

## **Index File**

**YVA-34-14**

### **YORKTOWN MAIN STREET, LLC**

**Assessor's Parcel Nos. 18A-1-64, 18A-1-65A, 18A-1-60,  
18A-1-61**

**Application No. YVA-34-14; Yorktown Main Street, LLC:** Request for authorization, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, to conduct private weddings and receptions for a fee as a business venture on the premises of a bed and breakfast operation located at 702 Main Street and with off-street parking proposed on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002). The properties are located in the southeast and southwest quadrants of Main and Smith Streets and are further identified as Assessor's Parcel Nos. 18A-1-64, 18A-1-65A, 18A-1-61, and 18A-1-60. The properties are zoned YVA (Yorktown Village Activity), and are designated Yorktown Historical District in the Comprehensive Plan.

#### **Attachments:**

- Staff Report
- Zoning Map
- Narrative
- Sketch Plan
- Aerial Photo
- Memorandum of Agreement, Yorktown Baptist Church
- Board of Supervisors Resolution No. R10-68(R)
- Proposed Resolution No. PC14-23

# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 4, 2014 (PC Mtg. 8/13/14)

**TO:** York County Planning Commission

**FROM:** Amy M. Parker, Senior Planner

**SUBJECT:** Application No. YVA-34-14; Yorktown Main Street LLC, Hornsby House Inn

### ISSUE

This is a request for authorization, pursuant to Section 24.1-327(b) of the York County Zoning Ordinance, to conduct private weddings and receptions for a fee as a business venture on the premises of a previously approved bed and breakfast operation located at 702 Main Street and with off-street parking proposed on adjacent properties located at 606 Main Street and 204 Smith Street.

### DESCRIPTION

- Property Owner: Yorktown Main St., LLC T/A Hornsby House Inn (c/o David and Philip Bowditch)
- Location: 702 and 606 Main Street (Route 1001) and 204 Smith Street (Route 1002)
- Area: 1.34 acres (combined area of four parcels)
- Frontage: 702 Main St: 133 ft. on Main St, 234 ft. on Smith St  
606 Main St: 128 ft. on Main St., 165 ft. on Smith St.  
204 Smith St: 59 ft. on Smith St.
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: Yorktown Village
- Zoning Classification: YVA – Yorktown Village Activity  
Yorktown Historic District overlay
- Existing Development: 702 Main Street: Five-suite bed and breakfast facility with detached accessory apartment  
606 Main Street: Single family detached dwelling  
204 Smith Street: None

- Surrounding Development:

North: National Park Service property; Dudley Digges House/Yorktown Victory Monument

East: Single-family detached dwelling

South: Single-family detached dwelling

West: Single-family detached dwellings

- Proposed Development: Private weddings and receptions for a fee as a commercial venture in conjunction with an approved bed and breakfast establishment

## **BACKGROUND**

In May 2010, the applicants received approval, through the adoption of Board of Supervisors Resolution No. R10-68(R)(copy attached), to establish a five-suite bed and breakfast (B&B) operation in the existing single-family detached home located at 702 Main Street. They have been operating a B&B establishment on the property since that time. The existing detached accessory apartment is a lawful nonconforming use on the property.

## **CONSIDERATIONS/CONCLUSIONS**

1. The YVA-Yorktown Village Activity district provisions (Section 24.1-327) require that significant changes in the use of property within the district must be reviewed and approved in accordance with the same procedures as are applicable to Special Use Permits – i.e., review, public hearing, and recommendation by the Planning Commission and review, public hearing, and decision by the Board of Supervisors. “*Guest houses and bed and breakfast establishments*” are listed as permitted uses in the YVA District.

The YVA reference to the Special Use Permit provisions serves to define the review and approval process for land use changes in the YVA district, but it does not mandate the use of the Performance Standards that would apply to a proposal for hosting events for a fee in conjunction with a B&B operation located elsewhere in the County (e.g., in one of the standard residential zoning districts). Nevertheless, those performance standards (as set forth in Section 24.1-409(e), and listed below) will be helpful in reviewing this request and, absent any compelling need to deviate from them, would seem to provide appropriate design and operational guidance:

- (1) Frequency of events: No more than one (1) event per day, or two (2) events in any 7-day period, shall be allowed. A wedding ceremony and its associated reception shall be considered to be a single event.
- (2) Maximum number of guests: The maximum number of guests shall be established as a condition of the Special Use Permit approval and shall be based on an assessment of the capacity and suitability of the site in consideration of the

size of the property and facilities, the amount of parking available to accommodate guests, the capacity and condition of the highway network providing access to the site, the surrounding land uses and their proximity, and such other considerations as the Board of Supervisors deems to be relevant to prevent adverse effects upon neighboring properties.

- (3) Facilities: Any building or temporary tents used to accommodate ceremonies or receptions shall comply with all applicable Building and Fire Code requirements including, but not limited to: access; materials and fire ratings; emergency lighting; exit lights; fire detection and suppression; etc. Any tent(s) shall be positioned on the property in accordance with all applicable setback requirements for principal structures or such greater setbacks as may be established as a condition of the Special Use Permit approval. Tents shall be dismantled within 48 hours of the conclusion of each event, unless the Special Use Permit shall allow a greater time.
- (4) Duration of event: Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.
- (5) Lighting: Exterior lighting shall be limited to fixtures and illumination intensities that will not produce illumination intensities exceeding 0.1 footcandles at any property line.
- (6) Noise: The activities on the subject property shall be conducted in complete accordance with all requirements of the York County Noise Ordinance set forth in Section 16-19 of the York County Code.
- (7) Parking: Except as specified below and as documented in the Special Use Permit approval, all parking demand associated with the event shall be accommodated on the site on a suitable all-weather surface. The minimum number of spaces shall be calculated at a ratio of one (1) parking space per every two (2) persons based on the maximum allowable occupancy/attendance limit plus one (1) space for every regular or contract employee associated with the reception facility.

The Special Use Permit may allow:

- a. the use of an abutting property owned or controlled by the applicant and from which event attendees can walk without obstruction to reach the reception site. For the purposes of this section, the term abutting shall be construed to include property located on the opposite side of a street right-of-way, provided that event attendees will be able to cross perpendicularly and safely and will not be required to walk along a road or road shoulder;
- b. the use of any available and conveniently located public parking spaces from which attendees can walk safely.

Any parking areas constructed or established specifically for support of the reception use shall be located a minimum of 25 feet from any abutting property not owned by the proprietor, unless with the consent of the owner of the abutting property, and shall be screened from view from those abutting properties and public rights-of-way by evergreen landscaping, unless the abutting property owner consents to waiver of the screening requirement. All applicable stormwater management standards and requirements associated with the installation of the required parking spaces shall be observed.

- (8) Fire and Emergency Vehicle Access: Driveway access to the site shall comply with all requirements as to weight capacity, base and surface material, width,

configuration and alignment, and vertical and horizontal clearance as set forth in Section 24.1-261. Existing driveways shall be upgraded to meet these standards if they are deficient in any aspect.

- (9) Sanitation: Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. Reception venues that would be dependent on the dwelling's on-site septic system will not be approved unless the applicant provides written authorization from the Health Department as to the adequacy of the system. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.
  - (10) Caterers/Vendors: The proprietor shall ensure that any caterers or other vendors providing services for a reception are properly licensed and permitted, whether such caterer/vendor is hired by the proprietor or by the client contracting for the use of the facility. Likewise, the proprietor shall ensure that all applicable ABC permits have been obtained, either by the client or by the proprietor, and are kept valid.
2. The applicants have requested approval to host private weddings and receptions for up to 130 guests for a fee on the premises of the noted B&B establishment. The request also includes use of three adjacent parcels (owned by the applicants) for event parking. Grassed parking areas would be located on the B&B parcel (the backyard area has been stabilized with a grass-pave system to accommodate B&B guests), on the adjacent parcel to the south, and across Smith Street on 606 Main Street and 204 Smith Street. In addition, the applicant has an agreement with Yorktown Baptist Church (located at the corner of Smith and Ballard Streets) to allow for use of the church parking lot for event guests, provided the church has no conflicting need of the parking area (see attached memorandum of understanding). Staff estimates that the church lot can accommodate approximately 45 vehicles.
3. Section 24.1-409(3)(7) sets forth parking standards of one parking space for every two persons plus one space for every contract employee (i.e. caterers, musicians, etc.) associated with the event. Staff estimates approximately 75 temporary parking spaces would be required to accommodate the maximum event attendance as requested by the applicant (65 spaces for guests plus 10 for caterers, musicians, and other staff). There is ample area on the applicants' properties to accommodate the maximum number of required spaces. Currently, there are nine gravel parking spaces off of Smith Street on the bed and breakfast parcel, and a small gravel area on the opposite side of the street that can accommodate an additional six vehicles. Adjacent grassed areas on both sides of Smith Street would be used for additional parking when needed. The applicant has indicated that the church parking area would be utilized when grass parking is inconvenient, such as during inclement weather. Staff is recommending an approval condition requiring a 25-foot parking setback and installation of evergreen screening along the western property boundary of 606 Main Street, the southern boundary of 204 Smith Street, and the eastern side of 702 Main Street in the areas to be used for temporary parking.

4. In zoning districts other than YVA, the Zoning Ordinance requires that parking areas for receptions associated with bed and breakfast establishments be constructed using all-weather materials (such as asphalt, gravel, pavers, or other geotextile materials). Staff is of the opinion that conversion of the subject grassed areas to visible parking surfaces, such as asphalt or gravel, would not be keeping with the character of Yorktown village landscape. Staff is of the opinion that the grassed areas, if maintained properly (i.e. aerated, top-dressed and seeded when needed), could be used for the occasional parking associated with reception events without installation of all-weather materials. This takes into account their infrequent use, the availability of off-site parking during inclement weather, and the residential and historic character of the property and immediate vicinity. Should all-weather parking surfaces become necessary, staff is recommending they be constructed with geotextile materials that are covered with a layer of soil and grass. A proposed approval condition requiring adequate maintenance of the grass parking areas addresses this issue.
5. Guests would access the proposed grassed parking areas via Main Street or Smith Street. Portable barriers are used on Main Street between Church and Comte de Grasse Streets to delineate “pedestrians-only” restrictions between April and October. Residents (and overnight guests of the B&B) are permitted to drive around these barriers. Given the temporary high volume of traffic that could occur during large events, the preferred access would be via Smith Street during such times. A proposed approval condition would require the applicant to manage the parking of guests such that their vehicles move easily and conveniently onto the property without blocking travel on Main Street or Smith Street. Virginia Department of Transportation (VDOT) staff have reviewed the application, and expressed no concerns about the impact of the proposed use on traffic volumes.
6. The applicants have indicated that tents may be used occasionally for events. According to the applicants’ justification statement, if tents were used, they would be placed in the rear yard area of the bed and breakfast parcel. A proposed approval condition addresses location restrictions and adherence to Building and Fire and Life Safety Codes for tent facilities and place a 21-consecutive days limit on a tent remaining on the site.
7. The applicant has indicated that he would schedule events in accordance with frequency and duration limitations set forth in Section 24.1-409(e)(1) and (4). Therefore, events would be limited to no more than one per day, and no more than two events in any 7-day period. Event hours would be limited to the period between 10:00 am and 10:00 pm, with set-up and take-down activities taking place no earlier than 8:00 am and no later than 11:00 pm. A proposed approval condition addresses this issue.

## **RECOMMENDATION**

The existing bed and breakfast establishment has been operating successfully for over four years without any evidence of adverse impacts on the surrounding area or the

residential character of the neighborhood. Proposed parking areas located along the neighbors' common property lines would be required to be buffered with evergreen landscaping. Off-site parking at Yorktown Baptist Church is available for large events when grass on-site parking is impracticable. Approval conditions would place limits on noise, lighting, and frequency and duration of events. Therefore, staff recommends that the Commission forward the application request to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC14-23.

AMP

Attachments:

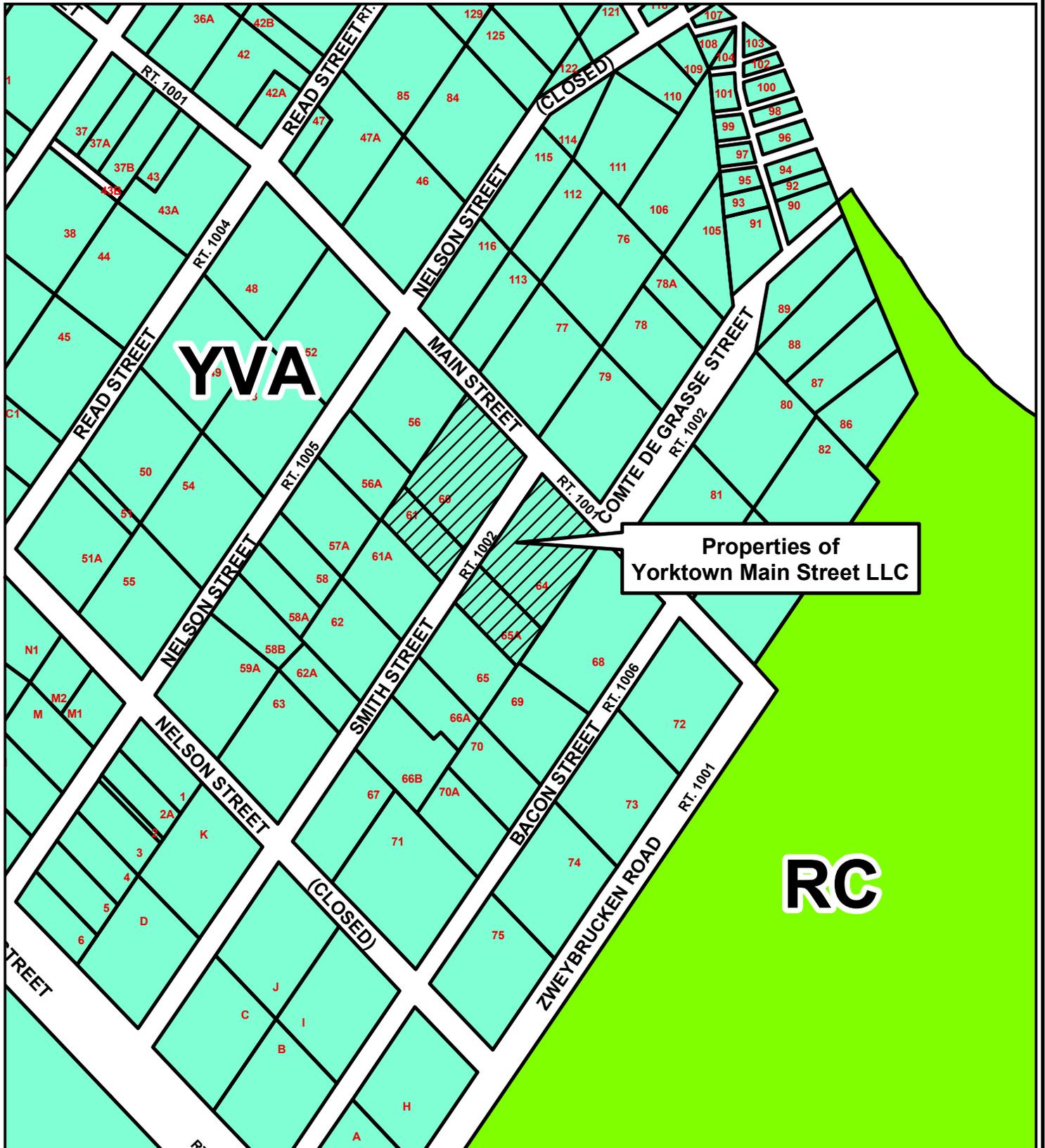
- Zoning Map
- Applicant's Justification Statement
- Memorandum of Understanding with Yorktown Baptist Church for Parking
- Aerial Photo of Subject Properties
- Applicants' Sketch Plan
- Board of Supervisors Resolution No. R10-68(R)
- Proposed Resolution No. PC14-23

**APPLICANT: YORKTOWN MAIN STREET LLC**

Request for weddings and receptions in conjunction  
with a previously approved bed and breakfast establishment  
702 & 606 Main St., 204 Smith Street

**ZONING MAP**

**APPLICATION NUMBER: YVA-34-14**



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.

To: York County Planning Department

From: David Bowditch  
Hornsby House Inn B&B  
702 Main St, Yorktown

757-561-5533  
David@HornsbyHouseInn.com

JUL 1 2014

Planning Division

Date: June 30, 2014

Re: SUP Application, ~~minor expansion of a conforming special use, YVA-31-10-~~  
Having weddings and similar functions at the Hornsby House Inn B&B (attended by  
guests that are not overnight guests of the HHI).

This SUP Application is to provide the ability to have weddings and other similar functions on the inside and outside premises of Hornsby House Inn at 702 Main St, Yorktown.

SUP YVA-31-10 to operate as a Bed and Breakfast Inn was approved in May 2010, and after extensive renovations, our Inn began operations in August 2011.

Since opening in August 2011, the Inn has become very successful. In 2013, the HHI was awarded the Trip Advisor Certificate of Excellence, and again for 2014. This award is only given to the top 10% of Inns and Hotels that consistently receive the highest reviews by their guests.

David and Philip Bowditch, the owners and innkeepers, operate the Hornsby House Inn on a day-to-day basis. We feel that our commitment to a "family tradition" of hospitality has helped us to create a truly unique and special place for visitors to come to historic Yorktown and enjoy its special ambiance.

Our family has for over 80 years opened this home to use as a gathering place for all types of functions and weddings. Our mother started the wedding traditions with her wedding reception in January 1943, during WWII. I was married in the living room in April 1978. Many other family members, friends, and local organizations, have also used the home for weddings, reunions, and community functions over the years. Philip and I continue this to this day.

#### Proposed Wedding and Event operations

While we already have family and friends events at the HHI, we are asking the SUP include Weddings and similar events as a part of our Special Use Permit. For weddings, we would require that their host be or have overnight guests staying with us. Note that most weddings request Saturday and the wedding season seems to be April thru October. We would not allow more than one wedding on a weekend. We would normally require a two night stay for weekend weddings.

Many of our wedding requests are for small weddings, 20-30 people, usually done in our living room area. However, the Hornsby House Inn has quite large "common" areas inside.

Each of the rooms on the ground floor has 3-4 doors, and the Sun Room, Living Room, Great Hall, Dining Room and Porch areas- all connect and provide easy flow and movement of people. We have family and community functions with up to 100 people using inside areas, and more if inside and outside areas are utilized.

With this in mind, we prefer in general, not to do "tent" weddings, and would not allow any tents in the front yard that would require a permit. If a larger tent were requested, we would restrict its placement to only the back yard areas.

We would ask for a permit that would limit the number of attendees (guests) to about 130. However, we prefer to focus on weddings that would not require a tent in that, if rain became a problem, the wedding and reception could be moved inside, if needed. That means we prefer weddings in the 80-90 guests range, because this number of guest can be accommodated inside if needed without a tent. But the 130 upper limit will enable the occasional function of that size, which the Inn can accommodate.

We also think the 130 guests upper limit is reasonable based on our experience with parking. We own the property next door and have used this area for parking many times for family events. We have found over the years, 4<sup>th</sup> of July, "Hornsby Day", etc- that about 55 cars can be parked in the two large grass lots that we own- at 606 Main St and the adjoining lot, 204 Smith St. About 10-12 cars can also park in our rear yard if needed.

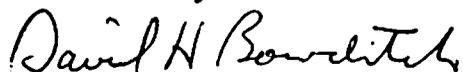
We also have gotten permission in the past, to use the Baptist Church parking at the end of Smith St as extra parking for overflow. We always tell people not to park in the Victory Monument Parking area, and are very strict about that.

Our neighbors on Smith Street and other streets know Phil and I very well, and seem pleased with the HHI operations in general, and with the family, friends and community events we have hosted since we opened. We have included our neighbors in many of these functions, and have hosted several special neighborhood functions as well. We opened HHI to many community organizations to use our home for receptions and fundraisers. The Yorktown Women's Club, the APVA, the Yorktown Preservation Society, the Hampton Roads Garden Tour, the Yorktown Arts Foundation, the Yorktown Wine Festival, the American Friends of Lafayette, TRADOC Command, FT Eustis, York High School Alumni Association, the James Weldon Johnson Alumni Association, and the Watermen's Museum to name a few.

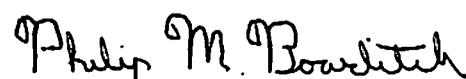
I will ask to meet with the Planning Department next week to discuss specifics about the SUP Application, and will provide additional memorandums to address any concerns.

Thank you very much,

David Hornsby Bowditch



Philip M. Bowditch



RECORDED  
York County

JUL 1 2014

Planning Division

MAIN ST.

606

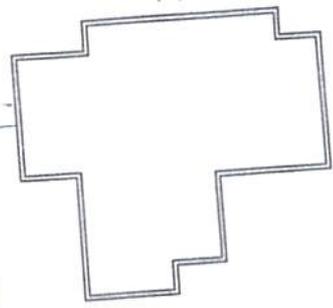


PARKING

ADDITIONAL  
PARKING

702

FRONT  
YARD



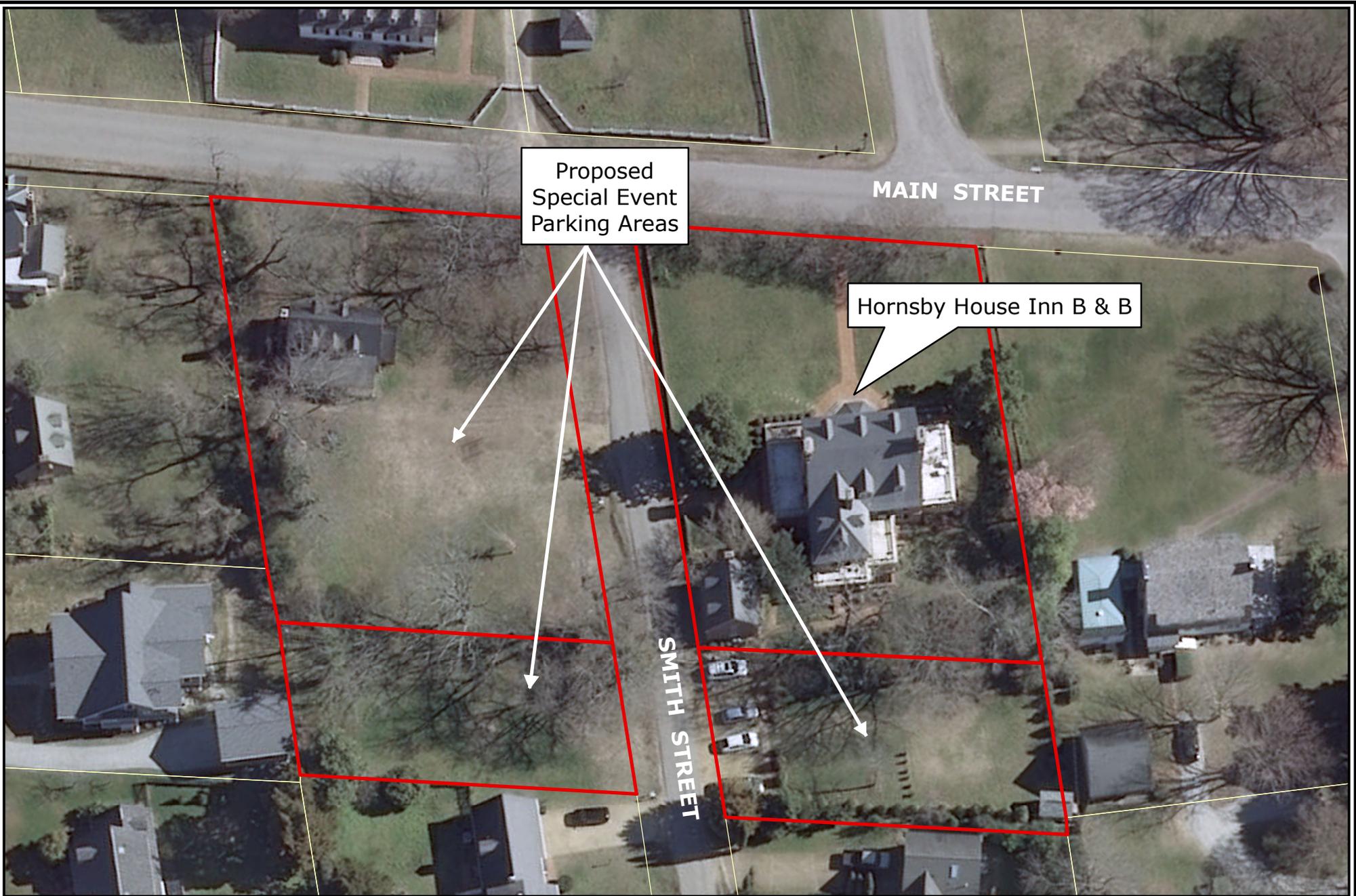
EXISTING  
GRAVEL  
PARKING

OFF STREET GRASS  
PARKING

Co



(IN FEET)



Proposed  
Special Event  
Parking Areas

MAIN STREET

Hornsby House Inn B & B

SMITH STREET



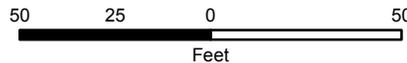
HORIZONTAL ACCURACY: +/- 2.5 feet DATUM: VA State Plane South, NAD 83  
VERTICAL ACCURACY: +/- 1 foot DATUM: NAVD 1988  
DATE OF ELEVATION INFORMATION: 2007

This map should NOT be used for engineering or other design purposes without full verification having been undertaken by a qualified surveyor.

The County of York, Virginia assumes no responsibility for the accuracy of this map or the information contained herein or derived here from. The buyer and/or user assumes all risks and liabilities whatsoever resulting from, or arising out of the use of this map.

There are no oral agreements or warranties relating to the sale and/or use of this map.

# YVA-34-14 Yorktown Main Street, LLC



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

Memorandum of Understanding  
July 22, 2014

JUL 24 2014

Planning Division

Between: Yorktown Baptist Church  
c/o Lisa Wilkins  
237 Nelson St, Yorktown, Va 23690  
[office@ybc.hrcoxmail.com](mailto:office@ybc.hrcoxmail.com) 757-898-3274

And: David and Philip Bowditch  
Yorktown Main Street, LLC, T/A Hornsby House Inn  
702 Main St, Yorktown, Va 23690  
[David@HornsbyHouseInn.com](mailto:David@HornsbyHouseInn.com), 757-561-5533

This Memorandum of Understanding concerns the Yorktown Baptist Church (YBC) parking area on Smith St.

YBC has agreed to permit The Hornsby House Inn (HHI) to use the YBC parking area on Smith Street for various wedding and other events held at HHI. HHI will ask permission for each such use, and make sure it does not conflict with YBC use.

YBC will assume no liability for such use. HHI assumes liability and will provide appropriate certificates of insurance for such use.

HHI and YBC will give appropriate notice of at least 60days to cancel or void this agreement.

HHI and YBC have also discussed various ways to support each other's missions and constituents. HHI will endeavor to refer wedding ceremonies to YBC. HHI and YBC concur to be helpful and good neighbors to the "Yorktown Village", and especially to our neighbors on Smith Street.

CC: York County Planning Department.



David Bowditch  
Hornsby House Inn



Lisa Wilkins  
Yorktown Baptist Church  
agent for YBC



000000375

R10-68(R)

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 18th day of May, 2010:

<u>Present</u>	<u>Vote</u>
Donald E. Wiggins, Chairman	Yea
George S. Hrichak, Vice Chairman	Yea
Walter C. Zaremba	Abstain
Sheila S. Noll	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mrs. Noll, which carried 4:0:1, the following resolution was adopted:

A RESOLUTION TO APPROVE, PURSUANT TO THE TERMS OF THE YVA-YORKTOWN VILLAGE ACTIVITY DISTRICT, A BED-AND-BREAKFAST ESTABLISHMENT PROPOSED TO BE OPERATED IN THE EXISTING SINGLE-FAMILY DETACHED RESIDENTIAL STRUCTURE LOCATED AT 702 MAIN STREET

WHEREAS, Yorktown Main Street, LLC has submitted Application No. YVA-31-10 requesting authorization, pursuant to Section 24.1-327 of the York County Zoning Ordinance (Category 12, No. 18), to authorize the establishment of a bed-and-breakfast establishment on property located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN P11b-3239-4525); 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, after considering the public comments, has recommended approval of the request; and

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

2011 MAR 31 AM 11:50

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 May, 2010, that Application No. YVA-31-10 be, and it is hereby, approved to authorize the establishment of a bed-and-breakfast operation on property located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN P11b-3239-4525), subject to the following conditions:

1. This use permit shall authorize a five (5)-suite (maximum) bed and breakfast operation in an existing single-family detached dwelling on property located at 702 Main Street and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621) and 18A-1-65A (GPIN: P11b-3239-4525). The establishment shall be operated in accordance with the narrative description provided by the applicant, David Hornsby Bowditch, dated May 3, 2010, a copy of which shall remain on file in the office of the Planning Division.
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the commencement of operation of the bed and breakfast use on the parcel. Said site plan shall be in substantial conformance with the sketch plan submitted in conjunction with this application and date-stamped March 16, 2010, a copy of which shall remain on file in the office of the Planning Division.
3. Operation of the bed and breakfast facility shall be in compliance with the performance standards set forth in Section 24.1-406 of the Zoning Ordinance and applicable regulations of the Virginia Uniform Statewide Building Code.
4. One (1), non-illuminated sign not exceeding four (4) square feet in size shall be permitted to identify the use with the design and color scheme of said sign to be submitted to and approved by the Historic Yorktown Design Committee (HYDC). Such sign shall be located along the Smith Street frontage of the property and shall be set back a minimum of 10 feet from the Smith Street right-of-way and a minimum of 25 feet from the Main Street right-of-way.
5. The maximum number of guest suites shall be five (5).
6. Retail sales shall not be permitted on the premises.
7. Off-street parking space for a minimum of five (5) guest vehicles shall be provided on the lot in the general location and configuration as depicted on the sketch plan. The guest parking area shall be in addition to the four (4) spaces required for the principal residence and the garage apartment. The new spaces

shall be constructed of a brownstone gravel surface and shall be buffered from view from Smith Street and adjoining properties by landscaping.

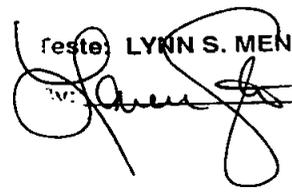
- 8. The applicant shall be responsible for obtaining and maintaining any and all applicable and necessary permits and licenses from the Virginia Department of Health and the Alcoholic Beverage Control Board.
- 9. A certified copy of this resolution shall be recorded at the expense of the applicant in 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 or issuance of a certificate of use and occupancy for the bed and breakfast facility.

BE IT FURTHER RESOLVED that these conditions of approval are severable and invalidation of any word, phrase, clause, sentence, or paragraph shall not invalidate the remainder.

A Copy Teste:

  
 Mary E. Simmons  
 Deputy Clerk

VIRGINIA: In the Clerk's Office of the York County -  
 Poquoson Circuit Court, the 31<sup>st</sup> day of  
March, 2011. This deed was  
 presented with the certificate annexed and admitted  
 to record at 11:58 o'clock A.M.

Teste: LYNN S. MENDIBUR, CLERK  D.C.

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 \_\_\_\_\_, 2014:

---

Present

Vote

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

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AUTHORIZE PRIVATE WEDDINGS AND RECEPTIONS FOR A FEE AS A BUSINESS VENTURE AT AN EXISTING BED AND BREAKFAST OPERATION LOCATED AT 702 MAIN STREET AND WITH OFF-STREET PARKING ON PROPERTIES LOCATED AT 606 MAIN STREET AND 204 SMITH STREET.

WHEREAS, on May 18, 2010, the York County Board of Supervisors approved Application No. YVA-31-10, through the adoption of Resolution No. R10-68(R) and pursuant to the terms of the YVA-Yorktown Village Activity District, to authorize a bed and breakfast establishment on property located at 702 Main Street (Route 1001) and further identified as Assessor's Parcel Nos. 18A-1-64 and 18A-1-65A; and

WHEREAS, Yorktown Main Street LLC has submitted Application No. YVA-34-14 to request authorization, pursuant to section 24.1-327(b) of the York County Zoning Ordinance, to conduct private weddings and receptions for a fee as a business venture on the premises of the previously approved bed and breakfast operation located at 702 Main Street and with off-street parking proposed on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002) and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621), 18A-1-65A (GPIN P11b-3239-4525), 18A-1-60 (GPIN P11b-3190-4741), and 18A-1-61 (GPIN P11b-3127-4647); 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 \_\_, 2014, that Application No. YVA-34-14, be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval, subject to the following conditions:

1. This approval shall authorize, pursuant to section 24.1-327(b) of the York County Zoning Ordinance, the conducting of private weddings and receptions for a fee as a business venture on the premises of the previously approved bed and breakfast operation located at 702 Main Street and with off-street parking on the adjacent properties located at 606 Main Street (Route 1001) and 204 Smith Street (Route 1002) and further identified as Assessor's Parcel Nos. 18A-1-64 (GPIN P11b-3304-4621), 18A-1-65A (GPIN P11b-3239-4525), 18A-1-60 (GPIN P11b-3190-4741), and 18A-1-61 (GPIN P11b-3127-4647).
2. A site plan prepared in accordance with the provisions of Article V of the Zoning Ordinance shall be approved by the York County Department of Environmental and Development Services, Division of Development and Compliance, prior to the conducting of private weddings and/or receptions on the subject property. Said site plan shall be in substantial conformance with the sketch plan received by the Planning Division on July 1, 2014, a copy of which shall remain on file in the office of the Planning Division, except as modified herein.
3. Operation of events on the subject property shall be in compliance with all applicable requirements of the Virginia Uniform Statewide Building Code, the Virginia Statewide Fire Prevention Code, and the International Fire Prevention Code.
4. The maximum number of guests permitted at any one event shall be one hundred thirty (130), not including caterers and other contract employees associated with individual events. Not more than one (1) event per day, or two (2) events in any 7-day period, shall be permitted.
5. Off-street parking shall be arranged and provided to accommodate a minimum of one (1) space for every two (2) guests (i.e., 65 spaces, based on the maximum allowable 130 guests) plus employees, caterers, or others attending an event. Such parking may be provided in the areas indicated on the referenced sketch plan or at the off-site location covered by the Memorandum of Understanding dated July 24, 2014 between the applicant and the Yorktown Baptist Church.

In accordance with the special parking accommodations that may be authorized in the YVA District, and given the periodic nature of the wedding/reception activity, the use of the unstabilized grass lawn areas for off-street parking, as depicted on the sketch plan, is hereby approved, subject to the following stipulations:

- a. The grassed parking areas shall be maintained in a healthy vegetative condition, to include periodic aeration, annual top-dressing with compost, seeding as needed, mowing at recommended heights, and avoiding use when the soil is saturated so as to minimize compaction.
- b. In the event the grassed areas are damaged by over-use, heat, lack of or excess rainfall, or other causes that result in an appearance inconsistent with the residential character of the surroundings, the use for weddings and reception events shall be discontinued until the area is repaired or recovers naturally and the ability to schedule events shall be totally dependent on the availability of the off-site parking accommodations.
- c. Nothing herein shall prevent the applicant from installing any of the various methods of natural area engineered parking stabilization systems such as geotextile fabric or grass-pave systems, subject to the approval of the Division of Development and Compliance.

Wedding or reception guests shall not park on public street rights-of-way, and the applicant shall take all necessary steps to insure that movements in and out of the grassed parking areas do not disrupt travel by residents of Main Street and Smith Street or other vehicles using the streets.

6. The applicant shall procure building permits and zoning approval for any temporary tents to be used in accordance with the conditions set forth herein prior to commencement of events. No tent shall remain in place for more than twenty-one (21) consecutive days. Location of any temporary tents shall be limited to the south side (back yard) of the existing bed and breakfast establishment located at 702 Main Street. In accordance with applicable Virginia Statewide Fire Prevention Code requirements, tent structures shall be set back a minimum of 20 feet from any adjacent property not owned by the applicant.
7. The applicant shall maintain a 25-foot landscaped buffer and parking setback along the western property boundary of 606 Main Street, the southern boundary of 204 Smith Street, and the eastern boundary of 702 Main Street adjacent to areas to be used for temporary parking. Said buffer shall be planted with evergreen trees of a variety that will maintain branching to ground level or with evergreen shrubs of sufficient density and height to screen the view of parked cars from adjoining residences.

8. Events shall be limited to the time period between 10:00 am and 10:00 pm. Set-up and take-down activities may take place no earlier than 8:00 am and no later than 11:00 pm.
9. Operation of events shall be in compliance with applicable requirements of County Code Section 16-19 – Unnecessary or Excessive Noise, and lighting standards as set forth in Section 24.1-260(g) of the Zoning Ordinance.
10. Restrooms or toilet facilities shall be provided for event attendees based on the ratios/requirements set forth in the Virginia Uniform Statewide Building Code. In the event portable restroom or toilet facilities are proposed to be used, all shall be screened from view from adjacent public rights-of-way and abutting properties and all shall be serviced or removed within two working days of the conclusion of the event.
11. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this 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.