



**PUBLIC NOTICE  
WILLIAMSBURG CITY COUNCIL**

The Williamsburg City Council will hold public hearings on Thursday, March 9, 2017, 2:00 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

**PCR#17-001:** Request of the William and Mary Real Estate Foundation to amend the Zoning Ordinance to define student dormitory, to allow a student dormitory with a special use permit and to amend the lot area/density requirements in the LB-2 Limited Business Neighborhood District [Secs. 21-2, 21-255.4 and 21-255.5].

**PCR#17-002:** Request of the William and Mary Real Estate Foundation for a special use permit for a student dormitory at 902 Richmond Road (Days Inn) in the LB-2 Limited Business Neighborhood District.

**PCR#17-005:** Request of the Colonial Williamsburg Foundation to rezone approximately 20,300 square feet (70'x290') from Colonial Williamsburg Historic Area CW to Museum Support District MS at 400 South Nassau Street.

**PCR#17-006:** Request of the Colonial Williamsburg Foundation for a special use permit to expand the parking area at 400 South Nassau Street by constructing 34 parking spaces in the Colonial Williamsburg Historic Area CW.

Additional information is available at [www.williamsburgva.gov/publicnotice](http://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 City Council.

If you are disabled and need accommodation in order to participate in the public hearings, please call the City Manager's Office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, March 2, 2017.

Donna Scott  
Clerk of Council



# CITY OF WILLIAMSBURG

## MEMORANDUM

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**DATE:** February 16, 2017

**SUBJECT: PCR #17-001**

**Request of William and Mary Real Estate Foundation to amend the Zoning Ordinance to define a “student dormitory”, to allow a student dormitory with a special use permit and to amend the lot area/density requirements in the LB-2 Limited Business Neighborhood District [Sec 21-2, 21-255.4 and 21-55.5].**

**PCR#17-002**

**Request of the William and Mary Real Estate Foundation for a special use permit for a student dormitory at 902 Richmond Road (Days Inn) in the LB-2 Limited Business Neighborhood District.**

### **APPLICANT’S REQUEST**

The William and Mary Real Estate Foundation is proposing to purchase and convert the Days Inn at 902 Richmond Road from a hotel to a student dormitory. The Days Inn property is a 1.624 acre parcel that contains 102 guest rooms with 102 parking spaces. The applicant is proposing to lease the property to the College of William and Mary for use as an undergraduate, non-freshman residence hall with a capacity not to exceed 180 students. The applicant’s statement is attached.

The applicant proposes the following:

1. Amend Section 21-2 Definitions of the Zoning Ordinance to define a student dormitory which shall mean “a residential space operated or leased by the College of William and Mary where persons attending the College of William and Mary are housed, communally, by assignment of the College of William and Mary, and which may have shared facilities, such as bathrooms, activity rooms or kitchens”.
2. Amend Section 21-255.4 of the Zoning Ordinance to allow a “student dormitory” in the LB-2 Limited Business Neighborhood District with a special use permit.
3. Amend Section 21-255.5 of the Zoning Ordinance to allow the maximum number of rooms permitted to be determined as part of the special use permit process. In deciding on the number of rooms allowed, City Council shall consider the following:
  - Proximity of the property to the campus of the College of William and Mary,
  - The unique characteristics of the property,
  - The reuse of the existing buildings and structures on the property,
  - The quality of the buildings and site design of the proposed development.
  - The scale and character of the development as it relates to its immediate surroundings and to the Planning Area in which it is located as a whole.

The College notes in their application that due to the age and variety of on-campus housing, a significant renovation program will be underway that will impact housing availability in the future. The immediate reason for the purchase of the Days Inn stems from the planned renovation of Landrum Hall (which houses 225 students) during the 2017-18 academic year, followed by “Green and Gold Village” and Botetourt Complex among others. They are sensitive to both the potential impact on the displaced students and the surrounding neighborhoods if an additional 225 students are not housed on-campus and thus relocated into surrounding areas off-campus.



### Existing Conditions

City records indicate the property was constructed in 1958 as a hotel. It was constructed with rooms that have exterior doors that face the parking lot or interior courtyard. Because of the exterior doors the applicant proposes to construct a six-foot fence along the sides and rear and a metal gate at the front of the building to help secure the site.

### Architectural Review Board

The applicant has submitted an application to the Architectural Review Board for consideration at their meeting on February 14, 2017 (ARB#17-022) for modifications to

the building to include stair towers, front entry, fencing and metal gates. The applicant must receive conceptual approval from the Architectural Review Board for Planning Commission to make a recommendation to City Council. Staff will report the outcome of the conceptual review by the Architectural Review Board at the Planning Commission meeting on February 15.



### Staffing

The property will be operated by the College's Office of Residence Life and residents will be subject to all applicable College rules and policies. The Office of Resident Life

will staff the facility with one Head Resident (HR) and five Resident Assistants (RA's) who will supervise student residents and enforce applicable rules and policies to include noise issues on-site. The HR and RA's will be on duty in the "Duty Office" from 6:00 p.m. until 10:00 p.m. Monday-Friday and 6:00 p.m. until 11:00 p.m. Saturday and Sunday. The hours between either 10:00 p.m. or 11 p.m. until 7:30 a.m. the HR & RA's will be on duty from their rooms on the property. A Resident Life professional staff member is on duty 24/7 and on the weekends and this duty is supplemented by a student staff member who is responsible for lockouts.

The applicant proposes a specific Police Officer being assigned to the Days Inn. This officer will work directly with the residents and Student Affairs staff to keep the students safe, prevent problems, and hold anyone accountable that engages in inappropriate or illegal behavior at the site. Patrol units will routinely patrol the area on a continuous basis and respond to immediate issues at this location. The Police Chief will also monitor the activities at this location and assist with addressing concerns, and be available to talk with community members. Any immediate issues can be reported directly to the William and Mary Police Communications Center 24 hours-a-day at 757.221.4596.

Student residents who live at this location are bound by the regulations noted in the Student Handbook. The Student Code of Conduct will apply to residents of the Days Inn property. The applicant explains the duties of the Head Resident and RA's in their statement.

### **Site Improvements**

The following changes are proposed to the building and site:

- Remove the swimming pool and adjacent below grade equipment room and convert the space to an outdoor courtyard with landscaping.
- The perimeter of the site is currently illuminated by building mounted lighting. The applicant proposes to replace the wall pack units with LED light fixtures with cutoff lenses to minimize light to adjacent properties.
- Trash and recycling collection will be provided on-site. The applicant proposes to relocate the trash container from the right side of the property to the left side of the property inside a new enclosure.
- The sides and rear of the property will be secured with a solid wood privacy/sound fence. The applicant has requested the maximum height allowed for this fence which is six-feet.
- A new metal picket fence with controlled automatic vehicular gates is proposed at the front of the site facing Richmond Road. Gates will be electronically controlled horizontal rolling gates opened by the student College identification card.
- Replace the fabric canopy over the front entrance with a permanent roof structure with asphalt shingles to match the existing roof.
- Replace the existing roof EIFS, trim, doors and windows as needed in kind.
- Rehabilitate the existing asphalt parking lot with new asphalt, stripping and wheel stops. This will reduce the number of parking spaces from 102 parking spaces to 100.
- Upgrade electrical systems, fire protection, fire alarm and detection systems.

- Upgrade three rooms on the first floor to meet the ADA accessibility code requirements of the building code.
- Repair the brick planters at the front of the building and enhance landscaping along Richmond Road where possible.



The applicant states in their application “if the city determines that it would be desirable to have a WATA stop closer to the Days Inn, the College would be willing to entertain a City proposal to share costs for a WATA green line and trolley bus stop and shelter located on the City’s property at the intersection of Richmond Road and Matoaka Court.

### **Parking**

Students with vehicles residing at the Days Inn will have the ability to purchase general residential parking decals from the College and will have access to the controlled parking spaces using their College identification card. The applicant proposes to use the parking spaces along the front of the building outside the proposed fenced area to be permit parking only with certain spaces reserved for Resident Life staff, service vehicles and housekeeping.

## **CURRENT REGULATIONS**

### **Comprehensive Plan**

The 2013 Comprehensive Plan designates this parcel as Mixed Use land use, which is defined by the Plan as follows:

*This Mixed Use land use category is intended to provide a degree of flexibility in land uses to be developed in areas suitable for a mixture of residential and commercial uses. Incorporating a potential range of residential, office, and moderately scaled commercial uses, mixed use development should be subject to a thorough urban design review which stresses quality architecture, proper building siting, and well-designed landscaping. Equally important, this category should promote the preservation, revitalization and adaptive reuse, where appropriate, of existing historic structures.*

*Mixed Use is implemented by the LB-2 Limited Business Neighborhood District for the Arts and Cultural District area on Richmond Road and the area south of Berkeley Middle School on Strawberry Plains Road. The LB-2 District allows a range of uses including single-family, duplex dwellings, banks, bake shops, hotels with 10 or less rooms, museums and art galleries, offices, restaurants and retail stores. More intensive uses, such as multifamily dwellings, hotels with more than 10 rooms, larger restaurants and retail stores, and buildings with a floor area exceeding 10,000 square feet require a special use permit. Residential uses are allowed at a base density of 8 dwelling units/net acre, and up to 14 dwelling units/net acre with a special use permit.*

Land to the north, east and south are designated Mixed Use Land use with areas to the west designated as Low-Density Single-Family Detached Residential land use.

### **Zoning**

This property is located in the Limited Business Neighborhood District LB-2.

The statement of intent for the LB-2 District reads:

*This district is established to allow a mixture of office, commercial and residential uses in areas that are designated by the Comprehensive Plan and Mixed Use land use, and which are located outside of the City Center area. In keeping with the urban mixed use character of these areas, studios and workshops for artists and artisans are allowed with a special exception. Higher intensity uses such as buildings with a floor area exceeding 10,000 square feet, multifamily dwellings, hotels with more than ten rooms, and larger restaurants may be allowed with a special use permit to ensure that the use is compatible with surrounding neighborhoods.*

Land to the north, east and south are zoned Limited Business Neighborhood District LB-2 with land to the west designated Single-Family Dwelling District RS-2.

Current uses surrounding the property are a private elementary school (Montessori School) and residential to the south, office and vacant retail to the east, vacant City parcel and residential to the north with residential uses to the west.

### **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.

### **Connectivity**

Two existing sidewalk connections are available from this property into campus. The two connections are: Richmond Road from this property to Alumni Drive and Richmond Road down Dillard Street into campus. Richmond Road down to Alumni Drive has street lights. The connection down Dillard Street has one street light in College Terrace and street lights on College property. Other connections are down Brooks Street which does not have sidewalks, and Brooks Street to College Terrace to Dillard Street which

does not have sidewalks. There are lights on Brooks Street but no streetlights on College Terrace. The Brooks Street, Dillard Street and College Terrace connection is through a residential neighborhood with one bed and breakfast. The connection down Richmond Road to Alumni Drive is through a residential neighborhood with several bed and breakfast establishments.

Bike lanes are available along Richmond Road from the Williamsburg Shopping Center to Campus.

There are currently four WATA bus stops along Richmond Road from Zable Stadium to the Williamsburg Shopping Center. Going westbound out of downtown, one stop exists at One Tribe Place and one across the street from the Williamsburg Shopping Center at the intersection of Bacon Avenue and Richmond Road. Coming into town, there is one stop in front of the Williamsburg Shopping Center and one at Zable Stadium/Sadler Center.

## **COMPREHENSIVE PLAN**

The City's Comprehensive Plan is a policy document that is designed to guide the physical and economic development of Williamsburg by offering a distinctive vision for both its natural and built environment. For zoning changes and special use permits this document provides goals, objectives and policies in evaluating applications.

### **Chapter 7 Land Use Categories**

The amount of available and developed commercial and mixed-use land use is located on pages 7-1 and 7-2 which states:

“There are 337 acres (6%) developed as commercial and office use, located in the downtown area and along the major commercial entrance corridors. Unlike most similarly-sized communities, the majority of this commercial land area is tourism-oriented, and developed as hotels, restaurants and retail establishments serving Williamsburg’s visitors.”

Of the vacant land available 67 acres of commercial and 193 acres of mixed use are available for a total of 260 acres or an additional 4.5% of commercial land available. The combination of 597 acres of commercial and mixed use land available land in the City equals 10.5%.

The applicant’s proposal is consistent with the following sections of the Comprehensive Plan:

### **Chapter 8 Neighborhoods and Housing - Housing Trends (Page 8-9)**

“The 2006 Plan identified residential neighborhoods in three “Focus Areas” adjacent to the College of William and Mary and the Merchants Square area: the Center City, Richmond Road and Jamestown Road Focus Areas. These areas met the criteria of “threatened neighborhoods” outlined in the 1998 Comprehensive Plan: a gradual influx of college students, increased through-traffic concerns, and the presence of

substandard or rapidly deteriorating housing. To protect these and other neighborhoods, the City has taken the following steps:

- Enforcement of the City's Property Maintenance Code on a consistent citywide basis
- Enforcement of the City's Rental Inspection Program
- Pursuit of grants and CDBG programs to improve infrastructure and housing (Wales, Strawberry Plains, and Braxton Court are previous CDBG projects)
- Creation of the Neighborhood Relations Committee in 2009 to strengthen relations between the William and Mary campus and the community
- Creation of a Student Renters Guide to improve the quality of life and to help build and maintain effective working relationships for all neighborhood residents"

"Concerning the major impact of the College on the City's neighborhoods, the 2006 Plan noted that it was the responsibility of the College to provide an appropriate amount of student housing on the campus, and that City regulations should encourage student housing in suitable off-campus housing to supplement the housing provided by the College. Since the adoption of the 2006 Plan, the College opened the 387 bed Jamestown Dormitories in 2006 (a net increase of 118 beds when coupled with the closing of the 269 bed Dillard Complex), the 56 bed Tribe Square project in 2011, and the 187 bed Fraternity Complex is under construction and scheduled to open in Fall 2013. This represents a gain of 361 undergraduate beds." The Fraternity Complex is completed and the College purchased One Tribe Place in 2013.

The renovation of existing outdated dormitories on campus will enhance the housing stock on campus resulting in better rental units that are available on campus. When renovated these units may relieve pressure from students who want to live in a modern updated room on campus from locating in adjacent neighborhoods.

### **Chapter 8 Neighborhoods and Housing – Housing Plan (Page 8-10)**

The following three sections of the 2013 Comprehensive Plan's Housing Plan pertain to this application:

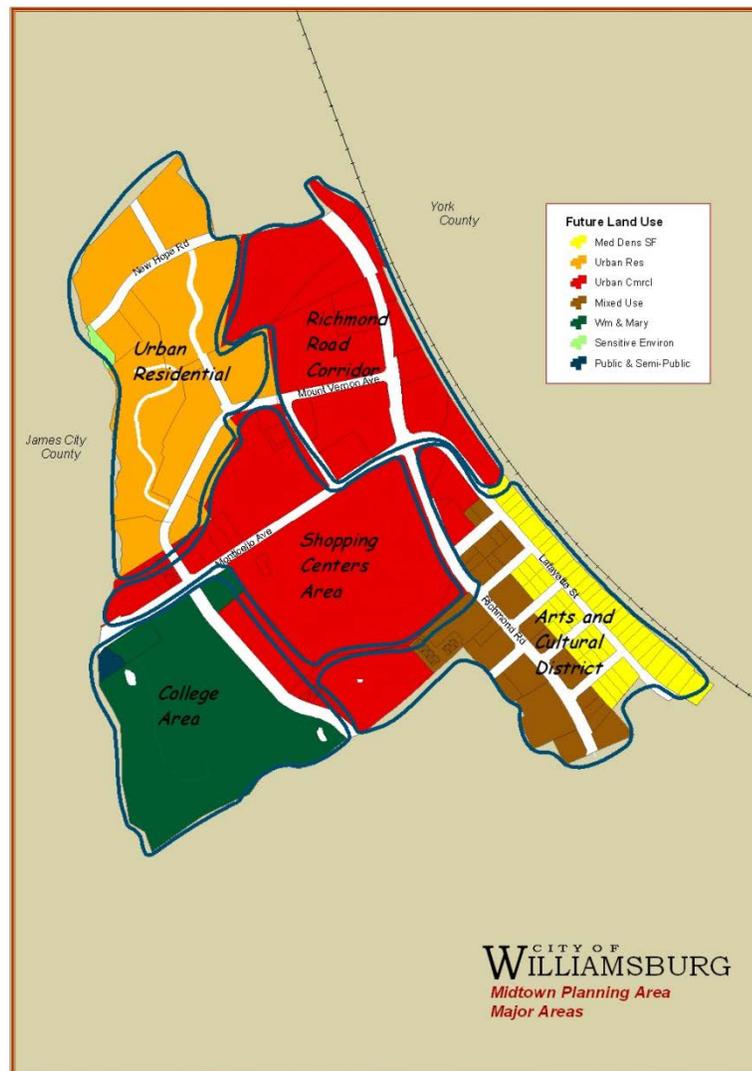
1. "Preserve and protect the City's single-family neighborhoods. Neighborhood preservation should be promoted by enforcement of various City regulations, such as the Property Maintenance Code, Rental Inspection Program, Zoning Ordinance, Residential Permit Parking Program, Noise and Nuisance Ordinances and Animal Control Ordinances. Continuous improvements to streets, parks and other public infrastructure should be made. Regulations should be periodically reviewed to assess their effectiveness in protecting the character of these neighborhoods."
3. "Build new mixed use neighborhoods. New residential uses should be integrated with or nearby office, commercial and other non-residential uses in master planned mixed use developments. High Street and Quarterpath at Williamsburg are examples of this type of new development, and the Midtown Planning Area

has the potential to redevelop into a mixed use neighborhood with an emphasis on student housing.”

6. “Develop alternatives for college student housing. The College should provide additional student housing on the campus, as demonstrated by the construction of the Jamestown Dormitories in 2006 and the new Fraternity Complex to be completed in 2013. City regulations should encourage student oriented housing in suitable off-campus locations to supplement the housing provided by the College, as demonstrated by the PDC Planned Development College District that allowed the development of Tribe Square, and the PDU Planned Development Urban District that allowed the conversion of an older hotel to the City Lofts apartments. Public/private partnerships that facilitate the construction of student houses should be encouraged.”

**Chapter 8 Neighborhood and Housing – Midtown Planning Area Map (Page 8-16)**

This proposal is located in the Midtown Planning Area as demonstrated on the map below. Staff would note that this proposal is located in the Midtown Planning Area.



### **Chapter 8 Neighborhood and Housing - Encourage Affordable Housing – Page 8-32**

The 2013 Comprehensive Plan recommends five new initiatives that could increase the affordable housing supply. Two initiatives pertain to the Midtown Planning Area. They are:

- “Allowing residential density to be increased with a special use permit in the Downtown Planning Area (*Downtown Commercial* and *Mixed Use* land use) and in the Midtown Planning Area (*Urban Commercial* and *Urban Residential* land use) provided that its scale and character properly relates to the surrounding areas and neighborhoods.”
- “Positioning the Midtown Planning Area as a location for new student housing. Through the redevelopment of existing shopping centers and apartments in this area over time, there could be a potential for 300 or more new dwelling units with an emphasis on student housing. This could free up affordable housing in existing neighborhoods if students move from existing single family housing into new apartments that are designed to address student needs. Providing more student housing is important, particularly since the *Housing Needs Assessment* noted that college students help to drive up housing costs.”

### **Chapter 9 Institutions - Planning Issues (Page 9-3)**

The Planning Issues section of the Comprehensive Plan contains the following section on student housing. It states:

There is a great demand for student housing on campus and in the area surrounding the College, which has an impact on the largely single family neighborhoods adjacent to the College along Richmond Road and Jamestown Road. It is the responsibility of the College to provide an appropriate amount of student housing on the campus. Additionally, City regulations should be developed to encourage appropriate student-oriented housing off-campus to supplement the housing provided by the College. To implement these two goals, the Planning Department worked closely with the College in the planning for the Tribe Square project, which was completed in 2011 and provides 56 student beds in 14 four-bedroom apartments. The City also worked with the developer of the Prince George Commons project at 521 Prince George Street, which received site plan approval in 2011 and will provide seven one-bedroom apartments on the second floor; and with the developer of the City Lofts project at 1406 Richmond Roads which was approved in 2012 and will provide 143 student beds in 94 one-bedroom apartments. In addition to these projects, there are other options that can help meet the need for student housing:

- Construction of additional student housing on the main campus.
- Construction of new multifamily units in the Midtown Planning Area. City Lofts was approved in 2012, and provides 94 one-bedroom apartments to house 143 students. Other future opportunities include adding student apartments as a part of a redevelopment of the Williamsburg Shopping Center, and redeveloping all or a portion of the Lawson Apartments on Mount Vernon Avenue for higher density student apartments. See *Chapter 10 – Commercial and Economic Development* for more detailed information on the Midtown Planning Area.
- Construction of new multifamily units planned for High Street Williamsburg, Quarterpath at Williamsburg, and in the Downtown area. While these are not

planned specifically as student housing, these new units will give students wishing to live off-campus additional options outside of the traditional close-in City neighborhoods. See *Chapter 10 – Commercial and Economic Development* for more detailed information on these areas.

- Using the Dillard Complex for student housing or student apartments. The existing buildings could be either renovated or demolished and redeveloped. This area is connected to the main campus by Treyburn Drive, and is located next to the mixed-use High Street Williamsburg development. It is also served by Williamsburg Area Transport bus service, including the Williamsburg Trolley.

### **Chapter 10 Commercial and Economic Development - Page 10-1**

“The City has 76 lodging establishments with a total of 4,915 rooms. Hotels and motels comprise the majority, with a total of 4,694 rooms in 46 hotels and motels. Between 1975 and 1987, there was a gain of 1,631 hotel and motel rooms. Hotel construction ceased between 1988 to 1995. Between 1996 and 2006, the City’s room supply was modernized and upgraded, with a gain of 375 hotel rooms (711 rooms were demolished or converted). Between 2007 and 2012, no new hotels were constructed. However, 276 rooms were replaced along Richmond Road with different types of development (City Green, Chipotle Restaurant, CVS Pharmacy and City Lofts student housing). The City purchased two motels for future redevelopment – the 25 room Tioga Motel on Richmond Road was demolished and the property awaits redevelopment, and the Lord Paget Motel on Capitol Landing Road is vacant and offered for sale.”

### **Chapter 10 Commercial and Economic Development - Page 10-2**

Item 3 of the 2013 Comprehensive Plan’s Commercial and Economic Development Plan recommends:

“Promote the Midtown Planning Area as a major redevelopment area. The Midtown Planning Area has the potential to become a multifaceted urban mixed use neighborhood. Its location close to the downtown area and to the College of William and Mary should support specialty commercial uses, and there is potential for the redevelopment of the two existing shopping centers. Increasing the residential component of this area is important, and it is well positioned to become an important location for college student housing. The Arts and Cultural District is well positioned to support the City’s creative economy, and is also a transition area between automobile-oriented commercial to the west and residential uses to the east.

I am attaching emails from residents and the Montessori School who are opposed to this project for various reasons as stated in the attached emails.

### **STAFF ANALYSIS**

The site currently contains 102 guest rooms and 102 parking spaces on a 1.624 acre parcel. The William and Mary Real Estate Foundation proposes to convert the motel rooms into student dormitory rooms for use as an undergraduate, non-freshman residence hall with a capacity not to exceed 180 students.

The College is implementing a significant renovation program that will take individual residence halls off-line for an academic year and two summers to update their dormitories. This will require additional housing stock to mitigate the loss of beds due to the proposed renovations. Their immediate need, as stated in their application, is driven by the planned renovation of Landrum Hall scheduled to occur during the 2017-18 academic year. Landrum Hall currently houses 225 students. The purchase of the Days Inn property if approved, would house up to 180 students in 102 rooms.

The College requires all freshmen to live on-campus. With 225 beds being removed from inventory and up to 180 beds being added if the application is approved, a deficit of 45 beds will need to be absorbed either on-campus or off-campus. If the Days Inn proposal is not approved the applicant has stated in their application they do not have the capacity to absorb these students on-campus. Therefore, these students will need to find off-campus housing which equates to approximately 60 additional dwelling units being required off-campus (3 persons to a dwelling unit). This will require students to find available housing units in single-family dwellings in existing neighborhoods, apartment complexes, condominiums or townhouses in and outside the City.

The College provides 4,990 beds on campus. It has a fall semester occupancy rate of 99.5% over the last 10 years. The spring semester has a rate of 96%. This drop is due to mid-year graduations and the number of students who study abroad/away in the spring semester. The College started the fall semester with 56 vacancies, two of which were freshmen.

Enrollment projections for FY2018 for Lower Division (freshmen and sophomores) are 2,823. Upper Division (juniors and seniors) enrollment projects are projected to be 3,620 for a total of 6,443 students. Enrollment projections for FY 2022 project Lower Division 2,823 and Upper Division 3,623 for a total of 6,446 students, an increase of three students from FY 2018.

Students who decide to live in on-campus housing must participate in the College's annual Room Selection Process. Students are assigned time blocks randomly selected by academic class to select their rooms. The Days Inn proposal if approved would be added to the list and the three academic classes will be able to select these rooms.

A concern is that after 10:00 p.m. Monday thru Friday and 11:00 p.m. on Saturday and Sunday the HR and RA's monitor the site from their rooms. The close proximity of the site to neighborhoods requires additional monitoring of the site to mitigate noise and safety of students residing on the property.

When evaluating the request one must take into account the impact on adjacent neighborhoods to the Days Inn property and the impact to the City as a whole. Those neighborhoods adjacent to the site will see an increase in the number of students walking, biking and driving to campus. An increase in noise and trash will be associated with an additional 180 students in this corridor. However, conditions can be placed on the property to help mitigate these concerns.

Impact on the City as a whole with approving the request will be that up to 60 dwelling units throughout the City may not be converted to student rentals. The impacts of dwelling units being converted to student rentals in neighborhoods in close proximity to the Campus will increase noise, trash, and effect property values in these neighborhoods.

The Fire Department has reviewed the site plan and has determined that the rear of the structure is not accessible for either a medic unit or engine due to the narrow drive aisles at the rear with or without the parking spaces.

This property is nonconforming with respect to parking, aisle widths, building setback and landscaping.

The applicant's proposal requires approximately 80 students to park off-site at another location on campus or find other legal spaces in the City. The applicant has not sufficiently addressed where additional students will park in their application.

The City needs to ensure that land use decisions are made that are fiscally balanced from a revenue standpoint and the removal of commercial property to a residential use is mitigate. The loss of revenue associated with the conversion of the property from a revenue producing property to a non-taxable property ranges from \$60,000 to \$90,000 a year. This revenue loss does not take into account future revenue if the property were to be redeveloped into another commercial use.

The loss of commercial use for the property can be mitigated by placing a time limit on the property to allow for renovation of existing dormitories on campus. With a time limit the College and City can work together to find other opportunities to construct modern housing in the Midtown Planning Area thereby allowing for the redevelopment of this property into a mixed-use project.

The following are the 2013 Comprehensive Plan owner and renter occupancy in the four adjacent neighborhoods to this request:

College Terrace	-	90% owner occupied; 10% rental
Matoaka Court	-	28% owner occupied, 72% rental
West Williamsburg	-	13% owner occupied, 87% rental
West Williamsburg Heights	-	32% owner occupied, 68% rental

The breakdowns for the Midtown Planning areas are:

• Arts and Cultural District - 93 dwelling units:	15% owner-occupied;	85% renter occupied.
• Shopping Centers area - 10 dwelling units:	0% owner-occupied;	100% renter-occupied.
• Richmond Road Corridor - 1 dwelling unit:	0% owner-occupied;	100% renter-occupied.
• Urban Residential Area - 321 dwelling units:	0% owner-occupied;	100% renter-occupied.
<b>Midtown Total – 425 dwelling units</b>	<b>3% owner-occupied;</b>	<b>97% renter-occupied”</b>

The Comprehensive Plan notes that the Midtown Planning area is 3% owner-occupied and 97% renter-occupied. The amount of rentals in this area, the number of students who live in this area who currently walk along Richmond Road from Midtown to Campus or ride or drive to campus and the Comprehensive Plan's recommendation to allow

additional student units in this area supports the request to allow up to 180 students at 902 Richmond Road.

The Comprehensive Plan recommends the Midtown Planning Area as a location for new student housing. It also states that locating student housing in this area has the potential to free up affordable housing in existing neighborhoods. The proposed dormitory is located on the edge of the Midtown Planning Area and would have the potential to prevent additional houses in City neighborhoods from being converted to rentals.

Since the Comprehensive Plan was adopted, the City sold the Lord Paget Motel and the property is being converted to a distillery. The City purchased and demolished two hotels on Capitol Landing Road in 2015 (White Lion and the County Hearth Inn and Suites) and in 2016 purchased the Super 8 Motel on Richmond Road.

A City goal over the past several years has been to remove and reduce existing outdated motel units to increase the likelihood that investors will invest in new hotels. This reduction in older outdated motel properties helps to encourage developers to build new hotels in the City. If the Days Inn property is converted to a student dormitory it will further reduce the number of outdated hotel rooms thereby helping to achieve the goal to encourage developers to build new hotels in the City.

When evaluating the impact on the City as a whole, housing 180 students in one location under the supervision and regulations of the College is preferred to 180 students living in other neighborhoods in the City. If the College cannot house 180 students in College housing, this will result in approximately 60 additional housing units that may be absorbed in neighborhoods and other areas in the City. Until new housing stock is built in the City, the temporary solution to house 180 students as proposed by the applicant at 902 Richmond Road is acceptable if impacts such as noise and aesthetics are mitigated.

The Zoning Ordinance establishes criteria for special use permits. This project is in harmony with the adopted comprehensive plan, it is located in a zoning district that allows a mixture of office, commercial and residential uses, it is adequately served by public services, it does not result in the destruction, loss or damage of significant ecological, scenic or historic features, and the proposal is designed, sited and landscaped to not hinder or discourage development on adjacent properties and surrounding neighborhoods.

The proposal is supported by the policies and recommendations set forth in the 2013 Comprehensive Plan as noted in my memo. In addition staff supports this application for the following reasons:

1. The use of the property as a student dormitory may prevent the location of additional students in surrounding neighborhoods within the City.
2. Staff is recommending conditions that address a time limit for the proposal to mitigate the potential revenue loss from the conversion. A time limit allows the City to evaluate if the College is continuing to renovate dormitories as stated in their

application and to mitigate any other negative effects on the City for the conversion of the hotel to a student dormitory. It also allows for the College to renovate the outdated dormitories and provide an opportunity for this property and the adjacent City property to be combined and redeveloped in the future.

3. Staff is proposing a condition that addresses public safety on-site and the aesthetics of the structure by requiring the removal of the proposed gate enclosure, relocating the proposed fence and providing landscaping on the perimeter. The proposal to construct a solid wooden fence with a metal gate across the front is not acceptable and not in keeping with this major entrance corridor into the City.
4. Staff is recommending an on-site security guard to address safety and noise concerns. This allows for a trained individual to address safety concerns and neighborhood concerns associated with the property due to its close proximity to neighborhoods.
5. The College is willing to partner with the City to install a bus stop in close proximity to the Days Inn to mitigate pedestrian traffic between this property and campus. The City and College needs to work together in this initiative to help mitigate foot and vehicle traffic in this corridor.
6. Staff is recommending that the College provides bike racks at this location.
7. Lastly, staff is recommending that the College adequately address parking for the project in advance prior to receiving permits for renovations to the building.

### **STAFF RECOMMENDATION**

Staff supports the application based on the above consistency review with existing policy and the 2013 Comprehensive Plan and recommends that the Planning Commission recommend to City Council that the request to add "student dormitory", to allow a student dormitory with a special use permit and to amend the lot/area density requirements in the LB-2 Limited Business Neighborhood District proposed Ordinance 17-02 be approved with the following conditions:

1. This permit shall be valid for a period not to exceed five-years from the date of approval.
2. No gate enclosure shall be constructed on the property.
3. The proposed six-foot fence shall be located at least five feet from the side property lines to allow for landscaping.
4. An on-site security guard being position on the property 24 hours a day.
5. This approval is limited to the current building only. Any major changes to increase the density, footprint or to construct additions on the property must be submitted and approved by the City.
6. The College shall provide bike racks at this location.
7. The College needs to adequately address parking needs for the project. A parking plan must be submitted and approved by City Council prior to the issuance of building permits for the site.

8. A minor site plan being submitted and approved by staff addressing the site plans issued noted above.

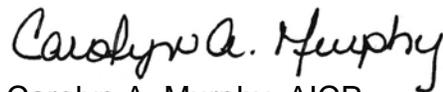
### **PLANNING COMMISSION RECOMMENDATION**

Planning Commission held a public hearing on February 15. The applicant, applicant's attorney and 14 citizens spoke at the hearing. Planning Commission recommended to City Council by a vote of 2-1, that the request to add "student dormitory", to allow a student dormitory with a special use permit and to amend the lot/area density requirements in the LB-2 Limited Business Neighborhood District proposed Ordinance 17-02 be approved with the following conditions:

1. This permit shall be valid for a period not to exceed ten-years from the date of approval.
2. The proposed six-foot fence shall be located at least five feet from the side property lines to allow for landscaping.
3. An on-site security guard being position on the property daily from 6:00 p.m. to 6:00 a.m.
5. This approval is limited to the current building only. Any major changes to increase the density, footprint or to construct additions on the property must be submitted and approved by the City.
6. The College shall provide bike racks at this location.
7. The College needs to adequately address parking needs for the project. A parking plan must be submitted and approved by City Council prior to the issuance of building permits for the site.
8. The number of students allowed at this location shall be limited to 80.

### **CITY COUNCIL PUBLIC HEARING**

The City Council public hearing is scheduled for Thursday, March 9 at 2:00 p.m. in the Council Chambers of the Stryker Center, 412 North Boundary Street.



Carolyn A. Murphy, AICP  
Planning and Codes Compliance Director



# CITY OF WILLIAMSBURG

## MEMORANDUM

**DATE:** February 16, 2017

**SUBJECT:** PCR#17-005

Request of the Colonial Williamsburg Foundation to rezone approximately 20,300 square feet (70'x290') from Colonial Williamsburg Historic Area CW to Museum Support MS at 400 South Nassau Street.

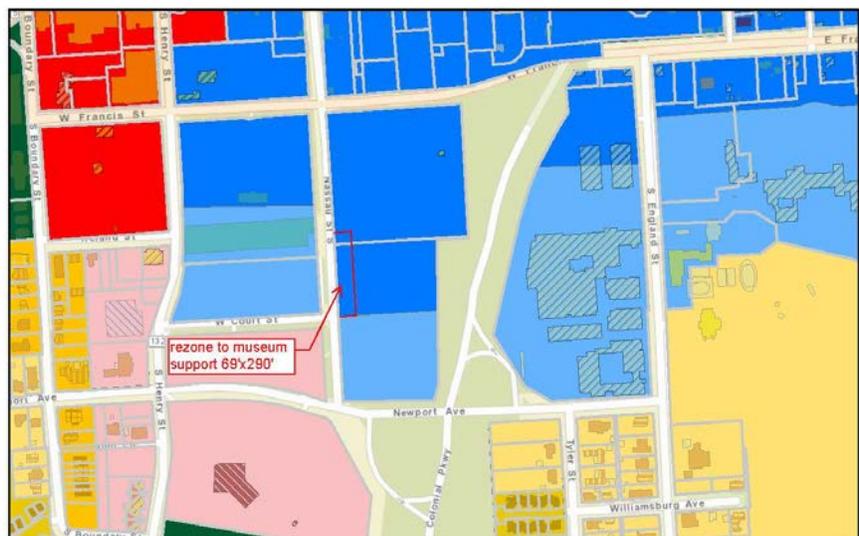
**PCR#17-006**

Request of the Colonial Williamsburg Foundation for a special use permit to extend the parking area at 400 South Nassau Street associated with the new entrance to the Art Museums of Colonial Williamsburg.

### APPLICANT'S REQUEST

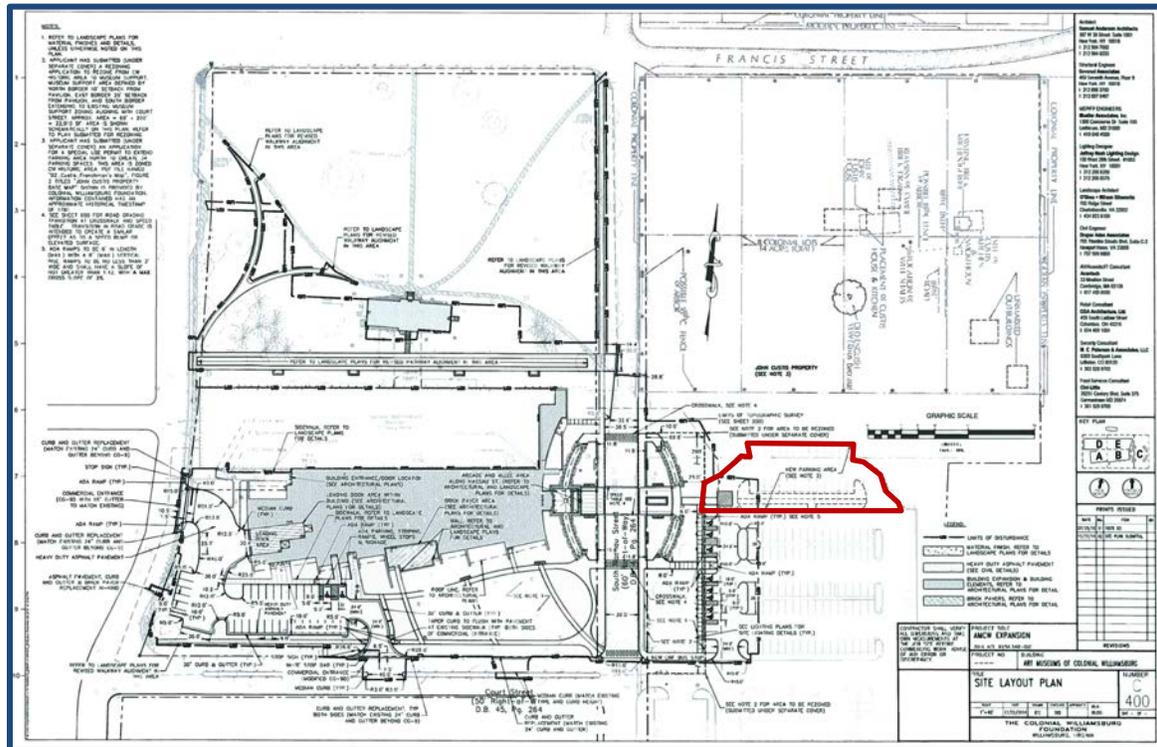
The Colonial Williamsburg Foundation is proposing to rezone a portion (approximately 20,300 square feet) of the property at 400 South Nassau Street which is across the street from the proposed expansion of the Art Museums of Colonial Williamsburg from Colonial Williamsburg Historic Area CW to Museum Support MS to accommodate a new entrance pavilion to the Art Museums.

The applicant states "that a major feature of the museum expansion is to increase the visibility and accessibility of the museum entrance from the historic area. This will be achieved by changing the location of the entrance from the Public Hospital fronting on Francis Street, to a new entrance on Nassau Street". A new entrance on Nassau Street is proposed that includes an entry pavilion on the museum side and across the street as shown on the enclosed drawing.



The second part of the request is for a special use permit for an expansion of the parking area at 400 South Nassau Street to construct 34 parking spaces in the Colonial Williamsburg Historic Area CW as shown on the enclosed drawing. The applicant

states “these spaces would help offset those spaces lost on the west side of this lot by the reconfiguration”.



### Architectural Review

The applicant received conceptual approval from the Architectural Review Board at their December 13, 2016 meeting (ARB#16-136) for the conceptual design of the museum including the pavilion.

### Site Plan Review Committee

The Site Plan Review Committee reviewed the request at their January meeting and recommended approval of the site plan.

### Archaeological Review

This property is located in an Archaeological Review District. The applicant performed a Phase I archaeological reconnaissance survey of the areas affected by the ground-disturbing activities associated with the proposed enlargement of the parking lot and the entry pavilion. The testing revealed evidence of substantial grading and filling activities associated with the demolition of the Eastern State Hospital buildings in the 1950s and 1960s. Based on the documentary research and results of the archaeological testing, the proposed ground-disturbing activities within the project area have a low potential to affect significant archaeological resources, and no further investigation is warranted. I am attaching the archaeological evaluation report. Based on the report staff recommends that Planning Commission accept the Phase I report which recommends not further archaeological review for this project.

## **CURRENT REGULATIONS**

### **Comprehensive Plan**

The 2013 Comprehensive Plan designates this parcel as Colonial Williamsburg Historic Area and Colonial Williamsburg Support, which is defined by the Plan as follows:

#### ***Colonial Williamsburg Historic Area***

*This district encompasses the Colonial Williamsburg Historic Area and is established to preserve, protect and maintain the distinctive character and historic importance of the restored area. This category is implemented by the CW zoning district.*

#### ***Colonial Williamsburg Support***

*The Colonial Williamsburg Support uses include a variety of commercial and industrial facilities that support the functioning of the Colonial Williamsburg Historic District. The Visitor Center, Bruton Heights Education Campus and the Colonial Williamsburg Nursery fall under this category. This category is implemented by the MS zoning district.*

This property is surrounded by Colonial Williamsburg Historic Area, Colonial Williamsburg Support and Parks, Parkway and Recreation in the 2013 Comprehensive Plan.

### **Zoning**

This property is located in the two zoning districts, the Colonial Williamsburg Historic Area CW and the Museum Support District MS.

The statement of intent for the Colonial Williamsburg Historic Area District CW reads:

*This district is established to preserve, protect and maintain the unique character and historic importance of the Colonial Williamsburg Historic Area.*

The statement of intent for the Museum Support District MS reads:

*This district is established to allow uses that are related to and support the functioning of the Colonial Williamsburg historic area. The most intensive uses may be allowed with special permits, to ensure compatibility with the Colonial Williamsburg historic area and surrounding residential neighborhoods.*

This property is surrounded by the Colonial National Parkway, Museum Support District MS, Limited Business Downtown District LB-1 and Colonial Williamsburg Historic District CW.

### **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.

### **STAFF ANALYSIS**

**PCR#17-005:** The proposed rezoning from Colonial Williamsburg Historic Area to Museum Support is needed to accommodate the new entrance pavilion to the Art Museums of Colonial Williamsburg which spans both sides of Nassau Street. For the structure to be allowed in the Colonial Williamsburg Historic District CW it must be a restoration and/or reconstruction of a building constructed prior to the year 1800 and the proposed pavilion does not meet that criteria. The applicant has given careful consideration to the request to make sure there is ample separation from the pavilion and the John Custis property.



The Foundation is in the process of constructing a major expansion to the museums. A major feature of the expansion is to increase visibility and accessibility of the museums from the historic area. To achieve this goal the applicant is changing the location of the entrance from the Public Hospital fronting Francis Street to a new main entrance on Nassau Street.

This has resulted in the applicant requesting a rezoning for only the portion of the property that is needed to accommodate the new pavilion on the edge of the district from Colonial Williamsburg Historic District CW to Museum Support MS. This major expansion of the museum will help maintain the commercial and economic development

of the Downtown Area as recommended in Chapter 10, page 10-2 of the 2013 Comprehensive Plan.

Staff has reviewed the request and supports the zoning change to accommodate the proposed pavilion because the project is supported by the 2013 Comprehensive Plan.

**PCR#17-006:** A special use permit has been requested to extend the parking area associated with the new entrance to the Art Museums of Colonial Williamsburg in the Colonial Williamsburg Historic District. The applicant proposes to construct 34 parking spaces to offset spaces lost with the pavilion and reconfiguration of the parking lot. The requested 34 spaces are adjacent to the proposed entrance pavilion and are adequately separated from the John Custis property.

Staff has reviewed the request and supports a special use permit being approved because the proposal is in harmony with the 2013 Comprehensive Plan, the zoning district, adjacent properties and surrounding neighborhoods. It is served by essential public services, will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance and is sited and landscaped to not hinder or discourage appropriate development or use of adjacent properties.

#### **STAFF RECOMMENDATION**

Staff recommends that Planning Commission accept the Phase I Archaeological report and recommend approval of the following to City Council:

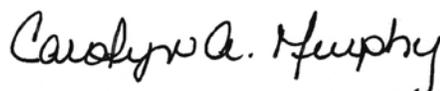
- **PCR#17-005:** Request of the Colonial Williamsburg Foundation to rezone approximately 20,300 square feet (70'x290') from Colonial Williamsburg Historic Area CW to Museum Support MS at 400 South Nassau Street, as detailed in Proposed Ordinance #17-03.
- **PCR#17-006:** Request of the Colonial Williamsburg Foundation for a special use permit to extend the parking area by 34 parking spaces at 400 South Nassau Street associated with the new entrance to the Art Museums of Colonial Williamsburg as shown on the conceptual site layout plan dated 12/22/16.

#### **PLANNING COMMISSION RECOMMENDATION**

Planning Commission held a public hearing on February 15. Other than the applicant, no one spoke at the hearing. Planning Commission recommended to City Council by a vote of 6-0, that the rezoning and special use permit requests be approved as recommended by staff.

#### **CITY COUNCIL PUBLIC HEARING**

The City Council public hearing is scheduled for Thursday, March 9 at 2:00 p.m. in the Council Chambers of the Stryker Center, 412 North Boundary Street.



Carolyn A. Murphy, AICP  
Planning and Codes Compliance Director