



**PUBLIC NOTICE  
WILLIAMSBURG CITY COUNCIL**

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

**PCR#17-016:** Request of the William and Mary Real Estate Foundation for a special use permit to construct a Jewish Student Center at 406 and 410 Jamestown Road. These properties are zoned Single-Family Dwelling District RS-2.

**PCR#17-022:** Request of HS Apt Land LC to extinguish the interior lot lines for the remaining 37 undeveloped townhouse lots in High Street. These properties are identified as 1430 to 1445 Manor Boulevard, 150-156 (even) Sterling Manor Drive, 150 to 160 Shadow Lane and 151 thru 161 (odd) and are zoned Economic Development District ED-2.

**PCR#17-023:** Amend the Zoning Ordinance by adding Section 21-624 to Article IV – Supplemental District Regulations to provide for an administrative process pertaining to the installation of small cell facilities on private and public property to include revisions to the ARB Guidelines in the AP and CP Districts.

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 Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Thursday November 2, 2017.

Donna Scott  
Clerk of Council



**CITY OF WILLIAMSBURG**  
MEMORANDUM

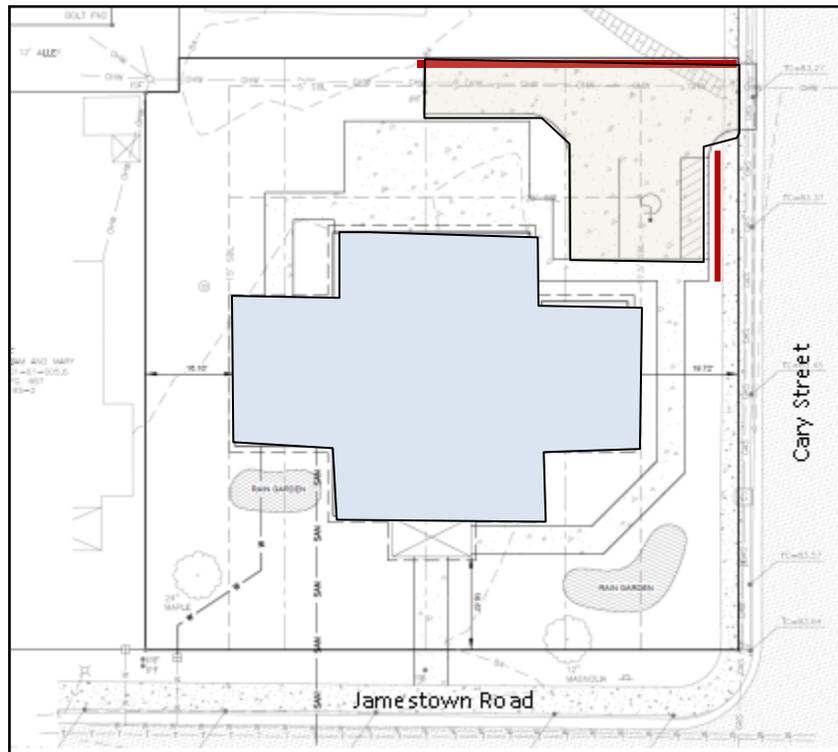
**DATE: October 12, 2017**

**SUBJECT: PCR #17-016**

**Request of William and Mary Real Estate Foundation for a special use permit to construct Shenkman Jewish Center at 406 and 410 Jamestown Road**

**APPLICANT'S REQUEST**

The William and Mary Real Estate Foundation is requesting a special use permit for a 3,200 square foot building that will house the Shenkman Jewish Center on two lots located at 406 and 410 Jamestown Road. The center will include a kosher kitchen, meeting room/dining hall, study space, offices, and a rear patio. The properties are currently owned by the College of William and Mary/Commonwealth of Virginia and will be given to the William and Mary Real Estate Foundation. The applicant intends to extinguish the interior lot line to accommodate the new structure. They note the center is intended to provide “a home to the hundreds of Jewish students that attend the university.” The space provided will serve university students with a gathering spot to serve kosher food and observe holidays, as well as a social center for students to meet and relax. The applicant’s statement is enclosed.



## **CURRENT REGULATIONS**

### **Comprehensive Plan**

This property is currently two lots. In the 2013 Comprehensive Plan, 406 Jamestown Road is designated as Low Density Single-Family Detached Residential, while 410 Jamestown Road is designated as William and Mary. The Comprehensive plan notes that Low Density Single-Family Detached Residential is the lowest intensity of residential development. The William and Mary designation notes “these lands are an integral part of the City’s character and future development and are critical to successful corridor planning and environmental preservation goals.”

The properties to the south are designated Low Density Single-Family Detached Residential and the remaining adjacent properties are all designated William and Mary.

### **Zoning**

This property and the properties to the east, west, and south are zoned Single-Family Dwelling RS-2. The property to the north is zoned William and Mary.

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

*This district is established as a single-family residential area with low population density. The regulations for this district are designed to stabilize and protect the essential characteristics of the land and to promote and encourage a suitable environment for family life. To these ends, development is limited to a relatively low density and permitted uses are limited basically to providing homes for the residents. Certain additional uses that may be compatible with single-family neighborhoods, such as churches, schools and day care centers, may be allowed with the issuance of special permits.*

### **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.

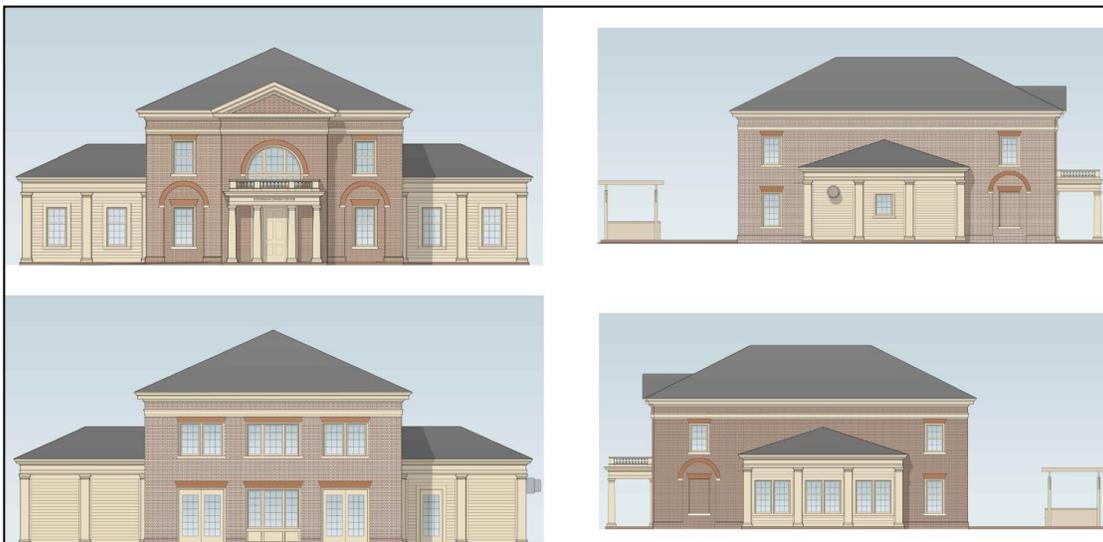
The Planning Director or Planning Commission may require the following additional information:

- (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.

### **Architectural Review**

The applicant received conceptual approval of the building from the Architectural Review Board at their September 26, 2017 meeting (ARB#17-097).



## **Site Plan Review Committee**

The Site Plan Review Committee reviewed the request at their August 16, 2017 meeting and recommended approval of the site plan, with the note that the storm water details would need to be finalized.

## **ANALYSIS**

The site currently consists of two parcels with a total combined area of approximately 11,325 square feet. The applicant proposes to extinguish the interior property line between the two lots to create one lot with three on-site parking spaces as shown on the site plan. The Zoning Ordinance requires one space for every 10 seats of maximum seating capacity in the main place of assembly which equates to six parking spaces being required for the project. Because the student center is located across from campus, adjacent to a bus stop located at the intersection of Cary Street and Jamestown Road, staff supports the reduction in parking from six to three.

The applicant is requesting a modification of the 10-foot rear property line landscaping and the 15-foot public street right-of-way landscaping along Cary Street in order to accommodate the three on-site parking spaces. A four-foot fence is proposed along the rear property line to mitigate the loss of landscaping for the driveway and one parking space. The handicapped parking space adjacent to Cary Street encroaches 12 feet into the required 15-foot landscape buffer from Cary Street for the length of the space which is eighteen feet. The applicant will provide landscaping along this parking space to screen the space from Cary Street.

The proposed use is adequately served by public services and will not result in the destruction, loss or damage of any features of ecological, scenic or historic importance. It is designed and sited to complement adjacent properties and uses.

## **STAFF RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council approval of the special use permit and parking reduction from six to three spaces to allow Shenkman Jewish Center to locate at 406/410 Jamestown Road subject to the following:

1. The special use permit approves the conceptual site plan titled "William and Mary Shenkman Jewish Center Plan" prepared by Landtech Resources, Inc. dated August 10, 2017.
2. A landscaping plan being submitted by a certified landscape architect for approval of a landscape design to mitigate the loss of landscaping for the driveway and parking encroachments into the landscape area that must be approved with the final site plan by Planning Commission.

## **PLANNING COMMISSION RECOMMENDATION**

Three members of the Planning Commission were unable to vote on the matter pursuant to their obligations under the Virginia Conflict of Interest Act. Four members of the commission were able to participate, and consequently, three of the remaining members constituted a quorum for purposes of the SUP application. Only two of the remaining members of the Planning Commission attended the October 18 planning commission meeting, and therefore, Planning Commission was unable to act to report on a recommendation for the application on October 18. Pursuant to Section 21-45 of the City Code, failure of the planning commission to report within 100 days after the first meeting of the commission after the proposal has been referred to the commission shall be deemed approval, unless the proposed special use permit has been withdrawn by the applicant prior to the expiration of such time period. Staff has determined that such time period will elapse prior to the next meeting of the Planning Commission. As such, staff has forwarded the matter to council in accordance with said section.

## **CITY COUNCIL PUBLIC HEARING**

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

A handwritten signature in black ink, appearing to read 'E. B.', with a long horizontal stroke extending to the right.

Erin Burke  
Principal Planner



*William and Mary Real Estate Foundation*

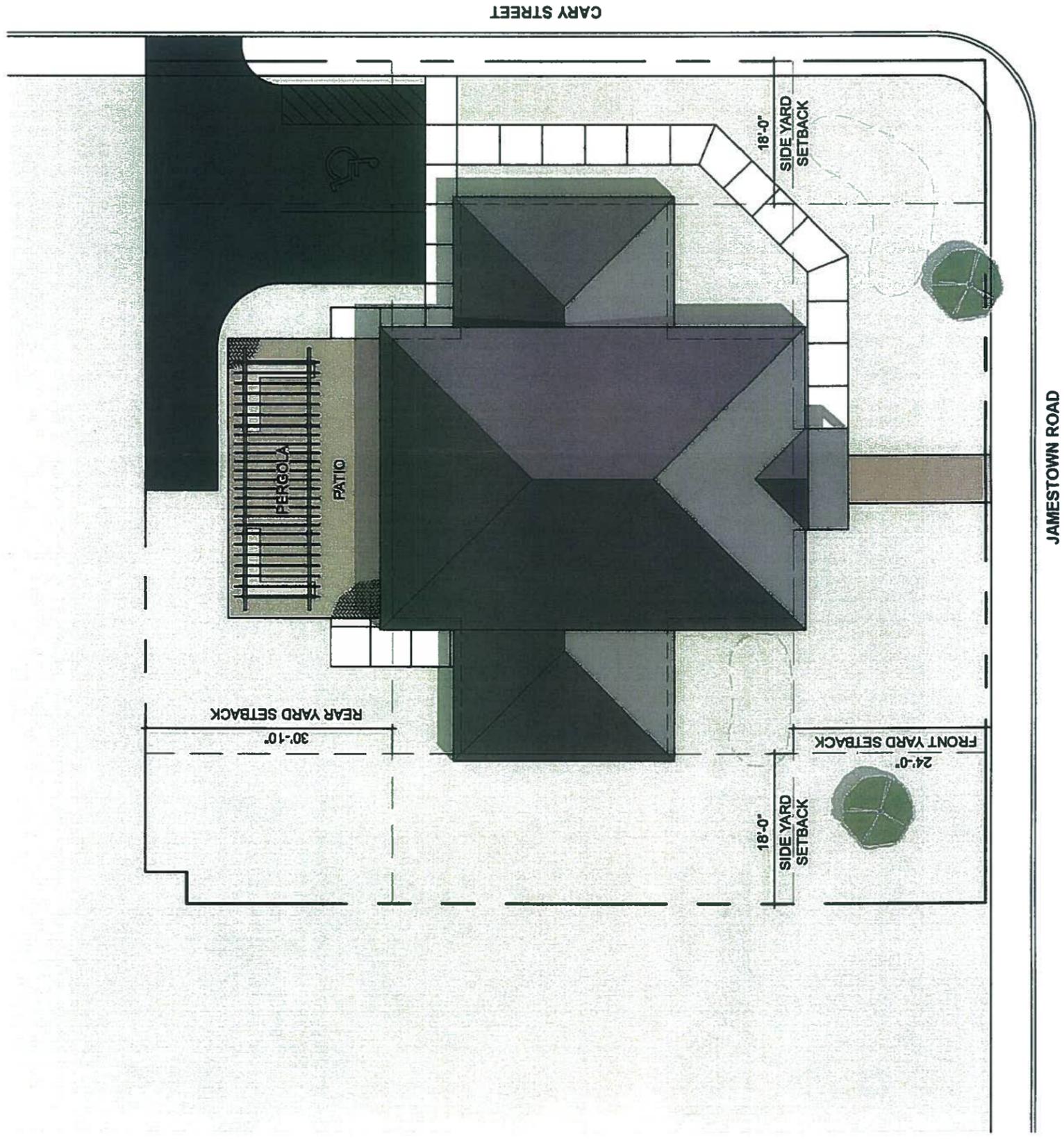
# Shenkman Jewish Center

Williamsburg, Virginia

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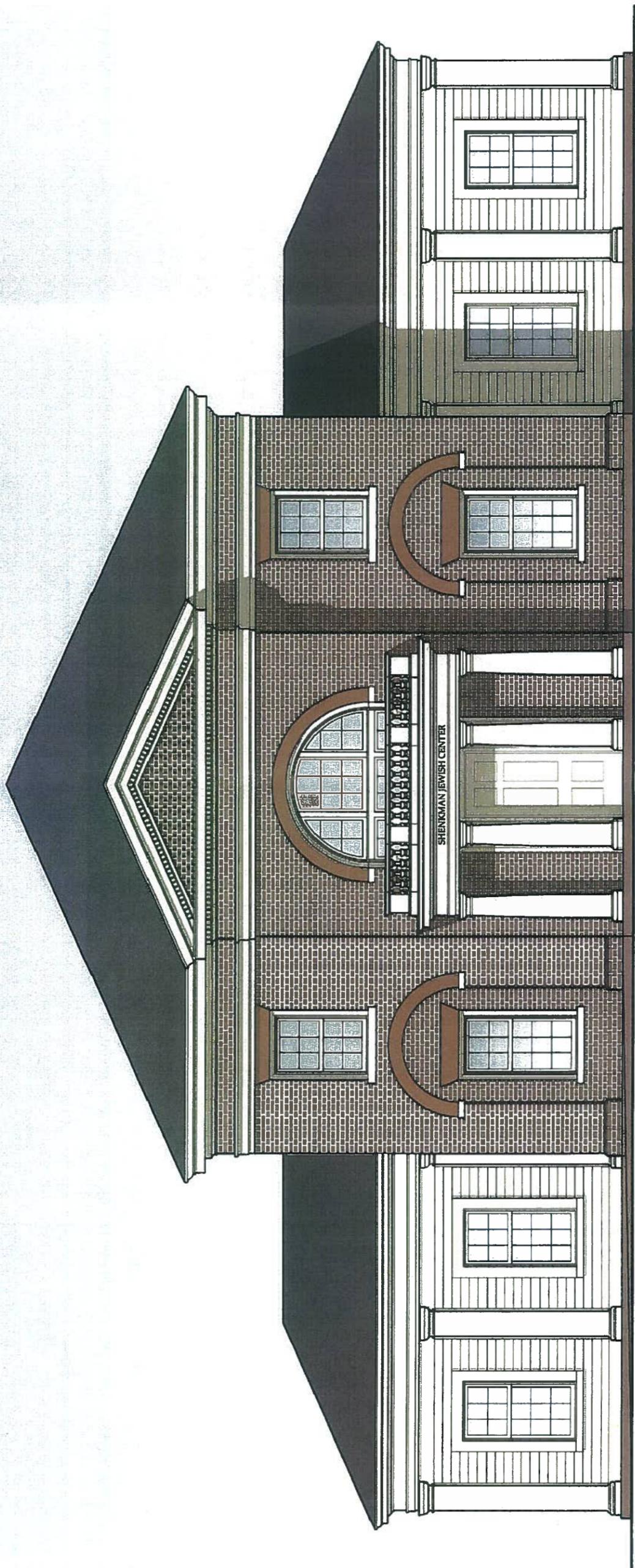
ARCHITECTURAL REVIEW BOARD SUBMISSION

September 18, 2017



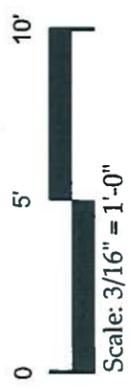
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Shenkman Jewish Center  
William and Mary Real Estate Foundation

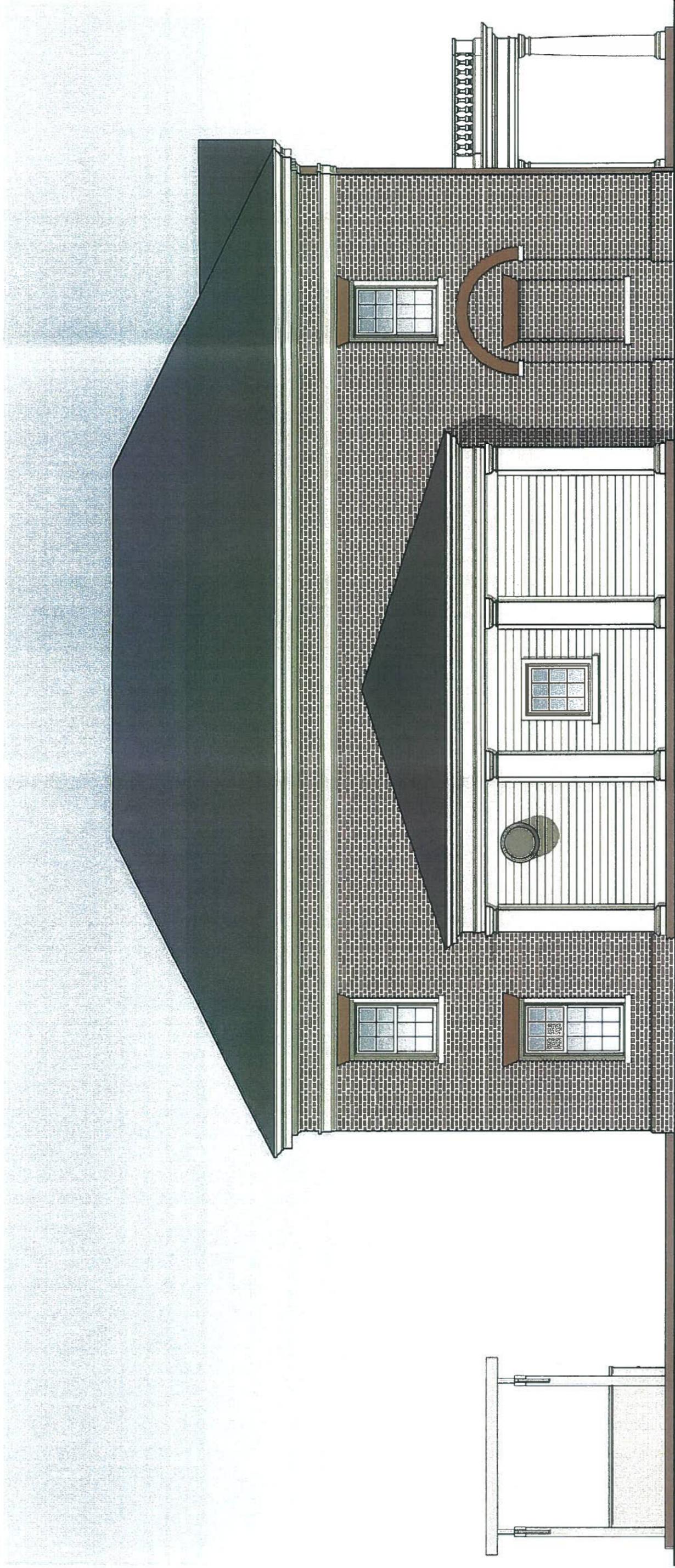


**MATERIALS KEY**

BRICK TO MATCH ALAN B. MILLER HALL	PAINT TO MATCH WILLIAM & MARY CAMPUS
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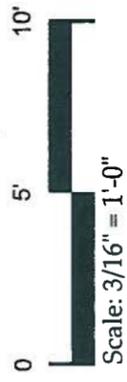
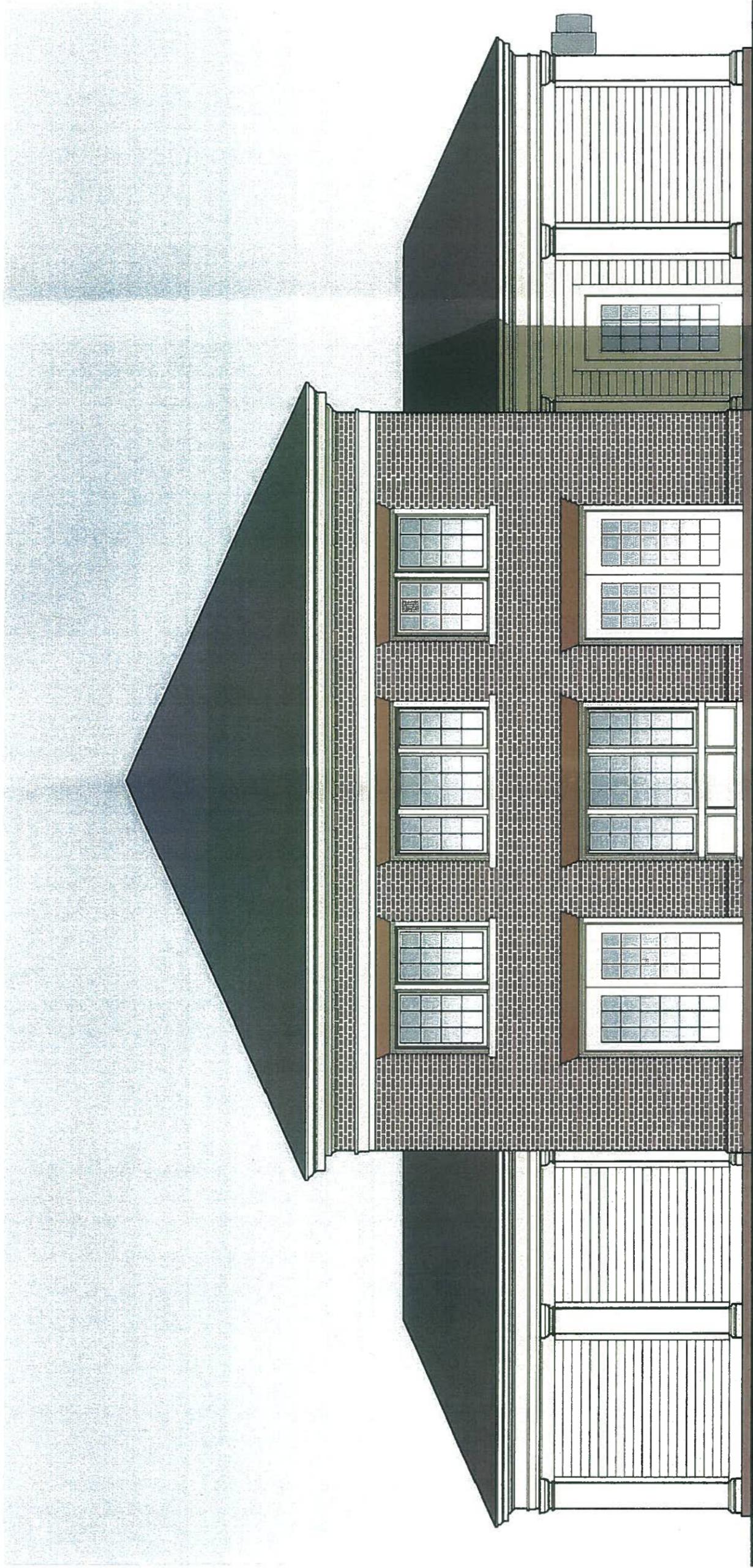
**Shenkman Jewish Center**  
*William and Mary Real Estate Foundation*



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Scale: 3/16" = 1'-0"

East Side Elevation  
September 18, 2017

Shenkman Jewish Center  
*William and Mary Real Estate Foundation*



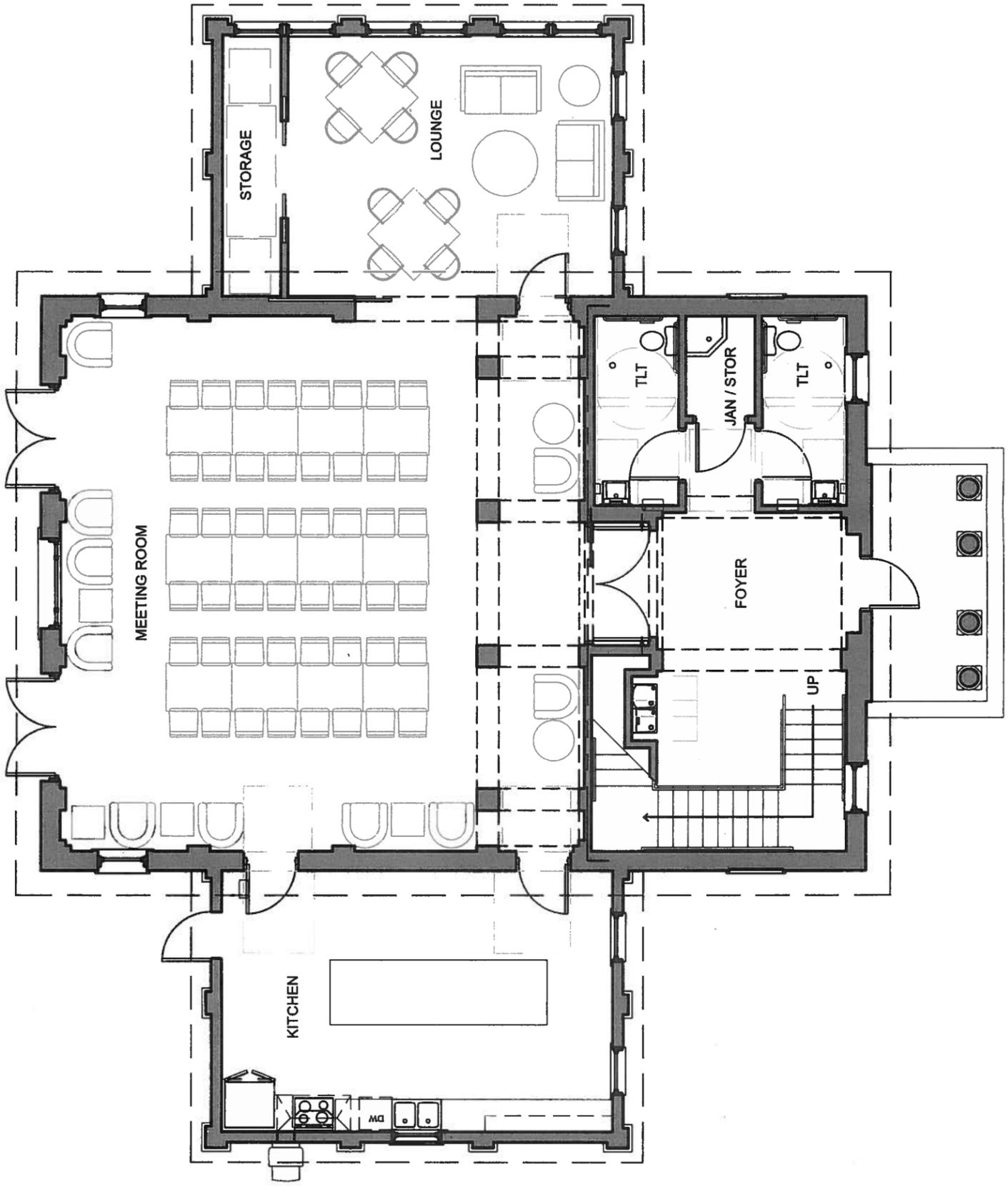
Rear Elevation  
September 18, 2017

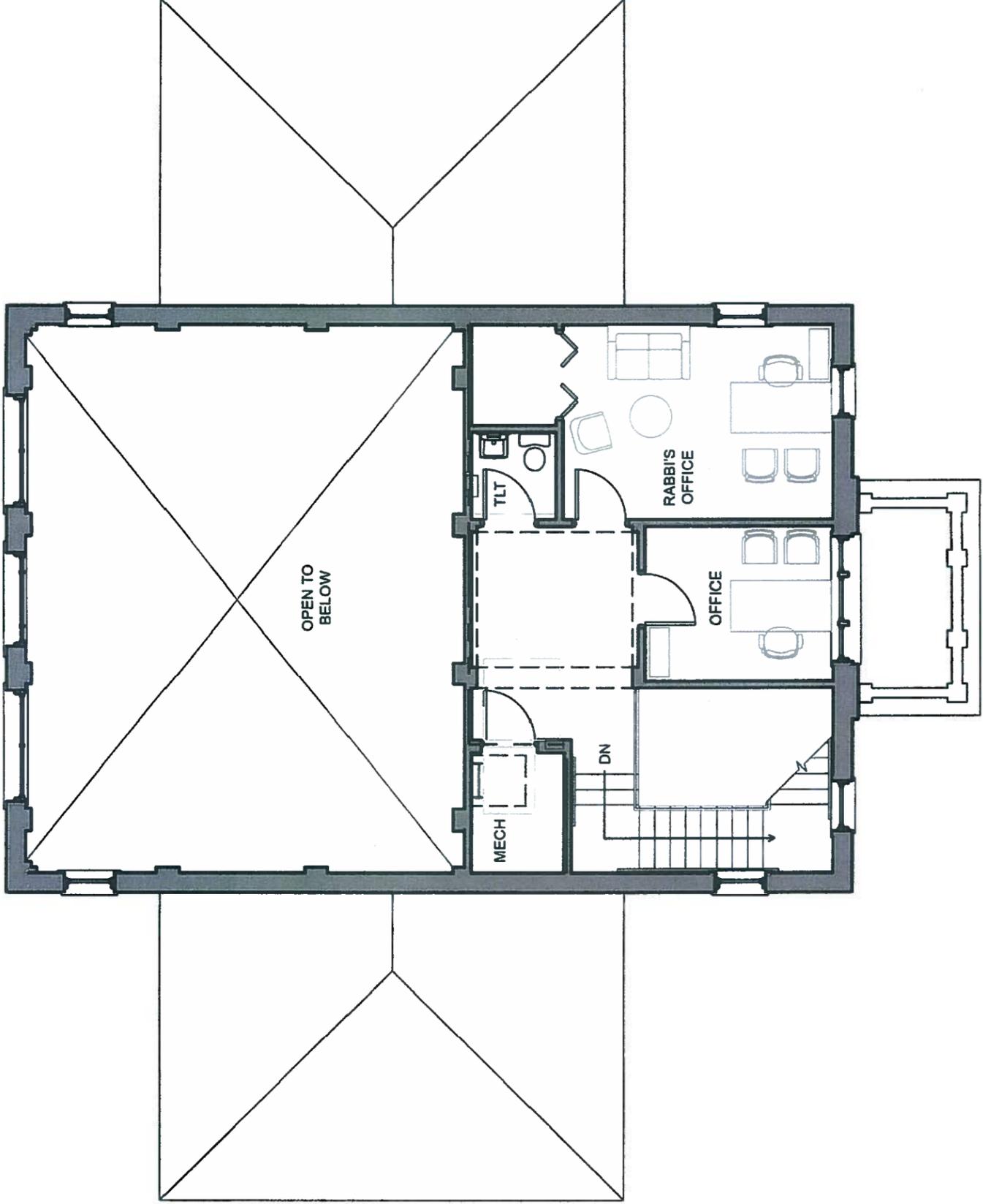
Shenkman Jewish Center  
*William and Mary Real Estate Foundation*

Shenkman Jewish Center  
*William and Mary Real Estate Foundation*

West Side Elevation  
September 18, 2017







Floor Plans - Level Two  
 September 18, 2017

**Shenkman Jewish Center**  
*William and Mary Real Estate Foundation*



**GEDDY, HARRIS, FRANCK & HICKMAN, L.L.P.**

ATTORNEYS AT LAW

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WILLIAMSBURG, VIRGINIA 23187-0379

VERNON M. GEDDY, JR. (1926-2005)

STEPHEN D. HARRIS

SHELDON M. FRANCK

VERNON M. GEDDY, III

SUSANNA B. HICKMAN

ANDREW M. FRANCK

MICHAEL A. GATEN

SHERRI L. NELSON

June 26, 2017

Ms. Carolyn A. Murphy, AICP  
Planning and Codes Compliance Director  
401 Lafayette Street  
Williamsburg, Virginia 23185

Re: 406 and 410 Jamestown Road – William and Mary Real Estate Foundation

Dear Carolyn:

On behalf of the William and Mary Real Estate Foundation, I enclose the following:

1. Application for a Special Use Permit to permit to permit the Shenkman Jewish Center to be located on property located at 406 and 410 Jamestown Road, together with a narrative description of the project and four copies of conceptual elevations and site plan.
3. Authorization Form signed by The College of William and Mary, the current owner of the property.
4. Check for \$812.50 for the filing fee.

As always, I look forward to working with you on this project. Please let me know if you need anything further.

Sincerely,



Vernon M. Geddy, III

Enclosures

Cc: Ms. Nancy J. Buchanon  
Mr. Samuel E. Jones

## **Narrative**

### **Shenkman Jewish Center**

#### **Introduction**

The applicant, William & Mary Real Estate Foundation, is applying for a special use permit (SUP) to allow the applicant to build and own a Hillel institution, to be known as the Shenkman Jewish Center, located at 406 and 410 Jamestown Road. The property is zoned RS-2. Churches and other permanent buildings used for religious worship require a SUP in the RS-2 zoning district.

The William & Mary Real Estate Foundation (WMREF) is a private, not-for-profit entity that exists for the benefit of the College of William and Mary (WM), through, in part, the purchase and development of properties to meet specific needs of the university, including cultural and heritage institutions. This request specifically addresses the community's need for Hillel House in close proximity to campus.

William & Mary is a public residential university within the Commonwealth of Virginia's higher education system. As such, the university has long been committed to diversity of experience on campus, which includes offering students cultural, heritage and leadership opportunities from a variety of professional and affiliated (student-run) organizations. The WMREF's development of lots 406 and 410 Jamestown Road into a Hillel center, the Shenkman Jewish Center, will provide the university's students a much-needed resource.

#### **Need for Hillel and the Shenkman Jewish Center**

The Jewish student body of William and Mary is very excited about the establishment and construction of the Shenkman Jewish Center. This center will finally give a home to the hundreds of Jewish students who attend the university. The Shenkman Jewish Center is being established to enable students to have a place to meet, to have a walk-up location that will serve kosher food, to provide a place to observe Jewish holidays and a gathering spot to meet fellow Jewish students and relax.

What is Hillel? Hillel ([www.Hillel.org](http://www.Hillel.org)) is a free Jewish college student organization with a mission of developing future leaders and leadership skills. According to their own website, Hillel is "enriching the lives of Jewish students so that they may enrich the Jewish people and the world." Established in 1920 at the University of Illinois, Hillel works to inspire growth and life-long learning for college students who are exploring their future place in the world. Currently on over 550 campuses, Hillel is head -quartered in Washington DC at the Charles and Lynn Schusterman International Center.

Hillel has been at the college for over 15 years. Jewish students have had to struggle to find places to meet and have not been able to observe their religious rites on campuses, particularly public ones. Students have had to go elsewhere to meet their spiritual, cultural, and social

needs. With the establishment of the Shenkman Jewish Center that void is filled. Hillel will be housed at the Shenkman Jewish Center and professionally staffed.

The Shenkman Jewish Center will provide a walkable location with ample space for students to gather and attend presentations, participate in small discussion groups, meet with Hillel's rabbi, Rabbi Gershon Litt, or plan future programs and events. The center will be equipped with a kosher kitchen to serve the Sabbath and holiday needs of the students as well as be a kosher resource for all Jewish students and any student, faculty, or staff member who would like kosher meals on campus.

In addition to having ample space to meet, present programs, discussions, and offer religious programming the center will also simply be a central, social haven for students, a "home away from home." Students will be able to study in the center, chill out with their friends and meet fellow students who share in a common culture. In this regard, the Shenkman Jewish Center meets a long-standing need of the university and its students. Comparable facilities at the other universities include the Brody Jewish Center at the University of Virginia, and the Hillel House at Washington & Lee.

Jamestown Road offers a variety of religious, cultural and community experiences for students, and in this way the Shenkman Jewish Center will fit in well. The facility will be located just down the street from the institutions such as the Confucius Institute, Temple Beth El, the Wesley Foundation, and Christian Science. In many ways, Jamestown Road is emblematic of the Williamsburg community, which is also committed to breadth of experience and inclusion. The Shenkman Jewish Center will enhance the vibrancy of student life by contributing to the variety of experiences available to students.

### **Description of the Project**

The Shenkman Jewish Center will be situated on two existing lots (406 & 410) at the corner of Jamestown Road and Cary Street. Both lots are currently vacant. Quality is a high priority and the architecture must be finished with "William & Mary brick" and fit the campus aesthetic (see "Architecture" below). The facility will be in close proximity to Lemon and Hardy Halls (campus dormitories), Bell Hall (the office of Human Resources), Barrett Hall (campus dormitory) and the Methodist Church.

Culturally it is located just down the street from the Confucius Institute, Temple Beth El, the Wesley Foundation, and the Christian Science Reading Room – mostly non-college owned houses of worship and/or cultural institutions. But unlike its neighbors, the Shenkman Jewish Center is intended to be a pedestrian access only facility (see "Parking & Traffic" below).

The construction of the building and the improvement of the site are expected to include the following:

- A building plan of just over 3,200 gross square feet that will include:

- a welcoming front portico;
  - a kosher kitchen;
  - double height meeting/dining hall;
  - study space;
  - offices for the attending rabbi;
  - quality furnishings and interior finishes;
  - rear glazing and access to rear patio.
- A site plan that will include:
    - a patio suitable for an outdoor sukkah;
    - 12' platted & partial alley at rear of property, to be left unimproved;
    - parking for 3 vehicles, including handicapped;
    - appropriate landscaping to manage stormwater (see below).

### Architecture

Conceptual architectural elevations of the new Shenkman Jewish Center are included in the SUP submittal and are subject to review and approval by the Architectural Review Board (ARB). The design of the new Shenkman Jewish Center creates an identity fitting to its context within the cultural buildings of Jamestown Road and consistent with the William & Mary Campus. The building's primary exterior material will be unstained brick, in Flemish bond, consistent with the established standard of William & Mary. The facility will feature an entry portico, fronted with a small porch colonnade topped by a balustrade. Other building elements include hipped roofs, a brick water table, brick round arches, brick jack arches over the windows, and a substantive entablature. The main body of the house will be augmented by two wings, one to the east (kitchen space) and one to the west (study space). The rear façade will feature expansive glazing to take advantage of south-facing orientation, and the double height interior of the meeting/dining space. The rear of the building will open onto brick paver patio with a wood pergola for regular informal gathering and setup of a sukkah at during the Jewish Sukkot festival. Additional details are still in development, and will be subject to the review of the ARB.

### Parking & Traffic

As part of this Special Use Permit, the Real Estate Foundation requests exemption from the parking requirements associated with similar venues. Its location adjacent to campus, and down the street from the William & Mary Admissions Office, ensures that visitors to the Center will be walk-up rather than vehicular traffic. On the admissions front, prospective students and their parents who ask about the Center will be directed to walk up Jamestown Road where they will have access to the Center and be able to discuss campus activities with the Rabbi and current William & Mary students. William & Mary students will use the Center for both formal (scheduled visits with the Rabbi, lectures, films, etc.) and informal (kosher meals, student lounge, relaxation) activities. Access to these activities is facilitated by the Center's location adjacent to campus and within easy walking distance of the university's various residence halls.

Recognizing that students and visitors will not be driving to the Center, the request includes parking limited to a dedicated space for the Rabbi, a handicapped accessible space, and a third space to be used by guest speakers. Given its size and location, we do not expect this facility and its programs to have any impact on local traffic patterns or counts.

### Storm Water Management

Prior to a recent demolition and the proposed consolidation of lots, 406 Jamestown Road generated rain runoff associated with the house on the site while 410 Jamestown Road has been a vacant lot for many years. Given the size of the site, the project will need to address storm water run-off but will likely not need to address specific water quality issues. The intent is to manage water runoff with landscaping (rain garden, etc.) to the maximum extent possible. The Real Estate Foundation will take additional steps as necessary should landscaping options be insufficient to address this issue.

### **Ownership and Operations**

The William & Mary Real Estate Foundation will enter into a lease agreement with the United Jewish Community of the Virginia Peninsula (UJCVP), under which the local Hillel is managed. In it, standards for the Shenkman Jewish Center's operation will be established. These will include:

- programming;
- operations;
- affiliations.

The two lots proposed as the site for the Center are currently owned by the College of William & Mary. Under authority granted to the university's Board of Visitors (its governing board) by the Commonwealth, the university intends to transfer ownership of the two lots to the William & Mary Real Estate Foundation. Construction and ownership of the proposed facility will rest with the Real Estate Foundation. The two lots will be consolidated into a single parcel as the transfer of property occurs.

### **Finally...**

Hillel is not just about heritage or social organization, it also about developing lifelong habits of learning.

The Shenkman Jewish Center has the opportunity to shape meaningful lives. In the words of Noam Bentov, a former Hillel student, now an executive director for Hillel: "It is my mission now to build... a strong community that will create opportunities for students to connect to Jewish life, celebrate their identities, [and] learn and build thriving Jewish lives well beyond their college years." Another former student, says: "...[Jewish education] provided me ...the

opportunity to dig deeper and ...ask why." That's exactly the sort of lifelong habit of inquiry that university communities are built to develop.



## CITY OF WILLIAMSBURG

### MEMORANDUM

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**DATE:** October 18, 2017

**SUBJECT:** PCR#017-022

**Request of HS Apt Land LC for approval of a subdivision plat to extinguish the interior lot lines of the undeveloped portion of the townhouse section of High Street Williamsburg**

HS Apt Land LC, the new owners of the undeveloped residential lots in High Street, is requesting approval of the preliminary subdivision plat to extinguish the interior lot lines of the undeveloped portion of the townhouse section of High Street (37 lots). The extinguishment is requested for the developer to construct apartments on this property. This area is bounded by Treyburn Drive on the west, Sterling Manor Drive on the north, Middle Street on the east, and Kings Manor Drive on the south.

Since the subdivision was approved by City Council, the City Attorney has advised staff that City Council needs to approve the extinguishment of the interior lot lines. A Planning Commission public hearing and recommendation to City Council is required, and City Council makes final approval of the subdivision plat.

### **COMPREHENSIVE PLAN**

The High Street Williamsburg area is designated as Economic Development land use by the 2013 Comprehensive Plan. The Plan states:

*The Economic Development land use category is intended to encourage economic development activities that provide desirable employment and enlarge the City's tax base. Large new mixed use developments can contribute to the City's character and economic well-being by having a well-designed mix of uses, rather than being a monolithic commercial, office, health care or residential development. This land use category expands the historic mixed use concept beyond the core area of the City into two large areas for future development – the High Street Williamsburg development on Richmond Road, and the Quarterpath at Williamsburg (Riverside) development on the east side of Quarterpath Road.*

*The development of areas designated as Economic Development land use should address a range of important goals stated by the Comprehensive Plan, including: protect and enhance Williamsburg's unique character; encourage conservation of open space; encourage high quality commercial and institutional development; encourage adequate*

*housing opportunities; encourage appropriate scale and character for new residential development; improve and expand bicycle and pedestrian facilities; and preserve scenic vistas, natural areas and historic sites on public and private land.*

*This category is implemented by the ED and ED-2 zoning districts. To ensure that the majority of the Economic Development land is developed for tax-generating commercial, entertainment, office, and medical uses, areas used exclusively for residential use should be limited to a minority of the land use in each of the Economic Development areas designated by the Plan. Residential density is up to 10 dwelling units/net acre for the ED District, and up to 12 dwelling units/net acre for the ED District.*

## **ZONING**

The High Street property is zoned ED-2 Economic Development District. The townhouse subdivision adjoins ED-2 zoning to the north (apartments), east (commercial area), west (Treyburn Drive) and south (condominiums).

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

*This district is established to enhance the City's real property tax base and to allow a mixture of tax-generating commercial, entertainment and office uses in a mixed-use setting with an emphasis on landscaping and high quality design standards, and on property which is designated by the Comprehensive Plan as Economic Development land use. This district is also intended to encourage economic development activities that provide desirable employment and enlarge the tax base as contemplated in Sec. 15.2-2283 (vii), Code of Virginia, 1950, as amended. Residential uses are allowed as a major component of the development, and should be integrated into the overall design. Higher intensity uses such as manufacture or assembly, warehouses and distribution centers may be allowed with the issuance of a special use permit.*

## **ANALYSIS**

High Street was rezoned in 2005 from ED to ED-2. A site plan was approved by Planning Commission in 2005 (SPR#05-009) for 225,000 of retail, restaurant and theatre space with 574 residential units. Sterling Manor Apartments was constructed in 2007 and contains 191 apartment units on 6.86 acres. A subdivision plat was approved and recorded (PCR#07-022) for 53 townhouse lots in 2007. Since approval in 2007, 16 townhouse lots have been constructed and are currently being rented by CCC Sterling Manor DE LLC the current owner.



This year the property sold to three separate entities. The commercial portion of High Street sold to High Street Shops LLC in August, Sterling Manor Apartments (191 units) and the 16 constructed townhouse lots sold to CCC Sterling Manor DE LLC in September with the remaining undeveloped lots including 37 townhouse lots and 150 and 152 Kings Manor Drive being sold to HS Apt Land LC in July. The new owner of the undeveloped lots is seeking approval to extinguish the interior lot lines of the 37 townhouse lots to create four new lots while retaining the existing private rights-of-ways for ingress and egress.

### **STAFF RECOMMENDATION**

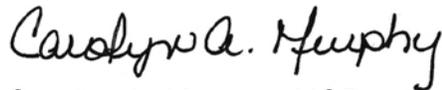
Recommend to City Council approval of the extinguishment of the interior lot lines of 37 townhouse lots as shown on the preliminary subdivision plat.

### **PLANNING COMMISSION RECOMMENDATION**

Planning Commission held a public hearing on October 18. No one spoke at the hearing. Planning Commission recommended to City Council by a vote of 5-0, extinguishment of the interior lot lines of 37 townhouse lots as shown on the preliminary subdivision plat.

### **CITY COUNCIL PUBLIC HEARING**

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



Carolyn A. Murphy, AICP  
Planning & Codes Compliance Director

I, JUDY G. BEALE, A LICENSED LAND SURVEYOR, DO HEREBY CERTIFY THAT THIS SUBDIVISION WAS MADE BY ME AT THE DIRECTION OF THE OWNER, AND THAT THIS SUBDIVISION IS ENTIRELY WITHIN THE BOUNDARIES OF LAND OWNED BY ROSELAND PROPERTY COMPANY, AND THAT STEEL PINS AND OTHER MONUMENTATION, AS SHOWN ON THIS PLAN BY SMALL CIRCLES, HAVE ACTUALLY BEEN PLACED AND THEIR LOCATIONS CORRECTLY SHOWN.

**SOURCE OF TITLE:**

THE PROPERTY, EMPRACED WITHIN THE LIMITS OF THIS SUBDIVISION OF LAND WAS CONVEYED TO HS APT LAND, L.C. BY INSTRUMENT NUMBER 173267, DATED JULY 25, 2017, AS AT TREYBURN PHASE I, L.C. BY INSTRUMENT NUMBER 061836, DATED JULY 25, 2017, AS INSTRUMENT NUMBER 173267 IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF WILLIAMSBURG, VIRGINIA.

**OWNER'S CERTIFICATE:**

THE PLATTING OR DEDICATION OF LOTS 9-1 BLOCK 3, LOTS 12-16 BLOCK 4, LOTS 17-21 BLOCK 5, LOTS 22-24 BLOCK 6, LOTS 33-36 BLOCK 9, LOTS 37-41 BLOCK 10, LOTS 42-47 BLOCK 11, LOTS 48-53 BLOCK 12, LANE C, LANE D, THE SOUTHERLY PORTIONS OF MANOR BOULEVARD, LANE A & LANE B, AND A PORTION OF SHADOW LANE IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRE OF THE UNDERSIGNED OWNER, PROPRIETORS AND TRUSTEES, IF ANY.

EDWARD D. MITCHELL, MANAGER OF DEVON, LC \_\_\_\_\_ DATE: \_\_\_\_\_  
 MANAGER OF HS APT LAND LC, \_\_\_\_\_

STATE OF VIRGINIA  
 CITY/COUNTY OF \_\_\_\_\_ TO WIT:

I, \_\_\_\_\_ A NOTARY PUBLIC IN AND FOR THE CITY/COUNTY AND STATE OF VIRGINIA, DO HEREBY CERTIFY THAT EDWARD D. MITCHELL AS MANAGER OF DEVON LC, MANAGER OF HS APT LAND LC HAS ACKNOWLEDGED THE SAME BEFORE ME IN MY CITY/COUNTY AND STATE AFORESAID.

GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

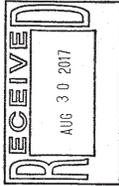
NOTARY PUBLIC: \_\_\_\_\_ REG. NO. \_\_\_\_\_  
 MY COMMISSION EXPIRES: \_\_\_\_\_

THE UNDERSIGNED DO HEREBY CERTIFY THAT THIS SUBDIVISION IS IN ACCORDANCE WITH THE REQUIREMENTS RELATING TO THE SUBDIVISION OF LAND AND IS HEREBY ACCORDINGLY APPROVED.

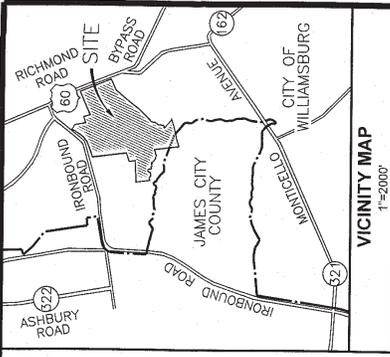
SIGNED: \_\_\_\_\_ DATE: \_\_\_\_\_  
 CAROLYN A. MURPHY  
 PLANNING AND CODES COMPLIANCE DIRECTOR, CITY OF WILLIAMSBURG

IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG, VIRGINIA ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, THIS PLAN WAS RECEIVED AND ADMITTED TO RECORD IN INSTRUMENT NUMBER \_\_\_\_\_ AT \_\_\_\_\_  
 \_\_\_\_\_ CLERK  
 \_\_\_\_\_

AREA SUMMARY	AREA (SQ. FT.)	AREA (ACRES)
PRIVATE RIGHTS-OF-WAY		
SOUTH MANOR BOULEVARD	3,811	0.198
SOUTH SHADOW LANE	15,977	0.364
SOUTH LANE A	6,899	0.158
SOUTH LANE B	6,146	0.141
LANE C-1	3,533	0.081
LANE D-1	4,384	0.101
TOTAL PRIVATE RIGHTS-OF-WAY	45,450	1.043
BLOCKS		
BLOCK B-1	62,862	1.443
BLOCK B-2	40,166	0.923
BLOCK B-3	30,718	0.705
BLOCK B-4	29,196	0.670
TOTAL BLOCKS	162,951	3.741
TOTAL AREA	208,401	4.784



PCR# 17-022



**OWNER OF RECORD:**

HS APT LAND LC  
 1415 E MAIN STREET  
 RICHMOND, VA 23219

**REFERENCES:**

- INSTR. NO. 173267
- INSTR. NO. 173266
- INSTR. NO. 173264
- INSTR. NO. 173262
- INSTR. NO. 073792
- INSTR. NO. 060016
- INSTR. NO. 071837
- INSTR. NO. 071835
- INSTR. NO. 061743

**NOTES:**

- BEARINGS AND DISTANCES SHOWN HEREON ARE BASED ON VIRGINIA STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NAD 83, CITY OF WILLIAMSBURG CONTROL NETWORK.
- IT IS THE INTENT OF THIS PLAN TO VACATE THE INTERNAL LOT LINES AND BLOCK LINES OF BLOCKS 3, 4, 5, 6, 9, 10, 11 AND 12 AND RECONFIGURE LANE C, LANE D, THE SOUTHERLY PORTION OF LANE A, LANE B AND MANOR BOULEVARD, AND A PORTION OF SHADOW LANE AS CREATED BY PLAT ENTITLED "SUBDIVISION OF PARCEL B PROPERTY OF TOWNHOMES AT TREYBURN PHASE I, LLC (INSTR. NO. 061836; INSTR. NO. 071836); WILLIAMSBURG, VIRGINIA" DATED JULY 6, 2005, LAST REVISED AUGUST 3, 2017, RECORDED AS INSTR. NO. 060016.
- EXISTING PUBLIC UTILITY EASEMENTS SHOWN HEREON ARE TO REMAIN.
- PRIVATE DRAINAGE EASEMENTS WITHIN BLOCKS 3, 4, 5, 6, 9, 10, 11 AND 12 AS SHOWN ON PLAN RECORDED AS INSTR. NO. 080016 WERE TERMINATED IN INSTR. NO. 173264.
- PEDESTRIAN ACCESS EASEMENT WITHIN LOT 24 BLOCK 6 AS SHOWN ON PLAN RECORDED AS INSTR. NO. 080016 WAS TERMINATED IN INSTR. NO. 173264.
- LOTS 9-1 BLOCK 3, LOTS 12-16 BLOCK 4, LOTS 17-21 BLOCK 5, LOTS 22-24 BLOCK 6, LOTS 33-36 BLOCK 9, LOTS 37-41 BLOCK 10, LOTS 42-47 BLOCK 11, AND LOTS 48-53 BLOCK 12 ARE UNIMPROVED.
- PUBLIC OPEN SPACE EASEMENT AS SHOWN HEREON LIES WITHIN BLOCK B-1. THE AREA OF BLOCK B-1 OUTSIDE OF THE PUBLIC OPEN SPACE EASEMENT IS 29,534 SQ. FT. OR 0.678 AC.
- TOTAL AREA ENCOMPASSED WITHIN THE LIMITS OF THIS SUBDIVISION = 208,401 SQ. FT. OR 4.784 ACRES.

**RESUBDIVISION OF**

**LOTS 9-11 BLOCK 3, LOTS 12-16 BLOCK 4, LOTS 17-21 BLOCK 5, LOTS 22-24 BLOCK 6, LOTS 33-36 BLOCK 9, LOTS 37-41 BLOCK 10, LOTS 42-47 BLOCK 11, LOTS 48-53 BLOCK 12; LANE C; LANE D; THE SOUTHERLY PORTIONS OF MANOR BOULEVARD, LANE A & LANE B; AND A PORTION OF SHADOW LANE**  
 (INSTR. NO. 060016, INSTR. NO. 173267)  
 WILLIAMSBURG, VIRGINIA

DES. N/A JOB NO. 77606.05  
 DRN. JGB SCALE 1"=50'  
 CKD. JGB DATE 07-29-2017  
 W O O L P E R T  
 676 INDEPENDENCE PKWY  
 SUITE 100  
 CHESAPEAKE, VA 23320  
 757.549.3549  
 FAX: 757.549.3460

SHEET NO. 1 OF 3  
 FILE NO. Parcel B Resub.dwg



PARCEL F  
(INSTR. No. 071835)

PARCEL G-1  
(INSTR. No. 071835)



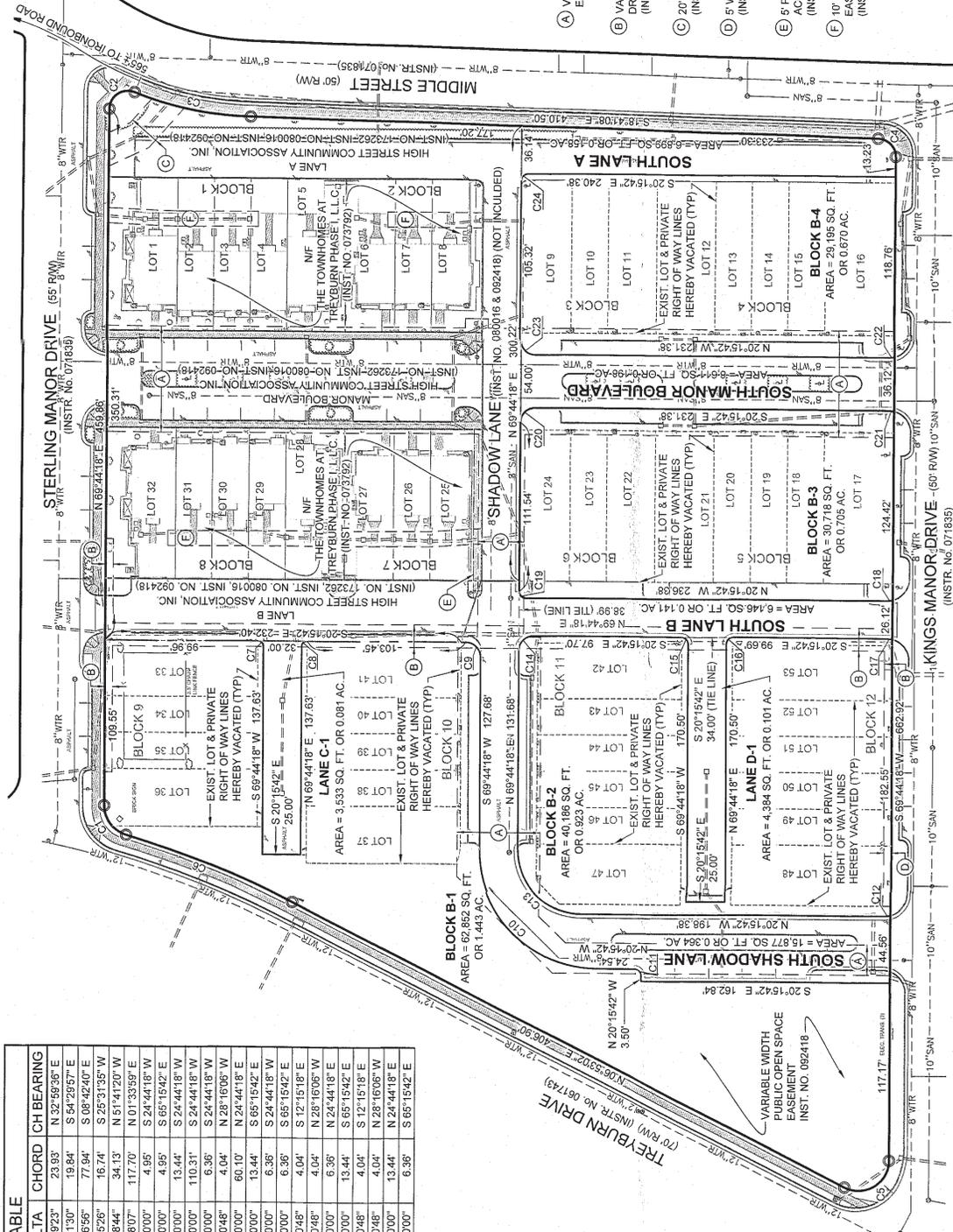
- (A) VARIABLE WIDTH PUBLIC UTILITY EASEMENT (INST. No. 071835)
- (B) VARIABLE WIDTH PRIVATE DRAINAGE EASEMENT (INST. No. 071835)
- (C) 20' PRIVATE DRAINAGE EASEMENT. (INST. No. 071835)
- (D) 5' WATER LINE EASEMENT (INST. No. 071835)
- (E) 5' PRIVATE PEDESTRIAN ACCESS EASEMENT (INST. No. 080016)
- (F) 10' PRIVATE DRAINAGE EASEMENT (INST. No. 080016)

### EXISTING CONDITIONS

RESUBDIVISION OF

LOTS 9-11 BLOCK 3, LOTS 12-16 BLOCK 4, LOTS 17-21 BLOCK 5, LOTS 22-24 BLOCK 6, LOTS 33-35 BLOCK 9, LOTS 37-41 BLOCK 10, LOTS 42-47 BLOCK 11, LOTS 49-53 BLOCK 12; LANE C; LANE D; THE SOUTHERLY PORTIONS OF MANOR BOULEVARD, LANE A & LANE B; AND A PORTION OF SHADOW LANE  
(INSTR. 080016, INSTR. No. 173267)  
WILLIAMSBURG, VIRGINIA

DES. N/A JOB NO. 17606.05  
DRN. JGB SCALE 1"=50'  
CKD. JGB DATE 07-29-2017  
WOOLPERT 757.549.3549  
FAX: 757.549.3450  
FILE NO. Parcel B Resub.dwg  
SHEET NO. 3 OF 3



### LEGEND

- IP(S) IRON PIN TO BE SET
- IP(F) IRON PIN FOUND
- NAIL(S) NAIL TO BE SET
- ⊗ NAIL(F) NAIL FOUND
- PIPE(F) IRON PIPE FOUND



CURVE	RADIUS	LENGTH	DELTA	CHORD	CH BEARING
C1	20.00'	25.65'	79°22'23"	23.93'	N 32°56'35" E
C2	12.00'	23.35'	111°31'30"	19.84'	S 54°23'57" E
C3	225.00'	76.34'	19°56'55"	77.94'	S 08°42'40" E
C4	12.00'	18.52'	88°25'26"	16.74'	S 29°31'35" W
C5	20.00'	40.89'	117°08'44"	34.13'	N 51°41'20" W
C6	635.00'	117.87'	10°38'07"	117.70'	N 01°33'59" E
C7	3.50'	5.50'	90°00'00"	4.95'	S 24°44'18" W
C8	3.50'	5.50'	90°00'00"	4.95'	S 65°15'42" E
C9	9.50'	14.92'	90°00'00"	13.44'	S 24°44'18" W
C10	78.00'	122.50'	90°00'00"	110.31'	S 24°44'18" W
C11	4.50'	7.07'	90°00'00"	6.36'	S 24°44'18" W
C12	14.50'	4.05'	16°00'48"	4.04'	N 28°16'05" W
C13	42.50'	66.76'	90°00'00"	60.10'	N 24°44'18" E
C14	9.50'	14.92'	90°00'00"	13.44'	S 65°15'42" E
C15	4.50'	7.07'	90°00'00"	6.36'	S 24°44'18" W
C16	4.50'	7.07'	90°00'00"	6.36'	S 65°15'42" E
C17	14.50'	4.05'	16°00'48"	4.04'	S 12°15'18" E
C18	14.50'	4.05'	16°00'48"	4.04'	N 28°16'05" W
C19	4.50'	7.07'	90°00'00"	6.36'	N 24°44'18" E
C20	9.50'	14.92'	90°00'00"	13.44'	S 65°15'42" E
C21	14.50'	4.05'	16°00'48"	4.04'	S 12°15'18" E
C22	14.50'	4.05'	16°00'48"	4.04'	N 28°16'05" W
C23	9.50'	14.92'	90°00'00"	13.44'	N 24°44'18" E
C24	4.50'	7.07'	90°00'00"	6.36'	S 65°15'42" E



# CITY OF WILLIAMSBURG

## MEMORANDUM

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**DATE:** October 18, 2017

**SUBJECT:** PCR#17-023 Small Cell Wireless Facilities  
Zoning text change adding Section 21-624 to Chapter 21, Article IV, Supplemental District Regulations for small cell wireless facilities & adding and amending Chapter 9 Article X of the City Code by amending Section 9-364 and adding 9-366

In their 2017 session, the General Assembly passed SB1282 which will impact how the City assesses and approves wireless facilities both on and off city property.

### **Zoning**

Pursuant to Section 15.2-2316.3, small cell facilities placed on existing structures are a use permitted in all zoning districts, but the City may require administrative approval. Small cell facilities are wireless facilities inside an enclosure no larger than 6 cubic feet in volume (or if exposed which would fit into the same) along with associated equipment not larger than 28 cubic feet cumulative, AND which does not include the electric meter, concealment, demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut- off switches, vertical cable runs.)

The City may require small cell facilities to comply with Architectural Review Guidelines in the AP and CP Districts. Attached you will find revisions to the ARB Guidelines to include how small cell facilities are to be treated within the AP and CP districts.

The statute allows for an application process which must provide each applicant with the ability to request up to 35 sites. The City has 10 days to notify the applicant of any deficiencies on the application, or it will be deemed complete. The locality must either approve or deny the application within 60 days or the application will be deemed to be approved. There are only limited reasons why approval for these facilities may be declined.

1. Conflict with other existing or planned communication facilities for public safety communications facilities.
2. Public safety or other critical public service needs.
3. Aesthetic impact on publically owned or controlled property EXCLUDING privately owned structures where the applicant has agreement for attachment to the structure (but reading this in conjunction with the AP and CP requirement, the

City may impose conditions in those districts consistent with the ARB Guidelines). Voluntarily submitted aesthetic conditions may be submitted.

4. City may require reasonable rules to deal with abandoned support structures or wireless facilities.

The application fee is the only fee the City is allowed to impose, which is capped at \$100 each for up to five small cell facilities on an application, and \$50 for each additional small cell facility on the application.

### **Architectural Review Board**

The Architectural Review Board reviewed changes to the Design Review Guidelines in August and held a public hearing on the proposed changes on September 12, 2017. After the public hearing and discussion, the Architectural Review Board recommended approval of the proposed changes to the Design Review Guidelines as outlined in the proposed ordinance which is attached.

### **On Public Rights-of-Ways**

The bill also provides the City must allow an application for a ROW permit to access the public right-of-way for the purpose of installing small cell facilities onto privately owned structures located within the public ROW. The wireless provider must have permission from the owner of the structure to co-locate and provides NOTICE of that agreement and co-location to the locality – realistically this is going to potentially impact Dominion Power's existing utility and light poles.

The maximum fee for the application is \$250. The City has 10 days from the receipt of the application to notify the applicant of any missing information, or the application is deemed complete. The locality must approve within 60 days, which may be extended, in writing, for an additional 30 days, or the application is deemed approved. The statute provides that the application may be denied, and the reasons for denial must be transmitted to the applicant in writing. There are no specific statutory provisions providing the basis of the denial. However, the same provisions as zoning disapproval would likely be a safe method for determining whether or not to deny the permit.

Please note, the code also provides for the installation of micro-facilities in public right-of-ways, which are facilities which are not larger than 24 inches long, 15 inches wide, 12 inches in height, and which have an exterior antenna not longer than 11 inches. These are not subject to any requirement to obtain a ROW permit if hung on existing lines between utility poles, except that the locality may require a single ROW permit if the following activities will occur as part of the installation or maintenance:

1. Working within the highway travel lane or requires closure of a highway travel lane; or
2. Disturbance of the pavement, shoulder, roadway or ditch line;
3. Placement on limited access ROW; or
4. Requires any specific precautions necessary to ensure the safety of the traveling public or the protection of the public or the protection of public infrastructure or the operation thereof, and either were not authorized in or will be conducted in a time, place and manner that is inconsistent with the terms of the existing permit for that facility or the structure upon which it is attached (e.g. Dominion Power lines).

### **Wireless Support Structures**

Agreements for the construction of new wireless support structures within public ROW must be for 10 years, with three five year optional renewals. These are subject to approval by Council as a franchise. Wireless support structures means a freestanding structure, such as a monopole or tower, or suitable existing structure designed to support or capable of supporting wireless facilities. This is not co-locating equipment on existing utility poles.

These agreements may require the permittee to relocate wireless support structures when relocation is necessary due to a transportation project, the removal of a hazard in the ROW, or a material change in the ROW, *so long as the other users of the ROW are in similar conflict and required to relocate*. Such relocation requires 180 day's written notice prior to such relocation. The wireless provider will bear only the proportional cost of the relocation and no costs related to a private benefit or when the permittee was on a private right-of-way. If the locality pays any of the cost of relocation, the permittee is not obligated to commence relocation until it receives such funds, or third party funds, if any. The locality is required to work cooperatively with the permittee to minimize any negative impacts to the wireless signal caused by the relocation, which provides a greater burden on the City than simply telling them to remove the existing equipment. What degree of responsibility this places on the City is unknown.

The statute allows the City to continue to negotiate these agreements, and we have no apparent requirement to permit small cell facilities to be attached to City owned structures unless the City so desires. However, there is now language which requires the RATE to be "just and reasonable", "cost-based", "nondiscriminatory and competitively neutral". None of these terms are defined. Utilizing common terms, cost based rates for attaching a small cell facility onto an existing structure may be difficult to quantify in our circumstances. The language goes on to state that rates for attachment to government owned buildings may be based on fair market value. Fair market value is the rate a willing buyer is willing to buy for and a willing seller is willing to sell for in an

arms-length transaction. Nothing in this language requires the City to go back and renegotiate existing agreements.

Nothing in the language of Section 15.2-23167.3 requires the City to approve a zoning request to install a wireless structure on private property at this time.

### **STAFF RECOMMENDATION**

That Planning Commission recommends to City Council adoption of the proposed ordinance for the text change to the Zoning Ordinance and the proposed ordinance for Design Review Guidelines changes as recommended by the Architectural Review Board which are attached.

### **PLANNING COMMISSION RECOMMENDATION**

Planning Commission held a public hearing on October 18. No one spoke at the hearing. Planning Commission recommended to City Council by a vote of 5-0, adoption of Proposed Ordinance #17-19 for the text changes and Proposed Ordinance #17-20 for the Design Review Guidelines for small cell wireless facilities.

### **CITY COUNCIL PUBLIC HEARING**

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

Staff Contacts: Carolyn Murphy, Planning Director  
Aaron Small, City Engineer

**ORDINANCE #17-  
PROPOSED ORDINANCE #17-19**

**AN ORDINANCE ADDING SECTION 21-624 SMALL CELL WIRELESS FACILITIES  
TO CHAPTER 21, ARTICLE IV AND AMENDING SECTION 9-364 AND ADDING 9-  
366 TO CHAPTER 9 ARTICLE X OF THE CODE OF THE CITY OF WILLIAMSBURG**

**WHEREAS**, SB1282 adds Sections 15.2-2316.3 and 15.2-2316.4 to the Code of Virginia, which provides for certain administrative permit processes pertaining to the installation of small cell facilities on private and public property; and

WHEREAS, said provisions limit the ability of localities to prohibit the installation of such small cell facilities; and

WHEREAS, the Code of the City of Williamsburg currently does not provide for such administrative permit processes nor addresses small cell facilities in the current zoning ordinance; and

WHEREAS, the City Code must be amended to encompass these required changes; and

**NOW, THEREFORE BE IT ORDAINED** that Section 21-624 is hereby added to Chapter 21, Article IV of the Code of the City of Williamsburg, as follows:

**CHAPTER 21**

**ARTICLE IV – SUPPLEMENTAL DISTRICT REGULATIONS**

**Section 21-624. SMALL CELL FACILITIES**

(a) Intent. These regulations are established to allow small cell facilities in all zoning districts subject to the conditions contained herein.

(b) Definitions.

As used in this article, unless the context requires a different meaning:

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Utility pole" means a structure owned, operated, or owned and operated by a public utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Water tower" means a water storage tank, or a standpipe or an elevated tank situated on a support structure, originally constructed for use as a reservoir or facility to store or deliver water.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum,

provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

(c) Permitted Use. Small cell facilities when co-located on an existing structure or utility pole on private property are permitted within all zoning districts of the City of Williamsburg with an administrative permit approved by the zoning administrator. Notwithstanding the above, small cell facilities proposed to be located within an AP or CP district must be approved by the architectural review board pursuant to Sections 21-854 and 21-855, in addition to obtaining the administrative permit as provided herein.

(d) Administrative permit. Small cell facilities shall obtain an administrative permit prior to installing such co-located small cell facilities on existing structures and utility poles located on private property.

1. The following information shall be provided for each proposed location as part of the permit application:

- A. The name, trade name, address and email address of the applicant;
- B. Name and address of the property on which the small cell facility is proposed to be located;
- C. A description of the small cell facility to be installed, including dimensions, as well as all ground equipment proposed;
- D. Evidence of approval of property owner for the installation of the small cell facility on the property;
- E. A minor site plan showing the proposed location of small cell facility on the property as required by section 21-779 of this chapter;
- F. All other necessary or required approvals for the installation of the small cell facility, including but not limited to, ARB approval, if required.
- G. Provide certification for each location that it does not interfere with other pre-existing communications facilities or with future communications facilities that have already been designed and planned.

2. An application fee of \$100 for up to five small cell facilities plus \$50 for each additional small cell facility applied for. No more than 35 locations for small cell facilities may be requested per application.

3. Within 10 days after receipt of an application, along with a valid email address for the applicant, the zoning administrator shall notify the applicant by electronic mail whether the application is incomplete and specify any missing information; otherwise the application shall be deemed complete.

4. The zoning administrator shall approve or disapprove the application within 60 days of receipt of the completed application, which shall be in writing. The 60 day period may be extended, in writing, for a period not to exceed 30 days. If the zoning administrator fails to either approve or disapprove the application within the initial 60 days or an extended 30 day period, the application shall be deemed approved.

5. A proposed location for installation of a small cell facility may be disapproved for the following reasons:

A. A material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities;

B. Public safety or other critical public service needs;

C. If the small cell facility is proposed to be installed within an AP and CP District and fails to obtain the necessary approvals of the ARB.

6. Nothing shall prohibit an applicant from voluntarily submitting, and the city from accepting any conditions that otherwise address potential visual or aesthetic effects resulting from placement of small cell facilities, provided such conditions comply with applicable law and are approved by the ARB, if required.

(e) Abandoned facilities. Wireless facilities along with any structures or equipment associated therewith, shall be removed from any property within 60 days upon cessation of use or abandonment.

(f) The installation, placement, maintenance, or replacement of micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall be permitted in all zoning districts, and exempt from the administrative permit requirement and fees herein provided.

**Secs. 21-625 - 21-700. Reserved.**

Chapter 9, Article X, Section 9-366 is hereby added to the City Code:

## **Chapter 9. Licenses, Permits, and Business Regulations.**

### **ARTICLE X. USE PERMITS FOR PUBLIC RIGHTS-OF-WAY AND PLACES**

#### **Sec. 9-364. - Right-of-way use permit processing fee.**

Except as provided in Section 9-366, the applicant for a right-of-way use permit hereunder shall complete a permit application on a form provided by the city and shall pay to the city an application and processing fee in the amount of \$20.00 per permit issued for projects of not more than 400 linear feet and in the amount of \$40.00 per

permit for projects greater than 400 linear feet. In lieu of paying fees for individual permits an applicant may at its election, pay to the city an annual permit processing fee of \$400.00 which will cover all permits issued hereunder to such applicant during the calendar year. Such annual permit fee shall be paid in one lump sum.

### **Sec. 9-366. Wireless facilities within city rights-of-way.**

#### **a. Definitions.**

As used in this article, unless the context requires a different meaning:

"Antenna" means communications equipment that transmits or receives electromagnetic radio signals used in the provision of any type of wireless communications services.

"Base station" means a station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables, or other associated equipment at a specific site that is authorized to communicate with mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies, and other associated electronics.

"Co-locate" means to install, mount, maintain, modify, operate, or replace a wireless facility on, under, within, or adjacent to a base station, building, existing structure, utility pole, or wireless support structure. "Co-location" has a corresponding meaning.

"Existing structure" means any structure that is installed or approved for installation at the time a wireless services provider or wireless infrastructure provider provides notice to a locality of an agreement with the owner of the structure to co-locate equipment on that structure. "Existing structure" includes any structure that is currently supporting, designed to support, or capable of supporting the attachment of wireless facilities, including towers, buildings, utility poles, light poles, flag poles, signs, and water towers.

"Micro-wireless facility" means a small cell facility that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior antenna, if any, not longer than 11 inches.

"Small cell facility" means a wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than 28 cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.

"Utility pole" means a structure owned, operated, or owned and operated by a public

utility, local government, or the Commonwealth that is designed specifically for and used to carry lines, cables, or wires for communications, cable television, or electricity.

"Wireless facility" means equipment at a fixed location that enables wireless communications between user equipment and a communications network, including (i) equipment associated with wireless services, such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services, such as microwave backhaul, and (ii) radio transceivers, antennas, coaxial, or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration.

"Wireless infrastructure provider" means any person that builds or installs transmission equipment, wireless facilities, or wireless support structures, but that is not a wireless services provider.

"Wireless services" means (i) "personal wireless services" as defined in 47 U.S.C. § 332(c)(7)(C)(i); (ii) "personal wireless service facilities" as defined in 47 U.S.C. § 332(c)(7)(C)(ii), including commercial mobile services as defined in 47 U.S.C. § 332(d), provided to personal mobile communication devices through wireless facilities; and (iii) any other fixed or mobile wireless service, using licensed or unlicensed spectrum, provided using wireless facilities.

"Wireless services provider" means a provider of wireless services.

"Wireless support structure" means a freestanding structure, such as a monopole, tower, either guyed or self-supporting, or suitable existing structure or alternative structure designed to support or capable of supporting wireless facilities. "Wireless support structure" does not include any telephone or electrical utility pole or any tower used for the distribution or transmission of electrical service.

b. Application. Wireless service providers installing small cell facilities co-located on existing structures shall utilize the application process as provided in Section 9-364, except that the permit processing fee for such application(s) shall not exceed \$250.00. Said application shall either be approved or disapproved within 60 days of the date the completed application is received. The 60 day period may be extended in writing for a period not to exceed 30 days. The applicant shall be notified within 10 days from the date the application is received if the application is incomplete and specify any missing information. Said application shall also contain notice of an agreement to co-locate on one or more existing structures in the rights-of-way.

c. Wireless service providers installing or maintaining micro-wireless facilities that are suspended on cables or lines that are strung between existing utility poles in compliance with national safety codes shall not be required to obtain a permit except as herein below provided. The wireless provider shall notify the city in the event that they propose to install or repair micro-wireless facilities within a public right-of-way at least twenty four hours prior to performing the work. A permit may be required by the city in the event that the work involves working within the highway travel lane or requires closure of a highway travel lane, disturbs the pavement, shoulder, roadway or ditch line,

includes placement on a limited access right-of-way, or requires any specific precautions to ensure safety of the traveling public or the protection of public infrastructure or the operation thereof, and either were not authorized in or will be conducted in a time, place and manner that is inconsistent with terms of an existing permit for that facility or the structure upon which it is attached. In the event an application is required to obtain a permit herein, no application fee shall be required for such application.

d. Wireless facilities other than co-located small cell facilities or wireless facilities shall only be permitted within city rights-of-ways with the approval of city council as part of a franchise application for use of the public rights-of-ways, consistent with state law.

e. Wireless facilities permitted within city rights-of-ways which cease to be used or which are abandoned shall be removed from city rights-of-ways within 60 days upon cessation of use or abandonment.

**Secs. 9-367-9-370. Reserved.**

Except as otherwise herein amended, the city code shall remain unchanged.

Adopted: \_\_\_\_\_, 2017

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Paul Freiling, Mayor

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Donna Scott, Clerk of Council

**ORDINANCE #17-**  
**PROPOSED ORDINANCE #17-20**

**AN ORDINANCE TO AMEND DESIGN REVIEW GUIDELINES OF THE CITY OF  
WILLIAMSBURG TO REGULATE THE LOCATION, APPEARANCE AND  
SCREENING OF SMALL CELL WIRELESS FACILITIES  
(PCR #17-023)**

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

**BE IT ORDAINED** that Chapter V and Chapter VI of the Design Review Guidelines are hereby amended to include the following language:

**CHAPTER V. ARCHITECTURAL REVIEW DISTRICT AP-1**

**SMALL CELL WIRELESS FACILITIES**

1. Exterior location is not permitted. Any proposed facilities must be located on the interior of a building.

**CHAPTER V. ARCHITECTURAL REVIEW DISTRICT AP-2**

**SMALL CELL WIRELESS FACILITIES**

1. Facilities located on the interior of a building are permitted. Facilities not visible from the Colonial Williamsburg Historic Area CW or from a public right-of-way may be allowed if appearance and screening requirements are designed as outlined in the Design Review Guidelines. Co-location on utility poles may be permitted if appearance and screening requirements are designed as outlined in the *Design Review Guidelines*.
2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW or a public right-of-way. Facilities shall be painted the same color as the structure for facilities affixed to the exterior of a building. All surfaces must contain a matte finish. Co-location on utility poles on private property must be painted to match the utility pole color. No shiny or reflective surfaces shall be allowed.
3. Screening may be required for facilities. If required, screening shall match the existing building material. If there is no existing building, the facility must be screened with a wooden privacy fence not to exceed six-feet in height. Salt-treated wooden fences must be painted or stained with the finished side of the fence facing the street and/or adjacent properties.

## CHAPTER V. ARCHITECTURAL REVIEW DISTRICT AP-3

### SMALL CELL WIRELESS FACILITIES

1. Facilities located on the interior of a building are permitted. Facilities not visible from the Colonial Williamsburg Historic Area CW or from a public right-of-way may be allowed if appearance and screening requirements are designed as outlined in the *Design Review Guidelines*. Co-location on utility poles may be permitted if appearance and screening requirements are designed as outlined in the *Design Review Guidelines*.
2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW or a public right-of-way. Facilities shall be painted the same color as the structure for facilities affixed to the exterior of a building. All surfaces must contain a matte finish. Co-location on utility poles on private property must be painted to match the utility pole color. No shiny or reflective surfaces shall be allowed.
3. Screening may be required for facilities. If required, screening shall match the existing building material. If there is no existing building, the facility must be screened with a wooden privacy fence not to exceed six-feet in height. Salt-treated wooden fences must be painted or stained with the finished side of the fence facing the street and/or adjacent properties.

## CHAPTER VI. CORRIDOR PROTECTION DISTRICT COMMERCIAL AND RESIDENTIAL BUILDINGS

### SMALL CELL WIRELESS FACILITIES

1. Facilities may be located where they are not visible from a public right-of-way if appearance and screening requirements are designed as outlined in the *Design Review Guidelines*. Co-location on utility poles on private property may be permitted if appearance and screening requirements are designed as outlined in the *Design Review Guidelines*.
2. Facilities shall be painted the same color as the building for facilities affixed to the exterior of a building. All surfaces must contain a matte finish. Co-location on utility poles on private property must be painted to match the utility pole color. No shiny or reflective surfaces shall be allowed.
3. Screening may be required for facilities. If required, screening shall match the existing building material. If there is no existing building, the facility must be screened with a wooden privacy fence not to exceed six-feet in height. Salt-treated wooden fences must be painted or stained with the finished side of the fence facing the street and/or adjacent properties.

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

Adopted: November 9, 2017

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Paul Freiling, Mayor

Attest: \_\_\_\_\_