



## **PUBLIC NOTICE WILLIAMSBURG CITY COUNCIL**

The Williamsburg City Council will hold public hearings on Thursday, May 9, 2019 at 2:00 P.M. in the Council Chambers of the Stryker Center, 412 North Boundary Street, to consider the following:

**PCR#19-004:** Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to amend the Comprehensive Plan designation for a new 10,089 square foot lot which is a portion of 320 and 316 Scotland Street from Colonial Williamsburg Historic Area to Medium Density Single Family Detached Residential.

**PCR#19-005:** Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to rezone a new 10,089 square foot lot which is a portion of 320 and 316 Scotland Street from Colonial Williamsburg Historic Area CW to Single-Family Dwelling District RS-3.

**PCR#19-007:** Request of the Colonial Williamsburg Foundation to amend Section 21-434 of the Zoning Ordinance to allow food trucks with a special use permit in the Museum Support District MS in accordance with Section 21-622 and to remove Section 21-622(d)(14) from the food truck regulations which only allows food trucks at 100 Visitor Center Drive in the Museum Support District MS.

**PCR#19-008:** Request of the Colonial Williamsburg Foundation for a special use permit to allow food trucks in the Museum Support District MS for the Summer Breeze Concert series and a special use permit to hold the Summer Breeze concert series on the lawn of the Dewitt Wallace Decorative Art Museum located at 326 West Francis Street in the Colonial Williamsburg Historic Area CW through 2023.

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, May 2, 2019.

Debi Burcham  
Clerk of Council



# CITY OF WILLIAMSBURG

## MEMORANDUM

**DATE:** April 18, 2019

**SUBJECT: PCR#19-004:** Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to amend the Comprehensive Plan designation for proposed lot 5 at 320 Scotland Street from Colonial Williamsburg Historic Area to Medium Density Single Family Detached Residential.

**PCR#19-005:** Request of Julius Dell on behalf of the Colonial Williamsburg Foundation to rezone proposed lot 5 located at 320 Scotland Street from Colonial Williamsburg Historic Area CW to Single-Family Dwelling District RS-3.

### APPLICANT'S REQUEST

This is a request by Julius Dell on behalf of the Colonial Williamsburg Foundation to resubdivide two lots located at 316 and 320 Scotland Street into two lots for the construction of a single-family dwelling on proposed Lot 5 at 320 Scotland Street. The applicant is under contract to purchase proposed Lot 5 located at 320 Scotland Street with the Colonial Williamsburg Foundation retaining proposed Lot 6 located at 316 Scotland Street. The proposed Lot 5 at 320 Scotland Street requires a new subdivision, amending the Comprehensive Plan and rezoning the property from Colonial Williamsburg Historic Area to Single-Family Dwelling District RS-3 to allow the construction of a single-family dwelling for the applicant. The applicant's statement is attached.

### **Comprehensive Plan & Rezoning**

Once the subdivision and archaeological assessment has been decided the next two items for this request are the comprehensive plan change and proposed rezoning of the property.

### **CURRENT COMPREHENSIVE PLAN DESIGNATION**

The 2013 Comprehensive Plan designates this property as Colonial Williamsburg Historic Area. The 2013 Plan states:

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

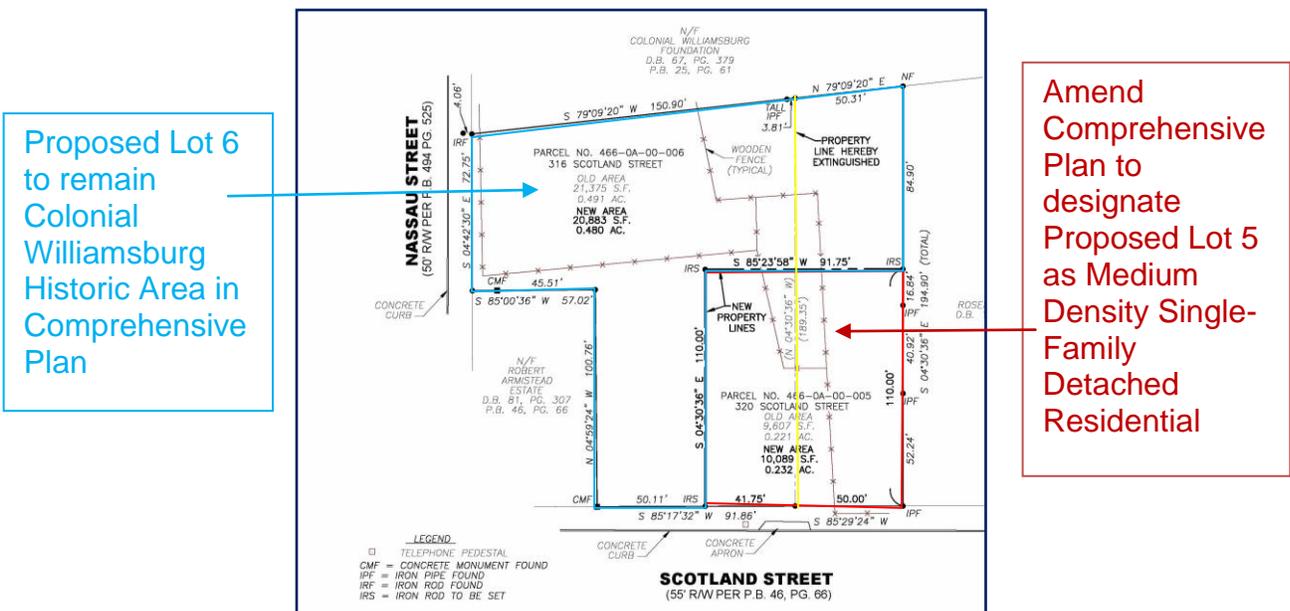
Current Lot 5 and 6  
Outlined in red



## PROPOSED COMPREHENSIVE PLAN DESIGNATION

The applicant proposes to designate the newly created 0.232 acre lot located at 320 Scotland Street to Medium Density Single Family Detached Residential and the 2013 Plan states:

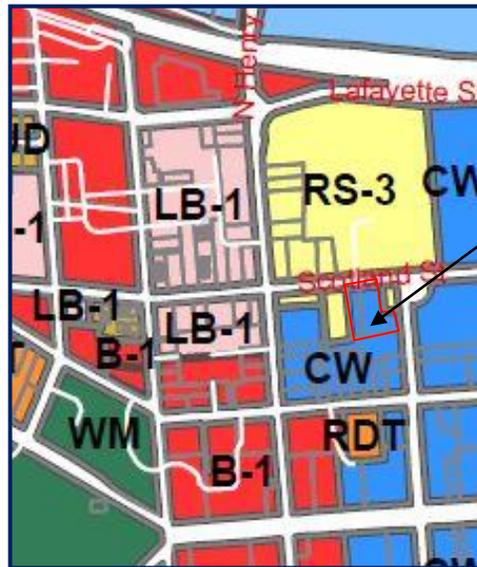
*“These land areas are planned for single family detached residences developed at a moderate density of up to 5 dwelling units/net acre. This category is intended to promote the development of affordable detached housing on small lots located within mater planned, neo-traditional styled subdivisions. Lot sizes will generally range from 5,000 to 7,000 square feet. This category is implemented by the RS-3 zoning district, by a special use permit cluster subdivision regulations in the RS-2 zoning district, and by the PDR zoning district. The maximum density allowed for cluster subdivisions in the RS-2 District and for the PDR Districts should be reduced from 6 dwelling unit/net acre to 5 dwelling units/net acre to correspond with this category.”*



## CURRENT ZONING

This parcel is currently zoned Colonial Williamsburg Historic Area CW. The Statement of Intent for the Colonial Williamsburg Historic Area CW which reads:

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



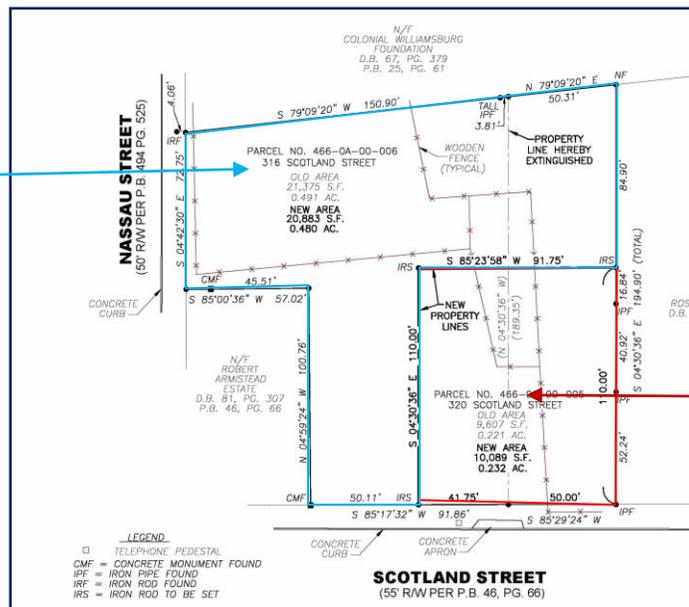
Current Lot 5 and Lot 6 Outlined in Red

### PROPOSED ZONING

The applicant is proposing to rezone the newly created 0.232 lot located at 320 Scotland Street to Single-Family Dwelling District RS-3 which reads:

*“This district is established as a single-family residential area with medium 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.”*

Proposed Lot 6 to remain CW District



Proposed Lot 5 to be rezoned from CW to RS-3

In conjunction with the rezoning request, 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.

## **HISTORY**

In 2003, the Colonial Williamsburg Foundation filed a rezoning request (PCR#02-003) to expand the boundaries of the Colonial Williamsburg Historic Area for four areas totaling approximately 128 acres. One portion of this request was to rezone 13 existing vacant lots located in the block surrounding Prince George Street, North Henry Street, Scotland Street and Nassau Street consisting of 3.67 acres from Downtown Residential District RDT to Colonial Williamsburg Historic Area CW.

The rezoning request noted “this parcel is made up of most of the block bounded by Scotland Street, Nassau Street, Prince George Street and North Henry Street, and is now vacant land. This area is a part of Sub-Area 3 in the Center City Planning Area, and is designated by the Comprehensive Plan as Medium Density Single Family Attached Residential land use – it was envisioned that this area would be a part of a “mixed-use downtown” when redeveloped along with the LB-1 District land on the west side of North Henry Street. The Plan states that it “...foresees the Center City Planning Area as an increasingly vital and active downtown area, supporting mixed uses including additional housing. The visual and historic character of the area is one of its great assets and should be protected through strong design review of new development. New infill development should respect the existing development in the Planning Area and should fit in accordingly.” The RDT District allows single family and duplex dwellings by right, and townhouses and multi-family dwellings with a special use permit. A density of up to eight dwelling units per net developable acre is allowed. These parcels were rezoned and a portion of these lots became a pasture for animals in 2008/2009.

## **SITE PLAN REVIEW COMMITTEE**

The Site Plan Review Committee reviewed this request at their March meeting and recommended approval of the requests.

## **ANALYSIS**

The applicant is proposing to amend the Comprehensive Plan and to rezone the proposed new 0.232 acre lot at 320 Scotland Street to the same Comprehensive Plan designation and zoning classification as the adjacent single-family dwelling at 322

Scotland Street and the lots across Scotland Street which are designated Medium Density Single Family Detached Residential in the Comprehensive Plan and zoned Single-Family Dwelling District RS-3. The new lot will meet current lot size requirements for the RS-3 district and will meet setback requirements for a single-family dwelling. The depth of the lot will preserve a large portion of the bamboo which will help screen the new dwelling from the Historic Area.



### **STAFF RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council approval of request to amend the Comprehensive Plan to designate new Lot 5 (0.232) at 320 Scotland Street as shown on the Boundary Line Adjustment plat dated 02/14/2019 by LandTech Resources, Inc. from Colonial Williamsburg Historic Area to Medium Density Single Family Detached Residential and to rezone new lot 5 (0.232) from Colonial Williamsburg Historic Area to Single Family Dwelling District RS-3 because changing the Comprehensive Plan designation and rezoning this lot will not be a detriment to the Colonial Williamsburg Historic Area. It will allow another single-family dwelling to be constructed in the downtown area and will complete the streetscape on this side of Scotland Street with another dwelling unit similar to existing dwelling units on the street.

### **PLANNING COMMISSION**

Planning Commission held public hearings on April 17, 2019. The applicant and nine citizens spoke at the hearing.

PCR#19-004 & PCR#19-005

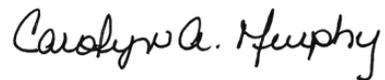
April 18, 2019

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Planning Commission recommended to City Council by a vote of 5-1-1, to deny the request to amend the comprehensive plan and rezoning of new Lot 5 (0.232) at 320 Scotland Street.

**CITY COUNCIL PUBLIC HEARING**

A City Council public hearing is scheduled for their regular meeting on May 9, 2019 in the Council Chambers of Stryker Center at 2:00 p.m.



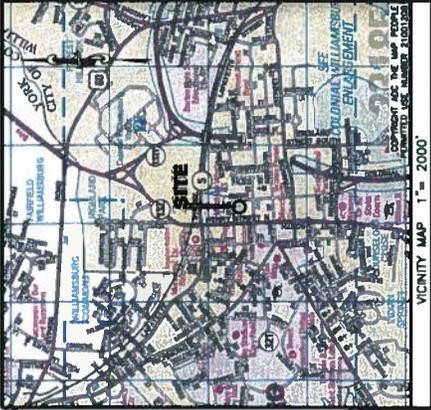
Carolyn A. Murphy, AICP  
Planning & Codes Compliance Director

**ADDENDUM TO ZONING APPLICATION  
STATEMENT OF APPLICANT**

This request is for the rezoning of a 0.232-Acre plat formed from portions of Lots 316 and 320 Scotland Street from CW Historic to Single Family Residential RS3. A Boundary Line Adjustment to lots 316 and 320 forms the new lot.

Colonial Williamsburg (CW) purchased lot 320 Scotland Street from Hubert and Doris Wrenn on 1/20/1970 and lot 316 from Maxie West on 1/1/1979. At the time of sale both lots were zoned Single Family Residential. The lots were purchased to provide a green space buffer zone between the end of Scotland Street and the beginning of the Historic Area. Both lots were rezoned and are currently zoned CW Historic.

A Purchase Agreement has been made between Julius and Suzanne Dell and CW to buy a small portion of lots 316 and 320 (0.232 Acre) as depicted in the attached Plat. The Dell's intent is to build a single-family residence on the property, which requires a change of Zoning to RS-3. The property remaining outside the property lines of the newly formed lot will retain the CW Historic Zoning designation which preserves the desired Green space Buffer Zone to the Historic area.



VICINITY MAP 1" = 2000'

**GENERAL NOTES:**

1. THIS PLAT WAS PRODUCED WITHOUT THE BENEFIT OF A TITLE REPORT AND MAY NOT REFLECT ALL ENCUMBRANCES, EASEMENTS AND SETBACKS THAT AFFECT THE SUBJECT PROPERTY.
2. THIS FIRM IS NOT RESPONSIBLE FOR THE LOCATION OF ANY STRUCTURE, MANHOLE, VALVE, ETC., HIDDEN OR OBSTRUCTED AT THE TIME THE FIELD SURVEY WAS PERFORMED.
3. LOTS LIE IN F.I.R.M. ZONE "X" ACCORDING TO FLOOD INSURANCE RATE MAP #5109500139D DATED DECEMBER 16, 2015.
4. WETLANDS, IF ANY, WERE NOT LOCATED FOR THIS SURVEY.
5. UNDERGROUND UTILITIES WERE NOT LOCATED.
6. THIS PLAT IS BASED ON A FIELD SURVEY PERFORMED 02/13/2019. PROPERTY LINES SHOWN ARE BASED ON MONUMENTATION FOUND AND RECORD PLATS & DESCRIPTIONS.
7. PROPERTY SHOWN HEREON IS ZONED CW (SEE CURRENT ZONING ORDINANCE FOR DETAILS)

**PROPERTY INFORMATION**  
 PARCEL NO. 466-0A-00-005  
 OWNER: THE COLONIAL WILLIAMSBURG FOUNDATION  
 PROPERTY ADDRESS: 320 SCOTLAND STREET WILLIAMSBURG, VIRGINIA 23185  
 D.B. 49, PG. 53  
 CURRENT ZONING DISTRICT: CW

PARCEL NO. 466-0A-00-006  
 OWNER: THE COLONIAL WILLIAMSBURG FOUNDATION  
 PROPERTY ADDRESS: 316 SCOTLAND STREET WILLIAMSBURG, VIRGINIA 23185  
 D.B. 62, PG. 192  
 CURRENT ZONING DISTRICT: CW

**BOUNDARY LINE ADJUSTMENT**  
 OF THE PROPERTY OF  
 THE COLONIAL WILLIAMSBURG FOUNDATION  
 PARCEL NUMBERS 466-0A-00-005 & 466-0A-00-006  
 CITY OF WILLIAMSBURG, VIRGINIA  
 DATE: 02/14/2019 SCALE: 1"=30' JOB #: 19-045  
**LandTech Resources, Inc.**  
 Engineering & Surveying Consultants  
 3925 Midlands Road, Williamsburg, Virginia 23188  
 Telephone: 757-565-1677 Fax: 757-565-0782  
 Web: landtechresources.com

**CERTIFICATE OF SOURCE OF TITLE - PARCEL NUMBER 466-0A-00-005**

TITLE TO THE PROPERTY SHOWN HEREON STANDS IN THE NAME OF THE COLONIAL WILLIAMSBURG FOUNDATION AS RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG, JAMES CITY COUNTY, VA. IN D.B. 49, PG. 53.

**CERTIFICATE OF SOURCE OF TITLE - PARCEL NUMBER 466-0A-00-006**

TITLE TO THE PROPERTY SHOWN HEREON STANDS IN THE NAME OF THE COLONIAL WILLIAMSBURG FOUNDATION AS RECORDED IN THE CLERKS OFFICE OF THE CIRCUIT COURT OF THE CITY OF WILLIAMSBURG, JAMES CITY COUNTY, VA. IN D.B. 62, PG. 192.

**OWNERS CERTIFICATE:**

THE BOUNDARY LINE ADJUSTMENT AS SHOWN ON THIS PLAT IS WITH FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS, PROPRIETORS AND OR TRUSTEES.

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

NAME PRINTED \_\_\_\_\_ TITLE \_\_\_\_\_

**CERTIFICATE OF NOTARIZATION**

STATE OF VIRGINIA \_\_\_\_\_ A NOTARY PUBLIC  
 CITY/COUNTY OF \_\_\_\_\_  
 I, \_\_\_\_\_ IN AND FOR THE CITY/COUNTY AND STATE AFORESAID, DO HEREBY CERTIFY THAT THE PERSON WHOSE NAME IS SIGNED TO THE FOREGOING WRITING HAS ACKNOWLEDGED THE SAME BEFORE ME IN THE CITY/COUNTY AFORESAID. GIVEN UNDER MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019 MY COMMISSION EXPIRES \_\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_

REGISTRATION NO. \_\_\_\_\_

MY COMMISSION EXPIRES: \_\_\_\_\_

**CERTIFICATE OF APPROVAL**

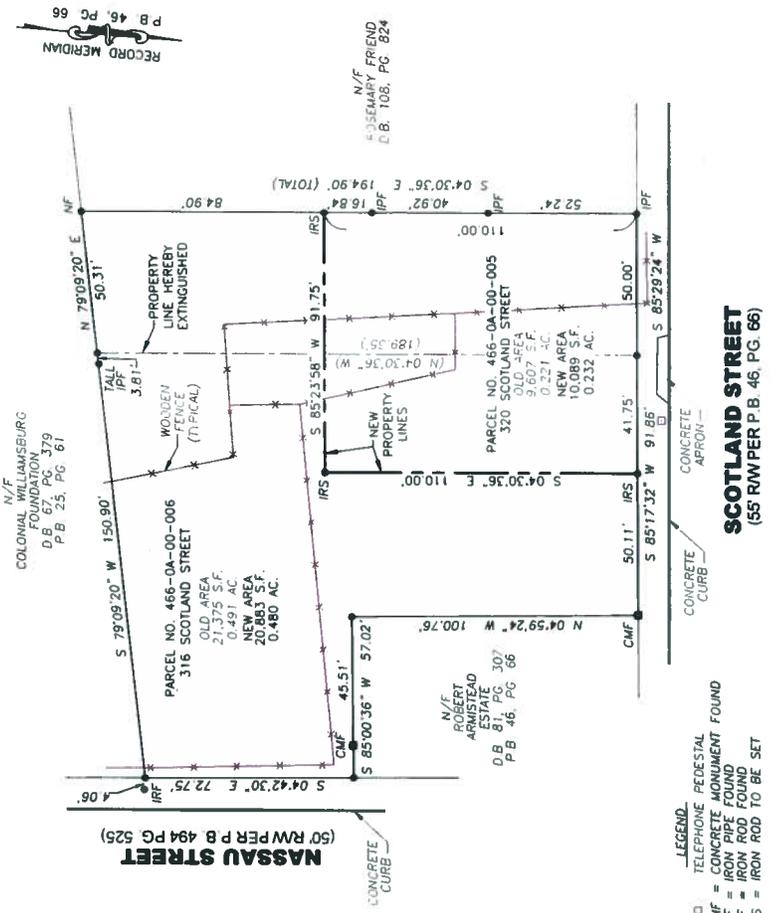
THIS SUBMISSION IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE ADMITTED TO RECORD.

DATE \_\_\_\_\_ SUBDIVISION AGENT OF CITY OF WILLIAMSBURG \_\_\_\_\_

**ENGINEERS OR SURVEYORS CERTIFICATE**

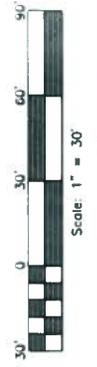
I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE OR BELIEF, THIS PLAT COMPLIES WITH ALL OF THE REQUIREMENTS OF THE BOARD OF SUPERVISORS AND ORDINANCES FOR THE CITY OF WILLIAMSBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY.

02/14/2019 \_\_\_\_\_ LIC. NO. 2036  
 DATE \_\_\_\_\_ PETER FARRELL, L.S. \_\_\_\_\_



- LEGEND:**
- TELEPHONE PEDESTAL
  - CMF = CONCRETE MONUMENT FOUND
  - IPF = IRON PIPE FOUND
  - IRF = IRON ROD FOUND
  - IRS = IRON ROD TO BE SET

**SCOTLAND STREET**  
 (55' ROW PER P.B. 46, PG. 66)



STATE OF VIRGINIA, CITY OF WILLIAMSBURG  
 IN THE CLERKS OFFICE OF THE CIRCUIT COURT FOR THE CITY OF WILLIAMSBURG THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019  
 THIS MAP WAS PRESENTED AND ADMITTED TO RECORD AS THE LAW DIRECTS AS DOCUMENT NO. \_\_\_\_\_  
 TESTE \_\_\_\_\_  
 BY \_\_\_\_\_ CLERK

## Carolyn Murphy

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**From:** Jim Black <jimeblack1@gmail.com>  
**Sent:** Wednesday, April 17, 2019 9:42 AM  
**To:** Elaine McBeth; Jeffrey Klee; Andrew Edwards; Justin Shawler; Greg Granger; James Boswell; Caleb Rogers  
**Cc:** Carolyn Murphy; Erin Burke; Heather Markle; Karen Kelly  
**Subject:** Re: Rezoning and Re-subdivision of 316 and 320 Scotland Street  
**Attachments:** IMG\_5153.jpg; IMG\_5148.jpg

**[NOTICE: This message originated outside of the City of Williamsburg mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Dear Planning Commission Members:

I am unable to attend the meeting planned for today, Wednesday, April 17, 2019 to present the following comments but respectfully submit them by email for your consideration.

The proposal by the current owners of these lots, the Colonial Williamsburg Foundation, to re-subdivide and rezone these two lots for residential use and development not only goes against the existing Historic Area Zoning of City of Williamsburg but would, in fact surround an historic cemetery located on the corner of Scotland and Nassau Street further reducing an existing open space buffering the historic area and Matthew Whaley School.

This property and others owned by the Colonial Williamsburg Foundation on this same block bounded by North Henry, Prince George, Nassau and Scotland, form a crucial role in the preservation of the beauty of the Historic Area while transitioning to the commercial district. This "agricultural oasis" is frequented by visitors of all ages who delight in seeing the ever-changing livestock in the field. This "small proposed" change appears to be a test case to measure resistance to future development of this entire block.

Approving these requests will end the Rockefeller dream to the preserve the visual intrusions of the modern world from the Palace Green. A change to the zoning will impact these views for all future generations. See photos attached.

Yours respectfully:

Jim Black  
21 Frenchmen's Key  
Williamsburg VA, 23185

To: Planning Commission, City of Williamsburg  
From: Cary Carson<sup>1</sup>  
Date: April 16, 2019  
Subject: Proposed Rezoning of 320 Scotland Street, Williamsburg (PCR#19-004/005)

*To the Planning Commissioners:*

The Historic Area can lose its magic one piece at a time.

I write to urge you to deny the request to exempt 320 Scotland Street from the City's comprehensive plan and re-zone the parcel for sale and private development.

The City of Williamsburg and Colonial Williamsburg have been partners since 1947 in protecting the historical integrity of the Historic Area and its scenic approaches. The important intended beneficiaries of their collaboration have always been our own community and the multitude of American and international visitors who have come to cherish the restored capital of 18th-century Virginia for what they found here and nowhere else.

Now, out of character, one partner has blessed a proposal to allow a private individual to build his own single-family house inside this sanctuary at the expense of all other residents and all future visitors. I find this scheme arbitrary, capricious, and devoid of any compelling public purpose.

And needless. The Foundation already has a tried and true—and very profitable!—means to allow special friends to live inside the restored town. Several times in years past a benevolent donor has undertaken the expense of restoring a genuinely old house in the Historic Area for the privilege of living there as a long-term tenant. The Timson House, the Deane House, and the Lightfoot House all benefitted from such generous stewardship. I encourage your commission and City Council to suggest to the Foundation that it offer Mr. and Mrs. Dell a similar opportunity according to their means. Colonial Williamsburg's best friends don't trespass on the Historic Area; they make it better.

A few times, past and present, the Foundation has misstepped. This is one of them. That's why we have a Planning Commission, our safeguard. Be that. Do your duty. Please.

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<sup>1</sup> Mr. Carson, a city resident for 43 years, was Research Division Vice-President at Colonial Williamsburg until his retirement in 2006.

To: Planning Commission, City of Williamsburg

From: Edward A. Chappell

Date: April 15, 2019

Subject: Proposed Rezoning of 320 Scotland Street, Williamsburg, VA (PCR#19-004 and 005)

Planning Commission:

I strongly urge you to decline the proposal to amend the Williamsburg Comprehensive Plan designation from Colonial Williamsburg Historic Area to Medium Density Single Family Residential in order to construct a private residence at 320 Scotland Street.

There are two clear reasons to oppose this re-zoning: first, the long precedent and compelling rationale behind its present designation has not changed; and second, to reduce the property protection in this instance would be to abandon the city's formerly consistent policy toward applying zoning regulations in general. Maintenance of a thoughtfully consistent zoning policy is essential for the visual health of the Historic Area and the broader Williamsburg community.

#### Background to this particular zoning

There is a rich and longstanding preservation ethic behind the present zoning on this part of Scotland Street, dating back to the late 1920s.

1. In 1926, the Reverend William A. R Goodwin envisioned the 18<sup>th</sup>-century sections of Williamsburg as the restored colonial capital of Virginia. Achieving this vision involved the preservation and creation of a unified ensemble of buildings and landscapes and the removal of later buildings and non-contributing landscapes.
2. The philanthropist John D. Rockefeller, Jr, embraced the idea, and financially supported extraordinary planning, restoration, reconstruction of lost 18<sup>th</sup>-century buildings, and removal of 19<sup>th</sup>-century and modern intrusions. This was and remains an unparalleled preservation effort, famous throughout the world, in large part because of its comprehensive approach to the visual setting of the streets and buildings. Among Rockefeller's countless cultural and humanitarian efforts, literally from the Grand Tetons to Jerusalem, this was his most sustained, from 1927 until his death in 1960.
3. After intensive study and planning, with Rockefeller's careful support, Colonial Williamsburg established the first boundaries for what was called the "Restored Area" in 1942.
4. The City of Williamsburg adopted its first zoning ordinance in 1947, including a "Historic Colonial Area" somewhat larger than the 1942 boundaries. This further level of municipal control was broadly deemed useful.
5. In 1949, CWF staff and Rockefeller proposed and the Board approved further expansion of the boundaries to include properties restored after the World War II and a "protected area" that provided the broader setting.

6. Two years after the founder's death in 1960, CWF changed the name of this district to the "Historic Area," and in 1968 the Board approved an expansion to include more 18<sup>th</sup>-century building sites and open space. These included land east of Waller Street, the sites of the Public Hospital and John Custis' garden, and the surviving Timson House at Prince George and Nassau streets.
7. Internationally, historic preservation in the 1960s broadened from saving individual buildings to encompass communities and settings. To large degree, this followed what the City of Williamsburg and Colonial Williamsburg had done for three decades.<sup>1</sup>
8. In the 1960s and '70s the Foundation repeatedly bought land around the Historic Area to create and strengthen what was called the Green Belt. This effort included demolition of some early 20<sup>th</sup>-century houses in the block between Scotland and Prince George, Nassau and North Henry streets, as well as removal of a commercial building then visible beyond the east end of the Historic Area. Colonial Williamsburg bought the 320 Scotland Street lot in 1970 and '79, as the Application Addendum indicates, "to provide a green space buffer zone between the end of Scotland Street and the beginning of the [then-smaller] Historic Area."
9. In 2002, Colonial Williamsburg took the very important step of again expanding the extent of the Historic Area. The expansion, proposed by the CWF staff and approved by the Board, was intended to designate officially those areas of CWF-owned land that provided significant woodlands and open-space settings at the earlier edges of the district. The Scotland Street section was included because of its high elevation, undeveloped character, and visibility, in addition to being the location of Joseph Prentis's garden,
10. The City of Williamsburg responded, with support of the Foundation, by expansion of the zoning area designated Colonial Williamsburg Foundation Historic Area to its present extent. That zoning permits only 18<sup>th</sup>-century buildings or reconstructions on their original sites. The intent of the Historic District zoning is to help ensure that property owners make choices that are wise for the long term rather than unfortunate responses to short-term needs.
11. If this purpose was unclear, it was clarified by the 2013 Comprehensive Plan, charging the Planning Commission with responsibility to "Protect the character and integrity of the Colonial Williamsburg Historic Area."<sup>2</sup>

#### Integrity of zoning for long-term benefit

The purpose of zoning in general is for a community to determine the most appropriate use and character of neighborhoods or districts. It is only effective if the zoning is upheld by consistent policy. Broadly, the intent is to direct changes in a manner that favors the quality of the community over individual interests in development. An individual or an institution can often favor a development—large or small—that is well-intended but that is counter to that community's larger interest. The proposed Scotland Street zoning amendment exemplifies the latter.

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<sup>1</sup> The Williamsburg Historic District was designated as a National Historic Landmark in 1960. Subsequently, it was placed on the Virginia Landmarks Register and National Register of Historic Places. This was among the earliest historic districts designated by the National Park Service and VHLC (present Virginia Department of Historic Resources). More recently, Merchants Square and the Matthew Whaley School have been placed on the VLR and NRHP.

<sup>2</sup> Chapter 2, Section 1-A. Similar direction is found in the City's earlier comprehensive plans.

The purpose of historic district zoning in particular is to protect precious landscapes and buildings within them. The Williamsburg Historic Area is among the most famous and beloved in the nation. The 2002 expansion of the Historic Area and the City's zoning for it were carefully studied and deemed appropriate, by the Foundation staff, administration, Board, and City. It would be a mistake to reduce the district for private-home construction on the fully-designated property. This property was included in the Foundation's and City's district specifically to prevent such a construction. That need, and value to the community, has not diminished.

Construction on the lot in question, on the site of Joseph Prentis's 18<sup>th</sup>-century garden, will have a negative visual impact on the district.<sup>3</sup> Specifically, Prince George Street and the east end of Scotland Street are small routes, in scale with the Palace Garden and Robert Carter House gardens. The Armistead Cemetery is open land, making the elevated property to the east visible from the Carter House and garden, its adjoining path, and Nassau Street. The Carter property is extremely significant, as probably the most unspoiled 18<sup>th</sup>-century estate-like landscape in the Historic Area. Robert "King" Carter built the existing house in 1727, and his grandson, also named Robert Carter, improved the property when his family lived here in the 1760s. Excavation in 2018 confirmed that the Carter landscape includes 18<sup>th</sup>-century features.

Green barriers of trees and shrubs are effective as screening only if they are thick and natural, especially in Winter. Colonial Williamsburg recognized this when establishing very deep natural boundaries to protect the visual character of route 132 between the Visitor Center and route 143 as a scenic approach to Williamsburg, as well as in the 2002 expansions of the Historic Area. Development on the proposed lot cannot be effectively screened from the Armistead cemetery and northwest area of the Historic Area. It would be clearly and permanently visible from the Carter House and property.

There are numerous alternative sites more appropriate for private house construction further west on Scotland, North Henry, and North Boundary streets. They are scenic and equally convenient to the Library and Merchants Square. Thoughtful construction there, outside the Historic Area, would benefit the community. By contrast, building a private house on Historic Area-zoned property has no public benefit.

In addition to the specific reasons not to approve the zoning change for this property, there is the simple factor of good governance. After more than 90 years of care for the buildings and landscapes in what is now the Historic Area and conscientious zoning protection for 72 years, why reverse course? It would run counter to the long history of thoughtful preservation and consistent management. To approve this rezoning would expose the City to charges of inconsistency. If the City removes zoning protection here, then why not do likewise around the Timson House, or Bassett Hall, or Waller Street? Are the scenic pastures on the southern part of this block expendable, or those along route 60 at the eastern approach to the Historic Area?

The Historic Area zoning designation is based on sound, consistent, well-researched planning. There is no compelling community's benefit to reduce the protected area. It would bend zoning created in the

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<sup>3</sup> A phase-2 archaeological excavation on this part of Prentis's garden revealed early features, and a phase-3 excavation was proposed. There are early photos of Joseph Prentis house and outbuildings.

public interest for private purpose. Changing the zoning designation would be a dangerous precedent as well as an unfortunate choice in the history of planning and preservation in Williamsburg.

Chappell was Director of Architectural Research at Colonial Williamsburg--where he was responsible for historic preservation, building research, and restoration planning--beginning in 1980. He subsequently managed the archaeological excavation program as well and retired as the Roberts Director of Architectural and Archaeological Research in 2016. He long served on the Williamsburg Architectural Review Board. He now serves on the College of William and Mary Design Review Board, University of Virginia Preservation Advisory Committee, and other institutional design and preservation boards. He is currently working with the Bermuda National Trust, Falmouth Heritage Renewal in Jamaica, and the Governor General of Antigua and Barbuda. He resides in Williamsburg. William and Mary gave him the Prentis Award for service to the community and the College; BNT recently gave him the Palmetto Award, its highest award for preservation; and the American Institute of Architects gave him an award for contributions to Virginia architecture.

## **Carolyn Murphy**

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**From:** Melissa and Chris Miller <ccmm@mindspring.com>  
**Sent:** Monday, April 15, 2019 3:19 PM  
**To:** Carolyn Murphy  
**Subject:** 17 April Planning Commission Meeting -- PCR#19-004

**[NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Hello, Ms. Murphy. In addition to the letters you've received from the Lampert and Reeves families, my wife Melissa and I would like to voice our support for Bill and Susie Dell's request for approval to purchase and build on the aforementioned Scotland Street lot adjacent to the CW meadow. We, like all of the neighborhood residents listed on Mr. Lampert's petition, **DO NOT** repeat **DO NOT** support any development of the CW meadow property behind the Scotland street houses or anywhere else within the meadow perimeter.

Thank you for your consideration of our position in this matter.

Kind regards,

Chris and Melissa Miller

## Carolyn Murphy

---

**From:** Tara Reeves <tarareeves1998@gmail.com>  
**Sent:** Wednesday, April 10, 2019 11:27 PM  
**To:** Carolyn Murphy  
**Cc:** Bill Dell  
**Subject:** Support for Bill and Suzie Dell's Single Family Residential (RS-3) on Scotland Street

**[NOTICE: This message originated outside of the City of Williamsburg mail system -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Ms. Murphy:

In August of 2017, my husband Lee and I relocated from Davidson, NC with our three children and moved into our home on 333 Scotland Street. My feelings were probably not unlike what most people experience with a new move - having left a community I loved, I was sad and out of sorts.

Within an hour of the last moving truck rolling away and more than a few tears trekking down my cheeks, our doorbell rang. Standing there were two of the warmest and most friendly faces I've ever seen. Suzie had made us her delicious homemade chocolate chip pound cake and Bill had treats for each child. Bill and Suzie Dell were not just welcomed into our home that day, but more importantly, our hearts.

A week later, Bill called to ask if Lee and I had purchased "Good Neighbor" passes for the family. After I answered in the affirmative and added "that it was the greatest deal going in Williamsburg," Bill suggested a field trip. Dressed in his Colonial Williamsburg costume, Bill came over and took us on the most remarkable tour of our new town. Little did I know our beloved new neighbor was the CW bookbinder! I've heard a lot of presentations in my lifetime, but none were as delightfully delivered as Bill Dell's. While I believe the Foundation would be well-served by having Bill take his show on the road, I selfishly desire to keep Bill and Suzie close.

So, Ms. Murphy, I'm tossing in my two cents to enthusiastically support, along with Dr. Mitchell Reiss and the Colonial Williamsburg Foundation's Board of Trustees, the City's approval for the creation of the Dell's new lot on Scotland Street and for rezoning the lot from CW Historic to Single Family Residential (RS-3). The Dells are the long-awaited answer to one of John D. Rockefeller's prayers and, truly, Colonial Williamsburg could have no finer residential ambassadors.

Warmly,  
Tara McClary Reeves  
704-682-4782

## Carolyn Murphy

---

**From:** Richard Lampert <rblamp@email.wm.edu>  
**Sent:** Thursday, April 11, 2019 8:47 AM  
**To:** Carolyn Murphy  
**Subject:** Material for Planning Commission's and City Council's Consideration  
**Attachments:** Peacock Hill Williamsburg Resident Petition 4-2019.pdf

[**NOTICE:** This message originated outside of the City of Williamsburg mail system -- **DO NOT CLICK** on links or open attachments unless you are sure the content is safe.]

Good morning, Ms. Murphy.

I am attaching a document which I hope you will include in the packet of resident input / opinions to the Planning Commission for their work in crafting the City's updated Comprehensive Plan. Moreover, I hope that you can also produce the document for City Council in its imminent meeting resulting from the Planning Commission's deliberations of the Comprehensive Plan.

Simply stated, the attached petition is signed by nearly all residents of the Peacock Hill neighborhood. It is apropos of last year's Vibrancy Study and of the Planning Commission's ongoing task to craft the City's new Comprehensive Plan. In short, we petitioners are all in agreement that we like our small quadrant of blocks as strictly residential space, at its current level of density, and we ask that Council leave it as such.

This petition does not specifically address Julius and Suzanne Dell's request to split and rezone the parcel at 320 Scotland Street, though you will notice that both Dells signed this petition. In the event that 320 Scotland Street is indeed rezoned, paving the way for construction of the Dells' new home, we signees are all absolutely in agreement that rezoning and repurposing of the adjacent pasture should stop there. Conservation of the pasture constituting most of Block 30-1 is noted as a particular request of the petitioners.

Thank you for your attention to our wishes, as well as for providing this document to the addressed bodies. Have a good day,

R. Brigham Lampert  
349 Scotland Street

To: Williamsburg City Council  
 Carolyn Murphy, Director of Planning and Code Compliance, City of Williamsburg  
 Williamsburg Planning Commission Members

From: Undersigned Residents of Williamsburg Blocks 30-1, 31, & 35, i.e. Peacock Hill RS-3

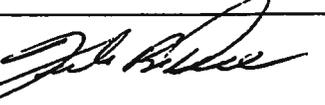
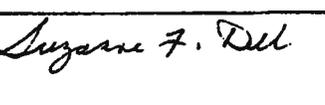
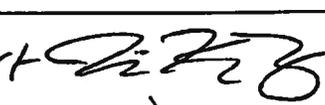
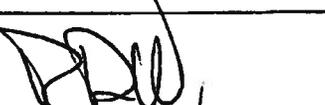
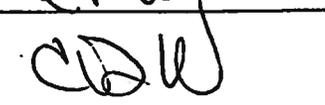
Re: Potential Rezoning and Development of Peacock Hill in Comprehensive Plan Update

City Council members, Ms. Murphy, and Planning Commission members,

We the undersigned residents of Peacock Hill collectively submit this letter for your consideration in order to persuade you to leave our neighborhood as-is during the imminent revision of the City of Williamsburg's Comprehensive Plan. Some of us have lived here for extensive periods of time, and some of us are relatively new residents, but each of us chose to live in Peacock Hill because we appreciate and value the neighborhood's residential character, which over the last decade has grown increasingly so with each passing year. In particular, as you consider changes to our city's Comprehensive Plan, we ask the following:

- Please do not alter the parking regulations on our quadrant of city blocks.
- Please do not rezone any of our parcels or city blocks at-large.
- Please do not rezone or encourage development of the beloved horse pasture of Block 30-1.
- Please do not adopt any measures paving the way for future business or mixed-use development at the intersection of North Henry and Scotland Streets.

Constituting both a main entrance corridor to the Historic Area and one of the last pre-Restoration residential neighborhoods in the city, Peacock Hill is historically significant as an early 20<sup>th</sup> century residential section of our city and aesthetically important as a transition to the clearly separate, business-driven downtown merchants' area. Moreover, Peacock Hill is our home, and we thusly ask you to leave it as it currently is when updating the City of Williamsburg's Comprehensive Plan. Respectfully,

Name	Signature	Address	Date
K. Brigham Lampert		349 Scotland St.	2/3/19
Julius B. DeL JULIUS B. (BILL) DEL		245 N. Henry	2/3/19
Suzanne F. DeL		245 N. Henry	2/3/19
Jennifer K. Lampert		349 Scotland St.	2/3/19
Robert Newell		220 North Henry	
Camryn DeL		212 North Henry	





# *The Colonial Williamsburg Foundation*

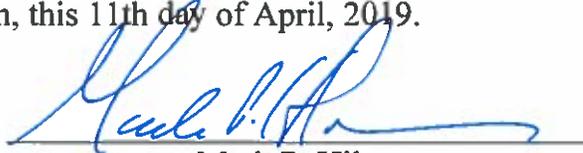
I, Mark P. Hileman, as Secretary of The Colonial Williamsburg Foundation, a non-stock, not-for-profit corporation duly organized and existing under the laws of the Commonwealth of Virginia, hereby certify that a meeting of the Board of Trustees of the corporation was duly called and held in Williamsburg, Va. on the 21th day of April, 2018, a quorum being present at the meeting and voting throughout, and that the following resolutions, on motion duly made and seconded, were unanimously adopted and are now in full force and effect:

WHEREAS, the properties located within the City of Williamsburg, consisting of two contiguous parcels totaling approximately 0.8 acres, identified as Assessor's Parcel Numbers 466-0A-00-006 and 466-0A-00-005 on the City of Williamsburg tax maps, has been determined to be surplus to the needs of the Foundation, and

THEREFORE, BE IT RESOLVED that the officers be, and hereby are, authorized and empowered to sell the aforementioned property at a price deemed fair and reasonable by the President, and the officers are further authorized to execute a contract of sale, deed, and any other contracts and documents deemed necessary or advisable in connection with such sale.

I further certify that there is no provision in the Articles of Incorporation or in the By-Laws of the Corporation limiting the power of the Board of Trustees to pass the foregoing resolutions, and that they are in conformity with the Articles of Incorporation and the By-Laws of the Corporation.

In witness whereof, I have hereunto set my hand as Secretary of The Colonial Williamsburg Foundation, this 11th day of April, 2019.



Mark P. Hileman  
Secretary



# CITY OF WILLIAMSBURG

## MEMORANDUM

**DATE:** April 18, 2019

**SUBJECT: PCR#19-007: Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance to allow food trucks with a special use permit in the Museum Support District MS.**

### **APPLICANT'S REQUEST**

Colonial Williamsburg Foundation is proposing to amend the Zoning Ordinance to allow Food Trucks with a special use permit in the Museum Support District MS.

The applicant notes that they would like to have the option of allowing food trucks to support other food options for events they host in the Museum Support District such as the Summer Breeze Concerts. The recently adopted food truck regulations would be applicable in the Museum Support District MS should this text amendment be approved.

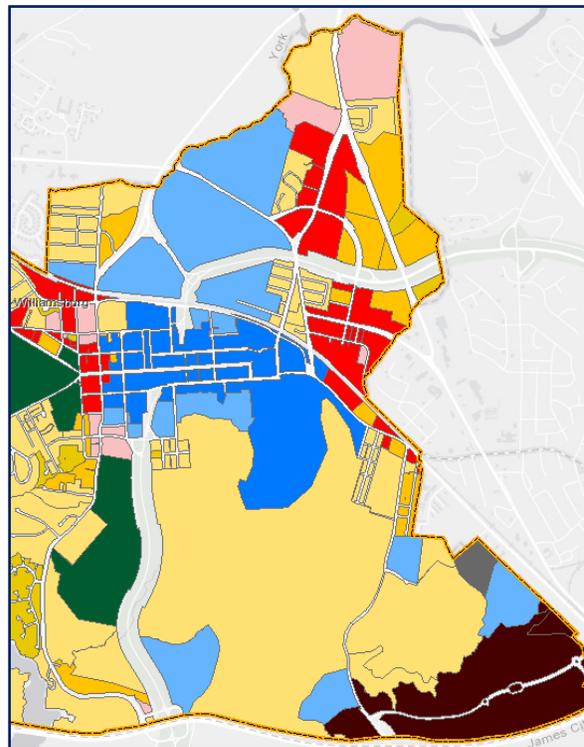
The Museum Support District MS Districts are shown in light blue on this map.

### **CURRENT REGULATIONS**

#### **Comprehensive Plan**

The 2013 Comprehensive Plan designates these parcels 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 Heights Education Campus and the Colonial Williamsburg Nursery fall under this category. This category is implemented by the MS zoning district.*



## **Zoning**

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

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

## **ANALYSIS**

The recently adopted text amendment to allow Food Trucks in the MS district was limited to the property known as "Palace Farms". This amendment would allow Food Trucks throughout the MS district with a special use permit. All of the regulations in the current food truck ordinance would apply.

## **STAFF RECOMMENDATION**

Staff supports the request to allow "Food Trucks" 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.

## **PLANNING COMMISSION**

Planning Commission held a public hearing on April 17, 2019. Other than the applicant, one person spoke at the hearing expressing concerns about the allowable number of food trucks in the district.

Planning Commission recommended to City Council by a vote of 6-0-1, approval of a amendment to the Zoning Ordinance to allow food trucks with a special use permit in the Museum Support District MS as outlined in the attached ordinance.

## **CITY COUNCIL PUBLIC HEARING**

A City Council public hearing is scheduled for their regular meeting on May 9, 2019 in the Council Chambers of Stryker Center at 2:00 p.m.



Erin Burke,  
Principal Planner

# The Colonial Williamsburg Foundation

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



February 21, 2019

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 plans for the 2019 *Summer Breeze – Unleashed Concert Series*.

Moving the concert series to the lawn of the *Art Museums of Colonial Williamsburg* in 2018 proved to be a smashing success! Here are a few statistics:

- 16 weekly concerts beginning at 6pm, an increase from 8 weekly concerts beginning at 7pm on Duke of Gloucester Street in Merchants Square in the prior 27 years
- On July 4<sup>th</sup> we hosted double billings, and nearly 5,000 concert goers, beginning at 4pm with a special military band concert, followed by a second concert and an evening of fireworks
- One concert was cancelled in September due to the threat of hurricane Florence
- Concert attendance totaled nearly 20,000 for the season



- Food and beverage sales at the concert venue totaled about \$50,000. Incremental downtown food and beverage sales were estimated to be \$100,000-\$150,000 for the season.
- For the first time during its existence, the concert series was supported financially through sponsorships from: *Morgan Stanley; the City of Williamsburg; SunTrust Bank; Cushman & Wakefield – Thalhimier; and Mellow Mushroom*
- The success of the concert series on the museum lawn generated significant additional interest in downtown events on the lawn, with subsequent events October 2018 – February 2019, such as “*Chowderfest*”, “*Noktoberfest*”, “*Filed Dayz Fest*” and the recent *Colonial Half Marathon*



We are looking forward to continued success during the 2019 season and beyond, and therefore, along with the attached application, Colonial Williamsburg is requesting a **five-year Special Use Permit** in order to complete our planning and scheduling for the upcoming concert season and beyond, which will begin June 26 and run through September 18.

Pending approval of the attached application, we are making plans to once again hold the concerts on a corner of the lawn located in front of the *Art Museums of Colonial Williamsburg*.

We also request again this year that the stage and tent be kept in the concert location for the entirety of the concert season. As last year, the concert schedule will be attached to the side of the tent for the duration of the season. Our schedule will be established to begin the season the week following the ***Williamsburg Live*** concert weekend presented on the museum lawn by *Virginia Arts Festival*, June 21-22.



With respect to the weekly concerts, Colonial Williamsburg is collaborating with Culturefix, which will provide concert oversight for setup and security. Culturefix will coordinate food and beverage service at the concerts, working with local food establishments, restaurants, and microbreweries. Small, 10x10, canopy tents will be set up for those operations.

For the 2019 concert series, we also request permission to include **food trucks** parked within the new *Allee Garden* between the Museum and Public Hospital, as shown below, which will be opening in mid-June.

Accordingly, I have also attached a Zoning Text Change form, proposing a change to the Food Truck regulations that would permit food trucks in the area shown below.



The proposed location is approximately 450 feet from the nearest restaurant in B1, as shown on the following.



The concerts will be free and open to the public. Outside food and non-alcoholic drinks will be allowed within the fenced area. However, no outside alcoholic beverages will be allowed inside the fenced area, which will be restricted to alcoholic beverages sold at the venue.

Parking near the concerts will be abundant and available across Francis Street, S. Henry Street, and Nassau Street, as well in other lots around Merchants Square.

As an improvement to access this year, we plan to mark a section of brick paved walkway for easier access for guests with wheelchairs or other special mobility needs (see venue plan on following pages).

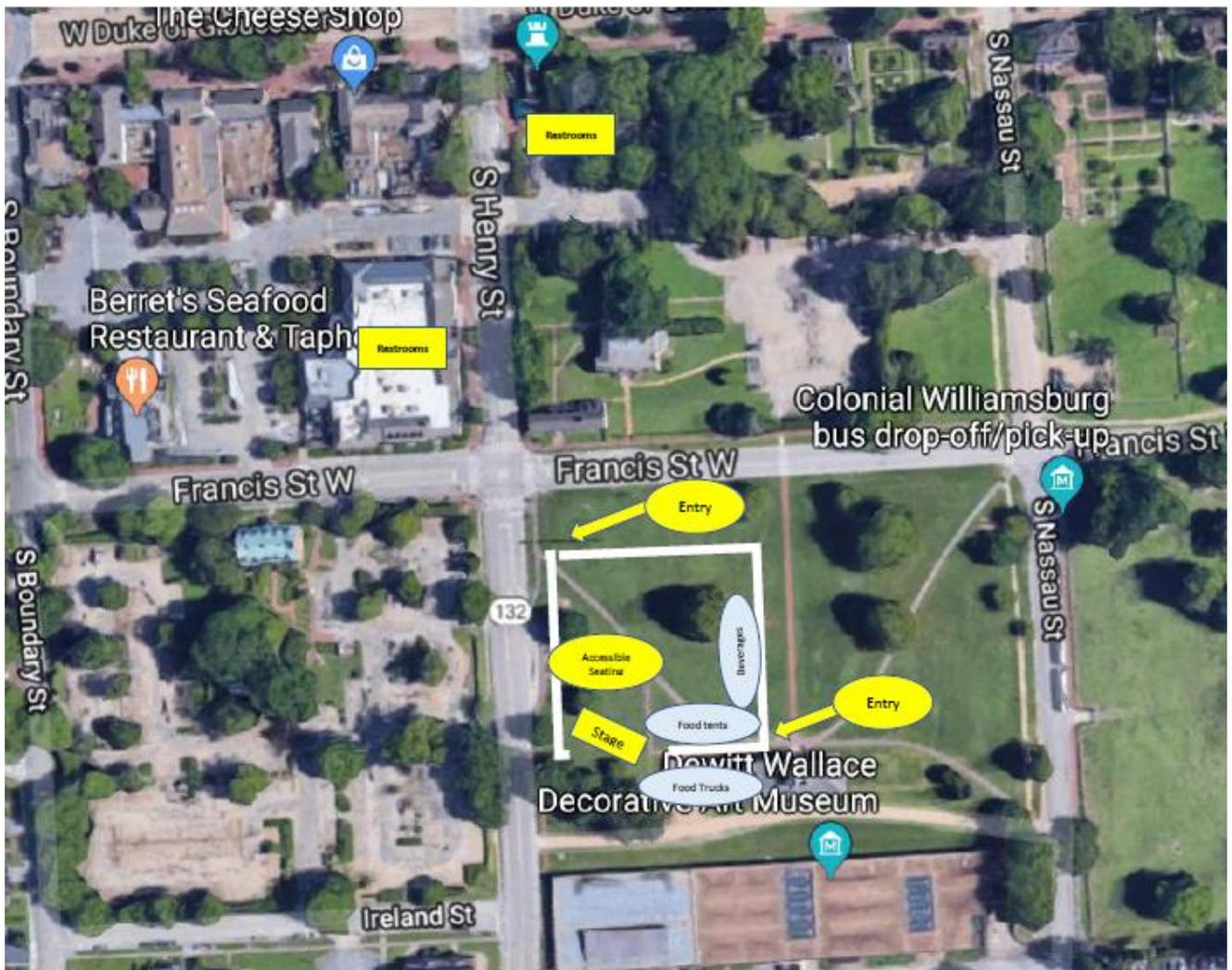


As were provided last season, restrooms will be closely accessible ½ block and 1 block away in Merchants Square’s Henry Street Shops building and in Colonial Williamsburg’s ticket building.

Fencing to enclose the venue will be repeated based on last year’s fencing plan. While the stage and tent will remain in place for the season, the fencing will be installed prior to and removed following each week’s concert.

The proposed stage location, along with the planned placement of the fencing enclosure is shown on the following page. The stage and tent setup will be the same size as last year, with a 30x30 tent over top of a slightly smaller stage. Sponsor signage will be placed on the tent and fencing during the concerts and removed weekly when the fencing is removed.





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: Steve Rose, Culturefix

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

**AN ORDINANCE TO AMEND THE FOLLOWING PROVISIONS OF THE  
WILLIAMSBURG CODE BY AMENDING ARTICLE III. DISTRICT REGULATIONS TO  
ALLOW FOOD TRUCKS IN THE MS ZONING DISTRICT WITH A SPECIAL USE  
PERMIT AND BY AMENDING ARTICLE IV. SUPPLEMENTAL DISTRICT  
REGULATIONS BY REMOVING SECTION 21-622(d)(14).  
(PCR #19-007)**

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 the Williamsburg Code, Chapter 21, Zoning, Article III. District Regulations and Article IV. Supplemental District Regulations are hereby amended by allowing food trucks in the MS Zoning District, to read as follows:

**ARTICLE III. DISTRICT REGULATIONS**

**DIVISION 13. Museum Support District MS**

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

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

*(1) Food trucks in accordance with Section 21-622.*

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

**ARTICLE IV. SUPPLEMENTAL DISTRICT REGULATIONS**

**Sec. 21-622. Food Trucks.**

~~*(d)(14) Food trucks are permitted at 100 Visitor Center Drive in the Museum Support District MS as shown on the Museum Support food truck overlay map below. They are prohibited in other areas of the Museum Support District.*~~

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

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Paul T. Freiling, Mayor

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

Debi Burcham, City Council Clerk



## CITY OF WILLIAMSBURG

### MEMORANDUM

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**DATE:** April 18, 2019

**SUBJECT:** PCR#19-008

**Request of the Colonial Williamsburg Foundation for a special use permit to hold the Summer Breeze concerts on the Dewitt Wallace Decorative Art Museum lawn located at 326 West Francis Street in the Colonial Williamsburg Historic Area CW through 2023 and a special use permit to allow food trucks for the event on the Allee Garden which is located between the Public Hospital and the Dewitt Wallace Decorative Art Museum in the Museum Support District MS.**

#### APPLICANT'S REQUEST

Colonial Williamsburg Foundation is proposing to continue the Summer Breeze concerts on the lawn of the Dewitt Wallace Decorative Art Museum at 326 West Francis Street for the next five years, through the 2023 concert season. The applicant is proposing to run the concert series for 14 weeks each year and notes, "Moving the concert series to the lawn of the *Arts Museums of Colonial Williamsburg* in 2018 proved to be a smashing success!" They estimated 2018's seasonal attendance at nearly 20,000 with one concert cancelled in September due to the threat of Hurricane Florence.

The applicant proposes continued use of a 30' x 30' tent with a stage under the tent and fencing on the lawn as shown on the sketch. They propose signage on the tent, sponsorship signage on the fencing and a ground mounted sign at the sidewalk entrance to the museum as noted in the narrative to advertise the schedule. The sponsorship signage on the fence and tent will be removed weekly along with the fencing. The request is to leave the tent and stage up at this location for the 14 week event with the fencing and smaller tents being removed following each week's concert.

The applicant notes they are again "collaborating with *Culturefix* who will provide concert oversight for setup and security. *Culturefix* will coordinate food and beverage service at the concerts, working with local food establishments, restaurants and microbreweries. Small 10' x 10' canopy tents will be set up for those operations". The concerts will be free and open to the public. Outside food and non-alcoholic drinks will be allowed within the fenced area but no outside alcoholic beverages will be allowed inside the fenced area.

New this season, the applicant is proposing up to two food trucks along the Allée Garden between the Museum and Public Hospital which requires a special use permit. The proposed food truck locations are indicated on a map shown with the applicant's statement.

Beginning this season, the applicant plans to “mark a section of brick paved walkway for easier access for guests with wheelchairs or other special mobility needs” as noted on the venue plan.

## **CURRENT REGULATIONS**

### **Comprehensive Plan**

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

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

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

### **Zoning**

This property along with properties to the north and east are designated Colonial Williamsburg Historic Area CW. Lands to the south are designated Museum Support District MS with land to the east being designated Downtown Business District B-1.

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

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

### **Site Plan Review Committee**

The Site Plan Review Committee met on March 20, 2019 to review this application. The Committee agreed that the concerts should be allowed from May 1<sup>st</sup> through September 30<sup>th</sup> to allow the applicant flexibility in scheduling. The Committee also agreed that on-site restrooms should be available with anticipated larger crowds and the addition of food trucks on the site.

### **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.

### **ANALYSIS**

This site currently contains a large lawn in front of the Public Hospital and the DeWitt Wallace Museum. The lawn of the site was successfully used last summer for the Summer Breeze Concert Series. The applicant proposes the same arrangement for the placing of the stage, signs, and fencing. To address the concern of accessibility on the site Colonial Williamsburg is proposing blocking off a brick sidewalk within the venue to allow for access from the ticketing area to the stage. The applicant is also proposing the addition of up to two food trucks to provide food services during the event.

The Site Plan Review Committee recommended extending the approval period from 14 weeks to May 1st through September 30th to allow for flexibility in scheduling and

recommended on-site restroom facilities. The applicant was amendable to both of these recommendations and asked for flexibility in how the on-site restrooms are provided, either through existing facilities adjacent to the site or portable facilities brought to the site for the event.

### **STAFF RECOMMENDATION**

Staff recommends approval of the request to allow an “outdoor special event” and the use of up to two food trucks for the Summer Breeze concerts as requested by the applicant subject to the following conditions:

1. The Fire Department must inspect and approve the tent and stage weekly prior to each concert.
2. On-site bathroom facilities must be provided for the event. Portable facilities may be allowed for the 2019 concert series, but for subsequent years access to permanent on-site facilities must be provided.
3. Food trucks may only be allowed on-site for the duration of the event in the area shown on the application along the Allée Garden walkway.
4. All temporary fencing and sponsorship signage attached to the fencing must be installed and removed the day of the event.
5. Only the name of the event “Summer Breeze Unleashed” shall be permitted on the tent for the duration of the event. Any temporary signage for sponsorships on the tent is allowed only on the day of the event and must be removed the day of the event.
6. The tent, stage, fencing and signage for the Summer Breeze Concert Series are allowed from May 1st until September 30th each year.
7. This permit shall expire on October 30, 2023.

### **PLANNING COMMISSION**

Planning Commission held a public hearing on April 17, 2019. Other than the applicant, Jeff Duncan with the Colonial Williamsburg Foundation, no one spoke. The applicant indicated that on-site restroom facilities would be provided within the facilities located inside the Public Hospital. He stated that food trucks would most likely be on-site for larger events, as it is not intended to take away from the restaurants downtown, but to supplement them when they expect larger crowds.

Planning Commission recommended to City Council by a vote of 6-0-1, approval of the Colonial Williamsburg Foundation’s request for a special use permit to hold the Summer Breeze concerts on the Dewitt Wallace Decorative Art Museum lawn located at 326 West Francis Street in the Colonial Williamsburg Historic Area CW through 2023 and a special use permit to allow food trucks for the concerts in the Allée Garden which is located between the Public Hospital and the Dewitt Wallace Decorative Art Museum in the Museum Support District MS with the conditions outlined by staff.

PCR#19-008  
April 18, 2019  
Page 5

**CITY COUNCIL PUBLIC HEARING**

A City Council public hearing is scheduled for their regular meeting on May 9, 2019 in the Council Chambers of Stryker Center at 2:00 p.m.

A handwritten signature in black ink, appearing to read 'E. B.' followed by a long horizontal stroke.

Erin Burke,  
Principal Planner

# The Colonial Williamsburg Foundation

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



February 21, 2019

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

Dear Ms. Murphy:

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Accordingly, I have also attached a Zoning Text Change form, proposing a change to the Food Truck regulations that would permit food trucks in the area shown below.



The proposed location is approximately 450 feet from the nearest restaurant in B1, as shown on the following.



The concerts will be free and open to the public. Outside food and non-alcoholic drinks will be allowed within the fenced area. However, no outside alcoholic beverages will be allowed inside the fenced area, which will be restricted to alcoholic beverages sold at the venue.

Parking near the concerts will be abundant and available across Francis Street, S. Henry Street, and Nassau Street, as well in other lots around Merchants Square.

As an improvement to access this year, we plan to mark a section of brick paved walkway for easier access for guests with wheelchairs or other special mobility needs (see venue plan on following pages).

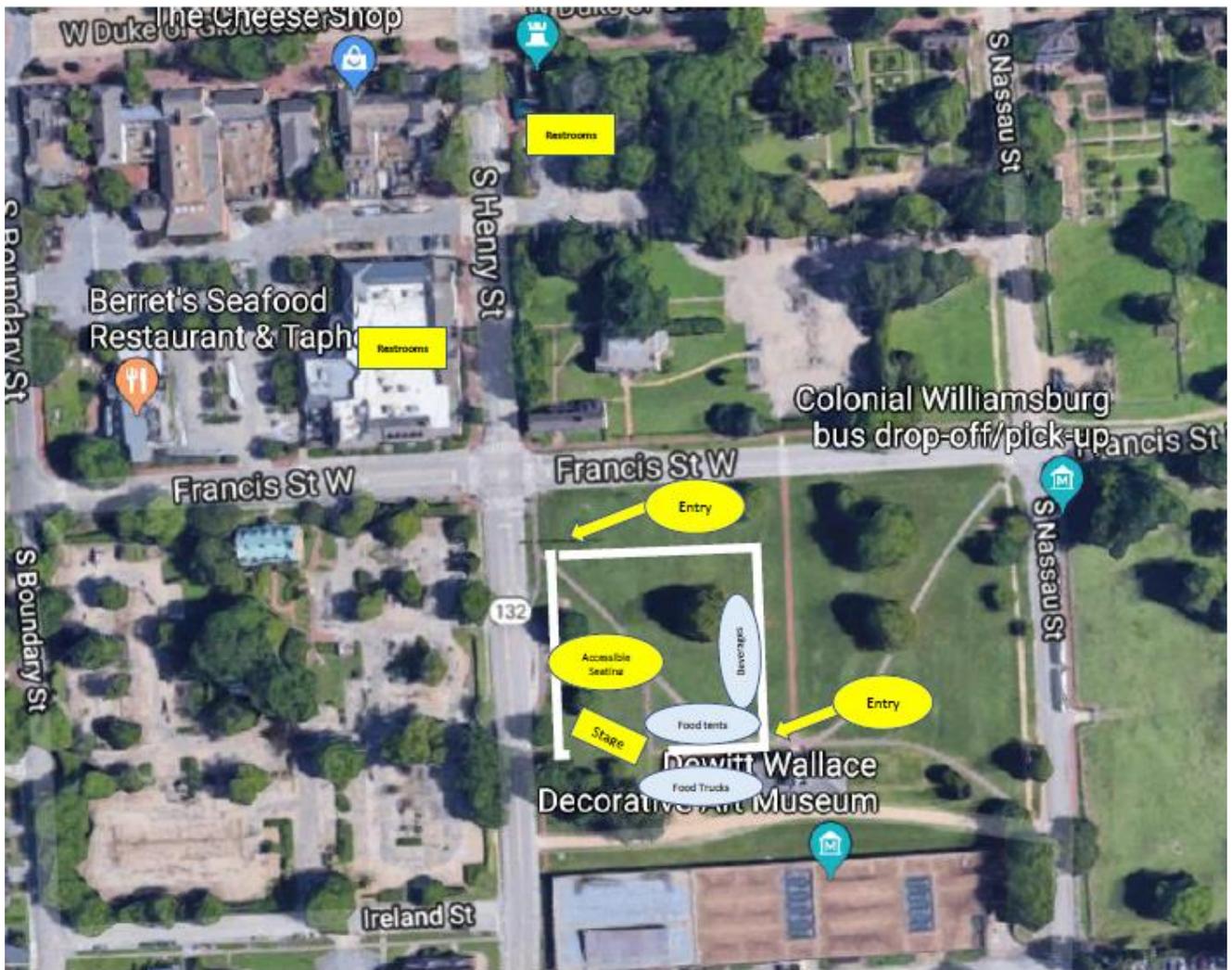


As were provided last season, restrooms will be closely accessible ½ block and 1 block away in Merchants Square’s Henry Street Shops building and in Colonial Williamsburg’s ticket building.

Fencing to enclose the venue will be repeated based on last year’s fencing plan. While the stage and tent will remain in place for the season, the fencing will be installed prior to and removed following each week’s concert.

The proposed stage location, along with the planned placement of the fencing enclosure is shown on the following page. The stage and tent setup will be the same size as last year, with a 30x30 tent over top of a slightly smaller stage. Sponsor signage will be placed on the tent and fencing during the concerts and removed weekly when the fencing is removed.





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: Steve Rose, Culturefix