

FY 2014 ANNUAL REPORT

YORK COUNTY PLANNING COMMISSION

MESSAGE FROM THE CHAIR

It's been my pleasure to serve as the Chair of the York County Planning Commission for the 2013-2014 fiscal year. It has been a very active year in business applications as the economy begins to recover and an active year in applications from homeowners as well. Our goal is always to balance the rights of property owners, their neighbors, and the County as a whole, and sometimes that is difficult. Among many others, we had applications this year from the Lafayette Gun Club, the Marquis center, and several homeowners desiring to operate businesses from their homes.

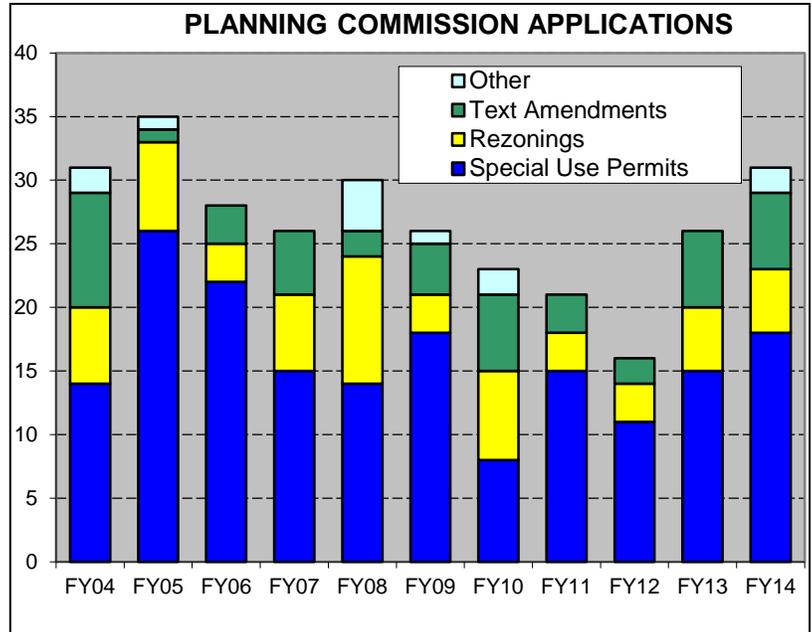
We looked at the relevant laws, the impact on the adjoining properties, and the consistency the applications have with the County's recently updated Comprehensive Plan. This plan is important as it attempts to limit the County's growth and prevent us from having

to invest in significant additional infrastructure, such as schools and roads, and to minimize additional stormwater costs. Our desired maximum County population is 80,000 and proposed land uses that would increase our density beyond what the Comprehensive Plan envisions must be scrutinized carefully.

We had several applications this year in which the "right" answer that properly balances the rights of all parties was not clear. We heard from many citizens of the County who were concerned about restricting their rights and from many who were concerned that their neighbors were exceeding what was appropriate for their neighborhood. Some of our recommendations left many people unhappy and even the Board of Supervisors disagreed with us a few times.



Front Row: Melissa Magowan, Todd Mathes; Second Row: Mark Suiter, Glenn Brazelton Back Row: Montee Jons, Tim McCulloch, Rich Myer



What encourages me the most is that despite heartfelt disagreements, the meetings were civil and the citizens of York County were respectful to those they disagreed with.

I am also happy to report that all seven members of the Planning Commission have completed the Virginia Certified Planning Commissioners' Program, which provides the legal and technical background needed by citizen-planners and decision makers.

I truly appreciate the professionalism and preparation of the York County Planning Division staff as well as all the Commissioners and look forward to continuing to serve on the Commission in the coming year.

Mark B. Suiter, CPC
Chair, 2013-14

Application No. & PC Mtg. Date	Applicant	Description	Board Action & Resolution or Ordinance No.
UP-827-13 7/10/13	Robert J. Williams	Firearms repair business as a home occupation with on-site customer/client contact in a single-family detached home located at 220 Bolivar Drive	Approved R13-90
SE-22-13 7/10/13	Lafayette Gun Club of Virginia, Inc.	Ancillary facilities (a 6,000-square foot multi-purpose building, a 3,280-square foot picnic pavilion, and a 9-foot wide gravel access drive) in conjunction with an existing nonconforming indoor/outdoor firing range located at 331 Dare Road	Approved R13-91(R-1)
ZM-144-13 8/14/13	MRP Enterprises, LLC	Rezone an approximately 8.6-acre parcel located at 131 White's Road from R20 (Medium-density single-family residential) to conditional IL (Limited Industrial) subject to voluntarily proffered conditions in order to allow for expansion of an adjacent mini-storage warehouse facility	Approved Ord. No. 13-13
UP-828-13 8/14/13	The Arc of the Virginia Peninsula, Inc.	Group home with up to four occupants and staffed by non-resident shift employees in a single-family detached home to be located at 124 Rich Road	Withdrawn following action by the 2014 Virginia General Assembly amending the Code of Virginia to exempt such facilities from use permit requirements
UP-829-13 8/14/13	Colonial Community Services, Inc.	Three group homes, each with up to four occupants and staffed by non-resident shift employees, in three single-family detached homes to be located at 208 and 212 Spring Road and 101 Sycamore Lane	
UP-830-13 9/11/13	Beacon Towers	Telecommunications tower up to 199 feet in height on a 3.3-acre parcel located at 1741 Penniman Road	Approved R13-104
UP-831-13 9/11/13	Landscapes by Eric Bailey	Contractor's shop with outdoor/exposed storage on approximately 1.4 acres of land located at 2901, 2903, 2907, 2911, and 2915 George Washington Memorial Highway	Approved R13-105
UP-832-13 10/9/13	Mark and J. Paige Stephens	Special Use Permit to authorize private weddings and receptions for a fee as a business venture to be hosted on the premises of a previously approved bed and breakfast operation located at 4201 Seaford Road	Approved R13-122
UP-833-13 10/9/13	Marquis Williamsburg RE Holding LLC	Amend the conditions of approval for a previously approved Special Use Permit by authorizing major modifications to the design and layout of an existing retail center with over 80,000 square feet of floor area (The Marquis) located on 127 acres of land at the intersection of Marquis Center Parkway (Route 199) and Marquis Parkway; and authorize the establishment of an automobile fuel dispensing establishment within The Marquis	Approved R13-123
UP-834-13 10/9/13	Swing Kingz, LLC	Miniature golf, batting cages, and a golf driving range on an 11-acre portion of an 88-acre parcel located at 301 Lightfoot Road	Approved R13-124
ZT-145-13 10/9/13	York County Board of Supervisors	Amend the Zoning Ordinance to add an opportunity for approval by Special Use Permit of Senior Housing – Independent Living Facility – Multi-unit Structures with Internal Entrances in the EO-Economic Opportunity District.	Approved Ord. No. 13-16
PD-36-13 11/13/13	Reserve at Williamsburg LLC	Amend the conditions of approval applicable to The Reserve at Williamsburg Planned Development, located on Mooretown Road, by removing the age restrictions (55 and older; no one under age 19) from future phases of the project while retaining them for the existing Verena apartment complex	Approved Ord. No. 13-17
PD-37-13 11/13/13	Marquis Williamsburg RE Holding LLC	Rezone 101 acres of an approximately 113-acre parcel located at 900 Marquis Parkway on the east side of Interstate 64 south of the Route 199 interchange from EO (Economic Opportunity) to PDR (Planned Development Residential) for the purpose of developing 650 dwelling units, including single-family detached units, townhouses, and apartments	Approved* Ord. No. 13-15(R)
UP-835-13 12/11/13	Kristen Paster	Commercial stable at 201 Hansford Lane	Approved R14-3
ZT-146-13 12/11/13	York County Board of Supervisors	Amend the Zoning Ordinance to include <i>Places of Worship</i> as a land use that can utilize electronic changeable message signs for which the message or image may change as frequently as every eight seconds	Approved Ord. No. 14-1(R)

Application No. & PC Mtg. Date	Applicant	Description	Board Action & Resolution or Ordinance No.
ZT-147-13 12/11/13	York County Board of Supervisors	Amend the Zoning Ordinance to delete provisions that duplicate requirements contained in Chapter 4, Article II. Livestock. York County Code, and to also allow "qualified professionals" to prepare required nutrient management plans	Approved Ord. No. 14-2
UP-837-14 1/8/14	Timothy and Tammy Gelles	Accessory apartment with approximately 400 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home at 612 York Point Road	Approved R14-15
YVA-33-14 1/8/14	Glenn Helseth (The Carrot Tree)	Sit-down restaurant to be located in an existing building (Watermen's Museum Carriage House) and a hot dog stand located at 301, 309, 313, and 315 Water Street in historic Yorktown	Approved R14-24
UP-838-14 2/12/14	Hampton Roads Sanitation District	Wastewater treatment plant facilities (effluent pipe extension) on two parcels of land located on the north side of Waterview Road	Approved R14-32
UP-839-14 2/12/14	The Kroger Company	Nine-pump (18 fueling station) automobile fuel dispensing facility on an approximately 2.2-acre portion of a 19.8-acre parcel of land located at 5007 Victory Boulevard (Route 171)	Approved R14-33
UP-841-14 2/12/14	M & D MEGA Properties LLC	Car wash facility on an approximately 3.4-acre portion of a 7.0-acre parcel located at 4301 George Washington Memorial Highway (Route 17)	Approved R14-34
ZM-149-14 3/12/14	York County Board of Supervisors	Amend the Zoning Map by reclassifying various properties throughout the County for conformance with the updated Comprehensive Plan	Approved Ord. No. 14-6
ZT-150-14 3/12/14	York County Board of Supervisors	Amend Section 24.1-705(f) of the Zoning Ordinance to provide an opportunity for a 600-square foot freestanding identification sign to be located on more than one perimeter public highway frontage of a regional shopping center having at least 1,500 feet of Interstate highway frontage	Approved Ord. No. 14-7
UP-842-14 3/12/14	Kevin Weeks (Revolutionary Firearms and Supplies, LLC)	Firearms sales and gunsmithing as a home occupation with on-site customer/client contact in a single-family detached home located at 1213 Old York-Hampton Highway	Approved R14-47
UP-843-14 4/9/14	Cheryl and Randal Nelson	Accessory apartment with approximately 540 square feet of habitable space in an existing detached garage in conjunction with a single-family detached home at 509 Old Lakeside Drive	Approved R14-55
UP-844-14 4/9/14	Michelle J Miller	Day care for up to twelve (12) children as a home occupation in a single-family detached home located at 200 Bill Sours Drive	Approved R14-56
UP-845-14 4/9/14	Smith/Packett d/b/a York IL/AL Investors, LLC	Senior Housing-Assisted Living Facility with up to 120 units on two parcels of land located at 3500 Victory Boulevard (Route 171) and 543 Hampton Highway (Route 134)	Approved R14-65
CP-9-14	York County Board of Supervisors	Amend the Comprehensive Plan by revising the Conservation designation description to confirm that zoning classifications that are applied to existing development and conform more closely to existing density even if not the least intensive zoning classification, and minimum lot sizes, minimum setback requirements, and other performance standards for non-residential uses, will be deemed consistent with the designation	Approved Ord. No. 14-11
ZT-151-14	York County Board of Supervisors	Amend the Zoning Ordinance by 1) establishing a new R33-Low Density Single-Family Residential district with a 33,000-square foot minimum lot size, 2) revising other sections to provide the necessary references to the new R33 District, and 3) inserting the new R33 district listing into the Table of Land Uses	Approved Ord. No. 14-12
ZM-152-14	York County Board of Supervisors	Rezone 95 properties in the York Point area from RC-Resource Conservation to R33-Low Density Single-Family Residential.	Approved* Ord. No. 14-13
UP-785-10	Greg Garrett Oyster and Seafood Company	Seafood harvesting as a home occupation with on-premises customer/client contact and up to four non-resident employees 122 Sandbox Lane	Board action pending

Except as noted below, the Board of Supervisors' actions were consistent with the Planning Commission's recommendations.

*Planning Commission recommended denial

Commission Highlights

- In FY2014 the Commission considered eighteen Special Use Permit applications, three rezoning applications, two Planned Developments, one Special Exception, one YVA (Yorktown Village Activity) application, five sets of Zoning Ordinance text amendments, and one Comprehensive Plan amendment.
- The Commission held twelve regular meetings and two special work sessions in FY2014. The two work sessions dealt with a series of complex and controversial proposals both to address citizen concerns about allowing commercial aquaculture in York Point and other waterfront residential areas, and to address changes in the state code pertaining to aquaculture.



- With construction resuming at The Marquis, the Marquis Design Review Committee was reconstituted, and Commissioner Glenn Brazelton served as the Planning Commission's representative. The DRC reviewed the architectural plans for the new Sam's Club and, after recommending various changes that were incorporated by the developer, approved them.
- Montee Jons was appointed to the Commission in February 2014, representing District 1. Mr. Jons previously served on the Commission from 1991 through 1997, including one term as Vice Chair and one term as Chair.
- Commissioners Glenn Brazelton, Todd Mathes, and Tim McCulloch successfully completed the Virginia Certified Planning Commissioners' Program – a comprehensive statewide training program designed to provide planning commissioners and decision makers with the legal and technical background needed to make sound, legally defensible planning and zoning decisions. York County now has a fully certified Planning Commission.
- Commissioner Myer continued to serve as the Planning Commission's representative on the Regional Issues Committee. This multi-jurisdictional committee discusses issues of concern to the Historic Triangle.

YORK COUNTY PLANNING COMMISSION, FY2014			
Name	Term	District	
Mark B. Suiter, CPC (Chair)	Oct. 26, 2010 – June 30, 2015	At Large	
Melissa S. Magowan, CPC (Vice Chair)	July 1, 2011 – June 30, 2015	At Large	
Montgoussaint E. Jons, CPC	Feb. 4, 2014 – June 30, 2017	1	
Glenn A. Brazelton, CPC	July 1, 2013 – June 30, 2017	2	
Timothy D. McCulloch, CPC	July 1, 2012 – June 30, 2016	3	
Todd H. Mathes, CPC	Oct. 16, 2012 – June 30, 2018	4	
Richard M. Myer, Jr., CPC	July 1, 2010 – June 30, 2018	5	

NOTE: The CPC designation means a commissioner is a Certified Planning Commissioner, having successfully completed the Virginia Certified Planning Commissioners' Program administered by the Land Use Education Program at Virginia Tech.