



PUBLIC NOTICE WILLIAMSBURG CITY COUNCIL

The Williamsburg City Council will hold a public hearing on Thursday, September 11, 2014, 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street, to consider the following:

PCR #14-016: Request of Copper Fox Distillery for a special use permit to operate a micro-distillery at 901 Capitol Landing Road. The property is zoned B-2 Corridor Business District.

PCR #14-017: Request of Delphi Properties, Inc., to amend the PDU Planned Development Urban District conditions for the City Lofts Student Apartments at 1400 Middle Street. This 2.64-acre property is designated as Urban Residential land use by the 2013 Comprehensive Plan. Urban Residential land use is designed specifically for the multifamily residential area in the Midtown Planning Area. The PDU District allows multifamily and student dwellings, with the allowed density to be determined through the rezoning process. The original approval (PCR #12-006) was for 94 one-bedroom student dwelling units (49 units to accommodate two students, and 45 to accommodate one student, for a total of 143 students), plus a two-bedroom manager's apartment. The proposed changes are for 75 two-bedroom apartments, 14 one-bedroom apartments, plus a two-bedroom manager's apartment, at a density of 35.4 dwelling units/net acre.

PCR #14-018: Amend the Zoning Ordinance to revise the definition of "Group home" [Sec. 21-2] to reflect the latest changes made to the Virginia Code.

PCR #14-019: Amend the Subdivision Ordinance to revise the provisions for Preliminary Plats by requiring Preliminary Plats for subdivisions of more than 50 lots, with an optional review for subdivisions of 50 lots or less [Sec. 25-29.1]. This will bring the Subdivision Ordinance into accord with the latest changes made to the Virginia Code.

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 the Council.

If you are disabled and need accommodation in order to participate in the public hearing, please call the City Manager's office at (757) 220-6100, (TTY) 220-6108, no later than 12:00 noon, Thursday, September 4, 2014.

Gerry S. Walton
Deputy Clerk

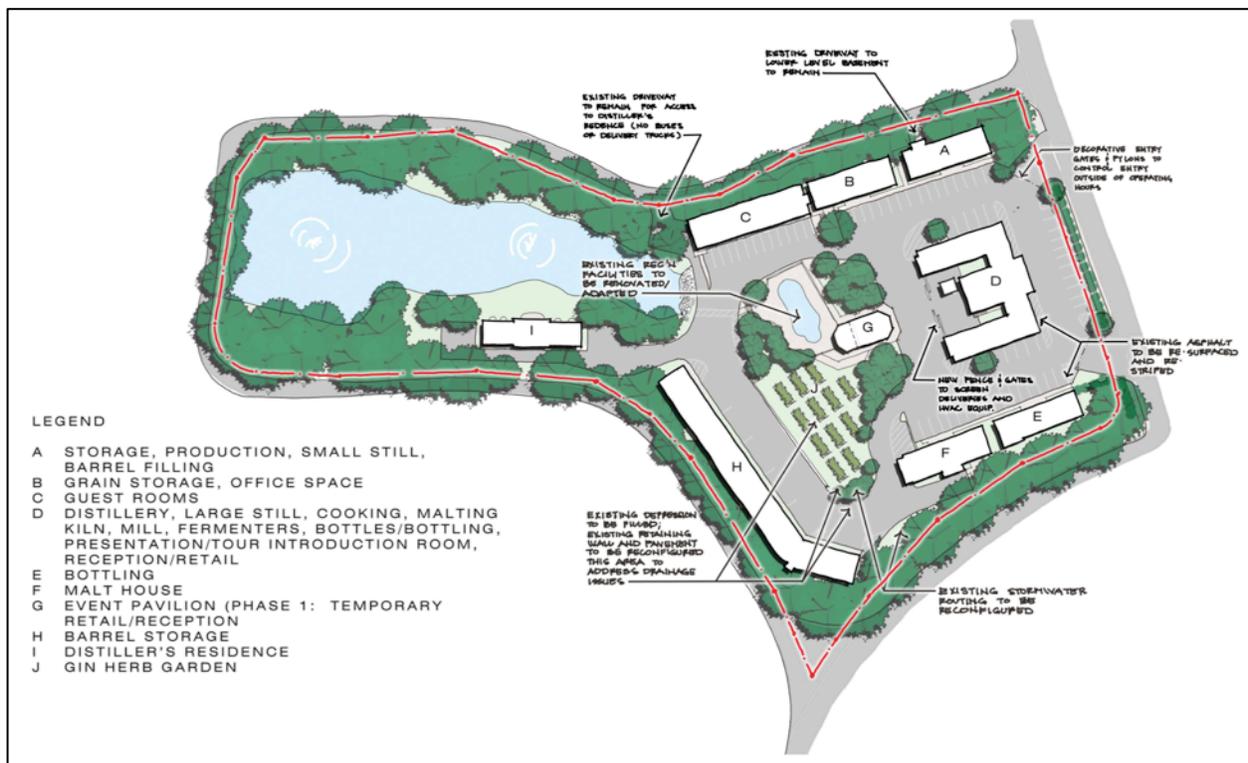


CITY OF WILLIAMSBURG
MEMORANDUM

DATE: August 22, 2014

SUBJECT: PCR #14-016
Request of Copper Fox Distillery for a special use permit to operate a micro-distillery at 901 Capitol Landing Road

Copper Fox Distillery Enterprises, LLC is proposing to operate a micro-distillery at 901 Capitol Landing Road, which requires a special use permit in the Corridor Business District B-2. The applicant proposes to convert the existing motel buildings into buildings used for the distillery to include retail and distillery, storage and production, office and meeting rooms, barrel storage, gin garden and a residence for the owner.



COMPREHENSIVE PLAN

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

This property is designated as Corridor Commercial land use in the 2013 Comprehensive Plan. This land use category designates land on the City's heavily traveled entrance corridors for commercial and service uses primarily oriented to the automobile. This category applies to local shopping areas, hotels, restaurants and substantial sections of Richmond Road, Capitol Landing Road, York Street, Second Street and the small portion of Mooretown Road located within the City limits are currently developed in this land use pattern. To ensure high quality development, the more intensive commercial uses should require special use permits. Corridor Commercial land use is intended to promote the City's economic development policy for its limited, remaining high-visibility commercial sites.

Land to the north, south and east are designed as Corridor Commercial land use. The land to the west is designated Low Density Single-Family Detached Residential.

ZONING

The majority of this property along with the properties to the north, south and east are zoned Corridor Business District B-2. The rear of this property and properties to the west are zoned Single-Family Dwelling District RS-2.



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

This district is established to provide locations on heavily traveled collector and arterial highways for those commercial and service uses primarily oriented to the automobile. This district is applied along those streets primarily used to access local shopping areas, and providing locations for existing and future hotels, restaurants and other tourist retail uses.

SPECIAL USE PERMIT

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

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

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

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

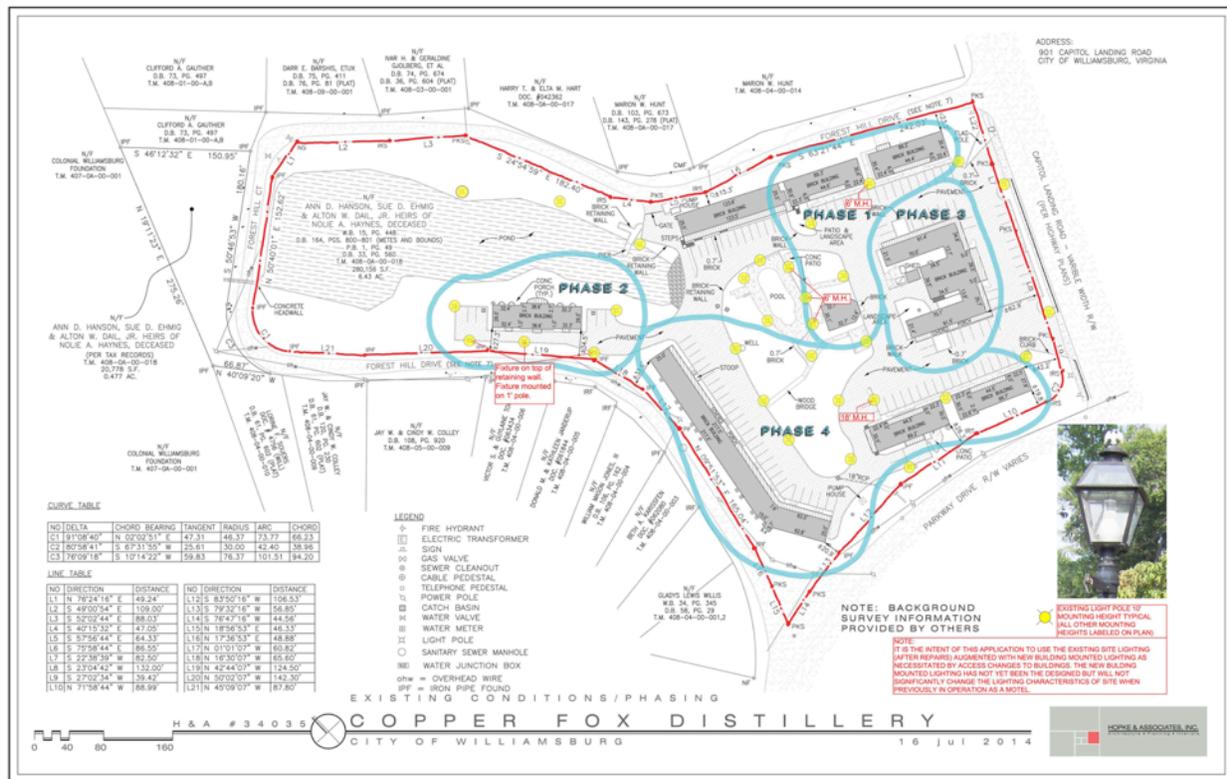
- (1) A traffic impact analysis, showing the effect of traffic generated by this project on surrounding streets and neighborhoods.
- (2) A public utility analysis, showing the effect of this project on public water, sewer and/or storm drainage facilities.
- (3) A fiscal impact analysis. The Planning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

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

ANALYSIS

The site is approximately 6.44 acres, fronts on Capitol Landing Road and is surrounded by Forest Hills Drive and Parkway Drive. The two existing entrances on Capitol Landing Road will be used by the distillery with gates being installed for security after hours. The applicant proposes to use the entrance off Forest Hills Drive for the distiller's residence. An existing pond is located at the rear of the property and collects runoff from the site. Since no additional buildings or pavement is proposed at this time no additional stormwater management is required.

The applicant proposes to repurpose and reuse the existing buildings on the property for the proposed distillery with renovations being conducted in four phases.



Phase 1 will consist of using Buildings A and B which are the first two buildings adjacent Forest Hills Drive for the installation of a small still, production, storage, grain storage and offices. Building G adjacent to the existing pool will be used for retail and reception until completion of Phase 3. After Phase 3, Building G will be used for event planning.

Phase 2 consists of renovating Building I at the rear of the property into the distiller's residence. Phase 3 will renovate the main Building D into a distillery with a large still, cooking, malting kiln, mill, fermenters, bottles/bottling, introduction room, presentation and tours with reception and retail areas. This phase will also include screening the mechanical and delivery area behind the building. The final Phase 4 will convert Buildings E, F and H along Parkway Drive and Forest Hill Drive into bottling, malt house and barrel storage and planting a Gin Herb Garden.

Building C, which currently has 16 guest rooms, will be renovated and continue to be used as guest rooms.

Existing site lighting on the property will be repaired and will be augmented with new building lighting as necessitated by access changes to the buildings.

The parking required for the project based on initial numbers is 77 spaces. There are 113 existing spaces on the property which exceeds ordinance requirements. More detailed parking calculations will be determined with the final site plan based on refined uses of the buildings and number of employees.

The Zoning Ordinance limits a micro-distillery to 15,000 barrels per year. Initially, the owner expects a production capacity of in the range of 175-200 barrels per year, 1,600 barrels a year in five years with a maximum capacity of about 3,200 barrels per year.

The Northeast Triangle Focus Group Vision Statement states "Our vision for the Northeast Triangle recognizes that this is a diverse section of the City of Williamsburg with both residential neighborhoods and commercial districts that offer opportunities for new development and redevelopment."

The proposed use of a micro-distillery for this site is an appropriate use for this property. The reuse of this former motel property into a distillery will bring another use to the Capitol Landing Road area to help diversify the economy of this area and the City. It will help with the revitalization of this area by bringing additional customers and visitors to the Capitol Landing Road corridor.

SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee reviewed this request on July 20 and recommends approval of the special use permit.

ARCHITECTURAL REVIEW BOARD

The Architectural Review Board reviewed the conceptual designs at their meeting on August 12 and recommended conceptual approval of the minor changes proposed to the buildings. The Architectural Review Board did request that the applicant to pay

special attention to the proposed gates at the two front entrances to help reduce the impacts of the gates along the street frontage of Capitol Landing Road.

STAFF RECOMMENDATION

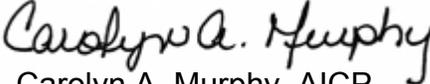
Staff recommends that Planning Commission recommend to City Council approval of the special use permit conditioned upon the Forest Hill Drive entrance into the property being used for the sole purpose of the owners to enter and exit the property from their new home at the rear of the property. The use of the Forest Hill Drive entrance by trucks, buses and heavy equipment shall be prohibited.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on August 20. No one spoke at the public hearing. Planning Commission recommended by a vote of 7-0, that a special use permit be approved for a micro-distillery at 901 Capitol Landing Road conditioned upon the Forest Hill Drive entrance into the property being used for the sole purpose of the owners to enter and exit the property from their new home at the rear of the property. The use of Forest Hill Drive entrance by trucks, buses and heavy equipment shall be prohibited.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing is scheduled for September 11, 2014 at 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street.


Carolyn A. Murphy, AICP
Deputy Planning Director

June 30, 2014

Reed Nester, AICP
Planning Director
City of Williamsburg
401 Lafayette Street
Williamsburg, VA 23185

Re: Statement in support of Application for a Special Use Permit
901 Capitol Landing Road, Williamsburg, Virginia

Dear Mr. Nester:

This letter supports the attached Application for a Special Use Permit (“SUP”) allowing an adaptive reuse of an abandoned hotel located at 901 Capital Landing Road (the “Property”), converting it into a distillery. This use is consistent with the most recent changes to the Corridor Business District B-2 Zoning Ordinance and is consistent with the City of Williamsburg’s Comprehensive Plan.

OWNERSHIP OF THE APPLICANT

The Property is owned by the City of Williamsburg (“City”). The City has entered into a contract to sell the Property to Copper Fox Distillery Enterprises, LLC (“Copper Fox”). The sale is contingent on the SUP being granted. Copper Fox is the applicant for this permit, and is the entity that has operated a successful small distillery in Sperryville, Virginia since 2005. Rick Wasmund is the principal of Copper Fox.

SUMMARY OF THE PROJECT

Copper Fox’s primary objective is to expand into Williamsburg its production of very high quality beverage alcohol. Copper Fox anticipates that it will bring a positive influence to the area, generating visitors to the site as it has experienced in Sperryville. Visitors and customers will have the opportunity to experience the production process along with small controlled samples of Copper Fox’s products.

Copper Fox proposes to leave the existing structures but repurpose them from the inside out. The Property has been vacant for the past two and a half years and is showing signs of neglect and decay. Consequently, Copper Fox will make exterior improvements to the structures and landscaping to improve the “curb appeal” of the Property.

Subject to all necessary approvals of the City, there will likely be some different color schemes for the property. Because the distillery’s operations require larger doors to facilitate movement of materials and installation of the stills, there will likely be some size changes in doors to the main building (subject to all necessary approvals of the City).

The distillery shall not have a negative impact upon water, utilities, traffic or noise. Furthermore, the distillery’s financial impact should be substantially positive for the city as a direct revenue generator.

REQUEST FOR A SPECIAL USE PERMIT

1. The SUP will permit the City to confirm its commitment to return the Property to the private sector for commercial reuse. When it approved its purchase of the former Lord Paget Hotel in October 2011, one of the City's stated goals was to encourage adaptive reuse of one or more of the existing buildings which would influence the future success of the Capitol Landing Road Entrance Corridor. As shown on the attached exhibit, Copper Fox intends to make good use of that investment by reusing all the structures on the Property while operating a high quality commercial enterprise, generating jobs, and drawing visitors and producing excellent product.
2. The SUP conforms with the City's recent change to the B-2 Zoning Ordinance. At its meeting on May 9, 2013, the City Council approved unanimously a change to the B-2 Zoning Ordinance, adding "micro-brewery, micro-distillery, micro-winery and micro-cidery" as a special use permit use in the B-2 District. One important reason behind this change was to address "numerous inquiries over the past year about these uses," confirming that "it makes sense to add this as a special use permit use." This application for an SUP supports the reasonableness of that change.
3. The improvements to the Property will enhance one of the City's Entrance Corridors. As set forth in the 2013 Comprehensive Plan, the City established a goal to "Strengthen the concept of 'gateway' and create a strong sense of arrival, offering a clear message that one is entering Williamsburg." The Capitol Landing Road Entrance Corridor "serves as an important entrance into the City from the north" and offers "numerous opportunities for further development and redevelopment." By adaptively reusing the abandoned hotel, Copper Fox will enhance this important gateway to the City, encouraging further business development and much needed traffic along this route.

CONCLUSION

On behalf of Copper Fox Distillery Enterprises, LLC, we respectfully request the Planning Commission recommend and the Board of Supervisors approve its Application for a Special Use Permit. The Application will transform an abandoned property on an important entrance corridor to an exciting new business opportunity that accomplishes many goals and objectives of the Comprehensive Plan. We look forward to presenting this case to the Planning Commission and Board of Supervisors, and will supplement this Application with a Site Plan consistent with the City's ordinances.

Sincerely,

TARLEY ROBINSON, PLC

John Tarley, Jr.

JT:wg

cc: Copper Fox Distillery Enterprises, LLC
Hopke & Associates, Inc.



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: August 21, 2014

SUBJECT: PCR #14-017

Request of Delphi Properties, Inc. to amend the PDU District conditions for the City Lofts Student Apartments at 1400 Middle Street

The former Quality Inn & Suites at 1400 Middle Street was approved in June 2012 (PCR #12-006) for conversion from a 118-bedroom hotel to City Lofts, a student apartment building with 94 one-bedroom apartments. This required creating a new PDU Planned Development Urban District, and rezoning the property to the new PDU District. The original application stated "The owner's goal is to create the premier off-campus student housing community in the market. We want to deliver the highest level of comfort, security, maintenance, and convenience to our residents."



City Lofts - View from the High Street Parking Garage

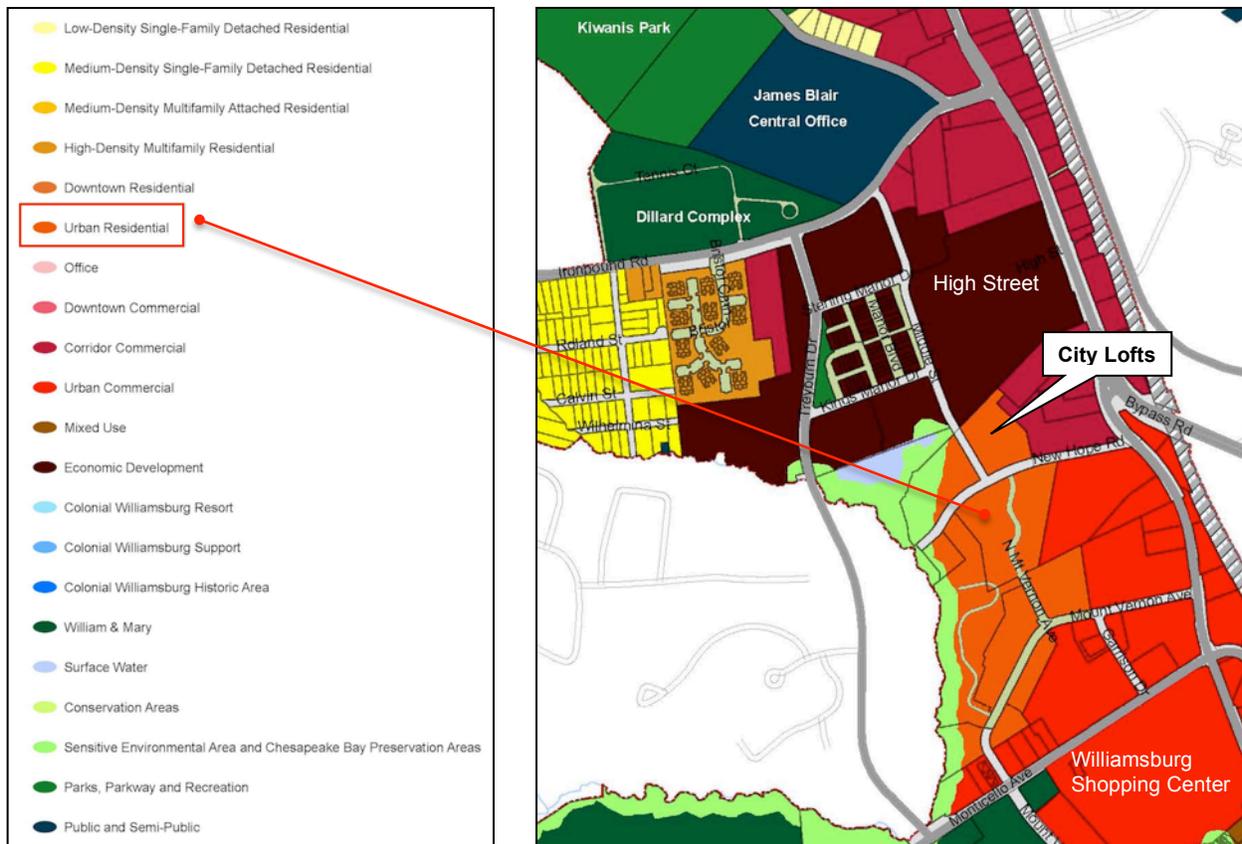
The proposed changes are for 75 two-bedroom apartments, 14 one-bedroom apartments, plus a two-bedroom manager's apartment. The original approved density for the 2.64 acre project (2.54 net acres) was 37.4 dwelling units/net acre (95 dwelling units ÷ 2.54 net acres), and the proposed revised density is 35.4 dwelling units/net acre (90 dwelling units ÷ 2.54 net acres).

COMPREHENSIVE PLAN

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

This land use category is designed specifically for the multifamily residential area in the Midtown Planning Area that is suitable for redevelopment to a higher density residential use. This area located between the College of William and Mary and the High Street Williamsburg development, and interconnected by a growing network of sidewalks, bike lanes and public transit. The proximity of this area to the College makes it very attractive for helping to meet the need for college student housing, and only multifamily dwellings and student dwellings are allowed. The permitted dwelling unit occupancy is two unrelated persons in an efficiency or one bedroom dwelling unit, and four unrelated persons in a two or more bedroom dwelling unit.

The existing RM-2 zoning should remain in place until an acceptable development plan is presented for rezoning to a revised PDU Planned Development Urban District, with the density allowed determined through the rezoning process. The primary consideration for the density approved should be how the scale and character of the proposed project relates to its immediate surroundings and to the Midtown Planning Area as a whole.



Future Land Use Map – 2013 Comprehensive Plan

The Plan talks more specifically about this in Chapter 8 – Neighborhoods and Housing when discussing the Midtown Planning Area:

Urban Residential Area. The existing High Density Multifamily Residential land use (14 dwelling units/net acre) should be changed to Urban Residential land use. The existing RM-2 zoning should remain in place until an acceptable development plan is presented for rezoning to a revised PDU Planned Development Urban District, with the density allowed determined through the rezoning process. The primary consideration for the density approved should be how the scale and character of the proposed project relates to its immediate surroundings and to the Midtown Planning Area as a whole. Student dwellings should be a permitted use, with a dwelling unit occupancy of two unrelated persons in an efficiency or one bedroom dwelling unit, and four unrelated persons in a two or more bedroom dwelling unit. A building height of 45 feet should be allowed.

EXISTING ZONING

The existing zoning for City Lofts is PDU Planned Development Urban District. The PDU District allows high-density multifamily dwellings and student dwellings, at a density to be determined as a part of the rezoning process. Permitted dwelling unit occupancy is no more than two unrelated persons in an efficiency or one bedroom apartment, and no more than four unrelated persons in a two or more bedroom dwelling unit. Rezoning to a PDU District approved a specific density and development plan for the project.

The statement of intent for the PDU District reads:

The PDU district is established to encourage innovative and creative multifamily housing in the Midtown Planning Area in areas designated as Urban Residential land use. This area, because of its proximity to existing commercial and multifamily development, and to the College of William and Mary, has potential to accommodate additional dwelling units in an evolving urban mixed-use area. Development and redevelopment in the PDU district should promote high standards of design and construction, encourage pedestrian scale urban development and take advantage of proximity to existing transit routes and pedestrian and bicycle facilities.

Land to the west (Sylvia Brown Apartments) and south (Lawson Apartments) of the property is zoned RM-2 Multi-Family Dwelling District. Land to the east (Fairfield Inn & Suites and Patriot Inn) is zoned B-2 Corridor Business District, and land to the north (High Street) is zoned ED-2 Economic Development District.

APPROVALS NEEDED

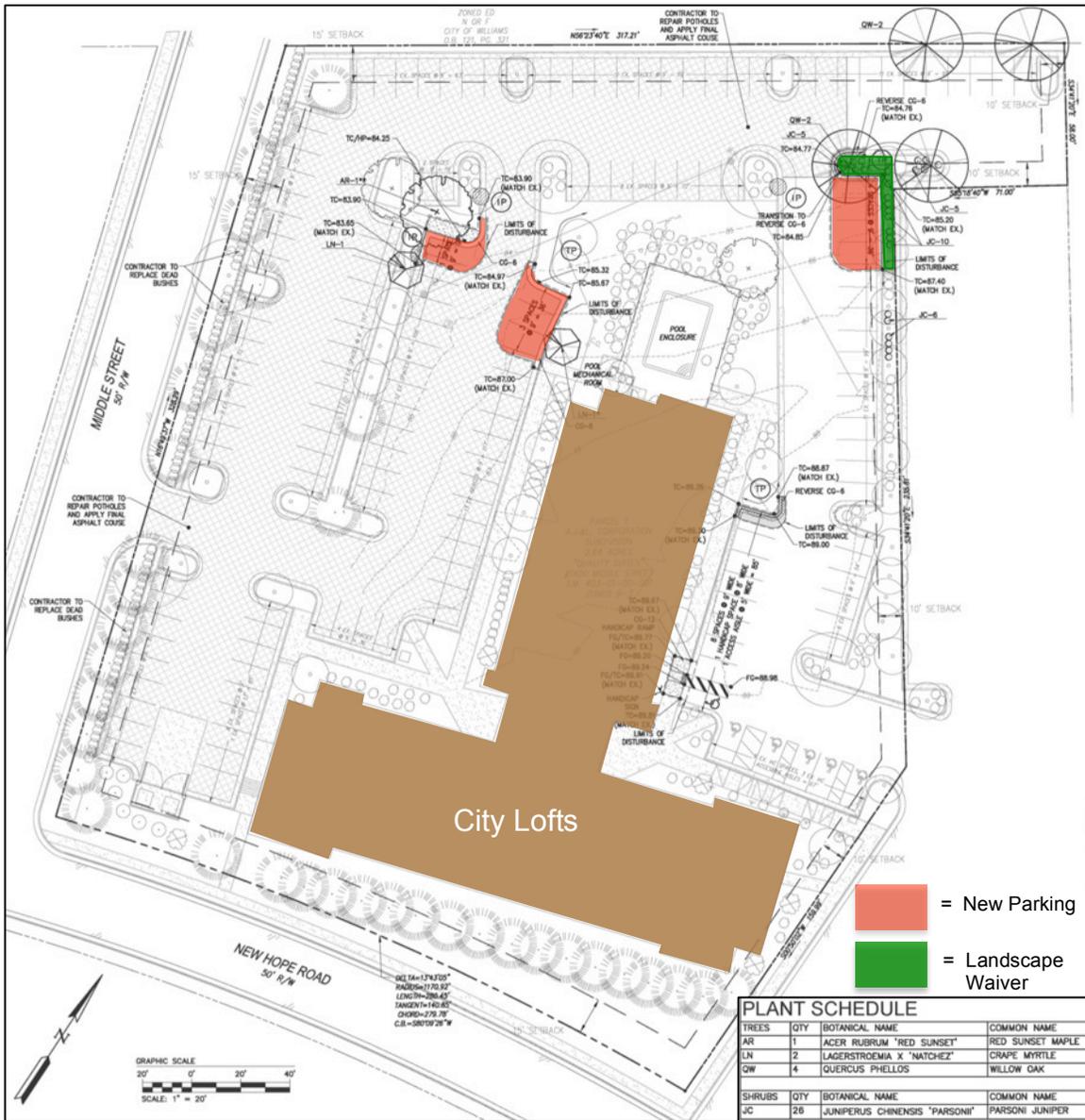
The proposal keeps the same PDU District, but revises the Floor Plan, Development Plan, Management Plan and conditions attached to the previous rezoning (PCR #12-006). These revised plans need to be approved as a part of this request.

DEVELOPMENT PLAN

The Development Plan approved with the original proposal called for 95 apartments (94 one-bedroom student apartments plus a two-bedroom manager's apartment). It was proposed that 49 apartments house two students, and 45 house one student, for a total of 143 students in the building. This proposed layout was based upon a conceptual floor plan of the building. When the detailed plans for the renovation were prepared and approved, based on detailed floor plans, only 90 apartments were constructed. Of the 89 student apartments, 75 were configured as one-bedroom apartments with a study. It is proposed to convert these into two bedroom apartments by converting the study into a second bedroom (see attached floor plan). This will increase the occupancy from the originally approved 143 students to 164 students if there is only one student per bedroom (the PDU District allows two unrelated persons in a one-bedroom apartment, and four unrelated persons in a two-bedroom apartment). The proposed residential density is 35.4 dwelling units/net acre. There is no density specified for the PDU District – the Zoning Ordinance specifies that “In deciding on the density to be allowed, city council shall consider the quality of the building and site design of the proposed development, and how the scale and character of the development relates to its immediate surroundings and to the Midtown Planning Area as a whole.”

Converting 75 apartments to two-bedroom apartments increases the parking requirement from 146 spaces to 154 spaces. The Development Plan has added 8 additional spaces to meet this requirement, which will require a reduction in the required 10-foot landscape strip between four of the new parking spaces and the Patriot Inn property. This will result in a 4½ to 5-foot reduction in the landscape requirement, which is similar to the existing landscape strip for the existing parking bay along this property line. The Zoning Administrator has the approval authority to allow a waiver of the landscape requirement, which has been approved conditioned upon the provision of the additional landscaping shown on the site plan. The total landscape area required by the Zoning Ordinance will be met by this proposal (20% required, 25% provided). Two existing trees will be relocated and five new trees and more shrubbery will be added.

Both the original and proposed Management Plans for City Lofts call for a full-time live-in Resident Manager, an in-house maintenance team, key-card access to the building, closed-circuit TV cameras for security, and a resident handbook. The proposed Management Plan eliminates the Security Desk Attendant and the Resident Community Assistants living on each floor, with the Resident Manager assuming these responsibilities, which include monitoring the security camera network. The revised Management Plan will need to be approved as part of this proposal.



City Lofts Revised Development Plan

ARCHITECTURAL REVIEW

This property is not located in an architectural review district.

SITE PLAN REVIEW COMMITTEE

The Site Plan Review Committee reviewed the revised Development Plan on July 16 and recommended approval contingent upon meeting ADA parking requirements (one additional accessible parking space has been added). The committee also endorsed the landscape waiver approved by the Zoning Administrator.

ANALYSIS

The Housing Plan contained in the 2013 Comprehensive Plan (Chapter 8, page 8-10), deals specifically with college student housing, stating

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

The revised City Lofts project is located in an area that is designated by the 2013 Comprehensive Plan as Urban Residential land use, which is defined below:

This land use category is designed specifically for the multifamily residential area in the Midtown Planning Area that is suitable for redevelopment to a higher density residential use. This area located between the College of William and Mary and the High Street Williamsburg development, and interconnected by a growing network of sidewalks, bike lanes and public transit. The proximity of this area to the College makes it very attractive for helping to meet the need for college student housing, and only multifamily dwellings and student dwellings are allowed. The permitted dwelling unit occupancy is two unrelated persons in an efficiency or one bedroom dwelling unit, and four unrelated persons in a two or more bedroom dwelling unit.

The PDU District was revised and updated based on the recommendations of the 2013 Comprehensive Plan. The PDU District can only be established in areas designated by the Comprehensive Plan as Urban Residential land use. The revised PDU District does not list a specific residential density, but allows it to be determined in conjunction with the rezoning, stating that “[i]n deciding the density to be allowed, city council shall consider the quality of the building and site design of the proposed development, and how the scale and character of the development relates to its immediate surrounds and to the Midtown Planning Area as a whole.” A density of 35.4 dwelling units/net acre density is proposed, which is slightly lower than the 37.4 dwelling units/net acre that was originally approved (in the original PDU District, density was based on the number of bedrooms/net acre rather than dwelling units/net acre). City Lofts was an adaptive reuse of an existing older hotel building, so the scale and character of the building is not being changed. Eight additional parking spaces are being provided to accommodate the additional bedrooms proposed, and additional landscaping is being provided in addition to the added parking spaces.

In summary, City Lofts is located in an area designated by the 2013 Comprehensive Plan as Urban Residential land use, noting that “the proximity of this area to the College makes it very attractive for helping to meet the need for college student housing...” This revised proposal accommodates 21 additional students (+15%), but is essentially similar to the original proposal. It is consistent with the Housing Plan contained in the 2013 Comprehensive Plan, and with the Statement of Intent for the PDU District, which states

This area, because of its proximity to existing commercial and multifamily development, and to the College of William and Mary, has potential to accommodate additional dwelling units in an evolving urban mixed-use area. Development and redevelopment in the PDU district should promote high standards of design and construction, encourage pedestrian scale urban development and take advantage of proximity to existing transit routes and pedestrian and bicycle facilities.

STAFF RECOMMENDATION

Staff recommended that Planning Commission recommend to City Council that the PDU zoning conditions for City Lofts, 1400 Middle Street (formerly 1406 Richmond Road) Street be amended as detailed in the attached ordinance. This recommendation approves the proposed density of 35.4 dwelling units per net acre (14 one-bedroom student apartments, 75 two-bedroom student apartments, and one two-bedroom manager’s apartment), the submitted development plan and the management plan for the student dwellings.

PLANNING COMMISSION PUBLIC HEARING

Planning Commission held a public hearing on this request on August 20. The attorney for the applicant spoke at the hearing. Planning Commission recommended to City Council, by a 7-0 vote, that the PDU zoning conditions for City Lofts be amended as detailed in the ordinance recommended by staff, but with the addition of conditions that limit occupancy in one-bedroom apartments to one student, and in two-bedroom apartments to two students. Planning Commission’s recommendation approves the proposed density of 35.4 dwelling units per net acre (14 one-bedroom student apartments with occupancy limited to one student, 75 two-bedroom student apartments with occupancy limited to two students, and one two-bedroom manager’s apartment), the submitted development plan and the management plan for the student dwellings.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing on this case is scheduled for September 11 at 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street.



Reed T. Nester, AICP
Planning Director

RAYMOND H. SUTTLE
RALPH M. GOLDSTEIN
JOHN T. TOMPKINS, III
CONWAY H. SHEILD, III
HERBERT V. KELLY, JR.
ALLEN C. TANNER, JR.
RICHARD B. DONALDSON, JR.
ROBYN HYLTON HANSEN
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ALLAN D. JONES, 1875-1954
DANIEL SCHLOSSER, 1915-1977
F.O. BLECHMAN, 1905-1986
ARTHUR W. WOLTZ, 1905-1993
THOMAS N. DOWNING, 1919-2001
SVEIN J. LASSEN, 1947-2006
HERBERT V. KELLY, 1920-2007
B.M. MILLNER, 1929-2011

REBECCA L. SHWAYDER AMAN
JENNIFER L. MUSE
C. PATRICK TENCH
CHRISTOPHER M. MACKENZIE
BRITNEY H. MADDUX
BERKLEY D. FOLTZ

June 30, 2014

Reed Nester, Planning Director
401 Lafayette Street
Williamsburg, VA 23185

RE: Statement in Support of Request for Rezoning

Dear Mr. Nester:

This letter is offered as the applicant's statement in support of the Rezoning Application.

History of Project

By ordinance #12-10 (copy attached), which was adopted on June 14, 2012, City Council for the City of Williamsburg adopted the ordinance to rezone 2.64 acres at 1406 Richmond Road from B-3 to PDU. The rezoning was subject to the following four (4) conditions: (1) The property was approved for 94 one bedroom student dwelling units (49 units to accommodate two students and 45 to accommodate one student), one two bedroom manager's apartment and various supporting facilities, including fitness room, lounge, media room, and study areas; (2) The plans entitled "SCHEMATIC PLAN OF DEVELOPMENT, 1406 RICHMOND ROAD", dated 3/12/12 prepared by AES Consulting Engineers; (3) A "Management Plan for the Upkeep and Maintenance of City Lofts" dated March 30, 2012; and (4) Approval of the final site plan by the Planning Commission.

Proposed Change

The applicant is requesting that the zoning conditions be changed to reflect the following units types and number of units:

<u>Unit Type</u>	<u>Number of Units</u>	<u>Unit Type</u>
A	20	two bedrooms
B	27	two bedrooms
C	28	two bedrooms
D	7	one bedroom
E	7	one bedroom

Jones, Blechman, Woltz & Kelly, P.C.

Page 2

Along with a resident manager's two bedroom apartment.

The total number of units requested is 90, of which 76 are two bedroom units and 14 are one bedroom units. A unit layout plan prepared by Guernsey Tingle Architects is attached hereto and made a part of this application.

The schematic plan has been revised to reflect the additional parking spaces from 146 spaces to 154 spaces, needed to meet City Code requirements created by the increased occupancy. The revised plan entitled "SCHEMATIC PLAN OF DEVELOPMENT, 1406 RICHMOND ROAD", prepared by AES Consulting Engineers, is attached hereto and made a part of this application. Lastly, the management plan has been revised to reflect the changes requested and the current operations of the project. A copy of the Management Plan for the Upkeep and Maintenance of City Lofts is attached hereto and made a part of this application.

Reason for Rezoning

After operating the property, the owners and management have determined that the property is only economically viable renting the A, B and C units as two bedroom units. In addition, student demand is for two (2) bedroom units. The size of these units is able to accommodate two bedrooms and the units meet the building code requirements for a two (2) bedroom unit. In addition, it was determined that the initial management plan does not actually reflect current operations. The management plan has been revised to reflect the current operations of the project, including security measures and personnel employed by management. As reflected in the Management Plan, the building and rooms have security measures. The security provided is comparable to the security that would be found in a dormitory setting. In addition, the site and landscape plan have been revised to reflect the additional parking spaces needed for the additional occupants.

For the foregoing reasons, the applicant would request that the zoning be revised to PDU to reflect the revised conditions.

Very truly yours,

JONES, BLECHMAN, WOLTZ & KELLY, P.C.



Raymond H. Suttle, Jr.

RHSjr/jrl

MANAGEMENT PLAN FOR THE UPKEEP AND MAINTENANCE OF CITY LOFTS

This Management Plan is submitted in support of the rezoning application filed by Delphi Properties, Inc. and is dated June 26, 2014.

The owner's goal is to create the premier off-campus student housing community in the market. We want to deliver the highest level of comfort, security, maintenance and convenience to our residents. Our commitment to quality and customer service will lead to unsurpassed customer satisfaction.

Staffing

The complex will engage a management team to oversee the security, maintenance and upkeep of the complex and all the dwelling units therein.

- A Certified Property Manager will lead the management team. The property manager will maintain overall supervision of the complex.
- An onsite Resident Manager will occupy an apartment unit on the first floor in close proximity to the main entrance to the complex. The Resident Manager will be a full time employee who is responsible for daily on-site operations, including hiring and supervising all staff, setting work schedules, managing payables, maintaining employment records, handling resident communications, and leading walk-throughs with departing tenants. A Leasing Specialist will assist the Resident Manager. The Leasing Specialist will provide support to the daily operational management of the property as needed, but his primary responsibilities will be marketing, project tours, leasing, lease administration, and managing receivables.
- Our front security desk will be located at the main entrance to the complex. Visitors will only be given access to the complex after resident approval is provided to the Resident Manager.
- Our in-house maintenance team will be led by a full-time Maintenance Manager who reports to the Resident Manager. He will be responsible for maintenance of all structures, equipment and exterior property and ensure all preventative and corrective maintenance is completed. He will manage all service contracts and inspections as well as schedule all maintenance activities. The Maintenance Assistant/Groundskeeper will report to the Maintenance Manager and perform tasks as scheduled by the Maintenance Manager.

Security

We will maintain a highly secure environment for our residents by implementing a comprehensive security plan that integrates technology, building design and manpower.

- Access to the building will be controlled via a security coded access system. Key cards will serve as room keys.
- The interior corridors of this property enable more secure control of the environment. Closed-circuit cameras will be installed in multiple locations on each floor of the building and at critical points of the exterior of the building. Along with monitoring the security desk, management will monitor the security camera network.
- Exterior lighting around the building and in the parking lot will provide a secure environment beyond the walls of the building.
- To provide fire safety, the complex has automatic smoke detection and alarm systems, automatic sprinkler system, and will have twenty-four hour off-site alarm monitoring. Portable fire extinguishers and emergency lighting will be located throughout the property as required by code.
- Emergency evacuation plans will be posted and included in the resident handbook.

Maintenance

We will develop and implement a comprehensive plan to address scheduled/preventative as well as corrective maintenance.

- Preventative maintenance planning will be done on a five year, rolling cycle, with planned expenditures captured in our capital budget. Examples of preventative maintenance includes inspection and repair of HVAC equipment, roof and flashing, smoke detection and sprinkler systems, IT infrastructure and other building systems, as well as more basic maintenance like HVAC filter replacement, window washing, landscaping, painting, and cleaning storm drains.
- Corrective maintenance will be completed as issues arise, and the process to report issues and contact information will be detailed in the resident handbook. Residents will make requests during business hours to the Resident Manager or Leasing Specialist via the on-line maintenance request form or after hours to the Resident Manager. Maintenance staff will be on call for emergency maintenance. Examples of corrective maintenance include preparing apartments for new residents, fixing leaking toilets, drywall repairs, and replacing and reprogramming locks.

Resident Handbook

Another key component of our management plan is a resident handbook that not only will establish expectations for and standards of resident conduct, it will establish safety and security protocols.

Prior to their move-in date, all residents will schedule and complete an orientation where they receive a welcome packet that includes the resident handbook. At this orientation, residents

will be introduced to and oriented with their new community. The Resident Handbook will include the following sections:

- Introduction to Staff – List staff names and contact information to enable necessary interactions and customer service.
- Emergency, maintenance and safety – highlights safety contact information, emergency procedures, maintenance procedures, and personal health and safety information.
- Policies and procedures – establishes policies and procedures for utilization of communal and personal space.
- Conduct – details rules and regulations for resident behavior to support a pleasant environment to live, work and study.
- Resident services – explains services available to residents that help make this community the most sought after off-campus student housing community.

Summary

Our management team will implement a plan to ensure the property is consistently operating at peak performance. We will hire talented professionals and create effective interaction models to address any and all issues that the team encounters. To ensure high customer satisfaction, we will be very attentive to resident issues and concerns and ensure all property maintenance is completed promptly and that our secure environment is preserved at all times. An efficient process for reporting corrective maintenance issues, both in the dwelling units and in the common areas, will be detailed in the resident handbook and complemented with a rapid response program to rectify any issues that arise. Furthermore, active and engaged local ownership will provide an additional layer of oversight to make sure the property is maintained to its high standards.

DELPHI PROPERTIES, INC.

By 
Demetrios Florakis, President
Date: 8/27/14

STATE OF VIRGINIA

CITY/COUNTY OF MEADOWS, to-wit:

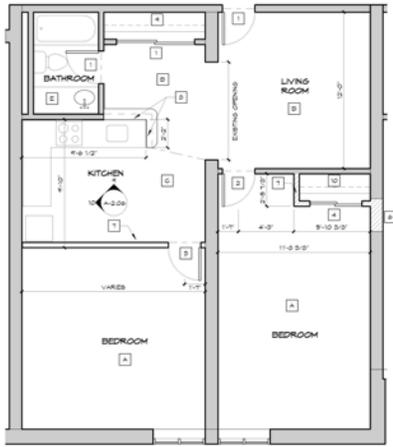
Subscribed and sworn to before me this 27th day of June, 2014 by Demetrios Florakis,
PRESIDENT and authorized agent of Delphi Properties, Inc.

My commission expires: 3/31/14
Registration Number: 208708



Jennifer R. Lewis
Notary Public

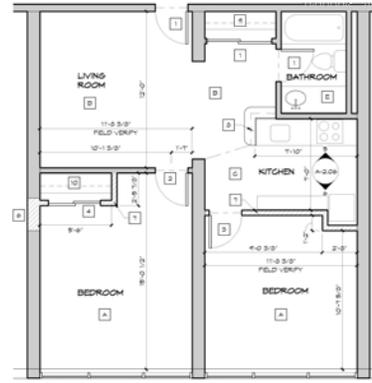
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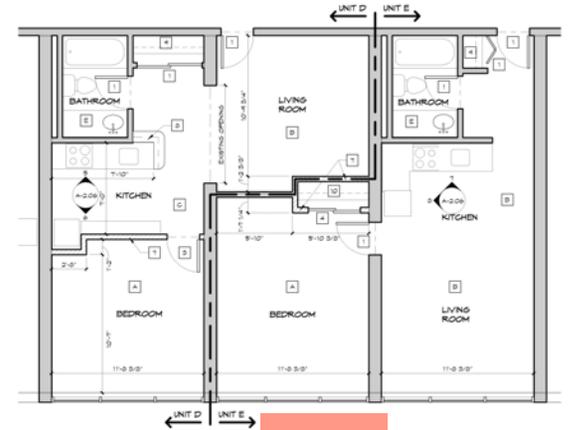
1 Unit A Plan 2 BR
1/4" = 1'-0"



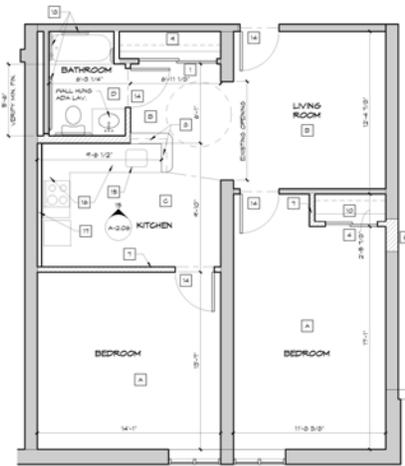
2 Unit B Plan 2 BR
1/4" = 1'-0"



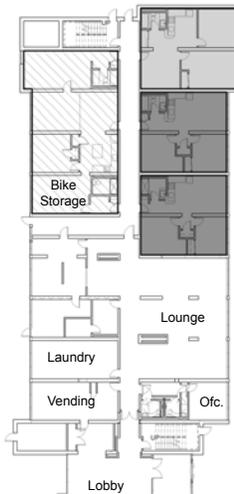
3 Unit C Plan 2 BR
1/4" = 1'-0"



4 Units D and E Plan 1 BR
1/4" = 1'-0"



5 Handicap Type A Unit Plan 2 BR
1/4" = 1'-0"



- UNIT A
- UNIT B
- UNIT C
- UNIT D
- UNIT E
- MANAGERS APT.

NEW UNIT PLAN KEYNOTES:

1. EXISTING DOOR TO REHAB.
2. NDA 2800 S.G. PAINTED FLOOR DOOR IN EXISTING PARTITION WALL.
3. NDA 2800 S.G. PAINTED FLOOR DOOR IN NDA PARTITION WALL.
4. NDA 4000 S.G. BIPASS DOOR IN DRYWALL CASER OPENING IN NDA PARTITION WALL.
5. NPL OPENING IN EXISTING CORRIDOR WALL WITH NDA STEEL STUD PARTITION. MINIMUM 2'-0" CLEARANCE FROM STUD TO STUD. PROVIDE 2" MIN. CLEARANCE FROM STUD TO STUD. PROVIDE 2" MIN. CLEARANCE FROM STUD TO STUD. PROVIDE 2" MIN. CLEARANCE FROM STUD TO STUD.
6. NPL OPENING IN EXISTING GIB FLOOR WALL. EACH FACE TO BE NDA 5'-0" GIB ON 2x4 STEEL STUDS @ 16" O.C. FINISH FLOOR TO ADJACENT SURFACES. PROVIDE 3-1/2" SOUND BARS WITHIN BOTH STUD SPACES.
7. NDA PARTITION FROM FLOOR SLAB TO CEILING SLAB 5'-0" GIB ON BOTH SIDES OF 3-8" STEEL STUD @ 16" O.C.
8. KITCHEN KNEE WALL TO 2'-0" A.P.F. COORDINATE WALL EXTENSION WITH EXISTING KNEE WALL AND KITCHEN DIMENSIONS SHOWN. WALL CONSTRUCTION SHALL BE TYPICAL.
9. EXISTING SHELF AND ROD TO REHAB. PROVIDE NEW SHELF AND ROD IF MISSING OR DAMAGED.
10. NDA SHELF AND ROD.
11. NDA 3000 S.G. PAINTED FLOOR DOOR IN H.W. FRAME DOOR TO BE 20 MINUTE RATED AND LABELED. PROVIDE GLASS. AS REQUIRED FOR RATING. REUSE EXISTING BALUNGED ACCESS LATCHES.
12. NDA 3000 S.G. PAINTED FLOOR DOOR IN EXISTING PARTITION WALL.
13. NDA 3000 S.G. PAINTED FLOOR DOOR IN NDA PARTITION WALL.
14. PROVIDE 36" ADA COMPLIANT DOOR.
15. PROVIDE CABINETS UNDER SINK THAT CAN BE REMOVED WITHOUT REMOVAL OR REPLACEMENT OF SINK. FINISH FLOOR AND WALLS UNDER AND AROUND SINK.
16. PROVIDE 24" MAX. GOANERTOP.
17. FLOOR WALL # FOR ELEC.
18. PROVIDE BULLDOGS IN WALLS FOR FUTURE GRAB BARS AT TUB AND TOILET PER DETAILS ON A-2.00 AND A-8.01(A).

FLOOR FINISH KEYNOTES:

- A. GARRET. COORDINATE WITH OWNER AND EXISTING CONDITIONS FOR ANY GARRET TO REMAIN. COORDINATE WITH OWNER FOR SELECTION, FINISHING AND INSTALLATION METHOD. PROVIDE 4" MIN. EDGE GARRET BASE TO MATCH.
- B. ENGINEERED HARDWOOD. COORDINATE WITH OWNER FOR SELECTION, FLOOR PREPARATION AND INSTALLATION SHALL BE PER MANUFACTURER'S REQUIREMENTS. PROVIDE 3/4" PAINTED FLOOR COLONIA BASE WITH STAINED SIDE MOULD AT ALL HARDWOOD AREAS.
- C. SHEET VINYL. COORDINATE WITH OWNER FOR SELECTION, FLOOR PREPARATION AND INSTALLATION SHALL BE PER MANUFACTURER'S REQUIREMENTS. PROVIDE 3/4" PAINTED FLOOR COLONIA BASE AT ALL VINYL AREAS.
- D. GRANITE TILE. COORDINATE WITH OWNER FOR SELECTION, FLOOR PREPARATION AND INSTALLATION SHALL BE PER MANUFACTURER'S REQUIREMENTS. PROVIDE 1/4" PAINTED FLOOR COLONIA BASE AT ALL VINYL AREAS.
- E. EXISTING GRANITE TO BE REHAB.
- F. EXISTING GRANITE TO BE SEALED.

- UNIT A
- UNIT B
- UNIT C
- UNIT D
- UNIT E

2 BR



5 FIRST FLOOR - UNIT LAYOUT
1/16" = 1'-0"



6 UPPER FLOORS - UNIT LAYOUT
1/16" = 1'-0"

ORDINANCE #14-__
PROPOSED ORDINANCE #14-__

**AN ORDINANCE TO AMEND THE CONDITIONS FOR
THE PDU ZONING FOR 1400 MIDDLE STREET
(PCR #14-017)**

WHEREAS, it has been determined by City Council that the general welfare of the City of Williamsburg would be served by amending the zoning conditions for the PDU Planned Development Urban District at 1400 Middle Street (formerly 1406 Richmond Road) that were approved on June 14, 2012 (PCR #12-006).

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Williamsburg that the conditions for the PDU Planned Development Urban District at 1400 Middle Street for City Lofts, a student apartment building, be modified as shown below. This 2.64-acre parcel is listed as Williamsburg Tax Map Number 403-01-00-001, and is further described by the attached Exhibit A.

CONDITIONS FOR CITY LOFTS PDU ZONING, 1400 MIDDLE STREET

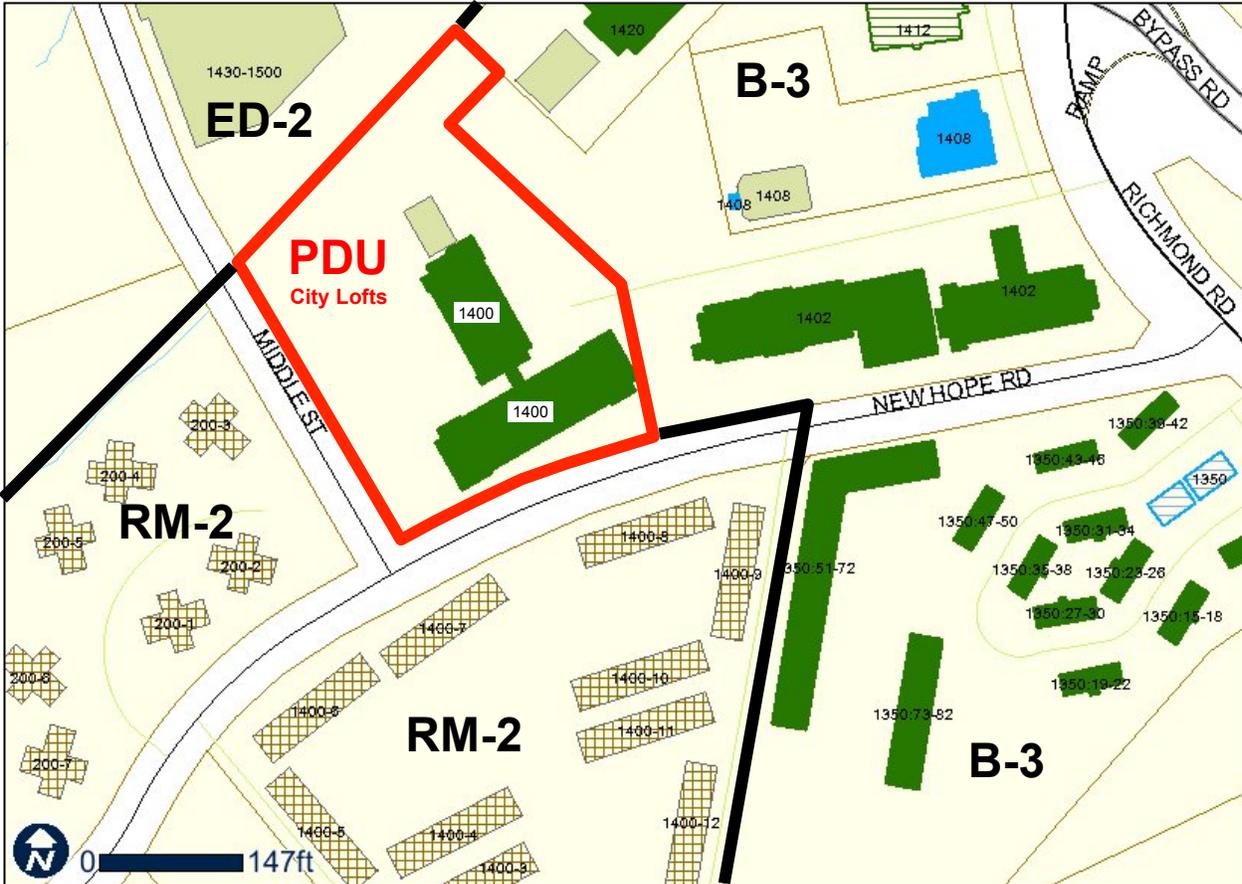
1. The zoning approval is for 90 dwelling units at a density of 35.4 dwelling units net acre, and consisting of the following: 14 one-bedroom student dwellings with occupancy limited to one student, 76 two-bedroom student dwellings with occupancy limited to two students, one two-bedroom manager's apartment, and various support facilities (lounge, study room, game room, exercise room, bike storage), as shown on floor plans titled "CITY LOFTS," page A-2.05, dated 11/16/2012, last revised 8/13/14, and prepared by Guernsey-Tingle Architects.
2. The rezoning approves the plans titled "DEVELOPMENT PLAN FOR CITY LOFTS," dated 07/24/2014, last revised 8/19/14, and prepared by AES Consulting Engineers, which is also the final site plan.
3. The rezoning approves the "Management Plan for the Upkeep and Maintenance of City Lofts," dated June 26, 2014.

Adopted: _____

Clyde A. Haulman, Mayor

Gerry S. Walton, Deputy City Clerk

PCR #14-017: CITY LOFTS – PDU PLANNED DEVELOPMENT URBAN
1400 Middle Street





CITY OF WILLIAMSBURG

MEMORANDUM

DATE: August 21, 2014

SUBJECT: PCR #14-018
Amend Zoning Ordinance Definition for Group Homes

Virginia Code Sec. 15.2-2291, Sec. 21-2 of the Zoning Ordinance defines "Group homes" and states that facilities meeting such definition shall qualify as single-family occupancy.

In 2014, the General Assembly amended Virginia Code Sec. 15.2-2291 to more precisely define what constitutes a "Group home" (House Bill 527). It removed the requirement that group homes occupied by individual suffering from mental illness, intellectual disability or developmental disability be also occupied by one or more resident counselors or other staff persons, so as to now only require nonresident staff persons.

The attached ordinance is a housekeeping measure intended to bring the definition of "Group home" into accord with current Virginia Code Section 15.2-2291.

STAFF RECOMMENDATION

Staff recommended that Planning Commission recommend to City Council that the revision to the "Group home" definition be approved, as detailed in the attached ordinance.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on August 20, and no one spoke at the hearing. Planning Commission recommended, by a 7-0 vote, that the "Group home" definition be revised as detailed in the attached ordinance.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing on this case is scheduled for September 11 at 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street.

Reed T. Nester, AICP
Planning Director

ORDINANCE # _____
PROPOSED ORDINANCE # _____

**AN ORDINANCE AMENDING CHAPTER 21, ZONING, ARTICLE I. IN
GENERAL, SEC. 21-2 DEFINITIONS PERTAINING TO ASSISTED
LIVING FACILITIES AND GROUP HOMES
(PCR #14-018)**

WHEREAS, the Virginia General Assembly at its 2014 Session enacted House Bill 527 that amended Virginia Code Section 15.2-2291 pertaining to assisted living facilities and group homes of eight or fewer persons; and

WHEREAS, Virginia Code Section 15.2-2291 mandates that zoning ordinances of all Virginia localities treat certain facilities occupied by not more than eight individuals with mental illness, retardation, etc. or by not more than eight individuals who require assistance in carrying out daily living activities due to age, infirmity or disability; and

WHEREAS, House Bill 527 removed the previous statutory requirement that group homes occupied by individuals suffering from mental illness, intellectual disability or developmental disability be also occupied by one or more resident counselors or other staff persons, so as to now only require *nonresident staff persons*; and

WHEREAS, in order to bring the definition of “Group Home” more squarely into accord with the provisions of Virginia Code Section 15.2-2291 it is desirable to further amend and update such definition;

NOW, THEREFORE, BE IT ORDAINED that Chapter 21, Zoning, Article I. In General, Sec. 21-2. Definitions be amended to read as follows:

ARTICLE I. IN GENERAL

Sec. 21-2. Definitions

Dwelling means any building or portion thereof which is designed or used exclusively for residential purposes, but not including hotels, motels, time-share units, travel trailers, recreational vehicles, or similar accommodations.

- (5) *Group home* means group homes or other residential facilities ~~licensed by the department of mental health, mental retardation and substance abuse services~~ occupied by:
 - a. Not more than eight ~~mentally ill, mentally retarded or developmentally disabled persons together with one or more resident counselors or other staff persons~~ individuals with mental illness, intellectual disability, or developmental disabilities with one or more resident or nonresident staff persons. Mental illness and developmental disability do not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia, § 54.1-3401. In order to qualify as a Group home, such facility must be licensed as a “residential facility” by the Virginia Department of Behavioral Health and Developmental Services; or by

- b. Not more than eight aged, infirm or disabled persons together with one or more resident counselors or other staff persons licensed as an assisted living facility or residential facility in which aged, infirm or disabled persons reside by the Virginia Department of Social Services.

For purposes of single-family residential occupancy, a ~~group~~ Group home shall be deemed to be a family and except for the limitations set forth hereinabove, no conditions more restrictive than those imposed on residences occupied by persons related by blood, marriage, or adoption shall be imposed on such facility.

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

Adopted: _____

Clyde A. Haulman, Mayor

Attest: _____
Gerry S. Walton, Deputy Clerk



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: August 21, 2014

SUBJECT: PCR #14-019
Amend Requirements for Preliminary Subdivision Plats

Virginia Code Sec. 15.2-2260 regulates requirements for Preliminary Subdivision Plats. Until 2014, there were no stipulations for the number of lots that would require the submittal of a preliminary plat, and the Williamsburg Subdivision Ordinance required a preliminary plat for 25 or more lots.

In 2014, the General Assembly amended Virginia Code Sec. 15.2-2260 to allow a Preliminary Subdivision Plat to be required only for plats of more than 50 lots; for 50 or less lots preliminary plat review is optional on the part of the developer.

The attached ordinance is a housekeeping measure intended to bring the Preliminary Subdivision Plat provisions in the Williamsburg Subdivision Ordinance into accord with current Virginia Code Sec. 15.2-2260 by requiring Preliminary Subdivision Plats only for plats of more than 50 lots, and making the Preliminary Subdivision Plat optional for 50 or less lots.

STAFF RECOMMENDATION

Staff recommends that Planning Commission recommend to City Council that the changes to the Subdivision Ordinance revising Preliminary Plat requirements be approved, as detailed in the attached ordinance.

PLANNING COMMISSION RECOMMENDATION

Planning Commission held a public hearing on August 20, and no one spoke at the hearing. Planning Commission recommended, by a 7-0 vote, that the preliminary plat requirements be revised as detailed in the attached ordinance.

CITY COUNCIL PUBLIC HEARING

The City Council public hearing on this case is scheduled for September 11 at 2:00 p.m. in the Third Floor Conference Room at the Williamsburg Municipal Building, 401 Lafayette Street.

Reed T. Nester
Reed T. Nester, AICP
Planning Director

ORDINANCE # _____
PROPOSED ORDINANCE # _____

**AN ORDINANCE AMENDING THE WILLIAMSBURG SUBDIVISION ORDINANCE BY
AMENDING THE REQUIREMENTS FOR PRELIMINARY SUBDIVISION PLATS
(PCR #14-019)**

WHEREAS, the Virginia General Assembly at its 2014 Session enacted House Bill 209 that amended Virginia Code Section 15.2-2260 pertaining to the number of lots that require a preliminary subdivision plat; and

WHEREAS, House Bill 209 allows local governing bodies to require preliminary subdivision plat approval for subdivisions of more than 50 lots, and optional review and approval for subdivisions of 50 lots or less; and

WHEREAS, in order to bring the City's regulations into accord with the provisions of Virginia Code Section 15.2-2260 it is required to amend Sec. 25-29.1 of the Williamsburg Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED that the Williamsburg Subdivision Ordinance is hereby amended by revising Sec. 25-29.1 to read as follows:

ARTICLE IIIA. PRELIMINARY SUBDIVISION PLAT

Sec. 25-29.1. Purpose.

The preliminary plat review process is an opportunity for the subdivider to present a conceptual master plan for a subdivision for review and approval. This review allows the subdivider to understand and anticipate subdivision design related issues and requirements prior to the submittal of the detailed development plan and the expenditure of substantial funds on engineering design. This review also allows the City staff, Planning Commission, City Council and citizens to comment on the subdivision design in its preliminary stages. Review of the preliminary plat (master plan) shall be based upon the standards contained in this Subdivision Ordinance and the Zoning Ordinance. Because of the importance of this review, it is made a requirement for all subdivision plats containing ~~25 or more~~ more than 50 lots, and is optional for plats containing 50 or fewer lots.

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

Adopted: _____

Clyde A. Haulman, Mayor

Attest: _____
Gerry S. Walton, Deputy Clerk