

**MINUTES
YORK COUNTY PLANNING COMMISSION**

Regular Meeting
York Hall, 301 Main Street
October 9, 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 King 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. Sturk. Staff members present 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.

REMARKS

Chair King 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 King led the Pledge of Allegiance.

APPROVAL OF MINUTES

Mr. Criner moved to adopt the minutes of the work session of August 26, 2019 with one minor correction, and the motion was approved (5:0), with Mr. Jons abstaining. **Mr. Titus** moved to adopt the minutes of the regular meeting of September 11, 2019. The motion was approved (3:0), with Messrs. Criner, King, and Peterman abstaining.

CITIZEN COMMENTS

There were no citizen comments.

PUBLIC HEARINGS

Application No. UP-936-19, NATASHA House Inc.: Request for a major amendment to a previously approved Special Use Permit (UP-621-03), pursuant to Section 24.1-115(d) (3) of the York County Zoning Ordinance, to authorize an increase in the number of resident clients in a transitional home from 16 persons to 40 persons. The subject property is located on a 1.8-acre parcel at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171. The property is zoned R20 (Medium Density Single-Family Residential) and designated Medium Density Residential in the Comprehensive Plan.

Timothy C. Cross, Deputy Director of Planning and Development Services, summarized the staff report dated October 2, 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. PC19-18.

Mr. Criner asked if there was adequate space to construct parking should the parking agreement become null and void.

Mr. Cross answered that if that were to occur, there is enough land to accommodate the needed parking.

Chair King asked about the occupancy per bedroom.

Mr. Cross answered that the occupancy typically is one woman and one or two children per bedroom.

Chair King opened the public hearing.

Karen Brown, 132 Goodwin Neck Road, spoke as the applicant. She summarized the history of the NATASHA House transitional home. She stated that since opening in 2010, 108 mothers and 181 children have been served. She explained the positive impact the service has made on the families involved. She gave an overview of the factors contributing to poverty and that NATASHA House works to address these factors in its efforts to end homelessness. She reported that the expansion is necessary because of the rising number of homeless female-headed families in the local area, noting that twelve qualified clients have had to be turned away recently. She added that a parking agreement has been secured with the adjacent shopping center. She summarized the business expenditures, accomplishments and aspirations, and she asked the Commission to recommend approval of the expansion

Chair King asked if the funding donated by the City of Newport News is proportionate to the number of residents who come from there.

Ms. Brown responded that it is not at this time.

Mr. Cross asked for clarification regarding the shared parking agreement and if NATASHA House no longer plans to utilize the adjacent church's parking.

Ms. Brown said that is correct and that NATASHA House did not want to interfere with the church's growth plans. She stated that neither the adjacent salon nor the shopping center owner has any objection to the parking arrangement.

Mr. Cross told the Commission that in that case, the proposed resolution would need to be revised by removing the specific reference to the church property.

Gregory Brezinski, architect for the NATASHA House expansion project, stated that he was available to answer questions. There were no questions for Mr. Brezinski.

Sandra Trumble, 104 Carver Place, spoke on behalf of Faith for Living World Outreach Center. She asked that the application be tabled while her church resolves a land dispute involving boundary lines shared with the NATASHA House. She added that the church has no opposition to the proposed expansion.

Justin R. Atkins, Assistant County Attorney, asked if the church has filed suit in reference to this dispute.

Ms. Trumble responded that it has and that their attorney is working on a title search and survey.

Mr. Atkins noted that since parking would be at a location other than the church, he felt that if the reference to the church property is deleted from the proposed resolution, approval would not interfere with the private action between these two entities.

Chair King asked if removing the reference to the church parcel from the resolution would be sufficient to allow the application to move forward.

Mr. Atkins answered that it would be.

Chair King stated that the Commission would rely on Mr. Cross or Mr. Atkins to provide alternative wording if it decides to recommend approval. He asked Ms. Trumble if the church has had an opportunity to discuss the matter with the applicant prior to this meeting.

Ms. Trumble responded that the church was not aware of the expansion until very recently when they received a notice from the County. She stated that the issue of the boundary lines has been an ongoing problem that they are trying to resolve.

Chair King asked staff to show the map so he could see what is being spoken about.

Ms. Trumble stated the NATASHA House is using the church's driveway to access their property and that there is a discrepancy with the easement.

Mr. Atkins interjected, explaining that there is a joint access easement agreement through the church parcel to reach NATASHA House.

Chair King confirmed that the applicant currently has full rights to use the driveway and that the problem Ms. Trumble is referring to is a separate action of which Ms. Trumble is making the Commission aware.

Beverly Lassiter, 812 South Avenue, Newport News, spoke as a member of Faith for Living World Outreach Center. She stated that the church is concerned that the increased number of residents could create a need for more repairs to or possibly expansion of the driveway, which is maintained by the church. She asked if for the church can request NATASHA House to share in the responsibility for maintaining the driveway.

Chair King asked Ms. Brown to comment on behalf of NATASHA House.

Ms. Brown stated that they currently maintain a portion of the parking lot and driveway and would be willing to pay half the cost of installing a speed bump. She added that the loan is a separate matter that is being resolved so that the church's property will no longer be encumbered. She said the expansion is about not turning away qualified families, and that NATASHA House has no objection to sharing in the cost of driveway maintenance as long as it is fair.

Chair King stated that it sounds like they have a commitment to help share in costs.

Ms. Lassiter thanked the Commission for making her aware and said the expansion sounds like a good idea. She added that the church has questions about some of the by-laws in the original agreement that are not being enforced.

Chair King responded that the County does not enforce private agreements and he deferred it to the County Attorney for further explanation.

Mr. Atkins said that is correct and that the issue before the Commission is strictly to address whether or not the proposed action meets the standards for issuing a Special Use Permit. He said it is a decision for the Commissioners to decide and that other factors that have been brought up are not in their purview.

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

Mr. Peterman said the transitional home helps the surrounding communities address a serious problem and that he would be in favor of approval.

Mr. Criner agreed that it is a good cause. He stated that the parking issue can be easily resolved and that the NATASHA House has enough land should they need it. He noted that it would behoove the NATASHA House Board to keep their neighbors informed. He said he would support the project.

Dr. Phillips said this is a very important service and he would support it.

Mr. Jons stated that the purpose of the NATASHA House is admirable and that it provides a valuable service. He stated that their purpose to evaluate the conditions for the application's approval are met and the other issues mentioned are outside the scope of the Planning Commission. He viewed the conditions as favorable.

Chair King concurred that this was a wonderful service to the local and surrounding communities and it is evident of the involvement in this mission. He added that he would suggest to form a better relationship with neighbors to keep them informed. He said he was in favor of the application.

Dr. Phillips moved the adoption of Resolution No. PC19-18(R) as revised to strike the language referencing the church property in Condition No. 8.

A RESOLUTION TO RECOMMEND APPROVAL OF A MAJOR
AMENDMENT OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO

AUTHORIZE AN INCREASE IN THE NUMBER OF RESIDENT CLIENTS FROM SIXTEEN (16) TO FORTY (40) PERSONS IN AN EXISTING TRANSITIONAL HOME LOCATED AT 124 GOODWIN NECK ROAD

WHEREAS, Faith for Living Deloris Borum Ministries, Inc. submitted Application No. UP 621-03, pursuant to Section 24.1-306 (Category 1, No. 8) of the York County Zoning Ordinance, which requested a Special Use Permit to establish a transitional home on property located at 124 Goodwin Neck Road (Route 173); and

WHEREAS, on October 21, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution No. R03-168(R); and

WHEREAS, NATASHA House, Inc. has submitted Application No. UP-936-19, which requests that the above-referenced Special Use Permit be amended, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize an increase in the number of resident clients in the existing transitional home from sixteen (16) to forty (40) persons; 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 given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 9th day of October, 2019, that Application No. UP-936-19 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a major amendment of a previously approved Special Use Permit (UP-621-03), pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize an increase in the number of resident clients from sixteen (16) to forty (40) persons in an existing transitional home located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171 (GPIN# R07b-3925-2892), subject to the following conditions:

1. This use permit shall authorize a major amendment of a previously approved Special Use Permit (UP-621-03), pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize an increase in the number of resident clients from sixteen (16) persons to forty (40) persons in an existing transitional home located at 124 Goodwin Neck Road (Route 173) and further identified as Assessor's Parcel No. 24-171 (GPIN# R07b-3925-2892).
2. Except as modified herein, all approval conditions set forth in Resolution No. R03-168(R) shall remain in full force and effect.
3. Renovation of the existing transitional home to accommodate the increase in the number of resident clients shall be in conformance with floor plans submitted by the applicant titled "Natasha House, Floor Plan and Notes, Sheet No. A101 and Level 2 (Phase 2), Sheet No. A102, and architectural elevations titled "Natasha House, Building Elevations," Sheet Nos. A103 and A104, prepared by ARCI Architects, dated August 29, 2019, and received by the

Planning Division on September 20, 2019, copies of which shall remain on file in the Planning Division.

4. Operation of the facility shall be in compliance with Zoning Ordinance Section 24.1-408, *Standards for group homes and transitional homes*.
5. Residential capacity shall be as permitted by the Virginia Uniform Statewide Building Code, but in no case shall the number of persons residing in the facility at any one time, exclusive of staff, exceed forty (40).
6. The facility shall be operated in accordance with correspondence signed by Karen M. Brown and referenced as "Request to change NATASHA House Use Group," and the accompanying Program Description, received by the Planning Division on September 11, 2019, copies of which shall remain on file in the office of the Planning Division.
7. The minimum required number of parking spaces shall be calculated based on a minimum of one space per bedroom unit, four spaces for visitors, and one space for each employee on-site during the largest shift change.
8. Prior to approval of building permits for renovations to the existing transitional home referenced in Condition No. 3 above, the applicant shall submit to the Department of Planning and Development Services an executed covenant or agreement, which has been reviewed and approved by the County Attorney as to form, demonstrating the right to use the adjacent property located at 130 Goodwin Neck Road (Assessor's Parcel No. 24E-1-2) for vehicular parking. Said covenant or agreement shall comply with requirements of Section 24.1-602(a) of the York County Zoning Ordinance. The combined number of parking spaces serving the transitional home on the subject property and on the adjacent property shall be equal to or greater than the minimum number of spaces required pursuant to Condition No. 7 above. The applicant shall be responsible for recordation of said covenant or agreement in the office of the Clerk of the Circuit Court prior to approval of building permits for renovations to the existing transitional home as shown on plans and elevations referenced in Condition No. 3 above.
9. In accordance with Section 24.1-115(b) (7) 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 approval of building permits for renovations to the existing transitional home as shown on plans and elevations referenced in Condition No. 3 above.

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

OLD BUSINESS

There was no old business.

NEW BUSINESS

There was no new business.

STAFF REPORTS

Mr. Cross referred to the October Development Activity Report, stating that at its September 17th meeting, the Board of Supervisors approved a use permit for the Tidal Wave Auto Spa on Mooretown Road, a second tourist home at 301 Ballard Street, and the zoning ordinance text amendment to allow second-hand, used merchandise retailers in the Economic Opportunity (EO) Zoning District, all of which were recommended for approval by the Planning Commission in August. He stated that on October 15th the Board will consider the home beauty salon in Grafton Branch Subdivision and the carry-out pizza restaurant on Lightfoot Road that the Commission reviewed in September. He said that the only application on the November 13th Planning Commission agenda is for a use permit to authorize a solar farm on the former state fuel farm property on Penniman Road. Lastly, Mr. Cross reported that the Planning Division office will be moving in mid-October to the County Operations Center on Goodwin Neck. He stated that the street address is 100 County Drive but that the Division's mailing address will not change.

COMMITTEE REPORTS

There were no Committee reports.

COMMISSION REPORTS AND REQUESTS

Chair King reported that at the York 2040 Committee meeting, the staff presented a report on current and future conditions in the County with respect to broadband. He asked **Earl W. Anderson, Senior Planner**, for a brief explanation.

Mr. Anderson explained that broadband refers to internet connection. He added that there is a new state mandate requiring Comprehensive Plans to address broadband. He stated that the most important issue in a lot of localities is connectivity, which is currently adequate in York County. He said that in the County, the main issue is how to use broadband as an economic driver and how to increase capacity throughout the County.

Chair King added that one of the outcomes of that discussion was a suggestion to embark upon a broadband plan for the County to address any areas of inadequate service as well as economic vitality so that the County does not fall behind other localities.

Mr. Criner asked if Verizon owns the fiber optic infrastructure it installs or if the County has any ownership.

Mr. Atkins answered that there are multiple agreements between the County and carriers and that the private network of dark fiber optic installed between the offices and schools is owned by the

County. He stated that the other type of fiber optics – called “lit” – is for use by the general public and is owned by carriers.

Mr. Jons affirmed that by working together regionally, the County can economically benefit from broadband expansion.

Chair King agreed about regional cooperation, noting that the City of Virginia Beach, is currently working on fiber optic cables coming from Europe. He said this will give the Southside an economic advantage with technology if the Peninsula localities are not able to work together to take advantage of this opportunity.

Mr. Titus reported that the Home-Based Business Committee had met and that there was a discussion of the size of work vehicles being allowed to park in residential neighborhoods.

ADJOURN

There being no further business to discuss, the meeting was adjourned at 7:58 PM.

SUBMITTED:

Daria Linsinbigler, Secretary

APPROVED:

Michael S. King, Chair

DATE:
