

Index File

PD-28-10

Yorkshire Downs Master Association and Yorkshire Downs Condominium Owners' Association, Inc.

Assessor's Parcel Nos. 38A2-9-2-A and 38A2-9-5-A

Application No. PD-28-10, Yorkshire Downs Master Association and Yorkshire Downs Condominium Owners' Association, Inc: Request to amend the approved Master Plan for the Yorkshire Downs Planned Development, pursuant to Section 24.1-362(c)(7) of the York County Zoning Ordinance, by eliminating a required picnic area/tot lot that was removed without authorization from the County. The picnic area/tot lot was located in a common area consisting of two parcels, further identified as Assessor's Parcel Nos. 38A2-9-2-A and 38A2-9-5-A, on the north side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way and across from Sudbury Way. The property is zoned PD (Planned Development) and designated High Density Residential in the *Comprehensive Plan*.

Attachments:

- Staff Report
- Zoning Map
- Applicant's Letter with exhibits (15 pages)
- 2005 Aerial Photo
- Proposed Resolution No. PC10-8

COUNTY OF YORK

MEMORANDUM

DATE: April 27, 2010 (PC Mtg. 5/12/10)

TO: York County Planning Commission

FROM: Timothy C. Cross, AICP, Principal Planner

SUBJECT: Application No. PD-28-10, Yorkshire Downs Master Association and Yorkshire Downs Condominium Owners' Association, Inc.

ISSUE

This application seeks to amend the approved Master Plan for the Yorkshire Downs Planned Development, pursuant to Section 24.1-362(c)(7) of the York County Zoning Ordinance, by eliminating a required tot lot that was removed without authorization from the County. The tot lot was located in a common area consisting of two parcels, further identified as Assessor's Parcel Nos. 38A2-9-2-A and 38A2-9-5-A, on the north side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way and across from Sudbury Way (all of which are private roads).

DESCRIPTION

- Property Owner: Yorkshire Downs Condominium Owners' Association, Inc. (The Yorkshire Downs Master Association is a co-applicant.)
- Location: North side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way
- Area: 1.1 acres
- Frontage: 236.7 feet on East Bristol Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: High Density Residential
- Zoning Classification: PD – Planned Development
- Existing Development: Common open space for Yorkshire Downs
- Surrounding Development:

North: Yorkshire Downs condominiums

East: Yorkshire Downs condominiums (across Camden Way)
South: Yorkshire Downs condominiums (across East Bristol Lane)
West: Yorkshire Downs condominiums (across Cheltenham Way)

- Proposed Development: None

BACKGROUND

Located on the north side of Hampton Highway (Route 134) approximately 1,750 feet west of the Hampton city line, the Yorkshire Downs Planned Development consists of a mix of townhouses, condominiums, single-family detached homes, and rental apartments. The total number of units, including the 202-unit Dominion Yorkshire Downs apartment complex, is 615, according to County records. The development was originally approved by the Board of Supervisors in 1973 as Shady Banks Planned Unit Development. A revised Overall Development Master Plan was approved by the Board of Supervisors in 1986, amended in 1987, and amended again in 1992. Construction spanned an approximately ten-year period from 1987 through 1997.

More than ten years ago, representatives of Yorkshire Downs approached the County about the possibility of removing or relocating a picnic area/tot lot that had been constructed on East Bristol Lane, citing concerns that it was not being used as intended and instead had become a gathering place for neighborhood teenagers, sometimes late at night, causing noise, litter, damage to the playground equipment, and other problems. These problems were compounded by the tot lot's proximity to adjacent homes approximately 20 to 35 feet away. Staff advised them that since the picnic area/tot lot was shown on the approved Master Plan for the development, any proposal to eliminate it, reduce its size, or move it to another area within Yorkshire Downs would require an application to amend the Master Plan, while minor shifts in location within the same area could be approved administratively as a Limited Deviation. Attempts on the part of the Condominium Owners' Association to find a suitable alternative location for the tot lot were not successful for two reasons. First, much of the available common area is located within a 200-foot Dominion Virginia Power easement, which encompasses approximately 13 acres and runs through the middle of the development; the Planned Development provisions of the Zoning Ordinance and the conditions of approval for Yorkshire Downs specifically prohibit the placement of any required recreational facilities within a power transmission line right-of-way. Second, all other potential locations within the condo common area suffered the same drawbacks as the original location because of their proximity to adjacent homes.

No amendment to the master plan or Limited Deviation was ever formally pursued by either the Master Association or the Condo Owner's Association, yet the tot lot was removed – without authorization from the County – in 2006. In response to this action, the Zoning Administrator wrote to the president of the Condominium Association in January 2007 to remind her of the need to replace the playground equipment and/or apply for an amendment to the Master Plan. This precipitated a dispute between the Condo Association and the Master Association over which body was responsible for replacing the equipment. Meanwhile, in the absence of any corrective action, the County's

Development and Compliance Division formally cited both associations for a zoning violation in February 2008 and again in July 2008. Eventually, the two homeowners' associations jointly filed this application to amend the Master Plan by eliminating the picnic area/tot lot.

CONSIDERATIONS/CONCLUSIONS

1. Section 24.1-362(c) of the Zoning Ordinance states that any change to an approved overall development master plan that materially alters recreational amenities must be approved by the Board of Supervisors in accordance with the same procedures applicable to an original Planned Development application, including Planning Commission review and public hearings.
2. As noted earlier, the approved Overall Development Master Plan for Yorkshire Downs has been amended several times over the years. Particularly significant are the 1992 amendments, which adjusted the unit mix by replacing 625 planned condo/townhouse units with 228 single-family detached homes, the net effect of which was to reduce the total number of approved dwelling units from 1,097 to 700 – a 36 percent reduction. The Master Plan was amended again in 1993 when the Board approved a Limited Deviation that further reduced the lot yield by increasing the lot sizes in one of the single-family project phases. Ultimately, according to County land records, a total of 615 units were constructed (although there are still four undeveloped townhouse lots).
3. The former picnic area/tot lot was located in the common area on the north side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way and across from Sudbury Way (all of which are private roads). According to 2005 aerial photos, the tot lot occupied approximately 2,600 square feet and was about 20 to 35 feet from surrounding condo units. An evaluation of other potential locations within the various condominium common areas indicates that none of them can accommodate a tot lot of this size without similarly infringing on neighboring homeowners' peace and enjoyment of their property. Even the least intrusive site would be within 30 feet of an existing condo unit and 24 feet from an adjacent single-family detached home. Furthermore, relocating the tot lot to another site adjacent to an existing home would not be consistent with Section 24.1-499(b) of the Zoning Ordinance, which requires community recreational facilities to be in place *prior to* the platting – and hence conveyance – of any adjacent residential lots (unless the purchaser signs a disclosure statement). This provision protects people from unknowingly purchasing a residential lot or unit adjacent to property that is designated to be used as common area and/or facilities.
4. Even without the picnic area/tot lot, the number and type of recreational facilities within Yorkshire Downs not only meet but exceed the recreation area requirements for a Planned Development of this size set forth in Section 24.1-361(e) of the Zoning Ordinance. The core recreational area is located on a 1.9-acre parcel and includes a swimming pool, bathhouse, tennis court, playground, tot lot, picnic area, and parking lot. There is also a 4.4-acre recreational parcel with a multi-purpose activity field,

basketball court, and parking lot. In addition, there is a small playground/picnic area in the townhouse section of the development as well as a network of asphalt biking/walking trails throughout the community. These recreational amenities do not include the apartment complex, which has its own swimming pool, tennis court, fitness center, and playground.

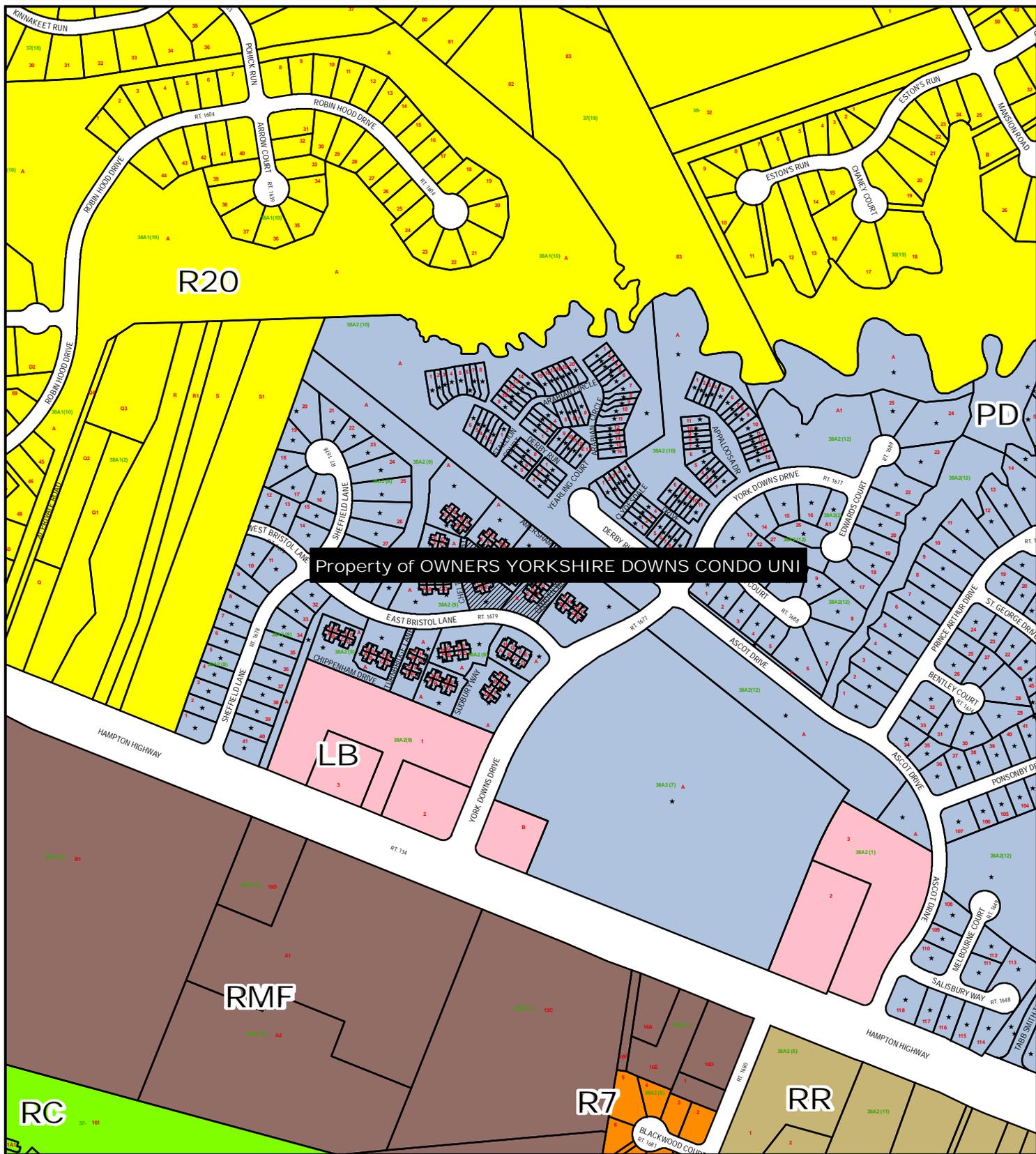
RECOMMENDATION

There is no justification for the removal of the picnic and playground facilities without County authorization. Nevertheless, this request – though submitted, regrettably, after the fact – does have some merit. Originally conceived and approved as a development of 1,097 housing units, Yorkshire Downs was incrementally scaled back over the years, ultimately resulting in a community of 615 units – 45 percent fewer than initially planned. The reduction in units has lessened the need for recreational facilities, and existing facilities in the community already exceed the Zoning Ordinance requirements for a development of this size. Indeed, in the four years that have passed since the picnic area/tot lot was removed, the County has received few if any complaints from any residents of Yorkshire Downs about its removal. Since the two duly constituted homeowners' associations, whose purpose is to represent the interests of the homeowners, are in agreement that the tot lot is not needed or desired, staff sees no reason to force a recreational amenity upon the residents against their will. 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. This can be accomplished through the adoption of proposed Resolution No. PC10-8.

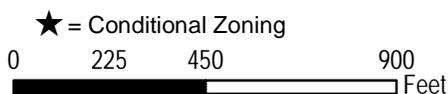
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Attachments:

- Zoning Map
- Applicants' Letter with exhibits (15 pages)
- 2005 Aerial Photo
- Proposed Resolution No. PC10-8



Property of OWNERS YORKSHIRE DOWNS CONDO UNI



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.

MAR 12 2010

Planning Division



March 10, 2010

York County Planning Commission
224 Ballard Street
P.O. Box 532
Yorktown, Virginia 23690-0532

Re: Joint Application To Amend Master Plan

Dear Members of the Commission:

This joint application is made by Yorkshire Downs Master Association (the "Master Association") and the Yorkshire Downs Condominium Owner's Association (the "Condo Association") (the Master Association and the Condo Association are together referred to as the "Applicants"). The Master Association owns common area within Yorkshire Downs, and the Condo Association, pursuant to Virginia Code §55-79.80, is the authorized agent and represents the interests of the condominium in connection with the condominium's common elements.

Requested Amendment to Master Plan of Yorkshire Downs

The Applicants request that (1) the Master Plan, including without limitation its conditions, be amended to eliminate the "picnic area and tot lot" designated on the Master Plan to be located on parcels now identified as GPIN V02c-2386-2449 (Map # 38A2-09-02-000A) and GPIN V02d-2598-2483 (Map # 38A2-09-05-000A) (the "Tot Lot"), and that (2) such amendment of the Master Plan be without any requirement that the Tot Lot or any similar facilities be installed elsewhere in the planned development in place thereof. A summary of the pertinent history of the Yorkshire Downs planned development follows.

Pertinent History of Yorkshire Downs Zoning and Master Plan

On December 20, 1973, the York County Board of Supervisors (the "Board of Supervisors") approved a rezoning application creating the Shady Banks Planned Unit Development. On March 7, 1985, by Resolution R85-37, the Board of Supervisors clarified its prior approval of the Shady Banks PUD. See Resolution R85-37 attached hereto as **Exhibit 1**. On May 1, 1986, by Resolution R85-63(R), the Board of Supervisors approved a revised overall master plan shown on the "Overall Development Master Plan of Shady Banks" prepared by Talbot and Associates, Ltd. dated April 23, 1986. Finally, on February 5, 1987, by Resolution 86-36, the Board of Supervisors approved a second revised overall master plan shown on the

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CALIFORNIA \ CONNECTICUT \ MASSACHUSETTS \ MICHIGAN \ NEW JERSEY \ NEW YORK \ PENNSYLVANIA \ VIRGINIA \ WASHINGTON, D.C.

“Overall Development Master Plan for Yorkshire Downs” prepared by Talbot and Associates, Ltd. dated April 23, 1986 and revised September 11, 1986 (the “Master Plan” as that term is used herein). See Board of Supervisors Minutes attached hereto as Exhibit 2. The Master Plan depicts the Tot Lot in question. See the highlighted “picnic area and tot lot” on the copy of the Master Plan attached hereto as Exhibit 3.

Pursuant to the Master Plan, and in the course of the build-out of the planned community, the Tot Lot was installed. See the 2005 Aerial Photo depicting the picnic area and tot lot attached hereto as Exhibit 4. However, the Tot Lot was subsequently removed and the property has been restored to an unimproved green space. See 2007 Aerial Photo attached hereto as Exhibit 5.

The Applicants collectively request that the Master Plan, including any and all conditions associated therewith, be amended to strike the Tot Lot (as defined hereinabove to include both the picnic area and tot lot) from the location shown on the Master Plan, without the requirement of reinstalling the Tot Lot or installing any replacement facilities elsewhere in the planned development, on any of the common areas of the Master Association, or on the common elements of the condominium.

The Yorkshire Downs community contains ample recreational amenities. The Tot Lot in question was rarely utilized. In light of the underutilization of the Tot Lot, its associated maintenance costs and liability risks outweighed its utility to the community. Accordingly, it was removed several years ago. The permanent removal of the Tot Lot is not a matter of any controversy or concern within the Yorkshire Downs community.

Thank you for your consideration of this request. Should you have any questions, feel free to contact me at (757) 941-2814.

Sincerely,



Daniel R. Quarles

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Courts and Board Room, York County Courts and Office Center, Yorktown, Virginia, on the 7th day of March, 1985:

| <u>Present</u> | <u>Vote</u> |
|--------------------------------|-------------|
| Rodgers A. Smith, Chairman | Yea |
| Julia A. Jensen, Vice Chairman | Yea |
| E. S. Bingley, Jr. | Yea |
| Benjamin M. Rush, Jr. | Yea |
| H. Tabb Smith | Yea |

On motion of Mr. Bingley, which carried 5:0, the following resolution was adopted:

A RESOLUTION INTERPRETING AND CLARIFYING YORK COUNTY
BOARD OF SUPERVISORS' DECEMBER 20, 1973 REZONING WHICH
CREATED SHADY BANKS PLANNED UNIT DEVELOPMENT

WHEREAS, the York County Board of Supervisors, on December 20, 1973, approved a rezoning application creating thereby Shady Banks Planned Unit Development; and

WHEREAS, the property owners agree that the following details interpret and clarify their prior approval in a proper and binding manner;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors on this the 7th day of March, 1985, that the Overall Plan for the Shady Banks Planned Unit Development be, and it hereby is, interpreted to include the following provisions, which shall be of the same dignity and enforceability as other features of the approved proposal of the developer contained in the said Overall Plan as fully and completely as if stated clearly therein:

I. General Design and Layout

The general design and general layout of the Planned Unit Development shall be as indicated on plans dated February 25, 1985 and submitted by Brundage-Kroskin and Associates and further described as:

EXHIBIT

1

"Shady Banks Development: Land Use Plan (1)";
"Shady Banks Development: Open Space and Recreation Plan
(2)";
"Shady Banks Development: Utility Plan (3)"; and
"Shady Banks Development: Drainage Plan (4)",

including all notes contained thereon, as amended herein. The maximum number of residential units shall be 1,097 and the maximum gross density shall be 7.66 du/ac. The distribution of residential units within the project shall be as follows:

Rental Units: 55 percent - 60 percent
Townhouse Units (for sale): 35 percent - 40 percent
Single-Family Detached Units: 4 percent - 10 percent

Substantive deviation from the general design and general layout as submitted or as excepted or amended by this resolution shall require resubmission and approval in accordance with such Planned Unit Development regulations as may then be in effect, or by the York County Board of Supervisors should such regulations not be in effect.

II. Streets and Circulation

Roadway design and construction shall be consistent with the sections illustrated on the referenced "Shady Banks Land Use Plan (1)." All public streets within the Planned Unit Development shall be approved by the Virginia Department of Highways and Transportation as being consistent with its most current design and construction standards. The design and construction of all private streets and parking areas shall be reviewed and approved by the Director of Public Works and Utilities as required by Section 10.1-8.2 of the York County Zoning Ordinance.

III. Utilities

The Planned Unit Development shall be served by the Sanitary District No. 2 sewer system in accordance with the regulations contained in the "York County Sanitary District No. 2 Wastewater Ordinance", and approved by the Department of Public Works and Utilities. The design and location of any pumping stations shall also require Department of Public Works and Utilities approval as required by Section 10.1-8.3d of the York County Zoning Ordinance.

The Planned Unit Development shall be served by a public water supply and fire protection system approved by the Department of Public Works and Utilities, and Fire and

Rescue Services as required by Section 10.1-8.6 of the York County Zoning Ordinance.

The approximate sizes and general locations of utility facilities shall be as depicted on "Shady Banks Development: Utility Plan (3)", dated February 25, 1985, unless otherwise required by the Department of Public Works and Utilities. The sewage system shall be designed and located to service the entire planned unit development area. This shall include the construction of permanent facilities in accordance with specifications provided by the Department of Public Works and Utilities.

IV. Stormwater Management

The Planned Unit Development shall be served by a stormwater collection and management system and necessary easements approved by the Department of Public Works and Utilities as required by Section 10.1-8.2 of the York County Zoning Ordinance. The Director of Public Works and Utilities is hereby delegated the authority to require the developer to submit those certifications, engineering studies or design elements which he deems necessary to ensure the maintenance of an adequate water level and quality of the pond. General sizes and locations of stormwater management facilities shall be as depicted on "Shady Banks Development: Drainage Plan (4)", dated February 25, 1985.

V. Open Space and Recreation

The number, sizes and locations of all open space and recreational amenities shall be as generally depicted on "Shady Banks Development: Open Space and Recreation Plan (2)", dated February 25, 1985, subject to the following:

- A. Adequate parking shall be provided for each swimming pool complex. A minimum of eighteen (18) paved parking spaces shall be provided at the main community pool complex and a minimum of twelve (12) paved spaces shall be provided at each additional pool complex. Adequate bicycle racks shall also be provided at each swimming pool complex.
- B. A bathhouse facility is required for each pool complex. The minimum number of plumbing fixtures shall comply with current standards set forth in the BOCA Code as they relate to semi-public swimming pools. The exteriors of bathhouse structures shall be compatible in appearance to the planned unit development's residential units.

- C. A wading pool shall be provided at the main community pool complex.
- D. A minimum of two swimming pools shall be provided as follows:
1. A main pool complex for the development shall be provided which shall have the following minimum dimensions: 45 feet in width facilitating six (6) lanes for competitive swimming, 82.5 feet (25 meters) in length, and a minimum of 3.5 feet in depth at one end, 5.0 feet at the other end. In addition, an "L" shall be provided within this pool for diving purposes with at least 2 diving boards. A shallow water pool (or a shallow water section of the main pool exclusive of the 45' x 82.5' area) shall also be provided with a depth ranging from 2.5 to 3.5 feet. A minimum water surface area of 6,000 square feet shall be provided in this complex. This pool complex shall be for the use of all residents of the planned unit development.
 2. A recreational swimming pool shall be provided concurrent with the first section of rental units to be developed. This pool, which shall consist of a minimum of 1,800 square feet of water surface area, shall have the minimum dimensions of 60' x 30' and shall be for the exclusive use of the residents of the abovementioned rental units unless excepted by its owners.

Although the minimum area specified is 1,800 square feet, it is recommended that this be increased somewhat, and that 75 feet of length be provided to facilitate competitive swimming.

All pool construction specifications must meet or exceed standards recommended by the National Spa and Pool Institutes and the Amateur Athletic Union of the United States. Any pool with diving facilities shall meet or exceed the AAU's minimum dimensions for diving facilities.

- E. A well drained and graded grassed area shall be provided within each fenced pool facility, the area of which shall be at least equal to the combined area of the water and deck surfaces.

- F. A minimum of two paved parking spaces shall be provided for each tennis court within the planned unit development.
- G. Tennis courts shall conform to the recommended construction standards of the U.S. Tennis Association and the U.S. Tennis Court and Track Builders Association for hot plant asphalt tennis courts. Courts shall be properly fenced and color coated. A bank of two courts shall be a minimum size of 108' x 120'.
- H. In order to provide for safe playing conditions, a minimum of twenty-five feet of flat ground shall be provided between the soccer/baseball field and any body of water, property line or right-of-way.
- I. The softball field shall have a minimum distance of 250 feet between home plate and the home run line.
- J. The soccer field shall have minimum dimensions of 160' x 300'. Final drawings shall maintain the present layout that separates the baseball infield from overlapping the soccer field. The athletic fields shall be graded with no less than one percent (1%) slope, and no more than two percent (2%) slope and shall be graded on a true plane from home plate to the north side of the soccer field.
- K. The parking area immediately adjacent to the athletic field shall be constructed for this facility and not for the housing units located just east of said parking area. A minimum of twelve (12) paved spaces shall be provided in this lot (provided it is set aside for the exclusive use of residents using the athletic fields). An area shall also be set aside and developed for orderly parking of bicycles.
- L. All paths and walking trails shall be constructed with a stone or aggregate base material with an asphalt (or other comparable or better material) surface. The specifications, including types and thickness of materials to be used as well as other design features shall be as set forth by the Asphalt Institute unless excepted by the Director of the Department of Parks and Recreation. The minimum width of the paths shall be six feet, unless excepted by the Director of the Department of Parks and Recreation.

- M. Each picnic area depicted on the referenced Open Space and Recreation Plan shall contain commercial grade picnic tables, park benches, and trash receptacles.
- N. For the development of each section, preliminary sketch plans shall be submitted for each of the recreational facilities for approval by the Department of Parks and Recreation prior to submittal of detailed development plans. Detailed development plans for recreational facilities shall also be approved by the Director of Parks and Recreation.
- O. The phasing of recreational facilities shall be as follows:
1. At such time as building permits shall have been granted for fifty-five percent (55%) of the total proposed units (603 units) within the planned unit development, the main pool complex shall have been constructed or the developer shall have provided to the County a corporate bond or other surety permitted by the York County Subdivision Ordinance in the amount of the estimated cost of construction of the complex, conditioned upon the construction of such facilities no later than such time as building permits shall have been granted for seventy-five percent (75%) of the total proposed units (823 units) within the planned unit development. No additional permits shall be issued so long as the developer fails to bond or build the complex as outlined above.
 2. Other recreational facilities shown on the Open Space and Recreation Plan shall be included on the detailed building plans with the respective sections of the Planned Unit Development. Applicable surety shall be provided to the County for said improvements in a form and amount acceptable to the County Attorney and approved by the County Administrator, prior to recordation of each respective section's plats or plan.
- P. In the event that environmental or legal constraints preclude the construction of the recreational facilities at the general locations indicated on "Shady Banks Development: Open Space and Recreation Plan (2)" dated February 25, 1985, then the developer shall be responsible for relocating any such facility to another location acceptable to the Department of Parks and

Recreation. This shall be accomplished, if possible, by rearranging proposed dwelling units.

The duty to construct open space and recreational amenities shall not be diminished by any reduction in number or density of dwelling units. However, any such reduction shall not necessarily affect the overall density permitted in Section I hereof.

VI. Homeowner's Association

The developer shall submit for approval, prior to recordation of any plats or plans for the planned unit development, a Homeowner's Association agreement meeting the following standards:

- A. All documents creating said Association, including but not limited to the Articles of Incorporation, Bylaws, and Covenants, shall be approved by the County Attorney. Approval of the Overall Plan for Development does not constitute approval of the Homeowner's Association.
- B. The Homeowner's Association shall ensure the continued proper maintenance and operation of all commonly owned facilities and property. The Homeowner's Association agreement shall set forth the rights and responsibilities of each section of the proposed development with respect to the maintenance and operation of project-wide common areas and additional capital improvements.
- C. The Homeowner's Association Agreement shall specifically address the rights and responsibilities of sections owned and managed by a single person or entity.

VII. Environmentally Sensitive Areas

The developer shall take any and all necessary steps to ensure the protection of the environmentally sensitive area surrounding Wythe Creek, which is designated in the Land Use Plan as a Resource Management/Protection area. The developer must, therefore, provide particular consideration to stormwater provisions, erosion/sediment control, and construction techniques in this area. All detailed plans shall be submitted to the Secretary of the County Wetlands Board who shall make a determination as to whether or not Wetlands Board action is necessary pursuant to Chapter 23, Article 1, of the York County Code. Any overlay Resource Management/Protection zoning district in effect at the time of development plan submission shall apply to this property

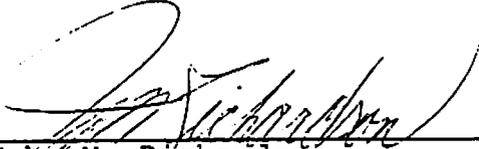
notwithstanding any provision of the Planned Unit Development Ordinance.

VIII. Review Criteria

All non-single-family development shall comply with the Site Plan provisions as required by Article 10.1 of the York County Zoning Ordinance or by such requirements in effect at the time of submission of the Detailed Plans. All townhouse "for sale" development shall comply with townhouse development standards required in Section 4-5 of the York County Zoning Ordinance or by such requirements in effect at the time of submission of the Detailed Plans. Further, all townhouse "for rent" development shall comply with the townhouse development standards which relate to variations in roofline, unit facades and other exterior architectural features, provided, however, that townhouses "for rent" development may have up to eight (8) units per structure.

BE IT FURTHER RESOLVED that any conflict or inconsistency between textual material and drawn plans or sketches hereinabove mentioned shall be resolved in favor of the textual material.

A Copy Teste:



John M. Richardson
County Administrator

February 5, 1987

086-78

PUBLIC HEARINGS.

APPLICATION NO. 86-36 FOR RECLASSIFICATION OF PD-R DEVELOPMENT COMPANY.

Mr. Richardson made a presentation, with the use of visual aids, on Application No. 86-36 to amend the York County Zoning Ordinance to reclassify from OPR and R-17 to PD-RC properties located on the north side of Route 134 approximately 1,500 feet west of the Hampton City limits.

Chairman Jensen then called to order a public hearing on Application No. 86-36 which was duly advertised in the Daily Press on January 21, and January 28, 1987. Proposed Ordinance 086-78 is entitled as follows:

AN ORDINANCE TO APPROVE APPLICATION NO. 86-36 WHICH REQUESTS AMENDMENT OF THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM OPR (OFFICE/PROFESSIONAL/RESEARCH) AND R-17 (SINGLE-FAMILY RESIDENTIAL) TO PD-RC (PLANNED DEVELOPMENT-RESIDENTIAL COMMUNITY) PROPERTY PREVIOUSLY IDENTIFIED AS THE SHADY BANKS PLANNED UNIT DEVELOPMENT AND ALSO TO AMEND THE APPROVED OVERALL DEVELOPMENT MASTER PLAN TO INCLUDE, AND RECLASSIFY TO PD-RC, TWO ADJACENT PROPERTIES LOCATED ON THE NORTH SIDE OF ROUTE 134 APPROXIMATELY 1,500 FEET WEST OF THE HAMPTON CITY LIMITS

There being no one present who wished to speak regarding the subject application, Chairman Jensen closed the public hearing.

Mr. Rush then moved the adoption of proposed Ordinance 086-78 which reads as follows:

AN ORDINANCE TO APPROVE APPLICATION NO. 86-36 WHICH REQUESTS AMENDMENT OF THE YORK COUNTY ZONING MAP BY RECLASSIFYING FROM OPR (OFFICE/PROFESSIONAL/RESEARCH) AND R-17 (SINGLE-FAMILY RESIDENTIAL) TO PD-RC (PLANNED DEVELOPMENT-RESIDENTIAL COMMUNITY) PROPERTY PREVIOUSLY IDENTIFIED AS THE SHADY BANKS PLANNED UNIT DEVELOPMENT AND ALSO TO AMEND THE APPROVED OVERALL DEVELOPMENT MASTER PLAN TO INCLUDE, AND RECLASSIFY TO PD-RC, TWO ADJACENT PROPERTIES LOCATED ON THE NORTH SIDE OF ROUTE 134 APPROXIMATELY 1,500 FEET WEST OF THE HAMPTON CITY LIMITS

WHEREAS, on December 20, 1973, the York County Board of Supervisors approved a rezoning application creating the Shady Banks Planned Unit Development; and

WHEREAS, on March 7, 1985, the Board adopted Resolution No. R85-37, interpreting and clarifying its prior approval of the Shady Banks PUD; and

WHEREAS, on May 1, 1986, the Board adopted Resolution No. R86-63(R), approving the revised Overall Development Master Plan of Shady Banks PUD; and

WHEREAS, Christopher Development Company and York 134 Associates have submitted Application No. 86-36 which requests that consideration be given to reclassification from OPR and R-17 to PD-RC property previously identified as Shady Banks Planned Unit Development, located on the north side of Route 134 approximately 1,500 feet west of the Hampton city limits, and further identified as Assessor's Parcel No. 38A2-(2)-A on the York County tax maps; and

WHEREAS, the applicants are also requesting an amendment of the approved Overall Development Master Plan to include, and to reclassify to PD-RC, two additional properties owned by Harold J. Strickland, Jr., and John J. Payne and further identified as Assessor's Parcel Nos. 38A1-(8)-A and B on the York County tax maps; and

WHEREAS, incorporation of these two parcels as proposed would add 1.4 acres to the commercial portion of the proposed development and 0.52 acre to the residential portion of the proposed development and would result in a slight adjustment of the layout of the apartment buildings adjoining this area; and

WHEREAS, the applicant has proposed to change the name of the project from Shady Banks to Yorkshire Downs; and

WHEREAS, said application has been referred to the York County Planning Commission for review and recommendation in accordance with the applicable procedures; and

WHEREAS, the Board has carefully considered the Planning Commission's recommendation for approval and has conducted a public hearing in accordance with applicable procedures; and

WHEREAS, subsequent to said consideration and discussion the Board has made the following findings with respect to this application:

- o Reclassification of the subject property to PD-RC will appropriately recognize the character and the density of the development projects, both current and proposed, which have been approved for the site.
- o The proposed amendments to the approved Overall Development Master Plan to include, and reclassify to PD-RC, the adjacent two parcels will provide the opportunity for the development of said property which otherwise could not be further developed for single-family residential purposes.

EXHIBIT

- o Amending the approved Overall Development Master Plan to increase the portion of commercial acreage in the development from 3.35% to 4.27%, thereby further exceeding the limit of three (3) percent specified in Section 34-143(c)2 of the Zoning Ordinance, is justified in terms of that Section of the Zoning Ordinance as it is an integral part of a large planned residential development, is consistent with the Board's objective of encouraging nodal commercial development along the Route 134 corridor, and provides opportunities for an appropriate use of the subject properties given the previously approved plans for development of the adjacent property.
- o The proposed modifications to the Overall Development Master Plan do not substantially change the character of the development, will not increase the number of residential units beyond 1,097 as specified in Resolution No. 85-37, and, therefore, are acceptable to the Board.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this, the 5th day of February, 1987, that Application No. 86-36 be, and it hereby is, approved to reclassify from OPR (Office/Professional/Research) and R-17 (Single-Family Residential) to PD-RC (Planned Development-Residential Community) the property located on the north side of Route 134 approximately 1,500 feet west of the Hampton city limits and which is further identified as Assessor's Parcel Nos. 38A2-(2)-A and 38A1-(8)-A and B.

BE IT FURTHER ORDAINED that the "Overall Development Master Plan for Yorkshire Downs," prepared by Talbot and Associates, Ltd., dated April 23, 1986, and revised September 11, 1986, be, and it hereby is, approved, thereby amending the general design and layout shown on the "Overall Development Master Plan of Shady Banks" prepared by Talbot and Associates, Ltd., and dated April 23, 1986, subject to inclusion of a fifty (50) foot wide landscaped buffer strip along the western boundary of the Payne and Strickland properties adjacent to the proposed single-family detached lots.

BE IT STILL FURTHER ORDAINED that the Yorkshire Downs Planned Development be, and it hereby is, subject to all those rights, limitations and restrictions contained in Resolution No. R85-37, adopted by the Board on March 7, 1985, including paragraphs concerning streets and circulation, utilities, stormwater management, open space and recreation, homeowners' association, environmentally sensitive areas and review criteria, and subject to the design criteria contained in Resolution No. R86-63(R), adopted by the Board on May 1, 1986, pertaining to the athletic field and the basketball courts, which shall remain in full force and effect to the extent that they are not inconsistent with the revised plan described herein.

On roll call the vote was:

Yea: (5) Bingley, Rush, R. Smith, T. Smith, Jensen
 Nay: (0)

✓ APPLICATION NO. 87-2C, YORK DEVELOPMENT LAND TRUST.

Mr. Richardson made a presentation, with the use of visual aids, on Application No. 87-2C to amend the York County Zoning Ordinance to reclassify from R-33 to OPR and R-25 property located on the south side of Showalter Road at a distance of 200 feet to 772 feet east of Route 17.

Chairman Jensen then called to order a public hearing on Application No. 87-2C which was duly advertised in the Daily Press on January 21, and January 28, 1987. Proposed Ordinance 087-4 is entitled as follows:

AN ORDINANCE TO APPROVE APPLICATION NO. 37-2C WHICH REQUESTS AMENDMENT OF THE YORK COUNTY ZONING MAP TO RECLASSIFY FROM R-33 (SINGLE-FAMILY RESIDENTIAL) TO OPR (OFFICE/PROFESSIONAL/RESEARCH) AND R-25 (SINGLE-FAMILY RESIDENTIAL) PROPERTY LOCATED ON THE SOUTH SIDE OF SHOWALTER ROAD AT A DISTANCE OF 200 FEET TO 772 FEET EAST OF ROUTE 17

Mr. Dean Short, appearing on behalf of the applicant, stated this application represents good planning for York County especially because of the particular location of the property on Route 17. He stated there should be some limited access to the property from Route 17 and a more distinct access to Route 17 on Showalter Road. He spoke of the safe traffic flow for the proposed development.

There being no one else present who wished to speak regarding the subject application, Chairman Jensen closed the public hearing.

Mr. Bingley moved the adoption of proposed Ordinance 087-4.

Mr. R. Smith then made a substitute motion to adopt proposed Resolution R87-26 to deny the application. Mr. Smith spoke regarding the dangerous traffic flows from Showalter Road onto Route 17.

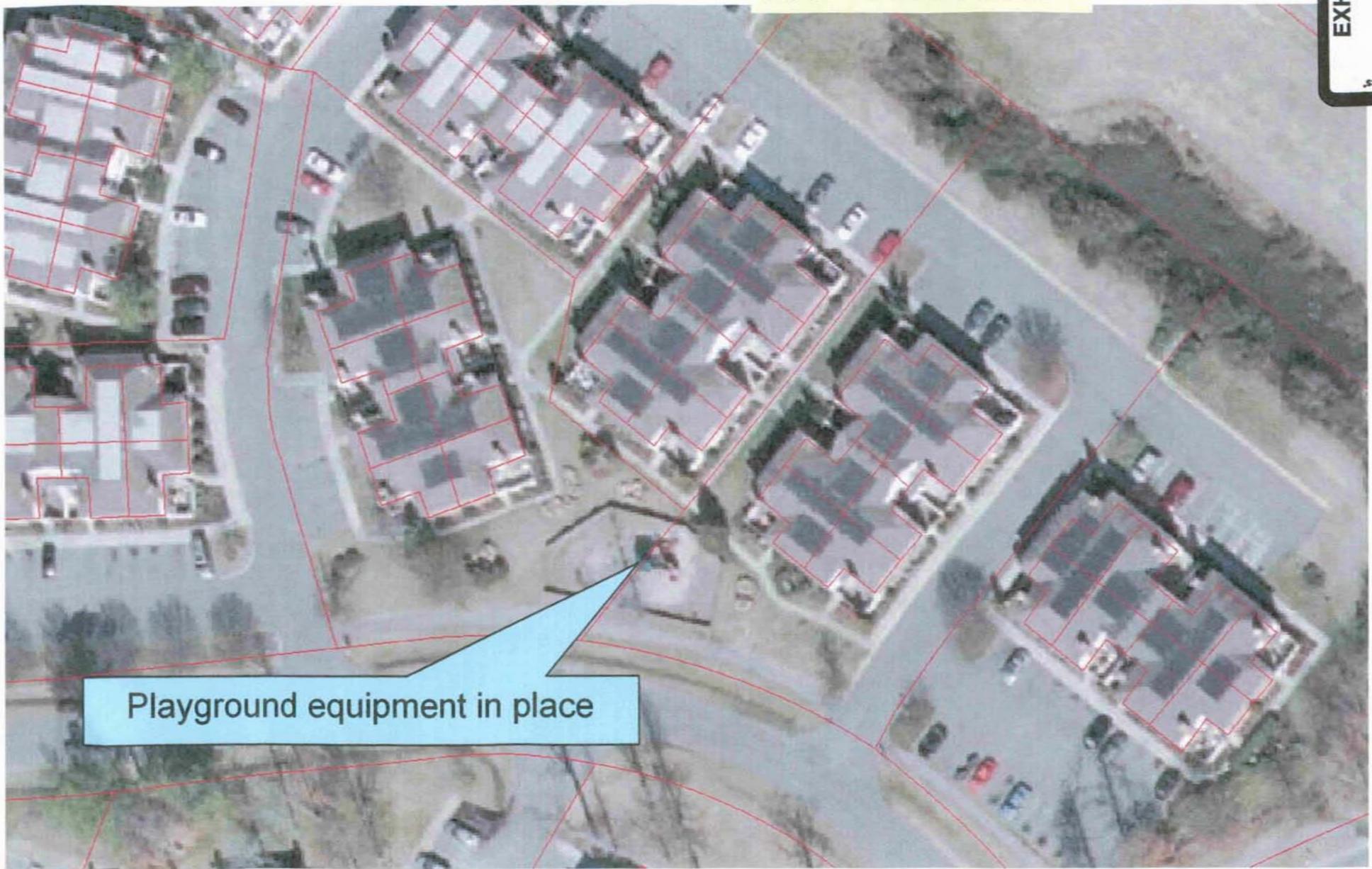
Discussion followed regarding the traffic patterns from the properties in question to Route 17.

Mr. Rush asked that when the new Route 171 is extended across Route 17, would the Board ask the Highway Department to extend the 45 mph speed limit on Route 17 up to the cross-over point.

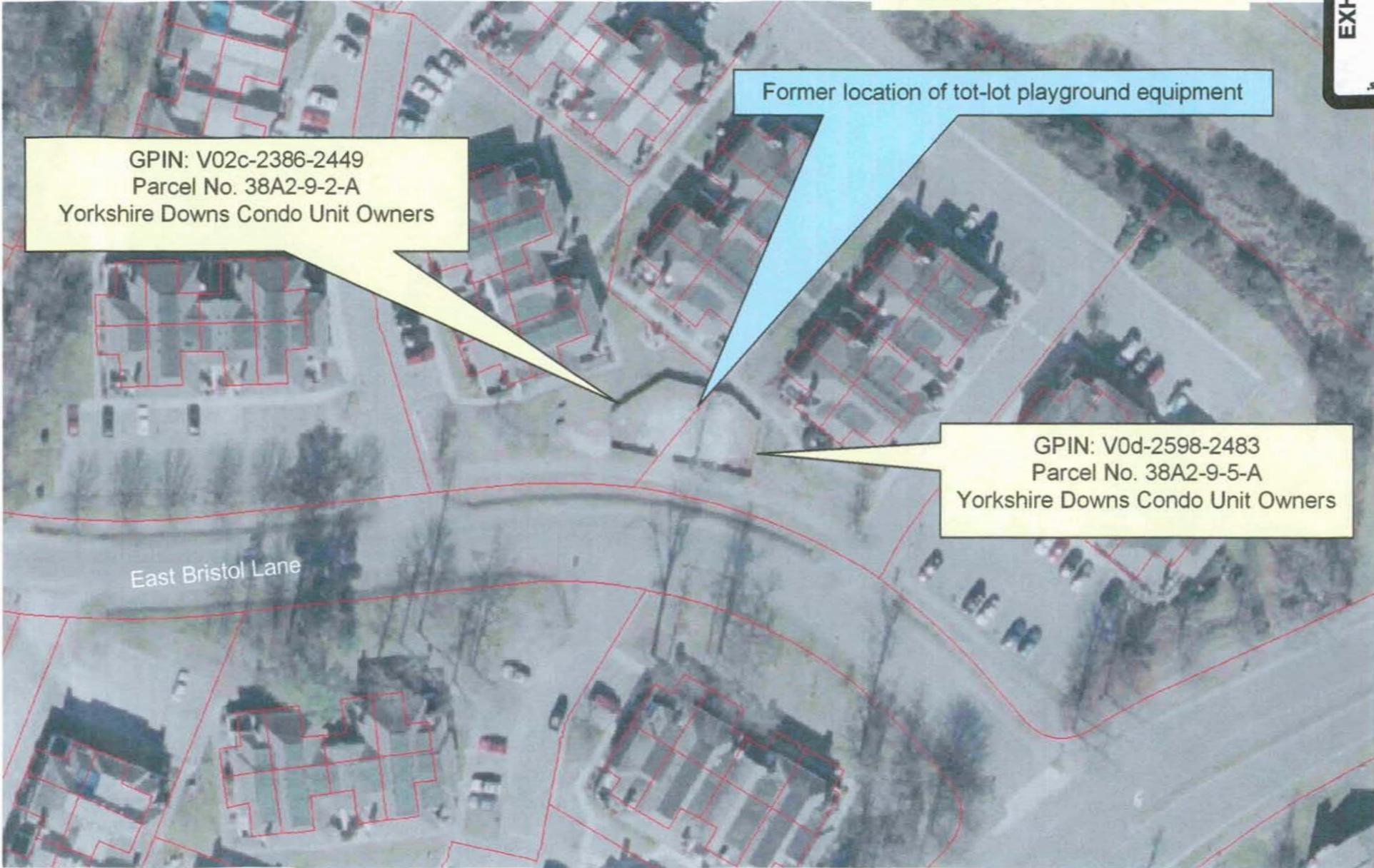
Chairman Jensen indicated this is something the Board would certainly consider.

Mr. R. Smith stated until the safety aspects of this application can be resolved, he cannot approve the proposal. He stated he would amend his motion, if the Board agreed, to table the matter until the safety aspects could be worked out.

2005 Aerial Photo



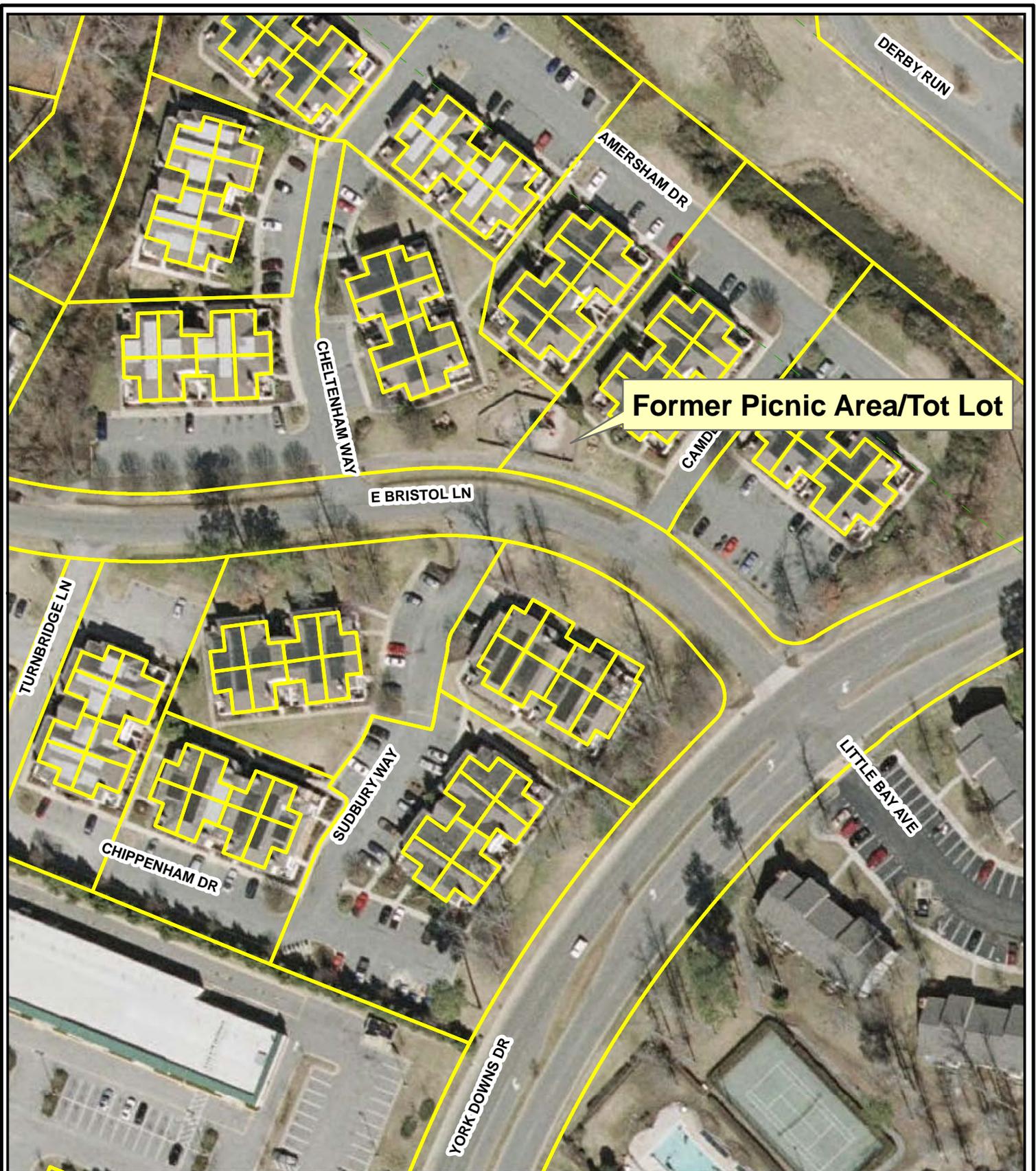
2007 Aerial Photo



GPIN: V02c-2386-2449
Parcel No. 38A2-9-2-A
Yorkshire Downs Condo Unit Owners

Former location of tot-lot playground equipment

GPIN: V0d-2598-2483
Parcel No. 38A2-9-5-A
Yorkshire Downs Condo Unit Owners



Former Picnic Area/Tot Lot

Former Tot Lot Site



GEOGRAPHIC INFORMATION SYSTEMS
 Division of Computer Support Services
 Department of Financial & Management Services
WWW.YORKCOUNTY.GOV

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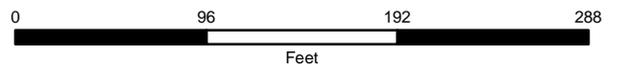
HORIZONTAL ACCURACY: +/- 2.5 feet
 VERTICAL ACCURACY: +/- 1 foot
 DATE OF ELEVATION INFORMATION: 2007

DATUM: VA State Plane South, NAD 83
 DATUM: NAVD 1988

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.

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

*Flood Information Courtesy of:
 Federal Emergency Management Agency
 (FEMA) This flood data has been certified.*

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 _____, 2010:

Present

Vote

John R. Davis, Chair
Christopher A. Abel, Vice Chair
Alexander T. Hamilton
M. Sean Fisher
Nicholas F. Barba
Alfred E. Ptasznik, Jr.
Anne C. H. Conner

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

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO AMEND THE APPROVED OVERALL DEVELOPMENT MASTER PLAN FOR YORKSHIRE DOWNS BY ELIMINATING A TOT LOT/PICNIC AREA ON EAST BRISTOL LANE

WHEREAS, on December 20, 1973, the York County Board of Supervisors approved a rezoning application creating the Shady Banks Planned Unit Development; and

WHEREAS, on March 7, 1985, the Board adopted Resolution No. R85-37, interpreting and clarifying its prior approval of the Shady Banks PUD; and

WHEREAS, on May 1, 1986, the Board adopted Resolution No. R86-63(R), approving the revised Overall Development Master Plan of Shady Banks PUD; and

WHEREAS, on February 5, 1987, the Board adopted Ordinance No. 86-78, which reclassified property from OPR and R-17 to PD-RC, incorporated said property into the Yorkshire Downs (formerly Shady Banks) Planned Unit Development, and approved the "Overall Development Master Plan for Yorkshire Downs" prepared by Talbot and Associates, dated April 23, 1986 and revised September 11, 1986; and

WHEREAS, the Yorkshire Downs Master Association and the Yorkshire Downs Condominium Owners' Association, Inc. have submitted Application No. PD-28-10 to

amend the approved “Overall Development Master Plan for the Yorkshire Downs,” pursuant to Section 24.1-362(c)(7) of the York County Zoning Ordinance, by eliminating a “tot lot/picnic area” located on property, further identified as Assessor’s Parcel Nos. 38A2-9-2-A and 38A2-9-5-A, on the north side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way and across from Sudbury Way (all of which are private roads); 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 ____, 2010, that Application No. PD-28-10 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to amend the approved “Overall Development Master Plan for the Yorkshire Downs” prepared by Talbot and Associates, dated April 23, 1986 and revised September 11, 1986, pursuant to Section 24.1-362(c)(7) of the York County Zoning Ordinance, by eliminating a “tot lot/picnic area” located on property, further identified as Assessor’s Parcel Nos. 38A2-9-2-A and 38A2-9-5-A, on the north side of East Bristol Lane (Route 1679) between Cheltenham Way and Camden Way and across from Sudbury Way (all of which are private roads).