

**MINUTES  
YORK COUNTY PLANNING COMMISSION**

Regular Meeting  
York Hall, 301 Main Street  
July 10, 2019

**MEMBERS**

Montgoussaint E. Jons  
Glen D. Titus  
Donald H. Phillips  
Michael S. King  
Robert T. Criner  
Robert W. Peterman  
Bruce R. Sturk

**CALL TO ORDER**

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

**ROLL CALL**

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

**REMARKS**

**Chair Peterman** stated that the Code of Virginia requires local governments to have a Planning Commission, the purpose of which is to advise the Board of Supervisors on land use and planning issues affecting the County. He explained that this responsibility is exercised through recommendations conveyed by resolutions or other official means, all of which are matters of public record. He stated that the Commission is comprised of seven citizen volunteers appointed by the Board, including one representative from each voting district and two at-large members.

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

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

**APPROVAL OF MINUTES**

**Mr. Titus** moved to adopt the minutes of the regular meeting of June 12, 2019 with one minor correction, and the motion was approved (6:0).

**ELECTION OF OFFICERS FOR FY2019**

With **Assistant County Attorney Justin R. Atkins** presiding, Chair Peterman nominated Mr. King to serve as Chair for FY 2020, and Mr. King was elected (6:0). Chair Peterman nominated Mr. Titus to serve as Vice Chair for FY 2020, and Mr. Titus was elected (6:0).

**CITIZEN COMMENTS**

There were no citizen comments.

## **PUBLIC HEARINGS**

**Application No. UP-924-19, Adams Property Group, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 [category 14, no. 6(a)] of the Zoning Ordinance, to authorize the establishment of a mini-storage warehouse facility on a 7.4-acre parcel located at 455-A Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-5-2. The property is zoned GB (General Business) and designated General Business in the Comprehensive Plan.

**Amy Parker, Senior Planner**, summarized the staff report dated July 3, 2019, 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. PC19-8.

**Chair Peterman** opened the public hearing.

**Timothy Trant**, attorney with Kaufman & Canoles, 4801 Courthouse Street, Williamsburg, spoke as the applicant's representative. He introduced the members of the project team and described the differences between this application and a similar previous application that was denied by the Board of Supervisors. He stated that Farm Fresh has been closed for almost two years and that the site has been actively marketed for retail re-use for almost three years and that the applicant, the Adams Property Group, is the only prospect willing and able to take over the space and revitalize the shopping center, which he stated is in a posture of distress. He stated that he feels mini-storage is the highest and best use of the property for various reasons, including the large size of the building and its location on Merrimac Trail rather than Second Street. Mr. Trant stated that the applicant plans to enhance the aesthetics of the shopping center, help the other retail businesses in the center by bringing in more customer traffic, and improve the development potential of the proposed retail out-parcel.

**Mr. Jons** asked if the applicant had prepared a market study to determine the feasibility of a storage facility of this scale.

**Mr. Trant** responded that a market study was indeed performed and that it showed that there is ample demand in the market area to support the proposed storage facility as well as existing facilities. He stated that the project represents a major investment on the applicants' part and that they do not take it lightly.

**Mr. Jons** asked if there are any specific numbers available as to the estimated shortage of mini-storage space.

**Mr. Trant** responded that the shortage is greater than the applicant is proposing. He added that the applicant has no desire to jeopardize the viability of existing facilities. Further, he stated that demand for mini-storage is driven largely by people in transition, of whom there are many in the Williamsburg market, such as William & Mary students and professors, military families at Camp Peary and the Naval Weapons Station, and people moving into the many new homes that are expected to be built over the next several years.

Mr. Criner asked about the size of the new sign that is being proposed.

**Mr. Trant** responded that the size is limited by Zoning Ordinance standards and that it would likely be smaller and more attractive than the existing sign.

**Mr. Peterman** asked if the parking lot lights would remain on all night.

**Mr. Trant** responded that he did not know what the hours of operation would be and how long the lights would remain on but that he would expect there to be motion-sensor lighting that would be triggered whenever there is any activity.

**Mr. Peterman** asked if there would be some kind of security to prevent entry into the units outside the hours of operation.

**Mr. Trant** stated that he is not aware if there would be any on-site security personnel.

**Vice Chair Titus** asked how large the commercial out-parcel would be and if it would be actively marketed for development.

**Mr. Trant** responded that he could not recall the exact dimensions of the site and that in order to help market the out-parcel, the applicant plans to create the outline of a commercial pad site by removing the asphalt, planting grass, posting signage, and listing it with a brokerage firm so that potential prospects who visit the site can visualize it as a viable commercial site.

**Mr. Cross** added that the proposed out-parcel would be approximately 12,280 square feet.

**Mr. Trant** added that an important factor in determining the size of the proposed out-parcel was the need to ensure adequate parking.

**Sally Walls**, 103 Plantation Drive, stated that she lives in and operates a business in York County, that business being a jazzercise studio in the shopping center at 455-A Merrimac Trail. She stated that she supports the application, which she feels will bring the shopping center out of distress as well as improve safety. She stated that with the previous application, the applicant had planned to have outside security cameras and that she hopes this feature will also be included in the current proposal. She stated that the proposed façade will improve the area and that it is a good project overall and that she supports it as both a resident and a business owner.

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

**Mr. Criner** stated that it appears to be a well-designed facility that will enhance the market in that area and that it is not for the Commission to decide whether or not it will be financially viable.

**Dr. Phillips** stated that mini-storage is fairly undesirable relative to other uses and that he doubts this development would bring much additional traffic to the other businesses in the shopping center. On the other hand, he noted, there is a risk that if the application is not approved, the property would remain derelict for some period of time. He said he plans to vote to take that risk.

**Mr. Peterman** agreed that the development would not help the County much in terms of business, but for him, the risk of leaving the property vacant is too great, so he plans to support the application.

**Mr. Sturk** stated that he feels it is a good proposal and that his experience with similar projects in the City of Hampton, where he works, is that they have increased business activity, so he is cautiously optimistic that the project will yield positive results.

**Mr. Jons** stated that he is trying to weigh the pros and cons of the project, which he said would significantly improve the appearance of the property. He stated that two years is not a long time for the building to be vacant, noting that the building occupied by the former Ukrops grocery store on Mooretown Road was vacant for eight to ten years before Big Lots moved into it. He added that mini-storage is a low revenue generator and that he would feel more comfortable if there were an actual end user identified for the commercial out-parcel.

**Mr. Peterman** moved the adoption of Resolution No. PC19-8.

A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION FOR  
A SPECIAL USE PERMIT TO AUTHORIZE THE ESTABLISHMENT OF A  
MINI-STORAGE WAREHOUSE FACILITY AT 455-A MERRIMAC TRAIL  
(ROUTE 143)

WHEREAS, Adams Property Group, LLC has submitted Application No. UP-924-19 to request a Special Use Permit to authorize the establishment of a mini-storage warehouse facility on a portion of a 7.4-acre parcel of land located at 455-A Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-5-2 (GPIN F14b-2805-3373); 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 10<sup>th</sup> day of July, 2019, that Application No. UP-924-19 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize the establishment of a mini-storage warehouse facility in a former grocery store building on a portion of a 7.4-acre parcel of land located at 455-A Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-5-2 (GPIN F14b-2805-3373) subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a mini-storage warehouse facility on a portion of a 7.4-acre parcel of land located at 455-A Merrimac Trail (Route 143) and further identified as Assessor's Parcel No. 10-5-2 (GPIN F14b-2805-3373).
2. A site plan, prepared in accordance with the provisions of Article V of the York County Zoning Ordinance, shall be submitted to and approved by the York County Division of Development Services prior to the commencement of any land disturbing or development activities on the site. Except as modified herein, said site plan, including landscape plans, shall be in substantial conformance with the sketch plan titled "Shoppes at Merrimac Center, 455A Merrimac Trail," received by the Planning Division on July 2, 2019, and "Color Rendering, The Shoppes at Merrimac Center," received by the Planning Division on July 2, 2019; both plans prepared by

AES Consulting Engineers. Copies of said plans shall be kept on file in the office of the Planning Division.

3. Proposed building and screening wall facades shall be in substantial conformance with elevation renderings prepared by Christopher Booker & Associates, Architects and received by the Planning Division on April 18, 2019. Copies of said renderings shall remain on file in the office of the York County Planning Division.
4. Façade renovations to the remaining shopping center units (i.e., repainted EIFS masonry and removal of paint/refurbishment of existing brick facades) shall be completed prior to issuance of a Certificate of Occupancy for any mini-storage warehouse structure on the site. Said renovations shall be in substantial conformance with the elevation rendering received by the Planning Division on June 21, 2019, and colors shall coordinate with colors of the proposed main mini-warehouse storage building (former grocery store) facades. Copies of said plans shall be kept on file in the office of the Planning Division.
5. Lighting fixtures for all poles located in the shopping center parking lot shall be replaced with fixtures set forth in manufacturer's specifications for the LITELUME Area Light Large Luminaire (LL-ALL) as received by the Planning Division on June 21, 2019. Said fixtures shall be full cutoff design and shall be in compliance with the lighting performance standards set forth in Zoning Ordinance Section 24.1-260 (f). Copies of said specifications shall be kept on file in the office of the Planning Division.
6. The mini-storage warehouse facility shall be established and operated in compliance with the performance standards set forth in Section 24.1-484 of the York County Zoning Ordinance.
7. The screening wall referenced in Condition No. 3 above shall not exceed ten (10) feet in height.
8. The existing freestanding shopping center identification sign shall be reconstructed as monument type signage in accordance with Zoning Ordinance sign regulations, and façade materials shall coordinate with façade materials proposed for the screening wall referenced in Condition No. 3 above. Said sign shall be installed prior to issuance of a Certificate of Occupancy for any mini-storage warehouse structure on the site.
9. The materials and colors of security fencing to be installed surrounding the mini-storage warehouse facility shall be approved by the Zoning Administrator at the time of site plan approval.
10. Utility easements shall be established for all utilities serving the proposed development and connecting to off-site sources. Said easements shall be established prior to issuance of a Certificate of Occupancy for any mini-storage warehouse structure on the site.
11. Landscaping associated with the proposed development shall be in compliance with minimum standards and requirements of Article II, Division 4, Landscaping, Buffer, and Greenbelt Regulations of the York County Zoning Ordinance, except as modified herein.
12. 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 roll call the vote was:

Yea: (4) Criner, Sturk, Peterman, Titus  
Nay: (2) Phillips, Jons

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### **OLD BUSINESS**

There was no old business.

### **NEW BUSINESS**

There was no new business.

### **STAFF REPORTS**

**Mr. Cross** referred to the July Development Activity Report, stating that at its June 18 meeting, the Board of Supervisors approved the Special Use Permit application for a tourist home on Goosley Road that the Commission recommended favorably in May. He stated that at its July 16 meeting, the Board will consider Special Use Permit applications for a car wash on Route 17 in Tabb, a bingo hall in the Palace Plaza shops on Palace Lane, and an auto storage/impound yard in the Ewell Industrial Park on Mooretown Road, for all of which the Commission recommended approval in June. He stated that the other two applications considered by the Commission in June, one for cookie-baking with non-resident employees as a home occupation and the other for a tourist home in Queens Lake, would be considered by the Board in August, along with tonight's mini-storage warehouse application. Lastly, Mr. Cross reported that one of the items on the Commission's August 20 agenda is a Zoning Ordinance text amendment to provide for second-hand merchandise retailers in the Economic Opportunity (EO) zoning district. He explained that the proposed amendment was triggered by a recent inquiry from CHKD (Children's Hospital of the King's Daughters) seeking to locate a thrift shop in the Victory Village shopping center on Mooretown Road, which is zoned EO.

**Mr. Cross** noted that at the June 12 meeting, Commission members expressed an interest in conducting a work session to discuss short-term rentals. He stated that staff has continued its research on the subject since then and would like to try to schedule a work session. He stated that staff would identify some potential meeting dates and email them to the Commission members for their consideration.

### **COMMITTEE REPORTS**

**Mr. Jons** reported that the York 2040 Committee has not met since the last Commission meeting.

**Chair Titus** reported that the ad hoc committee reviewing the home occupation provisions of the Zoning Ordinance would have its next meeting on Monday, July 15.

### **COMMISSION REPORTS AND REQUESTS**

There were no Commission reports or requests.

**ADJOURN**

There being no further business to discuss, the meeting was adjourned at 7:47 PM.

**SUBMITTED:**

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Timothy C. Cross, Deputy Director of  
Planning and Development Services

**APPROVED:**

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Glen D. Titus, Vice Chair

**DATE:**

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