

City of Petersburg
Planning Commission Meeting
February 2, 2023

Minutes

The City of Petersburg Planning Commission meeting held on Thursday, February 2, 2023, was called to order by the Chair, Mrs. Tammy Alexander, at 6:30 p.m. A roll call was completed by Ms. Michelle Murrills.

Members Present: Ms. Tammy Alexander, Chair
Mr. Fenton Blanc, Vice Chair
Ms. Marie Vargo
Mrs. Chioma Adaku
Ms. Candy Taylor
Dr. James Norman

Members Absent: Mr. Michael Edwards
Dr. William Irvin
Mr. Thomas Harriston

A Quorum was established by the Chair.

Others Present: Mr. Reginald Tabor, Ms. Michelle Murrills, Ms. Sandra Robinson, Mr. Randell Williams – Acting Director of Public Works & Utilities, Mr. Chip Dix, Mr. Michael Packard, Ms. Melissa Wilkenson, and Ms. Kate Sangratorio.

Adoption of the Agenda:

Chair Alexander called for any changes. Since there were none, Commissioner Adaku moved for the approval of the agenda; Commissioner Norman seconded the motion. The motion passed unanimously.

Minutes:

Chair Alexander asked if there were any changes to be made to the minutes from November 3, 2022. It was moved by Commissioner Adaku and was seconded by Commissioner Norman. It was passed unanimously. Then she asked if there were any changes to be made to the December 1, 2022 minutes. Commissioner Norman then moved to adopt those minutes seconded by Vice Chair Bland. The motion was passed unanimously.

Public Information Period:

Chair Alexander opened the Public Information Period to anyone who wished to speak on an item, not on the agenda. No one chose to speak, and so the Chair closed the public information period.

6. Public Hearings:

Chair Alexander read the notice of a public hearing as follows:

6a. **2023-REZ-01:** A request from PBFL, LLC represented by C. Burton Cutright, to amend the proffers previously adopted with the rezoning for the properties located at 1200, 1220, 1225 and 1255 Harrison Creek Blvd, Tax Parcels 040030801, 040030805, 040030806, and 04003080, respectively. The purpose is to permit the construction of five (5) structures with a total of 120 units of housing.

Mr. Tabor gave the presentation. He said that this request has come before the commission several times and that this time this is an amended proposal. This proposal is for 120 units in 5 structures, much like the existing ones at the Acqua Apartments. This property was originally rezoned to PUD and the city proffered conditions for the Harrison Creek Development in December 2007. The City then adopted 08-ORD-20 in February of 2008, approving the rezoning to PUD with proffered conditions, to permit multi-family residential, commercial, office space, and mini-storage spaces. The property today is zoned PUD and the future land use plan has the land as commercial and light industrial. Included in this packet today is also a letter from Mr. Randell Williams, acting director of Public Works and Utilities stating why the city does not believe that this construction should be allowed. Because this letter was written the day before the day of the meeting and because it had not been shown to the Planning Commission before the meeting, the Commission took a few minutes to read the letter. Chair Alexander then read the letter.

Dear Chair & Members of the Planning Commission:

This letter from the city of Petersburg Department of Public Works & Utilities is to provide a recommendation regarding item 2023-REZ-01 scheduled to be discussed at the Planning Commission's February 2nd, 2023 meeting. This item is in reference to a request from PBFL, LLC to rezone 1200, 1220, 1225, and 1255 Harrison Creek Blvd. for the construction of 120 apartments.

The Department of Public Works & Utilities does not recommend approving the construction of the 120 apartments at this time period the primary reason for this decision is that no more additional flow can be supported until the Poor Creek Wastewater Project is completed.

The Department of Public works & Utilities could only recommend approving the construction of the 120 apartments if it was contingent on the Poor Creek Wastewater Project being completed.

As read by Chair Alexander

Commissioner Norman then asked if Mr. Tabor could give any information about this letter and he was told that the author, Mr. Williams (the author) is here at the meeting. Chair Alexander then asked Mr. Williams to please step up.

Mr. Williams then said that because they have been quite a few proposals and requests for additions to the area and everybody wants to know what the capacity looks like. We have been told that we are at capacity and so as recently as just a few days ago me and the last Director of Public Works discussed this and other items that were not as impactful as this particular project. And so Mr. Williams said that he then offered up that the city okaying the project would be contingent upon the Poor Creek project finishing. He said that he does not know when it will be done, but that the City is shooting for the 2025 fiscal year timeframe. At the January 3rd city council meeting, there was a presentation that was given that said that it should be around that time period. There will be an update at the March city council meeting as to the timeline.

Commissioner Taylor then said that this has been denied before and that Petersburg really needs the capacity for businesses as Petersburg really needs businesses. She said that it sets a bad precedent to give them an okay when the commission does not even know when the (Poor Creek) project is going to be finished.

The person representing the applicant, Mr. Chip Dix, then asked if he could ask some questions and Chair Alexander then agreed. The first question Mr. Dix asked was what was the date of the letter? The answer given was that it was dated yesterday. The next question was who asked you to make the recommendation? The answer given was that it doesn't really matter, if there is no capacity, there is no capacity. He said that Public Works has been denying business opportunities for others as well. Mr. Dix then said that he had a few other questions. But first, he wanted to say that he thought it was important to know who asked Mr. Williams to write the

letter. He said that it was well known that he was representing the Appletons and that he had had communications with the utility department as late as December 2022 and that he should have been notified when someone asked him to write the letter. Mr. Williams said that notification was not important because it does not change the answer of his department. Nobody told him what the recommendation should be, he was just told to provide a recommendation. Mr. Dix then referred back to Mr. Tabor's report. His report says that as of January 20, 2022, the interim director of Public Works at the time, stated that while the current water/sewer system could support this development, this new development would hamper future development in the area. Mr. Williams said that the answer now is a more updated answer. Mr. Dix then asked what has changed since January 20, 2022? Is it the fact that the Planning Commission has approved two developments in that area? Both car washes. Mr. Williams said that two car washes are a lot different than 120 apartments. Mr. Dix said that the car washes would be using more water than the 68 gallons per day per unit that the apartments would be using. Mr. Williams said that the car washes had been told that they could not be approved until they cut down their water usage. Mr. Dix asked if the car washes had paid money to offset the cost of their impacts on Poor Creek, but Mr. Williams did not know. Mr. Dix said that Acqua had paid almost half of a million dollars to help handle the future impact that the retail spaces would have on Poor Creek. Those proffers were accepted and approved by the Public Works department. When Acqua was originally built they spent \$4 million in 2008 and the current proffers that were negotiated by the Public Works department said that it was adequate if they paid half a million dollars, which would cover these 120 apartments and their impact on Poor Creek. Mr. Dix then said that the question then is, if those proffers were acceptable and that was something determined by the Public Works Department. If that was the cost of these 120 apartments on Poor Creek, and we agreed to pay that (and that is in the proffers) then why is the recommendation that we should have to wait until after Poor Creek is operational under your current recommendation, which again I still want to know who asked you that. Mr. Williams said that it gets back to compacity. It would not matter how much money you paid to the city. The information that we have says there is just not enough capacity. My information is based on science and is not based on dollars and cents. Mr. Dix then said that he would like to make a formal presentation to the commissioners as well as have it sent to City Council and let them determine if this is a proper recommendation and then I want to ask what has my client paid this money for? Mr. Dix then reiterated that he wanted to know who spoke to Mr. Williams about the official city recommendation and why he was not given notice about the letter being written as he should have been. Mr. Williams said that had he been the director of Public Works then he would have been. Mr. Dix said he has a problem with the fact that he cannot get any responses from the department and yet all of a sudden someone asks Mr. Williams to write a letter and yet it gets delivered. Mr. Dix then ended the discussion by saying that he would be sending over a FOIA request for the information as to who asked for Mr. Williams to write the letter.

Chair Alexander then asked Mr. Dix if he would like to give his presentation now.

Mr. Dix said that in 2008 two gentlemen built an apartment community with commercial on the side. The thought was that at the time Fort Lee was expanding and that there would be a need for people to want to build office and retail space. These apartments are 100% occupied and they have a waiting list. Originally the idea was that there would be a mix of commercial and apartments on the same property. They have searched for the commercial interest. What

happened was that Fort Lee never produced all the people that were supposed to come. As a result, the demand for commercial property is simply not there. So for over ten years now, there has been vacant property just sitting there. What this proposal would do would be to use that empty space. You know that the company has great apartments, and runs a great company. No one has ever had a problem with them. Yes, these apartments are going to be right on the road, but they will be high quality and will be nice looking. It will be the beginning of the revitalization of the area. As I said earlier, we have already paid for all the property to have the ability to have water and sewer. I say to you that no one else seems to pay the half million dollars like we have. We know what the water bills are and we have been paying them for over a decade. Mr. Williams interjected that it was not about the water it was about the capacity of the sewer lines instead. The question is for us is...what are we paying cash proffers for? The half of million dollars? We paid for our capacity which is exactly what the proffers say, which is what the Public Works department says. So I don't understand the change in position and I don't understand who asked you to write this letter, but that is a city council issue. So you have heard this case twice. The first time you recommended approval and then came back after a question from Councilman Cuthbert and recommended a denial last January. Then it went back to City Council and they said that if it was the same high-quality housing, just like what was already there, they would approve it. However, according to the city attorney, the proposal would have to go back to the Planning Commission back first. The people building these apartments are not only clients of mine but also friends of mine. They do good quality work and put meaningful money into the City of Petersburg. They are willing to add another 10-12 million dollars to the project in the next year or two. Poor Creek as I understand it is slated to be done in the fiscal year 2025. Which is 2026 calendar year. Since it is being paid by grants, you can be fined if you don't meet those deadlines. We understand that that is an important expansion in the City of Petersburg. But this is not a bad proposal this is a good proposal. It has been tested, you know these people, they have been investing in this city. And it is something that I urge you to look at seriously. And I am happy to answer any questions.

Chair Alexander then asked if there were any questions. There were none. So Chair Alexander allowed Mr. Williams to say a statement for the city.

Mr. Williams said, that he has worked for the city for about 5 years. Previously, I have been involved with capital improvement projects. Prior until just recently, the City of Petersburg didn't have any money to use for investments. Finally, we have some money to invest in capital projects. There are now some asset management plans and project managers with the pharmaceutical companies. But this whole time there has been no investment into the infrastructure of Petersburg. I have said all this just to say that Petersburg has just been a mess for construction. With Poor Creek and the other projects that we have coming, we are trying to turn it around as best we can. We are not used to having the funding that we have for some of these projects. All these businesses want to do all these projects and we are not able to do them all.

Chair Alexander then opened it up to the public to ask if they were for or against the project. Mr. Michael Packard, 1245 Woodland Road, said that when this was brought originally to the city, back in 2008, the developers said that it would be a mixed-use center. City Council then passed an ordinance which would allow it to be a PUD. Then in 2013, Petersburg City Council repealed

the ordinance since the retail had not been used. Obviously, the city realized that it had a disproportional amount of residential rental units and especially multi-family units, compared to its industrial and retail units. And so, the city said that we will allow the apartments in the back if you will put the commercial property in the front. And so they very quickly put the very nice apartments in the back. And now they are looking for an amendment to the proffered conditions. This is a complete amendment to the PUD and it changes that concept from a PUD to an R5 residential. There is no mixture here. So I would suggest that this body deny the change and that you suggest to the city council and that they decide what they think would be proper rezoning for this. Thank you.

With that Chair, Alexander then closed the public hearing. Vice Chair Bland then made a motion to go with the recommendation of the city to deny the resolution. Commissioner Norman seconded the motion. Roll was called and it passed five yes one no. Chair Alexander then said that it could go on to City Council.

6a. 2023-ZTA-01: A Zoning Ordinance Text Amendment – To amend Article 15. - "B-2" General Commercial District Regulations, Section 2. Use Regulations, by changing to (1) Any use permitted in the "B-1" Shopping Center District and the "R-3" Two-Family Residence District and adding (20) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling District with the issuance of a Special Use Permit., and to amend Article 23. Supplementary Use Regulations Special Uses, Section 4. - Special uses enumerated, to add "(36) Multiple dwellings as authorized in and controlled by the "R-5" Multiple Dwelling, such Special Use Permits to be allowed only in the B-2 and B- 3 districts."

Mr. Tabor gave the presentation. He said that there is in the packets a resolution recommending the resolution. He then reiterated the reading of the text of the amendment. He said that essentially this removes multi-family residential as any use and instead multiple dwellings now will need a special use permit for multi-family uses in the district. Chair Alexander asked if anyone had any questions. Vice Chair Bland asked for the recommendation of the city and was told that the recommendation was approval.

Chair Alexander then opened the public hearing and asked if anyone would like to speak. Mr. Michael Packsrd, 1245 Woodland Road, said there are many different facets to the zoning laws. This ordinance will break the pyramid and that break needs to be made because we cannot afford to have more multi-family districts to eat up our commercial space. We only have a finite amount of it. And we have determined exactly what we need for businesses. We need that business desperately in Petersburg. What this will do is disallow multi-family (R5) to come down into the B3 districts, unless a special permit is granted. There could a reason as to why this would be appropriate such as a warehouse turning into apartments. And so we have left the ability to have that happen but as a matter of by right we need to stop that because otherwise, we will see Petersburg's valuable commercial property be eaten up by multi-family residential. We

already have a terrible imbalance here in Petersburg of residential and commercial right now here. Unfortunately, we lost the mall. After we lost the mall you could not buy a pair of socks here in Petersburg. Fortunately, our commercial property has come back, but we need more. And this is why I suggest to you that you amend the zoning ordinance and that you would approve this, and bring it before city council.

Chair Alexander then asked if there was anyone else who would like to speak. When no one else spoke up she closed the public hearing.

Commissioner Norman made a motion to approve the amendment. Seconded by Vice Chair Bland. With no more discussion amongst the commissioners, the vote was called. It passed unanimously.

c. 2023-ZTA-04: A Zoning Ordinance Text Amendment – To amend Article 4-A. "A" Agricultural District Regulations, Section 9. Special requirements, to permit a subdivision that creates one parcel that meets the dimension requirements of lots/parcels in the R-1A District.

Mr. Tabor made the presentation. Currently, the ordinance requires any subdivision with an agriculture-zoned property to be rezoned to residential property. Whether it is to create one additional parcel or 20 additional parcels. This would allow the owner of the property to create one parcel and that new parcel would have to be the new R-1 A. Chair Alexander then clarified that it would be like if a farmer had a big parcel of land and he wanted to give part of it to his daughter and the other to his son and this would allow it. Mr. Tabor agreed. She then asked if the commissioners had any questions. She then opened the public hearing.

Ms. Melissa Wilkinson said that she spoke in favor of this. With no other members of the public speaking, she closed the public hearing. Commissioner Vargo made the motion to follow the City's recommendations and approve the amendment. Commissioner Taylor seconded it. It passed unanimously.

7. OLD BUSINESS

Comprehensive plan update: Mr. Tabor did the presentation. He wanted to let the commissioners know that the city had the community workshops during the month of January. And during those workshops, we had input from members of the community at each one with regard to the community plan. Also in the month of January we had focus groups that were specific to elements of the comprehensive plan. Stake holders in the community were invited to come in as well. All the information we receive will be provided to you when we begin our drafting sessions. During the December meeting the schedule was approved. We would like to request that we amend that schedule so that the drafting sessions are scheduled the fourth Tuesday of every other month. Which would make it March 28, May 23, July 25, September 26 and November 28. And there needs to be vote on the revised schedule.

Commission Norman moved for the vote and Commissioner Vargo seconded it. It was passed unanimously.

8. NEW BUSINESS

a. A recommendation to the City Council regarding a proposal to expand the Local Historic District regulations to individual properties listed on the National Register of Historic Places, therefore requiring a Certificate of Appropriateness (COA) before any exterior changes are made.

Mr. Tabor said that this was an idea that was referred by the City Council. It includes a resolution as well as a list of properties that this would cover at this time. That list includes Blandford Church, Blandford Cemetery, Petersburg Legend's Park, Peabody Building of the Peabody William's School, Petersburg National Battlefield, Charles Cohen House, People's Memorial Cemetery, South Chappell Street Car Barn, Virginia Trunk and Bag Co., Southerland House, Trailways Bus station, Christ and Grace Episcopal Church, Byrne Street USO Club, and The Jarrett House. Kate Sangratorio, the city's Preservation Planner, was then invited to speak regarding the matter as well.

Ms. Sangatorio said that the Architect Review Board had already discussed that these entities would need the COA and that the ARB would have to be the ones to give it out. She said that in 2019 this was reviewed by City Council and shot down. She said that the commissioners needed to look at it a little more because just as it stands, the entirety of the Petersburg Battlefield would fall under the ARB purview and that is a lot. And all of Blandford Cemetery, and all of Legends Park. So is that feasible? Don't know.

Mr. Tabor said that City Council requested a recommendation from the Planning Commission.

Commissioner Vargo made a recommendation that the Commission approve the ordinance. Commissioner Adaku seconded it.

Commissioner Vargo said that no doubt it will be a lot of work, but that it will definitely be worth it. The history here in Petersburg is more important by its sheer volume than anywhere. Some of these buildings are in such a place that they could easily be destroyed and we could lose them.

It was then asked if Legends Park was included would it negate it being added to. Director Tabor then said that no it would not. Any structural changes would have to go before the ARB and get approval for things like the bathhouse. But for instance what if the city wanted to move the basketball courts and the baseball fields that would have to get a COA from the ARB and the answer was yes.

Vice Chair Bland then asked what about the People's Cemetery? Would that be the same way that if he and his family (who have a lot of history with the cemetery) wanted to go and clean it up, or fix it up or replace headstones then would they have to get a COA from the ARB? Ms. Sangratorio said yes. She also mentioned Blandford would have to do the same thing.

Director Tabor said that there were some options that the Planning Commission had. One was that they can remove some of the properties off the list or of course, they could vote against it instead.

Chair Alexander asked Commissioner Vargo if she would like to amend her motion to remove those items or leave them in. Commissioner Vargo said that she was more concerned about structures, although she wanted to be on the record that she really believes in some of these big open spaces being very important and that she understands that this would put an undue burden on the ARB, who have enough to do with just structures, fences, and whatnot. She then amended her motion to exclude non-structure properties. Which would exclude Blandford Cemetery, Legend's Park, Petersburg National Battlefield, and People's Memorial Cemetery. Commissioner Adaku amended her second as well.

A vote was taken and it was unanimous.

9. ANNOUNCEMENTS

- a. There will be a Master Plan City Workshop on February 22, 2023 at 6:00.
- b. Comprehensive Plan Update:
The deadline for the survey, which is online and there are paper copies as well, has been extended until February 15, 2023. And please if everyone that you know could come and complete the survey that would be great.

10. Adjournment

Since Commissioner Irving was not at the meeting, Commissioner Norman stepped up and moved for adjournment. Meeting ended at 7:40.