

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**  
Regular Meeting  
York Hall, 301 Main Street  
April 12, 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.

**ROLL CALL**

The roll was called and all Commissioners were present except Mr. Criner. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Richard E. Hill, Jr., Deputy County Attorney; 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 Leedom** led the Pledge of Allegiance.

**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.

**APPROVAL OF MINUTES**

**Mr. Titus** moved to adopt the minutes of the regular meeting on March 8, 2023. The motion was approved (6:0).

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. UP-1005-23, Cliff's Automotive LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, to authorize auto or light truck sales, rental, and service—specifically golf cart sales—on a 1.9-acre parcel (GPIN Q09d-2984-0580) located

at 8427 George Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

**Jeanne Sgroi**, Management Analyst, summarized the staff report dated March 24, 2023, 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. PC23-5.

**Chair Leedom** opened the public hearing.

**Chris Fairbanks**, 201 Blacksmith Arch, spoke as the applicant and introduced his partner, Ryan Jenkins. He said he has been contacted by a golf cart dealer about the possibility of selling electric golf carts at Cliff's Automotive. He stated that since acquiring the businesses, he has made numerous maintenance and other improvements to the property. He added that he would prefer not to have to close one of the existing entrances on Route 17 just to be able to sell golf carts, and he understood that it was recommended by VDOT. Mr. Fairbanks stated that golf carts are very popular, especially in the neighborhoods around Cliff's Automotive, and that this would be a good addition to the business.

**Mr. Smith** asked about maintenance of golf carts and asked if there were any concerns about storage of lead acid batteries.

**Mr. Fairbanks** responded that there is not much maintenance required for the batteries and that there are procedures for disposing of them properly. With regard to maintenance of the carts themselves, he stated it would not be much different from normal vehicle maintenance and would involve the same tools.

**Mr. Smith** asked if there would be any maintenance performed on gas-powered golf carts.

**Mr. Fairbanks** responded that the trend is toward electric golf carts and that gas-powered golf carts have smaller engines. He said small engine repair is not a service offered at Cliff's.

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

**Mr. Smith** stated that he felt it was a straightforward application and that he supports it.

**Mr. Holroyd** stated that it will be important for the additional plantings to be located such that they do not become a traffic hazard for people exiting the site. He said this is an improvement and he supports the application.

**Mr. Peterman** stated that he supports the application, adding that Cliff's has a good reputation and that the new owners are working hard to restore it to its previous condition.

**Mr. King, Mr. Titus, and Chair Leedom** agreed with the other Commissioners.

**Mr. Smith** moved the adoption of Resolution No PC23-5.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE AUTO/LIGHT TRUCK SALES, RENTAL, AND SERVICE—LIMITED TO GOLF CART SALES—AT 8427 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, Cliff's Automotive LLC has submitted Application No. UP-1005-23 to request a Special Use Permit to authorize Auto/Light Truck Sales, Rental, and Service—limited to golf cart sales, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 1.9-acre parcel (GPIN Q09d-2984-0580) located at 8427 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 12 day of April, 2023, that Application No. UP-1005-23 to request a Special Use Permit to authorize Auto/Light Truck Sales, Rental, and Service—limited to golf cart sales, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 1.9-acre parcel (GPIN Q09d-2984-0580) located at 8427 George Washington Memorial Highway (Route 17) subject to the following conditions:

1. This Special Use Permit shall authorize Auto/Light Truck Sales, Rental, and Service—limited to golf cart sales, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 1.9-acre parcel (GPIN Q09d-2984-0580) located at 8427 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 York County Department of Planning and Development Services, Division of Development Services, prior to the commencement of any construction or land disturbing activities on the subject property. Said site plan shall be in substantial conformance, except as modified herein, with the sketch plan submitted by the applicant and received by the Planning Division on February 28, 2023, a copy of which shall be kept on file in the office of the Planning Division.
3. The golf cart sales operation shall be established and operated in substantial conformance, except as modified herein, with the narrative description submitted by the applicant and received by the Planning Division on February 28, 2023, a copy of which shall be kept on file in the office of the Planning Division; and in accordance with the provisions set forth in Section 24.1-476, Standards for all motor vehicle and transportation related uses, of the York County Zoning Ordinance.
4. The area of the golf cart display parking area shall be no larger than six-hundred square feet (600 sq. ft.).

5. No more than five (5) golf carts shall be displayed outside at any given time.
6. Golf carts shall be displayed in no location other than the six-hundred square foot area shown on the sketch plan submitted by the applicant and received by the Planning Division on February 28, 2023.
7. All golf carts displayed on the subject property shall be powered solely by electric energy.
8. All golf carts shall be stored inside of the building during the hours that Cliff's Automotive is not operating.
9. The applicant shall plant four (4) evergreen shrubs of at least two feet (2') in height in the north east corner of the property along Route 17.
10. The southern driveway shall be closed and converted into a landscape yard that meets the standards set forth in Section 24.1-244 of the Zoning Ordinance prior to the commencement of the proposed use.
11. Golf carts shall not be stored on the property until York County's Department of Fire and Life Safety has completed an inspection of the business.
12. An updated emergency contact form shall be submitted to the York-Poquoson-Williamsburg Emergency Communications Center (EEC) prior to the commencement of the proposed use.
13. A Knox Box (3200 Series) shall be installed on the building prior to the commencement of the proposed use.
14. 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 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: (6)        Smith, Peterman, Holroyd, Titus, King, Leedom

Nay: (0)

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**Application No. UP-1006-23, Hans Hohlrieder:** Request for a Special Use Permit to authorize the establishment of an Auto/Light Truck Sales, Rental, and Service facility, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 4.1-acre parcel (GPIN C18a-1465-3836) located at 100 Ashby Park Drive (Route 1037). The property is zoned EO (Economic Opportunity) and designated Economic Opportunity in the Comprehensive Plan.

**Timothy Cross**, Deputy Director of Planning and Development Services, summarized the staff report dated April 3, 2023, 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 Resolution No. PC23-6(R). He explained that the revised resolution includes the corrected hours of operation.

**Mr. Holroyd** stated that he attended the applicant's community meeting with the Arbordale Homeowners' Association, and he complimented the applicant for having the meeting to address residents' questions. He stated that two concerns unrelated to the application that were voiced by attendees had to do with a desire for more street lights on Ashby Park Drive and for creating a median break at the intersection of Ashby Park Drive and Mooretown Road, and he asked the County to look into those.

**Mr. Cross** responded that the County can look into the street light issue but that he did not think VDOT would make any modifications to the intersection in the absence of a documented safety problem.

**Chair Leedom** opened the public hearing.

**Gregory Davis**, 2421 Pates Creek, Williamsburg, spoke as the representative of the applicant, Hans Hohlrieder, who he introduced along with his colleague at Kaufman and Canoles, Benny Zhang, and the project engineer, Rich Barnes from ATCS. He stated that Mr. Hohlrieder has operated a family business in York County for thirty years and is excited to bring a second Auto Haus dealership to the County. He stated that the plan for the dealership shows an additional 15-foot landscaped buffer next to the existing 35-foot Transitional Buffer located in the adjacent Arbordale townhouse development. Mr. Davis stated that the landscape buffer would be augmented by a six-foot opaque fence, and that the neighbors' reaction to both the style and color of the fence has been positive. He briefly summarized this issues and questions raised at the community meeting with Arbordale residents mentioned by Mr. Holroyd, noting that the applicant stated that he has never had any problems with his neighbors at any of his other locations. He stated that in response to a question about customers taking test drives through the neighborhood, he explained that Auto Haus specializes in high-performance European cars that potential buyers typically take out on a major road, such as Route 199 or Interstate 64, in order to test their performance. With regard to a question about the hours of construction, Mr. Davis responded that they would generally be from 7:00 AM to 4:30 PM. He noted that after the community meeting, a member of the Arbordale Board of Directors sent an email stating that all of the residents' concerns had been addressed. Mr. Davis also noted that in response to a request from both residents and the Planning staff, the sketch plan has been revised such that the dumpster is further away from both the residents and a tributary stream that feeds into Waller Mill Reservoir. He said there would be no outdoor speakers or paging systems and that lighting will be oriented away from the townhouses. In addition, he stated that the dealership would not generate significant traffic, with almost no nighttime activity other than a few after-hours vehicle drop-offs. Mr. Davis asked the Commission to recommend approval of the application and offered to answer questions.

**Mr. Smith** asked if nearby residents raised the issue of pedestrian and bicycle activity on Ashby Park Drive at the community meeting and if any consideration had been given to adjusting the plan to accommodate this activity.

**Mr. Davis** responded that there is a tradeoff between providing landscaping and accommodating pedestrians but that the applicant would take that into consideration during the site plan stage if that is the will of the Commission.

**Kathleen Busch**, 333 Capeside Court, asked Mr. Holroyd why there would be a need for the County to provide additional street lighting along Ashby Park Drive if Auto Haus is going to provide additional lighting.

**Mr. Holroyd** responded that the concern was raised by residents who walk along Ashby Park Drive and want additional lighting.

**Ms. Busch** stated that she loves the fact that there is no County lighting along that road and does not think there is a need for additional lighting. She stated that she and her husband frequently ride their bikes on Ashby Park Drive and that they have never had a concern about lighting.

**Mrs. Busch** asked if the proposed fence would be made of wood or vinyl.

**Ms. Leedom** responded that the fence would be made of vinyl.

**Ms. Busch** said that while she and her husband would prefer that the property remain undeveloped, they understand that they do not own the land, and they are pleased with the Auto Haus proposal.

**Arlen Busch**, 333 Capeside Court, stated that after talking with the applicant at the community meeting, all of his concerns have been allayed. He said the applicant's desire to have a good relationship with his neighbors is obvious and that, compared to the possible alternatives, he is comfortable as a resident of Arbordale with having Auto Haus as a neighbor. He thanked the applicant for his proactive efforts to address neighbors' concerns.

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

**Mr. Cross** commented that in his presentation he neglected to mention that there are standards in the Zoning Ordinance that address site lighting. He stated that maximum lighting levels on the south and east sides of the property are lower than normal since they abut residential property. In addition, he stated that full cut-off lighting fixtures that are designed to minimize spillover light onto adjacent properties will be required.

**Mr. Smith** commended the applicant for his interaction with the neighborhood and noted that all concerns have been addressed by the applicant. He recommended that the applicant consider the walkers when developing the site plan and stated that he supports the application.

**Mr. Holroyd** moved the adoption of Resolution No 23-6(R).

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF AN AUTO/LIGHT TRUCK SALES, RENTAL, AND SERVICE FACILITY AT 100 ASHBY PARK DRIVE

WHEREAS, Hans Hohlrieder has submitted Application No. UP-1006-23 to request a Special Use Permit to authorize the establishment of an Auto/Light Truck Sales, Rental, and

Service facility without body work or painting, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 4.1-acre parcel (GPIN C18a-1465-3836) located at 100 Ashby Park Drive (Route 1037); 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 12th day of April, 2023, that Application No. UP-1006-23, be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to request a Special Use Permit to authorize the establishment of an Auto/Light Truck Sales, Rental, and Service facility, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 4.1-acre parcel (GPIN C18a-1465-3836) located at 100 Ashby Park Drive (Route 1037) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an Auto/Light Truck Sales, Rental, and Service facility without body work or painting, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, on a 4.1-acre parcel (GPIN C18a-1465-3836) located at 100 Ashby Park Drive (Route 1037).
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 York County Department of Planning and Development Services, Division of Development Services, prior to the commencement of any construction or land disturbing activities on the subject property. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan titled "CONCEPTUAL LAYOUT: AUTOHAUS CAR DEALERSHIP, #100 ASHBY PARK DRIVE" prepared by ATCS and dated February 15, 2023, a copy of which shall be kept on file in the office of the Planning Division.
3. Building architecture and design shall be in substantial conformance with the building rendering submitted by the applicant, a copy of which shall be kept on file in the office of the Planning Division.
4. The auto dealership shall be established and operated in accordance with the provisions set forth in Sections 24.1-476, Standards for all motor vehicle and transportation related uses, and 24.1-375, Watershed Management and Protection Area overlay district, of the York County Zoning Ordinance.
5. Normal hours of operation shall be from 8:00 AM to 6:00 PM Monday through Friday and from 9:00 AM to 4:00 PM on Saturdays. The facility shall be closed on Sundays. This shall not preclude emergency service and repair work from being performed after normal working hours on an occasional, as-needed basis.

6. An opaque fence at least six feet (6') in height shall be installed along the eastern and southern property boundaries as depicted on the referenced sketch plan. The design of the fencing shall be subject to approval by the Zoning Administrator and shall be generally as depicted in the fence detail submitted by the applicant, a copy of which shall be kept on file in the office of the Planning Division.
7. As part of the site plan review process, the developer shall submit a photometric plan demonstrating compliance with the site lighting provisions set forth in Section 24.1-260(f) of the Zoning Ordinance. All site lighting shall be designed to limit illumination intensity to not more than 0.1 footcandle at the eastern and southern perimeter property lines and 0.5 footcandle at the northern and western property lines.
8. Pursuant to Section 24.1-376(e)(4) of the Zoning Ordinance, the dumpster enclosure depicted in the southeastern corner of the subject parcel on the referenced sketch plan shall either be relocated so as to be more than 500 feet from the 200-foot watershed buffer along any tributary stream or be under roof and designed such that leachate from the receptacle cannot escape unfiltered and untreated.
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 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: (6)        Smith, Peterman, Holroyd, Titus, King, Leedom  
Nay: (0)

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## OLD BUSINESS

There was no old business.

## NEW BUSINESS

**Proposed Capital Improvements Program, FY 2024-2029:** Certify the proposed Capital Improvements Program for conformance with the Comprehensive Plan in accordance with Section 15.2-2232 of the Code of Virginia.

**Mr. Cross** stated that every year the Commission is asked to adopt a resolution certifying that the projects in the County Administrator's proposed Six-Year Capital Improvements Program (CIP) are in conformance with the goals and objectives of the Comprehensive Plan. He noted that staff has provided a cross-reference table linking the different projects to one or more of the goals, objectives, and strategies in the Comprehensive Plan, and he recommended adoption of Resolution No. PC23-7 to certify conformance.

Mr. Smith moved to adopt Resolution No. PC23-7.

A RESOLUTION TO CERTIFY CONFORMANCE OF THE PROPOSED YORK COUNTY CAPITAL IMPROVEMENTS PROGRAM FOR FISCAL YEARS 2024 THROUGH 2029 WITH THE YORK COUNTY COMPREHENSIVE PLAN

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

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

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

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 12th day of April, 2023, that it does hereby certify the County Administrator's Proposed Capital Improvements Program for Fiscal Years 2024 through 2029 as being in conformance with *Charting the Course to 2035: The County of York Comprehensive Plan*.

On a roll call the vote was:

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

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## STAFF REPORTS

**Mr. Cross** reported that he had no Board of Supervisors actions to report since there were no land use cases on the Board's March 21, 2023, meeting agenda. He stated that at its April 18 meeting, the Board will consider the Rich Road home gunsmithing and firearms sales application considered by the Commission in March. In addition, Mr. Cross reported that there are several cases tentatively scheduled for May 10 Planning Commission meeting: the rezoning and Special Use Permit applications for expansion of Dodd RV on Route 17 that were originally scheduled for the April meeting but were postponed at the applicant's request, a Special Use Permit application for a car wash on Route 17 that would replace an existing car wash, an application for a four-bedroom boarding house on Lewis Drive in Seaford, and two use permit applications for tourist homes, one on Penniman Road and the other on Wilkins Drive in the York Terrace subdivision.

## COMMITTEE REPORTS

**Mr. King** reported that the York 2040 Committee held its 34<sup>th</sup> and final meeting last week, but he stressed that the process is not over and encouraged the Committee members to stay engaged until it is complete. He said Mr. Green of the Board of Supervisors encouraged the Committee to stay together and be available to work on other issues that might come up which the County may need a citizen body to study and make recommendations. Mr. King encouraged the Commission members to start reading the draft Comprehensive Plan, which is available on the project web site, and let staff or him know if they have any questions or concerns.

**Mr. King** asked Mr. Cross if he had any comments, and Mr. Cross responded that staff will be making a few changes to the draft Plan and once that is done, the revised draft will be posted on the website, and each of the Commissioners will be given a hard copy. He said there is no firm timetable but that the Planning Commission public hearing could be as soon as the June meeting.

**Mr. King** reminded the Planning Commission that its top priority is to produce a Comprehensive Plan for the locality, and he encouraged everyone to take it seriously.

**Mr. Holroyd** commented that he thought Mr. Cross and Mr. King did a phenomenal job of wrapping up the Committee meeting process and entertaining the comments from both the citizens and the Steering Committee. He stated that although not every comment was incorporated into the Plan, the vast majority were.

**Mr. King** thanked Mr. Holroyd for his comments and thanked the staff for ensuring that everything went smoothly.

### **COMMISSION REPORTS AND REQUESTS**

There were no Commission reports or requests.

### **ADJOURN**

There being no further business to discuss, the meeting was adjourned at 8:00 PM.

#### **SUBMITTED:**

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Catherine G. Tartabini  
Planning Commission Secretary

#### **APPROVED:**

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Mary P. Leedom, Chair

#### **DATE:**

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