comprehensive Plan. He stated that the staff report includes a cross-reference table listing all of the proposed projects and the corresponding Comprehensive Plan goal, objective, or implementation strategy for each. He explained that since the proposed CIP was presented to the Commission in February, the County Administrator has made modifications in response to the COVID-19 pandemic. Specifically, he stated, all General Fund capital improvement projects in the CIP have been moved back one year, which resulted in the removal of three projects: mobile data terminals for the Sheriff's Office and the Department of Fire and Life Safety and a planned "splash pad" aquatic facility. Mr. Cross recommended that the Commission certify conformance of the proposed CIP with the Comprehensive Plan through the adoption of proposed Resolution No. PC20-9.

Mr. Criner moved adoption of Resolution No. PC20-9.

A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2021 THROUGH 2026 WITH THE YORK COUNTY COMPREHENSIVE PLAN

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 13th day of May, 2020, that it does hereby certify the County Administrator's Proposed Capital Improvements Program for Fiscal Years 2021 through 2026 as being in conformance with *Charting the Course to 2035: The County of York Comprehensive Plan*.

On roll call the vote was:

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

STAFF REPORTS

Mr. Cross referred to the April and May Development Activity Reports, stating that at its March 17 meeting, the Board of Supervisors approved the Planned Development application for of the redevelopment of the Village Shops at Kingsmill for senior housing and the proposed Zoning Ordinance text amendments for short-term rentals. Mr. Cross said that the Board of Supervisors' April 21 meeting was its first electronic meeting and was dedicated mainly to the adoption of the budget, so none of the items from the Planning Commission's March meeting were considered. He stated that those applications – a home day care center on Seaford Road, a home gunsmithing business on Mastin Avenue, and the rezoning of a 1.3 acre parcel in Lackey – will be on the Board's May 19th agenda. He added that at its May 19 meeting the Board will also consider requests to extend the terms of two previously approved Special Use Permits for an indoor firing range, and a recycling plant in an industrial park on Penniman Road. Mr. Cross said there are two upcoming applications to be considered by the Planning Commission: a proposed assisted living facility located on the commercial outparcel at The Reserve at Williamsburg on Mooretown Road and the Fenton Mill Planned Development in the Skimino area but that the public hearings for those applications have not yet been scheduled. He noted that because of the magnitude of the Fenton Mill proposal, staff would prefer not to hold that public hearing until there can be a meeting at which citizens can be physically present. Lastly, Mr. Cross expressed his thanks to Mr. Anderson and to Mr. Tim Wyatt, Deputy Director of Information Technology for the County, for all their work organizing what appears to have been a successful virtual meeting.

COMMITTEE REPORTS

Chair King asked Mr. Cross to give an update on the Comprehensive Plan review process. Mr. Cross reported that the Comprehensive Plan Review Steering Committee has not met since March because of the COVID-19 pandemic but that staff has been working on the background research and writing in the meantime. He stated that it has not yet been decided if the committee will meet

in June and that any such meeting, if it occurs, would be an electronic meeting or possibly a meeting in a larger venue where social distancing would be possible. Lastly, Mr. Cross stated that he hopes the postponement of committee meetings will not put the project too far behind schedule and that staff hopes to have a draft updated Plan available for public review by the end of the year.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

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

SUBMITTED:

Daria Linsinbigler, Secretary

APPROVED:

Michael S. King, Chair

DATE:
