PUBLIC NOTICE
WILLIAMSBURG CITY COUNCIL

The Williamsburg City Council will hold public hearings on Thursday, November 8, 2018 at 2:00 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

PCR#18-018: An ordinance to amend the Zoning Ordinance Article II, Division 1, Section 21-29(b)(3), by increasing the maximum fine for misdemeanor convictions and increasing the maximum fine for failure to remove or abate zoning violations after conviction.

PCR#18-021: An ordinance to amend the Zoning Ordinance Article I, Section 21-2 by defining solar energy systems, adding a new section 21-625 to Article IV, Supplemental District Regulations for solar energy systems and adopting revisions to the Design Review Guidelines in the AP and CP Districts for solar energy systems as outlined in the ordinance.

PCR#18-022: Request of St. Bede's Catholic Church for a special use permit to construct two accessible bathroom additions to the church located at 520 Richmond Road in a Single-Family Dwelling District RS-2.

PCR#18-023: Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance to allow outdoor special events with a special use permit in the Museum Support District MS.

PCR#18-024: Request of the Colonial Williamsburg Foundation for a special use permit to allow outdoor special events at 100 Visitor Center Drive on the Palace Farms site (across the street from the Visitor Center) in the Museum Support District MS.

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

If you are disabled and need accommodation in order to participate in the public hearings, please call the Planning Department at (757) 220-6130, (TTY) 220-6108, no later than 12:00 noon, Thursday, November 1, 2018.

Debi Burcham
Clerk of Council

CITY OF WILLIAMSBURG

MEMORANDUM

DATE: **October 19, 2018**

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

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

STAFF RECOMMENDATION

The Planning Commission recommends to City Council adoption of the proposed ordinance to update criminal penalties as required by HB 709.

PLANNING COMMISSION

Planning Commission held a public hearing on October 17, 2018. No one spoke at the meeting. Planning Commission recommended to City Council by a vote of 5-0 adoption of the proposed ordinance to update criminal penalties as required by HB 709.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on November 8, 2018 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Codes Compliance and Planning Director

[PC\PCR\2018\18-018M06]

ORDINANCE #18-
PROPOSED ORDINANCE #18-___

AN ORDINANCE TO AMEND SEC. 21-29 (b)(3)b OF CHAPTER 21, ARTICLE II. ADMINISTRATION, DIVISION 1 GENERALLY OF THE WILLIAMSBURG CODE TO REFLECT PROVISIONS OF HOUSE BILL 709 ENACTED AT THE 2018 SESSION OF THE VIRGINIA GENERAL ASSEMBLY
(PCR#18-018)

WHEREAS, the Virginia General Assembly at its 2018 Session enacted House Bill 709 that amends paragraph A 5 of Virginia Code §15.2-2286 pertaining to optional criminal penalties for zoning violations causing injury to one or more persons; and

WHEREAS, it is in the best interest of the public welfare and safety to amend sec. 21-29 of city's zoning laws to reflect such change;

IT IS, THEREFORE, hereby ORDAINED, that City Code Sec. 21-29(b)(3)b of the Williamsburg Code is hereby amended by amending subsection (b)3(b) as set forth below:

Sec. 21-29. Violation and penalty.

(a) All City officials and employees who are vested with duty or authority to issue permits or licenses shall adhere to the provisions of this chapter. They shall issue permits for uses, buildings or purposes only when they comply with the provisions of this chapter. Any permit or license issued in conflict with the provisions of this chapter shall be null and void.

(b) The following persons shall be jointly and severally liable for any violation of this chapter that causes, permits a violation of the zoning ordinance, or fails to abate such violation within the time frame specified in a notice of violation given to such person:

(1) Any owner who holds fee simple title to such real property, whether as sole owner or co-owner thereof; and whether such co-ownership is as a tenant by the entireties, joint tenant or tenant in common, and also including any trustee that holds title to real property, excluding, however, a trustee under any deed of trust on the property,

(2) Any tenant occupies the property, whether or not for compensation,

(3) Any person who is in charge of one or more of the development, maintenance, occupancy or use of the property.

The City may proceed against any one or more of said persons for violation of this chapter, and each person proceeded against shall be punished by assessment of a civil penalty of $200.00 for the initial summons and $500.00 for each additional summons.

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a. Each day during which the violation is found to exist shall constitute a separate offense; however, in no event shall penalties for specified violations arising from the same operative set of facts be charged more frequently than once in any ten-day period, nor shall a series of specified violations arising from the same operative set of facts result in civil penalties which exceed a total of $3,000.00. No civil penalty shall accrue or be assessed during the pendency of the 30-day appeal period provided for under section 21-98 of this code.

b. Each violation shall be subject only to the civil penalty set forth unless such violation results in injury to one or more persons, in which case the violation may, at the option of the zoning administrator, be prosecuted as a ~~class 4~~ misdemeanor punishable by a fine of not more than $1,000. In the event of such election, no civil penalty shall be assessed as to such violation. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the specified time period shall constitute a separate misdemeanor offense punishable by a fine of not more than $1,500, and; any such failure during any a succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than $100 nor more than $1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than $2,000.

(~~3~~4) If a person charged with a violation does not elect to enter a waiver of trial as hereinafter provided, the violation shall be tried in the General District Court for the City of Williamsburg and the County of James City in the same manner and with the same right of appeal as provided by law.

(~~4~~5) Any person subject to civil penalty and summoned for a violation may appear in person or in writing by mail to the department of finance prior to the date fixed for trial in court. Such person may enter a waiver of trial, admit liability and pay the civil penalty assessed hereunder. Such persons shall be informed of their right to stand trial and that such person's signature to an admission of liability will have the same force and effect as a judgment in court.

(~~5~~6) An admission or finding of liability shall not be a criminal conviction for any purpose.

(c) In addition to pursuing the penalties provided in section 21-29(b) above, the zoning administrator may bring additional legal action to ensure compliance

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with this chapter, including injunction, abatement or other appropriate action or proceeding.

(d) For purposes of this chapter, owner means the person or entity shown on the City's current real estate assessment records or the fee simple title holder(s) of the property if ownership has changed since such tax assessment records were last updated; tenant means any person, other than the owner, who resides at or otherwise occupies the subject property, with or without a valid lease and whether or not compensation is paid for said residence or not.

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

Adopted: _____, 2018 _____

Paul T. Freiling, Mayor

Attest: _____

Debi Burcham, Clerk

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CITY OF WILLIAMSBURG

MEMORANDUM

DATE: **October 19, 2018**

SUBJECT: **PCR#18-021 Solar Facilities**
Zoning text change adding a definition to Section 21-2 for solar energy system; adding Section 21-625 to Chapter 21, Article IV, Supplemental District Regulations for solar energy systems and updating the Design Review Guidelines for solar energy systems.

In their 2018 session, the General Assembly enacted House Bill 508 that mandates amendments to the City of Williamsburg's Zoning Ordinance regarding solar energy systems. The City has reviewed the bill and proposes the following ordinance amendments and update to our ***Design Review Guidelines*** to meet the mandate.

The text changes define a solar energy system and allow solar energy systems in the City meeting the following criteria:

1. Must be installed in compliance with applicable provisions of the USBC and the VSFPC.
2. Systems are not permitted in the Colonial Williamsburg Historic Area CW.
3. Systems located outside of the Colonial Williamsburg Historic Area CW but are located in an Architectural Preservation District or Corridor Protection District are subject to review and approval by the City's Architectural Review Board.
4. Except in Colonial Williamsburg Historic Area CW a solar energy system may be installed on the roof of any building or structure meeting certain criteria in the ordinance.
5. Except in the Colonial Williamsburg Historic Area CW, Architectural Preservation District, AP and Corridor Protection District CP a solar energy system may be attached and incorporated as part of any building façade.
6. No ground mounted solar energy generation facilities shall be permitted.
7. Height limitations of 15 feet unless required by the USBC, or VSFPC.

The Architectural Review Board has amended their ***Design Review Guidelines*** to address solar energy facilities. The Architectural Review Board held a public hearing at their September 11, 2018 regular meeting and the Board recommends approval of the attached update to the ***Design Review Guidelines*** to address solar energy systems.

STAFF RECOMMENDATION

The Planning Commission recommends to City Council adoption of the proposed ordinances to add a solar energy system definition to Section 21-2, add Section 21-625 to Supplemental District Regulations for solar energy systems and updating the City's ***Design Review Guidelines*** as they pertain to solar energy systems as required by HB 508.

PLANNING COMMISSION

Planning Commission held a public hearing on October 17, 2018. No one spoke at the meeting. Planning Commission recommended to City Council by a vote of 5-0 adoption of the proposed ordinances to add a solar energy system definition to Section 21-2, add Section 21-625 to Supplemental District Regulations for solar energy systems and updating the City's ***Design Review Guidelines*** as they pertain to solar energy systems as required by HB 508.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on November 8, 2018 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Code Compliance and Planning Director

[PC\PCR\2018\18-021M04]

ORDINANCE #18-
PROPOSED ORDINANCE #18-____

AN ORDINANCE TO AMEND THE FOLLOWING PROVISIONS OF THE WILLIAMSBURG CODE; CHAPTER 21: ARTICLE I, SECTION 21-2; ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS BY ADDING NEW SECTION 21-625 IN ORDER TO COMPLY WITH THE MANDATES OF HOUSE BILL 508 ENACTED BY THE VIRGINIA GENERAL ASSEMBLY AT ITS 2018 SESSION REGARDING REGULATION OF SOLAR FACILITIES
(PCR#18-021)

WHEREAS, the Virginia General Assembly at its 2018 Session enacted House Bill 508 that adds new §15.2-2288.7 of the Virginia Code pertaining to local zoning regulations of solar facilities; and

WHEREAS, it is necessary to amend the City's zoning laws to include changes mandated by House Bill 508;

IT IS, THEREFORE, it is hereby ordained, that the following amendments are hereby made to Chapter 21 of the Williamsburg Code in order to comply with such mandate:

Sec. 21-2. Definitions.

Solar energy system means equipment used primarily for the collection and use of solar energy for water, heating or cooling, or other application requiring an energy source.

Sec. 21-625. Solar energy systems.

The following requirements apply to solar energy systems:

(1) Solar energy systems shall be installed in compliance with applicable provisions of the USBC and the VSFPC.

(2) Solar energy systems are not permitted in the Colonial Williamsburg Historic Area CW (Article III, Division 12).

(3) Solar energy systems not located in the Colonial Williamsburg Historic Area (Article III, Division 12) but are location in an Architectural Preservation District AP (Article IX, Sec 21-851) and Corridor Protection District CP (Article IX, Sec 21-852) are subject to review and approval from the Architectural Review Board in accordance with Article IX. Architectural Review.

(4) Except in the Colonial Williamsburg Historic Area (Article III, Division 12); a solar energy system may be installed on the roof of any building or structure, whether principal or accessory, subject, however to the following:

a. The height of a solar energy system installed on the roof of a primary building and accessory buildings on the same lot in zoning districts RS-1, RS-2, RS-3, RDT, LB-1,

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PDC, PDU or Limited Industrial-1, may extend up to five (5) feet above the highest point of the roof of the building or structure on which it is installed.

b. In all other zoning districts a rooftop solar energy system shall be subject to the same height and area limitations as are stair towers, equipment penthouses, mechanical equipment and screening walls, and shall be set back from the front wall of the building one foot for each foot of height above the roof level.

(5) Except in the Colonial Williamsburg Historic Area (Article III, Division 12); Architectural Preservation District AP (Article IX, Sec. 21-851) and Corridor Protection District CP (Article IX, Sec. 21-852), a solar energy system may be attached and incorporated as part of any building facade (for example: roof tiles, window shutters, canopies, etc.).

(6) No ground mounted solar energy generation facilities shall be permitted.

(7) Except as provided in paragraph (4)(a), above, a solar energy system, together with its support, shall not itself exceed a height of fifteen (15) feet unless otherwise required by the USBC or VSFPC for a specific use.

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

Adopted: _____, 2018 _____
Paul T. Freiling, Mayor

Attest: _____
Debi, Burcham, Clerk of Council

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ORDINANCE #18-_
PROPOSED ORDINANCE #18-

AN ORDINANCE TO AMEND THE DESIGN REVIEW GUIDELINES OF THE CITY OF WILLIAMSBURG TO REGULATE THE LOCATION AND APPEARANCE OF SOLAR ENERGY FACILITIES
(PCR #18-21)

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
Solar Energy Facilities

1. No facilities are allowed.

CHAPTER V. ARCHITECTURAL REVIEW DISTRICT AP-2
Solar Energy Facilities

1. Only facilities located on the roof are allowed.
2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW.
3. The use of solar roof tiles, laminates, glazing and other technologies that require the removal of intact historic fabric, or which permanently alter or damage such fabric, should be avoided.
4. Solar panels should be flush with, or mounted no higher than a few inches above, the existing roof surface and should not be visible above the roofline of a primary facade.
5. The overall visibility and reflectivity of solar panels and their support structures should be neutral in color.
6. Consider placing solar panels on an existing, non-historic addition or accessory structure, thereby minimizing the impact of solar installation on the significant features of the historic resource as well as specifically protecting historic fabric against alteration.
7. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, including those facing side streets. Installations below and behind parapet walls and dormers, or on rear-facing roofs are encouraged.
8. Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features, such as overlaying windows or decorative detailing.

CHAPTER V. ARCHITECTURAL REVIEW DISTRICT AP-3
Solar Energy Facilities

1. Only facilities located on the roof are allowed.

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2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW.
3. The use of solar roof tiles, laminates, glazing and other technologies that require the removal of intact historic fabric, or which permanently alter or damage such fabric, should be avoided.
4. Solar panels should be flush with, or mounted no higher than a few inches above, the existing roof surface and should not be visible above the roofline of a primary facade.
5. The overall visibility and reflectivity of solar panels and their support structures should be neutral in color.
6. Consider placing solar panels on an existing, non-historic addition or accessory structure, thereby minimizing the impact of solar installation on the significant features of the historic resource as well as specifically protecting historic fabric against alteration.
7. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, including those facing side streets. Installations below and behind parapet walls and dormers, or on rear-facing roofs are encouraged.
8. Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features, such as overlaying windows or decorative detailing.

CHAPTER VI. COORIDOR PROTECTION DISTRICT COMMERCIAL AND RESIDENTIAL BUILDINGS

Solar Energy Facilities

1. Only facilities located on the roof are allowed.
2. Facilities shall not be visible from the Colonial Williamsburg Historic Area CW.
3. The use of solar roof tiles, laminates, glazing and other technologies that require the removal of intact historic fabric, or which permanently alter or damage such fabric, should be avoided.
4. Solar panels should be flush with, or mounted no higher than a few inches above, the existing roof surface and should not be visible above the roofline of a primary facade.
5. The overall visibility and reflectivity of solar panels and their support structures should be neutral in color.
6. Consider placing solar panels on an existing, non-historic addition or accessory structure, thereby minimizing the impact of solar installation on the significant features of the historic resource as well as specifically protecting historic fabric against alteration.
7. To the greatest extent possible, avoid placing solar panels on street-facing walls or roofs, including those facing side streets. Installations below and behind parapet walls and dormers, or on rear-facing roofs are encouraged.
8. Solar panels should not require alterations to significant or character-defining features of a historic resource, such as altering existing roof lines or dormers. Avoid installations that obstruct views of significant architectural features, such as overlaying windows or decorative detailing.

DRAFT

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

Adopted:

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, Clerk of Council

DRAFT

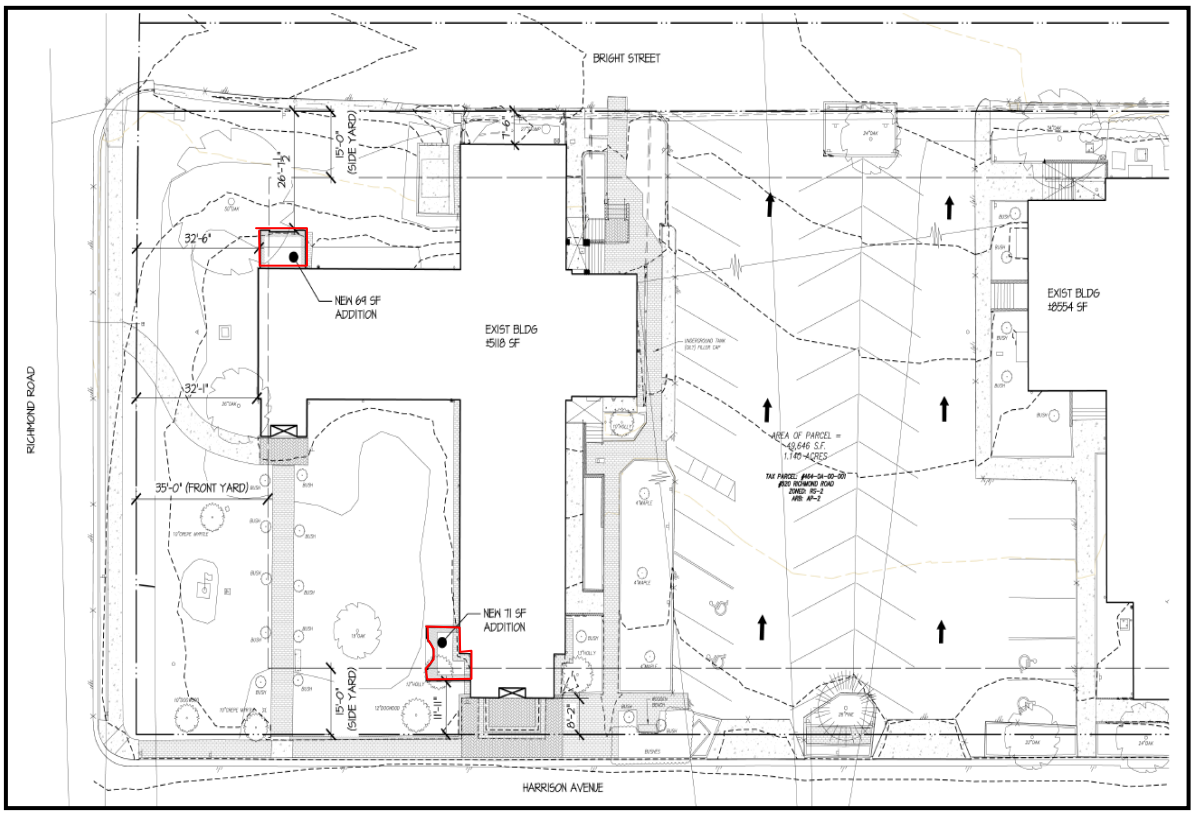
CITY OF WILLIAMSBURG
MEMORANDUM

DATE: **October 18, 2018**

SUBJECT: **PCR#18-022**
Request by St. Bede Catholic Church to construct two additions to provide handicap accessible restrooms

APPLICANT'S REQUEST

St. Bede Catholic Church is proposing two accessible restroom additions, a 71 square foot addition on the Harrison Avenue street façade and a 69 square foot addition on the Richmond Road façade. The church currently has no accessible restrooms. Currently, restrooms in the building are located in the basement which are only assessible from the exterior of the building downstairs at the rear of the building. The applicant applied for and received a special exception from the Board of Zoning Appeals at their August 7, 2018 meeting (BZA#18-010) to construct the additions within the existing setbacks of the church. The applicant's statement is attached.



CURRENT REGULATIONS

Comprehensive Plan

The 2013 Comprehensive Plan designated this parcel as Low Density Detached Single-Family Residential land use, which is defined in the Plan as follows:

> *This category addresses the lowest intensity of residential development - large lot single -family detached residential areas – with densities of up to 3 dwelling units/net acre. Lot sizes will generally range from 10,000 SF to 20,000 square feet. This category is implemented by the RS-1, RS-2 and PDR zoning districts*

Land to the north and east are designated Low Density Detached Single-Family Residential land use. Properties to the south and west are designated William and Mary land use.

Zoning

This property along with properties to the north and east are designated Single-Family Dwelling District RS-2. Lands to the south and west are designated 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.

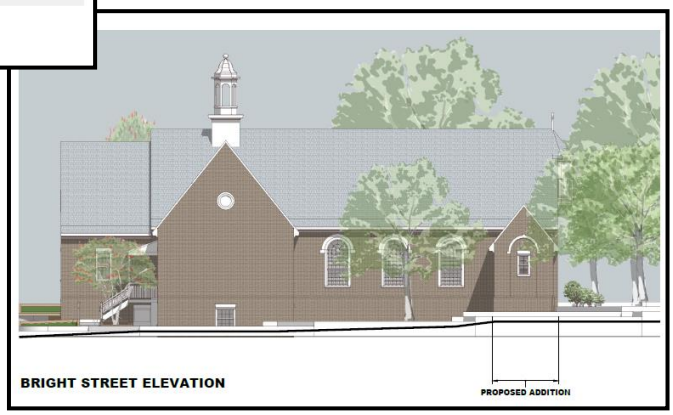
(2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.

(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 two additions from the Architectural Review Board at their May 22, 2018 meeting (ARB#18-069).



Site Plan Review Committee
The Site Plan Review Committee reviewed the request at their September 19, 2018 meeting and recommended approval.

ANALYSIS

These two additions create no additional seats in the sanctuary, therefore no additional parking is required. The property is adequately served by essential public services such as streets, drainage facilities, fire protection and public water and sewer facilities.

This proposed project is in harmony with the adopted comprehensive plan, and the intent and purpose of the Zoning Ordinance. The proposed use is in harmony with the character of the adjacent properties and will not result in the destruction, loss or damage of any feature determined to be of significant ecological, scenic or historic importance. This project is designed and sited so that it will not hinder or discourage the appropriate development or use of adjacent properties and surrounding neighborhoods.

STAFF RECOMMENDATION

Staff recommends that the Planning Commission recommend to City Council approval of the Special Use Permit for St. Bede Catholic Church to construct two bathroom additions as shown on the attached conceptual site plan containing two accessible restrooms at 520 Richmond Road for the church.

PLANNING COMMISSION

Planning Commission held a public hearing on October 17, 2018. Other than the applicant's representative no one spoke.

Planning Commission recommended to City Council by a vote of 5-0, approval of a special use permit for St. Bede's Catholic Church to construct two additions on the church as shown on the attached conceptual site plan containing two accessible restrooms at 520 Richmond Road.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on November 8, 2018 in the Council Chambers of the Stryker Center at 2:00 p.m.

Erin Burke,
Principal Planner

HOPKE & ASSOCIATES
■ ARCHITECTURE/PLANNING/INTERIORS

August 8, 2018

Erin Burke Principal Planner
City of Williamsburg
401 Lafayette Street
Williamsburg, Virginia 23185
via: hand delivery

re: Restroom Additions to the National Shrine of
Our Lady of Walsingham
H&A #38007

Dear Ms. Burke,

Please accept this letter and attachments as a formal request for a Special Use Permit (SUP) for the above referenced property. The existing Church, which pre-dates the SUP ordinance, wishes to modestly expand its facility to provide two, small handicap accessible toilets.

Currently the building does not have an accessible toilet room. The closest toilet room available to the public during a service is at the basement level of the building and can only be reached by exiting the building. Once traversing the site to the lower level, the toilet rooms themselves are not handicap accessible.

The proposed additions will be very small and provide for two new, handicap accessible, single-user toilet rooms: one at the original narthex, nearest to Richmond Road, and one at the "new" narthex, nearest to Harrison Avenue. ***We feel the SUP is justified in that it represents a very, very minor expansion with no measurable negative impacts on the surrounding properties.***

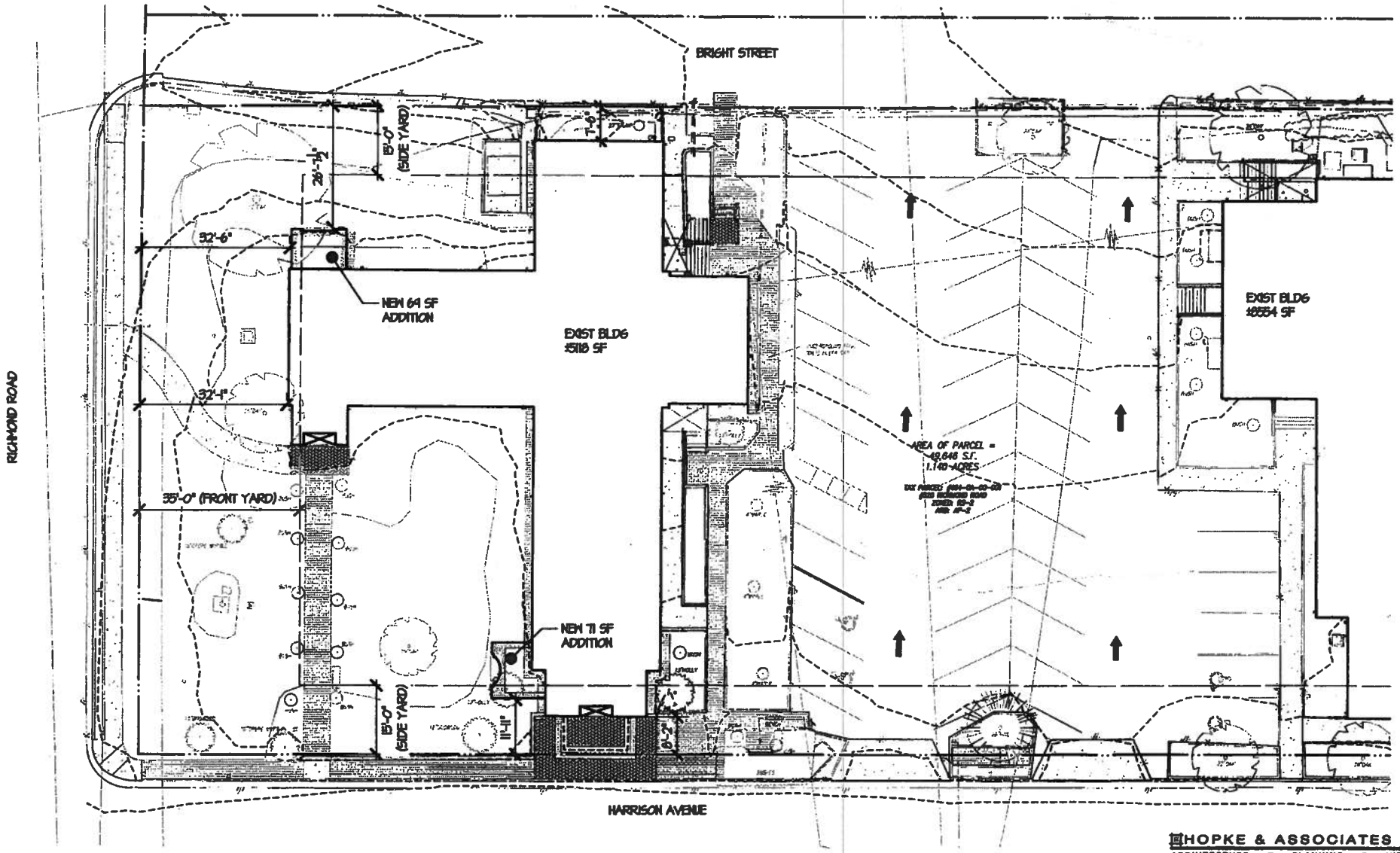
We also wish to emphasize that the expansion, as designed, was granted a waiver by the Board of Zoning Appeals (BZA) to enlarge a non-conforming existing building and the schematic design for the restroom additions have been reviewed conceptually by the Architectural Review Board (ARB), receiving a positive endorsement. Enclosed you will find a preliminary site plan, showing current and proposed setback dimensions, a formal application form, and a copy of the conceptual ARB submission graphic. Please let me know if you need any additional information. Thank you again for your assistance.

Very truly yours,
HOPKE & ASSOCIATES, Inc.

John A. Hopke, RA
Principal

cc: Bernard Mills
Monsignor Keeney

■
1156 Jamestown Road, Suite C
Williamsburg, VA 23185
p(757)229-1100
f(757)229-0869
www.hopke.com



HOPKE & ASSOCIATES INC.
ARCHITECTURE ▫ PLANNING ▫ INTERIORS
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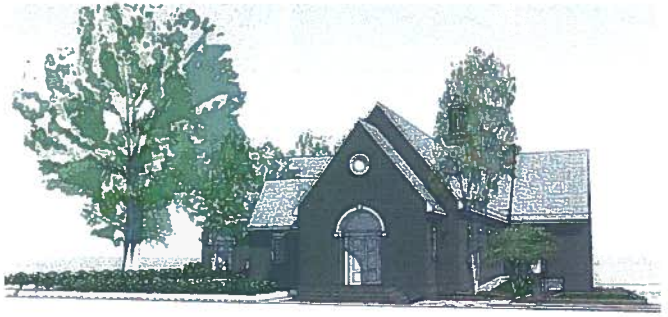
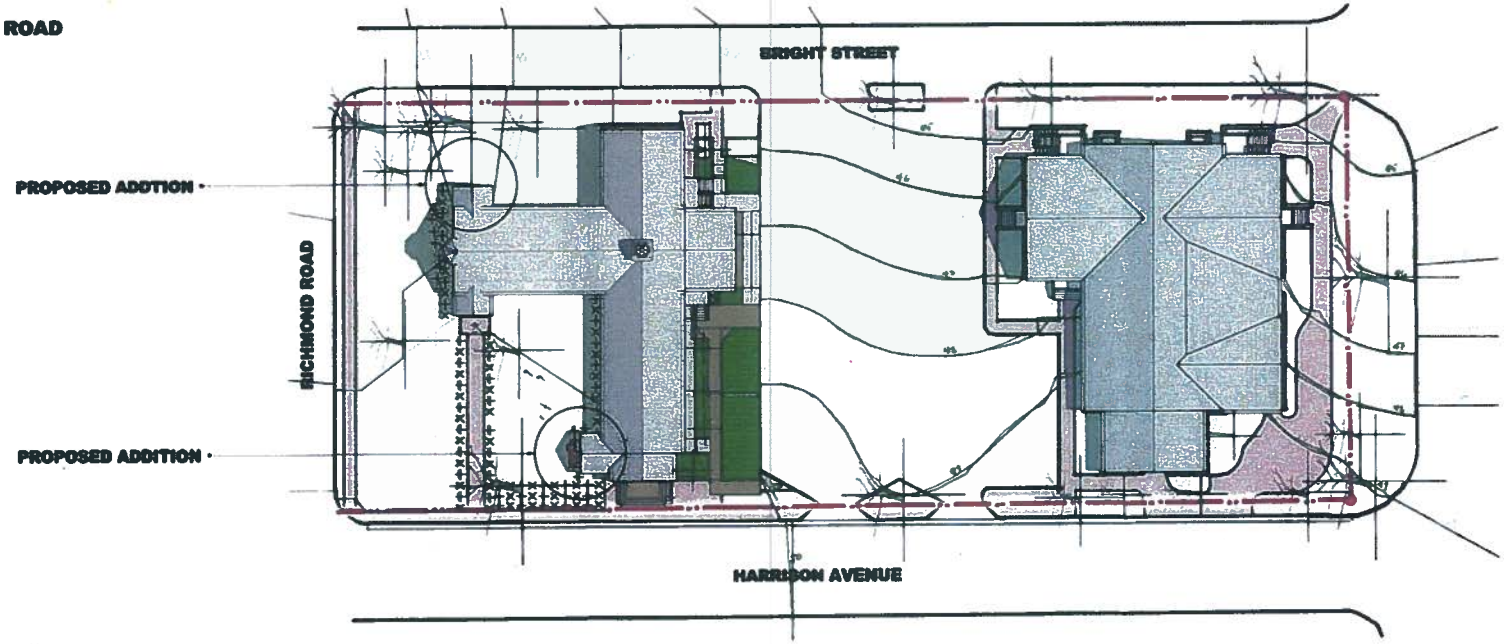
www.hopke.com
757.229.1100 Telephone
757.229.0869 Facsimile

Date 07/09/2018
Rev. 10/24/2018 PROJECTS\05007\DWG\05007 SITE PLAN FOR ORDINANCE.DWG

PERSPECTIVE FROM RICHMOND ROAD
AND BRIGHT STREET



PERSPECTIVE FROM HARRISON AVENU



SITE PLAN

H&A #36099

CONCEPTUAL DESIGN for additions to the

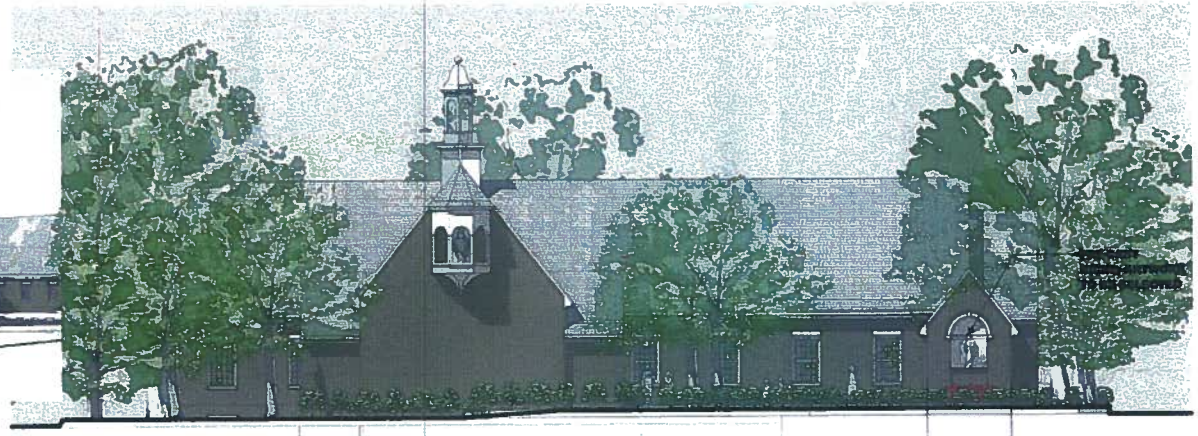
THE NATIONAL SHRINE OF OUR LADY OF WALSINGHAM

CITY OF WILLIAMSBURG, VA

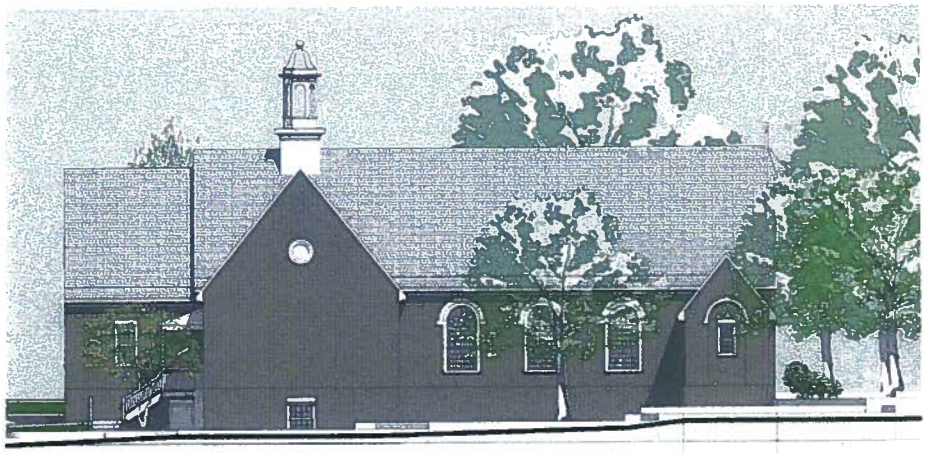
07 MAY 2018

HOPKE & ASSOCIATES
ARCHITECTURE | PLANNING | INTERIORS

PERSPECTIVE FROM RICHMOND ROAD
AND HARRISON AVENUE



RICHMOND ROAD ELEVATION



BRIGHT STREET ELEVATION

HARRISON AVENUE ELEVATION

H&A #36099

CONCEPTUAL DESIGN for additions to the

THE NATIONAL SHRINE OF OUR LADY OF WALSINGHAM

CITY OF WILLIAMSBURG, VA

07 MAY 2018

HOPKE & ASSOCIATES

CITY OF WILLIAMSBURG
MEMORANDUM

DATE: **October 19, 2018**

SUBJECT: **PCR#18-023:** Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance to allow outdoor special events with a special use permit in the Museum Support District MS.

PCR#18-024: Request of the Colonial Williamsburg Foundation for a special use permit to hold special events at 100 Visitor Center Drive on the Palace Farms site (across the street from the Visitor Center) in the Museum Support District MS.

APPLICANT'S REQUEST

Colonial Williamsburg Foundation is proposing to create an outdoor event venue at the Palace Farms site located at 100 Visitor Center Drive. This site contains over 42 acres and the applicant proposes to use the area currently developed which is approximately 21 acres. The applicant is proposing to amend the zoning text to require a special use permit for outdoor special events in the Museum Support District MS. The second part of the request is for a special use permit to allow outdoor special events at this location as shown on the sketch provided by the applicant.

The applicant notes in their application examples of venues proposed for this area include live concerts and festivals, live stage theatre, outdoor lecture series, outdoor movie nights and pop-up food and beverage festivals.

The applicant proposes the following temporary facilities as shown on the enclosed sketch to include a stage, grass seating for up to 5,000 attendees, portable restroom facilities, food and beverage tents and food trucks if the Zoning Ordinance is amended to allow food trucks in other locations in the City. The size of the stage and fencing will vary depending on the venue. Examples of staging and fencing provided by the applicant are those similar to the Summer Breeze Concerts and the Fun House Fest events currently held on the Museum lawn.

Current plans may allow for outside food and non-alcoholic beverages within the venue for certain events. If alcoholic beverages are allowed they will be restricted to those purchased on-site and inside the fenced venue.

Parking is available at the site and across the street at the Visitor Center. Access to the site from the Visitor Center is by the pedestrian bridge across Visitor Center Drive.

CURRENT REGULATIONS

Comprehensive Plan

The 2013 Comprehensive Plan designates this parcel as Colonial Williamsburg Support, which is defined in the Plan as follows:

> *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 Height Education Campus and the Colonial Williamsburg Nursery fall under this category. This category is implemented by the MS zoning district.*

Land to the east is designated Colonial Williamsburg Support land use. Lands to the south are designated Colonial Williamsburg Support land use and Public and Semi Public. Lands to the west and north are designated Low Density Single-Family Detached Residential, Medium Density Multi-Family Attached Residential and Parks Parkway and Recreation.

Zoning

This property along with property to the east are designated Museum Support District MS. Lands to the south are designated Museum Support District MS, Colonial Williamsburg Historic Area CW, Single-Family Dwelling District RS-3 and Downtown Business District B-1. Properties to the west are zoned Multi-Family Dwelling District RM-1 and Museum Support District MS.

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

> *This district is established to 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.*

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.

Site Plan Review Committee

The Site Plan Review Committee reviewed the request at their September 19, meeting and recommended approval and suggested a condition that the special use permit be granted for two years to allow enough time for the applicant to have two seasons to determine if the concept will be viable.

ANALYSIS

The site currently contains a parking lot, the relocated windmill and interpretative site (Great Hopes Plantation) which has been closed. This site is located in the Museum Support District MS. The parking lot was constructed and used as an overflow lot for the Visitor Center and has been mainly vacant for years.

The applicant has applied for a text amendment which is attached to add "outdoor special events" as a special use permit in the Museum Support District MS. The second part of the request is for a special use permit to allow outdoor special events at the site. The proposal is to install temporary staging, portable restrooms, temporary food and beverage tents and grass seating for up to 5,000 attendees to determine if this site and location is a viable use for these events. All temporary installations will be removed following each event.

This property is currently underutilized and the applicant is proposing to use a portion of the property for a variety of special events to attract more visitors to the City. They currently are asking for a special use permit for one year to determine if the space and location will support the new concept. If so, the applicant will return to ask for a special use permit for a longer period of time with more permanent structures. There is ample parking on-site and at the Visitor Center across the street to accommodate parking for the venue. Those parking at the Visitor Center have a safe route to the site with use of the pedestrian bridge across Visitor Center Drive.

RECOMMENDATION

PCR#18-023
Staff supports the request to allow "outdoor special events" with a special use permit in the Museum Support District MS and recommends that the Planning Commission recommend to City Council approval of the text change as outlined in the attached proposed ordinance.

PCR#18-024
Staff recommends approval of the special use permit request to allow "outdoor special events" at 100 Visitor Center Drive subject to the following conditions because the proposal is in harmony with the Comprehensive Plan, the intent and purpose of the Museum Support District MS, in harmony with adjacent properties, is served by public facilities, it will not result in the destruction, loss or damage of significant ecological,

scenic or historical important features and it will not hinder or discourage appropriate development or use of adjacent properties:

1. The Fire Department must inspect and approve tent and stage installations.
2. All tents, stages, portable restroom facilities must be removed after each event.
3. All amplified performances must cease by 11:00 p.m.
4. This permit shall expire on December 31, 2020.

PLANNING COMMISSION

Planning Commission held a public hearing on October 17, 2018. Other than the applicant no one spoke at the meeting. Planning Commission recommended to City Council by a vote of 4-0-1 approval of the proposed ordinance to add "outdoor special events" to the Museum Support District MS with a special use permit. The Commission also recommended approval of the special use permit request by a vote of 4-0-1 to allow "outdoor special events" at 100 Visitor Center Drive subject to the following conditions:

1. The Fire Department must inspect and approve tent and stage installations.
2. All tents, stages, portable restroom facilities must be removed after each event.
3. All amplified performances must cease by 11:00 p.m.
4. This permit shall expire on December 31, 2020.

CITY COUNCIL PUBLIC HEARING

A City Council public hearing is scheduled for their regular meeting on November 8, 2018 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Planning and Codes Compliance Director

ORDINANCE #18-
PROPOSED ORDINANCE #18-

AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE III. DISTRICT REGULATIONS, DIVISION 12. COLONIAL WILLIAMSBURG HISTORIC AREA CW
BY ADDING OUTDOOR SPECIAL EVENTS WITH A SPECIAL USE PERMIT
(PCR #18-023)

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

BE IT ORDAINED that Chapter 21, Zoning, Article III. District Regulations, Division 13. Museum Support District, Sec. 21-434. Uses permitted with a special use permit, shall be amended to read as follows:

ARTICLE III. DISTRICT REGULATIONS

DIVISION 13. MUSEUM SUPPORT DISTRICT MS

Sec. 21-434. Uses permitted with special use permit.

Uses permitted in the Museum Support District MS with a special use permit approved by the city council in accordance with Article II, Division 2, are as follows:

(1) Golf courses, including clubhouses and maintenance facilities, but excluding miniature golf courses or driving ranges that are not accessory to a golf course.

(2) Hotels/motels and timeshare units, and associated meeting facilities. Hotels/motels are further regulated by Article 9, Licenses, Permits and Business Regulations.

~~(2.1)~~ (3) Lighted athletic fields owned and/or operated by the City of Williamsburg.

~~(3) Parking garages~~.

~~(4) [Reserved].~~ (4) Outdoor special events.

~~(5) Restaurants.~~ (5) Parking garages.

(6) Restaurants.

~~(5.1)~~ (7) Radio and cellular communications towers and antennae that are part of a distributed antenna system (DAS), provided that the height of the tower shall not exceed 50 feet.

DRAFT

~~(6)~~ (8) Support facilities for the Colonial Williamsburg Historic Area, as follows:

a. Bakeries.

b. Building and landscape maintenance facilities.

c. Commissaries.

d. Laundries.

e. Plant nurseries and greenhouses.

f. Parking lots with more than 25 spaces as a principal use.

g. Recycling operations including the storage and handling of glass, paper and aluminum products.

h. Service stations provided that repair of vehicles takes place in a fully enclosed building.

i. Shooting ranges for authentic and/or replica 18th Century firearms.

j. Stables.

k. Storage buildings and warehouses.

l. Storage yards for materials and equipment.

m. Vehicle maintenance facilities, which may include tour bus parking, fueling facilities, bus driver lounges, truck and trailer rental with storage of vehicles on premises, and related facilities.

n. Visitor reception centers.

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

Adopted:

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, Clerk of Council

[PC\PCR\2018\18-023 OD1]

DRAFT

The Colonial Williamsburg Foundation

To feed the human spirit by sharing America's enduring story

August 20, 2018

MERCHANTS SQUARE

Ms. Carolyn A. Murphy
Director of Planning and Codes Compliance
City of Williamsburg
401 Lafayette Street
Williamsburg, VA 23185-3617

Dear Ms. Murphy:

Thank you for reviewing Colonial Williamsburg's conceptual plans for creation of a new outdoor event venue at the Palace Farms site, located at 100-120 Visitor Center Drive (across Route 132Y from Colonial Williamsburg's Visitor Center).

Because the site is located within the current Museum Support District, by this letter, along with the attached application, Colonial Williamsburg is requesting a Zoning Text Change to the uses permitted within the Museum Support District with a Special Use Permit in order to complete our planning this fall, in time for scheduling events that would begin in June 2019.

Our specific request is to include new wording to Section 21-434 – Uses permitted with special use permit, that will permit Outdoor Special Events within the Museum Support District.

Pending approval of the attached applications, plans would include temporary installation and use of the following. Temporary installations would be removed following each event.

- Temporary staging for concerts and events
- Preparation of grass seating areas for up to 5,000 attendees
- Temporary portable restroom facilities
- Temporary food and beverage tents
- Food trucks (pending future changes to City of Williamsburg food truck permissions)
- Parking at the lot located at the venue as well as at the Visitor Center

Once approved, examples for use of the venue would include the following, ticketed or free events:

- Live concerts and festivals
- Live staged theatre
- Outdoor lecture series
- Outdoor movie nights
- Pop up food and beverage festivals

Current plans may allow outside food and non-alcoholic drinks within the venue for certain events. However, no outside alcoholic beverages will be allowed inside the venue, which will be restricted to alcoholic beverages sold onsite.

Parking near the concerts will be abundant and available adjacent to the venue and across Route 132Y at Colonial Williamsburg's Visitor Center.

The proposed stage location, along with the planned placement of the fencing enclosure is shown in the following images. Alcoholic beverages will be restricted to the interior of the fenced venue.

Future plans may include a secondary stage as shown in the following image.

Stage and tent sizes, and fencing, will vary depending on the event. However, sizes and designs would likely be similar to those used at the Summer Breeze Concerts on the Museum Lawn and the Fun House Fest Sponsored by Virginia Arts Festival.

Sponsor signage will be placed in and around the venue.

We have an expectation of crowd sizes ranging from several hundred to several thousand. During the first year of use, the Palace Farms venue would utilize portable restroom facilities, with food and beverage tents and food trucks where permitted. Planning is underway that would provide permanent onsite restroom and other amenities post-2019.

Thanks again Carolyn for your assistance with this process. I look forward to hearing back.

Jeffrey A. Duncan
Vice President – Real Estate
The Colonial Williamsburg Foundation

Copy to: Robert Currie, Colonial Williamsburg
Neil Ellwein, Colonial Williamsburg

CITY OF WILLIAMSBURG
MEMORANDUM

DATE: **October 19, 2018**

SUBJECT: **PCR#18-023:** Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance to allow outdoor special events with a special use permit in the Museum Support District MS.

PCR#18-024: Request of the Colonial Williamsburg Foundation for a special use permit to hold special events at 100 Visitor Center Drive on the Palace Farms site (across the street from the Visitor Center) in the Museum Support District MS.

APPLICANT'S REQUEST

Colonial Williamsburg Foundation is proposing to create an outdoor event venue at the Palace Farms site located at 100 Visitor Center Drive. This site contains over 42 acres and the applicant proposes to use the area currently developed which is approximately 21 acres. The applicant is proposing to amend the zoning text to require a special use permit for outdoor special events in the Museum Support District MS. The second part of the request is for a special use permit to allow outdoor special events at this location as shown on the sketch provided by the applicant.

The applicant notes in their application examples of venues proposed for this area include live concerts and festivals, live stage theatre, outdoor lecture series, outdoor movie nights and pop-up food and beverage festivals.

The applicant proposes the following temporary facilities as shown on the enclosed sketch to include a stage, grass seating for up to 5,000 attendees, portable restroom facilities, food and beverage tents and food trucks if the Zoning Ordinance is amended to allow food trucks in other locations in the City. The size of the stage and fencing will vary depending on the venue. Examples of staging and fencing provided by the applicant are those similar to the Summer Breeze Concerts and the Fun House Fest events currently held on the Museum lawn.

Current plans may allow for outside food and non-alcoholic beverages within the venue for certain events. If alcoholic beverages are allowed they will be restricted to those purchased on-site and inside the fenced venue.

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CURRENT REGULATIONS

Comprehensive Plan

The 2013 Comprehensive Plan designates this parcel as Colonial Williamsburg Support, which is defined in the Plan as follows:

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Land to the east is designated Colonial Williamsburg Support land use. Lands to the south are designated Colonial Williamsburg Support land use and Public and Semi Public. Lands to the west and north are designated Low Density Single-Family Detached Residential, Medium Density Multi-Family Attached Residential and Parks Parkway and Recreation.

Zoning

This property along with property to the east are designated Museum Support District MS. Lands to the south are designated Museum Support District MS, Colonial Williamsburg Historic Area CW, Single-Family Dwelling District RS-3 and Downtown Business District B-1. Properties to the west are zoned Multi-Family Dwelling District RM-1 and Museum Support District MS.

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

> *This district is established to 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.*

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

Site Plan Review Committee

The Site Plan Review Committee reviewed the request at their September 19, meeting and recommended approval and suggested a condition that the special use permit be granted for two years to allow enough time for the applicant to have two seasons to determine if the concept will be viable.

ANALYSIS

The site currently contains a parking lot, the relocated windmill and interpretative site (Great Hopes Plantation) which has been closed. This site is located in the Museum Support District MS. The parking lot was constructed and used as an overflow lot for the Visitor Center and has been mainly vacant for years.

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RECOMMENDATION

PCR#18-023
Staff supports the request to allow "outdoor special events" with a special use permit in the Museum Support District MS and recommends that the Planning Commission recommend to City Council approval of the text change as outlined in the attached proposed ordinance.

PCR#18-024
Staff recommends approval of the special use permit request to allow "outdoor special events" at 100 Visitor Center Drive subject to the following conditions because the proposal is in harmony with the Comprehensive Plan, the intent and purpose of the Museum Support District MS, in harmony with adjacent properties, is served by public facilities, it will not result in the destruction, loss or damage of significant ecological,

scenic or historical important features and it will not hinder or discourage appropriate development or use of adjacent properties:

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4. This permit shall expire on December 31, 2020.

PLANNING COMMISSION

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A City Council public hearing is scheduled for their regular meeting on November 8, 2018 in the Council Chambers of the Stryker Center at 2:00 p.m.

Carolyn A. Murphy

Carolyn A. Murphy, AICP
Planning and Codes Compliance Director

ORDINANCE #18-
PROPOSED ORDINANCE #18-

AN ORDINANCE AMENDING CHAPTER 21, ZONING,
ARTICLE III. DISTRICT REGULATIONS, DIVISION 12. COLONIAL WILLIAMSBURG HISTORIC AREA CW
BY ADDING OUTDOOR SPECIAL EVENTS WITH A SPECIAL USE PERMIT
(PCR #18-023)

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

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

Adopted:

_____
Paul T. Freiling, Mayor

Attest: _____
Debi Burcham, Clerk of Council

[PC\PCR\2018\18-023 OD1]

DRAFT

The Colonial Williamsburg Foundation

To feed the human spirit by sharing America's enduring story

August 20, 2018

MERCHANTS SQUARE

Ms. Carolyn A. Murphy
Director of Planning and Codes Compliance
City of Williamsburg
401 Lafayette Street
Williamsburg, VA 23185-3617

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Jeffrey A. Duncan
Vice President – Real Estate
The Colonial Williamsburg Foundation

Copy to: Robert Currie, Colonial Williamsburg
Neil Ellwein, Colonial Williamsburg