

# COUNTY OF YORK

## MEMORANDUM

**DATE:** September 25, 2013 (PC Mtg. 10/9/13)

**TO:** York County Planning Commission

**FROM:** J. Mark Carter, Assistant County Administrator 

**SUBJECT:** Application No. ZT-145-13, York County Board of Supervisors – Senior Housing Opportunities in the EO – Economic Opportunity District

### Issue / Background

The Economic Development Authority has requested that consideration be given to adding *Independent Living Senior Housing – Multi-unit structures with internal entrances* as a permitted use (by SUP) in the EO-Economic Opportunity zoning district. A copy of the EDA Chairman's May 13, 2013 letter explaining the reasons for this request is attached. This proposal has been formally sponsored for consideration by the Board of Supervisors and referred to the Planning Commission for consideration and recommendation.

As noted in Mr. Moberg's letter, this particular type of senior housing is already listed as a Special Use Permit use in the LB-Limited Business and GB-General Business districts. In addition, Independent Living Senior Housing as a reuse of a former hotel/motel can be approved by SUP in the EO District. Given the location and physical characteristics of some of the County's vast amount of EO-zoned property, and the absence of direct school impacts associated with senior housing, it would seem reasonable to at least provide the opportunity for consideration of this type of Independent Living Senior Housing as a new project also (i.e., not just as a hotel/motel conversion).

The proposed change, which would add an S to the Table of Land Uses chart in the EO-Economic Opportunity District column, is shown in the attached proposed Resolution. It is important to emphasize that adding an S to the Table of Land Uses merely provides an opportunity for a property owner to make an application – it does not commit the Planning Commission to recommend or the Board to approve.

### Recommendation

Staff cannot identify any disadvantages associated with providing an opportunity for a property owner to seek Special Use Permit approval for this type of land use. Should an application be submitted, it would be reviewed and analyzed on an individual and site-specific basis for compatibility with the senior housing standards, the *surrounding area*, and such other factors as might be identified during the public hearing processes. Accordingly, staff recommends that the proposed amendment be forwarded to the Board

**York County Planning Commission**

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**of Supervisors with a recommendation for approval. This can be accomplished through the adoption of proposed Resolution No. PC13-22.**

**Carter/3337**

**Attachments:**

- **Letter from EDA Chairman, R. Anderson Moberg, dated May 13, 2013**
- **Proposed Resolution No. PC13-22**

# **Economic Development Authority**

York County, Virginia

May 13, 2013

The Honorable Walter C. Zaremba  
York County Board of Supervisors  
P.O. Box 532  
Yorktown, VA 23690

**Re: Zoning Ordinance Amendment Request – Independent Senior Housing**

Dear Mr. Zaremba:

At the April 23, 2013 Economic Development Authority (EDA) meeting, the members voted unanimously to request that the Board of Supervisors consider sponsoring an amendment to the Zoning Ordinance regarding Independent Senior Housing in Economic Opportunity Districts. The specific amendment would be to add Independent Living Senior Housing - Multi-unit structures with internal entrances - as a permitted use in Economic Opportunity zoning.

The EDA and the Office of Economic Development have been approached by multiple private sector individuals regarding allowing residential development on commercial property in areas that surround some of our struggling retail developments. While the EDA does not support allowing all types of residential development in commercially zoned areas, limited senior housing development seems to be a reasonable request. We recently received a proposal of this type regarding the office project called Towne Park Corporate Center in Lightfoot. This project is currently in foreclosure and the commercial real estate broker representing the property would like to market it as independent senior housing. This type of housing is already permitted with a special use permit in Limited Business and General Business zoning areas. This type of residential development in commercial areas is not as detrimental to the County from a financial perspective because it does not generate additional school-aged residents.

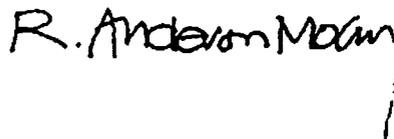
We believe that this Zoning Text Amendment would help some of our existing retail projects and generally benefit the County. Therefore, we are requesting that

The Honorable Walter C. Zaremba  
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the Board of Supervisors sponsor this proposed Zoning Ordinance Text Amendment for consideration.

Thank you for your consideration and, if you have any questions regarding this request, please let me know.

Sincerely,

A handwritten signature in black ink that reads "R. Anderson Moberg". The signature is written in a cursive style and is positioned above the printed name.

R. Anderson Moberg  
Chairman

Copy The Honorable Sheila S. Noll  
The Honorable George S. Hrichak  
The Honorable Donald E. Wiggins  
The Honorable Thomas G. Shepperd, Jr.  
James O. McReynolds  
J. Mark Carter

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 APPLICATION NO. ZT-145-13 TO AMEND SECTION 24.1-306 OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO ADD *SENIOR HOUSING-INDEPENDENT LIVING – MULTI-UNIT STRUCTURES WITH INTERNAL ENTRANCES* AS A USE PERMITTED BY SPECIAL USE PERMIT IN THE EO-ECONOMIC OPPORTUNITY ZONING DISTRICT

WHEREAS, this application has been sponsored by the York County Board of Supervisors to allow consideration of an amendment to Section 24.1-306 (Table of Land Uses) of the York County Zoning Ordinance to add Senior Housing-Independent Living – Multi-unit Structures with Internal Entrances as a Special Use Permit use in the EO-Economic Opportunity zoning district; 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;

PLANNING COMMISSION  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the main Room, York Hall, Yorktown, Virginia, on the \_\_\_\_\_ day of \_\_\_\_\_, 2015:

Present:

- Richard H. River, Jr.
- John H. Moore
- Francis D. Richlinch
- John A. Branson
- Melissa S. Magowan, Vice Chair
- David E. Turner, Chair

On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF APPLICATION NO. 21-145-15 TO AMEND SECTION 241-206 OF THE YORK COUNTY ZONING ORDINANCE (CHAPTER 241 YORK COUNTY ZONING ORDINANCE) TO ADD SEVERAL ROOMS-AND-RECREATION-USE STRUCTURES WITH INTERNAL ENTRANCES AS A SPECIAL USE PERMIT IN THE OPPORTUNITY ZONING DISTRICT.

WHEREAS, this application has been sponsored by the York County Board of Supervisors to allow consideration of an amendment to Section 241-206 of the York County Zoning Ordinance to add certain three-story buildings having multiple entrances with internal entrances as a special use permit in the Opportunity Zoning District and

WHEREAS, said application has been forwarded to the York County Board of Supervisors in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advised 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. ZT-145-13 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation for approval of the following amendment to Section 24.1-306, Table of Land Uses, Category 1- Residential Uses, of the York County Zoning Ordinance:

**Sec. 24.1-306. Table of land uses.**

USES	RESIDENTIAL DISTRICTS						COMMERCIAL AND INDUSTRIAL DISTRICTS						
	RC	RR	R20	R13	R7	RMF	NB	LB	GB	WCI	EO	IL	IG
	CATEGORY 1 - RESIDENTIAL USES												
1. Residential - Conventional													
a) Single-Family, Detached	P	P	P	P		S							
b) Single-Family, Attached													
• Duplex				S		P							
• Townhouse						P							
• Multiplex						P							
c) Multi-Family						P							
d) Manufactured Home (Permanent)					P								
2. Residential (Cluster Techniques Open Space Development)													
a) Single-Family, Detached	P	P	P	P									
b) Single-Family, Attached													
• Duplex	S	S	S	S									
3. Apartment Accessory to Single-Family Detached	(1)	(1)	(1)	(1)									
4. Manufactured Home Park					S								
5. Boarding House		S				S							
6. Tourist Home, Bed and Breakfast	S	S	S	S		S		P	P				
7. Group Home (for more than 8 occupants)		S	S	S		S							
8. Transitional Home		S	S	S		S							
9. Senior Housing – Independent Living Facility													
(a) detached or attached units w/individual outside entrances						S							
(b) multi-unit structures w/internal entrances						S		S	S		S		
(c) multi-unit structure w/internal or external entrances to individual units when established in an adapted structure formerly used as hotel or motel.								S	S		S		

(1) Refer to Section 24.1-407 for accessory apartment location and performance standards (Ord. No. 03-2, 1/21/03; Ord. No. 03-8(R), 3/4/03; Ord. No. 03-25, 6/17/03; Ord. No. 08-17(R), 3/17/09; Ord. No. 11-15(R), 11/16/11)

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