

# COUNTY OF YORK

## MEMORANDUM

**DATE:** October 6, 2020 (PC Mtg. 10/14/20)

**TO:** York County Planning Commission

**FROM:** Amy M. Parker, Senior Planner 

**SUBJECT:** Application No. UP-957-20, Heritage Humane Society

### ISSUE

Application No. UP-957-20 is a request, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize a major amendment of a previously approved Special Use to allow an approximately 2,427-square foot addition to an approximately 9,700-square foot animal shelter on approximately 4.2 acres of land located at 430 Waller Mill Road (Route 713) and 618 Waller Mill Road (portion) and further identified as Assessor's Parcel Nos. 6-4C and 6-4 (portion). The existing facility was the subject of Special Use Permits UP-620-03, approved on August 19, 2003 pursuant to Board Resolution No. R03-129 and UP-694-06, approved on January 17, 2006 pursuant to Board Resolution No. R06-4 for a minor modification of the 2003 SUP (copies of resolutions attached). The property is zoned RR (Rural Residential) and designated Resource Conservation in the Comprehensive Plan.

### DESCRIPTION

- Property Owner: City of Williamsburg  
Applicant is property owner's lessee
- Location: 430 Waller Mill Road (Route 713)
- Area: Approximately 4.2 acres
- Frontage: Approximately 540 feet on Waller Mill Road (Route 713)
- Utilities: Public water and sewer
- Topography: Relatively flat with slight slopes to the rear
- 2035 Land Use Map Designation: Resource Conservation
- Zoning Classifications: RR – Rural Residential  
WMP – Watershed Management and Protection Area overlay

- Existing Development: Animal shelter consisting of a 9,700-square foot main animal shelter building, a 3,072-square foot two-story accessory storage building, and associated parking and access areas
- Surrounding Development:
  - North: Watershed property owned by the City of Williamsburg
  - East: Watershed property owned by the City of Williamsburg
  - South: Single-family detached home, future Powell Plantation single-family subdivision (across Waller Mill Road)
  - West: Watershed property owned by the City of Williamsburg
- Proposed Development: 2,427-square foot addition to existing animal shelter building, increased parking area, and two outdoor fenced play areas

## **BACKGROUND**

### Zoning History

- Late 1970s First animal shelter complex constructed on 1.12 acres of land given to the Williamsburg SPCA by the City of Williamsburg. Property zoned RR – use permitted as a matter of right.
- 1985 Zoning changed to RC (Resource Conservation) as part of County-wide comprehensive zoning map amendment. Animal shelter use allowed only with an approved SUP in RC district; use becomes a conforming Special Use.
- 1992 Williamsburg SPCA conveys 1.12-acre parcel back to the City of Williamsburg. Heritage Humane Society enters into a lease agreement with the City for their animal shelter.
- 1993 Minor modification granted to Heritage Humane Society as a conforming Special Use for an 864-square foot storage building addition.
- 1995 Zoning Ordinance amended to allow animal shelters only in the RR, IG (General Industrial), and IL (Limited Industrial) districts. Use remains a conforming Special Use.
- 1999 Second minor modification granted for conforming Special Use for a 624-square foot building addition.
- 2003 Rezoning application approved to change zoning on 4.2-acre site (expanded from the original 1.12 acres) from RC to RR. Concurrent SUP (UP-620-03) granted for a major amendment to the conforming special use to replace the existing 2,720-square foot building with a proposed 14,000-square foot building.

- 2006 SUP (UP-694-06) granted for minor modification of UP-620-03 for site design/layout changes, including reduced building size of 9,700 square feet.
- 2008 Existing 9,700-square foot main animal shelter building completed.
- 2020 Application submitted for major amendment of UP-620-03 to expand existing main building, add parking, and add fenced outdoor play areas.

Sketch plans approved in 2003 called for a new 14,000-square foot shelter building, to be constructed in two phases; an initial 11,000-square foot facility with an additional 3,000 square feet of floor area to be added by about 2010. A subsequent minor amendment to the SUP was approved in 2006 to allow changes to the site layout, including revised building plans for a smaller 9,700-square foot shelter building (to be expanded up to 14,000 square feet in the future). The existing 9,700-square foot shelter building was actually not completed until 2008, and funding restrictions precluded further additions until the present time.

### **CONSIDERATIONS/CONCLUSIONS**

1. The animal shelter is located on a 4.1-acre site on Waller Mill Road owned by the City of Williamsburg and leased by the Heritage Humane Society. The property is designated for Conservation in the Comprehensive Plan and is zoned RR (Rural Residential). The site is surrounded by watershed property [zoned RC (Resource Conservation)] to the north, south, and west. Properties to the east, across Waller Mill Road, are zoned RR (Rural Residential) and include an existing single-family dwelling and land currently being cleared and graded for the future Powell Plantation single-family residential subdivision.
2. The Heritage Humane Society wishes to expand its facility by more than 25%, to include a 2,427-square foot building addition, added parking, and two fenced outdoor play areas. In accordance with Zoning Ordinance Section 24.1-115(d)(3), expansion of a Special Use greater than 25% is considered a major expansion that is processed in the same manner as an original use permit application, including public hearings and Planning Commission review.

According to the applicant's project narrative (attached), the expansion request is generated by the immediate need for additional parking, expanded office space, a new multi-purpose/classroom area, and renovated space for animal-keeping quarters. Two outdoor fenced play areas are also proposed on either side of the main shelter building. The shelter facility has been experiencing increased demands for animal intake and adoption services since the current facility was completed in 2008.

3. The site is located within the Watershed Management and Protection Area (WMP) overlay district associated with the Waller Mill Reservoir drainage area. In accordance with standards set forth in Zoning Ordinance Section 24.1-376, an impact study will be required to address stormwater quality issues at the time of site plan review. A proposed approval condition addresses this issue.

4. The 2008 animal shelter reconstruction expanded the facility beyond the limits of its original 1.12-acre parcel, and the parcel's northern property line bisects the main shelter building. The Virginia Statewide Building Code requires a fire-rated wall when new construction is proposed adjacent to a property line. In order to avoid such costly construction renovations, the applicant proposes to expand the boundaries of the 1.12-acre parcel to coincide with the applicant's lease area or dissolve the parcel lines altogether (thus recombining the land with the original City of Williamsburg parent tract). A proposed approval condition addresses this issue.
5. The subject property is heavily wooded, which helps to obscure direct views of the facility from Waller Mill Road and properties across the street. The applicant was required to maintain existing vegetation within the 20-foot front landscape yard for screening purposes as a condition of approval of the previous SUP. Outdoor site lighting fixtures are full cutoff fixtures that prevent spillover of light onto adjacent properties. Noise generated by the shelter is not a problem, as all animal cages are located indoors. The proposed fenced outdoor play areas will be used by a limited number of dogs at any one time, and animals within the area will be supervised by shelter staff at all times.
6. The Institute of Transportation Engineers (ITE) *Trip Generation* manual does not provide trip generation figures for animal shelters. The applicant has indicated that the shelter has twelve (12) full-time employees and ten (10) volunteers working at the facility on a daily basis. Based on this information and visitor estimates provided by the applicant, staff estimates that the shelter currently generates approximately 110 vehicle trips per weekday and 150 on Saturdays and Sundays. The Humane Society has no plans to increase staffing after the expansion is complete. This segment of Waller Mill Road, which terminates approximately one half-mile beyond the subject property, has a pavement width of approximately 22 feet and carries a daily average of 510 vehicles according to VDOT 2019 average annual daily traffic estimates. Current development beyond the animal shelter consists of seven homes, a small church, and a water treatment plant owned by the City of Williamsburg. In staff's opinion, the road can safely accommodate traffic from the expanded animal shelter.

The Powell Plantation development will include two street connections to Waller Mill Road in the vicinity of the animal shelter. According to the traffic study data submitted to the County by the developer as required for subdivision plan approval, the subdivision is expected to add approximately 1,314 vehicles to the noted average daily traffic volume on this portion of Waller Mill Road. Proposed improvements to Waller Mill Road at these connections (northbound turn taper) will mitigate impacts of the increased traffic generated by the new subdivision and, in staff's opinion, the road will be able to accommodate traffic from the animal shelter and the subdivision with no deterioration in safety or Level of Service.

7. The shelter currently has twenty-four (24) off-street parking spaces to serve staff and visitors. Redesigned and expanded parking areas installed as part of the 2008 facility

reconstruction improved deficient parking and access for the site. However, noted increases in demand for shelter facility services since that time have resulted in the need for additional parking spaces.

The Zoning Ordinance requires animal shelters to have a minimum of one parking space per 350 square feet of floor area, excluding kennels. In compliance with these standards, the applicant has proposed parking at the rate of one space per 350 square feet of animal shelter and office floor areas plus one space per 500 square feet of floor area for the storage building. This results in a minimum requirement of forty (40) spaces for the proposed expanded use (including sixteen (16) proposed spaces). The parking layout shown on the applicant's sketch plan meets this standard.

### **RECOMMENDATION**

The animal shelter, which has successfully served James City County, the City of Williamsburg, and upper York County for many years, is located in a relatively isolated area near the end of a 1.9-mile dead-end street that is surrounded on three sides by over 1,000 acres of watershed property that is unlikely to ever be developed. The proposed expansion is in keeping with the facility's long-term development plan, and was anticipated at the time of previous SUP approvals in 2003 and 2006. The expansion of the parking lot will alleviate parking deficiencies that currently exist. Waller Mill Road has sufficient capacity to accommodate animal shelter traffic, and roadway improvements planned in conjunction with the Powell Plantation development will insure the continued adequacy of roadway safety and capacity. Existing landscaping to be preserved will mitigate the visual impact of the expanded building. Therefore, based on the considerations and conclusions as noted, staff recommends that the Commission forward this application to the Board of Supervisors with a recommendation of approval through the adoption of proposed Resolution No. PC20-18.

### **AMP**

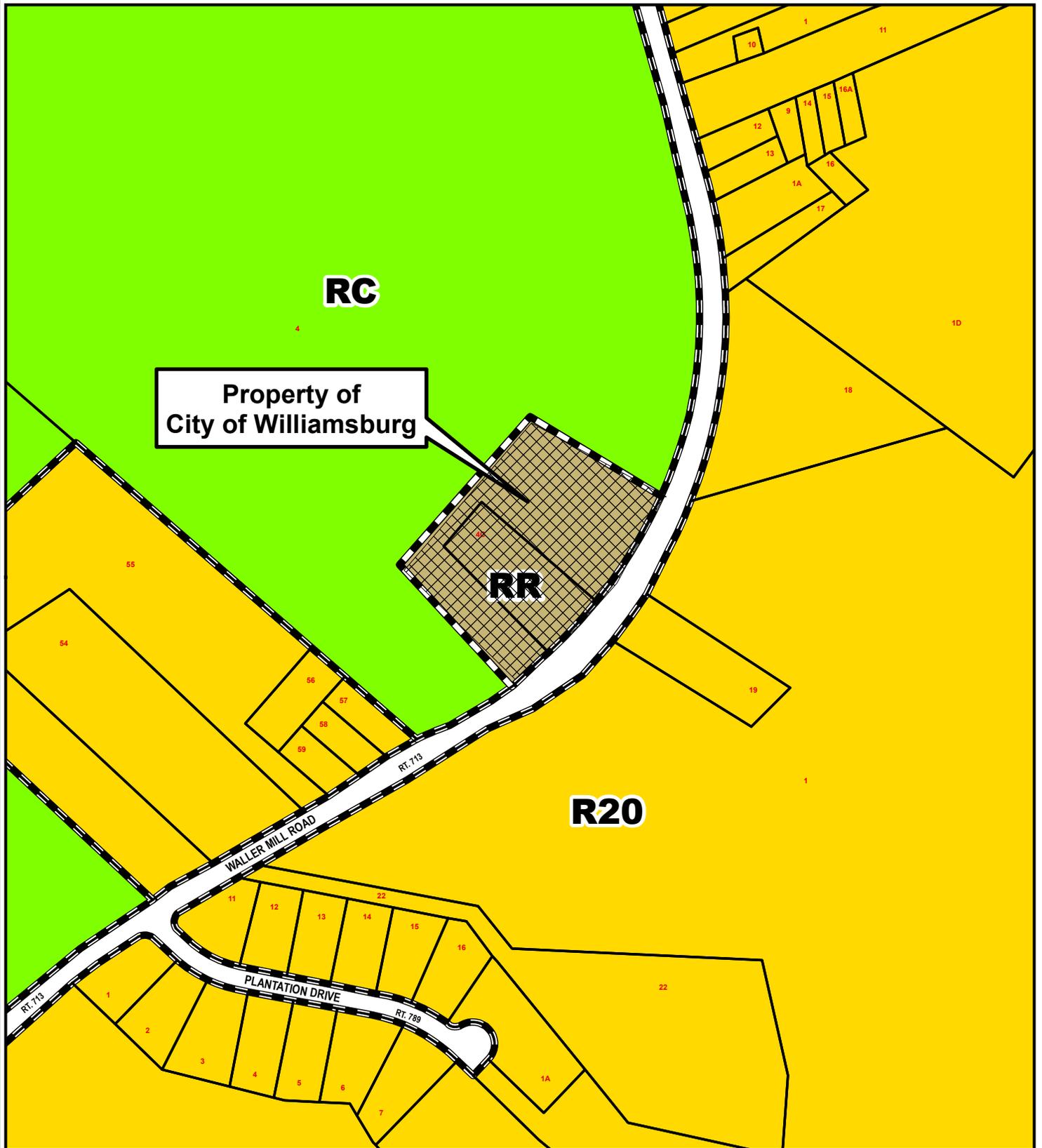
#### **Attachments**

- Zoning Map
- Applicant's Project Summary
- Sketch Plan
- Floor Plan
- Board of Supervisors Resolution Nos. R03-129 and R06-4
- Proposed Resolution No. PC20-18

**APPLICANT: Heritage Humane Society**  
Special Use Permit Major Amendment  
Expansion of existing animal shelter  
430 & 618 (portion) Waller Mill Road

# ZONING MAP

**APPLICATION NUMBER: UP-957-20**



Property of  
City of Williamsburg



SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

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

# **Project Narrative**

*For*

## **Heritage Humane Society Expansion Special Use Permit Amendment**

*Prepared For*

**Heritage Humane Society  
430 Waller Mill Road  
Williamsburg, Virginia 23185  
(757) 221-0910**

*August 18, 2020*

*AES Project Number W10593-00*

*Prepared by:*



RECEIVED  
York County

AUG 18 2020

Planning  
Division

## ***I. INTRODUCTION***

The Heritage Humane Society is formally applying for an amendment to the previously approved Special Use Permit, set forth in Resolution No. R03-29, to allow for an expansion of the animal shelter located at 430 Waller Mill Road. The property is zoned RR-Rural Residential and is an animal shelter by legally confirming special use per R03-29. This property has been previously expanded and modified via Resolution No. R06-4, and the amendment requested here would allow an additional special use amendment for building and site expansion.

## ***II. PROJECT DESCRIPTION***

This proposed expansion of the existing 9,700 s.f. shelter building includes office and classroom space as well as an expanded isolation wing. Additionally, several play yards are proposed at the rear of the property. To accommodate the expansion, parking will be added around the perimeter of the existing paved areas, and a through-lane is to be created for better ingress/egress. Existing stormwater management facilities on-site, along with a proposed filtering facility, will continue to serve the property as well as the expansion. A grinder pump facility upgrade is also proposed that will provide additional sewage capacity as well as an increased ability to prevent clogging from animal hair. The full expansion is depicted on Development Plan Sheets C1.0, C2.0, and C3.0 as included in the appendix of this application package.

The Heritage Humane Society has and continues to endeavor to be a good neighbor while providing an essential service to the local community. With increased demand for animal intake and adoption, HHS has long surpassed their need for more space and access to the site. This includes parking for employees and visitors which currently requires off-site parking. This expansion will provide that desperately needed space for animals and visitors alike.

While this expansion will provide additional capacity for animal intake and adoption, it will also provide more health and safety for the animals themselves. Play yards provide more freedom of movement and recreation while also providing necessary isolation space as animals await intake and immunization. An upgraded and updated air purification system is proposed for increased air quality. The expansion will also promote increased community involvement and education through additional classrooms.

## ***III. CONCLUSION***

It is our belief that the proposed Heritage Humane Society expansion represents an appropriate development for an amended Special Use Permit. The expansion will serve the community in a variety of ways from increased health and safety, increased access to an essential service, and better care for animals in need. This expansion represents no change in use from the previously approved Permit for an animal shelter. No additional traffic is project based on this expansion as its purpose is to accommodate the existing vehicles due to the site's current lack of adequate parking. The Heritage Humane Society will continue its standing as a good neighbor and continue to provide protection for the Waller Mill Reservoir with a variety of stormwater management and pollutant removal facilities that direct drainage away from the Waller Mill watershed. It is our sincere request for a favorable response.



SOIL CHARACTERISTICS - JAMES CITY & YORK COUNTIES AND THE CITY OF WILLIAMSBURG, VA

SOILS NO.	SOIL NAME	HYDROLOGIC SOIL GROUP	TYPICAL SLOPES	EROSION FACTOR (K <sub>w</sub> ) WHOLE SOIL	EROSION FACTOR (T)
11C	Craven-Uchee Complex	D	6-10%	0.28	5
15F	Emporia Complex	B	25-50%	0.24-0.28	5
29B	Slagle Fine Sandy Loam	C	2-6%	0.24-0.28	5

INFORMATION TAKEN FROM USDA NATURAL RESOURCES CONSERVATION SERVICE, SURVEY AREA VERSION: 16, SURVEY AREA VERSION DATED: 08/29/2018.

SOIL SUSCEPTIBILITY TO EROSION CLASSIFICATION (K)  
 0.23 AND LOWER - LOW ERODIBILITY  
 0.23 TO 0.36 - MODERATE ERODIBILITY  
 0.36 AND UP - HIGH ERODIBILITY

THE MAP SHOWN IS A "BEST FIT MODEL" OF THE SCS MAPS WITH EXISTING BASE INFORMATION.

**LEGEND**

SOILS BOUNDARY

SOILS TYPE

11C

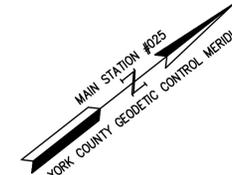
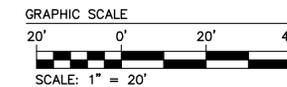
LIMITS OF DISTURBANCE BOUNDARY

RECEIVED 9-23-20  
 YORK COUNTY PLANNING DIVISION  
 UP-957-20

ENVIRONMENTAL INVENTORY IMPACTS

TOTAL DISTURBANCE:	IMPACT
TIDAL WETLANDS:	NONE ON SITE
TIDAL SHORES:	NONE ON SITE
500 FT RMA BUFFER:	NONE ON SITE
NON-TIDAL WETLANDS IN RMA:	NONE ON SITE
100 FT RPA BUFFER:	NONE ON SITE
NON-TIDAL WETLANDS IN RPA:	NONE ON SITE
30% SLOPES OR GREATER:	NONE IMPACTED
100 YEAR FLOOD PLAIN:	NONE ON SITE

NOTE:  
 1. NO PERENNIAL STREAMS EXIST ON-SITE OR WITHIN 100-FEET OF THE PROPERTY  
 2. AN APPROVED NATURAL RESOURCES INVENTORY (NRI) IS ON FILE IN PUBLIC WORK CB 06-72



Rev.	Date	Description	By	Check
1	08/19/2020	REVISED PER COUNTY COMMENTS DATED JULY 2020		



5248 Olds Towne Road, Suite 1  
 Williamsburg, Virginia 23188  
 Phone: (757) 255-0640  
 www.aesva.com

**AES**  
 CONSULTING ENGINEERS

Hampton Roads | Central Virginia | Middle Peninsula

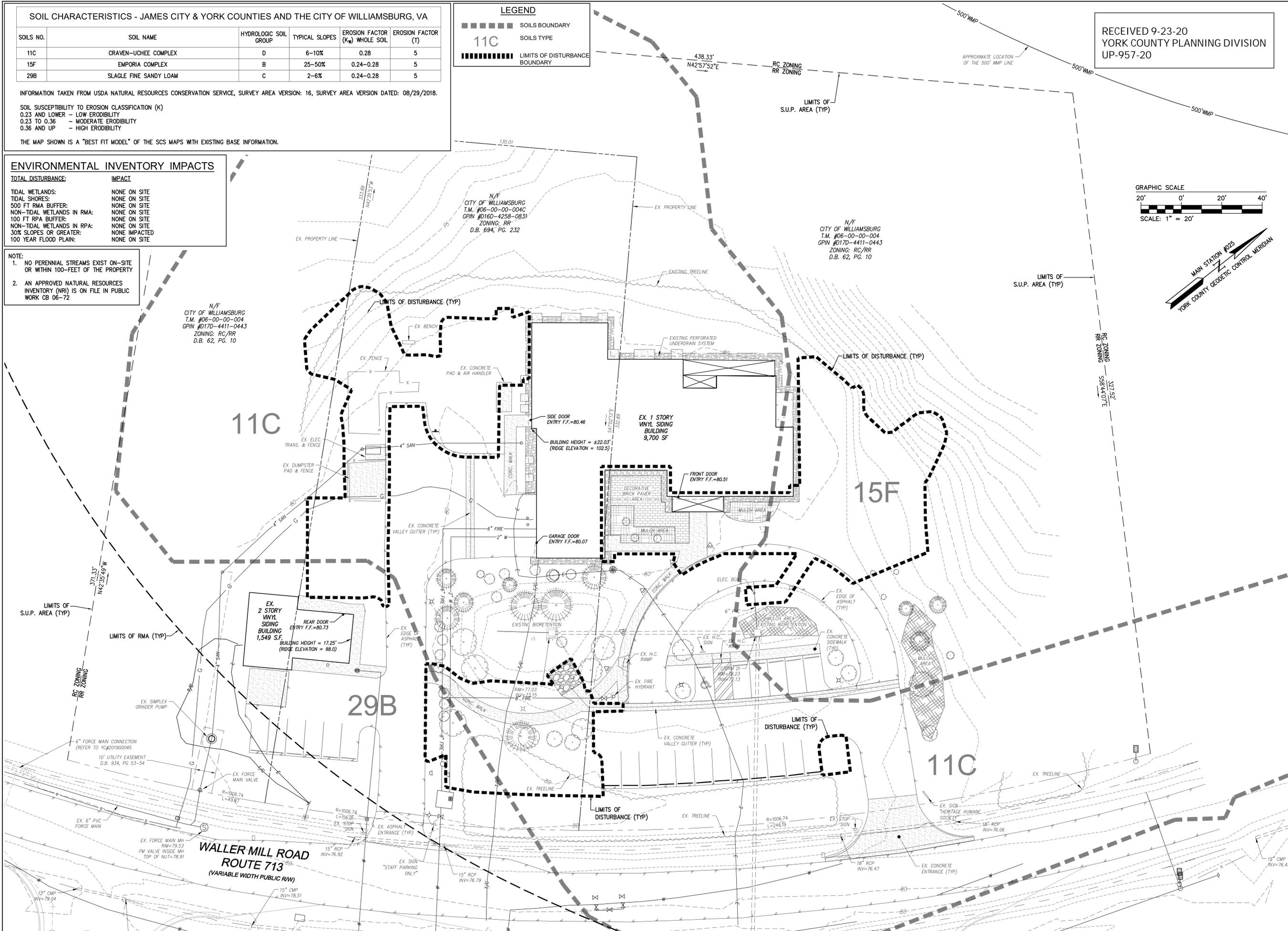
DEVELOPMENT PLAN FOR  
**HERITAGE HUMANE SOCIETY**  
 SITE EXPANSION

BRUTON DISTRICT YORK COUNTY VIRGINIA

Project Contacts: AMR  
 Project Number: W10593-00  
 Scale: 1"=20'  
 Date: 7/2/20

Sheet Title:  
**EXISTING CONDITIONS & ENVIRONMENTAL INVENTORY**

Sheet Number  
**C2.0**







BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the 19th day of August, 2003:

---

<u>Present</u>	<u>Vote</u>
Thomas G. Shepperd, Jr., Vice Chairman	Yea
Walter C. Zaremba	Yea
Sheila S. Noll	Yea
Donald E. Wiggins	Yea
<u>Absent</u>	
James S. Burgett, Chairman	

---

On motion of Mrs. Noll, which carried 4:0, the following resolution was adopted:

A RESOLUTION TO APPROVE A SPECIAL USE PERMIT TO AUTHORIZE A MAJOR EXPANSION OF AN ANIMAL SHELTER LOCATED AT 430 WALLER MILL ROAD (ROUTE 713)

WHEREAS, the City of Williamsburg and the Heritage Humane Society have submitted Application No. UP-620-03, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, which seeks to expand an animal shelter by constructing a 14,000 square foot building to replace an existing 2,720-square foot building on property located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4; and

WHEREAS, the proposed expansion exceeds 25% and therefore constitutes a major expansion of a legally conforming special use, pending the approval of Application No. ZM-75-03; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 19th day of August, 2003, that Application No. UP-620-03 be, and it hereby is, approved to authorize a major expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603), further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 and more fully described and identified as follows:

Beginning at a point at the intersection of the southwest corner of the property belonging to the City of Williamsburg and the right-of-way of Route 713, thence traveling along said right-of-way in a southwest direction a distance of 100.01' to a point, thence N 45° 43' 43" W a distance of 371.33' to a point, thence N 39° 49' 58" E a distance of 438.33' to a point, thence S 61° 52' 01" E a distance of 327.52' to a point on said right-of-way of Route 713, thence along said right-of-way in a southwest direction a distance of 442.29' to the point of beginning, being all that property owned by the City of Williamsburg, GPIN# D16D-4258-0831, recorded in the Clerk's Office of York County in Deed Book 694 at page 232, and a portion of the property owned by the City of Williamsburg, GPIN# D17D-4411-0443.

BE IT FURTHER RESOLVED that approval of this application shall be subject to the following conditions:

1. This approval shall authorize the expansion of an animal shelter located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of its intersection with Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4. Said expansion shall consist of the construction of a new 14,000-square foot building with associated off-street parking to replace an existing 2,720-square foot building on the referenced property.
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 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 Plan titled "Heritage Humane Society Animal Shelter," prepared by VHB, Inc. and dated April 1, 2003, except as modified herein. This shall not be construed to prohibit non-material and insignificant modifications, shifts in location, or slight changes in shape or configuration.

3. Except as necessary to (a) reconstruct the entrance to the site, (b) install an identification sign, and (c) open limited sight lines for the sign, no clearing shall occur within the required 20-foot front landscape yard along the street right-of-way for Waller Mill Road (in the area labeled "Undisturbed Woodland" on the reference conceptual plan). The landscape yard shall be left in an undisturbed natural state, shall be supplemented as necessary with additional plantings, consisting of a mix of deciduous and evergreen trees and shrubs, as depicted on the reference concept plan.
4. In accordance with Section 24.1-260(f) of the Zoning Ordinance, all outdoor lighting in excess of 3,000 initial lumens associated with the development shall be designed, installed, and maintained to prevent unreasonable or objectionable glare onto Waller Mill Road and adjacent properties and shall incorporate the use of full cut-off luminaires.
5. A minimum of 32 off-street parking spaces shall be provided as part of the first construction phase – consisting of approximately 11,000 square feet of gross floor area exclusive of the accessory Spayth Building – of the expansion. Prior to the commencement of the second construction phase, the applicant shall submit to the Zoning Administrator a site-specific parking study to determine if the 32 parking spaces will be sufficient to accommodate the anticipated parking demand associated with animal shelter at full development (i.e., 14,000 square feet of gross floor area exclusive of the accessory Spayth Building). Based on his review of the study, the Zoning Administrator shall determine if additional parking is needed and, if so, shall require additional spaces to be provided as a condition of approval for the second construction phase.
6. Development of the subject parcel shall be in accordance with the requirements of the Watershed Management and Protection Area overlay district contained in Section 24.1-376 of the Zoning Ordinance. Accordingly, the above-referenced site plan shall be accompanied by an impact study prepared in accordance with the requirements set forth in Section 24.1-376(f) of the Zoning Ordinance.
7. All animals shall be kept within a completely enclosed building in pens or other enclosures designed and maintained for secure confinement, provided, however, that the shelter may provide an outdoor "court hold area" for the sole purpose of keeping animals that are being held pending the outcome of a court case and require confinement in a secure facility separate from the other animals. Said "court hold area" shall be enclosed with fencing or walls and shall be located to the rear of the shelter in the general location depicted on the conceptual plan.
8. The new building shall be adequately soundproofed and constructed so that there will be no emission of odor or noise detrimental to other properties or uses in the area.

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.

A Copy Teste:

A handwritten signature in cursive script that reads "Mary Ellen Simmons". The signature is written in black ink and is positioned above the printed name and title.

Mary Ellen Simmons  
Deputy Clerk

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in York Hall, Yorktown, Virginia, on the 17th day of January, 2006:

<u>Present</u>	<u>Vote</u>
Walter C. Zaremba, Chairman	Yea
Kenneth L. Bowman, Vice Chairman	Yea
Sheila S. Noll	Yea
James S. Burgett	Yea
Thomas G. Shepperd, Jr.	Yea

On motion of Mrs. Noll, which carried 5:0, the following resolution was adopted:

A RESOLUTION TO AMEND THE CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY AUTHORIZING MINOR MODIFICATIONS TO THE DESIGN AND LAYOUT OF AN EXPANDED ANIMAL SHELTER LOCATED AT 430 WALLER MILL ROAD

WHEREAS, the City of Williamsburg and the Heritage Humane Society submitted Application No. UP 620-03, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, which requested authorization to expand a legally conforming special use by constructing a 14,000-square foot animal shelter building to replace an existing 2,720-square foot building on property located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of the intersection of Waller Mill Road and Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 (GPIN# D16d-4258-0831 and GPIN# D17d-4411-0443); and

WHEREAS, on August 19, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution No. R03-129; and

WHEREAS, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, the City of Williamsburg and the Heritage Humane Society have submitted Application No. UP-694-06, which requests to amend the conditions of approval set forth in the above-referenced resolution by authorizing minor modifications to the design and layout of the approved animal shelter expansion;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 17th day of January, 2006, that Application No. UP 694-06, be, and it is hereby, approved to amend the conditions of approval set forth in the Resolution No. R03-129 by authorizing minor modifications to the design and layout of a previously approved animal shelter expansion located at 430 Waller Mill Road (Route 713) approximately 0.76-mile northeast of the intersection of Waller Mill Road and Mooretown Road (Route 603) and further identified as Assessor's Parcel No. 6-4C and a portion of Assessor's Parcel No. 6-4 (GPIN# D16d-4258-0831 and GPIN# D17d-4411-0443) subject to the following conditions:

1. Modifications to the design and layout of the animal shelter depicted on the plan Heritage Humane Society Tree Planting Plan prepared by Nelson Byrd Woltz, Landscape Architects and dated December 20, 2005 shall be permitted. Said modifications shall specifically include the relocation of the main parking lot and the creation of a second entrance on Waller Mill Road in the location depicted on the referenced plan.
2. Except as necessary to (a) reconstruct the existing entrance and construct a new second entrance to the site, (b) install an identification sign, and (c) open limited sight lines for the sign, no clearing shall occur within the required 20-foot front landscape yard along the street right-of-way for Waller Mill Road (in the area labeled "Undisturbed Woodland" on the reference conceptual plan). The landscape yard shall be left in an undisturbed natural state, shall be supplemented as necessary with additional plantings, consisting of a mix of deciduous and evergreen trees and shrubs, as depicted on the previously approved concept plan.
3. Except as specifically modified herein, the conditions set forth in Resolution No. R03-129 shall remain in full force and effect.
4. 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.

A Copy Teste:

  
Mary Ellen Simmons  
Deputy Clerk

PLANNING COMMISSION  
 COUNTY OF YORK  
 YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Planning Commission held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2020:

Present

Vote

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

On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A MAJOR AMENDMENT OF A PREVIOUSLY APPROVED SPECIAL USE TO AUTHORIZE AN APPROXIMATELY 2,427-SQUARE FOOT ADDITION TO A 9,700-SQUARE FOOT ANIMAL SHELTER ON APPROXIMATELY 4.2 ACRES OF LAND LOCATED AT 430 WALLER MILL ROAD (ROUTE 713) AND 618 WALLER MILL ROAD (PORTION) (ROUTE 603)

WHEREAS, the City of Williamsburg and the Heritage Humane Society submitted Application No. UP 620-03, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, which requested authorization to expand a legally conforming special use by constructing a 14,000-square foot animal shelter building to replace an existing 2,720-square foot building on property located at 430 Waller Mill Road (Route 713) and 618 Waller Mill Road (portion) and further identified as Assessor’s Parcel Nos. 6-4C (GPIN D16d-4258-0831) and a portion of Assessor’s Parcel No. 6-4 (GPIN D17d-4411-0443); and

WHEREAS, on August 19, 2003, the York County Board of Supervisors approved said application through the adoption of Resolution No. R03-129; and

WHEREAS, the City of Williamsburg and the Heritage Humane Society submitted Application No. UP-694-06, pursuant to Section 24.1-115(d)(2) of the York County Zoning Ordinance, which requested authorization to amend the conditions of approval set

forth in the above-referenced resolution by authorizing minor modifications to the design and layout of the approved animal shelter expansion; and

WHEREAS, on January 17, 2006, the York County Board of Supervisors approved said application through the adoption of Resolution No. R06-4; and

WHEREAS, the Heritage Humane Society has submitted Application No. UP-957-20, pursuant to Section 24.1-115(d)(3) of the York County Zoning Ordinance, to authorize a major amendment of a previously approved Special Use to allow an approximately 2,427-square foot addition to an approximately 9,700-square foot animal shelter on approximately 4.2 acres of land located at 430 Waller Mill Road (Route 713) and 618 Waller Mill Road (portion) and further identified as Assessor's Parcel Nos. 6-4C (GPIN D16d-4258-0831) and a portion of Assessor's Parcel No. 6-4 (GPIN D17d-4411-0443); 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 citizen comments with respect to this application.

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the \_\_\_ day of \_\_\_\_, 2020, that Application No. UP 957-20, be, and it is hereby, forwarded to the York County Board of Supervisors with a recommendation of approval to authorize a major amendment of a previously approved Special Use to allow an approximately 2,427-square foot addition to an approximately 9,700-square foot animal shelter on approximately 4.2 acres of land located at 430 Waller Mill Road (Route 713) and 618 Waller Mill Road (portion) and further identified as Assessor's Parcel No. 6-4C (GPIN D16d-4258-0831) and a portion of Assessor's Parcel No. 6-4 (GPIN D17d-4411-0443), subject to the following conditions:

1. This approval shall authorize a major amendment of a previously approved Special Use to allow an approximately 2,427-square foot addition to an approximately 9,700-square foot animal shelter on approximately 4.2 acres of land located at 430 Waller Mill Road (Route 713) and 618 Waller Mill Road (portion) and further identified as Assessor's Parcel No. 6-4C (GPIN D16d-4258-0831) and a portion of Assessor's Parcel No. 6-4 (GPIN D17d-4411-0443).
2. A site plan, prepared in accordance with the provisions of Article V of the Zoning Ordinance, shall be submitted to and approved by the Division of Development Services prior to the commencement of any land clearing or construction activities on the site. Except as modified herein, said site plan shall be in substantial conformance with the sketch plan titled "Development Plan for Heritage Humane Society Site

Expansion, Sheets C1.0, C2.0, and C3.0,” prepared by AES Consulting Engineers, dated July 2, 2020, and revised September 18, 2020, a copy of which shall be kept on file in the office of the York County Planning Division.

3. Existing parcel lines for 430 Waller Mill Road (GPIN D16d-4258-0831) shall be adjusted to coincide with the 4.2-acre land area referenced in Condition No. 1 above or eliminated through the execution of appropriate land records documents, reviewed and approved by the Development Services Division, prior to site plan approval.
4. Development of the site shall be in accordance with Sections 24.1-436, *Standards for Animal Shelters* and 24.1-376, *Watershed Management and Protection Area Overlay District*, of the York County Zoning Ordinance.
5. Animals under the care of Heritage Humane Society and brought outdoors for temporary exercise times shall be accompanied by and under the control of animal shelter staff at all times.
6. Except as specifically modified herein, the conditions set forth in Resolution Nos. R03-129 and R06-4 shall remain in full force and effect.
7. In accordance with Section 24.1-115(b)(6) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this expansion 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 site plan approval.

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.