

**AGENDA**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall - 301 Main Street  
August 8, 2012  
7:00 PM

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Approve Minutes – July 11, 2012
5. Citizen Comments
6. Public Hearings

**Application No. UP-810-12, Chom Suk Kim:** Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize a beauty shop as a home occupation in a nonconforming single-family detached home located at 1630 George Washington Memorial Highway (Route 17). The 0.48-acre parcel, further identified as Assessor's Parcel No. 37-25, is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

**Application No. UP-811-12, Williamsburg Ford Lincoln Mercury:** Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 12, No. 5a), to authorize auto or light truck sales, rental, service (new or used vehicle sales) without auto body work and painting on 0.81-acre of land located at 639 and 641 East Rochambeau Drive (Route F-137). The parcels, located approximately 3,600 feet northeast of the intersection of East Rochambeau Drive and Mooretown Road (Route 603) and further identified as Assessor's Parcel Nos. 2-38 and 2-37, are zoned EO (Economic Opportunity) and are designated Economic Opportunity in the Comprehensive Plan.

**Application No. UP-812-12, Deborah and Daniel Mazanek:** Request for a Special Use Permit, pursuant to Section 24.1-283(b)(1) of the York County Zoning Ordinance, to authorize the establishment of a home office with customer/client contact in a single-family detached home on a 0.41-acre parcel located at 309 Marks Pond Way (Route 1437) and further identified as Assessor's Parcel No. 2-21-10. The property is zoned RR (Rural Residential) and is designated Low Density Residential in the Comprehensive Plan.

**Application Nos. ST-19-12 and ZT-136-12, York County Board of Supervisors:** Consider amendments to the following sections of the York County Subdivision Ordinance (Chapter 20.5) and Zoning Ordinance (Chapter 24.1):

**Subdivisions – Chapter 20.5**

- **Section Nos. 28, 29, and 30** (Preliminary Plan, Development Plan, Final Plat) – amend to provide, as required by the Code of Virginia, that plans/plats valid as of January 1, 2011 will remain valid until July 1, 2017.

**Zoning – Chapter 24.1**

- **104, Definitions:** add definition of *Cemetery* to track the mandatory wording prescribed by the Code of Virginia (COV); revise the definition of *Development* to note, as required by the COV, that the term does not include a tract of land which will be principally devoted to agricultural production.
- **108, Filing fees:** add requirement for any delinquent real estate taxes or other charges constituting a lien on a subject property to be paid as a prerequisite to filing a rezoning, special use permit, special exception or variance application for the property.
- **114, Conditional zoning:** change performance date for certain cash proffer payments from July 1, 2014 to July 1, 2017; add language to clarify that appeals of governing body decisions on proffer appeals will be to the Circuit Court; add reference to Section 15.2-2202 of the COV regarding

proffer amendment procedures; revise, per COV requirements, to provide a July 1, 2017 performance deadline for certain proffer obligations valid and outstanding as of January 1, 2011.

- **115, Special use permits:** delete special extended validity provisions that expired July 1, 2011; amend the special validity provisions for new residential or commercial use permits to extend the term to July 1, 2017.
- **803, Procedures (variances):** add language to allow, in the case of appeals taken to the Board of Zoning Appeals, an applicant to request that a tie-vote decision be carried over to the next scheduled meeting.

7. Old Business
8. New Business
9. Staff Reports/Recent Actions by the Board of Supervisors
10. Committee Reports
11. Commission Reports and Requests
12. Adjourn

**CONDUCT OF PERSONS BEFORE THE PLANNING COMMISSION  
PLANNING COMMISSION BYLAWS, ARTICLE VI**

The York County Planning Commission is committed to providing fair and courteous accommodation of all persons in attendance. To ensure that the affairs of the Commission are conducted in an orderly manner, to ensure that all persons desiring to address the Commission on pertinent matters have an opportunity to do so, to ensure that persons in attendance may observe and hear the proceedings of the Commission without distraction or disruption, and to permit the Commission to conduct its business in an orderly and efficient manner, the following rules of conduct are established:

- (a) During all regular meetings of the Planning Commission, the public may be present and a specific time shall be reserved for receipt of public comments. At other times, the public shall remain silent unless specifically invited by the Chair to provide comment.
- (b) Comments should be addressed to the item before the Planning Commission. Comments are to be addressed to the Commission, not the audience or a staff member. The opportunity to comment is not intended to provide a forum for debate with or questioning of Commission members or staff; however, at the discretion of the Chair, Commission members may request clarification from speakers regarding their comments.
- (c) Speakers should address the Commission with courtesy and decorum. Loud, boisterous or disruptive comments or behavior must be avoided and profane or vulgar language shall not be permitted. Where a comment is deemed irrelevant, inflammatory, or prejudicial by the Chair, the Chair may instruct the Planning Commissioners to “disregard” the comment, which nevertheless remains in the public record.
- (d) Signs, placards, posters, etc. shall not be permitted in the meeting room.
- (e) Cell phones and pagers must be turned off or set to vibrate/silent mode.
- (f) During all special meetings and work sessions of the Planning Commission, the public may be present but shall remain silent unless specifically invited by the Chair to provide comment.

During all Planning Commission proceedings, members of the public have the obligation to remain in civil order. Any clapping, shouting, heckling, or other conduct that interferes with the equitable rights of another to provide comment or which interferes with a proper execution of Commission affairs will be ruled by the Chair as “out-of-order” and the offending person will be directed by the Chair to remain silent. Once having been so directed, if a person persists in disruptive conduct, the Chair may entertain a motion to “eject” that individual from the Planning Commission hearing or meeting. Where the person fails to comply with the successful motion to eject, the Chair may then call upon civil authority to physically remove the individual from the meeting place for the duration of hearing or deliberation on that item.