

# **Index File**

## **UP-859-15**

### **PAR Investments, LLC**

#### **Assessor's Parcel Nos. 29-72 and 29-78**

**Application No. UP-859-15, PAR Investments, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, Nos. 4 and 9), to authorize a video arcade and an outdoor amusement center (miniature golf course and go-karts) on 3.6 acres of land located at 5001 and 5021 George Washington Memorial Highway (Route 17). The parcels, further identified as Assessor's Parcel Nos. 29-72 and 29-78, are zoned GB (General Business) and designated General Business in the Comprehensive Plan.

#### **Attachments:**

- Staff Memorandum
- Zoning Map
- Narrative
- Sketch Plan
- Renderings
- Proposed Resolution No. PC15-5

# COUNTY OF YORK

## MEMORANDUM

**DATE:** March 31, 2015 (PC Mtg. 4/8/15)  
**TO:** York County Planning Commission  
**FROM:** Earl W. Anderson, AICP, Planner  
**SUBJECT:** Application No. UP-859-15, PAR Investments, LLC

### ISSUE

Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, Nos. 4 and 9), to authorize a video arcade and an outdoor commercial amusement center (miniature golf course and go-karts) on 3.6 acres of land located at 5001 and 5021 George Washington Memorial Highway (Route 17). The parcels, further identified as Assessor's Parcel Nos. 29-72 and 29-78, are zoned GB (General Business) and designated General Business in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: Abel Archer, LLC (PAR Investments, LLC contract purchaser)
- Location: 5001 and 5021 George Washington Memorial Highway (Route 17)
- Area: 3.6 acres
- Frontage: Approximately 330 feet on Route 17
- Utilities: Public water and sewer are available
- Topography: Flat
- 2035 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: None
- Surrounding Development:

North: Two office buildings

East: Across Route 17, Dunkin Donuts, office building, and vacant house

South: Single-family detached home and Ken Matthews Garden Center

West: Single-family detached home

- Proposed Development: Video arcade and outdoor commercial amusement center (36-hole miniature golf course and go-kart track)

## **CONSIDERATIONS/CONCLUSIONS**

1. The applicant is requesting a Special Use Permit to construct a video arcade and outdoor commercial amusement center, containing 36 holes of miniature golf and a go-kart track, on 3.6 acres of property located on Route 17. Miniature golf courses and go-karts are considered to be a type of outdoor commercial amusement under the terms of the Zoning Ordinance and require authorization by Special Use Permit, as does the video arcade.
2. The subject properties and those to the north, east, and south are zoned GB (General Business). The majority of these properties have existing commercial development, except for a nonconforming single-family detached home to the south (20 feet from the subject parcel). The three properties to the west are zoned R20 (Medium Density Single-Family Residential); two of these are undeveloped and one is occupied by a single-family detached home located approximately 50 feet from the subject parcel. The majority of the parcels stretching north, east, and south from the subject property along Route 17 are utilized for a broad range of commercial activities.
3. The proposed development includes three uses that require a Special Use Permit. The first is a video arcade, which would be housed in a 7,520-square foot building and, as described in the applicant's narrative, would have at least 40 games, a laser tag arena, a small snack bar area and seating for approximately 20 people. The outdoor amusement includes 36 holes of miniature golf, with 18 handicap-accessible holes that would run along the northern side of the property from Route 17 toward the west and a go-kart track with twelve (12) "environmentally friendly electric karts" located along Route 17 and in front of the proposed building. Documentation provided by the applicant states that "Electric karts... create almost no noise, except a pleasant high-pitched whine like an F-1 racecar." The karts use no gas or oil and produce no fumes, which ensures there would be no air pollution or hazardous material spills associated with the go-kart track. The noise level for the karts decreases as the distance from the source increases, and the documentation provided by the applicant states that the noise level from three feet away would be 68 dB (i.e., similar to road traffic, piano practice). From 100 feet away, the noise level would decrease to 38 dB (i.e., similar to a normal private office, average residence), and from 200 feet away it drops to 32 dB (i.e., library conversation, rural area). The nonconforming single-family detached home would be about 100 feet from the go-kart track. Phase I of the project, according to the sketch plan, consists of the miniature golf courses, the arcade building, and parking. Phase II would consist of the go-karts. The narrative states that Phase 2 is projected to be constructed within 12-18 months of the opening of Phase 1.
4. The adjacent properties to the west are zoned R20 and as such, a Type-35 Transitional Buffer is required per the Zoning Ordinance, Section 24.1-243, *Transitional buffers*. The sketch plan shows landscaping in the area abutting these residentially zoned parcels, supplemented by a six-foot privacy fence to the rear of the proposed parking area. Placement of the landscape plantings on the outside of the fence ensures a more aesthetically appealing view from the adjacent residential properties. Additionally, the applicant has provided a picture of the vinyl fencing that he would like to use for the proposed fence. To provide additional visual and noise buffering for the use, staff has

proposed a condition of approval requiring the 35-foot transitional buffer to be landscaped in accordance with the requirements for a 50-foot transitional buffer. This increase will provide for additional landscape plantings per linear feet as well as require a higher percentage of trees (versus shrubs) in the buffer area.

5. Since the property fronts on Route 17, any development to a depth of 500 feet will be subject to the provisions of the Route 17 Corridor overlay district set forth in Section 24.1-378 of the Zoning Ordinance. The building renderings submitted by the applicant demonstrate compliance with these standards and show that the buildings within the viewshed of Route 17 would have compliant façades with wrought iron fencing extending around the building and outdoor amusement areas.
6. Miniature golf courses and go-karts are subject to the setback and noise performance standards set forth in Section 24.1-458 of the Zoning Ordinance pertaining to all outdoor commercial amusements. The noise standard requires that noise be contained within the site through the use of architectural and landscape means. The setback standard requires that structures, except privacy or containment fences or sound baffles, be a minimum of 500 feet from residential property and be no closer than 100 feet to any property line. Both standards were designed to address the potential impacts of more intensive outdoor commercial amusements such as waterslides, skateboard parks, and baseball hitting ranges, and the setback standards allow the Board to consider a lesser dimension as part of a use permit request in recognition of the specific characteristics of a proposed use. That was done in the case of four previously approved miniature golf applications – the Pirate’s Cove course on Bypass Road, the Ripley’s Believe It or Not! course on Richmond Road and two miniature golf applications that were approved for sites on Hampton Highway and Route 17, but were not built.

The closest residentially zoned structure is on Burts Road, approximately 200 feet from the proposed miniature golf course and 400 feet from the go-kart track. The area in between consists of the rear yard of the dwelling [approximately fifty (50) feet], the proposed 35-foot transitional buffer (planted as a Type 50 buffer), and approximately 115 feet for the stormwater retention pond. Given the type of outdoor commercial amusement that is being proposed, the 200 feet of separation that exists and the buffering and screening that the 35-foot transitional buffer, privacy fence, and retention pond area will provide, should be sufficient to warrant a reduction of the setback requirement from 500 feet to 100 feet for the miniature golf course or the go-kart track from the western property line. A condition is included in the proposed resolution to address the setback. Additionally, any structure shelter built for the go-kart track will need to meet the 45-foot setback requirements from Route 17. Other applicable setback requirements are stipulated in the resolution and match the requirements in GB zoning, except for along the western property line which reflects the 35-foot transitional buffer requirement.

7. The proposed project is located on the western side of Route 17 and the entrance is proposed on the southern end of the subject properties’ road frontage. No additional entrances are proposed. A median break on Route 17 is located across from the Ken Matthews Garden Center property, approximately 100 feet to the south of the subject

parcel. According to trip generation rates published by the ITE (Institute of Transportation Engineers) for a Multipurpose Recreational Facility, the proposed uses can be expected to generate approximately 13 trips in the PM peak hour and at most 185 daily trips on Saturdays. This is well below the Zoning Ordinance thresholds for requiring a traffic impact analysis and lower than many other GB uses (fast food, retail, etc.) that would be permitted. Because of the proposed entrance's proximity to the residential driveway to the south, VDOT will require an Access Management – Exemption (AM-E) waiver request for the entrance. As part of the waiver request, VDOT has requested that the applicant place an ingress-egress easement to the single-family detached home parcel to the south and a similar easement to the western property line. The proposed easement to the south would give VDOT the ability to close the existing access on that single-family detached home property if and when it is redeveloped and require access to that parcel through the subject project. The access easement to rear would be intended to provide access to Burts Road in the event that the properties along Burts Road are ever rezoned for commercial use. .

8. The applicant's sketch plan shows approximately 83 proposed parking spaces on the western side of the site, which exceeds the 80 spaces required by the Zoning Ordinance. Section 24.1-606(i) of the Zoning Ordinance requires one (1) parking space for every 200 square feet of gross floor area for the building and one (1) parking space for every four person capacity based on the maximum occupancy load for the facility for the miniature golf and go-kart areas. The building is 7,520 square feet and would require 38 parking spaces. Traditionally, the County has counted each miniature golf course hole as being able to be occupied by four (4) persons, so one parking space per hole would be required, which would mean that 36 spaces would be needed. Furthermore, the go-kart area could be counted as occupancy by four (4) persons for every two cars and would require six (6) more spaces. Lastly, the food service requires an off-street loading space, which the applicant has shown on the sketch plan.
9. The applicant proposes to light the miniature golf course for nighttime use and, in accordance the standard terms of the Zoning Ordinance, all lighting fixtures will be required to be full cutoff. The full cutoff design, plus the limits on light intensity at the property lines, will prevent off-site glare onto the abutting properties.

### **RECOMMENDATION**

The uses along Route 17 are commercial in nature and the residential uses on the adjacent properties to the west are buffered and set back significantly from the proposed uses. A video arcade and outdoor commercial amusement center along this corridor would be compatible with the surrounding uses and with the proposed conditions concerning landscaping and architectural features, the project will be an attractive addition on the corridor. Lastly, the adjacent roadways will not be adversely affected by the proposed course, as the development will not generate a significant amount of traffic. Therefore, based on the considerations and conclusions outlined above, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval, subject to the conditions set forth in proposed Resolution No. PC15-5.

York County Planning Commission

March 31, 2015

Page 5

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Attachments:

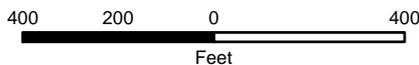
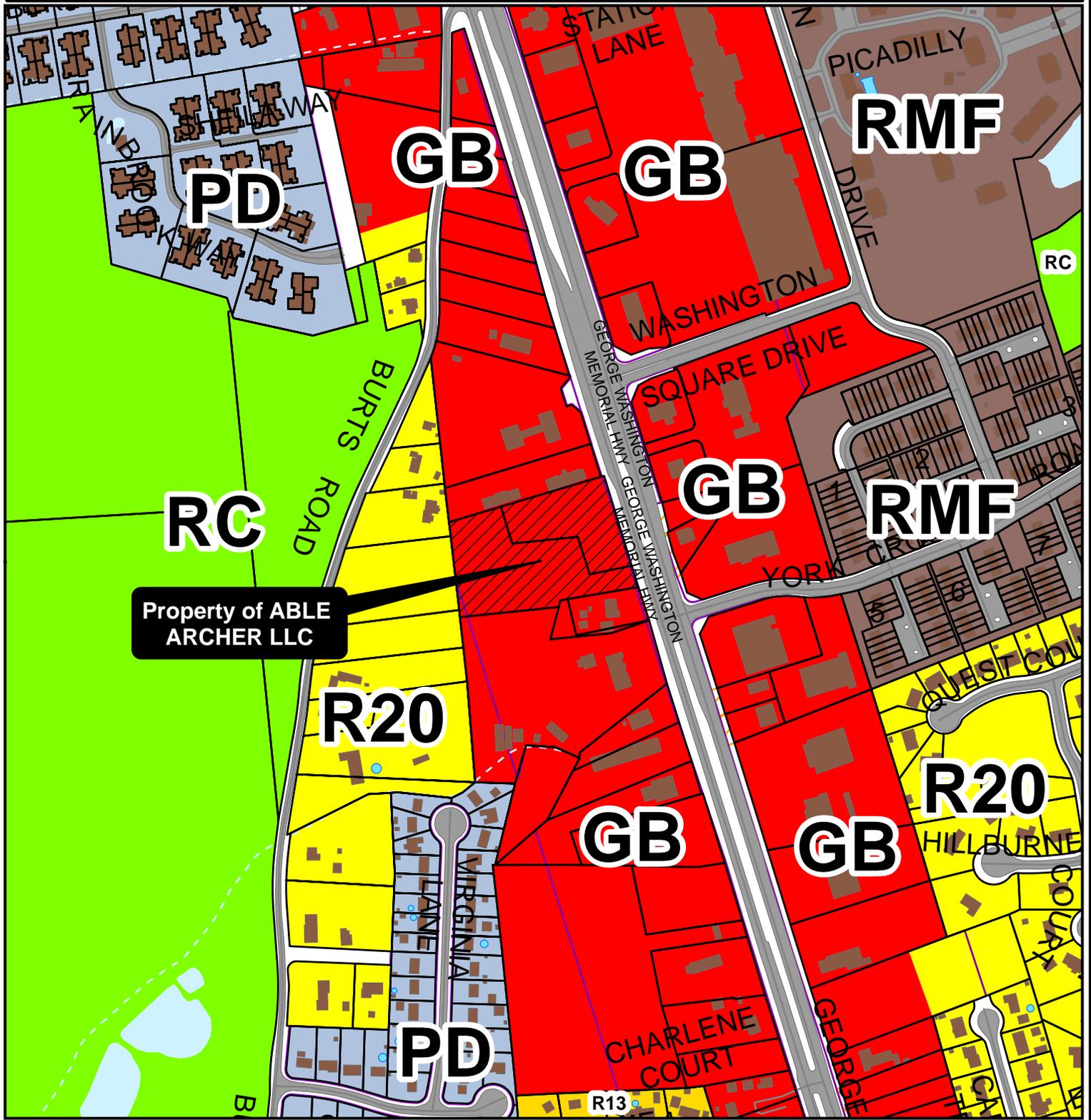
- Zoning Map
- Narrative Statement
- Sketch Plan
- Color renderings and Photos
- Electric Go-Kart Documentation
- Proposed Resolution No. PC15-5

**APPLICANT** PAR Investments, LLC

Special Use Permit request to allow an outdoor commercial amusement (miniature golf and go kart)  
5001 and 5021 George Washington Memorial Hwy

# ZONING MAP

**APPLICATION NUMBER:** UP-859-15



Printed on March 3, 2015



SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

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

## **Project Narrative**

### **PAR Investments, LLC**

I am seeking to relocate Play A Round Golf & Games, a family entertainment center that previously existed in Newport News for 43 years. The target properties for this project are located at 5001 (& 5021) George Washington Memorial Highway and currently are undeveloped, consisting mostly of trees. The sites are in close proximity to other family fun venues such as the York County Sports Complex and York Lanes, making this a desirable location.

Phase 1 of this project would be comprised of 36 holes of miniature golf (18 holes of which would be accessible for those with mobility disabilities), a 7,520 square foot building housing a 40+ game arcade, as well as a state of the art lasertag arena. Also inside would be a small snack bar area serving pizza, hotdogs, nachos, ice cream, fountain drinks as well as assorted pre-packaged snacks. This snack bar area would be accompanied by an eating area that would seat approximately 20 people.

Additionally, this project would set aside a portion of land on which a 530 foot “fun-kart” track would be constructed as a “Phase 2” part of the project within 12-18 months of opening “Phase 1”. This track would operate up to 12 environmentally friendly electric karts. These karts are typically operated by drivers 54” and taller, with those riders over 36” riding in a double kart with a licensed adult. The electric karts are fundamentally different than the gas powered version. They are extremely quiet, emit no exhaust fumes, and have virtually no environmental impact. All karts would be equipped with remote cut-off devices that can stop the kart or limit speed as needed.

The facility would operate 363 days out of the year (closed Thanksgiving and Christmas), but hours of operation would vary by season. Our peak season runs from Memorial Day through Labor Day, with holidays, and Friday-Sunday being the busiest days of the week. Typical peak season hours would be: Mon-Sat. 10am-11pm, and Sun 12pm-11pm. The off-season hours generally would be: Sun-Thurs. 12pm-9pm, Fri 12pm-11pm, and Sat 10am-11pm.

All outdoor facility lighting would be “full cut-off” per county requirements, and music for golf course guest’s enjoyment would be played at a back ground level from ground level speakers placed strategically around the golf courses.

As this project falls in the Route 17 Corridor Overlay District, the building has been designed to be extremely appealing to the eye, while being complimented with thorough landscaping throughout the property. The facility will not require any additional signage along George Washington Memorial Highway, as all establishment signage will be mounted on the building itself.

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MAR 2 2015

Planning Division

# Play A Round Family Entertainment Center (W/ South Entrance)

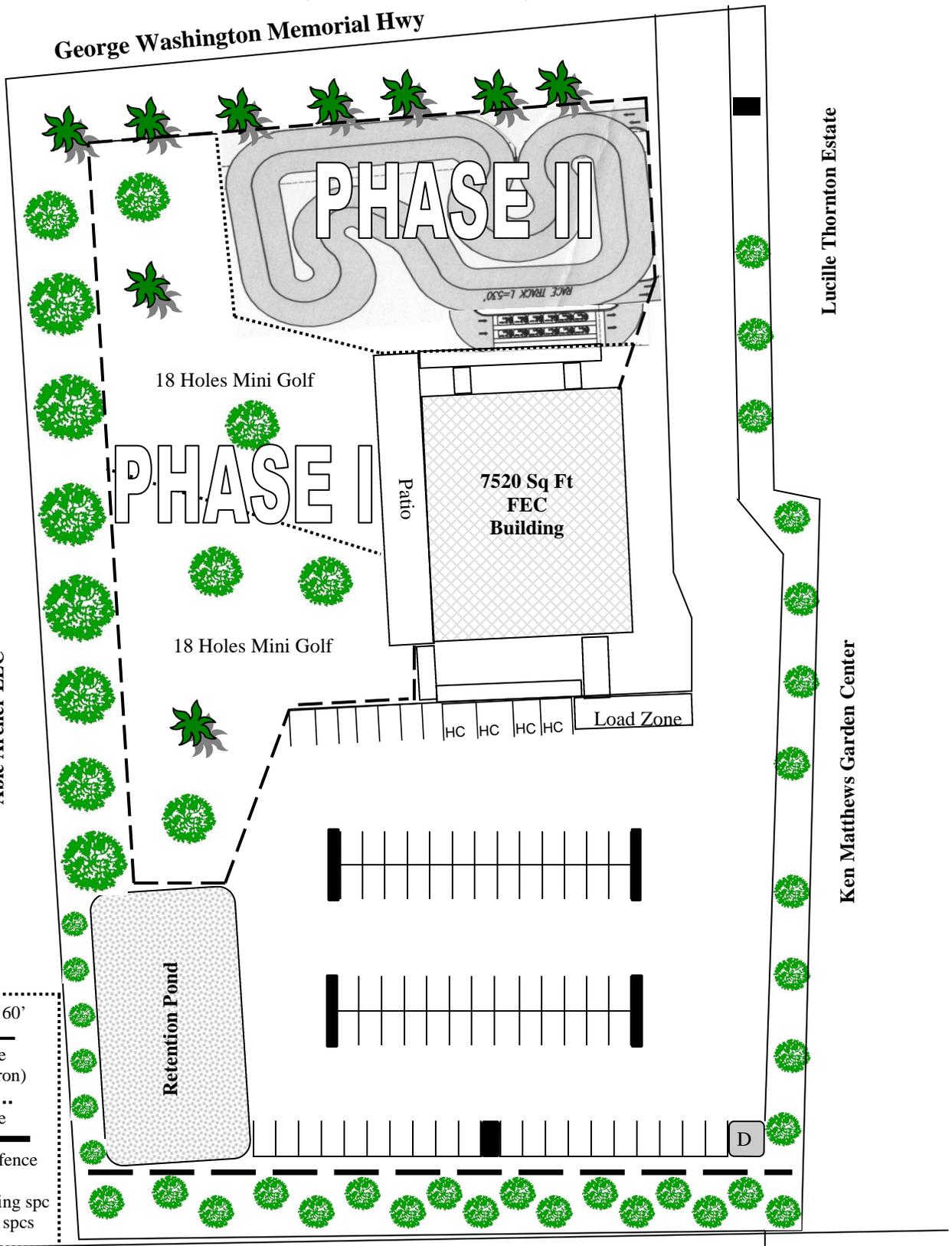
George Washington Memorial Hwy

Lucille Thornton Estate

Ken Matthews Garden Center

Able Archer LLC

- 1"=Approx 60'
- 6ft tall fence (Wrought Iron)
- 4ft tall fence
- 6ft privacy fence
- 78 reg parking spc
- 4 handicap spcs



Margaret Hopson Tynes

Robert E Willet

Richard C. Epstein

# Proposed Play A Round Golf & Games FEC Building Renderings



↑MINI-GOLF COURSE AREA↑

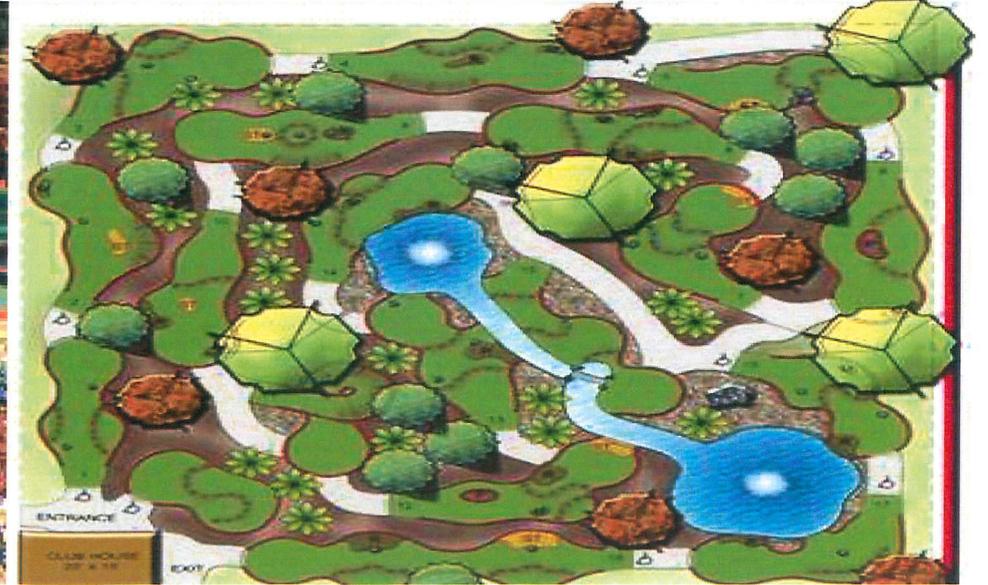
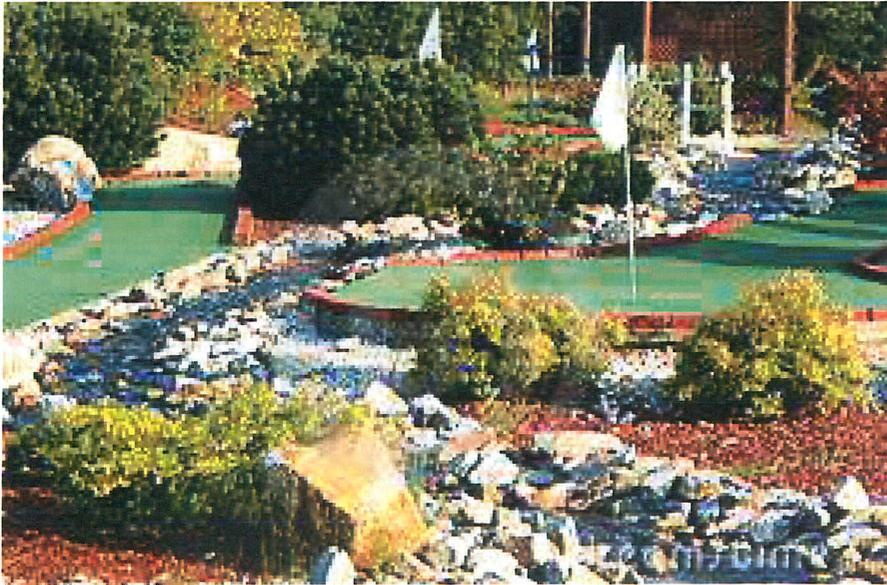


# Proposed Play A Round Golf & Games FEC Building Renderings

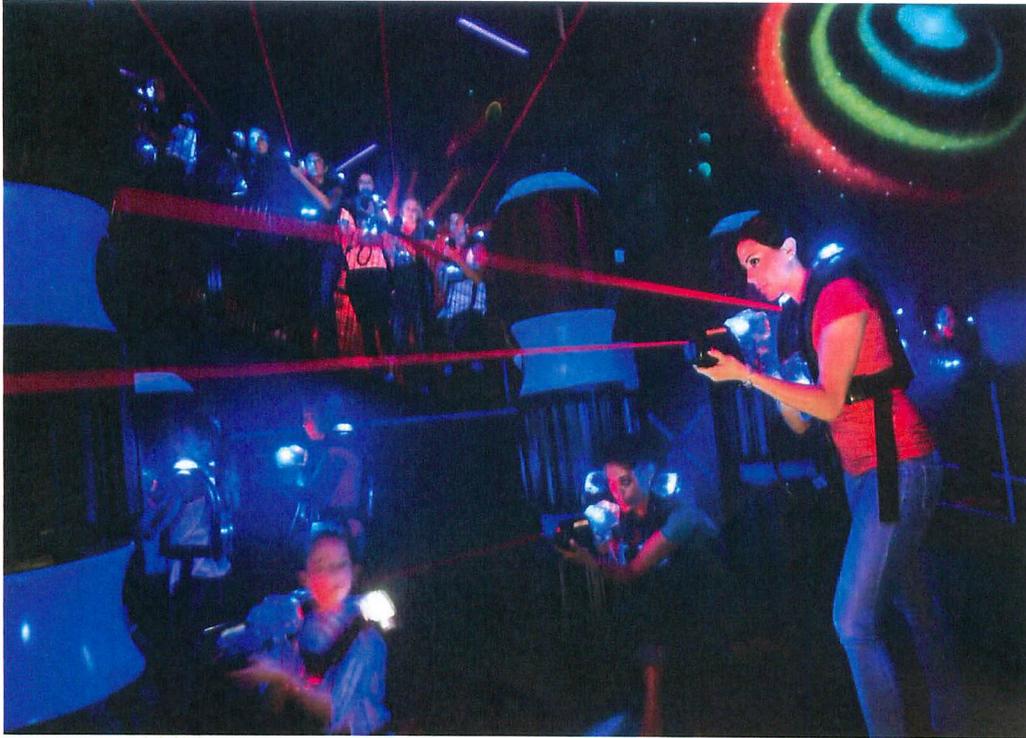


↑ MINI-GOLF COURSE AREA ↑

# Proposed Play A Round Golf & Games FEC Mini-Golf Design Examples & Typical Layout



Proposed Play A Round Golf & Games FEC  
Lasertag & Go-Kart Examples





# Electric Go-Karts

Source:

March 2004 Article Excerpt.....

## WHY AN ELECTRIC KART?

### Zero Emissions = Clean Air and Lower Operating Costs—

Electric karts emit no air pollution whatsoever. City codes and inspectors meet the approval of electric go-kart tracks or facilities, however, with gas karts, they have previously denied or not passed the rigorous standards of city codes.

### Whisper Quiet Operation = Longer Operating Hours—

When you first enter a conventional karting facility, the roar of the karts fills you with excitement – for about five minutes. After that, the loud, incessant droning is more likely to give you a headache. Customers there to enjoy the facility are driven away. There is no way to bring the noise level of gas engine karts down to an acceptable level. **Electric karts on the other hand create almost no noise, except a pleasant high-pitched whine like an F-1 racecar. This translates to longer operating hours and fewer complaints from your crew, customers and neighbors.**

Electric karts use no gas or oil. This means no fumes, no spills, no air pollution, and none of the hazards or related costs associated with toxic liquids. Electric karts need no "re-fueling", translating to fewer man-hours and fewer hazards. Automatic pit-lane charging brings the karts to full racing capacity in a matter of minutes, and the electricity used to run an electric kart costs considerably less than gasoline. Electric kart batteries are UL rated and fully recyclable.

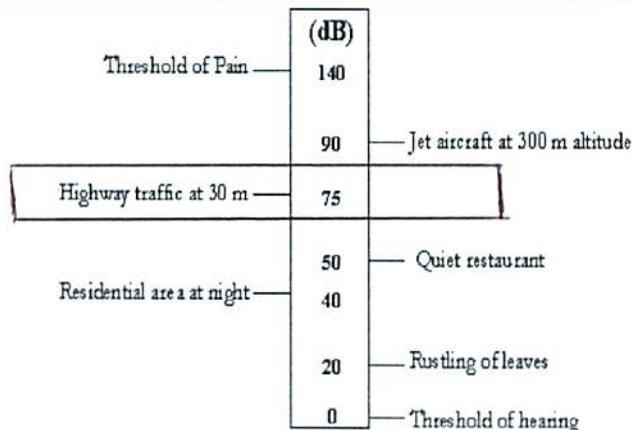
Noise levels indoors 3 foot away from kart: 68Db

Noise levels @ 100 feet from kart: 38Db

Noise levels @ 200 feet from kart: 32Db

Noise levels can be as much as 50% less in Db levels of gas karts

For more information, contact: Formula K Raceway, Inc., 4358 N. Main St., PO BOX 488, Mattawan, MI 49071. Phone: 269-668-4575 or toll free at 800-873-0291 or by fax: 269-668-4819.



Source: <http://www.fwha.dot.gov>

(Federal Highway Administration)

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MAR 2 2015

Planning Division

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 \_\_\_\_\_, 2015:

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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 A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A VIDEO ARCADE AND OUTDOOR AMUSEMENT CENTER AT 5001 AND 5021 GEORGE WASHINGTON MEMORIAL HIGHWAY**

WHEREAS, PAR Investments, LLC has submitted Application No. UP-859-15, which requests a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, Nos. 4 and 9), to authorize a video arcade and an outdoor amusement center (miniature golf course and go-karts) on 3.6 acres of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor’s Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163); 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 \_\_\_\_\_, 2015 that Application No. UP-859-15 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a video arcade and outdoor amusement center on a parcel of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163) subject to the following conditions:

1. This use permit shall authorize the establishment of a video arcade and outdoor amusement center on a parcel of land located at 5001 and 5021 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel Nos. 29-72 and 29-78 (GPIN S06c-1806-1086 and S06c-1619-1163).
2. A site plan prepared in accordance with the provisions of Article V of the York County Zoning Ordinance shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or development activities on the site. Said site plan shall be in substantial conformance with the sketch plan prepared by the applicant and dated March 24, 2015, except as modified herein, a copy of which shall remain on file in the office of the Planning Division. The landscape plan shall incorporate such additional landscaping in the 35-foot transitional buffer area as is necessary to comply with the Zoning Ordinance landscape credits and shrub percentage requirements for a Type 50 Transitional Buffer.
3. No structure except privacy or containment fences or sound baffles shall be allowed within thirty-five feet (35') of the rear property line, within forty-five feet (45') of the front property line, or within ten feet (10') of any side property line. The miniature golf course and go-kart track shall be set back a minimum of 100 feet from the western property line.
4. Architectural design of the video arcade, miniature golf course, go-kart track, and buildings shall be in substantial conformance with the rendering and photographs submitted by the applicant, copies of which shall be kept on file in the office of the York County Planning Division.
5. A six-foot privacy fence shall be constructed along the eastern edge of the 35-foot transitional buffer along the western property line. Said fence shall be in substantial conformance with the photograph submitted by the applicant, a copy of which shall be kept on file in the office of the York County Planning Division.
6. No clearing shall be allowed in the area labeled on the referenced sketch plan as "Private Impound Easement and Drainage Easement for Benefit of Parcel A & B" except as necessary to construct any stormwater control facilities.

7. The lot line separating the two parcels shall be vacated prior to site plan approval.
8. 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 within one month of use permit 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.