

Application No. UP-1021-23, LA Tint: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 4) of the York County Zoning Ordinance, to authorize an auto body service establishment within the Schroeder Center shopping center located at 1900 George Washington Memorial Highway (Route 17). The 1.7-acre property (GPIN S03d-4070-0367) is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

Earl Anderson, Chief of Development Services, summarized the staff report dated October 2, 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. PC23-22.

Chair Smith opened the public hearing.

David Han, 127 John Rolfe Drive, Newport News, spoke as the applicant and stated that he had been in business in California for 25 years and moved to this area two years ago and had planned to open up a shop but it took him a while to find a location. He stated that the work would be performed primarily by himself and that he expects to work on no more than two or three cars per day.

Mr. Criner asked what the applicable laws are regarding window tinting.

Mr. Han responded that for two-door and four-door vehicles, the standard is 50% on the front side windows, which he said is very light, and 35% on the back of the vehicle. He said that for trucks and minivans, the back windows can be as dark as the owner wants, but the front is limited to 50%. He explained that the higher the number is, the lighter the film on the window is. Mr. Han added that the law was changed this year to say that police cannot pull over a vehicle just for window tinting and that the police would have to have some other reason for pulling over the vehicle before issuing a ticket for a tinting violation.

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

Mr. Titus commented that although this is a good land use for this location, he feels there are too many automobile repair facilities on Route 17.

Mr. Holroyd stated that it is a good use of the building.

Mr. Smith agreed and said it is a compatible use for that building.

Mr. King moved the adoption of Resolution No. PC23-22.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR
A SPECIAL USE PERMIT TO AUTHORIZE AN AUTO SERVICE
ESTABLISHMENT AT 1900 GEORGE WASHINGTON MEMORIAL
HIGHWAY

WHEREAS, LA Tint has submitted Application No. UP-1021-23 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 12, No. 4) of the York County Zoning Ordinance, to authorize the establishment of an auto service establishment within the Schroeder Center

shopping center on a 1.7-acre parcel (GPIN S03d-4070-0367) located at 1900 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 11th day of October, 2023, that Application No. UP-1021-23 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of an auto service establishment within the Schroeder Center shopping center on a 1.7-acre parcel (GPIN S03d-4070-0367) located at 1900 George Washington Memorial Highway (Route 17), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an auto body service establishment in an existing unit within the Schroeder Center shopping center on a 1.7 acre parcel (GPIN S03d-4070-0367) located at 1900 George Washington Memorial Highway (Route 17).
2. The auto body service establishment shall be operated in compliance with the performance standards set forth in Sections 24.1-378, *Route 17 corridor overlay district*, 24.1-475, *Standards for all motor vehicle and transportation related uses*, and 24.1-479, *Standards for vehicle body work and painting*, of the Zoning Ordinance.
3. Auto service on the subject property shall be limited to vehicle window tint installation and sales.
4. Noise from the proposed use shall be contained within the subject retail center unit and shall not be audible from adjacent properties.
5. The rear door to the garage within the subject unit shall remain closed at all times when vehicle body service is occurring.
6. Temporary overnight outdoor storage and parking of vehicles waiting for repair or pickup shall be permitted for a maximum of seventy-two (72) hours, and shall be restricted to the allotted parking spaces located behind the retail center. Vehicles parked on the property shall not impede emergency access at any time.
7. The subject retail unit shall be inspected York County Department of Fire and Life Safety prior to occupancy.
8. The property shall be in compliance with the 2018 Statewide Fire Prevention Code. A hazardous materials management plan shall be submitted to the Department of Fire and Life Safety for review if hazardous materials are stored within the subject retail unit.

9. No portion of the subject property shall be used as an auto storage yard as defined in Section 24.1-104 of the Zoning Ordinance, or for the storage of motor vehicle parts or supplies.
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 owners, Ron P and Ok-Soon Schroeder, as grantor in the office of the Clerk of the Circuit Court.

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