

**MINUTES**  
**YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
July 8, 2020

**MEMBERS**

Montgoussaint E. Jons  
Glen D. Titus  
Mary P. Leedom  
Michael S. King  
Robert T. Criner  
Robert W. Peterman  
Bruce R. Sturk

**CALL TO ORDER**

**Chair King** called the electronic meeting to order at 7:00 p.m.

**ROLL CALL**

The roll was called and all members were present or participating remotely via electronic means, with the exception of Mr. Sturk. Staff members participating remotely were Timothy C. Cross, Deputy Director of Planning and Development Services; Justin R. Atkins, Assistant County Attorney; Amy Parker, Senior Planner; Earl W. Anderson, Senior Planner; and Daria Linsinbigler, Planning Assistant. Also in attendance was Susan D. Kassel, Director of Planning and Development Services.

**REMARKS**

**Chair King** called the meeting to order and stated that the meeting was being held by electronic means without a quorum being physically assembled in one place, pursuant to an emergency ordinance adopted by the York County Board of Supervisors on June 16. He stated that the meeting is being held remotely under the emergency “continuity of government” ordinance adopted under Code of Virginia Section 15.2-1413, allowing public meetings of County boards, commissions, and authorities to meet remotely. He said the action was taken because of the health emergency resulting from the coronavirus pandemic, making an assembly of the Commission and staff and members of the public in one place unsafe because of the highly contagious nature of the coronavirus pandemic. Chair King noted that as with all live Planning Commission meetings, this meeting is available to watch live on WYCG-TV, Cox Cable Channel 46, Verizon FiOS Channel 38, or live streaming at [yorkcounty.gov/TV](http://yorkcounty.gov/TV). He introduced himself, stating that he was physically present in the Board Room at York Hall, along with the other Commission members and County staff participating remotely.

**Earl W. Anderson**, Senior Planner; explained the procedures for the electronic meeting.

**PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA**

**Chair King** led the Pledge of Allegiance.

**Mr. Jons** moved to adopt the minutes of the regular meeting of May 13, 2020. The motion was approved (6:0).

## **ELECTION OF OFFICERS FOR FY 2021**

With **Assistant County Attorney Justin R. Atkins** presiding, Mr. Titus nominated Michael S. King to serve as Chair for FY 2021, and Mr. King was elected (6:0). Mr. Jons nominated Glen D. Titus to serve as Vice Chair for FY 2021, and Mr. Titus was elected (6:0).

## **CITIZEN COMMENTS**

There were no citizen comments.

## **PUBLIC HEARINGS**

**Application No. PD-54-20, Build Senior Living LLC:** Request for an amendment to an approved Planned Development, The Reserve at Williamsburg, pursuant to Sections 24.1-361(c)(2) and 362(c)(7) of the York County Zoning Ordinance, to authorize the establishment of an 89-unit senior housing-assisted living facility on an approximately 6.7-acre parcel of land located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6. The property is zoned PDR (Planned Development Residential) and designated Multi-Family Residential in the Comprehensive Plan.

**Timothy C. Cross, Deputy Director of Planning and Development Services**, summarized the staff report dated June 24, 2020, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC20-11.

**Ms. Leedom** asked about the distance from the property line to the retention pond.

**Howard Price**, AES Consulting Engineers stated the distance is approximately sixty feet from the pond elevation.

**Mr. Cross** added that the pond is designed to serve this development in addition to the future fire station site.

**Mr. Jons** asked if the applicant has offered a specific way to meet the ten-foot buffer requirement.

**Mr. Cross** stated that the applicants are aware of that condition and will address it in their presentation.

**Vernon Geddy**, attorney with the law firm of Geddy, Harris, Franck, Hickman LLP, 1177 Jamestown Road, Williamsburg, spoke as the applicant's representative. He introduced Shahid Imran, CEO of Build Senior Living, and Howard Price, AES Consulting Engineers. He outlined the history of Build Senior Living, stating that to date, it has developed, operates, and owns thirteen senior living communities. He added that the company is looking to expand into Virginia. Mr. Geddy said it has been fourteen years since The Reserve at Williamsburg was approved and that the developer has not received any inquiries for commercial development in that time. He said that this location has not turned out to be a viable commercial site and that an assisted living/memory care facility would be an excellent low-impact use for the property. Mr. Geddy added that it would complement the age-restricted Verena Apartments located across the street. He said the facility would have 63 assisted living and 26 memory care units and he listed some of the planned facilities and amenities, adding that trained 24-hour staff will be available. He said this development would generate significantly less traffic than a commercial project and would have a positive fiscal impact

on the County. He stated that the infrastructure to serve the project is already in place. Mr. Geddy said there is a second stormwater management pond toward the rear of The Reserve that will not serve this project. He said the building is attractive and in accordance with the previously approved architectural guidelines consistent with the site. He encouraged the Commission to recommend approval.

**Howard Price**, AES Consulting Engineers, 5248 Olde Towne Road, Williamsburg, stated that the 50-foot perimeter buffer will be retained along Mooretown Road and Reserve Way. He noted the buffer adjacent to the pond and the timeshares would have some encroachment because of the drive aisle around the building, and he added that the landscaping would be transferred to other locations on the site. He said the request waiver for the open space around the building is needed to accommodate the drive aisle in accordance with Fire and Life Safety requirements.

**Chair King** opened the public hearing.

**Ron Struble**, 205 Shady Bluff Point, said that although he has no objections to this project, which he thinks is a good idea, he feels this represents a failure of the Mixed Use overlay designation because commercial development has not occurred. He asked if there has been an independent analysis of the fiscal impact other than the information provided by the applicant. He stated that he thinks there is a history of developments not living up to their predicted fiscal impacts.

**Mr. Cross** responded that the fiscal impact analysis is reviewed by staff to make sure the numbers and the assumptions make sense. He stated that in this case, staff feels the fiscal analyst made fairly conservative assumptions, so the fiscal impact might actually be more positive than predicted. He added that in the past, assertions have been made questioning the accuracy of these fiscal impact analyses but that no evidence of such inaccuracy has ever been provided.

**Doug Holroyd**, 103 Marina Point, stated that he believes the Mixed Use overlay designation does not work in this case. He expressed shock that after fourteen years, commercial activity has not been brought in. He said that he is not opposed to the application.

**Heather Phillips**, 105 Sherwood Drive, said there are a limited number of assisted living options in Williamsburg and that this would expand the range of options. She added that the location is good given its close proximity to the hospital. She stated that she supports the application.

**Mr. Cross** clarified that there is no Mixed Use overlay designation on this property and he added that it is zoned Planned Development Residential, not Planned Development Mixed Use.

**Mr. Criner** stated that he believes assisted living is a great use of the property and that he supports the application.

**Mr. Peterman** said it is a shame that no commercial developers have expressed an interest in the property but that he thinks this is the best use for the property and that he supports it.

**Mr. Jons** said this facility will be located near some commercial businesses. He stated that it is a valid and appropriate use.

**Chair King** said this has been a vacant property and that this project would add to the tax base and help meet a recognized need in the community. He stated that he is in favor of it.

**Mr. Titus** stated that he is also in favor of the application.

**Mr. Criner** moved the adoption of Resolution No. PC20-11.

AN ORDINANCE TO AMEND THE CONDITIONS OF APPROVAL FOR THE RESERVE AT WILLIAMSBURG PLANNED DEVELOPMENT ON MOORETOWN ROAD BY AUTHORIZING AN 89-UNIT ASSISTED LIVING FACILITY AT 120 RESERVE WAY

WHEREAS, the York County Board of Supervisors on September 5, 2006 approved Application No. PD-17-06 to authorize the establishment of a Planned Development consisting of a 63-acre independent living senior housing development with a 7.7-acre commercial center on property located on the east side of Mooretown Road approximately 2,030 feet west of the intersection of Mooretown Road (Route 603) and Waller Mill Road (Route 713) and further identified as Assessor's Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278) , 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671) , 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434); and

WHEREAS, Reserve at Williamsburg LLC has submitted Application No. PD-54-20 to amend the conditions of approval for the above-referenced Planned Development, set forth in Ordinance No. 06-18(R) and revised by Ordinance Nos. 09-20, 12-9, 13-10, and 13-17, by authorizing the establishment of a senior housing-assisted living facility on a 6.7-acre parcel located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 (GPIN D15a-0393-4728); 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 8th day of July, 2020, that Application No. PD-36-13 be, and it is hereby, approved to amend the conditions of approval set forth in Ordinance No. 06-18(R), as amended by Ordinance Nos. 09-20, 12-9, 13-10 and 13-17, for The Reserve at Williamsburg Planned Development located on the east side of Mooretown Road (Route 603) approximately 2,030 feet west of its intersection with Waller Mill Road (Route 713) and further identified as Assessor's Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278) , 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671), 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434), as set forth below:

**1. Age Restrictions**

The 7.3-acre parcel located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1 shall be developed and operated as age-restricted senior housing in accordance with the definitions of Senior Housing-Independent Living Facility. The 6.7-acre parcel located at 120 Reserve Way, further identified as Assessor's Parcel No. 5-18-6, may be developed and operated as age-restricted senior housing in accordance with the definition

of Senior Housing-Assisted Living Facility. Furthermore, no resident of any of the units on theseis parcels shall be under the age of nineteen (19).

## 2. General Layout, Design, and Density

- a) A site plan, prepared in accordance with the provisions of 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 land clearing or construction activities on the site. Said site plan shall be in substantial conformance with the conceptual plans titled “Master Plan Amendment for The Reserve at Williamsburg,” prepared by AES Consulting Engineers and dated April 2, 2012, ~~and~~ revised May 1, 2013, and June 16, 2020, except as modified herein. Substantial deviation, as determined by the Zoning Administrator, from the general design and layout as depicted on the “Non-Binding Illustrative Plan” or amended herein shall require resubmission and approval in accordance with all applicable provisions as established by the York County Zoning Ordinance. Limited deviations from the “Non-Binding Illustrative Plan” as depicted on the plan titled “Master Plan Amendment” prepared by AES Consulting Engineers, dated April 2, 2012, ~~and~~ revised May 1, 2013, and June 16, 2020, shall be permitted.
- b) Architectural design of all residential structures, including the clubhouse, shall be in substantial conformance with the building elevations submitted by the applicant and titled “Architectural Renderings: The Reserve at Williamsburg,” dated May 12, 2006, “BLDG, ‘A’-Verena at Williamsburg,” dated July 1, 2009, and “The Reserve at Williamsburg: Townhome Elevations,” dated March 29, 2012, and the townhouse and single-family detached house elevations submitted by the applicant as part of the “Master Plan/Planned Development Amendment For The Reserve at Williamsburg” prepared by AES Consulting engineers and dated May 1, 2013, copies of which shall be kept on file in the York County Planning Division.
- c) The layout and design of the residential development shall be in conformance with the performance standards for senior housing set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein.
- d) The commercial ~~center parcel located at 120 Reserve Way, further identified as Assessor’s Parcel No. 5-18-6,~~ shall be developed in accordance with either the standards for nonresidential uses within the PD district set forth in Section 24.1-361(h) of the Zoning Ordinance or the performance standards for senior housing set forth in Section 24.1-411 of the Zoning Ordinance, except as modified herein. Commercial uses in the development shall be consistent with the list of uses permitted in the EO-Economic Opportunity district, subject to the exclusions contained in the proffer statement submitted by the applicant and referenced herein. Furthermore, under no circumstance shall tattoo parlors, pawn shops or payday loan establishments be permitted on the property.
- e) The maximum number of residential, exclusive of senior housing-assisted living, units shall be 459.
- f) The maximum building height shall be 69 feet for rental apartment buildings and 72 feet for condominium apartment buildings.

- g) The minimum building separation for single-family detached, townhouse, and duplex units shall be twenty feet (20’).
- h) In areas designated for single-family detached homes, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20’), provided that such single-family structure includes a covered front porch having a depth of at least four feet (4’) and an area of at least fifty square feet (50 s.f.). In the event a front porch is not provided on the structure, the minimum setback shall be thirty feet (30’).
- i) In areas designated for townhouses, the minimum distance between any principal building and any public or private street right-of-way shall be twenty feet (20’).
- j) Freestanding signage for the residential portion of the project shall be limited to a single monument-type community identification sign along Mooretown Road measuring no greater than 32 square feet in area and six feet (6’) in height. Signage for the commercial parcel shall be in accordance with the provisions for LB-Limited Business districts, as established in Section 24.1-703 of the Zoning Ordinance.
- k) For any rental apartment building, a minimum of one (1) off-street parking space per residential unit shall be required and no additional spaces shall be required for visitor parking provided that, pursuant to Section 24.1-604(b) of the Zoning Ordinance, an area equal to one-half of the difference between the number of parking spaces provided and the number that would otherwise be required in accordance with the requirements set forth in the Zoning Ordinance shall be reserved for a period of five (5) years following the issuance of a Certificate of Occupancy for such building and shall be maintained as landscaped open space during that time.

### 3. Streets and Circulation

- a) In order to provide for safe, convenient, and continuous pedestrian circulation throughout the development, a four-foot (4’) wide sidewalk shall be constructed on at least one side of all private residential streets within the development and shall include pedestrian connections to off-road walkways and walking trails and to the commercial center.
- b) Street lighting shall be provided at each street intersection and at other such locations determined by the subdivision agent to maximize vehicle and pedestrian safety. The design of the street lighting shall be consistent with the design and character of the development.
- c) The developer shall install a 200-foot left-turn lane with a 200-foot taper and appropriate transitions on southbound Mooretown Road at the main road, as well as northbound right turn and/or taper lanes on Mooretown Road at both the main road and the commercial center driveway, if such additional driveway is determined to be acceptable in accordance with Zoning Ordinance requirements. Construction of all turn lanes shall be in accordance with the requirements and design standards of the Virginia Department of Transportation (VDOT) and shall occur prior to the

issuance of a Certificate of Occupancy for any development on the commercial center parcel further identified as Assessor's Parcel No. 5-18-6.

- d) The main entrance shall include one dedicated left-turn lane and one dedicated right-turn lane for egress.
- e) The spacing from the edge of Mooretown Road to the first internal access point shall be 200 feet or greater, unless otherwise approved by the Virginia Department of Transportation.
- f) Pursuant to Section 24.1-255(b) of the Zoning Ordinance, the developer shall provide a transit bus shelter ~~and pullout~~, the design and location of which shall be subject to the approval of the Williamsburg Area ~~Transport~~ Transit Authority.
- g) Pursuant to Section 24.1-252(b)(2) of the Zoning Ordinance, the entrance to the commercial center depicted on the referenced plan shall be permitted only if the need for and safety of such is substantiated by a traffic impact analysis prepared in accordance with Section 24.1-251(b) of the Zoning Ordinance.

#### 4. Utilities and Drainage

- a) Public sanitary sewer service shall serve this development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and in accordance with all applicable regulations and specifications. The applicant shall grant to the County all easements deemed necessary by the County for the maintenance of such sewer lines.
- b) A public water supply and fire protection system shall serve the development, the design of which shall be subject to approval by the County Administrator or his designated agent in consultation with the Department of Environmental and Development Services and the Department of Fire and Life Safety in accordance with all applicable regulations and specifications. The applicant shall grant to the County or the City of Williamsburg all easements deemed necessary by the County for maintenance of such water lines.
- c) The development shall be served by a stormwater collection and management system, the design of which shall be approved by the County Administrator or his designated agent in consultation with VDOT and in accordance with applicable regulations and specifications. Any easements deemed necessary by the County for maintenance of the stormwater system shall be dedicated to the County; however, the County shall bear no responsibility for such maintenance.
- d) The property owners' association(s) shall own and be responsible for the perpetual maintenance of all stormwater retention facilities serving the Planned Development.

#### 5. Open Space and Recreation

- a) The location and arrangement of open space shall be generally as depicted on the plan titled "Master Plan for The Reserve at Williamsburg," prepared by AES

Consulting Engineers, dated February 28, 2006, and revised May 12, 2006 and April 2, 2012 and revised May 1, 2013.

- b) On the property located at 121 Reserve Way and further identified as Assessor's Parcel No. 5-18-1, a minimum of 200 square feet of common active/passive outdoor recreation area per dwelling unit shall be provided. On the other residential properties within the development, a minimum of 25% of the combined gross area shall be reserved as open space in accordance with the provisions of Section 24.1-361(e) of the Zoning Ordinance, and 10% of the combined gross area shall be reserved and developed specifically as a recreation area or areas set aside for the common use of the residents of the Planned Development. Outdoor recreation area(s) within the Planned Development shall include, at a minimum, the following facilities and amenities:
- Swimming pool (outdoor)
  - Covered pavilion
  - Barbecue/picnic area
  - Walking trails
  - Fountains (2)
  - Benches (10)
  - Trellises (3)
  - Yard game areas
  - Gazebos (2)
- c) Indoor recreational amenities shall consist of, at a minimum, a combined total of 8,250 square feet of indoor recreation space, including 2,775 square feet in the rental apartments and 2,475 square feet in the condominium/rental apartments and a 3,000-square foot clubhouse/recreation center, each with an exercise room, multi-purpose community room, bistro-style (non-commercial) kitchen, fireplace, and other amenities as set forth in written materials supplied by the applicant and dated May 12, 2006.
- d) All common and public improvements within the development shall be subject to the standards governing timing, performance agreements, and surety requirements set forth in Sections 24.1-362(b)(3) and (4) of the Zoning Ordinance.
- e) The location and manner of development for the recreation area shall be fully disclosed in plain language to all home purchasers in this development prior to closing.
- f) All common open space and recreational facilities shall be protected and perpetual maintenance guaranteed by appropriate covenants as required in the York County Zoning Ordinance and submitted with development plans for the project.

## 6. Fire and Life Safety

- a) In conjunction with the site plan submittals for this project, the developer shall submit a detailed description of the proposed features of the project and building design related to protection and safety of the residents, as well as operational procedures to ensure and facilitate the safety of the residents in the event of fire or other emergencies.

- b) All rental and condominium apartment units shall be equipped with an approved (NFPA 13) fire suppression system throughout (including attic areas), underground vault(s), PIV(s), and FDC(s).

7. Assisted Living Facility

- a) Senior housing-assisted living shall be a permitted use on the 6.7-acre parcel located at 120 Reserve Way and further identified as Assessor's Parcel No. 5-18-6 subject to the senior housing performance standards set forth in Section 24.1-411 of the York County Zoning Ordinance, except as modified herein, and in accordance with the narrative set forth in the "Community Impact Assessment for The Reserve at Williamsburg Parcel 6" prepared by AES Consulting Engineers, dated March 2, 2020 as revised through April 6, 2020.
- b) A site plan for the assisted living facility, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of development or land clearing activities on the subject property. Said site plan shall be in substantial conformance with the sketch plan titled "Master Plan for The Reserve at Williamsburg Parcel 6 (Assisted Living and Memory Care Facility)" prepared by AES Consulting Engineers and dated March 2, 2020, a copy of which shall remain on file in the office of the Planning Division.
- c) Common open space shall be provided as generally depicted on the referenced sketch plan. Limited encroachments into the fifty-foot (50') perimeter buffer required by Section 24.1-411(e) of the Zoning Ordinance shall be permitted as depicted on the sketch plan; however, in no event shall the perimeter buffer width be reduced below ten feet (10').
- d) Front, side, and rear yards shall be provided around the building in a manner that provides a minimum of 25 feet of landscaped open space surrounding the building except where yards of lesser width are depicted on the sketch plan.
- e) The facility shall be equipped with a full-facility emergency generator.
- f) The assisted living facility and the memory care facility shall each be assigned a distinct name, address, or other identifier to assist personnel responding to a fire or medical emergency.
- g) Exterior doors shall be labeled in accordance with the York County fire code official's instructions.
- h) No portion of the entrance on Mooretown Road depicted on the sketch plan shall be permitted within the restricted access easement along Mooretown Road.
- i) Pursuant to Section 24.1-376(e)(4) of the Zoning Ordinance, the proposed dumpster pad depicted in the southeastern corner of the property on the referenced sketch plan shall be either placed under roof or relocated beyond 700 feet of the adjacent tributary stream.

8. Proffered Conditions

The reclassification shall be subject to the conditions voluntarily proffered by the property owners in the proffer statement titled “Conditions Voluntarily Proffered for the Reclassification of Property Identified as Tax Parcel Nos. 5-18-1 (GPIN D16c-0176-0313), 5-18-2 (GPIN D16c-0531-0677), 5-18-3 (GPIN D16c-1123-1278) , 5-18-4 (GPIN D16c-1211-0942), 5-18-5 (GPIN D16c-1552-0671) , 5-18-6 (GPIN D15a-0393-4728), and 5-18-7 (D15a-0315-434),” signed by Michael Milhaupt and dated November 7, 2013.

9. Restrictive Covenants

Prior to final plan approval, the applicant shall submit restrictive covenants for review by the County Attorney for their consistency with the requirements of Section 24.1-497 of the Zoning Ordinance.

BE IT FURTHER RESOLVED, pursuant to Section 24.1-114(e) of the Zoning Ordinance, that a certified copy of the ordinance approving this application 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.

On a roll call the vote was:

Yea: (6)      Criner, Peterman, Jons, Titus, Leedom, King  
Nay: (0)

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**Application No. UP-940-19, Lee Riggins Rich:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached house on a 5.3-acre parcel of land located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor’s Parcel No. 31-4-1. The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

**Amy Parker, Senior Planner,** summarized the staff report dated June 29, 2020, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC20-12.

**Mr. Peterman** asked for clarification as to where applicant is currently residing.

**Ms. Parker** replied she believes the applicant resides in the subject dwelling and noted the applicant can explain in further detail.

**Mr. Titus** asked if there is a business plan on how the applicant is going to screen potential renters.

**Ms. Parker** deferred to the applicant for the response.

**Lee Riggins Rich,** trustee and owner of Osprey Point, 1718 Calthrop Neck Road, spoke as the applicant. She stated that the home has been rented out on a twelve-month basis for the past 25 years. She said the house and the property would suffer less wear and tear if it were rented on a short-term basis and managed by a residential property manager. She said the house is large and well designed for this type of use. She said that if she does offer the home for short-term rentals,

she will submit a plan if necessary.

**Chair King** clarified that the question was in reference to a plan for the business operations, even though it is not required.

**Ms. Rich** responded that she will submit a business plan. In response to Mr. Peterman's question, and explained that she is temporarily living at the subject property but plans to move within the next six months. She added that she has potential resident managers lined up. Ms. Rich said the proximity to both the historic triangle and Virginia Beach would help to attract clientele. She noted that all of her past tenants have been carefully screened. She said that she has met with the Fire Marshall and does not foresee any problems following the suggestions that were made.

**Chair King** opened the public hearing.

**Ron Kirkland**, Executive Director of the Williamsburg Hotel and Motel Association, 1001 Richmond Road, stated that the local tourism industry, particularly lodging, has suffered significantly because of the COVID-19 pandemic. He stated that lodging revenues and occupancy rates this year are well below last year's and that adding new inventory will compete with the hotels and motels that are already suffering from dwindling bookings.

**Josh Johnson**, Attorney with Kaufman and Canoles, 11815 Fountain Way, Newport News, spoke as a representative for the Ruth B. Riggins Trust, which owns the adjacent property to the north. He stated that the subject parcel and parcels to the north have been in the Riggins family for generations. He said the family feels this is the wrong location for a tourist home and is concerned with the potential of having up to six people at the property generating noise and becoming a nuisance for adjacent properties. He disagreed with Ms. Rich's statement that finding a property manager would not be a problem and said that the tourist home may not be adequately policed since zoning violations are complaint-driven. Lastly Mr. Johnson recommended that the application be deferred because Ms. Rich did not file the application correctly in her capacity as a trustee. He stated that he has not seen the trust documents and that he is not sure of Ms. Rich's ability to apply for a change in the use of the property, and he suggested that the application be deferred so these questions can be answered.

**Chair King** asked the Assistant County Attorney to comment on the legal issue raised by Mr. Johnson.

**Justin R. Atkins, Assistant County Attorney**, stated that the application process is not required to be initiated by the property owner. He stated that it is the County's position that this application should not be considered to be deficient in any way.

**Catherine Chaplain**, Director of Sales and Marketing for Holiday Inn Express at Williamsburg North, 720 Lightfoot Road, said that she represents one of the motel properties hurt by the pandemic. She said the motel managed to stay open with staff reductions and pay cuts but that every rented room counts. She stated that no more rooms should be added to the inventory of lodging spaces.

**Mark Sowers**, 290 East Queens Drive, agreed with Mr. Kirkland that the hotel industry is losing a significant amount of business. He said the County should put money into the existing businesses and commercial areas and leave residential areas alone. He said this is a business and the applicant should find a mixed-use property and should leave the neighborhoods intact. He stated that traffic is also a concern.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

**Mr. Titus** expressed concern about the applicant's uncertainty as to who the resident manager will be. He said short-term rentals, contracted through a property management agency, are different from long-term rentals. Mr. Titus said that generally, he is very much in favor of home businesses, many of which do not require any approval from the County, but that others that require a use permit need to be closely scrutinized.

**Ms. Leedom** said she has some involvement with short-term rentals in Nags Head, and she emphasized the importance of being vigilant when screening guests. She said she has concerns about who would manage the property in this case.

**Mr. Criner** noted that this is a five-acre residential property that is ideally set up for this type of business. He said that Ms. Rich, having served as chair of the Board of Zoning Appeals, is familiar with the rules and regulations of the County and that he is confident she can manage this property.

**Chair King** said he has mixed emotions about the application and noted that this property seems to be ideal for a short-term rental but that he recognizes the concerns expressed. He stated that he will support the application.

**Mr. Criner** moved the adoption of Resolution No. PC20-12.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 1718 CALTHROP NECK ROAD

WHEREAS, Lee Riggins Rich has submitted Application No. UP-940-19, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 31-4-1 (GPIN V05a-0237-3621); 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 8<sup>th</sup> day of July, 2020 that Application No. UP-940-19 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 31-4-1 (GPIN V05a-0237-3621), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 5.2-acre parcel located at 1718 Calthrop Neck Road (Route 606) and further identified as Assessor's Parcel No. 31-4-1 (GPIN V05a-0237-3621).
2. The tourist home shall be operated in accordance with York County Zoning Ordinance Section 24.1-409, *Standards for boarding house, tourist home, and bed and breakfast establishments* and the application description, sketch plan, and floor plans provided by the applicant and received by the York County Planning Division on July 31, 2019, copies of which shall remain on file in the office of the Planning Division.
3. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code, the York County Department of Fire and Life Safety, and the Virginia Department of Health prior to use of the dwelling as a tourist home.
4. No more than six (6) guests shall occupy the tourist home at any one time.
5. There shall be a resident manager on-premises during times of rentals.
6. On-street parking shall not be permitted.
7. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited.
8. To afford enhanced emergency vehicle access, tree branches and shrubbery within the driveway corridor shall be cleared to a vertical distance of thirteen feet, six inches (13'6") and a horizontal distance of sixteen feet (16'). Location of the widened corridor shall be flexible in order to minimize removal of any trees.
9. Approval of this application shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owners association to enforce compliance with any applicable covenants.
10. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant(s) in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to commencement of the tourist home use on the subject property.

BE IT FURTHER RESOLVED that these conditions of approval are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On a roll call the vote was:

Yea: (4)	Peterman, Jons, Criner, King
Nay: (2)	Titus, Leedom

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**Application No. UP-952-20, Ulla Clayborne:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached house on a 0.7-acre parcel of land located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8. The property is zoned RR (Rural Residential) and designated Low Density Residential in the Comprehensive Plan.

**Amy Parker, Senior Planner,** summarized the staff report dated June 30, 2020, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC20-10.

**Chair King** asked if the space above the garage is or has previously been rented out, which would prompt the applicant to apply for a Special Use Permit.

**Ms. Parker** responded that the property has no zoning violations, nor has it been rented out previously.

**Ulla Clayborne,** 100 Bowstring Drive, spoke as the applicant. She said that she applied for a Special Use Permit to rent out one room, not a hotel, and that whether it is rented on a long-term or short-term basis, she will always be in residence. She said she and her husband purchased their dream home in Queens Lake for their retirement home and that they appreciate the peace and tranquility of the neighborhood. She said that most of the neighbors are open-minded and that her four immediately adjacent neighbors support her application. She said that she did not approve of the false accusations being deceptively shared in the community and added that short-term rentals are a highly emotional topic in Queens Lake. Ms. Clayborne stated that she and her husband have worked to improve the value of their home and that having guests will not cause anyone's home to depreciate in value. She mentioned a similar use permit application submitted last year and addressed all of the issues that were raised. She said the neighborhood is full of visitors and the clubhouse can be rented by people outside of Queens Lake to host events. She pointed out that Queens Lake residents have suggested having a farmer's market at the clubhouse that would require many outsiders to sustain its viability, yet some of the same people who support the market idea are opposed to her having just one or two houseguests with possibly one or two small children. She said Queens Lake has a community association, not a homeowners association, so there are no restrictions prohibiting short-term rentals. Ms. Clayborne said there are 548 addresses in the Queens Lake directory and 44 emails have been sent by people who are opposed to the application, with a similar number of emails in support of her application. She noted that this means there are around 470 households that have not voiced an opinion on the application and only 8% of the households have expressed opposition. She stated that her application fulfills all County requirements for short-term rentals and asked that the Commission recommend approval.

**Mr. Criner** thanked Ms. Clayborne for her comments, stating that she raised many good points.

**Chair King** opened the public hearing.

**Laura Nanarowich,** 211 West Queens Drive, asked that the application be denied. She said the neighborhood has narrow roads with no sidewalks, streetlights or guardrails. She said the association is voluntary and most of the amenities are difficult to police for trespassers, which she said could pose a liability issue if someone gets injured. She said the neighborhood is zoned Rural Residential and a commercial operation should not be allowed.

**Ron Kirkland**, Executive Director of the Williamsburg Hotel and Motel Association, 1001 Richmond Road, stated that this is not just one room, as the applicant stated, but one more room. He said the financial impact of more and more short-term rentals on the lodging industry will destroy it. He said the Planning Commission should focus on attracting commercial business to commercial areas and retain residential areas, and he asked the Commission to recommend denial.

**Richard Toth**, 241 East Queens Drive, stated that he opposes any short-term rentals in this neighborhood and suggested attaching any use permit to the applicant with an expiration date rather than having run with the land. He said a mini-hotel business negates the fundamental zoning of the neighborhood. He asked if a request from the majority of Queens Lake residents to bar short term rentals in the neighborhood would be honored. He asked the Commission to protect the residents from this type of business.

**Heather Phillips**, 105 Sherwood Drive, said she was in position as the applicant one year ago when she applied for a use permit to rent out a room in her house. She said her application was denied because of concerns from residents. She said no guidelines existed then as they do now. She said the same speculative arguments are being voiced again. She said it is up to people to decide where they want to stay and added that not every tourist wants to stay in a hotel or a timeshare. She noted that if hotels are losing revenue during an epidemic, then so are the short-term rentals. Ms. Phillips noted that what is hurting the hotel industry in the Williamsburg area is timeshares, not small short-term rentals. She said many of the neighbors will support this application and most have not weighed in and she is in full support of the application.

**Catherine Chaplain**, Director of Sales and Marketing for Holiday Inn Express at Williamsburg North, 720 Lightfoot Road, stated that she agrees with Mr. Kirkland's comments and asked that the application be denied. She said there are motel properties in the Williamsburg area that might have to close and that additional inventory will exacerbate the problem.

**Frances Holt and Hugh Holt**, 105 Point Laurel Place. Ms. Holt said they own two homes in Queens Lake as well as eleven acres of undeveloped property on Lakeshead Drive. She said they strongly oppose the idea of short-term rentals in Queens Lake. Ms. Holt said the community is not set up for tourist homes or commercial operations. She agreed with earlier comments about traffic, narrow roads, and cul-de-sacs. She said the applicant's property is at a highly-viewed entrance into the community. She said it is neither the right thing for Queens Lake nor the right time to complicate tourism industry issues.

**Mr. Holt** added that people walk, run, and ride bicycles on Lakeshead Drive and expressed concern that tourists might not be aware of these conditions and could pose a threat to safety.

**Eveline Arbino**, 102 Bowstring Drive, stated that she lives next door to the subject property. She stated that she grew up in a two-family house and has formed lifelong connections with guests who stayed in her grandmother's bed-and-breakfast on the second floor. She said the applicant is very conscientious about screening renters. She said that none of the callers who have spoken in opposition to the application live in the immediate vicinity. She said that neighbors have parties with guests and visitors without everyone knowing who they are and that she is fully in favor of the application and she asked the Commission to recommend approval.

**Richard Howell**, 104 Horseshoe Drive, stated that there is an impact of adding a room to the struggling hotel industry. He said the County should develop a strategic vision for short-term rentals. He stated that unlike the previous application, this application does not involve a five-acre lot. He said the lots sizes in this neighborhood are relatively uniform. Mr. Howell stated that the

use permit would change a piece of the neighborhood from Rural Residential to a business use that would run with the land. He said he does not support the application.

**Heather Sowers**, 290 East Queens Drive, stated that she moved from her previous home on Horseshoe Drive partly because of a short-term rental that was being operated illegally across the street. She said she believes the applicant will live at the house and screen guests to the best of her ability but that eventually the property may not be owned by someone willing to properly maintain it. She asked who is really benefitting from this application when so many can be damaged by it. She said that she bought into a residential community and wishes it to stay that way.

**John Farley**, 143 Little John Road, stated that he lives around the corner from the subject property. He said he loves Queens Lake and decided to build a retirement home there. He opposes approval of this application. He said there is sufficient lodging for visitors and they do not need to stay in a residential neighborhood. He said a valid passport or driver's license does not ensure good behavior from a renter. He said that he disagrees that this type of business will increase property values. He said prospective homebuyers do not want to invest in a neighborhood that has a lot of commercial entities. He asked the Commission to recommend denial.

**David Dafashy**, 105 Willoughby Drive, said that although he would be more than happy to keep the Queens Lake neighborhood to himself, staying in a hotel on Richmond Road is not the same experience as staying in a beautiful home in an idyllic neighborhood that will bring people back to the area. He stated that York County's job is to support existing businesses but not to the exclusion of new and creative businesses. He said that since the property is on a peripheral road, a person staying at the property would not have to go through the neighborhood. He said that the applicant seems vested in creating a quality experience and that having one to two guests is no different from having a large family. He stated that he is neither for nor against the application.

**Diane Howell**, 104 Horseshoe Drive, stated that this has been an emotional topic for her. She referred to an illegal short-term rental that was previously operated near her home. She noted that earlier this year when amendments to the tourist home standards were considered, that staff analysis noted that the Planning Commission and Board of Supervisors have placed a high priority on the goal of preserving the residential character of the area and the residents' quality of life. She said she strongly opposes the application.

**Mark Sowers**, 290 East Queens Drive, stated that he agrees with Mr. Howell's statement that allowing this application would set a precedent. He also expressed concern that approving more short-term rentals would take revenue away from existing hotel businesses. He said he wants to keep Queens Lake a quiet neighborhood.

**Lourdes Farley**, 143 Little John Road, said that she believes the information in the package submitted by the applicant is misleading because it states that this type of business increases home values. She said she believes home sellers will be hurt by the presence of short-term rentals in the neighborhood. She added that many cities have banned short-term rentals and she asked that application not be approved.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

**Mr. Titus** said there are no pure residential zoning in the County since certain commercial uses are permitted by right within a home. He said changes to the code are being proposed to allow more opportunities for clients and customers to enter the home. He stated that he has not come

across any evidence that home values are affected by any kind of permitted businesses. He said is concerned about all of the comments and added that they are mostly the same issues raised in the past. He added that the application was well thought out.

**Mr. Criner** said that although it is difficult to see neighborhoods torn apart by an application, he is inclined to support the application.

**Mr. Jons** said this is one of the better applications from the Queens Lake neighborhood. He said this property is on a peripheral road. He said that having the permit run with the land poses a possible issue since there would be no opportunity to scrutinize future owners.

**Mr. Peterman** stated that he agreed with a previous speaker who stated that we are in a new age with innovative approaches to lodging. He said each application is reviewed based on its own merits and that he supports this one.

**Chair King** stated this does not have the hallmarks of a commercial business. He said the applicant made a good point that people do not necessarily know who may be coming into the neighborhood to stay at someone's house. He stated that he understands the problems the lodging industry is facing but that in America the applicant should be able to exercise her rights. He said he believes that tenants who choose to stay at a short-term rental are not the same ones staying in hotels and motels. He said this application meets all of the standards set forth and that he is inclined to support it.

**Mr. Criner** moved the adoption of Resolution No. PC20-10.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE A TOURIST HOME IN AN EXISTING SINGLE-FAMILY DETACHED DWELLING AT 100 BOWSTRING DRIVE

WHEREAS, Ulla Clayborne has submitted Application No. UP-953-20, pursuant to Section 24.1-306 (category 1, no. 6) of the York County Zoning Ordinance, to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538); 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 8<sup>th</sup> day of July, 2020 that Application No. UP-953-20 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538), subject to the following conditions:

11. This Special Use Permit shall authorize the establishment of a tourist home in an existing single-family detached dwelling on an approximately 0.69-acre parcel located at 100 Bowstring Drive (Route 1323) and further identified as Assessor's Parcel No. 7A-4-1EL-8 (GPIN G15d-3607-1538).
12. The tourist home shall be operated in accordance with York County Zoning Ordinance Section 24.1-409, *Standards for boarding house, tourist home, and bed and breakfast establishments* and the application description, sketch plan, and floor plans provided by the applicant and received by the York County Planning Division on May 18, 2020, copies of which shall remain on file in the office of the Planning Division.
13. The applicant shall be responsible for obtaining all applicable permits and/or approvals required in accordance with regulations of the Virginia Uniform Statewide Building Code, the York County Department of Fire and Life Safety, and the Virginia Department of Health prior to use of the dwelling as a tourist home.
14. No more than four (4) guests shall occupy the tourist home at any one time.
15. On-street parking shall not be permitted.
16. Exterior cooking appliances used by customers of the tourist home shall have a fuel source of either propane or natural gas. The use of charcoal shall be prohibited.
17. Approval of this application shall not be construed to supersede or negate the effect and application of any private covenants that may be applicable to the proposed use/activity nor the authority of any property owners association to enforce compliance with any applicable covenants.
18. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant(s) in the name of the property owner(s) as grantor(s) in the office of the Clerk of the Circuit Court prior to commencement of the tourist home use on the subject property.

BE IT FURTHER RESOLVED that these conditions of approval are not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On a roll call the vote was:

Yea: (4)	Peterman, Titus, Criner, King
Nay: (2)	Jons, Leedom

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**Application No. UP-955-20, Galosi Enterprises LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (category 10, no. 20) of the York County Zoning Ordinance, to authorize the establishment of a gun shop in an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C. The property is zoned GB (General Business) and designated General Business with a Mixed Use overlay in the Comprehensive Plan.

**Timothy C. Cross, Deputy Director of Planning and Development Services**, summarized the staff report dated June 26, 2020, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC20-13.

**Chair King** opened the public hearing.

**Christopher Galosi**, spoke as the applicant, stating that he is the owner of Galosi Enterprises LLC. He said he is a military retiree and has a law enforcement background. He stated that he has sold guns at his Virginia Beach store for over fifteen years without any issues. He stated that his operation is a boutique, high-end gun shop. He stated that his Virginia Beach shop will remain open, by appointment only, with the Dare Road shop being a second location. He added that he has a good relationship with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF).

**Chair King** asked if any security improvements would be made to the leased building.

**Mr. Galosi** said he will have a state-of-the-art alarm system with security video and audio. He said either ballistic glass or shutters will be the choice for the windows. He added that all firearms will be secured at night in safes.

There being no one else wishing to address the Commission on this application, **Chair King** closed the public hearing.

**Mr. Criner** moved the adoption of Resolution No. PC20-13.

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT FOR A GUN SHOP AT 110 DARE ROAD (ROUTE 621)

WHEREAS, Galosi Enterprises LLC has submitted Application No. UP-955-20 to request a Special Use Permit, pursuant to Section 24.1-306 (category 10, no. 20) of the York County Zoning Ordinance, to authorize the establishment of a gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580); 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 8<sup>th</sup> day of July, 2020, that Application No. UP-955-20 be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of an approximately 1,100-square foot gun shop within an existing multi-tenant retail building on a 0.6-acre parcel of land located at 110 Dare Road (Route 621) and further identified as Assessor's Parcel No. 29-32-C (GPIN S06a-1626-3580).
2. The applicant shall obtain a Federal Firearms License from the Bureau of Alcohol, Tobacco, Firearms and Explosives prior to the issuance of a York County Business License for the gun shop.
3. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, 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 prior to application for a building permit.

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.

On a roll call the vote was:

Yea: (6)        Jons, Titus, Leedom, Criner, Peterman, King  
Nay: (0)

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## OLD BUSINESS

There was no old business.

## NEW BUSINESS

**Timothy C. Cross, Deputy Director of Planning and Development Services**, noted that Donald Phillips completed his term as a Planning Commissioner on June 30<sup>th</sup> and that staff has prepared proposed Resolution No. PC20-14 to thank him for his service to the citizens of York County. He said staff recommends approval.

**Chair King** noted that when the time is appropriate, he would like to invite Dr. Phillips to a future meeting to be formally recognized.

**Chair King** moved the adoption of Resolution No. PC20-14.

### A RESOLUTION OF APPRECIATION FOR DONALD H. PHILLIPS

WHEREAS, Donald H. Phillips served on the York County Planning Commission from July 1, 2016 through June 30, 2020; and

WHEREAS, for several decades prior to his service on the Commission, Dr. Phillips demonstrated a deep interest in planning and development issues in York County, frequently attending Planning Commission and Board of Supervisors meetings to express his views in support of good planning and the proper stewardship of the County's environmental resources; and

WHEREAS, as a member of the Commission, Dr. Phillips displayed wisdom, expertise, dedication to preserving the quality of life in York County, and a steadfast commitment to ensuring that development will be a positive force in the County;

NOW, THEREFORE, BE IT RESOLVED this the 8th day of July, 2020, that the York County Planning Commission does hereby express its gratitude to Donald H. Phillips for his years of service to the citizens of York County as a member of the Planning Commission and extends to him its best wishes in all his future endeavors.

On a roll call the vote was:

Yea: (6) Titus, Leedom, Criner, Peterman, Jons, King  
Nay: (0)

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## STAFF REPORTS

**Mr. Cross** welcomed Mary Leedom to the Planning Commission and said staff is looking forward to working with her. He referred to the June and July Development Activity Reports, stating that at its meeting on June 16, the Board of Supervisors approved the Auto Haus Special Use Permit for the body shop relocation. He stated that the Commission did not meet in June, so there are no planning items on the Board of Supervisors July 21 agenda. Mr. Cross said that for the August 12 Planning Commission meeting there are three items: a rezoning of two small parcels on Pocahontas Trail, a Special Use Permit and a Special Exception for an elevated water storage tank off of Lightfoot Road, and a request to amend proffered conditions for portions of the Busch Industrial Park. He added that the Fenton Mill Planned Development application will not come before the Planning Commission before September, at the earliest.

## COMMITTEE REPORTS

**Chair King** reported that the York 2040 Committee meeting on July 1<sup>st</sup> was a group discussion covering a wide range of topics, including rural character, the 80,000 build-out population target, housing affordability and density, and mixed-use development. He added that a lot of citizens called in to comment on the Fenton Mill project and to voice their opinions on the subjects discussed.

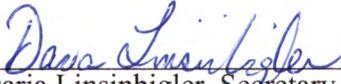
**Ms. Leedom** asked where information on the Comprehensive Plan update can be found. **Mr. Cross** responded that all the materials are available on the project web site at [www.York2040.com](http://www.York2040.com).

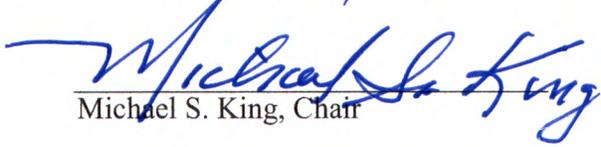
## COMMISSION REPORTS AND REQUESTS

There were no Commission reports or requests.

## ADJOURN

There being no further business to discuss, the meeting was adjourned at 9:52 PM.

**SUBMITTED:**   
Daria Linsinbigler, Secretary

**APPROVED:**   
Michael S. King, Chair

**DATE:** 8/12/2020