

COUNTY OF YORK

MEMORANDUM

DATE: August 6, 2013 (PC Mtg. 8/14/13)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. ZM-144-13, MRP Enterprises, LLC

ISSUE

This application seeks to amend the York County Zoning Map by reclassifying an 8.6-acre parcel of land located at 131 White's Road (Route 1216) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions. The purpose, according to the applicant, is to allow for future expansion of an adjacent mini-storage warehouse facility located at 7307 George Washington Memorial Highway (Route 17). The property, further identified as Assessor's Parcel No. 24-134, is located on White's Road approximately 900 feet west of its intersection with George Washington Memorial Highway (Route 17) and is designated for Medium Density Residential development in the Comprehensive Plan.

DESCRIPTION

- Property Owner: JoAnn Edelin et als (applicant is contract purchaser)
- Location: 131 White's Road (Route 1216)
- Area: 8.6 acres
- Frontage: 25 feet on unpaved White's Road right-of-way
- Utilities: Public water and a private septic system
- Topography: Gentle slopes from east to west
- 2025 Land Use Map Designation: Medium Density Residential
- Zoning Classification: R20 (Medium-density single-family residential)
- Existing Development: Single-family detached home
- Surrounding Development:
 - North: Mini-storage warehouse facility
 - East: Single-family detached homes

South: Single-family detached homes

West: Undeveloped Newport News Waterworks property

- Proposed Development: Single-story mini-storage warehouses (approximately 81,400 square feet, according to the applicant's description)

BACKGROUND

Over nine years ago, Mr. Kenneth Dale Moore – dba MRP Enterprises, LLC – submitted a rezoning (from R20 to IL-Limited Industrial) and Special Use Permit application to authorize the establishment of a mini-storage warehouse facility on 9.7 acres of land located at 7307 George Washington Memorial Highway. Both applications were approved by the Board of Supervisors on May 18, 2004. The site was approved for a maximum of 92,500 square feet of storage space. Additional development on the site consists of a helipad (which was a permitted use in the IL zoning district at the time but now requires a Special Use Permit), a contractor storage yard, and, on the GB-zoned portion of the property along Route 17, a multi-tenant commercial building.

In March 2006, the Board approved an application to amend the conditions of approval by increasing the amount of mini-storage space by 20,000 square feet, increasing the total allowable warehouse space to 112,500 square feet. The approved site plan for the development shows fifteen (15) warehouse buildings with a combined total of 111,000 square feet. The site (referred to herein as “Stor Moore” although it is one of three Stor Moore mini-storage facilities in the County) is now almost fully developed, with one 12,800-square foot climate-controlled warehouse building yet to be built.

CONSIDERATIONS/CONCLUSIONS

1. The subject parcel is located at the end of the unpaved extension of the right-of-way for White's Road (Route 1216) and is occupied by a single-family detached home built in 1974. White's Road extends approximately 700 feet in a westerly direction from Route 17 and intersects with Second Street (Route 1294), which extends for approximately 460 feet and terminates in a cul-de-sac. The property is surrounded by residential, commercial/industrial, and conservation property. To the east is a residential subdivision of single-family detached homes that was platted in 1954, with another subdivision to the south that was platted in 1964. Immediately to the north is the previously mentioned Stor Moore warehouse facility owned and operated by the applicant, and to the west is undeveloped watershed property owned by Newport News Waterworks. The Comprehensive Plan designates this area for Medium Density Residential development; accordingly, the property is zoned R20, which allows single-family detached homes with a minimum lot size of 20,000 square feet.
2. The subject parcel abuts a tributary stream that feeds into the Harwoods Mill Reservoir. Consequently, development of the property will be subject to the provisions of the Watershed Management and Protection Area (WMP) overlay district set forth in Section 24.1-376 of the Zoning Ordinance. These performance standards require that a 200-foot wide undisturbed buffer be maintained along the stream and prohibit certain

uses – septic tanks and drainfields, feedlots or other livestock impoundments, trash containers and dumpsters that are not under roof, fuel storage in excess of 50 gallons, sanitary landfills, and hazardous materials storage – within 500 feet of that buffer. Almost the entire parcel (approximately 8.1 acres, or 94%) is within either the 200' or the 500' buffer. In addition, the developer will be required to submit an impact study analyzing pre- and post-development stormwater runoff and identifying proposed runoff control and reservoir protection measures addressing both the rate and quality of runoff.

In addition, since this is a perennial stream, a 100-foot vegetative Chesapeake Bay RPA (Resource Protection Area) buffer is required to be maintained along the landward edge of the stream and any adjacent wetlands. The developer will be required to submit a Natural Resources Inventory, and a site specific in-field determination of natural resources must be made and then verified by County staff.

3. The subject parcel is served by public water, but sanitary sewer service is not available in the surrounding area and there are no plans to extend sewer in the near future. The *County's Strategic Capital Plan for Water, Wastewater and Stormwater* ranks the White's Road area as 18th out of 19 areas being considered for eventual sewer extension. In the current ten-year Capital Improvements Program (CIP), a total of \$3.5 million – \$500,000 in FY2021-22 and \$3 million in FY2022-23 – is programmed for an extension of the public sewer system to serve the White's Road/Faulkner Road area. Mini-storage warehouses do not require public sewer.

In the absence of public sewer, residential development opportunities available for this property under the existing R20 zoning are very limited. Pursuant to Section 24.1-204 of the Zoning Ordinance, properties such as this one that have public water but not public sewer are subject to a minimum lot size of 1.5 acres, regardless of the zoning (except in the RC district, where the minimum lot size is 5 acres with or without public utilities). Whereas the R20 zoning on an 8.6-acre lot would ordinarily yield up to 15 single-family lots, the lack of public sewer reduces the potential lot yield to a maximum of 5 lots. However, as noted above, septic tanks are not permitted on 94% of the subject parcel, which further limits the development potential to one additional home in the northeast corner of the property, which is outside the 500-foot buffer area where septic systems are not allowed. The existing home was built in 1974 and is served by a private septic system in a location that would not have been permitted under the current standards.

4. The subject parcel directly abuts seven residentially zoned parcels, four of which are occupied by single-family detached homes and three of which are vacant (one home having been demolished in January 2013). The Zoning Ordinance requires a Type 50 (50-foot) landscaped transitional buffer between the IL and R20 zoning districts. It should also be noted that although the applicant is requesting to rezone the subject parcel to IL for consistency with the existing Stor Moore facility of which this would be an expansion, single-story mini-storage warehouses are also permitted with a use permit in the GB (General Business) zoning district. In fact, the existing facility is the only IL-zoned mini-storage facility in the County; all the rest – other than a

nonconforming storage facility on an RR-zoned parcel on Fenton Mill Road – are on property zoned either GB, LB (Limited Business), or EO (Economic Opportunity). In all three of these zoning districts, the required transitional buffer is only 35 feet. To provide additional screening of the site from adjacent residential properties, the applicant has proffered to provide a 75-foot landscaped buffer along the eastern and southern property boundaries, as shown on the attached sketch plan. The cumulative effect of these buffers and the 200-foot watershed management buffer to the rear is to ensure that almost half of the site (an estimated 47%) will be preserved as green space.

The applicant has also proffered to greatly limit the range of uses that will be permitted on the property if the application is approved. Specifically, the only permitted uses would be the following:

- single-story mini-storage warehouses,
- recreational vehicle, truck, and boat storage, and
- storage sheds and/or utility buildings for sales/display

This is far more restrictive than the proffered list of prohibited uses that applies to the existing facility approved in 2004. This condition ensures that the property will not be used as a contractor's storage yard or for other IL uses that would not be appropriate in this location. Once accepted by the Board of Supervisors, proffered conditions run with the land and thus are binding not just on the applicant but on any future owners of the property as well. Any change to the proffers would have to be approved by the Board of Supervisors and would require Planning Commission review and public hearings.

Lastly, the applicant has proffered that the property will be developed in general conformance with the attached sketch plan, which depicts a total of nine (9) warehouse buildings ranging in size from 5,000 to 13,000 square feet with a combined total of 81,400 square feet of warehouse space. The plan also shows the 200-foot watershed management buffer and the proffered 75-foot buffers along the subject property's southern and eastern boundaries where it borders residentially zoned and/or developed property.

5. Mini-storage warehouses do not generate significant amounts of traffic. According to the ITE (Institute of Transportation Engineers) *Trip Generation* manual (8th edition), a mini-storage warehouse facility of this size can be expected to generate an average of approximately 203 weekday vehicle trips – including 12 in the AM peak hour and 21 in the PM peak hour – and 190 Saturday trips. Staff believes the ITE numbers for mini-storage are unrealistically high, but even so, these estimates are well below the Zoning Ordinance thresholds for requiring a traffic impact analysis (1,000 weekday trips or 100 peak-hour trips).

The existing Stor Moore facility is served by a single entrance on Route 17. An existing connection between the parking lot and the adjacent Uppy's gas station/convenience store parking lot – approved by the Board of Supervisors in 2009 – provides access between Stor Moore and White's Road, and there is also a gated

driveway connection at the rear of the property, which provides access to Greene Drive and is typically unlocked and used only when large trucks need to exit the property onto Route 17. Vehicle access to the proposed expansion area would be via the existing Route 17 entrance and through the existing Stor Moore facility. Although the existing house on the subject parcel is served by a residential driveway off of White's Road, access to this road from the mini-storage facility would not be permitted. Section 24.1-252(a) of the Zoning Ordinance prohibits access to a nonresidential use from a residential subdivision street such as White's Road, and no such access has been proposed by the applicant, other than a gated access for emergency vehicles only. Consequently, apart from the occasional emergency vehicle, the proposed development would add no traffic to White's Road, which carries approximately 190 vehicles per day between Route 17 and First Street and 90 vehicles between First Street and Second Street.

6. Last December the Board of Supervisors considered a 56,000-square foot mini-storage warehouse facility that was proposed on a 4.2-acre site less than half a mile (approximately 2,000 feet) north of the Stor Moore facility on the opposite side of Route 17. In denying the application, members of the Board cited the proliferation of mini-storage space in this area of the County, questioned the need for additional space in the surrounding area, and expressed concern that additional mini-storage warehouse space would remain vacant in a potentially overbuilt market. (See attached Board of Supervisors minutes excerpts.)

Statistics published by the Self Storage Association (SSA), a not-for-profit trade association of the self-storage industry, provide a frame of reference. The SSA reports that there are 7.3 square feet of self-storage space for every man, woman, and child in the United States. In York County the figure is somewhat higher at 8.2 square feet per person. (This does not include the recently approved expansion of the American Classic Self-Storage facility behind James York Plaza or the final building at the existing Stor Moore facility). When those projects are included, the County would have 7.3 square feet per capita with a population of 80,000 – the County's targeted maximum build-out population.) In all, the County has approximately 547,000 square feet of mini-storage space, according to County real estate records. While 37% of this space is located in the upper County and serves the Williamsburg area market, another forty percent (40%) of this total – 218,000 square feet – is located in the four existing mini-storage facilities that are within a 1.5-mile radius of the subject parcel. By comparison, there are approximately 2,600 existing residential units – including apartments, townhouses, and duplexes, and single-family detached homes – within this same radius. The previously approved Nelson's Grant, Yorktown Crescent, and Yorktown Arch developments will add another 414 residential units when completed. Adding the approximately 81,400 square feet proposed by the applicant's concept plan would increase the County current ratio from 8.2 to approximately 9.4 square feet per capita.

RECOMMENDATION

Mini-storage warehouses have proven to be a relatively quiet, non-intensive commercial use that does not generate significant levels of activity or traffic. As such, they tend to be compatible with residential development. In fact, most mini-storage warehouse facilities in the County – including the three Stor Moore facilities, Victory Self-Storage on Route 17, Morningstar Mini-Storage on Route 134, Jack Rabbit Self-Storage on Merrimac Trail – directly abut housing developments. Unlike some of these mini-storage facilities, Stor Moore is not a 24-hour facility; access to the storage area is controlled remotely from the Stor Moore rental office on the east side of Route 17 approximately 1.2 miles to the south. The hours of operation are from 6:00 AM to 9:00 PM, so there is no nighttime activity on the site. Furthermore, the proffered 75-foot buffer, which is 50% wider than the Zoning Ordinance requires and more than twice the normal buffer width between mini-storage warehouses and residential development, will screen the development – where the buildings are less than fifteen feet (15') in height – from neighboring homes, while the proffered limitation on uses prevents any more intensive uses from being built on the site. Lastly, the proposed expansion would add no traffic to White's Road, whereas a subdivision of single-family detached homes under the existing zoning – at such time as public sewer is extended, which is at least ten years into the future – would be expected to add approximately 150 vehicle trips per day to White's Road.

Therefore, based on the considerations and conclusions as noted, staff recommends that this application be forwarded to the Board of Supervisors with a recommendation of approval subject to the voluntarily proffered conditions. This can be accomplished through the adoption of proposed Resolution No. PC13-19.

TCC

Attachments:

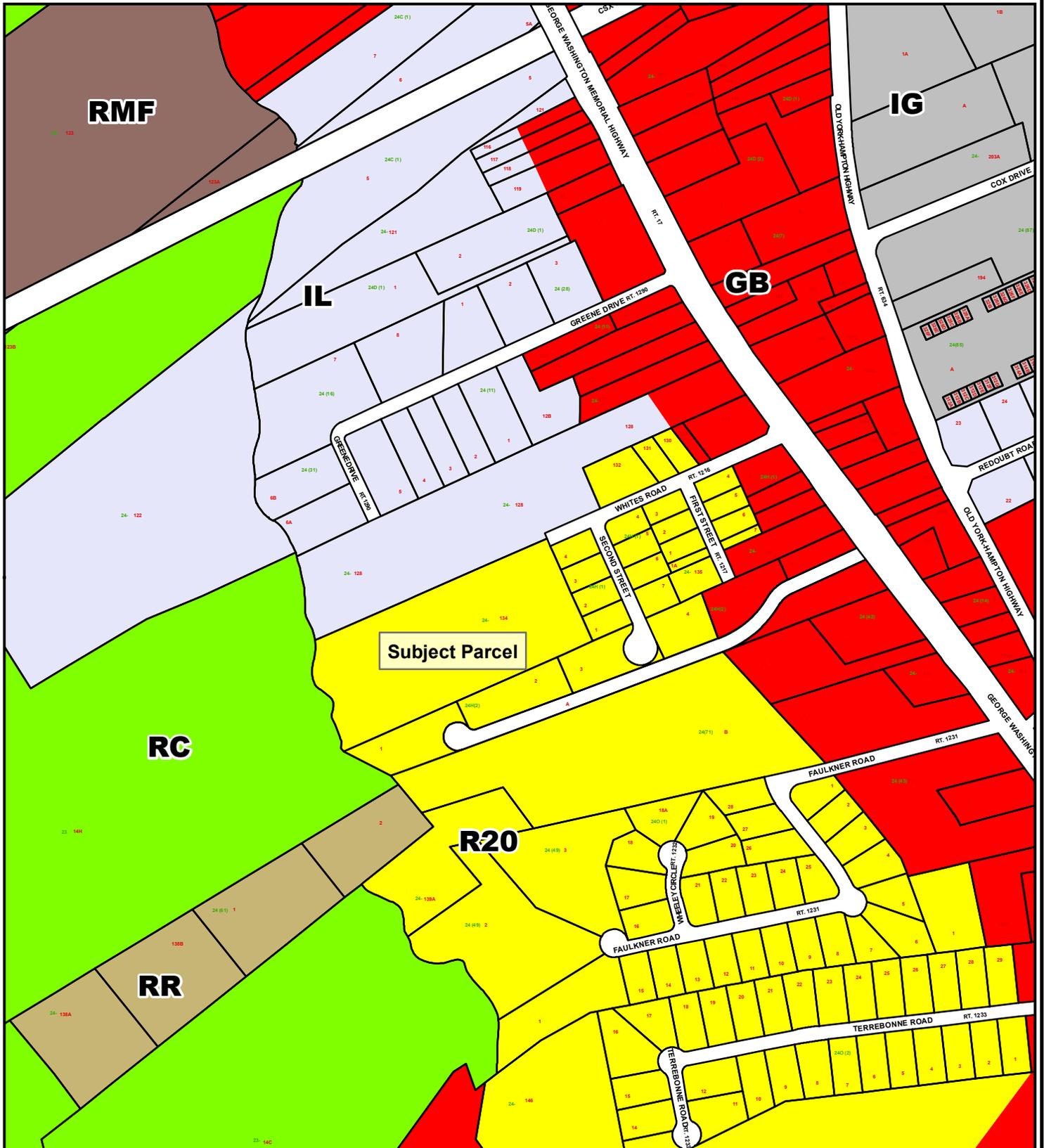
- Zoning Map
- Sketch Plan
- Project Narrative w/attachments
- Proffer Statement
- Board of Supervisors minutes excerpts, December 18, 2012
- Proposed Resolution No. PC13-19

APPLICANT
MRP Enterprises, LLC

Rezone 8.6 acres from R20 to conditional IL
131 White's Road

ZONING MAP

APPLICATION NUMBER: ZM-144-13

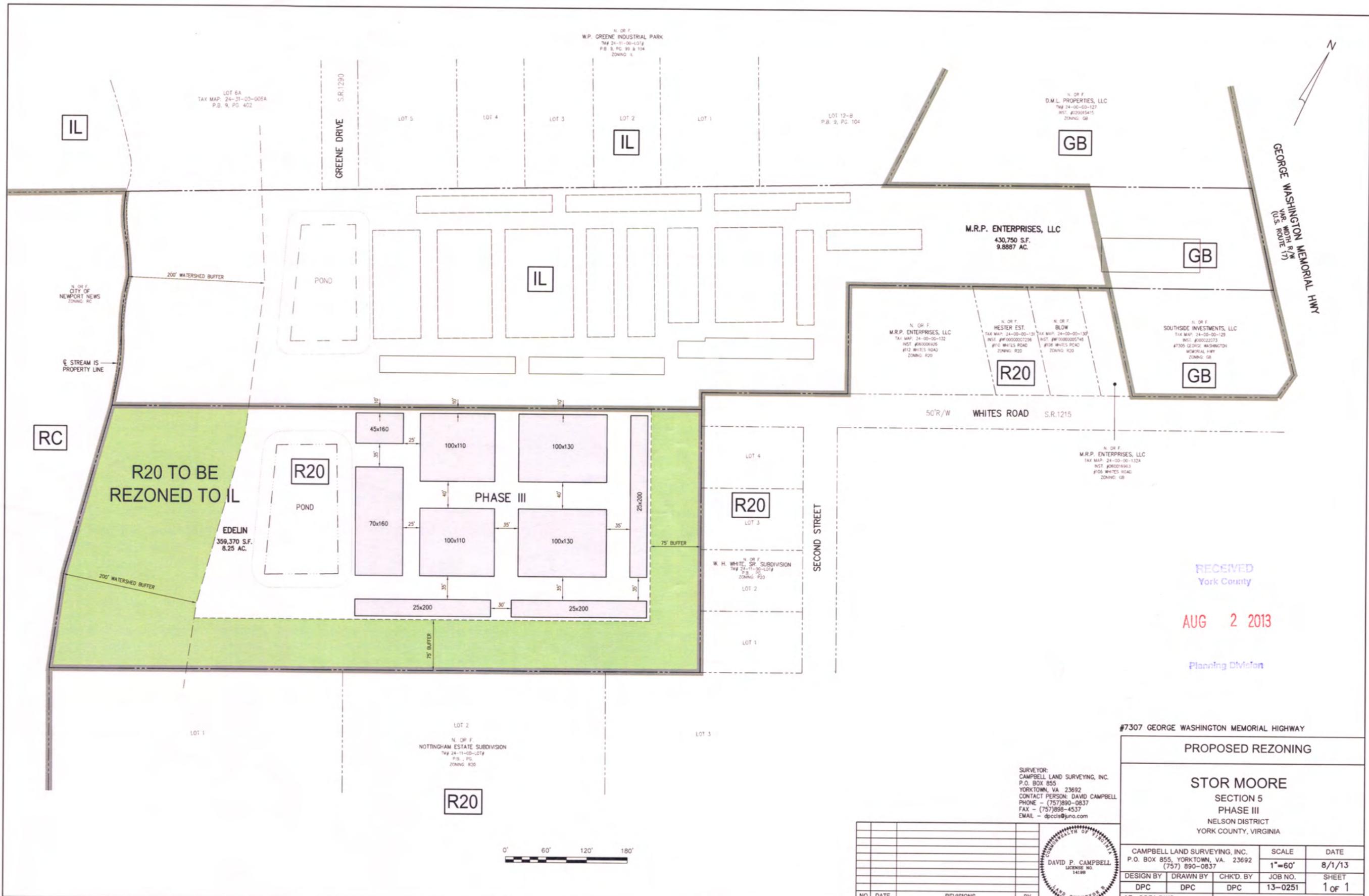


0 142 284 426
Feet



SOURCE: YORK COUNTY
GIS PARCEL DATA and
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.
This map should be used for
information purposes only. It is
not suitable for detailed site planning.



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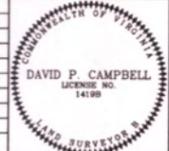
#7307 GEORGE WASHINGTON MEMORIAL HIGHWAY

PROPOSED REZONING

STOR MOORE
SECTION 5
PHASE III
NELSON DISTRICT
YORK COUNTY, VIRGINIA

CAMPBELL LAND SURVEYING, INC. P.O. BOX 855, YORKTOWN, VA. 23692 (757) 890-0837	SCALE 1"=60'	DATE 8/1/13
DESIGN BY DPC	DRAWN BY DPC	CHKD. BY DPC
NO. DATE	REVISIONS	BY
13-0251.DWG		

SURVEYOR:
CAMPBELL LAND SURVEYING, INC.
P.O. BOX 855
YORKTOWN, VA 23692
CONTACT PERSON: DAVID CAMPBELL
PHONE - (757)890-0837
FAX - (757)898-4537
EMAIL - dpc@clsls.com



REZONING APPLICATION

MRP Enterprises, LLC

NARRATIVE

Kenneth Dale Moore (and/or his assigns) is the contract purchaser of 8.25 acres of land located at 131 Whites Road. Mr. Moore is the owner of MRP Enterprises, LLC, the owner of adjacent property located at 7307 George Washington Memorial Highway. Mr. Moore and MRP Enterprises are seeking to rezone this property from R-20, Residential to Conditional IL (Limited Industrial with proffered conditions). The property owners' consent to this application is attached.

This property recently came available for sale, and it is Mr. Moore's desire to purchase this property for future expansion of his existing self-storage facility. While Mr. Moore has no immediate plans for this expansion, a rezoning for its ultimate intended use is a necessary pre-condition to purchase of the property. This will ensure that the property is available for future expansion at such time as market conditions warrant.

Attached are an aerial photo and a topographic map of the property. The property is located at the end of Whites Road adjacent to the headwaters of the Poquoson River. As such, it is heavily impacted by both a Chesapeake Bay Resource Protection Area (RPA) and the Watershed Protection Management Overlay District. These buffers, in addition to the transitional zoning buffers that will be required will ensure that, when developed, the site will be adequately screened from adjacent properties.

Whites Road carries limited traffic, and the proposed use of this site will not generate any additional traffic on Whites Road. All site traffic will be directed through the existing Stor Moore entrance on Route 17. At a maximum build-out of approximately 100,000 square feet of self-storage on this site, the additional traffic generation would be only 250 trips per day, with only 15 trips in the am peak hour and 26 trips in the pm peak hour. These traffic generation numbers do not even meet County requirements for a traffic impact study. The applicant is proposing that an emergency access for fire and life safety vehicles be provided at the end of Whites Road as an added safety measure. Therefore, this use will have less impact on the residents of Whites Road than would development under the existing R-20 zoning.

Development of this site for future self storage expansion will require little, if any, additional public services. There will be no school or social service impact such as would be the case with a by-right development on this property.

The site is not served by gravity sewer, and no sewer service will be required for this intended use. Septic systems are not permitted within 500 feet of a watershed protection overlay buffer, and the applicant has been advised that individual grinder pumps for multiple residences would not be allowed. The cost of constructing a pump station would be cost prohibitive for such a small site, thus the site does not lend itself to residential development.

There is ample water pressure to support fire flows for this property. There is an existing, 8-inch water line on Whites Road that extends to within a few hundred feet of the property line, and which can be extended into the site to support additional hydrants, if needed. In addition, during the construction of the Stor Moore project and at the request of Newport News Waterworks, Mr. Moore looped water service from Whites Road through to Greene Drive at his expense, improving water pressure throughout this entire area.

Also attached is an aerial photo of this property in relation to the existing Stor Moore facility which depicts the relationship of the two properties. There is an existing house on the site that will be demolished. New buildings constructed on the property will be a continuation of the building colors on the adjacent Stor Moore site. All buildings on the outside perimeter of the property will have inward-facing garage doors.

Summary

Rezoning of this property to Conditional Light Industrial will have the following benefits to York County and to the adjacent property owners:

- **Development will be screened from view of neighboring properties**
- **No traffic impact on Whites Road**
- **No noise impacting neighboring residents**
- **Net positive fiscal impact as there will be no demands on County services, including school system**
- **No public utility demands**





EXHIBIT "C"

Conditions voluntarily proffered for the reclassification of property identified as York County Assessor's Parcel 24 134, GPIN Q07b-4690-4793, commonly referred to as 131 Whites Road, located in the County of York, Virginia.

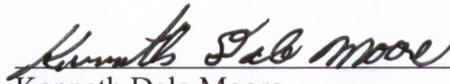
I voluntarily proffer that the development of the property which is under contract for purchase proposed for reclassification under this application shall be in strict accordance with the conditions set forth below.

The site shall be developed generally in conformance with the attached concept plan entitled "Proposed Rezoning, Stor Moore, Section 5, Phase III, Nelson District, York County, Virginia," dated August 1, 2013, made by Campbell Land Surveying, Inc.

A. The property shall only be used for any of the following uses allowed (either by right or by Special Use Permit) in the IL, Limited Industrial District:

1. Single story self-storage warehouse units
2. RV, truck and boat storage
3. Storage sheds and or utility building for sales display in general conformance with the conceptual plan

B. Applicant shall maintain a Seventy-five foot (75') wooded buffer along the eastern and southern property boundary lines.

 (SEAL)
Kenneth Dale Moore

August 2, 2013

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Planning Division

December 18, 2012

the second initiative was the opportunity to purchase "The World's Finest Chocolate" bars at both libraries. Mr. Sheriff then distributed a pamphlet on the "Buy a Brick Preserve a Memory" program and a candy bar to each Board member.

Mr. David Bowditch, 702 Main Street, addressed the Board and provided a presentation showing the renovations made to the Hornsby House Inn. He stated it opened for business in early October 2011 and has been an outstanding and unqualified success. The first year they had over 1,300 guests, and Hornsby House Inn had received five-star reviews on a bed and breakfast website. He invited the Board members to come by and visit the Hornsby House Inn.

PUBLIC HEARINGS

APPLICATION NO. UP-816-12, OLD DOMINION ASSOCIATES, LC

Mr. Carter gave a presentation on Application No. UP-816-12 to requesting authorization to approve a special use permit, pursuant to Section 24.1-306 (Category 14, No. 6a) of the York County Zoning Ordinance, to authorize the establishment of a single-story mini-storage warehouse facility on a 4.2-acre parcel of land located at 7800 George Washington Memorial Highway (Route 17). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 4:3, and staff recommended approval of the application through the adoption of proposed Resolution R12-143.

Mr. Hrichak asked why a special use permit was needed since the mini-warehouse would be in a General Business designation.

Mr. Carter stated the ordinance allows multi-story, mini-warehouses by right, but single-story requires a special use permit. He noted there were some extra requirements for the multi-story facilities that require most of the first floor be retail space.

Chairman Shepperd spoke concerning the history of abandoned spaces in the County and the concerns that led to a requirement for a special use permit when considering single-story facilities.

At Mr. Zaremba's request, Mr. Carter reviewed the existing mini-warehouse facilities on Route 17 and provided the Board members with examples of other projects that might fit the property.

Discussion followed regarding the square footage of mini-storage facilities and the challenges facing this proposed project.

Chairman Shepperd asked what the Planning Commission did to try to regulate the overuse or underuse of like projects in a certain area.

Mr. Carter stated the Planning Commission did not get involved in analyzing how much mini-warehouse space was adequate.

Mr. Donald Davis, 3630 George Washington Highway, representing the applicant, also introduced Mr. Kevin Riggins and Mr. David Earl, principals with Dominion Associates. He stated the family has owned the property for a number of years, and this would be the first mini-storage unit complex that had been proposed that meets the requirements for the Route 17 overlay district. It has substantial architectural controls, would be a beautiful facility, and would fit in with the other surrounding properties. Mr. Davis noted the Board within the last two and a half years had approved two Planned Development Mixed-Use developments that were just north on Route 17, and one was well under construction, and the site was doing extremely well. He spoke of the property for the subject project, stating it was a 4.2 acre site that was only 187 feet wide and challenged by wetlands. He stated the Grafton sink holes were very difficult to get permits on, and Mr. Earl has tried at length to assemble larger parcels here. Mr. Earl approached the owner of the tattoo parlor about trying to assemble a larger parcel to be able to pursue another type of use which did not work. Mr. Davis stated he spoke with Mr. McPherson, the adjacent property owner, today on the issue he had raised at the Planning Commission regarding the property line and told him he would survey his property and identify the corners, and he was satisfied. Mr. Davis stated permits from the Army Corp of Engineers or the Department of Environmental Quality would not be needed to construct this proposed development, and the architectural standards were exceptional. To be able to take these par-

cels and assemble them for a greater acreage parcel would require extending sanitary sewer which did not exist today at this location.

Mr. Earl stated he had worked with Mr. Davis for many years to put this project together, and it had numerous challenges. He felt this project would be the best type of project for the parcel economically.

Mr. Riggins addressed concerns regarding the need for additional self-storage units in this area and assured the Board that this project would not be financed if there was not a demand for these units.

Chairman Shepperd asked how they based the need for this facility.

Mr. Riggins stated it was based on housing and business development. If the project was approved, the applicant would perform a feasibility study; and they would not get bank financing without it being a viable project.

Discussion followed on unused space in existing storage facilities.

Chairman Shepperd then called to order a public hearing on Application No. UP-816-12 that was duly advertised as required by law. Proposed Resolution R12-143 is entitled:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A SINGLE-STORY MINI-STORAGE WAREHOUSE FACILITY AT 7800 GEORGE WASHINGTON MEMORIAL HIGHWAY

Mr. Billy Benson, 904 Canterbury Lane, Smithfield, stated he was a business owner in York County on Greene Drive, and his concern was that the area was becoming a public storage area with four storage facilities in a half-mile radius. He then spoke about the empty gas stations that have been sitting vacant for years, stating if the current facilities were not fully utilized, it would cause Route 17 to deteriorate and become an eyesore.

There being no one else present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Discussion followed on existing business in the subject area and the mitigation of wetlands.

Mr. Hrichak asked why the applicant was not proposing to do the two-story building with retail.

Mr. Davis stated they were typically very expensive to build because of the elevators involved and other components to the systems.

Mr. Zaremba stated he had concerns regarding building another mini-storage facility on Route 17. He felt that at some point the owners would have to realize they would be better selling to the other property owners who wanted to do a larger scale project. He stated he could not support this development.

Mr. Wiggins stated he was surprised that a feasibility study had not been done. He stated that according to the National Storage Association, the requirements for a successful storage business were square footage, and the effect on the market should not exceed 7.4 square feet per person. He provided the Board members with his calculations regarding the population and the five storage facilities on Route 17, as well as statistics on the current facilities and their vacant space. Mr. Wiggins stated he was not in favor of the project.

Mrs. Noll thanked Mr. Wiggins for the numbers he had provided to the Board, but noted she was looking at the project from an aesthetic point of view. She stated she felt a good job had been done in the design, but she could not support this project with it being so close to the other facilities.

Mr. Hrichak stated the owner said they were waiting for approval to go ahead and do the feasibility study; and if the study did not pan out, the bank would not give them the money to develop the property. He stated the Board would be approving or disapproving a special use permit, but by right they could develop a two-story facility with the associated retail. He stated

December 18, 2012

he shared Mr. Wiggin's concern regarding all the current vacant storage space, and he would hate to see another space go in and have it fail. Mr. Hrichak stated he could not approve this project.

Chairman Shepperd spoke of the health of the County's business district, stating he did not want to see a market overbuilt and then have it collapse. He also stated that placing development on properties in bits and pieces denies future development that would provide a significant impact on the County in terms of revenue, aesthetics, and attractiveness.

Mrs. Noll moved the adoption of proposed Resolution R12-143 that reads:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A SINGLE-STORY MINI-STORAGE WAREHOUSE FACILITY AT 7800 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, Old Dominion Associates, LC has submitted Application No. UP-816-12 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 14, No. 6a) of the York County Zoning Ordinance, to authorize the establishment of a single-story mini-storage warehouse facility on a 4.22-acre parcel of land located at 7800 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel No. 24-98 (GPIN #R08a-0188-2971) and located approximately 1,300 feet south of the intersection of Route 17 and Fort Eustis Boulevard (Route 1050); and

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

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 18th day of December, 2012 that Application No. UP-816-12 be, and it is hereby, approved to authorize the establishment of a single-story mini-storage warehouse facility on a 4.22-acre parcel of land located at 7800 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel No. 24-98 (GPIN #R08a-0188-2971) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a single-story mini-storage warehouse facility on a 4.22-acre parcel of land located at 7800 George Washington Memorial Highway (Route 17), further identified as Assessor's Parcel No. 24-98 (GPIN #R08a-0188-2971).
2. A site plan prepared in accordance with the provisions set forth in Article V of the Zoning Ordinance shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of any construction or land disturbing activities on the site. Said site plan shall be in substantial conformance with the plan titled "Concept Plan, Earl Storage" prepared by Davis & Associates, P.C. and dated September 18, 2012, a copy of which shall remain on file in the office of the York County Planning Division.
3. Architectural design of buildings shall be in conformance with Section 24.1-378, *Route 17 corridor overlay district* and shall be in substantial conformance with the building elevations titled "Building Rendering" dated September 24, 2012, a copy of which shall be kept on file in the office of the York County Planning Division.
4. Development and operation of the single-story mini-storage warehouse facility shall be in compliance with the performance standards set forth in Section 24.1-484, *Standards for mini-storage warehouses*, of the Zoning Ordinance, except as modified herein.

5. Freestanding signage for the development shall be limited to one (1) monument sign on George Washington Memorial Highway in accordance with the dimensional standards set forth in Section 24.1-703(a), of the York County Zoning Ordinance.
6. All fencing shall be of a black wrought iron style. The use of theft-deterrent wire (i.e., barbed wire, razor wire, etc.) anywhere on the property shall not be permitted.
7. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of this resolution 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 roll call the vote was:

Yea: (0)
Nay: (5) Zaremba, Noll, Wiggins, Hrichak, Shepperd

Mr. Carter noted that he had misspoken previously, stating even multi-story mini-warehouses require a special use permit in the GB District.

APPLICATION NO. UP-817-12, MERRIMAC PARTNERS, LLC

Mr. Carter made a presentation on Application No. UP-817-12 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 1, No. 9c and Category 6, No. 3) to convert an existing hotel (George Washington Inn) to a 200-unit senior housing facility containing 70 assisted living units and 130 independent living units with associated common area facilities located at 500, 512 (portion), 516 (portion), and 600 Merrimac Trail (Route 143). The Planning Commission considered the application and forwarded it to the Board of Supervisors with a recommendation of approval 6:1, and staff recommended approval of the application through the adoption of proposed Resolution R12-144.

Chairman Shepperd asked if the congregate care facility located behind McDonalds was not an assisted living facility.

Mr. Carter stated it was not assisted living but was basically independent apartments that have a central dining facility.

Mr. Hrichak asked if this application had come before the Board about a year and a half ago.

Mr. Carter stated it was a different applicant which went through the Planning Commission but never made it to Board because the contracts fell through.

Mr. Hrichak asked if the restaurant was going to stay as a separate business since the property was being separated.

Mr. Carter stated the boundary lines would be adjusted so that it would become a separate parcel that would be available for sale for whatever a potential buyer might want to do with the building or the property in the General Business zoning district.

Mr. Zaremba stated there were noise issues when it was a hotel and he asked if Mr. Carter thought there would be noise issues with an assisted living facility.

Mr. Carter stated he did not think there would be any noise issues.

Mr. Zaremba asked if this would be an age-restricted facility.

Mr. Carter stated at least one resident of each unit would have to be 55 years or older.

Discussion followed on the disposition of the excess parking areas, upgrade to the building facade, and VDOT's position regarding its right-of-way along the frontage of the development.

PLANNING COMMISSION
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of _____, 2013:

Present

Vote

Mark B. Suiter, Chair
Melissa S. Magowan, Vice Chair
Glenn A. Brazelton
Timothy D. McCulloch
Todd H. Mathes
Richard M. Myer, Jr.

On motion of _____, which carried ____, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO REZONE APPROXIMATELY 8.6 ACRES AT 131 WHITES ROAD FROM R20 (MEDIUM-DENSITY SINGLE FAMILY RESIDENTIAL TO IL (LIMITED INDUSTRIAL)

WHEREAS, MRP Enterprises, LLC has submitted Application No. ZM-144-13 requesting to amend the York County Zoning Map by reclassifying an 8.6-acre parcel of land located at 131 White’s Road (Route 1216) and further identified as Assessor’s Parcel No. 24-134 (GPIN Q07b-4690-4793) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions; 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 ____ day of _____, 2013 that Application No. ZM-144-13 be, and it is hereby transmitted to the York County Board of Supervisors with a recommendation of approval to reclassify an 8.6-acre parcel of land located at 131 White's Road (Route 1216) and further identified as Assessor's Parcel No. 24-134 (GPIN Q07b-4690-4793) from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions set forth in the proffer statement titled "Conditions voluntarily proffered for the reclassification of property identified as York County Assessor's Parcel 24 134, GPIN Q07b-4690-4793, commonly referred to as 131 Whites Road, located in the County of York, Virginia" dated August 2, 2013 and signed by Kenneth Dale Moore.

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 authorizing the reclassification, together 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 application for a building permit.