

MINUTES  
BOARD OF SUPERVISORS  
COUNTY OF YORK

Regular Meeting  
September 15, 2020

6:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, September 15, 2020, in the Board Room, York Hall, by Chairman W. Chad Green.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zaremba, Sheila S. Noll, W. Chad Green, Jeffrey D. Wassmer, and Thomas G. Shepperd, Jr.

Also in attendance were Neil A. Morgan, County Administrator; Mark L. Bellamy, Jr., Deputy County Administrator; Vivian A. Calkins-McGettigan, Deputy County Administrator; and James E. Barnett, County Attorney.

Invocation. James W. Noel, Jr., Director of Economic Development, gave the invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Green led the Pledge of Allegiance.

**PRESENTATIONS**

**INTRODUCTION OF NEW ECONOMIC DEVELOPMENT AUTHORITY OFFICERS AND PROJECTS UPDATE**

Mr. Steven A. Meade, new Economic Development Chairman, appeared before the Board with Harmon J. Coxtton, the new Economic Development Vice Chairman, and James W. Noel, Jr., Director of Economic Development. He explained that the presentation would cover topics related to:

- Economic Development Authority Leadership Changes
- COVID-19 Recovery Assistance
- Economic Development Authority Property Sales
- Economic Development Authority Project Updates
- Looking to the future

Mr. Meade explained Mr. R. Anderson Moberg had been the Chairman of the Authority for 19 years and noted during his tenure he missed only one meeting. He thanked Mr. Moberg for his support during the years that he served as Chairman. Mr. Meade thanked the Board for their support and covered specifics related to the COVID 19 Recovery Assistance.

Mr. H. J. Coxtton stated the Economic Development Authority (EDA) had formed the EDA Business Recovery Task Force led by Mr. John F. Biagas to assist businesses in the community to help with the impacts of COVID 19. Two grant programs provide support to the businesses and included:

- York CARES Grant – provides \$3,000 grants to 80 businesses with up to 200 employees to cover COVID 19 related expenses through an initial CARES Act appropriation by the County of \$250,000

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- COVID 19 Small Business Grant – provides \$5,000 grants to cover COVID 19 expenses to 64 small businesses (as of September 10, 2020) with under 20 employees through a Community Development Block Grant from Virginia Housing and Community Development of \$500,000.

Mr. Coxton explained the recent Economic Property Sales which included:

- The Miller Group – Purchase of 143 Stafford Court which provides 20,000 square feet of flex space on 3.39 acres.
- Smith/Jones Investments, LLC – Purchase of 410 Old York-Hampton Highway which provides 7,500 square feet of light industrial space on 2.14 acres.

Mr. Meade covered Economic Project Updates which included:

- T-Rex Capital Group for the Yorktown Data Center - set to be located at 700 Old York-Hampton Highway. The site is anticipated to include 161,890 gross square feet. York County approved the support package and the Dominion Real Estate Option Agreement was complete. The marketing effort to lease space is now underway with 20,000 square feet of pre-leased space required to move development forward.
- Beales East – a brew pub set to be located on 7120 through 7124 George Washington Memorial Highway. The site will include 4,000 square feet and provide 800 square feet of outdoor dining area especially useful now due to COVID 19. The site plan is currently under review and the owner plans to open in spring of 2021.
- The Edge District through a Brownfields Grant for marketing initiatives and rebranding initiatives along the Merrimac Trail Corridor. The Corridor includes such York County businesses as Casa Pearl, The Virginia Beer Co., Parkway Printshop, and Column 15. The program is supported by all three Economic Development Authorities in the City of Williamsburg, James City County, and York County.

Mr. Noel covered the Kings Creek Commerce Center which will include an Unmanned System Facility through the GO Virginia Project. This item is on the agenda for Board consideration and action this evening. The Eastern Virginia Regional Industrial Facility Authority was poised to acquire the property from the State, and explained the property was better known as the Fuel Farm Property and included 432 acres. Mr. Noel explained how the Economic Development Authority was looking to the future, noting the landscape has changed due to the impacts of COVID 19. Online purchases are increasing which may ultimately present challenges in retail and may require alternative uses in properties or future zoning adjustments. This also included the number of home-based businesses located in the County or the number of workers now teleworking instead of physically being present at work. Mr. Noel explained prior to COVID 19, an average of 7 percent of workers teleworked, but now the estimates were anticipated to be more closely at 60 percent. He noted if the trend were to continue, it would be necessary to capitalize on the quality of life in the County while promoting strong broadband service to attract and retain teleworkers through new place making initiatives.

Mr. Zaremba referenced the 2013 published memorandum from the Economic Development Authority on Fenton Mill.

Mr. Noel explained the memo was tied to the Comprehensive Plan at the time and noted when the property was considered residential, developers were not interested. He noted when the property was re-designated as mixed use, developers began to become more interested.

Discussion followed regarding the mixed use designation and the number of inquiries prior to the mixed use designation.

Mr. Wassmer thanked the Economic Development Authority for their service and noted Mr. Moberg's long-standing tenure as the Chairman. He also thanked Mr. Meade for serving as the Chairman of the Authority. Mr. Wassmer expressed his interest in the presentation related to

retail space and was pleased to hear about the possible need for zoning changes to meet the changing environment.

Mr. Shepperd thanked the Economic Development Authority for their service. He asked the Authority to work with the Planning Department to think outside of the box to see how businesses can fit into communities similar to Washington D.C. which are walkable but do not damage the community.

Chairman Green echoed Mr. Wassmer's comments regarding the service of the Authority members. He asked the Economic Development Authority to work with the Comprehensive Plan review process to ensure the specific challenges are being met. Chairman Green also suggested having a meeting with the Economic Development Authority similar to the work session with the School Board.

### **CITIZENS COMMENT PERIOD**

Ms. Darci Tucker, 218 Skimino Road, spoke on behalf of the Conserve York County Foundation, an Environmental Conservation Organization. She had watched as the forest had been torn down over the past 30 years in the lower County, and was fearful of the same result for the upper County. She hoped the forest in the upper County would remain intact to preserve nature and the rural atmosphere. She asked for a larger venue at future meetings that may draw a larger attendance.

Mr. Ron Struble, 204 Shady Bluff Point, spoke on behalf of the Conserve York County Foundation regarding the development being proposed at Fenton Mill. He would like to work with York County to create a smart development for Fenton Mill. He invited members out to the area to see what the organization was working on.

### **COUNTY ATTORNEY REPORTS AND REQUESTS**

Mr. Barnett had no report at this time.

Mr. Zaremba asked about the Sovereign Bill and its status at the General Assembly.

Mr. Barnett explained the bill has been denied, but would probably return in the future for consideration.

### **COUNTY ADMINISTRATOR REPORTS AND REQUESTS**

Mr. Morgan provided a COVID update and noted that York County, which is a part of the Eastern Virginia region in the Virginia Department of Health, was in the same COVID 19 status as the rest of the State. He explained the latest State update reduces the limitations on gathering size and buildings, restaurants are allowed occupancy levels closer to normal, as the general trend in Virginia has been favorable in the last two and a half weeks. He was hopeful the number of college students that were sent home from campuses would not impact the trend over the next few weeks. He stated the Waste Management Office, in the Department of Public Works, was still collecting debris from Tropical Storm Isaias and anticipated completing collections by the end of the month. Waste Management had collected 1,500 piles of debris over the last five weeks.

### **MATTERS PRESENTED BY THE BOARD**

Mrs. Noll expressed her thanks to the citizens of York County for wearing their masks in an effort to prevent the spread of COVID 19. She noted this was not always the case in Virginia Beach when she is there on business.

Mr. Wassmer, who had chaired the Greater Williamsburg Tourism Council that day, noted the impacts of COVID 19 on the tourism industry. Hotel stays were down 77 percent. He explained the new campaign being conducted "Life at Your Pace" was a way to adapt to the current envi-

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ronment. He noted over Labor Day weekend, one of the hotels had 60 walk-ins, which is good news. The campaign supported the view that people were not planning vacations, but were getting out without prior plans. On the Visit Williamsburg website, 82 percent of the people visiting the site had never been there before. The website had seen a 70 percent increase in the last two weeks noting there was a trend of being an influencer on the website which was contributing to visits. This was a new way to market and attract tourists. Mr. Wassmer passed along Senator Norment's thanks for York County's support and contributions to tourism during a meeting recently.

Mr. Shepperd made comments concerning the education system in York County, specifically through virtual learning. He spoke about technical glitches and the struggle for the children everywhere. Mr. Shepperd felt fortunate to be in York where the resources and expertise were available to deal with these issues. He stated this is not the case in some homes and that would be a problem for all of us in the future. Mr. Shepperd expressed his thanks to teachers and the role they have in children's lives.

Mr. Green made an announcement, Application No. UP-953-20, Ulla Clayborne application would be considered as the first public hearing due to the number of speakers present in the interest of public health due to COVID 19.

Meeting Recessed. At 6:53 p.m. Chairman Green declared a short recess.

Meeting Reconvened. At 7:00 p.m. the meeting was reconvened in open session by order of the Chair.

## **PUBLIC HEARINGS**

### **APPLICATION NO. UP-953-20, ULLA CLAYBORNE**

Amy Parker, Senior Planner, gave a brief presentation on Application No. UP-953-20 to approve a 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 house on a 0.7-acre parcel of land located at 100 Bowstring Drive (Route 1323).

Mr. Green asked if the Claybornes wanted to rent the property long-term, would they be able to proceed without a Special Use Permit.

Ms. Parker stated they would indeed need a Special Use Permit should they choose to rent the property out long-term.

Mr. Wassmer asked if, of the nine Short-Term Rental applications that had been approved by the Board, any violations or problems had occurred with the respective properties.

Ms. Parker stated that no complaints had been received on the existing nine Short-Term Rental properties that currently exist in York County.

Ms. Ulla Clayborne, 100 Bowstring, Drive, spoke as the applicant. She asked for a Special Use Permit to rent out one room of her home. Both she and her husband would remain in the home and be present on the property. Ms. Clayborne stated the home was purchased as a retirement home and she felt the value on the property had increased due to work she and her husband had done once they moved in. She was concerned about the false accusations made by members of the Queens Lake neighborhood and noted that both she and her husband would ensure that all of the rules and regulations were followed if the application was approved. Her four adjacent neighbors were in support of the application. Ms. Clayborne stated the Queens Lake community had no Homeowners' Association and a short-term rental was not prohibited in the community. Neighbors had raised a concern about her application and the number of strangers it would bring into the community. She did not understand how that could be a concern. She explained the clubhouse could be rented out for individuals who did not live in Queens Lake and a proposal had been made by some of the residents to begin a farmer's market in the community. She asked for the application to be approved, because it followed the rules, regulations, and standards for short-term rentals, would be non-evasive in the community, and would not decrease property values.

Chairman Green then called to order a public hearing on Application No. UP-953-20 that was duly advertised as required by law. Proposed Resolution R20-107 is entitled:

A RESOLUTION TO APPROVE THE ESTABLISHMENT OF A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 100 BOWSTRING DRIVE

The following individuals spoke in support of Application No. UP-953-20 regarding the establishment of a Tourist Home at 100 Bowstring Drive and cited the following reasons to approve the application. They included the applicant being a responsible neighbor who will follow the set rules/regulations, is responsive, and will make sound decisions regarding rental of the room. In addition, they felt a lot of misinformation had been spread regarding the application. The supporters explained the adjacent four property owners were in favor of the application.

Supported:

Curtis Clayborne  
100 Bowstring Drive  
Williamsburg, VA

Christina Cooper  
100 Shoreham Lane  
Williamsburg, VA

Alana Indorina  
104 Shoreham Lane  
Williamsburg, VA

The following individuals spoke in opposition to Application No. UP-953-20 citing the following reasons: strangers within the community, concerns regarding the vetting of renters, diminished property value within the Queens Lake Subdivision, opposition to Short-Term Rentals (STRs) in general, and urged the Board to look at their decision on Queens Lake community as a whole. They also referenced the petition notebook delivered to Mr. Neil Morgan on Friday, October 11, 2020, which included signatures of various residents from Queens Lake opposed to the application.

Opposed:

Richard Howell  
104 Horseshoe Drive  
Williamsburg, VA

David Malmquist  
109 Charles River Landing Road  
Williamsburg, VA

Frances Holt  
107 Point Laurel Place  
Williamsburg, VA

K. Dana De Jager  
108 Horseshoe Drive  
Williamsburg, VA

John Sepanski  
106 Montague Circle  
Williamsburg, VA

Frances Broadmore  
150 West Queens Drive  
Williamsburg, VA

Mark Sowers  
290 East Queens Drive  
Williamsburg, VA

John Farley  
143 Little John Road  
Williamsburg, VA

Branch Fields, III  
134 Horseshoe Drive  
Williamsburg, VA

Penny Bonadonna  
150 West Queens Drive  
Williamsburg, VA

Patricia Bartneck  
103 Little John Road  
Williamsburg, VA

Les Vrabel  
120 Horseshoe Drive  
Williamsburg, VA

Zane Sowers  
290 East Queens Drive  
Williamsburg, VA

Lourdes Farley  
143 Little John Road  
Williamsburg, VA

Sylvia Martin  
101 Valor Court  
Williamsburg, VA

Laura Nanartowich  
211 West Queens Drive  
Williamsburg, VA

Heather Sowers  
290 East Queens Drive  
Williamsburg, VA

Carlos Tricoche  
100 Huntingdon Road  
Williamsburg, VA

Jack Dooley  
165 West Queens Drive  
Williamsburg, VA

Richard Toth  
241 East Queens Drive  
Williamsburg, VA

Christian Pascale  
102 Horseshoe Drive  
Williamsburg, VA

Milton Holt  
107 Point Laurel Place  
Williamsburg, VA

Caroline Brown  
122 Copse Way  
Williamsburg, VA

Michael Buenger  
122 Copse Way  
Williamsburg, VA

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Cherri Turcotte  
320 Nottingham Road  
Williamsburg, VA

Lucia Sebastian  
105 Little John Road  
Williamsburg, VA

Marinus De Jager  
108 Horseshoe Drive  
Williamsburg, VA

Dianne Howell  
104 Horseshoe Drive  
Williamsburg, VA

Trevor Sowers  
290 East Queens Drive  
Williamsburg, VA

Heidi Garman  
104 Little John Road  
Williamsburg, VA

Nigel Brown  
133 Hunter Lane  
Williamsburg, VA

David Dafashy  
105 Willoughby Drive  
Williamsburg, VA

Brent Baumberger  
103 Little John Road  
Williamsburg, VA

Ron Kirkland  
1001 Richmond Road  
Williamsburg, VA

Kathy Devanny  
177 Dennis Drive  
Williamsburg, VA

Patricia Albert  
109 Holcomb Drive  
Williamsburg, VA

There being no one else present who wished to speak, Chairman Green closed the public hearing on the application.

Mrs. Noll explained she had reviewed the various correspondence received both in favor of and against the application. She had also reviewed the various guidelines regarding Short-Term Rentals the County had in place. Mrs. Noll stated it was unfortunate the application had turned into such discontentment within the Queens Lake neighborhood. She explained that how we as a community deal with change defines the citizens and noted the applicant, Ulla Clayborne, had agreed to not pass the Special Use Permit to new owners should the property be sold. She was in favor of approving the application.

Mr. Wassmer replied that the Queens Lake Subdivision had no Homeowners' Association in place similar to many of the subdivisions he represents in his district. He explained that Homeowners' Associations (HOAs) help to protect the citizens within the community noting if Short-Term Rentals are not allowed in the community, the approval of a Special Use Permit by the Board is meaningless because the HOAs govern themselves.

Mr. Zaremba spoke to Mr. Wassmer's comments regarding Homeowners' Associations (HOA) noting they are very difficult to deal with for most private individuals. He explained the Queens Lake Subdivision had no existing HOA in place. Mr. Zaremba explained based on correspondence received by the Board, 80 percent of the citizens within Queens Lake did not want the application to be approved and reminded the Board members that they ultimately represented the citizens.

Mr. Shepperd stated he was both impressed and saddened by the number of speakers that had addressed the Board tonight. He had tried to simplify the identified issues in order to make his decision whether to approve or deny the application. Mr. Shepperd explained the process of how Special Use Permits are received by the Planning Division and how they proceed for the Board's consideration. The two factors the Board must consider is to look at the specific land use and the overall sense of the neighbors within the community.

Chairman Green thanked the community and neighbors for speaking before the Board this evening. He stated the Queens Lake Subdivision was a special place and needed some healing in the community after the application.

Mrs. Noll then moved the adoption of proposed Resolution R20-107 that reads:

A RESOLUTION TO APPROVE THE ESTABLISHMENT OF A TOUR-  
IST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELL-  
ING AT 100 BOWSTRING DRIVE

WHEREAS, Ulla Clayborne has submitted Application No. UP-953-20, 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 an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of September, 2020, that Application No. UP-953-20 be, and it is hereby, approved to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538).
2. The tourist home shall be operated in accordance with York County Zoning Ordinance Section 24.1-409, *Standards for boarding house, tourist home, and bed and breakfast establishments* and the application description, sketch plan, and floor plans provided by the applicant and received by the York County Planning Division on May 18, 2020, copies of which shall remain on file in the office of the Planning Division.
3. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code, the York County Department of Fire and Life Safety, and the Virginia Department of Health prior to use of the dwelling as a tourist home.
4. No more than four (4) guests shall occupy the tourist home at any one time.
5. The property owner shall reside on the premises during times of rentals.
6. On-street parking shall not be permitted.
7. No signage identifying the tourist home shall be permitted.
8. 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.
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. The term of this Special Use Permit shall expire upon the termination of ownership of the property by the applicant.
11. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant(s) 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 tourist home use on the subject property.

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.

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On roll call the vote was:

Yea:	(2)	Noll, Wassmer
Nay:	(3)	Zaremba, Shepperd, Green

APPLICATION NO. UP-940-19, LEE RIGGINS RICH

Amy Parker, Senior Planner, gave a brief presentation on Application No. UP-940-19 to approve a 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 house on a 5.3-acre parcel of land located at 1718 Calthrop Neck Road (Route 606).

Mr. Zaremba asked whether any neighbors had called regarding the application.

Ms. Parker stated the Planning Division had received two comments about the application.

Mr. Shepperd asked whether Ms. Parker was aware of any electricity issues on the property.

Ms. Parker stated she was unaware of any electrical problems.

Mr. Scott Dinning spoke as the applicant’s representative. He provided a brief presentation on the proposed tourist home. He asked the Board to approve the application.

Mr. Shepperd asked if there were power lines running in front of the parcel that were surrounded by trees causing a potential electrical outage.

Mr. Dinning stated he was aware of the power lines, but did not feel there were power issues associated with the property due to the trees.

Chairman Green then called to order a public hearing on Application No. UP-940-19 that was duly advertised as required by law. Proposed Resolution R20-106 is entitled:

A RESOLUTION TO APPROVE THE ESTABLISHMENT OF A TOUR-  
IST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELL-  
ING AT 1718 CALTHROP NECK ROAD

Mr. Ron Kirkland, 1001 Richmond Road, spoke on behalf of the Williamsburg Hotel Motel Association. He was in opposition to the application, because there was not a need for the Short-Term Rental (STR) within the community. He asked the Board to deny the application.

Ms. Diane Howell, 104 Horseshoe Lane, spoke regarding the application. She was trying to understand the specific guidelines for Short-Term Rentals (STRs) within the community.

There being no one else present who wished to speak, Chairman Green closed the public hearing on the application.

Mr. Shepperd suggested the resolution be revised to include the clearing of trees around the power lines as they cross over Ms. Rich’s property.

Discussion followed on the specific wording for the revision of the application.

Mr. Shepperd then moved the adoption of proposed Resolution R20-106(R) that reads:

A RESOLUTION TO APPROVE THE ESTABLISHMENT OF A TOUR-  
IST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELL-  
ING AT 1718 CALTHROP NECK ROAD

WHEREAS, Lee Riggins Rich has submitted Application No. UP-940-19, 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 an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor’s Parcel No. 31-4-1 (GPIN V05a-0237-3621); and;

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of September, 2020, that Application No. UP-940-19 be, and it is hereby, approved to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 31-4-1 (GPIN V05a-0237-3621), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 31-4-1 (GPIN V05a-0237-3621).
2. The tourist home shall be operated in accordance with York County Zoning Ordinance Section 24.1-409, Standards for boarding house, tourist home, and bed and breakfast establishments and the application description, sketch plan, and floor plans provided by the applicant and received by the York County Planning Division on July 31, 2019, copies of which shall remain on file in the office of the Planning Division.
3. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code, the York County Department of Fire and Life Safety, and the Virginia Department of Health prior to use of the dwelling as a tourist home.
4. No more than six (6) guests shall occupy the tourist home at any one time.
5. The property owner or tourist home resident manager shall reside on-premises during times of rentals.
6. On-street parking shall not be permitted.
7. 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.
8. To afford enhanced emergency vehicle access, tree branches and shrubbery within the driveway corridor shall be cleared to a vertical distance of thirteen feet, six inches (13'6") and a horizontal distance of sixteen feet (16'). Location of the widened corridor shall be flexible in order to minimize removal of any trees.
9. To ensure the reliability of electric utility service to the property, the property owner or manager shall ensure that trees and shrubs adjacent to the existing overhead power line serving the property shall be kept trimmed in accordance with standards acceptable to Dominion Virginia Power. Tree trimming performed by Dominion Virginia Power or its contractor shall satisfy this condition. The initial work plan and schedule to properly clear the vegetation shall be reported to the County's Department of Planning and Development Services.
10. 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.

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- 11. The term of this Special Use Permit shall expire upon the termination of ownership of the property by the applicant.
- 12. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant(s) 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 tourist home use on the subject property.

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

On roll call the vote was:

Yea: (4) Noll, Wassmer, Shepperd, Zaremba  
 Nay: (1) Green

APPLICATION NO. UP-956-20, NEWPORT NEWS WATERWORKS

Amy Parker, Senior Planner, gave a brief presentation on proposed Resolution R20-108 to approve a request for a Special Use Permit, pursuant to Section 24.1-306 (category 17, no. 6) of the York County Zoning Ordinance, to authorize the construction of an approximately 144-foot tall elevated water storage tank on a 0.9-acre parcel located at 1301 Lightfoot Road (Route 646).

Mrs. Noll asked what color the water tower would be once constructed.

Ms. Parker stated the tower would be white, but due to its location on the property it would be shielded by trees and not visible.

Mr. Zaremba asked if the tower would be permanent and whether it would replace the existing tower.

Mr. Yann Le Gouellec, Assistant Director of Newport News Waterworks, spoke on behalf of the application. He stated the tower would be in addition to the current tower on the property.

Mr. Green asked if cell towers were to be added to the top of the tower.

Mr. Le Gouellec stated it was against Newport News Waterworks policy to add cell towers to the top of water towers.

Chairman Green then called to order a public hearing on proposed Resolution R20-108 that was duly advertised as required by law. Proposed Resolution R20-108 is entitled:

A RESOLUTION TO APPROVE CONSTRUCTION OF AN APPROXIMATELY 144-FOOT TALL ELEVATED WATER STORAGE TANK AT 1301 LIGHTFOOT ROAD

Mr. Doug Holroyd 103 Marina Point, Williamsburg, made general comments concerning the application.

There being no one else present who wished to speak concerning the subject application, Chairman Green closed the public hearing.

Mr. Wassmer then moved the adoption of proposed Resolution R20-108 that reads:

A RESOLUTION TO APPROVE CONSTRUCTION OF AN APPROXIMATELY 144-FOOT TALL ELEVATED WATER STORAGE TANK AT 1301 LIGHTFOOT ROAD

WHEREAS, Newport News Waterworks has submitted Application No. UP-956-20, pursuant to Section 24.1-306 (category 17, no. 6) of the York County Zoning Ordinance, to authorize construction of an approximately 144-foot tall elevated water storage tank on a 0.9-acre parcel located at 1301 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-13C (GPIN B20b-4238-2678); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 15th day of September, 2020, that Application No. UP-956-20 be, and it is hereby, approved to authorize construction of an approximately 144-foot tall elevated water storage tank on a 0.9-acre parcel located at 1301 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-13C (GPIN B20b-4238-2678), subject to the following conditions:

1. This use permit shall authorize construction of an approximately 144-foot tall elevated water storage tank on a 0.9-acre parcel located at 1301 Lightfoot Road (Route 646) and further identified as Assessor's Parcel No. 2-13C (GPIN B20b-4238-2678).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Development Services Division prior to commencement of any land clearing or construction activity on the subject property. Except as modified herein, said plan shall be substantially in conformance with the sketch plan submitted by the applicant titled "York County Elevated Tank," prepared by Whitman, Requardt and Associates, LLP and dated June 11, 2020, a copy of which shall remain on file in the Planning Division office.
3. Tower height, design, color, and construction site layout shall be as set forth in the document titled "York County Elevated Tank Special Use Permit Application," prepared by Whitman, Requardt and Associates, LLP and received by the Planning Division on June 29, 2020, a copy of which shall remain on file in the Planning Division office.
4. The needed acquisition of property from the adjacent property owner as shown on the sketch plan referenced in Condition No. 2 above and as described in the application document referenced in Condition No. 3 above shall be completed prior to site plan approval.
5. Advertising and signage on the water storage tank shall be expressly prohibited, except for warning signs associated with the operation of the tank or its equipment.
6. Prior to site plan approval, the applicant shall submit written statements from the Federal Aviation Administration and any other review authority with jurisdiction over the water storage tank, stating that the proposed tower complies with regulations administered by that agency or that the tower is exempt from those regulations.
7. Existing security fencing shall be supplemented/extended to encompass the area of the proposed water storage tank. Evergreen plantings equivalent to a Type-25 Transitional Buffer shall be installed along the northern and eastern side of the parcel as shown on the sketch plan referenced in Condition No. 2 above.
8. Development of the subject property shall be in conformance with York County Code Chapter 23.2, Chesapeake Bay Preservation Areas, Chapter 23.3, Stormwater Management, Chapter 24.1-493, *Standards For All Utilities Uses*, and all applicable standards of the Virginia Uniform Statewide Building Code.
9. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution 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 application for site plan approval.

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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 roll call the vote was:

Yea: (5) Wassmer, Shepperd, Zaremba, Noll, Green  
Nay: (0)

APPLICATION NO. ZM-186-20, YORK COUNTY ECONOMIC DEVELOPMENT AUTHORITY

Timothy C. Cross, Deputy Director of Planning and Development Services, gave a brief presentation on proposed Ordinance No. 20-22 to repeal previously proffered conditions applicable to portions of Busch Industrial Park on Penniman Road.

Chairman Green then called to order a public hearing on proposed Ordinance No. 20-22 that was duly advertised as required by law. Proposed Ordinance No. 20-22 is entitled:

AN ORDINANCE TO REPEAL PREVIOUSLY PROFFERED CONDITIONS APPLICABLE TO PORTIONS OF BUSCH INDUSTRIAL PARK ON PENNIMAN ROAD

There being no one present who wished to speak concerning the subject application, Chairman Green closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Ordinance No. 20-22 that reads:

AN ORDINANCE TO REPEAL PREVIOUSLY PROFFERED CONDITIONS APPLICABLE TO PORTIONS OF BUSCH INDUSTRIAL PARK ON PENNIMAN ROAD

WHEREAS, on January 18, 1990, the York County Board of Supervisors adopted Ordinance No. O90-1(R) to approve an application to amend the York County Zoning Map by reclassifying approximately 114.3 acres on the north side of Penniman Road (Route 641) – including 62.4 acres on the west side of Interstate 64 and 51.9 acres on the east side – from various residential zoning classifications to IL (Limited Industrial) subject to voluntarily proffered conditions set forth in proffer statements dated December 6, 1989, and January 18, 1990, and signed by James D. Gleason, General Manager, Pleasurama/Williamsburg, Inc.; and

WHEREAS, property subject to the proffered conditions referenced above include all or part of the parcels located at 123, 238, 241-Z, 323, and 415 Alexander Lee Parkway; 1306-Z Penniman Road; 101, 134, and 144 Stafford Court; and 100, 111, and 149 Warwick Court; further identified as Assessor’s Parcel Nos. 11-16-14 (GPIN G13b-3598-3617), 11-27B (GPIN G13b-3951-3494), 11-16-A3 (GPIN G13b-4638-4556), 11-16-7 (GPIN G13b-4603-3992), 11-16-6 (GPIN G13b-4910-3836), 11-16-A2 (GPIN G13b-3289-3227), 11-16-5A (GPIN H13a-0386-3933), 11-16-2-3A1 (GPIN H14c-0348-0124), 11-16-2-4 (GPIN G13b-4897-4778), 11-16-8 (GPIN G13b-4205-4106), 11-16-10A (GPIN G13b-3883-3995), and 11-16-9 (GPIN G13b-4254-4591) respectively; and

WHEREAS, the Economic Development Authority of York County has submitted Application No. ZM-186-20 to repeal the conditions proffered in 1990 and set forth in Ordinance No. O90-1(R); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of September, 2020, that Application No. ZM-186-20 be, and it is hereby, approved to

repeal the conditions applicable to the properties identified above contained in Ordinance No. O90-1(R), adopted by the Board of Supervisors January 18, 1990, and set forth in proffer statements dated December 6, 1989, and January 18, 1990, and signed by James D. Gleason, General Manager, Pleasurama/Williamsburg, Inc.

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 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 within thirty (30) days of the approval of this application.

On roll call the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wassmer, Green  
Nay: (0)

APPLICATION NO. ZM-187-20, BRIAN D. JAYNES

Timothy C. Cross, Deputy Director of Planning and Development Services, gave a brief presentation on Application No. ZM-187-20 to approve an application to rezone two approximately 0.7-acre parcels of land located at 2429 and 2431 Pocahontas Trail (Route 60) from RR (Rural Residential) to GB (General Business).

Mr. Bryan Jaynes, appeared as the applicant, and was available to answer any questions the Board had concerning the application.

Chairman Green then called to order a public hearing on proposed Ordinance No. 20-23 that was duly advertised as required by law. Proposed Ordinance No. 20-23 is entitled:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE TWO APPROXIMATELY 0.7-ACRE PARCELS OF LAND LOCATED AT 2429 AND 2431 POCAHONTAS TRAIL (ROUTE 60) FROM RR (RURAL RESIDENTIAL) TO GB (GENERAL BUSINESS)

There being no one who wished to speak concerning the subject application, Chairman Green closed the public hearing.

Mr. Wassmer then moved the adoption of proposed Ordinance No. 20-23 that reads:

AN ORDINANCE TO APPROVE AN APPLICATION TO REZONE TWO APPROXIMATELY 0.7-ACRE PARCELS OF LAND LOCATED AT 2429 AND 2431 POCAHONTAS TRAIL (ROUTE 60) FROM RR (RURAL RESIDENTIAL) TO GB (GENERAL BUSINESS)

WHEREAS, Brian D. Jaynes has submitted Application No. ZM-187-20 which requests to amend the York County Zoning Map by reclassifying two approximately 0.7-acre parcels of land located at 2429 and 2431 Pocahontas Trail (Route 60) and further identified as Assessor's Parcel Nos. 15-23 and 15-24 (GPINs I11b-2887-3860 and I11b-3005-3712) from RR (Rural Residential) to GB (General Business); 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 Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 15th day of September, 2020, that Application No. ZM-187-20 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying two approximately 0.7-acre parcels of land

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located at 2429 and 2431 Pocahontas Trail (Route 60) and further identified as Assessor’s Parcel Nos. 15-23 and 15-24 (GPINs I11b-2887-3860 and I11b-3005-3712) from RR (Rural Residential) to GB (General Business).

BE IT FURTHER ORDAINED that approval of this application shall be contingent on the applicant’s submittal of a current and accurate survey of the subject property to the County.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Wassmer, Shepperd, Green  
Nay: (0)

CARES ACT FUNDING

Mr. Morgan, provided a brief presentation on proposed Resolution R20-104 for the York County Board of Supervisors to consider a proposed budget amendment, supplemental appropriation and transfer to increase the FY21 budget in the amount of \$5,957,167 to appropriate federal funding awarded as a result of the Coronavirus Aid Relief and Economic Security (CARES) Act of 2020.

Mr. Zaremba asked whether a pay raise will be given with the additional funding.

Mr. Morgan stated a pay raise will not be given with the additional funding.

Discussion followed on hazard pay, if it will be given, and who will qualify.

Chairman Green then called to order a public hearing on proposed Resolution R20-104 that was duly advertised as required by law. Proposed Resolution R20-104 is entitled:

A RESOLUTION APPROPRIATING \$5,957,167 IN THE FISCAL YEAR 2021 BUDGET FEDERAL FUNDING RECEIVED FROM THE CORONAVIRUS RELIEF FUND

There being no one who wished to speak concerning the subject application, Chairman Green closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R20-104 that reads:

A RESOLUTION APPROPRIATING \$5,957,167 IN THE FISCAL YEAR 2021 BUDGET FEDERAL FUNDING RECEIVED FROM THE CORONAVIRUS RELIEF FUND

WHEREAS, on May 5, 2020 the Board of Supervisors adopted Resolution R20-44, which adopted the Fiscal Year 2021 Budget for York County for the fiscal year beginning July 1, 2020, and ending June 30, 2021; and

WHEREAS, on March 27, 2020, the Coronavirus Aid, Relief and Economic Security (CARES) Act was enacted which provided funding for state and local governments; and

WHEREAS, on July 28, 2020 the County received notification it would be receiving \$5,957,167 of Coronavirus Relief Funds as a part of the CARES Act allocated from the State; and

WHEREAS, a public hearing was held on Tuesday September 15, 2020, pursuant to the provisions of Section 15.2-2507 of the Code of Virginia;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of September, 2020, \$5,957,167 is appropriated in the Fiscal Year 2021 General Fund that the York County fiscal year 2021.

BE IT FURTHER RESOLVED that the County Administrator is hereby authorized to enter into contracts that are CARES Act eligible in excess of \$50,000 without Board approval if those contracts are deemed to be time critical and will advise the Board of all such actions in writing.

On roll call the vote was:

Yea: (5) Noll, Wassmer, Shepperd, Zaremba, Green  
Nay: (0)

KINGS CREEK COMMERCE CENTER PARTICIPATION AGREEMENT

Mr. Morgan, provided a brief presentation on proposed Resolution R20-113 authorizing the County Administrator to execute, on behalf of the County, a participation agreement between the Eastern Virginia Regional Industrial Facility Authority and a number of its members, whereby the Authority will purchase approximately 432 acres of land located at 1801 Penniman Road.

Mr. Zaremba confirmed the property was the old Hawks Nest Golf Course.

Mr. Morgan confirmed it was the same property.

Chairman Green then called to order a public hearing on proposed Resolution R20-113 that was duly advertised as required by law. Proposed Resolution R20-113 is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PARTICIPATION AGREEMENT WITH OTHER MEMBERS OF THE EASTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY FOR THE PURCHASE FROM THE COMMONWEALTH OF APPROXIMATELY 432 ACRES OF LAND, AND TO LEASE APPROXIMATELY 250 ACRES OF THE SAME TO KDC SOLAR, LLC, FOR PURPOSES OF THE DEVELOPMENT OF A SOLAR FARM

There being no one who wished to speak concerning the subject application, Chairman Green closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R20-113 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A PARTICIPATION AGREEMENT WITH OTHER MEMBERS OF THE EASTERN VIRGINIA REGIONAL INDUSTRIAL FACILITY AUTHORITY FOR THE PURCHASE FROM THE COMMONWEALTH OF APPROXIMATELY 432 ACRES OF LAND, AND TO LEASE APPROXIMATELY 250 ACRES OF THE SAME TO KDC SOLAR, LLC, FOR PURPOSES OF THE DEVELOPMENT OF A SOLAR FARM

WHEREAS, various industrial and economic development authorities of the localities of Hampton Roads have joined together to form the Eastern Virginia Regional Industrial Facility Authority (the Authority) for the purpose of jointly engaging in economic development projects benefitting the region and the Authority's members; and

WHEREAS, the Authority has identified a tract of land, now owned by the Commonwealth of Virginia, comprising approximately 432 acres in the vicinity of Penniman Road and Colonial Parkway and identified as 1801 Penniman Road, as suit-able for the development of a solar facility, and the Authority proposes to purchase the same from the Commonwealth and to lease approximately 250 acres of the land to KDC Solar, LLC, for the development of a solar facility, on the terms and conditions summarized in the County Administrator's memorandum dated September 9, 2020; and

WHEREAS, such Participation Agreement requires approval by each member of the Authority following public hearings held in each member locality.

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NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 15th day of September, 2020, following a duly advertised public hearing, that the County Administrator is authorized to execute on behalf of the County the pro-posed King's Creek Commerce Center Participation Agreement, to be in a form substantially similar to the draft agreement attached to the County Administrator's memorandum to this Board dated September 9, 2020, such agreement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Wassmer, Shepperd, Zaremba, Noll, Green  
Nay: (0)

**NEW BUSINESS.** None.

**CLOSED MEETING.** None.

Chairman Green stated the next meeting, a work session, would be held on October 6, 2020, and would be most held most likely through Zoom and not in person.

Meeting Adjourned. At 10:53 p.m. Chairman Green declared the meeting adjourned sine die.

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Neil A. Morgan  
County Administrator

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W. Chad Green, Chairman  
York County Board of Supervisors