



PUBLIC NOTICE WILLIAMSBURG PLANNING COMMISSION

The Williamsburg Planning Commission will hold public hearings on Wednesday, September 19, 2018 at 3:30 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

PCR#18-017: An ordinance to amend Section 21-1 of Article I, Division 1; Sec 21-26 of Article II, Division 1 and Section 21-97(b)(1) of Article II, Division 5 of the Zoning Ordinance to update a cross-reference to the Virginia Code and to comply with mandates regarding the administration to comply with the requirements of State and Federal Laws regarding persons with disabilities.

PCR#18-018: An ordinance to amend Section 21-29(b)(3), Article II, Division 1 of the Zoning Ordinance pertaining to optional criminal penalties for zoning violations causing injury to one or more persons.

PCR#18-019: Request of Precarious Beer, LLC to amend the Zoning Ordinance to add amusement arcade in the Downtown Business District B-1 with a special use permit.

PCR#18-020: Request of Precarious Beer, LLC for a special use permit to operate a restaurant with an amusement arcade and a micro-brewery at 110 South Henry Street in the Downtown Business District B-1.

Additional information is available at www.williamsburgva.gov/publicnotice or at the Planning Department (757) 220-6130, 401 Lafayette Street. Interested citizens are invited to attend this hearing and present their comments to Planning Commission.

If you are disabled and need accommodation in order to participate in the public hearings, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Wednesday, September 12, 2018.

Carolyn A. Murphy
Planning and Codes Compliance Director



CITY OF WILLIAMSBURG

MEMORANDUM

DATE: August 30, 2018

SUBJECT: PCR#18-017

Zoning Text Revisions to update a cross-reference to the Virginia Code and to comply with the mandates regarding persons with disabilities.

At its 2018 Session, the Virginia General Assembly enacted House Bill 796 that mandates amendments to the City of Williamsburg's Zoning Ordinance regarding administration to comply with the requirements of State and Federal Laws regarding persons with disabilities. Specifically, the following sections of the City's Zoning Ordinance require updating per the attached ordinance:

1. Amends Section 21-1 Purpose and intent to update a cross reference to the Virginia Code.
2. Amends Section 21-26 Administration and enforcement to allow for a reasonable modification to property or improvements that may be granted subject to expiration when no longer needed.
3. Amends Section 21-97 Powers and duties of the board of zoning appeals by adding granting of a variance language for persons with disabilities and expiration when no longer needed.

PLANNING COMMISSION PUBLIC HEARING

A Planning Commission public hearing is scheduled for the regular Planning Commission meeting on September 19, 2018.

Handwritten signature of Carolyn A. Murphy in black ink.

Carolyn A. Murphy, AICP
Codes Compliance and Planning Director

**ORDINANCE #18-
PROPOSED ORDINANCE #18-_____**

**AN ORDINANCE TO AMEND SEC. 21-1, DIVISION 1 OF ARTICLE I;
SEC. 21-26 OF ARTICLE II, DIVISION 1 AND SEC. 21-97(b)(1)
ARTICLE II, DIVISION 5 OF CHAPTER 21 OF THE WILLIAMSBURG
CODE IN ORDER TO UPDATE A CROSS-REFERENCE TO THE
VIRGINIA CODE AND TO COMPLY WITH THE MANDATES OF HOUSE
BILL 796 ENACTED AT THE 2018 SESSION OF THE VIRGINIA
GENERAL ASSEMBLY**

WHEREAS, the Virginia General Assembly at its 2018 Session enacted House Bill 796 that mandates amendments in the City of Williamsburg Zoning Ordinance regarding administration of such ordinance to comply with the requirements of State and Federal Laws regarding persons with disabilities; and

WHEREAS, it is also necessary to update a cross-reference in Sec. 21-1 of Division 1 of Article I of the City Code to conform with the recodification of Title 15.1 of the Virginia Code as Title 15.2;

THEREFORE, it is hereby ORDAINED, that Sec. 21-1, Division 1 of Article I ; Sec. 21-26 of Article II, Division 1, and Sec. 21-97(b)(1) Article II, Division 5 of Chapter 21 of the Williamsburg Code City are hereby amended as follows:

Sec. 21-1. - Purpose and intent.

The zoning ordinance is intended to promote the health, safety and general welfare of the public; to implement the adopted comprehensive plan, which supports the values of history and visual quality; to provide for the orderly and controlled development of the City; and to accomplish, where applicable, the purposes of Code of Virginia, § 15.2-2283.

Sec. 21-26. - Administration and enforcement.

The provisions of this chapter shall be administered and enforced by an officer to be known as the zoning administrator, who shall be appointed by the City Manager. The zoning administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, and the bringing of legal action to ensure compliance with this chapter, including injunction, abatement or other appropriate action or proceeding. *If a request for a reasonable modification is made to the City and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted unless a variance from the board of zoning appeals under this chapter is required in order for such request to be granted.*

Sec. 21-97. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

(b) Notwithstanding any other provision of law, general or special, to grant upon appeal or original application in specific cases a variance (as defined in section 21-2) provided that the burden of proof shall be on the applicant for a variance to prove by a preponderance of the evidence that his application meets the standard for a variance as defined in section 21-2 and the criteria set out in this section.

(1) Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or *that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and:* (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through the special exception process that is authorized in the ordinance pursuant to subsection 21-97(f) or the process for modification of a zoning ordinance pursuant to article II, division 3, Amendments, at the time of the filing of the variance application. *Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability shall expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject, however, to the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable.*

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____, 2018

Paul T. Freiling, Mayor

Attest: _____
Andrew Trivette, Clerk of Council



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: August 30, 2018

SUBJECT: PCR#18-018
Zoning Text Revision to update criminal penalties

At its 2018 Session, the Virginia General Assembly enacted House Bill 709 which requires updating Section 21-29(b)(3)b of the Zoning Ordinance to increase the maximum fine for misdemeanor convictions of a zoning violation from \$1,000 to \$2,000. The bill also increases the maximum fine for failure to remove or abate the zoning violation after conviction from \$1,500 to \$2,000 for succeeding 10-day periods.

PLANNING COMMISSION PUBLIC HEARING

A Planning Commission public hearing is scheduled for the regular Planning Commission meeting on September 19, 2018.

A handwritten signature in black ink that reads "Carolyn A. Murphy". The signature is written in a cursive, flowing style.

Carolyn A. Murphy, AICP
Codes Compliance and Planning Director

**ORDINANCE #18-
PROPOSED ORDINANCE #18-_____**

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BILL 796 ENACTED AT THE 2018 SESSION OF THE VIRGINIA
GENERAL ASSEMBLY**

WHEREAS, the Virginia General Assembly at its 2018 Session enacted House Bill 796 that mandates amendments in the City of Williamsburg Zoning Ordinance regarding administration of such ordinance to comply with the requirements of State and Federal Laws regarding persons with disabilities; and

WHEREAS, it is also necessary to update a cross-reference in Sec. 21-1 of Division 1 of Article I of the City Code to conform with the recodification of Title 15.1 of the Virginia Code as Title 15.2;

THEREFORE, it is hereby ORDAINED, that Sec. 21-1, Division 1 of Article I ; Sec. 21-26 of Article II, Division 1, and Sec. 21-97(b)(1) Article II, Division 5 of Chapter 21 of the Williamsburg Code City are hereby amended as follows:

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Sec. 21-26. - Administration and enforcement.

The provisions of this chapter shall be administered and enforced by an officer to be known as the zoning administrator, who shall be appointed by the City Manager. The zoning administrator shall have all necessary authority on behalf of the City to administer and enforce the provisions of this chapter, including the ordering in writing of the remedying of any condition found in violation of this chapter, and the bringing of legal action to ensure compliance with this chapter, including injunction, abatement or other appropriate action or proceeding. *If a request for a reasonable modification is made to the City and is appropriate under the provisions of state and federal fair housing laws, or the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.), as applicable, such request shall be granted unless a variance from the board of zoning appeals under this chapter is required in order for such request to be granted.*

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EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted: _____, 2018

Paul T. Freiling, Mayor

Attest: _____
Andrew Trivette, Clerk of Council



CITY OF WILLIAMSBURG

MEMORANDUM

DATE: August 30, 2018

SUBJECT: PCR#18-019

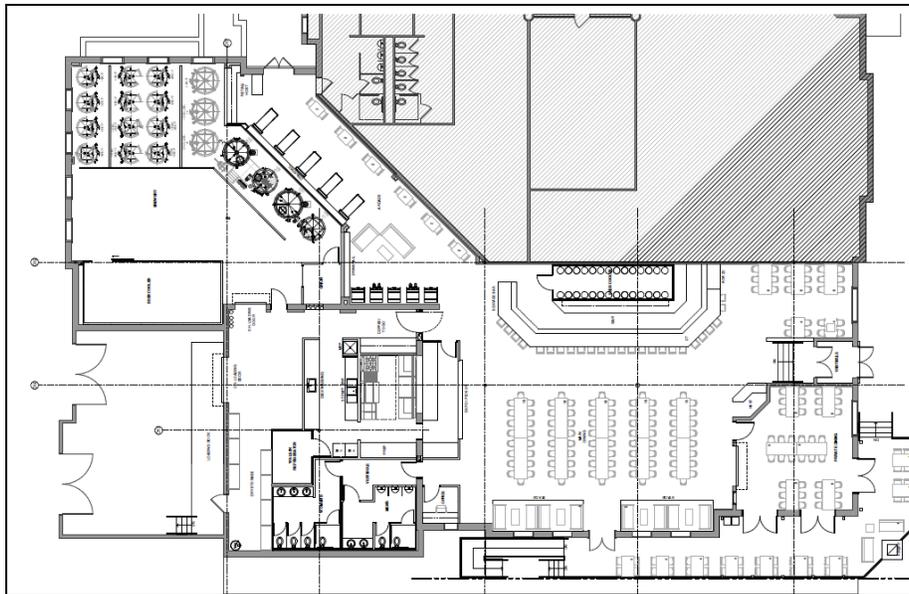
Request of Precarious Beer, LLC for a text change to allow an amusement arcade with a special use permit in the Downtown Business District B-1.

PCR#18-020

Request of Precarious Beer, LLC for a special use permit to operate a restaurant, micro-brewery and amusement arcade in the Henry Street Shops, at 110 South Henry Street, in the Downtown Business District B-1.

APPLICANT'S REQUEST

Precarious Beer, LLC is proposing to operate a restaurant, micro-brewery, and amusement arcade at 110 South Henry Street in the space formerly occupied by Seasons and Stephanos Restaurants in The Henry Street Shops. The applicant proposes to amend the Zoning Ordinance to allow amusement arcades with a special use permit in the Downtown Business District B-1. The second part of the request is for a special use permit to operate a micro-brewery with an amusement arcade containing approximately 20 games. The proposed ordinance is attached.



The applicant is proposing to operate a 9,700 square foot restaurant, micro-brewery and amusement arcade. A portion (approximately 2000 square feet) of the restaurant will

house the micro-brewery. The enclosed floor plan indicates the restaurant space which includes a live entertainment area, micro-brewery and amusement arcade. The applicant's statement is attached.

CURRENT REGULATIONS

Comprehensive Plan

The 2013 Comprehensive Plan designated this parcel as Downtown Commercial land use, which is defined in the Plan as follows:

The Downtown Commercial land use category is intended to promote a variety of business uses in the Downtown Planning Area, and includes Merchants Square and other predominantly retail business areas adjacent to the Colonial Williamsburg Historic Area and the College of William and Mary. Continued use and adaptation of residential dwellings is supported in the Downtown area, and residential uses are allowed as a base density of 14 dwelling units/net acre, with increased density allowed with a special use permit. The primary consideration for the approval of increased density should be how the scale and character of the proposed project relates to its immediate surroundings and to the Downtown Planning area as a whole. This category is implemented by the B-1 zoning district and by the PDC District for student dwellings with up to four unrelated persons per dwelling unit.

Land to the north, south and west are designated Downtown Commercial land use. Properties to the east are designated Colonial Williamsburg Historic.

Zoning

This property along with properties to the north, south and west are designated Downtown Business District B-1. Lands to the east are designated CW Colonial Williamsburg Historic Area.

The statement of intent for the B-1 District reads:

This district is established to promote harmonious development and redevelopment in the downtown business areas adjacent to the Colonial Williamsburg district and the College of William and Mary. The regulations are designed to maintain and encourage the existing small scale pedestrian character of this area, and to encourage a harmonious mixture of commercial, residential, office and institutional uses.

Special Use Permit

The special use permit section of the Zoning Ordinance (Sec. 21-42) establishes the following criteria for special use permits:

- (a) *The proposed use shall be:*
 - (1) *In harmony with the adopted comprehensive plan;*

- (2) *In harmony with the intent and purpose of the zoning district in which the use is proposed to be located;*
- (3) *In harmony with the character of adjacent properties and the surrounding neighborhoods, and with existing and proposed development.*
- (b) *The proposed use shall be adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.*
- (c) *The proposed use shall not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance.*
- (d) *The proposed use shall be designed, sited and landscaped so that the use will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.*

Additional reasonable standards as deemed necessary to protect the public interest and welfare may be imposed, including: more restrictive sign standards; additional open space, landscaping or screening requirements; additional yard requirements; special lighting requirements; limitation on hours of operation; and additional off-street parking and loading requirements.

The Planning Director or Planning Commission may require the following additional information:

- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning Director or the Planning Commission may request the City Council to provide funds for the preparation of this study by the City.

Staff does not feel that any additional studies are needed in order to make a decision on this request.

PUBLIC HEARING DATE

A public hearing is scheduled for the regular Planning Commission meeting on September 19, 2018.



Erin Burke,
Principal Planner

**ORDINANCE #18-
PROPOSED ORDINANCE #18-**

**AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE III. DISTRICT REGULATIONS, DIVISION 8. DOWNTOWN BUSINESS
DISTRICT B-1
BY ADDING AMUSEMENT ARCADES WITH A SPECIAL USE PERMIT
(PCR #18-019)**

These revisions to Chapter 21, Zoning, are intended to promote the health, safety and general welfare of the public, and to carry out the purpose and intent of Chapter 21 as stated in Sec. 21-1.

BE IT ORDAINED that Chapter 21, Zoning, Article III. District Regulations Division 8. Downtown Business District B-1, Sec. 21-294. Uses permitted with a special use permit, shall be amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 8. DOWNTOWN BUSINESS DISTRICT B-1

Sec. 21-294. Uses permitted with special use permit.

Uses permitted in the downtown business district B-1 with a special use permit approved by the city council in accordance with article II, division 2, are as follows:

- (1) Amusement arcades.
- (2) ~~(4)~~ Automobile rental agencies with storage of vehicles on the premises.
- (3) ~~(2)~~ Bus and railroad stations.
- (4) ~~(3)~~ Convenience stores with gasoline sales.
- (5) ~~(4)~~ Farmers' markets, subject to the provisions of chapter 9, article II, of this Code.
- (6) ~~(5)~~ Hotels/motels and timeshare units with more than ten bedrooms, and associated meeting facilities. Hotel/motels are further regulated by chapter 9, Licenses, Permits and Business Regulations.
- (7) ~~(5.1)~~ Lighted athletic fields owned and/or operated by the City of Williamsburg.
- (8) ~~(6)~~ Meeting facilities for hotel/motels and timeshare units with ten or less bedrooms.

(9) ~~(6.1)~~ Offices in buildings with a gross floor area exceeding 50,000 square feet.

(10) ~~(7)~~ Parking garages.

~~(8) [Reserved.]~~

(11) ~~(9)~~ Public or private elementary, middle and high schools, colleges and universities; and including temporary classroom facilities when accessory to and on the same lot as a school located in a permanent building.

(12) ~~(10)~~ Radio communication towers and antennae, provided that no such tower or antenna is visible from the Colonial Williamsburg historic area, and provided that the height of the tower shall not exceed 50 feet.

(13) ~~(10.1)~~ Retail sales establishments in buildings with a gross floor area exceeding 50, 000 square feet.

(14) ~~(11)~~ Service stations, provided that repair of vehicles and components thereof takes place in a fully enclosed building.

(15) ~~(12)~~ Tourist or visitor information centers.

EXCEPT, as here amended, the Williamsburg Code shall remain unchanged.

Adopted:

Paul T. Freiling, Mayor

Attest: _____
Andrew Trivette, Clerk of Council

[PC\PCR\2018\18-019 OD1]



Precarious Beer Project, the on-site brewery arm of popular Amber Ox Public House, will soon be expanding. Plans are in the works to develop a broader, progressive Beer Hall experience that includes a brewery, street style taco eatery, live entertainment venue, and Barcade in the Henry Street Shops of Colonial Williamsburg. The 9,700 square foot space encompasses the sites formerly used by Season's Restaurant and Stefano's Pizza.

This new project will help us grow the Precarious Beer brand, in addition to positively impacting the food and beverage scene in Williamsburg. The Precarious Beer Project will still continue to do experimental, small batch brewing at the Amber Ox. But with this larger space, P.B.P will be able to increase the production and packaging of their more highly requested beers, in addition to starting a comprehensive barrel aging and souring program. This expansion of the Precarious Beer Project will however not be heavily focused on creating a large distribution footprint as with other local breweries in our area.

The project is also much more than just a brewery, by expanding the concept of a traditional Beer Hall. It will offer a street-style taco eatery which, like Amber Ox, focuses on locally sourced, seasonally inspired ingredients that complement the beers guests choose. The taco shop will provide patrons and the Williamsburg visitors a delicious and economical place to eat. To round out the Precarious Beer Hall, an arcade featuring vintage games along with pinball and skee-ball games. There will also be a stage for live entertainment that will be offered multiple times throughout the week.

The Precarious Beer Hall will be a multi-purpose entertainment, dining and drinking space and will offer a vibrant late-night experience. The ownership from Amber Ox and Precarious Beer Project are dedicated to keeping their new venture within Colonial Williamsburg. Total project investment will be over \$2.5 Million, while also creating over 60 new jobs and is projected to generate over \$300k in new meals and sales tax revenue annually for the city.

Proposed Hours of Operation:

- 11:00am – 12:00am Sunday – Thursday
- 11:00am – 2:00am Friday - Saturday

A Summer 2019 opening is planned.



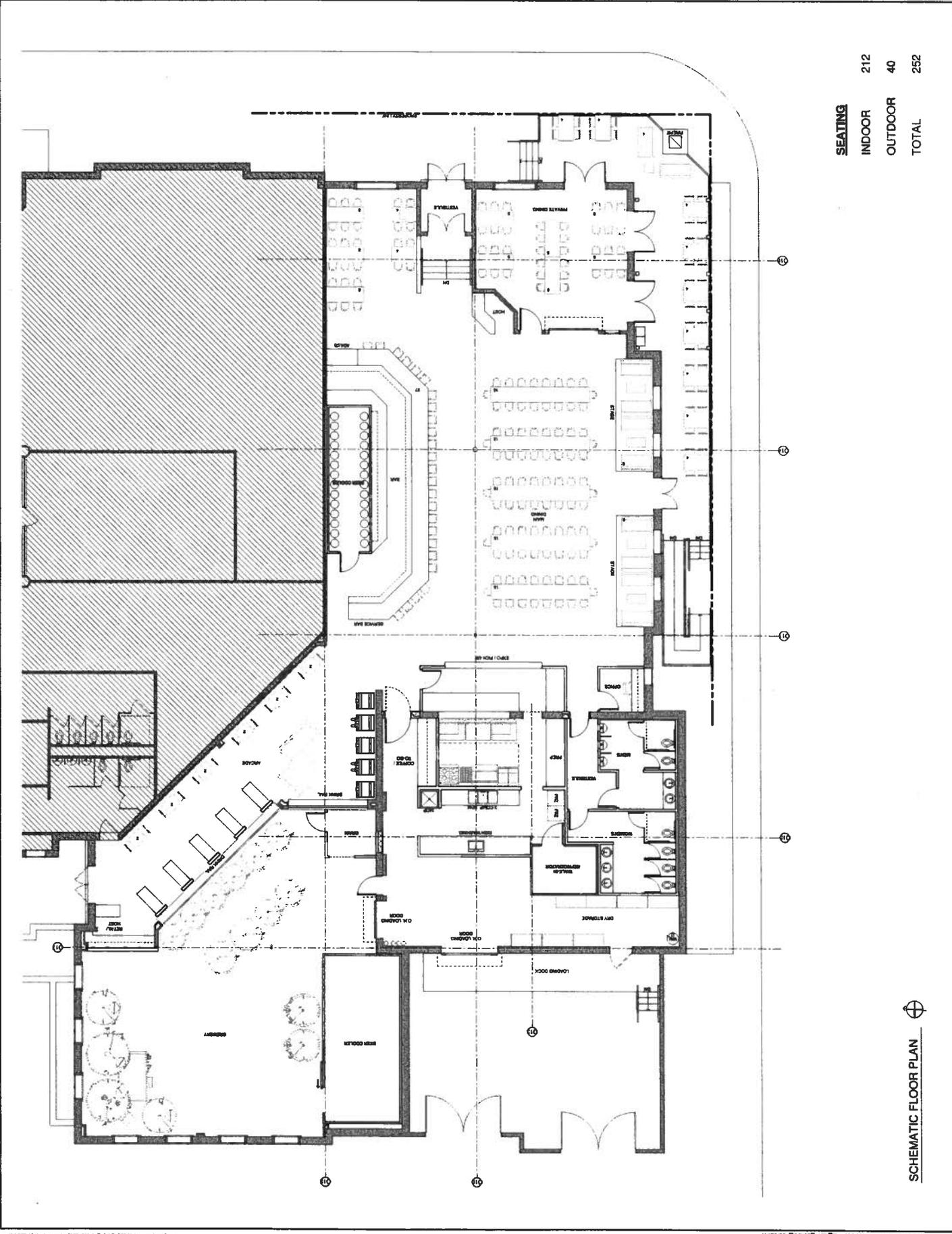
110 S HENRY ST
 MERCHANTS SQUARE
 BEER HALL
 WILLIAMSBURG, VA 23185

SCHEMATIC DESIGN FOR
PRECAIOUS BEER HALL
 MERCHANTS SQUARE
 110 S HENRY ST
 WILLIAMSBURG, VA 23185

Project: 11188-01
 Date: 07/18/18
 Scale: 3/16" = 1'-0"

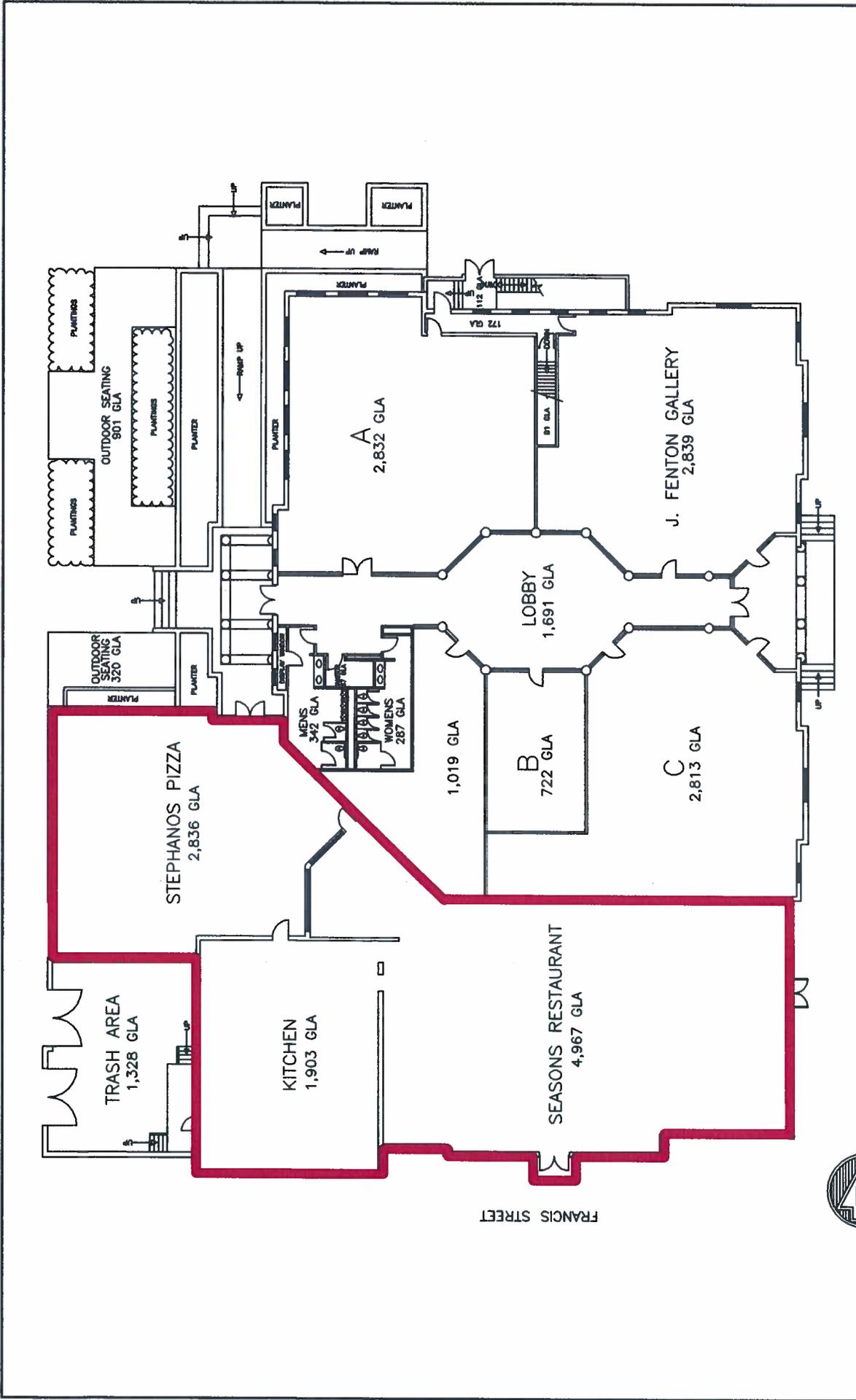
SCHEMATIC FLOOR PLAN
 Date: 07/18/18
 Scale: 3/16" = 1'-0"
 Designer: [Name]
 Checker: [Name]

SCH1.1



SEATING	
INDOOR	212
OUTDOOR	40
TOTAL	252

SCHEMATIC FLOOR PLAN



FRANCIS STREET



NORTH HENRY STREET

HENRY STREET SHOPS - FIRST FLOOR

TITLE					NUMBER	
Henry Street Shops					1	
First Floor Lease Plan						
SCALE	DATE	DRAWN	CHECKED	APPROVED	BLK.	15
1/8"=1'	4/4/16	ALW			BLDG.	10B
					SHT 1 OF 2	
Colonial Williamsburg Foundation P.O. Box 1776 Williamsburg, VA 23187						