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UP-818-12

Gayle, Jenny, & Lance Musser

Assessor's Parcel No. 29-17-A

Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 9), to authorize a miniature golf course on a 2.74-acre parcel of land located at 4301 George Washington Memorial Highway (Route 17). The parcel, located at the intersection of George Washington Memorial Highway and Sports Way (private road) and further identified as Assessor's Parcel No. 29-17-A, is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

Attachments:

- Staff Report
- Zoning Map
- Sketch Plan
- Color Renderings and Photos
- Proposed Resolution No. PC12-24

COUNTY OF YORK

MEMORANDUM

DATE: December 3, 2012 (PC Mtg. 12/12/12)

TO: York County Planning Commission

FROM: Earl W. Anderson, AICP, Planner

SUBJECT: Application No. UP-818-12, Gayle, Jenny, & Lance Musser

ISSUE

Request for a Special Use Permit, pursuant to Section 24.1-306 of the Zoning Ordinance (Category 9, No. 9), to authorize a miniature golf course on a 2.74-acre parcel of land located at 4301 George Washington Memorial Highway (Route 17). The parcel, located at the intersection of George Washington Memorial Highway and Sports Way (private road) and further identified as Assessor's Parcel No. 29-17-A, is zoned GB (General Business) and is designated General Business in the Comprehensive Plan.

DESCRIPTION

- Property Owner: Grace G Oakley Trustee (Musser contract purchaser)
- Location: 4301 George Washington Memorial Highway (Route 17)
- Area: 2.74 acre portion of a 7.05 acre parcel
- Frontage: Approximately 250 feet on Route 17
- Utilities: Public water and sewer are available
- Topography: Relatively flat to east and west flowing into a central depressed area flowing northwest to southeast
- 2025 Land Use Map Designation: General Business
- Zoning Classification: GB – General Business
- Existing Development: None
- Surrounding Development:
 - North: Wendy's fast food restaurant
 - East: Heritage Square shopping center and York Granite business center
 - South: Harwood Mills Trailer Park (nonconforming use)
 - West: York County Sports Complex

- Proposed Development: Miniature golf course

CONSIDERATIONS/CONCLUSIONS

1. The applicant is requesting a Special Use Permit to construct a miniature golf course on a 2.74 acre portion of a 7.05-acre piece of property located on Route 17. The proposal will only utilize the portion of the property that is south of the sixty (60) foot private road serving Wendy's and the York County Sports Complex called Sports Way. Most of the surrounding properties are zoned GB (General Business), the exception being the York County Sports Complex located to the west, which is zoned RC (Resource Conservation). It appears that two sheds and a porch encroach on the subject property from the Harwood Mills Trailer Park but may not affect the development of the course. The property owner will need to decide whether to remove these structures during development of the site or to leave them, so they do not affect the construction of the course.
2. The proposed course would be located to the west at the rear of the property and would share a sixty (60) foot private ingress/egress easement off Route 17 with the Wendy's restaurant, York County Sports Complex, and the undeveloped remaining portion of the subject property. The applicant is proposing to build three to four nine-hole courses over two phases. Phase I would consist of 18 holes with a clubhouse, restroom building, and picnic area. According to the applicant's rendering, the first 18-hole course would be designed around water features and all the holes would be handicap accessible. In Phase II, the applicant is proposing to add nine to 18 more holes in the southwest corner of the property and provide additional parking along Sports Way. Additionally, in the future the applicant would possibly add expanded party rooms and areas for games of skill (e.g., golf simulator, basketball, soccer) into the proposed picnic area. The front portion of the property up to approximately 200 feet in depth, is to be used for stormwater management.
3. The property is subject to several easements and drainage areas. Dominion Virginia Power encumbers a large portion of the property with a 200-foot easement along the northeastern corner of the property along Route 17. In addition, there are several drainage easements on the property and some may need to be relocated to accommodate the proposed development. Furthermore, the site falls within the Watershed Management and Protection Area overlay district and any development will be subject to the performance standards set forth in Zoning Ordinance Section 24.1-376, which require submittal of an Impact Study. Additionally, Army Corps of Engineers non-tidal wetlands delineation and a field-verified Natural Resources Inventory as described in Section 23.2-6 of the County Code will be required.
4. The request should not have any adverse visual impacts on the surrounding area. In accordance with the landscape requirements, the project will be required to have twenty foot (20') front and ten foot (10') side and rear landscape yards, as well as ten foot (10') landscape open space strips adjacent to and surrounding all proposed buildings. Sports Way is a private drive, and absent a more restrictive condition, the required zoning setback would be from the nearest property line, which is next to the

Wendy's lot, allowing the golf course to be constructed immediately adjacent to the roadway pavement. Consequently, a condition has been proposed to require a thirty foot (30') building setback from the edge of pavement, as well as a twenty foot (20') landscape yard. Additionally, a twenty foot (20') York County drainage and utility easement runs along the full length of the property's boundary with the existing mobile home park. The required ten foot (10') side landscape yard along this southern property line will be measured from the top or inside edge of the existing open ditch, which collects and transports the runoff from the trailer park, thus providing an additional buffer between the proposed use and the mobile home park.

5. Since the property fronts on Route 17, any development will be subject to the provisions of the *Route 17 Corridor overlay district* set forth in Section 24.1-378 of the Zoning Ordinance. These standards regulate the building façade, rooflines, fencing, colors and materials, as well as a general coordination with the existing surrounding development. The applicant submitted a rendering of his clubhouse, which shows a 12-foot-by-12-foot building with horizontal residential-style siding and shingle roof. Additionally, a rendering of the first 18-holes shows that the proposed holes and water features lack any of the garish figurines or structures sometimes associated with carnival-style mini-golf courses. With the requirements for the landscape yards, *Route 17 Corridor overlay district*, and the proposed conditions of approval, staff believes there are sufficient regulations in place to ensure that the mini-golf course will be an attractive addition to the Route 17 corridor.
6. Miniature golf courses are subject to two required performance standards set forth in Section 24.1-458 of the Zoning Ordinance, *Standards for miniature golf*. The first requires that noise be contained within the site. The second requires structures, except privacy or containment fences or sound baffles, to be set back a minimum of 500 feet from residential property and be no closer than 100 feet to any property line. However, these setback standards allow the Board to consider a lesser dimension as part of a use permit request. The only other currently operating miniature golf course in the County, Pirate's Cove, located in the upper County on Mooretown Road, was granted reduced setbacks in 1999 as part of its Special Use Permit approval. Additionally, the approved Ripley's Believe It or Not! and the Musser course proposed on Rt. 134 were approved for reduced setbacks.

The closest residential use is the nonconforming Harwood Mills Trailer Park, which is located directly adjacent to the southern property line and is zoned GB. The proposed development will be separated from the trailer park by approximately thirty feet (30'), consisting of the twenty foot (20') drainage easement and the ten (10) foot landscaped side yard. According to the submitted rendering, the proposed course and features would be constructed of attractive and visually appealing materials. The proposed use would be landscaped and designed to prevent excessive noise. A 100-foot setback requirement would significantly reduce the usability of the site. Under these circumstances, staff believes it would be appropriate to reduce the setback requirement from 100 feet and a condition to that effect is included in the proposed resolution of approval.

7. Section 24.1-454(b) of the Zoning Ordinance, *Standards for all recreation and amusement uses*, requires that applicants for uses in this category submit a traffic impact study; however, the Zoning Administrator can waive this requirement, and the applicant has requested such a waiver. The basis of this request is that according to trip generation rates published by the ITE (Institute of Transportation Engineers), the number of trips generated by the proposed miniature golf course would fall well below the County's thresholds for requiring a traffic study (1,000 vehicle trips per day or 100 peak-hour trips). The ITE manual estimates that the proposed miniature golf course and indoor family amusement center would generate approximately 26 peak-hour trips, which is minor compared to other GB uses that could utilize the site. Additionally, access to the proposed use will be through the existing private road Sports Way, which has adequate capacity to accommodate that additional traffic, and there are no new entrances proposed on Route 17. Based on this information, the Zoning Administrator has waived the traffic impact study requirement.
8. The applicant's sketch plan shows 33 parking spaces for the proposed Phase I construction on the eastern side of the site, with an addition of 18 parking spaces in Phase II on the northern side. The conceptual plan demonstrates the ability of the site to accommodate sufficient parking to comply with the Zoning Ordinance standards. Details of the design, layout and actual numbers will be worked out at the site plan review stage.
9. The applicant proposes to light the miniature golf course for nighttime use and, in accordance with Zoning Ordinance standards, 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 nonconforming residential use on the adjacent properties to the south will be buffered by the separation provided by the drainage easement and the landscaping required along that border. Staff believes a miniature golf course along this corridor would be compatible with the surrounding uses. The proposed course would be subject to landscaping and setback requirements, as well as, the *Route 17 Corridor overlay district* standards that will help ensure that the mini-golf course will be an attractive addition. 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 contained with Resolution No. PC12-24.

EWA

Attachments:

- Zoning map
- Sketch plan

York County Planning Commission

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- Course and building renderings
- Resolution No. PC12-24

APPLICANT Gayle, Jenny, & Lance Musser

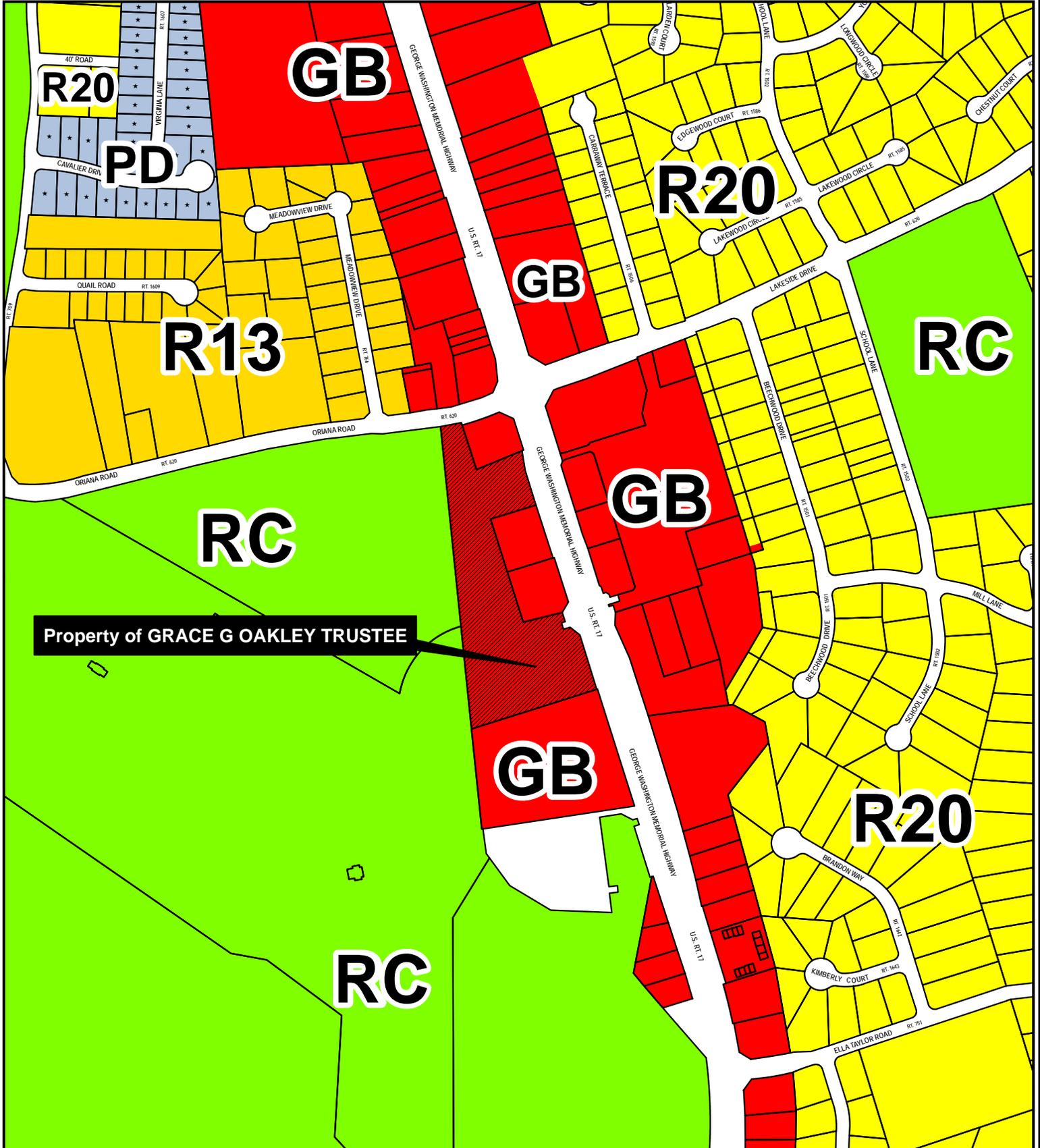
A Special Use Permit request to authorize a

miniature golf course

4301 GEO WASH MEM HWY

ZONING MAP

APPLICATION NUMBER: UP-818-12



Property of GRACE G OAKLEY TRUSTEE

★ = Conditional Zoning



Printed on November 05, 2012

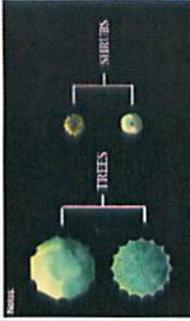


SOURCE: YORK COUNTY GIS PARCEL DATA and ZONING COVERAGE

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



Hand-drawn portions of the course(s) are designed in accordance with the rules of the American Miniature Golf Association. Copyright © 2012 Harris Miniature Golf Course, LLC.

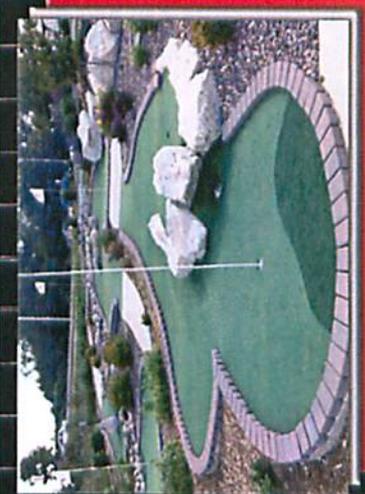
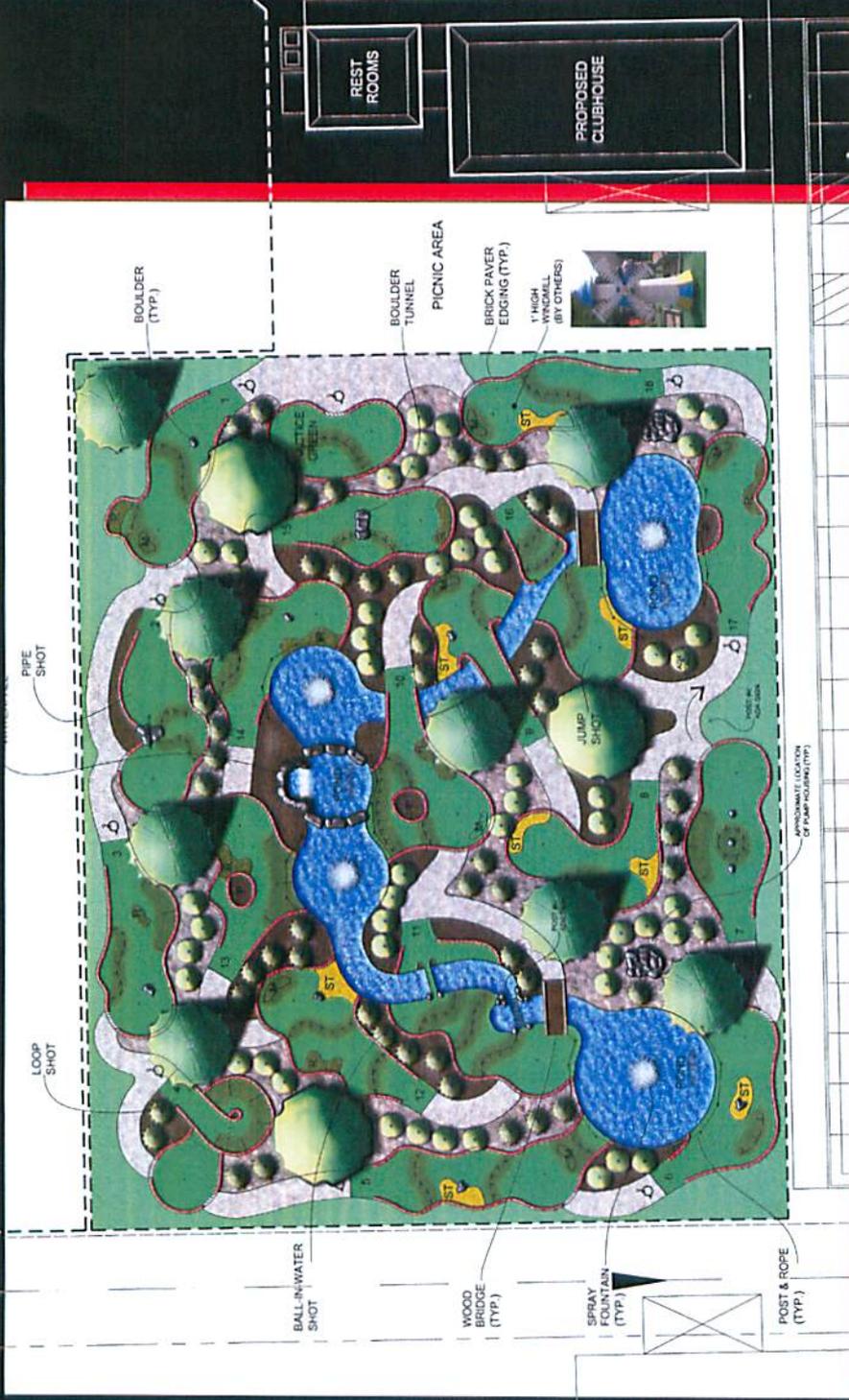


REVISIONS:
DATE PRINTED: 10/15/12

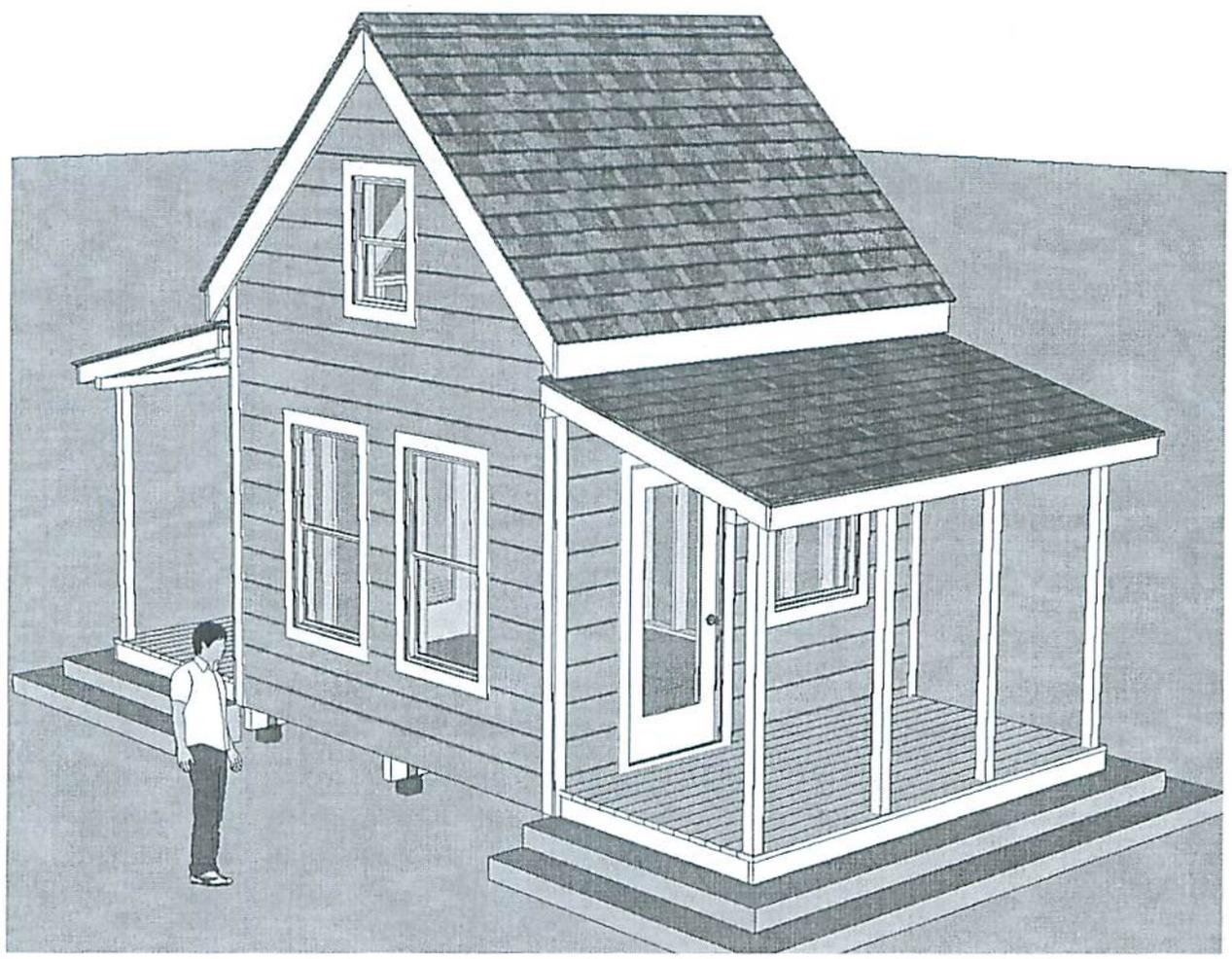
GRAPHICS KEY
 DISHOOT
 ELEV. CHANGE
 EMBANKMENT
 R - ROUGH
 M - MOUND
 P - PLANTER
 ST - SAND TRAP
 *COLORED CARPET ONLY
 NATURAL SAND



FOR: **LENNY'S GOLF**
YORKTOWN, VA
 DATE: **10/12/12**
 COLOR RENDERING
 DRAWN BY: **J.J.O.**
 SCALE: **1" = 10'-0"**
 CHECKED BY: **G.F.L.**
 SHEET # **10**
 JOB # **12-06-3**



12' x 12' +Loft +Porch +Two Roof Pitch Options



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:

Present

Vote

Richard M. Myer, Jr., Chair
Mark B. Suiter, Vice Chair
Alexander T. Hamilton
Christopher A. Abel
Timothy D. McCulloch
Todd H. Mathes
Melissa S. Magowan

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
MINIATURE GOLF COURSE AT 4301 GEORGE WASHINGTON
MEMORIAL HIGHWAY

WHEREAS, Gayle, Jennifer, and Lance Musser have submitted Application No. UP-818-12, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 9, No. 9) of the York County Zoning Ordinance, to authorize the establishment of a miniature golf course on a parcel located at 4301 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 29-17-A (GPIN S05b-2656-2960); 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 _____, 2012 that Application No. UP-818-12 be, and it is hereby, transmitted to the York County Board of Supervisors with a

recommendation of approval to authorize the establishment of miniature golf course on a parcel of land located at 4301 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 29-17-A (GPIN S05b-2656-2960) subject to the following conditions:

1. This use permit shall authorize the establishment of a miniature golf course on a parcel of land located at 4301 George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 29-17-A (GPIN S05b-2656-2960).
2. A site plan and landscape 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 commencement of any construction or land disturbing activities on the site. Said site plan shall be in substantial conformance with the sketch plan titled "Miniature Golf, Yorktown, VA" prepared by Harris, Miniature Golf Course, Inc., and dated 10/15/12, a copy of which shall be kept on file in the office of the Planning Division.
3. The miniature golf course shall be established and operated in accordance with the standards set forth in Section 24.1-454, *Standards for all recreation and amusement uses*; Section 24.1-458, *Standards for miniature golf, waterslide, skateboard rink, baseball hitting range, golf driving range, and other outdoor commercial amusements*, and Section 24.1-378 (d), *Route 17 corridor overlay district, Special architectural standards* of the York County Zoning Ordinance, except as modified herein.
4. No structure except privacy or containment fences or sound baffles shall be allowed within ten (10) feet of the southern and western side property lines, within forty-five feet (45') of the front property line, or within thirty feet (30') of the southern edge of pavement for the private drive known as Sports Way. A landscape yard with a minimum depth of twenty feet (20') shall be provided along the southern edge of Sports Way.
5. Architectural design of the golf course 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.
6. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of this resolution shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court 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.