

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
May 10, 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.

**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 except Glen D. Titus. Staff members present were Timothy C. Cross, Deputy Director of Planning and Development Services; Richard E. Hill, Jr., 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.

**APPROVAL OF MINUTES**

**Mr. Holroyd** request that the April 12, 2023, minutes be amended to reflect his statement recommending that the County request VDOT to conduct a study of the intersection of Mooretown Road and Ashby Park Drive because he felt it should not have to wait for an accident to occur.

**Mr. Holroyd** moved to adopt the minutes of the regular meeting on April 12, 2023, as amended. The motion was approved (5:0), with Mr. Criner abstaining.

**CITIZEN COMMENTS**

There were no citizen comments.

**PUBLIC HEARINGS**

**Application No. ZM-196-23, Carson Group, LLC:** Request to amend the York County Zoning Map by reclassifying a 1.4-acre parcel (GPIN R07a-1457-3862) located at 111 Faulkner Road (Route 1231) from R20 (Medium Density Single-family Residential) to GB conditional (General Business). The property is designated Medium Density Residential and General Business in the Comprehensive Plan. The R20 district is intended to provide opportunities for medium density single-family residential development. The GB district is intended to provide opportunities for a broad range of commercial activities. The Medium Density Residential designation is intended to provide opportunities for single-family detached housing having a maximum density of 1.75 dwelling units per acre. The General Business designation is intended to provide opportunities for retail and other commercial uses oriented primarily toward supplying goods or services for a community or regional market. The applicant has proffered the use of the property for recreational vehicle sales and display without body work or painting.

**Application No. UP-1004-23, Carson Group, LLC:** Contingent on approval of the rezoning application above, this application is a request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 5a) of the York County Zoning Ordinance, to authorize the establishment of a recreation vehicle sales and display use without body work and painting on a 6.5-acre site located at 6903 and 6909 George Washington Memorial Highway (Route 17) and 111 Faulkner Road, respectively (GPINs R07a-1449-4220, R07a-1610-4256, and R07a-1457-3862). The Route 17 properties are zoned GB (General Business) and are designated General Business in the Comprehensive Plan. The Faulkner Road property, which is the subject of the rezoning application listed above, is zoned R20 (Medium Density Single-family Residential) and designated Medium Density Residential and General Business in the Comprehensive Plan.

**Earl Anderson**, Senior Planner, summarized the staff reports dated April 26, 2023, 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 Nos. PC23-3 and PC 23-4.

**Mr. Holroyd** asked if he understood correctly that RV maintenance takes place not on the subject properties but on the property on the opposite side of Faulkner Road.

**Mr. Anderson** said that is correct.

**Mr. Holroyd** asked about the hours of operation.

**Mr. Anderson** referred to the applicant's narrative and stated that the hours of operation would be 8:00 AM to 6:00 PM, Monday through Saturday. He added that the narrative is referenced in the proposed resolution.

**Mr. Holroyd** asked Mr. Anderson if he has received any negative feedback on the application from the Dunmoore neighborhood.

**Mr. Anderson** responded that he has not receive any feedback from any of the surrounding neighbors.

**Chair Leedom** opened the public hearing.

**Charlotte Kendle**, 209 Faulkner Road, asked if there would be a buffer to block views of the RVs. She stated that the subject property used to be maintained by the previous owner but is not well-maintained by the current owner and has become an eyesore. She said she respects Dodd RV and is thankful they will clean up the property, and she suggested the property should be completely finished before any approval of further development occurs.

**Sharon Shields**, 209 Faulkner Road, stated that she was speaking on behalf of her mother Charlotte Kendle. She stated that the County should hold Dodd RV accountable for its promise to install the transitional buffer before making any other changes to the property. She noted that Dodd RV has promised to install an opaque fence, lighting, and nice landscaping for aesthetics and safety. Ms. Shields said she is in favor of progress but that her parents purchased the home at 209 Faulkner Road and two adjacent properties as a legacy to their family, and that needs to be considered.

**Jane Floyd**, 301 Faulkner Road, stated that she is a neighbor of Ms. Kendle and Ms. Shields, and she expressed concerns about the appearance of the subject property, which she said is not adequately maintained by Dodd RV, and also about traffic and the absence of a buffer. She said the applicant needs to take the people who live on Faulkner Road into consideration.

**Kevin Mahaffy**, 203 Terrebone Road, said his biggest concern is the buffer between his property and the property at 111 Faulkner Road. He said an attractive privacy fence tall enough to screen views of the RVs is definitely needed and should be installed, along with the landscape buffer, before anything else is built.

**Mike Ware**, 4000 George Washington Memorial Highway, spoke on behalf of the applicant as his attorney. Mr. Ware explained that the relocation of Country Lane was important and required the vehicles to be relocated from one property to the other. He stated that the addition of the property to the commercial property that Dodd currently owns has several benefits, which include providing more space to move the units and allowing the retention pond to be enlarged to address stormwater concerns since the property is in the watershed area. He stated that the fence is going to be six feet tall, well designed, and made of wood. He added that Mr. Dodd has commercial a landscaper who maintains the property and that he would look into the neighbors' concern although he hasn't any major deficiencies in the maintenance. Mr. Ware said that Dodd RV has left the transitional buffer less manicured because the expectation is with a 35-foot buffer, it is desirable to have as much growth in that area so that small saplings will start to mature by the time development begins. He stated that there would not be any repairs or painting on-site and he offered to answer questions.

**Mr. Peterman** stated that the property is flat and currently has no impervious surface and that stormwater runoff will increase significantly when the property is developed. He stated that he doesn't feel the retention pond will be large enough, and he recommended that the applicant consider utilizing a more permeable surface than asphalt.

**Mr. Ware** responded that asphalt is needed to support the vehicles and that the project engineers have indicated that the retention ponds are adequate.

**Mr. Peterman** reiterated his opinion that the pond will not be adequate and he asked that the engineers take this into consideration when they prepare the detailed site plan.

**Mr. Ware** responded that numerous calculations were performed and taken into consideration and that one of the factors driving the acquisition of the Faulkner Road property was to try and get more green space so the pond could be enlarged. He added that the County will make sure the calculations are accurate before any site work is done. He added that the engineers spent a significant amount of time researching other areas with permeable surface and underground retention and determined that it is not feasible because of the weight of the vehicles.

**Mr. King** stated that the transitional buffer will have to be planted with landscaping that is approved by the County and that Dodd RV will be responsible for maintaining that buffer, which is very important to the citizens who live near the site. He said he wanted the citizens to understand that Dodd RV will be responsible for maintaining the transitional buffer and the County will be responsible for making sure it is done correctly and that the citizens can talk to the County if they feel the buffer is not being maintained adequately.

**Mr. Ware** responded that the buffer belongs to Dodd RV and they will be required to maintain it.

**Mr. Smith** stated that the six-foot fence seems small given the size of the vehicles and he asked if the applicant has considered installing a taller fence.

**Mr. Ware** responded that they have not and that they are working within the parameters of what the County has asked of them. He added that the fence will be made of wood for aesthetic purposes. In addition, he expressed concern about a taller fence's ability to withstand high winds.

**Mr. Smith** suggested that as part of the detailed site planning, consideration be given to increasing the height of the fence.

**Mr. Smith** asked about site lighting.

**Mr. Ware** responded that lighting will be directed inward toward the site with minimal spillover light on the transitional buffer.

**Mr. Smith** noted that one of the citizens had commented on the noise from the loudspeaker system, and he stated that in a recent application for an auto dealership, the applicant indicated that he communicates with his employees by text or phone. He suggested that the applicant consider that as a way to reduce noise.

**Mr. Ware** stated that right now it is just a field with vehicles parked on it and that he doesn't believe there are any loudspeaker apparatuses in place.

**Mr. Holroyd** asked about the possibility of installing a latticework type of fencing at the top of the six-foot fence, which he said would not have the wind loading effect and would be more decorative and address the neighbors' concerns.

**Mr. Ware** responded that the applicant is open to suggestions and wants to be a good neighbor.

**Mr. King** commented that the County code requires all lighting to be retained on site with no spillover onto adjacent homes and that this will be addressed during site plan review.

**Mr. Ware** agreed and stated that from a legal standpoint, it is lighting trespass and it becomes offensive in nature, and the plan has been designed to address this issue.

**Mr. Smith** expressed support for the application.

**Mr. King** stated he supports application and that he believes that with the conditions of the Special Use Permit and the proffers, the residents will be better off.

**Mr. Smith** moved the adoption of Resolution No PC23-3.

A RESOLUTION TO RECOMMEND APPROVAL OF A REQUEST TO RECLASSIFY A 1.4-ACRE PARCEL OF LAND LOCATED AT 111 FAULKNER ROAD (ROUTE 1231) FROM R20 (MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL) TO GB CONDITIONAL (GENERAL BUSINESS)

WHEREAS, Carson Group, LLC has submitted Application No. ZM-196-23 requesting to amend the York County Zoning Map by reclassifying from R20 (Medium Density Single-Family Residential) to GB conditional (General Business) a 1.4-acre parcel (GPIN R07a-1457-3862) located at 111 Faulkner Road (Route 1231); and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with the 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 10<sup>th</sup> day of May, 2023, that Application No. ZM-196-23 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to amend the York County Zoning Map by reclassifying from R20 (Medium Density Single-Family Residential) to GB conditional (General Business) a 1.4-acre parcel (GPIN R07a-1457-3862) located at 111 Faulkner Road (Route 1231) subject to the voluntarily proffered conditions set forth in the proffer statement titled "PROFFERS, CARSON GROUP, LLC," signed by James E. Dodd, Managing Member of Carson Group, LLC, and dated March 28, 2023, a copy of which shall remain on file in the office of the Planning Division.

BE IT FURTHER RESOLVED that the proffer statement referenced above shall supersede the proffer statement titled "Proffer Conditions for Applications No. ZM-115-07," signed by Manouch M. Meymendi on October 4, 2007, and accepted by the York County Board of Supervisors on December 18, 2007, through the adoption of Ordinance No. 07-23.

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 approving this application, 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 prior to the approval of a site plan for the property.

On a roll call the vote was:

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

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**Mr. Smith** moved the adoption of Resolution No 23-4.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A RECREATIONAL VEHICLE SALES AND DISPLAY USE WITHOUT BODY WORK AND PAINTING AT 6903 AND 6909 GEORGE WASHINGTON MEMORIAL HIGHWAY (ROUTE 17) AND 111 FAULKNER ROAD (ROUTE 1231)

WHEREAS, Carson Group, LLC has submitted Application No. UP-1004-23, which requests a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), to authorize the establishment of a recreational vehicle sales and display use without body work and painting on a 6.5-acre site located at 6903 and 6909 George Washington Memorial Highway (Route 17) and 111 Faulkner Road (Route 1231), respectively (GPINs R07a-1449-4220, R07a-1610-4256, and R07a-1457-3862); and

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

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10th day of May, 2023 that Application No. UP-1004-23 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval for a Special Use Permit, pursuant to Section 24.1-306 of the York County Zoning Ordinance (Category 12, No. 5a), to authorize the establishment of a recreational vehicle sales and display use without body work and painting on a 6.5-acre site located at 6903 and 6909 George Washington Memorial Highway (Route 17) and 111 Faulkner Road (Route 1231), respectively (GPINs R07a-1449-4220, R07a-1610-4256, and R07a-1457-3862), subject to the following conditions:

1. This Special Use Permit authorizes the establishment of a recreational vehicle sales and display use without body work and painting on a 6.5-acre site located at 6903 and 6909 George Washington Memorial Highway (Route 17) and 111 Faulkner Road (Route 1231), respectively (GPINs R07a-1449-4220, R07a-1610-4256, and R07a-1457-3862).
2. A site plan prepared in accordance with the provisions set forth in Article V of the York County Zoning Ordinance shall be submitted within sixty (60) days of the Board of Supervisors approval of this Special Use Permit. The site plan shall be submitted to and approved by the York County Development Services Division prior to the commencement of any land clearing or development activities on the subject property. Said site plan shall be in substantial conformance, except as modified herein, with the sketch plan titled "SITE LAYOUT PLAN, DODD RV OF THE PENINSULA" prepared by ATCS, received in the Planning Division on

April 13, 2023, a copy of which shall be kept on file in the office of the Planning Division. Construction of the use shall begin within six (6) months of approval of this Special Use Permit by the Board of Supervisors.

3. All interior property lines shall be vacated prior to the approval of the site plan.
4. The recreational vehicle business on the subject property shall be limited to sales, storage, and/or display of recreation vehicles. Servicing vehicles on the subject property shall be prohibited.
5. The remaining single-family detached home and all accessory structures located at 111 Faulkner Road shall be used only for storage.
6. Building architecture and design shall be in substantial conformance with the elevation submitted with this application, and along with signage shall be in compliance with Section 24.1-378 of the Zoning Ordinance (Route 17 Corridor overlay district). Building elevations demonstrating compliance with said regulations shall be submitted to the Development Services Division for approval prior to the issuance of building permits for any building on the subject property. Free-standing identification signage shall be monument-type. A comprehensive signage plan shall be submitted to the Development Services Division for approval prior to building plan approval.
7. A Type 35 (35') Transitional Buffer shall be installed along property lines adjacent to residential uses. The buffer shall be supplemented with a wooden fence a minimum of six feet (6') in height. Said fencing shall be installed along the inside edge of the Transitional Buffer with the finished sides of the fencing facing the residential properties.
8. A Type 50 (50') Transitional Buffer shall be installed along the property lines adjacent to the 111 Faulkner Road property. The buffer shall be supplemented with a wooden fence a minimum of six feet (6') in height. Said fencing shall be installed along the inside edge of the Transitional Buffer with the finished sides of the fencing facing the residential properties up to and around the existing single-family detached home.
9. Placement of any vehicles, trailers, or recreation vehicles with logos or signage for the business shall be prohibited from parking within the display area between Route 17 and the building.
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(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to application for site plan approval.

BE IT FURTHER RESOLVED that this resolution shall supersede R18-32 previously approved by the York County Board of Supervisors on May 15, 2018.

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) King, Criner, Smith, Peterman, Holroyd, Leedom

Nay: (0)

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**Application No. UP-1009-23, Donald & Theresa Newsom:** 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 0.3-acre parcel (GPIN G13b-2567-4171) located at 1203 Wilkins Dr. (Route 720). The property is zoned R13 (High Density Single-Family Residential) and is designated High Density Residential in the Comprehensive Plan.

**Jeanne Sgroi**, Management Analyst, summarized the staff report dated April 26, 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. PC23-9.

**Mr. King** asked if the neighbors who provided signed letters of support live immediately adjacent neighbors to the subject property.

**Ms. Sgroi** presented a map indicating that four of the six letters were from immediately adjacent property owners.

**Chair Leedom** opened the public hearing.

**Donald Newsom**, 131 Dennis Drive, spoke as the applicant, complimenting Ms. Sgroi on her presentation and research. He stated that he is about to retire and is responsible for taking care of his family financially. He said he spoke with one of the next-door neighbors, who signed the statement, which was not included in the application materials. He said no one he spoke to expressed opposition to the application. Mr. Newsom said he is a professional landscaper and takes care of the property himself. He said he and his wife have operated a tourist home in James City County for about four years and his wife does an excellent job such that there have been no problems or complaints. He added that the County would benefit from the tax revenue that would be generated by the proposed tourist home. Mr. Newsom offered to answer questions.

**Mr. Peterman** stated that there are already three short-term rentals in the neighborhood, and he expressed concern that converting this home into a short-term rental would remove an affordable house from the County's housing stock when there is already a shortage of affordable housing.

**Mr. Newsom** responded that he appreciated Mr. Peterman's concern and stated that he has three other long-term rental in the area that have been occupied by the same residents for ten to twenty years. He said they are sensitive to the affordable housing issue and that in the case of this home, he feels the proposed tourist home is best for his family.

**Mr. Holroyd** stated that he has visited the applicant's residents while campaigning and stopped by four times on the weekends and has not found either Mr. or Ms. Newsom to be at home. He said the neighbors have indicated that the applicant runs a landscape business and is rarely home on the weekends. He said this raises the question of how he can operate a tourist home if he is required to be at home and available to answer questions.

**Mr. Newsom** responded that his landscape company is as close as his house is to the proposed tourist home and that he is available on call.



**Mr. Holroyd** responded that the proposed conditions of approval require him to be at home during times of rental. He added that he shares Mr. Peterman's concern about affordable housing, and he asked why there are landscape vehicles parked at two other properties that he owns and operates as long-term rentals.

**Mr. Newsom** responded that one of the tenants is a landscaper and has been told to remove the equipment from the lawn.

**Mr. Holroyd** stated that the Zoning Ordinance prohibits landscaping businesses as a home occupation in the R13 zoning district. He stated that as the property owner, Mr. Newsom, is responsible.

**Mr. Newsom** responded that he is not sure if the tenant is running a business from the home or just parking equipment on the property.

**Theresa Newsom**, 131 Dennis Drive, spoke as the co-applicant, explaining that she and her husband are often at home and that sometimes go on vacation but they always make sure there is someone available to manage the family business. She said their son has operated a tourist home in James City County, and in three and a half years, there has never been an instance when someone did not respond quickly to a problem, such as a lost key or an air conditioning unit failing to come on. She said this is how they maintain their 4.9 to 5.0 customer rating, and she said many of the customer reviews say she is a great host and can always be reached by phone.

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

**Mr. Peterman** said he does not see a need another short-term rental in this area and that it would take an affordable house away from someone who might need to rent the home on a long-term basis.

**Mr. Holroyd** stated that the applicants own seven properties in the immediate area of York Terrace and Queens Lake and applauded them for having several long-term rentals but added that he is concerned when he sees zoning violations on some of them rentals. He repeated that he has visited the applicants' home on several occasions but was not able to speak to the applicants personally, and he questioned their ability to run a tourist home when they are not present at their home.

**Mr. Criner** moved the adoption of Resolution No 23-9.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO  
AUTHORIZE A TOURIST HOME IN AN EXISTING DWELLING AT 1203  
WILKINS DRIVE

WHEREAS, Donald and Theresa Newsom have submitted Application No. UP-1009-23 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 0.3-acre parcel (GPIN G13b-2567-4171) located at 1203 Wilkins Drive (Route 720); 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 10<sup>th</sup> day of May, 2023, that Application No. UP-1009-23 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 0.3-acre parcel (GPIN G13b-2567-4171) located at 1203 Wilkins Drive (Route 720) 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 0.3-acre parcel (GPIN G13b-2567-4171) located at 1203 Wilkins Drive (Route 720). Except as set forth herein, the establishment shall be operated in accordance with the floor plan, sketch plan, and narrative description provided by the applicant and received by the York County Planning Division on April 6, 2023, copies of which shall remain on file in the office of the Planning Division.
2. The owner/operators of the tourist home shall reside and be present at 131 Dennis Drive during times of all tourist home rentals.
3. The tourist home shall be rented out as a whole house only. Rental of individual rooms shall be prohibited. The maximum number of guests occupying the tourist home at any one time shall be six (6).
4. A minimum of four (4) parking spaces shall be provided on-site. No more than four (4) vehicles parked shall be parked on the property at any one time. On-street parking shall be prohibited.
5. No signage advertising the tourist home shall be permitted.
6. 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.
7. The term of this Special Use Permit shall expire upon the termination of ownership of the subject property by the applicant.
8. The applicant shall be responsible for obtaining a new Certificate of Occupancy and 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.
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 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: (3) Criner, Smith, King  
Nay: (3) Peterman, Holroyd, Leedom

The motion failed on a 3:3 vote.

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**Application No. UP-1011-23, KSMA WASH VA, LLC:** 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 on a 1.3-acre parcel of land (GPIN R07d-3517-2273) located at 6440 George Washington Memorial Highway (Route 17). The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

**Earl Anderson**, Senior Planner, summarized the staff report dated April 28, 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. PC23-10.

**Mr. Smith** asked about the status of the adjacent property.

**Mr. Anderson** responded that site plan approval is forthcoming and a Land Disturbing Activity permit has been issued for demolition of the structure.

**Mr. Smith** asked the proposed car wash will be the same type of tunnel car wash as has been approved on the adjacent property.

**Mr. Anderson** responded that the tunnel will be in basically the same location as the existing self-service bays so it is basically the same use. He added that the adjacent car wash would offer detailing services, while the proposed car wash will not.

**Mr. Smith** asked if VDOT had expressed any concerns about the proposed exit onto Route 17.

**Mr. Anderson** responded that VDOT expressed no concerns but did request that a warrant analysis be performed by the applicant to determine if a right turn lane is needed to prevent vehicles turning into the car wash from slowing down through-traffic on Route 17.

**Mr. Holroyd** asked if there would be a canopy system over the vacuum stations.

**Mr. Anderson** responded there would be open-air vacuum stalls.

**Mr. Holroyd** asked if there would be anything to hide the pipes and hoses.

**Mr. Anderson** responded that the building will screen the vacuum stalls from Route 17 and staff wasn't concerned about the vacuum stalls in this case since they would be located to the rear of the property and would not face Route 17.

**Mr. Holroyd** stated there is nothing in the proposal that states how loud the drying tunnel would be. He stated that this was a problem with the Tidal Wave Auto Spa on Mooretown Road and that

he would like to see a condition of approval in the resolution specifying a maximum allowable decibel rating.

**Mr. Anderson** asked Mr. Holroyd who would be affected by noise given that there are no residences near the site.

**Mr. Holroyd** responded that it is still a property line issue and that he feels the County should not be allowing high noise-generating businesses. He stated that Tidal Wave has been known to generate noise levels of 105 to 110 decibels.

**Mr. Anderson** stated that the Commission can add a condition limiting noise levels if it so desires. He noted that the County is working on updating the noise ordinance but he doesn't know the status of that effort. He stated that staff is not concerned about the noise since there are no homes near the property, the car wash would not be open late at night, and it is a General Business use surrounded by other General Business uses.

**Mr. Holroyd** responded that he is concerned because in the case of Tidal Wave there was no way to go back and correct the situation.

**Chair Leedom** opened the public hearing.

**Tyler Rosá**, 222 Central Park Avenue, Virginia Beach, spoke as the attorney for the applicant and thanked staff for the presentation and hard work on this application. He said the site would be operated by Tommy's Express Car Wash, which has over forty years of experience developing and operating car wash facilities and currently has 153 locations around the country. With regard to market saturation, he stated that there would be no net increase in car washes since the applicant would be replacing an existing car wash with a new car wash that meets current landscaping and Route 17 Corridor overlay district requirements and will be environmentally better because it will utilize technologies that use less water than traditional car washes. He added that the car wash would be able to serve a wider variety of vehicles than a traditional car wash cannot and that the applicant's market and demographic analyses have found the local market will support this car wash despite being next to another car wash. Mr. Rosá stated that there has not been a sound study conducted on this site but that Tommy's does utilize industry-leading technologies and the car wash will be no louder than any other car wash system and is likely to be quieter than the existing car wash facility and would abide by any noise regulations that the Commission decides to impose. In addition, he said the car wash would generate less traffic since it would not have three oil change facilities and would have only one tunnel car wash. He said the vacuum stations would have some aesthetic treatments supplemented with the enhanced landscaping on the site. With regard to spill containment facilities, he stated that the existing facilities will most likely need to be replaced and that all applicable environmental requirements will be followed. Mr. Rosá asked the Commission to recommend approval and offered to answer questions.

**Mr. Smith** asked Mr. Rosá to expand on the market study regarding the feasibility of a third car wash facility in the area.

**Mr. Rosá** responded that he is not privy to those studies but that Tommy's does have requirements for franchises and he does not believe they would make this kind of investment without an understanding that the market can accommodate this facility.

**William Duguay**, 110 Heritage Place, spoke as the property owner, stating that he built the existing Cruz Thru in 1999 and ran the business until the COVID-19 pandemic. He said that when he decided to sell the business, he wanted to make sure the new owners would be good stewards of the property, and he said that after doing some research, he found the new owners are credible and are willing to spend an enormous amount of money to buy the property and improve it. He said of the car wash would generate significant tax revenue and he encouraged the Commission to recommend approval.

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

**Mr. King** stated that this is an opportunity to build a beautiful facility and upgrade the site. He said that he is not opposed to reasonable limitations but that he is not concerned about the noise because it is a commercial area with no residential areas around it. He said competition is a good thing and that he is happy that someone is making an investment in the County and bringing a site up to the current standards and that he supports application.

**Ms. Leedom** agreed with Mr. King and stated that the proposed redevelopment would be an improvement.

**Mr. Holroyd** stated that his only concern is the absence of a maximum decibel level set forth in the resolution. He said that although it is not a residential area, he believes there should be some reasonable limit on the level of noise that can be generated by a car wash on this property.

**Mr. Smith** stated that before the presentation, he was concerned about having too many car wash facilities in a small area. He stated that since the property is already occupied by an existing car wash, there would be no net increase, and the developer will be improving the property.

**Mr. King** commented that he is not opposed to setting a decibel limit but that he doesn't want to arbitrarily pick a number that doesn't work. He stated he does not have the depth of technical knowledge to do that and deferred to staff and the applicant's attorney for guidance. He said this is an intensive commercial area and added that the Harley Davidson business nearby probably generates more noise than a car wash.

**Mr. Cross** responded that County staff is working on amending the noise ordinance and he suggested treating this development like any other use subject to the same standards set forth in the noise ordinance. He noted that the property is along a busy four-lane highway that will be widened to six lanes within the next ten years and that traffic noise may be louder than the vacuums, so he said he doesn't see any reason to subject this car wash to a stricter noise standard than any other commercial use in the County.

**Mr. Smith** agreed and stated that the existing facility has been in place a long time and probably had older technology and was probably louder and yet it generated no violations or complaints. He said he would hate to create an arbitrary restriction.

**Ms. Leedom** agreed and stated that she lives in Seaford and that improving this property is a welcome change.

**Mr. Criner** moved the adoption of Resolution No 23-10.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A CAR WASH AT 6440 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, KSMA WASH VA, LLC has submitted Application No. UP-1011-23 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 on a 1.3-acre parcel of land (GPIN R07d-3517-2273) located at 6440 George Washington Memorial Highway (Route 17); and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with the 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 10th day of May, 2023, that Application No. UP-1011-23 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, for the establishment of a car wash facility on a 1.3-acre parcel of land (GPIN R07d-3517-2273) located at 6440 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 on a 1.3-acre parcel of land (GPIN R07d-3517-2273) located at 6440 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 "SITE CONCEPT, TOMMY CAR WASH" dated 3/20/2023 and "CONCEPT LANDSCAPE PLAN" dated 3/30/2023 prepared by Kimley Horn.
3. Building architecture and design shall be in substantial conformance with the building rendering titled "TOMMY'S EXPRESS CAR WASH, EXTERIOR ELEVATIONS" submitted to the Planning Division on April 5, 2023.
4. A single freestanding monument sign meeting the standards set forth in Article VII of the Zoning Ordinance shall be permitted along George Washington Memorial Highway.
5. A right-turn warrant analysis shall be submitted for approval by the Virginia Department of Transportation prior to the approval of a site plan for the development.
6. 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 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, King, Criner, Leedom  
Nay: (1)        Holroyd

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**Application No. UP-1012, Richard Chisman:** Request for a Special Use Permit to authorize the establishment of a four-bedroom boarding house, pursuant to Section 24.1-306 (Category 2, No. 5) of the York County Zoning Ordinance, on a 0.7-acre parcel of land (GPIN T08b-3008-4693) located at 120 Lewis Drive (Route 628). The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

**Timothy Cross**, Deputy Director of Planning and Development Services, summarized the staff report dated May 1, 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. PC23-11(R). He explained that the revised resolution includes a condition limiting the number of occupants to a maximum of one per bedroom.

**Ms. Leedom** asked about the kitchens.

**Mr. Cross** explained that there are two upstairs kitchen facilities in the building addition, one of which will have to be removed since there would be a total of three kitchens, including the kitchen in the main house, which would trigger compliance with the commercial building code. Mr. Cross stated that one of the kitchens will have to be completely removed whether or not this application is approved.

**Chair Leedom** opened the public hearing.

**Richard Chisman**, 120 Lewis Drive, stated that years ago he visited the former Building Official to obtain a building permit to convert the upstairs space into an apartment and was informed that it could not be used as an apartment and that he could attach the two buildings together to create a single residence, so that is what he did. He said he obtained permits for the work.

**Patricia Crenshaw**, 117 Lewis Drive, stated that she has nothing personal against the applicant but she does have concerns about having a boarding house next to the other houses on the street. She said she is concerned about the safety of the neighborhood because there would be no control over the type of people who would be living in the house. She added that she had a letter signed by most of the neighbors on the street stating they are opposed to a boarding house.

**Mr. Cross** stated that the letter was forwarded to the Commission.

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

**Mr. Smith** stated he does not support the application because of the narrow road, the opposition of the neighbors, the history of the property, the setback issues, and the Notices of Violation.

**Mr. Peterman** stated that he visited the property and that he had to pull his vehicle over into a resident's driveway in order to allow an oncoming vehicle to pass. He said that adding any more traffic on the narrow road would be unsafe. He said he does not support the application.

**Mr. Criner** stated that he does not support the application because of the narrow road and the opposition of the neighbors.

**Mr. King** agreed with his fellow Commissioners and stated that he does not support the application because even though the increase in traffic would be small, it is not an ideal situation for the people who live there.

**Mr. Smith** moved the adoption of Resolution No 23-11(R)

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE  
PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A BOARDING HOUSE  
AT 120 LEWIS DRIVE

WHEREAS, Richard Chisman has submitted Application No. UP-1012-23 to request a Special Use Permit to authorize the establishment of a four-bedroom boarding house, pursuant to Section 24.1-306 (Category 2, No. 5) of the York County Zoning Ordinance, on a 0.7-acre parcel of land (GPIN T08b-3008-4693) located at 120 Lewis Drive (Route 628); 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 10<sup>th</sup> day of May, 2023, that Application No. UP-1012-23 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a four-bedroom boarding house, pursuant to Section 24.1-306 (Category 2, No. 5) of the York County Zoning Ordinance, on a 0.7-acre parcel of land (GPIN T08b-3008-4693) located at 120 Lewis Drive (Route 628) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a four-bedroom boarding house, pursuant to Section 24.1-306 (Category 2, No. 5) of the York County Zoning Ordinance, on a 0.7-acre parcel of land (GPIN T08b-3008-4693) located at 120 Lewis Drive (Route 628).



2. Rentals shall be limited to individual bedrooms and shall be limited to a maximum of four bedrooms, with no more than one resident per bedroom, on the second story of the existing two-story attached building addition as depicted on the sketch plan titled "120 LEWIS DRIVE: PROPOSED BOARDING HOUSE", a copy of which shall be kept on file in the office of the York County Planning Division.
3. No rental of rooms shall occur prior to the issuance of a Certificate of Occupancy for the boarding house use by the York County Division of Building Safety.
4. Rooms shall be rented only for non-transient occupancy as defined by the Zoning Ordinance (90 or more continuous days). Rentals for transient occupancy (less than 90 continuous days) shall be prohibited.
5. Rental of rooms within the principal dwelling or in the detached storage building located to the rear of the property shall be prohibited.
6. A minimum of six parking spaces shall be provided on the property, and emergency vehicle access shall be maintained at all times.
7. The rental area shall be limited to a maximum of one kitchen or kitchenette. One of the two existing kitchens/kitchenettes depicted on the applicant's floor plan, a copy of which shall be kept on file in the office of the Planning Division, shall be fully removed prior to the issuance of a Certificate of Occupancy for the boarding house.
8. The existing 40-inch wide pass-through opening in the wall depicted on the applicant's floor plan shall be maintained.
9. The means of egress system shall be maintained in accordance with the applicable building code and Chapter 10 of the Statewide Fire Prevention Code (SFPC) to provide a continuous and unobstructed path of travel from any point in the structure to the public way.
10. Means of egress doors shall be maintained and, to the extent required by the Building Code in effect at the time of construction, shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort.
11. Required emergency escape openings shall be maintained in accordance with the Building Code in effect at the time of construction and, to the extent required by the Code in effect at the time of construction, shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates, or similar devices shall be permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with the Building Code that was in effect at the time of construction, and such devices shall be releasable or removable from the inside without the use of a key, tool, or force greater than that which is required for normal operation of the escape and rescue opening.
12. Smoke detectors shall be installed in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms in accordance with Section 314 of the 2018 Virginia Residential Code. All smoke detectors shall be maintained and kept in working conditions at all times.

13. Carbon monoxide detectors shall be installed in the building if it has fuel-burning appliances.
14. An inspection of the building shall be completed by a member of the Department of Fire and Life Safety prior to the renting of any rooms, and any violations discovered shall be corrected prior to occupancy. The property owner shall be responsible for contacting the Department of Fire and Life Safety to schedule the inspection.
15. Hazardous materials shall not be stored in the storage area located on the first floor below the rentable space of the building.
16. At least one fire extinguisher shall be installed on each floor of the building with a minimum rating of 2A:10BC. The locations shall be determined by the Department of Fire and Life Safety
17. Storage on the first floor shall not consist of excessive combustible materials and shall be maintained in an orderly condition at all times.
18. Any grills used on the property shall not be used on combustible balconies or decks and shall be used in compliance with Section 308.1.4 of the Virginia Statewide Fire Prevention Code.
19. 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 the issuance of a Certificate of Occupancy for the boarding house.

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) Peterman, Holroyd, King, Criner, Leedom, Smith

Following the vote, **Mr. Chisman** asked to address the Commission.

**Chair Leedom** recognized Mr. Chisman.

**Mr. Chisman** stated that he is eighty years old and was born and raised on Lewis Drive. He said he has two older brothers who need a place to live, and he asked if they can occupy the space above the building addition.

**Mr. Cross** responded that they can as long as they do not pay rent. He added that one of the kitchens must be removed.

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**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

There was no new business

**STAFF REPORTS**

**Mr. Cross** reported that at its April 18, 2023, meeting, the Board of Supervisors denied the application for a gunsmithing and firearms sales home occupation on Rich Road, for which the Commission recommended approval at its March meeting. He reported that at its May 16, 2023, meeting, the Board will consider the Special Use Permit Applications to allow accessory golf cart sales at Cliff's Automotive on Route 17 and to authorize an Auto Haus car dealership on Moooretown Road. Mr. Cross stated that at its June 14, 2023, meeting, the Commission will hold a public hearing on the draft Comprehensive Plan, and he noted that the draft Plan has been posted on the County website and that copies were distributed to the members tonight. He recommended that the Commission hold at least one work session, hopefully in June, and he asked the Commissioners to check their calendars and let him know what dates they are available. Also on the June 14<sup>th</sup> agenda, he added, are an application for a home day care center in Wythe Creek Farms and an application for rental of rooms for non-transient occupancy on Seaford Road. In addition, he noted that the June meeting will be the last regular meeting for Mr. Peterman, who will have served two full four-year terms and is not eligible for reappointment. Lastly, he introduced Caitlin Aubut, who has been working in the Development Services Division for more than four years and will be joining the Planning Division on May 22, 2023. He said she will be filling the position vacated by Amy Parker, who retired at the end of January.

**COMMITTEE REPORTS**

There were no committee reports.

**COMMISSION REPORTS AND REQUESTS**

There were no Commission reports or requests.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 9:16 PM.

**SUBMITTED:**

\_\_\_\_\_  
Catherine G. Tartabini  
Planning Commission Secretary

**APPROVED:**

\_\_\_\_\_  
Mary P. Leedom, Chair

**DATE:**

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