

MINUTES
YORK COUNTY PLANNING COMMISSION
Regular Meeting
York Hall, 301 Main Street
January 11, 2023

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 Leedom called the meeting to order at 7:00 p.m.

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

Chair Leedom led the Pledge of Allegiance.

CALL TO ORDER

Chair Leedom 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. She explained that this responsibility is exercised through recommendations conveyed by resolutions or other official means, all of which are matters of public record. She 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. 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.

APPROVAL OF MINUTES

Mr. Criner moved to adopt the minutes of the regular meeting on December 14, 2022. The motion was approved (7:0).

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. ZM-195-23, Curt and Pamela Lang dba Mills Marine: Request to amend, pursuant to Section 24.1-114(h) of the York County Zoning Ordinance,

the voluntarily proffered conditions of approval applicable to a 0.4-acre parcel of land (GPIN U09a-1948-3780) located at 1737 Back Creek Road (Route 718), that was conditionally rezoned by the York County Board of Supervisors from RR (Rural Residential) to WCI (Water-oriented Commercial/Industrial) in January 2022. The applicants are requesting to amend the proffers by removing "boat service and repair" from the list of uses prohibited on the property and adding a condition stating that any boat servicing or repair work would be conducted indoors. The property is designated Limited Business in the Comprehensive Plan.

Timothy Cross, Deputy Director of Planning and Development Services, summarized the staff report dated December 20, 2022, stating that staff recommends that the Commission forward the application to the Board of Supervisors with a recommendation of approval through the adoption of Resolution No. PC23-1.

Mr. Holroyd stated that the sketch plan indicates a 27-foot buffer to the rear of the property but that Mr. Cross had indicated in his presentation that only a 12.5-foot buffer is required along the rear property line.

Mr. Cross responded that the applicants' sketch plan is in error and that the area labeled as a buffer should, in fact, be labeled as a 27-foot building setback, which represents 15% of the lot depth. He added that since the property is non-conforming, the Zoning Ordinance allows a reduced building setback.

Mr. Holroyd asked Mr. Cross about the Notice of Violation issued to the applicants.

Mr. Cross responded that the Notice of Violation was issued on December 13 of last year when a County Zoning Officer who happened to be in the area to inspect another property observed that boats and boat trailers were parked on the property even though there was no building and no site plan for the building had been submitted. He explained that the Notice of Violation directed the applicants to either remove the boats or submit a site plan for the building within thirty days of receiving the notice. He said the deadline for action is January 20.

Mr. Holroyd asked if a site plan has been submitted.

Mr. Cross responded that no site plan has been submitted.

Mr. Titus asked if there is a limit as to what type of boat servicing and repair would be permitted.

Mr. Cross responded that the Zoning Ordinance does not define boat servicing and repair.

Mr. Titus asked if the County can specify the type of boat servicing that would or would not be permitted on the property.

Mr. Cross responded that because this is a rezoning application and not a Special Use Permit application, the County cannot impose conditions and any conditions would have to be voluntarily proffered by the applicants.

Chair Leedom opened the public hearing.

Curt Lang, 1742 Back Creek Road, spoke as the applicant and owner of Mills Marina. He stated that the application is a request to amend the original proffer statement and the reason is that the applicants had been negotiating an offer to purchase property in Newport News on which to conduct boat repairs but it fell through. He stated that boat servicing is taking place on the Mills Marina property and that the applicants want to be able to work indoors out of the elements. Mr. Lang added that they do not rebuild boat motors and that their expertise is basic general repairs such as electrical and mechanical work, tune-ups, oil changes, etc. He said they do not perform overhauls because it is too time-consuming and he does not have the manpower. Mr. Lang displayed photos of the adjacent property to the north, which is owned by a citizen who sent an email objecting to the application citing, among other things, increased traffic. He stated that he did not think traffic would increase since they are already servicing boats at the marina. He said the photos show that the adjacent property and building are not being properly maintained, noting that siding has blown off onto his property and that part of the roof came off and almost hit one of the customers at the boat ramp. Mr. Lang added that traffic safety is not an issue because it is a dead-end street and vehicles slow down as they approach the marina. In conclusion, he stated that he wants to create a great environment and have a good and prosperous business.

Jeremy Cox, 405 Crockett Road, stated that he supports the Langs and that the marina provides a great environment. He stated that he loves the Seaford area and that his children enjoy making trips to the marina. He said the idea of a small business growing is great for the County.

John Moore, 105 Club Way, stated that he is the owner of a parcel adjacent to and across the street from the property in question. He stated that he supported Mr. Lang's original application to rezone the subject property from RR to WCI but that now he seems to be backtracking on the approved proffers. He noted that the proffers prohibit bait and tackle shops, fuel dispensing, and boat servicing but these activities are currently taking place at the marina. He asked for clarification.

Mr. Cross explained that the proffers pertain only to the property on 1737 Back Creek Road and not to the Mills Marina property.

Daniel Evans, 113 Montgomery Lane, stated that he supports Mr. Lang and his plans. He stated that marinas such as Mills Marina are either being purchased by conglomerates or being replaced with condominiums. He said the marina is critical to the County's boating community, noting that there are a lot of boaters in the County who rely on business owners like Mr. Lang who work on boats. Mr. Evans added that he understands concerns about noise, but he said that is just part of living on the water, noting that Seaford Scallop is located down the street and that on a quiet night he can hear noise from the fans from his home. In conclusion, he stated that marinas are important and that the County should do what it can to preserve them.

Mr. Cross stated that the applicant provided a letter of support from the owners of the adjacent property to the south, Joseph and Judy Howell, who live at 1733 Back Creek Road. He summarized the letter, which states that the property has always been used for boat storage, repairs, and other things and that as long as the Howells have lived there, the property has always been commercial, and that they have no objection to general repairs being conducted on the property as long there is normal consideration for time and noise.

Mr. Smith noted that the property is in a flood zone, and he asked if the building is going to be elevated and if that would cause the height of the building would block neighbors' views of the water.

Mr. Lang responded that he did not think that would be a problem because the building will not be any higher than existing houses that are on stilts and will not even be as tall the newest house in the neighborhood owned by Wayne Harbin.

Mr. Smith asked Mr. Lang if he plans to demolish the existing building.

Mr. Lang said that is correct.

Mr. Smith stated that he noticed an RV parked on the property.

Mr. Lang responded that he owns the RV in question.

Mr. Smith asked Mr. Lang to address the question of fuel tanks.

Mr. Lang responded that the fuel tanks are located on the marina property. He said that when he and his wife bought the marina, there were in-ground tanks on the property, and they went through the application process to have fuel dispensing at the marina. He said they had to remove the old tanks and replace them with above-ground tanks.

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

Mr. Peterman stated that the application supports small business in York County and that all the maintenance work would take place inside the building rather than outside as is currently the case and therefore would be better for the surrounding community.

Mr. Criner and **Mr. King** said they agreed with Mr. Peterman.

Mr. Titus stated that he supports the application.

Mr. Holroyd said he supports small business and is supportive of the proposal. He expressed concerns about the Notice of Violation and the applicants' failure to submit a site plan, which indicate that they are not following the rules that are set in place. He expressed his hope that the applicants will address the violation.

Mr. Smith stated that he supports the application and that all of his questions were answered. He said he supports small business and agrees that there is a need for small boat repair, especially in that area, and that he would rather see a facility available for this kind of work than have people do it in their backyard or on the street.

Ms. Leedom said she is from Seaford and has a lot of friends who take their children to the marina and that she supports the application.

Mr. Smith moved the adoption of Resolution No 23-1.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND PROFFERED CONDITIONS OF APPROVAL APPLICABLE TO A 0.4-ACRE PARCEL LOCATED AT 1737 BACK CREEK ROAD (ROUTE 718)

WHEREAS, on January 18, 2022, the York County Board of Supervisors approved Application No. ZM-191-21 to amend the York County Zoning Map by reclassifying a 0.4-acre parcel of land (GPIN U09a-1948-3780) located at 1737 Back Creek Road (Route 718) from RR (Rural Residential) to WCI (Water-oriented Commercial/Industrial) subject to conditions voluntarily proffered by the applicants; and

WHEREAS, Curt and Pamela Lang have submitted Application No. ZM-195-23 to amend, pursuant to Section 24.1-114(h) of the York County Zoning Ordinance, the proffered conditions referenced above by removing boat servicing and boat repair as prohibited uses on the subject property and requiring all servicing and repair work to be conducted indoors; and

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

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on the 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 11th day of January, 2023, that Application No. ZM-195-23 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to amend, pursuant to Section 24.1-114(h) of the York County Zoning Ordinance, the proffered conditions applicable to a 0.4-acre parcel of land (GPIN U09a-1948-3780) located at 1737 Back Creek Road (Route 718) as set forth in the proffer statement titled "Conditions Voluntarily proffered for the property located at 1737 Back Creek Road, Application Number ZM-195-23" and signed by Curt D. Lang and Pamela J. Lang on December 1, 2022.

BE IT FURTHER RESOLVED that the proffer statement referenced above shall supersede the proffer statement titled "CONDITIONS VOLUNTARILY PROFFERED FOR THE RECLASSIFICATION OF PROPERTY LOCATED AT 1737 BACK ROAD," signed by Curt D. Lang and Pamela J. Lang on October 28, 2021, and accepted by the York County Board of Supervisors on January 18, 2022, through the adoption of Ordinance No. 22-1.

BE IT FURTHER RESOLVED that in accordance with Section 24.1-114(e)(1) of the York County Zoning Ordinance, a certified copy of the ordinance accepting the proffered conditions, together with a duly signed copy of the proffer statement, 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

On a roll call the vote was:

Yea: (7) Titus, King, Criner, Smith, Peterman, Holroyd, Leedom
Nay: (0)

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Cross reported that at its December 20, 2022, meeting, the Board of Supervisors approved the Jeanette Brady Special Use Permit application on East Rochambeau Drive and the home hair salon application on Vine Drive. He stated that at its January 17 meeting, the Board will consider the tourist home application on West Semple Road that came before the Commission last year. Mr. Cross further stated that an application for a Special Use Permit to allow accessory golf cart sales at Cliff's Automotive on Route 17 is tentatively scheduled for the Commission's February 8 meeting. Lastly, Mr. Cross stated that this would be Amy Parker's last Commission meeting since she will be retiring at the end of this month after almost 21 years of County service and a total of forty years in local government. He stated that Ms. Parker has been a fantastic planner and a joy to work with and that the entire staff will miss her and wishes her well.

COMMITTEE REPORTS

Mr. King reported that the York 2040 Committee has devoted its last two meetings to a discussion of the draft Land Use element of the Comprehensive Plan. He stated that the staff did a great job of incorporating the items previously discussed by the Committee, including the proposal for an area plan for Lightfoot. He added that most of the future land use designations are not recommended to change but that some changes are necessary to reflect the land use changes that have occurred since the previous Plan update. Mr. King stated that the Committee's next task will be to review the draft Environment element once it is ready. He encouraged everyone to visit the project website and review the draft Land Use element and let him or the staff know if they have any comments. He added that Mr. Holroyd attended these meetings as a citizen and asked him if he would like to make any comments.

Mr. Holroyd responded that the only other significant point was the recommendation to remove the Mixed Use overlay designation the Plan, except in the Marquis area. Otherwise, he said he felt Mr. King had captured the essence of the discussions very well.

COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

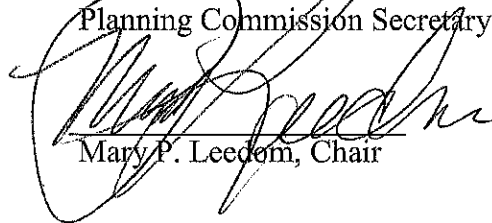
ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:47 PM.

SUBMITTED:


Catherine G. Tartabini
Planning Commission Secretary

APPROVED:


Mary P. Leedom, Chair

DATE:

3-8-2023