

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
June 8, 2022

MEMBERS
Douglas Holroyd
Glen D. Titus
Mary P. Leedom
Michael S. King
Robert T. Criner
Robert W. Peterman
Joseph P. Smith

CALL TO ORDER

Chair Titus called the meeting to order at 7:00 p.m. and stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. He explained that this responsibility is exercised through recommendations conveyed by resolutions or other official means, all of which are matters of public record. He stated that the Commission is comprised of seven citizen volunteers appointed by the Board, including one representative from each voting district and two at-large members.

ROLL CALL

The roll was called and all Commissioners were present except Douglas Holroyd. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Richard E. Hill, Jr.; Deputy County Attorney; Amy Parker, Senior Planner; Earl W. Anderson, Senior Planner; Jeanne Sgroi, Management Analyst; and Cathy Tartabini, Planning Assistant.

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

Chair Titus led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Criner moved to adopt the minutes of the regular meeting on May 11, 2022. The motion was approved (4:0), with Messrs. King and Smith abstaining.

CITIZEN COMMENTS

There were no citizen comments

PUBLIC HEARINGS

Application No. UP-989-22, SHJ Construction Group: Request for a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 1) of the York County Zoning Ordinance, to authorize the establishment of a car wash facility (Tidal Wave Auto Spa) on a 1.2-acre portion of a 2.1-acre parcel of land located at 5441 George

Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

Earl W. Anderson, Senior Planner, summarized the staff report dated May 31, 2022, stating the staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of denial but that should the Commission choose to recommend approval, it can do so through the adoption of proposed Resolution No. PC22-15(R), which includes proposed conditions of approval.

Mr. Criner asked where the Zoning staff member was standing when he took the decibel readings.

Mr. Anderson responded the staff member was standing in the access drive that looks directly at the exit tunnel about forty to fifty feet away.

Mr. Smith asked if detailing or any other special services would be provided at the location.

Mr. Anderson deferred to the applicant.

Chair Titus reopened the public hearing.

Martie Murphy, 124 E. Thompson Street, Thomaston, Georgia, spoke on behalf of the applicant, Tidal Wave Auto Spa. He stated that Tidal Wave Auto Spa has been in business since 2004 and has 102 locations, one of which is located on Mooretown Road in upper York County. Regarding concerns that have been expressed about landscaping at the Mooretown Road site, he explained that the site was only recently developed and that when the vegetation matures, it will look excellent. He added Tidal Wave has met all the landscaping, building design, storm water, and other requirements at the Mooretown Road site. With respect to noise concerns, he said he is aware that a County employee performed a noise study at the Mooretown Road location and took the decibel readings at the noisiest part of the car wash. He stated that the readings showed a spike of ninety decibels when a large truck or van came through the tunnel and explained that they have had a similar study performed at the Sharpsburg, Georgia location which had a reading of 85.7 decibels. Mr. Murphy said they purposely oriented the car wash toward Route 17 for that purpose and took into consideration the nearby residents in order to not to disturb them. He added they plan to install a fence to act as an additional noise buffer and would add landscaping on both sides of the fence. Mr. Murphy noted that the property has been vacant for ten years, and with regard to the Comprehensive Plan about the desire for more walkable businesses, he stated that there are few if any uses in the area that people would want to walk to. He said he feels Tidal Wave would be providing a service to the community, adding that it will be an attractive, well-landscaped business that would generate less traffic than a fast-food restaurant and would have less impact overall. Mr. Murphy stated that the noise generated by the car wash would be comparable to the sound of highway traffic, a vacuum cleaner, and other normal daily activities, and he added that the distance between the car wash and the residents ensures that they would not be adversely affected by noise.

Mr. Smith asked if any detailing would take place at this location.

Mr. Murphy responded it would be strictly a drive-thru express car wash and that customers would also have the opportunity to utilize the free vacuums and courtesy towels.

Mr. Criner asked how long the car wash tunnel would be.

Mr. Murphy responded that it would be one hundred and twenty feet long.

Mr. Criner responded that the houses appear to be only two hundred feet from the car wash, not five hundred feet as Mr. Murphy had stated.

Mr. Murphy responded that when you measure from the end of the 120-foot tunnel and include the distance to the face of the curb, which is an additional fifty feet, and add the landscape buffer and Grafton Drive, the distance is at least 350 feet.

Cynthia Ingram, 206 Timberline Loop, stated that she is opposed to the car wash since there are numerous car washes nearby. She stated that the area is a residential setting, for the most part, with around 900 homes and two schools. She opined that the applicant's traffic impact analysis did not adequately account for school-related traffic and that counts should have been taken over two days between the hours of 7:00 AM and 7:00 PM. She also expressed concern about noise, lighting, and other impacts on Rainbrook Villas and the Townhomes at Martin Farm.

Judith McDowell, 237 Rainbrook Way, said she is opposed to the car wash facility for several reasons. She expressed concern about the additional traffic to what she considers to be a high-traffic area already, noting that Martin Farm Road and Grafton Drive are the only way to enter and exit her community. She stated 780 additional trips per day would have a major impact on the area. Additionally, Ms. McDowell stated that the noise from the car wash will be constant from 8AM to 8PM and that she has visited the Tidal Wave car washes in Williamsburg and Gloucester and measured the sound levels on the vacuum cleaner side with a decibel meter. She stated the decibel meter showed an average noise level during low-use time was between 70 and 80 decibels and spiked significantly higher during times of heavy use time. She stated the residents of the Martin Farm townhomes, whose patios are only forty feet from Grafton Drive, will have to listen to the noise all day and night and that property values will be affected. Also, she stated that there are fifteen car washes and detailing services within a five-mile radius and do not want to add another one to the area. Lastly, she said the proposed car wash violates the spirit of the Comprehensive Plan.

Lois Bates, 214 Rainbrook Way, stated that she is opposed to the application and expressed concerns about traffic congestion and safety, the number of car wash facilities in the area, and potential impacts on Rainbrook Villas' drainage system. She said the residential area does not need this type of activity and encouraged the Planning Commission to vote against this application.

Rob Kutz, 102 Pond View, stated that he has lived in the Grafton area for over twenty years and opposes the car wash and had sent a letter to the Planning Division. He said the surrounding residents overwhelmingly oppose the application as being inconsistent with the appropriate development of the area, adding that there are plenty of car washes in the area, so another one is not needed or wanted. He opined that this is an inappropriate location for a car wash since it would back up directly to the Townhomes at Martin Farm and would be close to Rainbrook Villas. Mr. Kutz said he doesn't believe the applicants can be trusted to keep their promises, noting that they had requested a deferral so they could meet with the neighbors to hear and address their concerns but made no attempt to do so. He encouraged the Commission to follow the staff's recommendation to deny the supplication.

Lillian Deloney, 306 Timberline Loop, stated that she is President of the Rainbrook Villas Condominium Owners Association and has lived in the development since 2001. She said she has not been contacted by the applicant about meeting with the concerned neighborhoods and

associations and feels that Tidal Wave Auto Spa makes promises and doesn't deliver on them. Lastly, she stated that this is not an appropriate use for this land.

Bob Hoard, 106 Pond View, said he is opposed to the application for a number of reasons. He expressed concern about stormwater impacts, noting that his unit is right by the ditch that runs between Martin Farms and Rainbrook Villas and that the County has done a wonderful job keeping the ditch clean. He stated that stormwater that now goes into the ground will go into the drains that feed into the waterway. Additionally, he stated that he is concerned about the noise from the car wash, and he expressed concern about the cumulative impact of multiple vacuums running at the same time as well as noise from car radios. Lastly, he stated that approving another car wash would not be consistent with the Commission's goal of achieving orderly development.

Doug Martin, 20577 Louis Road, Purcellville, Virginia, spoke as the property owner, stating that his family has been in York County since 1850 and that when they decided to sell the property to Tidal Wave, it was not a decision they took lightly. He said that while he appreciates neighboring residents' willingness to speak up for what they believe in, he wholeheartedly disagrees with some of the statements that have been made. He expressed concern about encouraging people to walk across Route 17, which is not safe, and about the denial of his right to sell the property. He stated that Tidal Wave is a good company with a good reputation and that he has visited several of their facilities, and he added that concerns raised by citizens would be equally applicable to any commercial use on this property.

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

Mr. Peterman said this is the wrong business for this location and that he is against the application.

Mr. King said that although the Traffic Impact Analysis states that the roads can handle the traffic, 780 trips per day will still have an impact on the community. He also stated that the fact that the property has been vacant for ten years does not justify approval of something that is not right for the property. He stated that there are other sites in the County that would be more appropriate and that he opposes the application.

Ms. Leedom said there are two car washes up the street that closed and that there must be reasons for that. She said that when this many people come out to speak against an application, that means something to her and that she will not support this application.

Mr. Smith said he supports and encourages development and that the applicant has addressed several of the concerns, but he felt that the Commission has a responsibility to balance public interest with the interest of development. He stated that the proposed car wash is not consistent with the Comprehensive Plan's vision for this area and that he does not support the application.

Mr. Criner concurred with the other Commissioners.

Chair Titus asked if the comments made by Mr. Holroyd at the May 11 meeting would be entered into the minutes for this meeting.

Timothy Cross, Deputy Director of Planning and Development Services, responded that they would not. He said that those comments were in the May 11 minutes and that the Board of

Supervisors will receive copies of both sets of minutes.

Chair Titus said he was opposed to the application because of traffic, noise, and the fact that the applicant failed to meet with the residents to address their concerns. He said this is not a good use of the property.

Mr. Criner moved the adoption of Resolution No 22-15(R)

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A CAR WASH AT 5441 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17)

WHEREAS, SHJ Construction Group (Tidal Wave Auto Spa) has submitted Application No. UP-989-22 to request a Special Use Permit, pursuant to Section 24.1-306 (category 12, no. 1) of the York County Zoning Ordinance, to authorize the establishment of a car wash facility (Tidal Wave Auto Spa) on a 1.2-acre portion of a 2.1-acre parcel of land (GPIN S06a-1125-3051) located at 5441 George Washington Memorial Highway (Route 17); and

WHEREAS, said application has been transmitted 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 8th day of June, 2022 that Application No. UP-989-22 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 24.1-306 (category 12, no. 1) of the York County Zoning Ordinance, to authorize the establishment of a car wash facility (Tidal Wave Auto Spa) on a 1.2-acre portion of a 2.1-acre parcel of land (GPIN S06a-1125-3051) located at 5441 George Washington Memorial Highway (Route 17) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a car wash facility (Tidal Wave Auto Spa) on a 1.2-acre portion of a 2.1-acre parcel of land (GPIN S06a-1125-3051) located at 5441 George Washington Memorial Highway (Route 17).
2. A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or construction activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "TIDAL WAVE AUTO SPA" prepared by AES Consulting Engineers and dated March 29, 2022, supplemented by the "Community Impact Assessment" prepared by AES Consulting Engineers (dated March 31, 2022, revised May 23, 2022), building elevations, traffic impact analysis, and sign type standards dated March 31, 2022.

3. Building architecture and design shall be in substantial conformance with the building elevations received by the York County Planning Division on April 1, 2022.
4. A single freestanding monument sign meeting the standards set forth in Article VII of the Zoning Ordinance shall be permitted on Route 17. All signage shall be in substantial conformance with the "Tidal Wave Auto Spa 2019 Signage Standards" prepared by Clayton Signs, a copy of which shall be kept on file in the office of the Planning Division.
5. A six-foot (6') board-on-board fence shall be installed on the west side of the property along the inside edge of the required Type 25 (25') transitional buffer along Grafton Drive. A minimum of 75% of the plantings within the transitional buffer shall be comprised of evergreen trees.
6. A three-foot (3') berm with a double row of eight-foot (8') tall evergreen trees maintaining branching to the ground spaced at ten foot (10') intervals and planted along the top of the berm shall be installed from the intersection of Grafton Drive and Martin Farm Road toward Route 17 wash.
7. The frontage along Route 17 shall be planted with eight-foot (8') tall evergreen trees maintaining branching placed to screen the tunnel carwash exit. No deciduous trees will be allowed.
8. A ten-foot (10') multi-use path shall be constructed along Route 17 per Virginia Department of Transportation standards.
9. 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 and the recorded copy shall be included in the site plans submitted to the County for review and approval 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: (0)

Nay: (6) Leedom, King, Criner, Smith, Peterman, Titus

Application No. UP-990-22, Barbara A. Toward: Request for a Special Use Permit, pursuant to Section 24.1-283 (category b, no. 1) of the York County Zoning Ordinance, to authorize a dog grooming facility as a home occupation with on-site customer/client contact on a 0.55-acre parcel (GPIN F14c-2488-0609) located at 600 Penniman Road (Route 641). The property is zoned R13 (High density single-family residential) and designated High Density Residential in the Comprehensive Plan.

Jeanne Sgroi, Management Analyst, summarized the staff report dated May 23, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a

recommendation of approval subject to the conditions set forth in proposed Resolution No. PC22-17.

Mr. King noted the language in the staff report stating that the proposed home occupation would have no adverse impacts, provided that it is operated in the manner described by the applicant, and he asked if there is any reason to believe it would not be operated as described.

Ms. Sgroi responded that there is not.

Mr. Cross explained that this is standard language that is included in all staff reports for home occupations.

Chairman Titus opened the public hearing.

Barbara Toward, 600 Penniman Road, stated that she has been operating for twelve years in a small retail center on Merrimac Trail around the corner from her home and has scaled down the operation and that she wants to get out of her current situation because there is a lot of activity in the shopping center, which is stressful for the dogs. She stated that she wants to move the operation to her home since her husband is disabled and she wants to be in the home in case there is an emergency. She said she has a loyal customer base and they are looking forward to the transition to her garage.

Mr. Criner asked is there is any overlap between dogs being dropped off and those being picked up.

Ms. Toward said there is not. She explained that customers make pre-scheduled appointments, bring the dog to be groomed, and return when the appointment is over. She stated there is seldom overlap unless somebody has a problem and cannot get there on time.

Chair Titus asked how many dogs would be on her property at any given time.

Ms. Toward responded that she has five dogs and would have no more than two customers' dogs at any one time, totaling a maximum of seven dogs. She stated that she would not groom noisy dogs at her home because it would not be fair to the neighbors to subject them to that noise.

Mr. Peterman asked what the building on the left side of the garage is used for.

Ms. Toward responded that it is a boat garage that the previous owner built and that she will not be using it for the business.

Ms. Leedom asked if she has spoken with the neighbors.

Ms. Toward responded that she has and that some of the neighbors are customers of hers.

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

Chair Titus asked Ms. Sgroi how many dogs are allowed to be kept on a residential property before it is considered a kennel.

Ms. Sgroi deferred to Mr. Cross.

Mr. Cross responded that he believed the limit is four or five dogs.

Mr. Smith moved the adoption of Resolution No 22-17

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE A DOG GROOMING FACILITY AS A HOME OCCUPATION WITH CUSTOMER/CLIENT CONTACT AT 600 PENNIMAN ROAD

WHEREAS, Barbara A. Toward has submitted Application No. UP-990-22 requesting a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a dog grooming facility as a home occupation on a 0.55-acre parcel (GPIN F14c-2488-0609) located at 600 Penniman Road (Route 641); 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 8th day of June, 2022, that Application No. UP-990-22 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a dog grooming facility as a home occupation on a 0.55-acre parcel (GPIN F14c-2488-0609) located at 600 Penniman Road (Route 641), subject to the following conditions:

1. This use permit shall authorize the establishment of a dog grooming facility as a home occupation on a 0.55-acre parcel (GPIN F14c-2488-0609) located at 600 Penniman Road (Route 641). Except as set forth herein, the establishment shall be operated in accordance with the sketch plan provided by the applicant and received by the York County Planning Division on June 1, 2022, and narrative description provided by the applicant and received by York County Planning Division on May 4, 2022, copies of which shall remain on file in the office of the Planning Division.
2. No person other than individuals residing on the premises shall be engaged in the home occupation.
3. Customer visits shall be 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.
4. 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.

5. In accordance with Section 24.1-607(a) of the Zoning Code, the driveway shall be “constructed with an all-weather surface, affording safe and convenient access, and passable by emergency vehicles at all times.”
6. The days and hours of operation shall be limited to Monday through Saturday between the hours of 9:00 AM and 5:00 PM.
7. 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.
8. 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 dog grooming facility.

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: (6) King, Criner, Smith, Peterman, Leedom, Titus
Nay: (0)

Application No. UP-991-22, Merit Anglin: 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 on a 6.3-acre parcel (GPIN C19d-4361-2284) located at 321 Oaktree Road (Route 786). The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

Mr. Anderson summarized the staff report dated May 27, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC22-18.

Mr. Smith asked for confirmation that there are no residents adjacent to the property.

Mr. Anderson responded that there are two single-family detached homes, one facing the house on the right and one next door, and that the applicant house is behind that one. He stated the applicant owns two of the homes.

Mr. Smith asked if any comments were received from the one adjacent property owner.

Mr. Anderson responded that a letter of support from the neighbor was distributed to the Commission tonight.

Chair Titus opened the public hearing.

Merit Anglin, 317 Oaktree Road, stated that she and her husband purchased the property in 2009 and intended it for an in-law suite for their parents. She said they decided to supplement their mortgage payment by offering it as a short-term rental when it is not being used by family members. She said they have made a significant investment in renovating the house and therefore would be very selective when screening potential applicants through Airbnb. She added that her neighbor is in favor of the application.

Mr. Smith asked if the applicants would be present in their home when the tourist home is rented.

Ms. Anglin responded that there would not be a third party involved with the rental of the property and that they would not accept rentals for times when she and her husband are out of town.

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

Mr. Criner stated that the application meets all the requirements and that he supports the application.

Mr. Criner moved the adoption of Resolution No. PC22-18

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 321
OAKTREE ROAD

WHEREAS, Merit Anglin has submitted Application No. UP-991-22 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on a 6.3-acre parcel (GPIN C19d-4361-2284) located at 321 Oaktree Road (Route 786); 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 8th day of June, 2022, that Application No. UP-991-22 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 single-family detached dwelling on a 6.3-acre parcel (GPIN C19d-4361-2284) located at 321 Oaktree Road (Route 786) subject to the following conditions:

1. This use permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on a 6.3-acre parcel (GPIN C19d-4361-2284) located at 321 Oaktree Road (Route 786). Except as set forth herein, the establishment shall be operated in accordance with the sketch plan, floor plans, and narrative description provided by the applicant and received

by the York County Planning Division on April 28, 2022, copies of which shall remain on file in the office of the Planning Division.

2. 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 prior to use of the dwelling as a tourist home.
3. Signage identifying the tourist home shall be prohibited.
4. The owners/operators of the tourist home shall reside on the property at 317 Oaktree Road during times of all tourist home rentals.
5. The term of this Special Use Permit shall terminate in the event that the applicant either ceases to own the subject property or ceases to reside at 317 Oaktree Road.
6. The maximum number of bedrooms shall be three (3), and the maximum number of guests occupying the tourist home at any one time shall be six (6). The minimum stay shall be three (3) nights and a maximum of fourteen (14) nights.
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. Any outside fire pits must be lit, supervised, and extinguished by the property owners.
8. The applicant shall provide documentation to the Department of Planning and Development Services as to the size, condition, and location of the existing septic system. Certification by a licensed and certified plumber shall be completed prior to use of the dwelling as a tourist home.
9. The applicant shall provide documentation to the Department of Planning and Development Services as to the size, condition, and location of the existing well system. Certification of the water quality shall be completed by an environmental testing laboratory prior to use of the dwelling as a tourist home.
10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to commencement of the tourist home use 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) Criner, Smith, Peterman, Leedom, King, Titus
Nay: (0)

Application No. UP-994-22, Riverside Heating and Air Conditioning: Request for a Special Use Permit, pursuant to Section 24.1-306 [Category 15, No. 4(b)] of the York County Zoning Ordinance, to authorize the establishment of a contractor's shop with outdoor/exposed storage on a 2.2-acre parcel (GPIN Q09d-2855-0789)

located at 8529 George Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

Amy Parker, Senior Planner, summarized the staff report dated May 31, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC22-19.

Mr. Smith asked how the buffer along Cockletown Road meets the condition requiring additional buffer for the nonconforming dwelling also if there is a driveway on that road.

Ms. Parker responded that driveways are permitted in the buffer.

Mr. Smith asked what about the additional vegetation buffering the nonconforming dwelling.

Ms. Parker responded that the 35-foot transitional buffer would be extended along the full length of the frontage.

Mr. Smith asked if there is a condition that the driveway be a hard surface or if it is going to be gravel.

Ms. Parker responded that the Zoning Ordinance requires the driveway to be paved.

Mr. Smith asked what type of stormwater management will be required at this location.

Ms. Parker responded that an engineering plan has not yet been prepared so specific details regarding stormwater management are unknown at this time. She said this would be addressed during site plan review.

Mr. Smith asked about the type and size of vehicles that would be exiting and entering the site. He stated he is trying to get an idea of how industrial the site will look.

Ms. Parker responded that there is an approval condition that the architecture be compatible with the building elevations that were submitted by the applicant. She said the vehicles would not include bulldozers or heavy industrial equipment, although there would be an occasional tractor-trailer delivering supplies or other commercial vehicles would be on the site.

Chair Titus asked if there would be an eight-foot fence around the entire outside storage area and what type of equipment will be stored outside.

Ms. Parker responded that there would be an eight-foot fence and deferred to the applicant as to the type of equipment.

Chair Titus asked about the driveway spacing requirement and wondered why it didn't also apply to the Tidal Wave application.

Ms. Parker responded that in its written comments, VDOT indicated that the parcel does not have enough frontage on Route 17 to accommodate an entrance because of the proximity of the Cockletown Road intersection.

Chair Titus opened the public hearing.

Taylor Rowe, 3327 Morning Mist Lane, Toano, stated that he operates a commercial and residential heating and air conditioning company and that there would only be standard trucks and vans and no heavy equipment or large vehicles on the site. He explained that he has outgrown his current facility and is looking for a site with more space, which this property provides. Additionally, he stated that no equipment or supplies would be stored over eight feet.

Chair Titus asked why he didn't consider a large building without outside storage.

Mr. Rowe responded that he did consider it but knew he would need the outside storage.

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

Mr. Peterman said he visited the property and that the vegetation is very dense and that with the required transitional buffer, the outside storage area will not be visible. He stated that he supports this application.

Mr. King stated he supports this application and feels staff has done everything it can do to mitigate of the visibility of the storage area from Route 17 and residential properties, or from the road.

Ms. Leedom said there will be plenty of buffer area between the properties.

Mr. Criner said it is a good use of the property and would be allowed as a matter of right if not for the outside storage, which the applicant will be screening.

Mr. Titus expressed concern about outside storage areas around the County that have become eyesores and that for that reason he would vote against the application.

Mr. Criner moved the adoption of Resolution No. PC22-19.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR
A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A
CONTRACTOR'S SHOP WITH OUTSIDE STORAGE AT 8529 GEORGE
WASHINGTON MEMORIAL HIGHWAY

WHEREAS, Riverside Heating and Air Conditioning has submitted Application No. UP-994-22 to request a Special Use Permit, pursuant to Section 24.1-306 [Category 15, No. 4(b)] of the York County Zoning Ordinance, to authorize the establishment of a contractor's shop with outdoor/exposed storage on a 2.2-acre parcel (GPIN Q09d-2855-0789) located at 8529 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 8th day of June, 2022, that Application No. UP-994-22 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit to authorize the establishment of a contractor's shop with outdoor/exposed storage on a 2.2-acre parcel (GPIN Q09d-2855-0789) located at 8529 George Washington Memorial Highway (Route 17), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a contractor's shop with outdoor/exposed storage on a 2.2-acre parcel (GPIN Q09d-2855-0789) located at 8529 George Washington Memorial Highway (Route 17).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land disturbance or construction activity on the subject site. Except as set forth herein, said site plan shall be in general conformance with the sketch plan titled "Sketch Plan; 8529 GW Highway, UP-994-22" and received by the Planning Division on May 20, 2022. Building architecture and design shall be generally compatible with building elevations received by the Planning Division on May 20, 2022. Copies of said plan and elevations shall remain on file in the Planning Division.
3. A single freestanding monument-type business identification sign meeting the standards set forth in Article VII of the Zoning Ordinance shall be permitted along George Washington Memorial Highway. Sign design and materials shall be compatible with the design and materials of the contractor's shop building.
4. All outside storage shall be limited to the area delineated as "fence area" on the sketch plan referenced in Condition #2 above. Said outdoor storage area shall be enclosed by solid opaque fencing having a height of eight feet (8') and designed and constructed of materials meeting the approval of the Zoning Administrator. Evergreen trees of a species that maintain branching to ground level and having a minimum planting size of six feet (6') shall be installed along the outside perimeter of the fencing at a minimum spacing of ten feet (10') prior to occupancy of the site for the contractor's shop. All materials and/or equipment kept within the outside storage area shall not extend above the top of the fencing.
5. Design and location of vehicle access points on Cockletown Road shall be in compliance with applicable standards of the Virginia Department of Transportation *Road Design Manual, Appendix F*.
6. All construction on the site shall be in compliance with the 2018 Virginia Construction Code, 2018 Statewide Fire Prevention Code, and the Virginia Uniform Statewide Building Code.
7. A water supply shall be established to supply 2,500 GPM (gallons per minute) in accordance with Newport News Water Works requirements.
8. All drive aisles shall have minimum inside turning radius of thirty-three feet (33') and shall have a minimum width of twenty feet (20').

9. Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet, approved aerial fire apparatus access roads shall be provided. Aerial fire apparatus access shall be provided with a minimum width of twenty-six feet (26'), shall be located within a minimum of fifteen feet (15') and a maximum of thirty feet (30') from the building, and shall be positioned parallel to one entire side of the building.
10. Fire hydrant spacing shall be a minimum of 400 feet in accordance with Newport News Water Works requirements. The locations of new fire hydrants, if required, shall be determined by Newport News Waterworks and a member of the Department of Fire & Life Safety/Prevention & Community Safety Division.
11. A Hazardous Materials Contingency Plan for all hazardous materials used or stored on the property shall be submitted to the Department of Fire and Life Safety for review and approval prior to occupancy of the site for the contractor's shop.
12. Type 35 (35-foot) transitional buffers meeting the requirements of Zoning Ordinance Section 24.1-243, *Transitional Buffers*, shall be established along the western and northern boundaries of the subject property prior to occupancy of the site for the contractor's shop.
13. 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 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)	Smith, Peterman, Leedom, King, Criner
Nay: (1)	Titus

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Cross stated that he had a chance to look up the answer to Chair Titus earlier question regarding the number of dogs that are allowed in a home and stated that more than four dogs constitutes a private kennel but only if the dogs are kept in an outside doghouse or pen or other accessory structure. He said there is no limit on the number of animals that can be kept in the dwelling.

He introduced Jacob Rizzio, who will be serving as an intern for the Planning Division this summer. He stated that Mr. Rizzio has been serving as the Youth Commission representative on the Comprehensive Plan Steering Committee and just completed his first year at the University of Virginia.

Mr. Cross referred to the June Development Activity Report, stating that at its May meeting, the Board of Supervisors approved the Commonwealth Green proffer amendments, which were considered by the Commission in April. He added that the Board will consider two tourist home applications, one on Baptist Road and one on Old Railway Road, at its June 21 meeting. Mr. Cross explained that because of a schedule conflict, the Tres Pollitos application for a tourist home on Allens Mill Road was deferred to the August 16 meeting. He also reported that the July Planning Commission agenda will include two applications for short term rentals, one in Carver Gardens and one on Shirley Road. Lastly, Mr. Cross reminded the Commission that the election of officers will be held next month.

COMMITTEE REPORTS

Mr. King stated that the York 2040 Committee has not met since the last Commission meeting.

COMMISSION REPORTS AND REQUESTS

Mr. Smith stated that he and Mr. Holroyd completed the Certified Planning Commissioner Program. He said it was a learning experience, and he thanked the Board for providing this opportunity. He stated that it was very well done and that he enjoyed interacting with fellow planning commissioners from other localities.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 8:56 PM.

SUBMITTED:


Catherine G. Tartabini
Planning Commission Secretary

APPROVED:


Glen D. Titus, Chair

DATE:

13 July 2022