

COUNTY OF YORK

MEMORANDUM

DATE: March 30, 2012 (PC Mtg. 4/11/12)
TO: York County Planning Commission
FROM: Amy M. Parker, Senior Planner
SUBJECT: Application No. UP-807-12, York Granite

ISSUE

This application seeks a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the Zoning Ordinance, to authorize a contractor's shop with outdoor storage on a portion of the property located at 4300 George Washington Memorial Highway (Route 17). The 1.78-acre property is located on the east side of Route 17 approximately 1,000 feet south of its intersection with Lakeside Drive (Route 620) and is further identified as Assessor's Parcel No. 30-73-H3.

DESCRIPTION

- Property Owner: TLCD&G LLC; Tim Garney (applicant is property owner's lessee)
- Location: 4300 George Washington Memorial Highway (Route 17)
- Area: 1.03 acres of a 1.78-acre parcel
- Frontage: Approximately 412 feet on George Washington Memorial Hwy
- Utilities: Public water and sewer
- Topography: Flat
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
Route 17 Corridor Overlay District
- Existing Development: Retail tile business, contractor's shop
- Surrounding Development:
 - South: Bowling Alley
 - West: Vacant land, mobile home park across Route 17
 - North: Heritage Square Shopping Center
 - East: Office building, Harwood Mill residential subdivision
- Proposed Development: Contractor's shop with outdoor storage

BACKGROUND

In December 2010, the applicant was granted site plan approval for a contractor's shop (without outdoor storage) on the subject parcel. A condition of the approval was that use of the property for outdoor storage would require an approved Special Use Permit. A copy of the site plan and approval letter is attached. Subsequent to the approval, the applicant began storing materials for the granite business outside of the shop buildings. Zoning violation notices were issued by County Zoning and Code Enforcement staff in September 2011. Following continuation of the outdoor storage violation, court action was initiated, and a General District Court order was issued in January 2012 requiring the applicant to keep materials in the shop buildings or obtain a Special Use Permit for outdoor storage.

CONSIDERATIONS/CONCLUSIONS

1. The applicant is operating a granite business that includes storage, cutting, and finishing of granite products in two shop buildings located on the subject property. The 1.03-acre area subject to the application includes the area of the existing access driveway from the Heritage Square Shopping Center parking lot and the rear portion of the property. The front portion of the property, containing a building currently being used for a tile business, is not included in the application.
2. Surrounding uses include a shopping center, bowling alley, offices, and single-family detached housing. Zoning Ordinance standards require landscaping and/or fencing to screen the contractor's shop use from these adjacent uses. Additionally, the southeast corner of the site is subject to requirements for a Type 35 (35-foot) transitional buffer where the property abuts the R20 Zoning District.
3. A portion of the application area is encumbered by a Dominion Virginia Power easement containing an overhead electric tower facility. Approvals will be needed from the utility company for encroachment within their easement. A proposed approval condition addresses this issue.
4. Section 24.1-486(a) of the Zoning Ordinance allows outdoor storage associated with contractor's shops provided the storage yards are "*designed and located so as to minimize visual impacts on adjacent properties and public rights-of-way. Landscaping supplemented by fencing, if necessary, shall be required to enclose and screen such storage yards from direct views from adjacent public streets or from adjacent commercial or residential properties.*" Considering that the proposed outdoor storage yards are located within a utility easement, and the utility company restricts landscaping in such areas, staff is proposing an approval condition requiring opaque fencing surrounding the entire shop and outdoor storage area and supplemented by evergreen shrubs that meet utility company planting guidelines for landscaping in power line easements.
5. The property is subject to Section 24.1-378 of the Zoning Ordinance, Route 17 Overlay District. This district is intended to "*provide a positive visual experience for*

those visitors coming into and through the county along this corridor.” The existing shop buildings, constructed with open work bays and metal siding, are not in keeping with the standards of the overlay district, which would require brick, split-faced block, dryvit or other simulated stucco, steel-surfaced/pre-finished insulated dimensional wall panels, pre-formed simulated brick or architectural panels, and wood or synthetic clapboard siding facades on new buildings. Requirements also include screening of outdoor storage areas so they are not visible from public rights-of-way and adjacent properties. Therefore, as noted above, staff is recommending an approval condition requiring opaque fencing to screen the buildings as well as the outdoor storage areas from view of Route 17 and surrounding properties.

6. Zoning Ordinance parking standards require a minimum of five parking spaces for the contractor’s shop use. Seven concrete parking spaces with wheel-stops have been constructed adjacent to the main shop building.
7. The subject site is challenged by lack of direct access to Route 17 and by the presence of the power transmission lines and towers. The power line easement basically creates two distinct developable area on the site, with the one to the rear where the subject use is proposed, being the least desirable in terms of visibility and access. The proposed use is a relatively low traffic generator and could be characterized as a “destination” type of use rather than an “impulse” use, which would be more dependent on visibility from Route 17. Accordingly, this proposed use seems relatively appropriate given the challenging physical limitations of the site.

RECOMMENDATION

Staff believes the outdoor storage aspect of the subject contractor’s business can be accommodated on the property without adverse impacts on surrounding properties given the proposed approval conditions. Opaque fencing surrounding both the buildings and outdoor storage areas will screen the use from adjacent properties and Route 17. Landscaping in accordance with Zoning Ordinance standards and utility company planting guidelines will supplement fencing to provide a vegetative buffer for the surrounding properties. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval subject to the conditions contained in proposed Resolution No. PC12-10.

AMP

Attachments:

- Zoning map
- Approved site plan and approval letter
- Applicant’s narrative statement
- Applicant’s sketch plan
- Proposed Resolution No. PC12-10

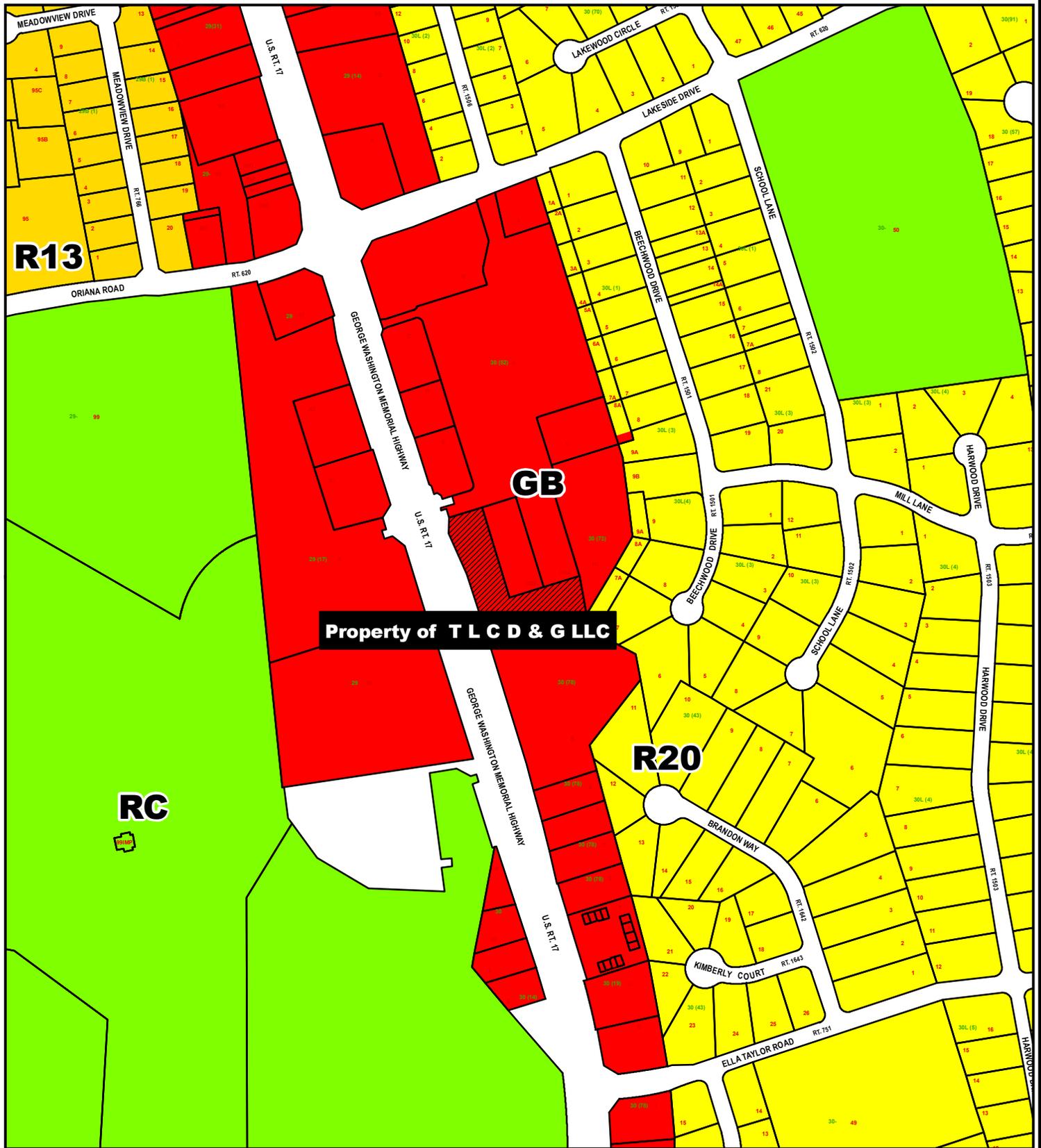
APPLICANT: York Granite

Special Use Permit for Contractor's Shop With Outside Storage

4300 George Washington Memorial Hwy

ZONING MAP

APPLICATION NUMBER: UP-807-12

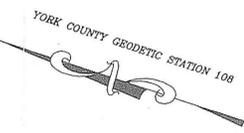
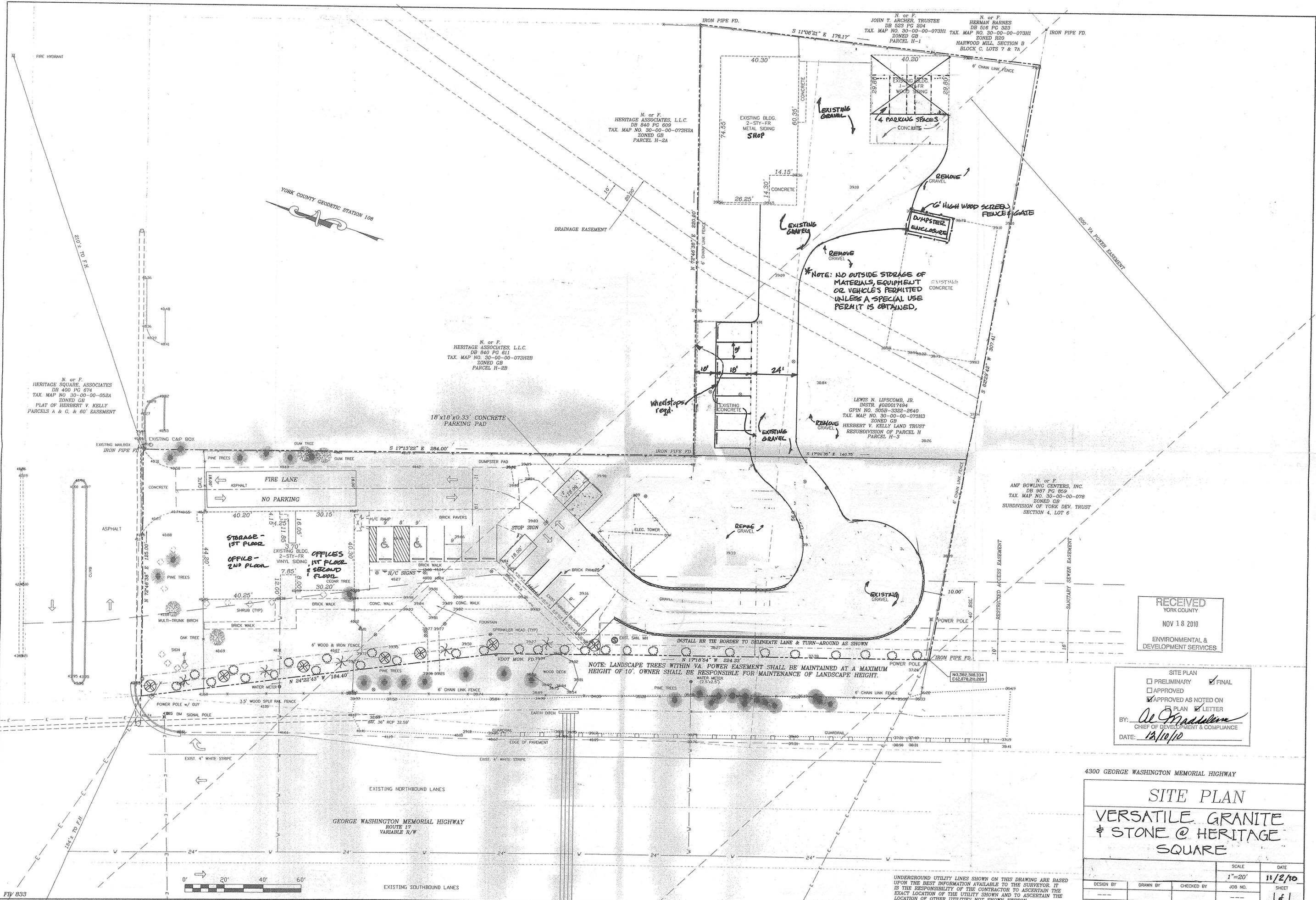


0 200 400 800 Feet



SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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



N. or F.
HERITAGE SQUARE ASSOCIATES
DB 400 PG 674
TAX. MAP NO. 30-00-00-052A
ZONED GB
PLAT OF HERBERT V. KELLY
PARCELS A & C, & 60' EASEMENT

N. or F.
HERITAGE ASSOCIATES, L.L.C.
DB 840 PG 611
TAX. MAP NO. 30-00-00-073H2B
ZONED GB
PARCEL H-2B

N. or F.
HERITAGE ASSOCIATES, L.L.C.
DB 840 PG 609
TAX. MAP NO. 30-00-00-073H2A
ZONED GB
PARCEL H-2A

N. or F.
JOHN T. ARCHER, TRUSTEE
DB 523 PG 804
TAX. MAP NO. 30-00-00-073H1
ZONED GB
PARCEL H-1

N. or F.
HERMAN BARNES
DB 516 PG 323
TAX. MAP NO. 30-00-00-073H1
ZONED R20
HARWOOD MILL, SECTION B
BLOCK C, LOTS 7 & 7A

*NOTE: NO OUTSIDE STORAGE OF MATERIALS, EQUIPMENT OR VEHICLES PERMITTED UNLESS A SPECIAL USE PERMIT IS OBTAINED.

LEWIS N. LIPSCOMB, JR.
INSTR. #020017494
GPIN NO. S05B-3322-2640
TAX. MAP NO. 30-00-00-073H3
ZONED GB
HERBERT V. KELLY LAND TRUST
RESUBDIVISION OF PARCEL H
PARCEL H-3

N. or F.
AMP BOWLING CENTERS, INC.
DB 987 PG 859
TAX. MAP NO. 30-00-00-078
ZONED GB
SUBDIVISION OF YORK DEV. TRUST
SECTION 4, LOT 6

RECEIVED
YORK COUNTY
NOV 18 2010
ENVIRONMENTAL &
DEVELOPMENT SERVICES

SITE PLAN
 PRELIMINARY FINAL
 APPROVED
 APPROVED AS NOTED ON
PLAN LETTER
BY: *Al Gradstein*
CHIEF OF DEVELOPMENT & COMPLIANCE
DATE: 12/10/10

4300 GEORGE WASHINGTON MEMORIAL HIGHWAY

SITE PLAN
VERSATILE GRANITE
& STONE @ HERITAGE
SQUARE



UNDERGROUND UTILITY LINES SHOWN ON THIS DRAWING ARE BASED UPON THE BEST INFORMATION AVAILABLE TO THE SURVEYOR. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO ASCERTAIN THE EXACT LOCATION OF THE UTILITY SHOWN AND TO ASCERTAIN THE LOCATION OF OTHER UTILITIES NOT SHOWN HEREON.

DESIGN BY	DRAWN BY	CHECKED BY	SCALE	DATE
			1"=20'	11/2/10
				SHEET
				1 of 1

Department of Environmental
and Development Services

Director
John Hudgins



Utilities Engineering and Operations
Development and Compliance
Stormwater Management
Building Regulation
Waste Management
Mosquito Control

December 10, 2010

Mr. Stewart Diesel-Reynolds
Versatile Granite & Stone
4600 George Washington Memorial Highway
Yorktown, Virginia 23693

Dear Mr. Diesel-Reynolds:

RE: **Final Approval:** Versatile Granite & Stone @ Heritage Square, (4300 George Washington Memorial Highway) Site Plan dated November 2, 2010 and received November 18, 2010 (Project No. 201000588)

In accordance with Article V of the York County Zoning Ordinance, that represents the official development policy of the Board of Supervisors, the various departments of the County have completed their review and evaluation of the referenced plan. I am therefore pleased to inform you that this site plan has been granted **final approval**, subject to the following conditions:

1. A copy of an executed encroachment agreement that authorizes the location of the proposed improvements (dumpster enclosure, landscape additions, etc.) within the Virginia Power easement shall be provided to the Division of Development and Compliance prior to the construction or installation of any improvements.
2. Any modifications to building exteriors or signage (including painting) shall be approved by the County prior to implementation since this site is located within the Route 17 Corridor Management Overlay District.
3. There shall be no outdoor storage of equipment or materials on the site unless a Special Use Permit has been granted by the Board of Supervisors. All fabrication work shall be conducted indoors.
4. Fire lane pavement markings and "No Parking" signage shall be installed adjacent to the east side of the office building.
5. Landscaping shall be installed consistent with the plantings shown on the approved site plan. If alternative plant materials or removal and replacement of any existing landscaping is desired, a new landscape plan or sketch must be submitted for approval prior to implementation.

Mr. Stewart Diesel-Reynolds

December 10, 2010

Page 2

6. The dumpster pad shall be enclosed with a 6-foot tall wooden screening fence and gate.
7. All parking spaces shall be adequately delineated with paint striping and wheelstops.

Before proceeding to construction, you must obtain the necessary permits and pay the appropriate fees as specified on the attached "Project Fees and Permits Checklist."

One (1) copy of the approved site plan is attached Any proposed changes in the design depicted on the approved plan must be processed and approved in the same manner as this original plan.

On behalf of the Board of Supervisors, I would like to wish you the best of luck and success in this project. Please feel free to contact me at 890-3551 if you have any questions or to schedule an appointment to discuss this or any other development matter.

Sincerely,



Albert M. Maddalena
Chief of Development and Compliance

AMM

Attachments

Copy To: Division of Development and Compliance, Zoning Supervisor
 Division of Development and Compliance (w/plan)
 Division of Utilities Operations and Engineering (w/ plan)
 Division of Stormwater Management (w/plan)
 Department of Fire and Life Safety (w/plan)
 John Worley, Mid-Atlantic Commercial

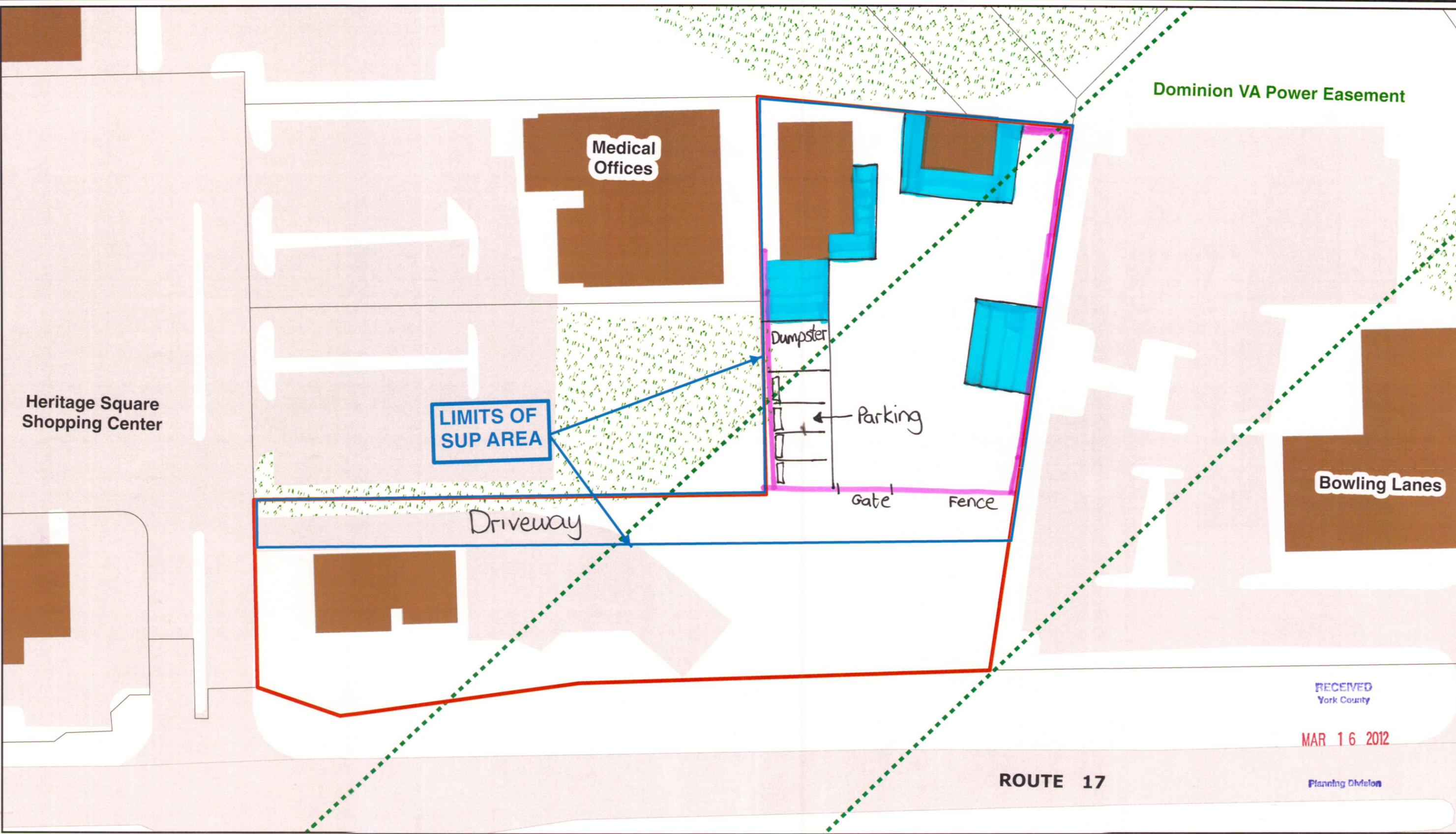
PROJECT NAME: Versatile Granite & Stone @ Heritage Square - 4300 GeoWashMemHwy

<p align="center">COUNTY OF YORK Department of Environmental and Development Services Project Fees/Checklist Checks to be made payable to Treasurer, County of York</p>		
Contact William S. Daniel, Jr., Dev. & Comp. 890-3531		AMOUNT
X	Inspection Fees (\$50.00 plus \$1.00 per 1,000 s.f. of improved area),	\$50.00
	Additional Review Fee (\$0.45 per 1,000 s.f. of developed area),	
	Street Name Sign Fee	
	Fire Hydrant Maintenance Fee (\$per Hydrant)	
Contact Joe Brogan, Utilities & Eng 890-3752		
	Land Disturbing Activity Permit, Application Fee	
	Land Disturbing Activity Permit, Performance Surety	
Contact Brian Woodward, Utilities Operation & Eng., 890-3752		
	Water Tap Fees	
	Sewer Tap Fees	
	Certificate to Construct Water	
	Certificate to Construct Sewer	
Contact William S. Daniel, Jr., Dev. & Comp., 890-3531		
	Street lights	
Contact Marianne Harris, Building Regulations, 890-3522		
	Building Permits	

<p align="center">COUNTY OF YORK Clerk of the Circuit Court Recordation Fees Checks to be made payable to Lynn S. Jenkins, Clerk</p>		
Contact Swanson Grizzard or William Daniel, Dev. & Comp.		AMOUNT
	Plat Recordation Fee	
	Deed of Easement Recordation Fee	
	Deed of Gift or Conveyance Recordation Fee	

<p align="center">HAMPTON ROADS SANITATION DISTRICT Checks to be made payable to HRSD</p>		
HRSD, 877-5736		AMOUNT
	Sewer Tap Fees	

Virginia Department of Transportation (925-) LUP-A Land Use Permit Yes No
 * TBD - To Be Determined



Heritage Square Shopping Center

Medical Offices

LIMITS OF SUP AREA

Dumpster

Parking

Gate

Fence

Driveway

Dominion VA Power Easement

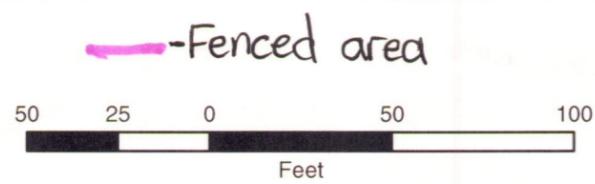
Bowling Lanes

ROUTE 17

RECEIVED
York County

MAR 16 2012

Planning Division



-Fenced area

-slabs of granite

UP-807-12; York Granite
4300 George Washington Memorial Highway

YORK GRANITE

4300 George Washington Memorial Highway
Yorktown VA, 23692
757-810-2009

RE: APPLICATION FOR SPECIAL USE PERMIT

To Whom It May Concern:

This is to verify that Stewart P. Diesel-Reynolds is the Sole Principal of the above-mentioned company.

I am proposing to:

- **Display and store Granite slabs on the front and side of the main shed area.**
- **Display and store Granite partial slabs along the side of the built warehouse on the left of the property.**
- **Display one or two slabs in front of the field closer to Rt 17.**

**Sincerely,
Stewart Diesel-Reynolds**



RECEIVED
York County

FEB 23 2012

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 _____, 2012:

<u>Present</u>	<u>Vote</u>
M. Sean Fisher, Chair	
Richard M. Myer, Jr., Vice Chair	
Christopher A. Abel	
Alexander T. Hamilton	
Mario C. Buffa	
Melissa S. Magowan	
Mark B. Suiter	

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

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO AUTHORIZE A CONTRACTOR’S SHOP WITH OUTDOOR STORAGE ON A PORTION OF THE PROPERTY LOCATED AT 4300 GEORGE WASHINGTON MEMORIAL HIGHWAY

WHEREAS, York Granite has submitted Application No. UP-807-12 to request a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize the establishment of a contractor’s shop with outdoor storage on a portion of property located at 4300 George Washington Memorial Highway (Route 17) and further identified as Assessor’s Parcel No. 30-73-H3 (GPIN S05b-3322-2640); 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the ____ day of _____, 2012 that Application No. UP-807-12 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval of a Special Use Permit, pursuant to Section 24.1-306 (Category 15, No. 4b) of the York County Zoning Ordinance, to authorize the establishment of a contractor's shop with outdoor storage on a portion of the property located at 4300 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 30-73-H3 (GPIN S05b-3322-2640), subject to the following conditions:

1. This use permit shall authorize establishment of a contractor's shop with outdoor storage on a 1.03-acre portion of the property located at 4300 George Washington Memorial Highway and further identified as Assessor's Parcel No. 30-73-H3 (GPIN S05b-3322-2640). Limits of the area subject to this permit are as labeled 'Limits of SUP Area' on the sketch plan titled "UP-807-12; York Granite, 4300 George Washington Memorial Highway" submitted by the applicant and received by the Planning Division on April 11, 2012, 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 set forth in Article V of the Zoning Ordinance, shall be submitted to and approved by the Department of Environmental and Development Services, Division of Development and Compliance prior to the continuation of outdoor storage of materials and equipment associated with the contractor's shop use on the site. Said site plan shall be in substantial conformance with the sketch plan referenced in Condition No. 1 above, except as modified herein.
3. All cutting, milling, finishing, or other processing of granite or other materials associated with the contractor's shop use shall be conducted within a fully enclosed building.
4. Opaque fencing having a height of not less than six feet and constructed of materials meeting the approval of the Zoning Administrator shall be installed completely surrounding the rear portion of the property along the perimeter of the area containing the storage areas and buildings associated with the contractor's shop use. Evergreen shrubs planted with a maximum of 15-foot spacing shall be installed along the outside face of the portion of fencing facing and parallel to the Route 17 right-of-way.
5. All new development, including fencing and the proposed storage building, shall be constructed in compliance with the requirements of Zoning Ordinance Section 24.1-378; Route 17 Corridor Overlay District.
6. Landscaping, including a Type 35 transitional buffer at the southeast corner of the subject site, shall be installed in accordance with Section 24.1-240 et Seq. of the

- Zoning Ordinance. Notwithstanding Ordinance landscaping requirements, landscape areas located within the Dominion Virginia Power easement shall be planted in accordance with applicable guidelines established by the utility company.
7. The applicant shall be responsible for obtaining any required approvals and/or encroachment agreements from Dominion Virginia Power for the proposed improvements within the utility easement. Written verification of such approvals shall be submitted to the Department of Environmental and Development Services, Division of Development and Compliance prior to site plan approval.
 8. Buildings shall be brought into conformance with all applicable requirements of the Virginia Uniform Statewide Building Code.
 9. In accordance with the 2009 Virginia Statewide Fire Prevention Code, a fire lane having a minimum width of 20 feet and designed to accommodate the weight (80,000 lbs.) of large fire and rescue apparatus shall be established with appropriate markings and signage from the main driveway entrance to the front of the shop buildings.
 10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, prior to site plan approval a certified copy of the resolution authorizing this Special 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.

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.