

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
April 14, 2021

MEMBERS
Montgoussaint E. Jons
Glen D. Titus
Mary P. Leedom
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 with the exception of Bruce R. Sturk. 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; Daria Linsinbigler, Planning Assistant; and Jeanne Sgroi, Management Analyst Intern

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 June 16. 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

Chair King led the Pledge of Allegiance.

Mr. Criner moved to adopt the minutes of the regular meeting of February 10, 2021. The motion was approved (6:0)

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-964-21, Orin B. Collier and David R. Chaffins: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to establish a tourist home in a detached accessory building on a portion of two parcels (GPINs Q11d-2757-1072 and Q11d-2804-1055) with a combined area of 0.42 acre located at 121 Lafayette Road. The dual-frontage lots are located between Lafayette Road (Route 650) and Moore House Road (Route 238), approximately 420 feet west of their intersections with Cornwallis Road (Route 663). The properties are zoned R20 (Medium Density Single-family Residential) and are designated Medium Density Residential in the Comprehensive Plan.

Amy M. Parker, Senior Planner, summarized the staff report dated March 26, 2021, 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. PC21-6(R).

Chair King opened the public hearing.

Orin Collier, 121 Lafayette Road, spoke as the applicant. He stated that he and his spouse purchased the Yorktown property about a year ago with the intent to retire and move back to the area. He said that the property has an auxiliary building which they would like to rent out as a tourist home, as the previous owners did for many years. Mr. Collier said he has spoken to his neighbors and they are in favor of the rental operation, and he added that when it was in prior service as a short-term rental, they used it for family and friends who were visiting. He added that the prime location makes it desirable for vacations and that he does not foresee the rental as a full-time enterprise. He stated that he plans on advertising the rental on the Airbnb website along with creating a personal website for it.

Doug Holroyd, 103 Marina Point, stated that although he has no objection to this particular application, he believes there is lack of consistent policy for short-term rentals. He stated that other localities have instituted clear policies on Special Use Permits for short term rentals, and he opined that although the Planning Commission held a work session two years ago to discuss this topic, a clear policy was not produced. He recommended that there be more guidelines.

Richard Howell, 104 Horseshoe Drive, agreed with Mr. Holroyd. He stated that he does not have any concerns about this application but that he is disappointed to see another application for a tourist home without having stricter guidelines in place. He opined that the Zoning Ordinance text amendments for short-term rental amendments approved by the Board in March 2020, did little to establish a strategic plan or guidance. He stated that he and a few other Queens Lake residents have met with staff over the past several months to discuss their concerns. Mr. Howell expressed his view that there should be a study of the cumulative impact of short-term rentals and citizen outreach. He said that even though this application has merit, he is against any short term rental applications until a stricter set of standards and guidelines is established.

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

Chair King stated that the Zoning Ordinance currently permits this type of use and he does not see a reason to hold up the application, despite the suggestions offered by members of the public. He noted that this property previously had a Special Use Permit and showed a positive eight-year rental history and that he is in favor of this application.

Mr. Titus stated that his only concern is the narrow road, but he supports the application.

Mr. Criner said that with the number of conditions recommended by staff, he is in full support.

Mr. Jons commented that he is aware of some citizens' concerns about the approval process for applications. He said that he is satisfied that this application fulfills the requests of the process and he is supportive of it. He added that although progress has been made, citizens should remain involved.

Chair King stated that citizens' voices have been heard and changes were made to the ordinance to address some of the concerns. He said that no ordinance is perfect and that it is an ever-evolving process. He said every case is unique and he does not advocate a blanket policy across the County because individual applications need to be evaluated on a case-by-case basis.

Mr. Jons moved the adoption of Resolution No. PC21-6(R).

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE A TOURIST HOME IN AN EXISTING DETACHED
ACCESSORY STRUCTURE AT 121 LAFAYETTE ROAD

WHEREAS, Orin B. Collier and David R. Chaffins have submitted Application No. UP-964-21, requesting a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 1, No. 6), to authorize the establishment of a tourist home in an existing detached accessory structure on the eastern side of property located at 121 Lafayette Road (GPINs Q11d-2757-1072 and Q11d-2804-1055) ; 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 14th day of April, 2021, that Application No. UP-964-21 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit for the establishment of a tourist home in an existing detached accessory structure on the eastern side of property located at 121 Lafayette Road (GPINs Q11d-2757-1072 and Q11d-2804-1055) subject to the following conditions:

1. This use permit shall authorize a tourist home in an existing detached accessory structure on the eastern side of property located at 121 Lafayette Road (GPINs Q11d-2757-1072 and Q11d-2804-1055). The establishment shall be operated in accordance with the narrative

description provided by the applicants and received by the York County Planning Division on February 26, 2021, a copy of which shall remain on file in the office of the Planning Division.

2. The site layout associated with the tourist home (building location, parking location) shall be and shall remain as they exist and as depicted on the sketch plan titled "Attachment #1, Special Use Permit, 121 Lafayette Road," received by the York County Planning Division on February 26, 2021 and the sketch plan titled "UP-964-21 Sketch Plan" prepared by the York County Planning Division. The tourist home interior configuration shall be as depicted on the floor plans titled "Attachment #3, Guest Cottage, 121 Lafayette Road, Yorktown," received by the York County Planning Division on February 26, 2021. Copies of said sketch plans and floor plans shall remain on file in the office of the Planning Division.
3. Operation of the tourist home shall be in compliance with the performance standards set forth in Section 24.1-409 of the Zoning Ordinance. The applicants shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code prior to use of the accessory structure as a tourist home.
4. The owners/operators of the tourist home shall reside on the subject property during times of all tourist home rentals.
5. The maximum number of guest suites shall be one (1). The maximum number of guests occupying the tourist home at any one time shall be two (2).
6. No signage identifying the tourist home shall 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. Retail sales shall not be permitted on the premises.
9. The off-street parking area for guest vehicles shall be maintained on the property as shown on the sketch plans referenced in Condition No. 2 above. The parking space shall be buffered from view from Lafayette Road, Moore House Road, and adjoining properties by landscaping.
10. A parcel line vacation plat consolidating the subject parcels shall be submitted to and approved by the Development Services Division and recorded at the expense of the applicants with the Clerk of the Circuit Court prior to commencement of the tourist home use on the property.
11. The term of this Special Use Permit shall expire upon the termination of ownership of the property by the applicants.
12. A certified copy of the resolution approving this application shall be recorded at the expense of the applicants in the name of the property owners 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: (6) Titus, Leedom, Criner, Peterman, Jons, King
Nay: (0)

Application No. UP-965-21, Omer Art Inc.: Request for authorization, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, of a major expansion of a legally conforming convenience store/gas station on a 0.9-acre parcel (GPIN R08c-0703-0569) located at 7305 George Washington Memorial Highway (Route 17). The property is located in the northwest quadrant of the intersection of Route 17 and White's Road. The applicant seeks to expand the existing 2,160-square foot convenience store by 1,296 square feet – a 60% increase in floor area. No change to the number of fuel pumps is proposed. The property is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

Chair King noted that the applicant has been detained abroad because of the COVID-19 pandemic and is not able to participate but that the case would be heard despite his absence.

Timothy C. Cross, Deputy Director of Planning and Development Services, summarized the staff report dated April 5, 2021, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC21-7.

Mr. Titus expressed concern about the age of the gas station and asked if it would be appropriate to require an inspection of the underground storage tanks for leakage.

Mr. Cross responded that since the application is for an expansion of the convenience store and does not involve the gas tanks, he does not believe such a condition would be reasonable because there is no rational nexus between it and the proposed expansion. He added that underground storage tanks are subject to federal regulation administered by the Virginia Department of Environmental Quality.

Mr. Titus reiterated his concern about the potential environmental issue, and he inquired about the access between this property and the neighboring storage facility property.

Mr. Cross said the cross- easement was approved by the Board many years ago and is on record at the courthouse.

Mr. Jons asked about the abandonment of the septic system and subsequent inspections.

Mr. Cross responded that abandoning a septic system is a common practice that is subject to County and state guidelines. He said the work must be performed by a professional septic company and is fairly uncomplicated.

Chair King added that the move from a septic system to public sewer is a positive transition and he spoke about the process for abandoning a septic system, which is essentially returning the land to its previous state.

Chair King opened the public hearing.

Mr. Doug Holroyd, 103 Marina Point, expressed his agreement with Mr. Titus and Mr. Jons about potential environmental issues, stating that he recommends that groundwater and soil contamination testing be required.

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

Mr. Titus stated that he would like to see ground or soil contamination be a condition of approval.

Mr. Criner stated that he does not see the septic tank as a significant issue for soil contamination because septic tanks work by depositing into the soil. He agreed with Mr. Cross that to require an inspection of the gas tanks for this application is uncalled for and does not share a common nexus.

Chair King commented that the property is being upgraded and will correspond with the zoning ordinances in effect today. He noted that a state process exists to deal with storage tanks and agreed with Mr. Criner's position.

Mr. Criner moved the adoption of Resolution No. PC21-7.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR
A MAJOR EXPANSION OF A LEGALLY CONFORMING CONVENIENCE
STORE/GAS STATION LOCATED AT 7305 GEORGE WASHINGTON
MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, Omer Art Inc. has submitted Application No. UP-965-21 to request a major expansion of a legally conforming convenience store/gas station on a 0.9-acre parcel of land (GPIN R08c-0703-0569) located at 7305 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 14th day of April, 2021, that Application No. UP-965-21 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize to a major expansion of a legally conforming convenience store/gas station on a 0.9-acre parcel of land (GPIN R08c-0703-0569) located at 7305 George Washington Memorial Highway (Route 17) subject to the following conditions:

1. This approval shall authorize a major expansion of a legally conforming convenience store/gas station on a 0.9-acre parcel of land (GPIN R08c-0703-0569) located at 7305 George Washington Memorial Highway (Route 17).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted to and approved by the York County Development Services Division prior to the commencement of any land disturbing or construction activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "PROPOSED BUILDING ADDITION AND MODIFIED PARKING LOT: CHESTERS CONVENIENCE STORE" prepared by Campbell Land Surveying, Inc. and dated August 5, 2020, except as modified herein.
3. In accordance with Section 24.1-606(j) of the Zoning Ordinance, a minimum of one parking space shall be provided for every 200 square feet of the gross floor area of the convenience. Pursuant to Section 24.1-607(e) of the Zoning Ordinance, no reduction in dimensions for parking spaces designated for compact cars shall be permitted unless at least twenty (20) parking spaces are provided on-site. Any proposed deviation from the minimum landscape yard requirements shall require approval by the Zoning Administrator in accordance with Section 24.1-244(a) of the Zoning Ordinance.
4. The building addition shall be subject to the architectural and design standards set forth in Section 24.1-378 of the Zoning Ordinance, *Route 17 Corridor overlay district*.
5. Development of the subject property shall be subject to the provisions set forth in Section 24.1-376 of the Zoning Ordinance, *WMP-Watershed management and protection area overlay district*.
6. In accordance with Section 24.1-115(b)(6) of the 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 site plan approval.

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: (5)	Leedom, Criner, Peterman, Jons, King
Nay: (1)	Titus

OLD BUSINESS

There was no old business.

NEW BUSINESS

Chair King explained about the necessity to develop an area plan for a focused, strategic

observation for the upper area of the County. He stated that once the Comprehensive Plan is completed, this update will be an implementation and amendment to the plan. He said that consensus from the Comprehensive Plan Committee will be required and likely to be discussed at the next committee meeting.

STAFF REPORTS

Mr. Cross reported that as of April 5th, the entire Planning Division staff has returned to working in the office full-time and that the office remains open to the public by appointment subject to health guidelines. He stated that at its March 16 meeting, the Board of Supervisors denied the Fenton Mill Planned Development application in the Skimino area. He stated that the agenda for the April 20 Board meeting includes a home occupation application for gunsmithing and firearms sales at 211 Henry Lee Lane, which the Commission considered at its February meeting, and that the other application from that meeting – a request to rezone property at 2371 and 2601 Hampton Highway from R20 to GB (General Business) will likely go before the Board on May 18. Mr. Cross stated that there are three applications for the May 12 Planning Commission meeting: a York Village Activity application for a setback variance at 228 Church Street, a request to remove conditions voluntarily proffered for Yorktown Arch, and a request for a cell tower at Queen's Lake Middle School. Referring to the March Development Activity Report, he noted that a site plan for a road connection between Commonwealth Green and Route 17 has been submitted. He explained that when this mixed-use development was approved in 2012, one of the conditions was a road/utility connection to Route 17 and that two extensions of the deadline for completing the road connection were later approved. Under the latest extension, he stated, the deadline for constructing the road and extending public water and sewer is October 2022. In addition, he reported that at the May 4 Board of Supervisors work session, a progress report on the Comprehensive Plan will be presented. Lastly, Mr. Cross introduced and welcomed a new contract employee in the Planning Division, Jeanne Sgroi, Management Analyst Intern, and noted that she is days away from receiving her Master of Public Administration Degree from Old Dominion University.

COMMITTEE REPORTS

Chair King stated that he had no committee report because of the cancellation of the April York 2040 Committee meeting.

Mr. Titus stated that he is ready to return to in-person Planning Commission meetings and asked his fellow Commissioners for their opinions on the matter. The Commissioners all responded that they are amenable to holding in-person meetings.

Chair King said that he will defer to staff on how to approach the situation and determine conditions for safety protocols.

Mr. Cross noted that the Board of Supervisors' March 16 meeting in was an in-person meeting and manageable with advanced set up and added that the Board is planning to continue with in-person meetings for public hearings.

Ms. Leedom stated that she has collected information regarding the regulation of short-term rentals in Virginia Beach vacation rentals by owners and that she is willing to share that information for future discussion about short-term rentals.

Chair King asked her to provide the information to Mr. Cross.

Mr. Jons said that short-terms rental have generated a lot of interest and concern. He noted that as the Planning Commission representative for District One, he has heard the concerns voiced and feels there is room for improvement. He stated that short-term rentals in neighboring cities have become unmanageable and noted that York County is not like those communities.

Chair King agreed that York County is not like Virginia Beach or Norfolk and knowledge can be obtained from other communities to improve the short term rental provisions in York County.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:16 PM.

SUBMITTED:

Daria Linsinbigler, Secretary

APPROVED:

Michael S. King, Chair

DATE:
