

City of Petersburg
Planning Commission Meeting
February 3, 2022

Minutes

The City of Petersburg Planning Commission meeting held on Thursday, February 3, 2022, virtually was called to order by the Chair, Mrs. Tammy Alexander at 6:06 p.m. A roll call was completed by Ms. Michelle Murrills.

Members Present: Ms. Tammy Alexander, Chair
Mr. Fenton Bland, Vice Chair
Ms. Marie Vargo
Mr. Thomas Hairston
Ms. Candy Taylor
Mr. Michael Edwards
Dr. James Norman

Members Absent: Dr. William Irvin

A Quorum was established by the Chair.

Others Present: Mr. Reginald Tabor, Ms. Michelle Murrills, City Manager Stuart Turille, Ms. Tangela Innis, Chief Travis Christian, and Loise Locket Gordon.

Adoption of the Agenda:

Chair Alexander called for any changes...there were none

Commissioner Hairston moved approval of the agenda; Commissioner Vargo seconded the motion. The motion passed unanimously.

Minutes:

Chair Alexander asked for the spelling of a name to be checked and otherwise then Vice-Chair Bland moved for the adoption of the Minutes from the January 20, 2022, meeting; Commissioner Vargo seconded the motion. The motion 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.

Public Hearings:

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

6a. 22-CPA-01: A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

Mr. Tabor then said that there are still a few outstanding items that will need approval from the Department of the Environment Quality and therefore the Planning Department requests that this public hearing be continued to the March meeting.

Chair Alexander then called for a motion to continue it to the March meeting. Commissioner Hairston motioned and Commissioner Vargo seconded. It passed unanimously.

6b. 22-REZ-02: A petition to rezone property located 801 S Adams St, TP: 031300002, from RB, Office-Apartment District, to MXD-3, Mixed Use District. The property is 24.02 acres.

Ms. Robinson then made the presentation.

This is a request to rezone said property which was formerly the cite of the Regional Southside Center. It is at the corner of S. Sycamore Street and Graham rd. This includes Apollo St. It is addressed at 801 S. Adams St. This property has been vacant since it was obtained by the City back in 2013. The former hospital site is an opportunity for positive redevelopment efforts to

take place along this portion of South Sycamore Street. Any use permitted in the MXD-3 Mixed Use District are intended to:

- A. Encourage appropriate commercial industrial activity.
- B. Encourage compatibility of existing and future land uses.

This would include offices, clinics, colleges, schools, or any use other than any residential use or any objectionable use as defined by Article 18, Section 3 of this Ordinance, but only is allowed by a special use permit.

Surrounding conditions: This land now is zoned for apartments because when the hospital was there, the hospital was wanting to provide facilities for the employees of the hospital, such as doctors and nurses and such and so it was zoned that way for them. The area does take in the Poplar Lawn Historic District, but the subject property is not directly in the historic district, but it is located within an Enterprise Zone.

Staff findings:

- A. The 2014 Comprehensive Plan designates the subject property for community facilities usage and surrounding property for business/professional, general commercial and low intensity residential purposes.
- B. The property is currently designated as "R-B", Office-Apartment District which permits residential, medical and specialty facilities, business offices, etc. as by-right uses and with parking located in the rear yard and that portion of a side yard not adjacent to a street, if a corner lot.
- C. The uses mentioned under the newly proposed zoning district will encourage appropriate and compatible commercial and industrial activities and remained in keeping with the existing and future land uses. If need be, conditions will be imposed on a potential developer by the City prior to the issuance of a building permit and as per the City's development review team standards to protect the residents and neighboring communities/businesses. Screening will be required per Section 8 of the MXD-3 regulations.
- D. It is not believed that the proposed location will pose a burden to the existing neighborhood or property owners as the existing property owners and businesses have been operating in this capacity for more than 30 years.
- E. The noise of any potential business use permitted, is expected to be low, and no change in the current noise level is expected at the property boundaries.
- F. The city of Petersburg is proposing to reuse vacant property and make it marketable for suitable development which would provide tax dollars to the city, in addition to, cleaning up a predominantly vacant parcel of land and will encourage other owners to reinvest in their properties and the community.
- G. As of the preparation of this report, our office had not received any public input or concerns about the request.
- H. The subject parcel of land is located within the Enterprise Zone, which offers tax benefits. The Department of Economic Development office maintains a listing of potential sites, and facilities for potential employers and developers looking to expand or relocate operations. They also manage the enterprise zones located within the city which allows the city to offer

state and local incentives to industries which locate new operations to designated areas. The Industrial Development Authority (IDA) is part of the office.

Chair Alexander then asked if the commissioners had any questions for staff. Commissioner Hairston wanted to know if anyone had reached out to the council person and if they were on board with us moving this to a mixed use? Vice-Chair Bland said that he had spoken to one City Council member, and he is.

Chair Alexander then asked if anyone from the public was in favor of the rezoning. There was no one. So, she then asked if there was anyone in opposition to the rezoning. Hearing none, she then closed the public hearing portion. She then asked the commissioners if there was anything they wanted to say.

Commissioner Bland thought that it would be a great thing to piggyback onto what is going on at the industrial park. Chair Alexander then said that she agreed with Commissioner Bland. Commissioner Vargo said that this was a thoughtful use of using the MXD 3. Commissioner Taylor also agreed that this is the perfect that to put that land to good use. Commissioner Hairston did say that he wanted to be sure to keep the historic appearance of the neighborhood and that the aesthetic of the neighborhood wasn't changed. Commissioner Norman also agreed to both that this is a great idea and that the historical portion of the neighborhood should not be changed.

Staff recommendation: Staff recommends approval of the proposed use.

Chair Alexander then called for a motion. Vice Chair Bland moved that the commission move forward in the proposal of rezoning and getting it zoned correctly so that we can advertise it and offer it up for sale. Commissioner Hairston seconded it. The motion passed unanimously.

6c. City Code Amendment 2021-01: Consideration of amendments to the City of Petersburg Code of Ordinances, Chapter 50. Environment Article II. Noise and recommendations to the City Council. The presentation was then given by the City Manager, Mr. Stuart Turille.

Noise ordinance recommendation. The proposed Planning Commission revision to the current noise ordinance for business use is day 65-75 and night 55-65. The revision also clarifies that noise is not allowed between hours of 11pm and 7am in area which "residential dwellings are permitted...that is heard inside the confines of residential or multi-family dwelling of another person."

Facts:

- Some restaurants in the downtown want to stay open and provide entertainment later in the evening and early morning.
- Visitors and residents, primarily younger folks, come to the downtown to attend late night activities.
- Residents do live downtown and hear the music, sometimes calling police to enforce the current noise ordinance.

- The City is undergoing a revitalization, with more businesses and activities in Old Town and the downtown. More activities are in the works.
- In recognition of the need for more planning and regulation, the City is embarking upon a Downtown Master Plan to understand more clearly what downtown businesses and restaurants want for the area.
- Unlike many cities of a similar size, such as Harrisonburg, Staunton and Fredericksburg, the city has no downtown business district or central business district.
- These cities do have downtown districts, which allow different noise ordinance standards downtown, than for surrounding residential area.
- For instance, Staunton provides an "Entertainment area exception to the noise ordinance, allowing 80 decibels from 11:30 PM to 7:00 AM."
- the ordinance spells out clearly the entertainment area so designated, in the core downtown area.
- From City of Fredericksburg, "The City's Noise Ordinance is found in City Code Chapter 38, Environment, Article II, noise. 38-31 and following. The ordinance defines the "Downtown Business District" as "The area bounded by the Rappahannock River, Amelia Street, Prince Edward Street, and Lafayette Blvd." Noise restrictions in the Downtown Business District are less restrictive than in other areas of the City, reflecting Council's judgement that a higher level of noise downtown is generally acceptable."

ANALYSIS:

- The planning commission's ordinance revision of 55 indoor 65 outdoor decibels offers little from the current ordinance of 65 decibels at night.
- The ordinance is appropriate outside downtown citywide. In my view, it is correct for primarily residential areas but it's too restrictive on evening/late night activities in the central downtown. If the city wants to encourage downtown as a central meeting place for late night activity.
- Economic development professional training emphasizes the need for a vital downtown as the core of a city's economic vitality. Nightlife could be considered a component of economic vitality. I view my position as encouraging economic development of the city.
- Since we have no downtown Central Business district to reference in the noise ordinance, perhaps we may consider designating an entertainment zone overlay, or designation of an area, to allow a different noise standard than the one that applies citywide.
- A separate entertainment standard would, in my view, allow some late-night latitude to the citywide ordinance, but scaling down limits as the night progresses, to allow surrounding residents rest.
- An ordinance that spells out the expectations would clarify the rules and allow for clearer enforcement.
- With more entertainment events planned for downtown, this issue is not going away and should be addressed now. The problem, without an adaption, will not be solved but continue unless we resolve it proactively with expectations that we can all live with.

- What is the balance between entertainment and residential need? Models exist elsewhere and can be adapted here.

RECOMMENDATIONS:

- Research a possible entertainment area, with a clear area of designation, with a different allowable noise standard. This may take the form of an ordinance change or zoning overlay.
- Any new decibel standards should not be considered as a free pass for businesses to create excessive noise but clarify what is and is not acceptable in such a designated area.
- The ordinance should seek a balance between entertainment and residential use in the downtown.
- Request three volunteers from the Planning Commission to work with the Planning Director and myself to pursue this option by the next March Planning Commission meeting. Spring is around the corner, and we should move quickly.
- We should also listen to what downtown residents and businesses want, as indicated by the Downtown Master Plan, as we proceed.
- The right time is now, more activity will occur again as the city and downtown grows. Let's work together to find a successful resolution, which, while perhaps not meeting everybody's ideal is realistic, workable, and feasible.

Mr. Turille then said the next step should be to find out who was going to meet with he and Mr. Tabor and work on the entertainment area option. Commissioner Hairston then said that he had already met with Mr. Tabor and had presented an entertainment overlay a while ago. Mr. Tabor said that yes that information was available, and he also wanted to remind Chair Alexander that this was advertised as a public hearing and that a motion would be needed to table this discussion until the next meeting in March.

Commissioner Hairston then made the motion that the Commission postpone the public hearing until the subcommittee is put together. Commissioner Vargo seconded. The motion passed unanimously.

Chair Alexander then put together the subcommittee consisting of herself, Commissioner Hairston, and Commissioner Vargo.

7. Old Business:

7a. Draft Text Amendments

Draft Text Amendments:

- a. Chapter 110. Traffic and Vehicles, Article VIII. Bicycles; Mopeds. Division 1. Generally. Section 110-356. Sec. 110-356. - Riding of bicycles on sidewalks prohibited. No person, except a law enforcement officer in the performance of his official duties, shall *Any person may* ride any bicycle on any sidewalk if there are no dedicated bicycle facilities (i.e. bicycle lanes, trails,

etc.) and street speeds are higher than 25 miles per hour. *Bicyclists must dismount and walk their bicycle while passing a pedestrian when there is not sufficient space to safely pass while riding.*

Director Tabor then asked Louis Lockett Gordon to speak about this amendment. She is the director of Bike/Walk RVA. The spirit of this amendment is to make bicycles on the sidewalk less restrictive. State law does allow for bicycles on the sidewalk, but local ordinances can make it illegal. According to Virginia State Law if the City of Petersburg decides to make riding bikes on certain sidewalks illegal, then they will have to put signage out to say that riding on this or that sidewalk is illegal. She also said that another thing to think about is that it can be restrictive to bike riders if Petersburg does make it illegal. The spirit of this new amendment is to make bike riding easier for everyone and that it would be better if bike riders were allowed to ride on sidewalks everywhere and not just those in areas over 25 MPH.

Commissioner Hairston then made an observation that older people have spoken to him, and they do NOT want anyone to be allowed to walk on the sidewalk. They are too afraid of being run over and that young people do not observe the law anyways, so they are not going to get off their bike to walk past people walking on the sidewalk but instead are just going to push them down riding past them. He asked then 1. How are we going to inform the bike riders? 2. How are we going to enforce the new rule? 3. And what would be the punishment?

Commissioner Vargo then said there are a lot of people out on the sidewalk, and she really wants to make sure that everyone is safe. She does not want to see bike riders on the sidewalks.

Chair Alexander then asked what action do we need to take on this tonight and Director Tabor then stated that nothing was needed tonight that there would be a public hearing scheduled at a later date.

7B. Chapter 110. Traffic and Vehicles, Article VIII. Bicycles; Mopeds. Division 1. Generally. Section 110-356. Sec. 110-371. - Required. It shall be unlawful for any person to operate or use a bicycle or moped upon any of the streets, alleys, or public highways of the city, without first obtaining a certificate of registration from the chief of police. *Any person may register also obtain a certificate of registration for a bicycle.* (Code 1981, § 7-16)

There will be a public hearing scheduled for this as well.

8. New business:

8A. Nightclubs—Chief of Police.

Chair Alexander asked Chief Christian if he had a presentation or anything for the Commission. He said that he did not but that he was there to lend himself to any discussion about night clubs. Director Tabor then asked Commissioner Hairston if he had anything he would like to share.

Commissioner Hairston then said basically as the city moves forward, we have some things that we need to clearly define. Nightclubs being one of them. Commissioner Hairston went on to say that he wanted to know just what was the scale of problems that Petersburg has with their nightclubs. He asked Chief Christian is it a massive scope of a problem or is there a problem from a police department point of view. Chief Christian then said that from an enforcement standpoint, it is hard to enforce the laws because there is not a clearly defined line between a restaurant and a nightclub. There are so many loopholes in there that at times of trying to enforce anything, it becomes difficult because you have to be mindful of the different parts of the ordinance that supports nightclubs vs restaurants. What we have here in Petersburg are businesses that operate as restaurants up until a certain time and then after a certain time at night, the lights dim, the music goes on and that's then when it becomes what we would look at as a traditional night club. But because there is no clear distinction as to what exactly a nightclub is, it is hard to enforce. Chief Christian is hoping to help the city to define what is a restaurant and what is a nightclub so that the police are better able to enforce the laws that are on the books.

Chair Alexander then thanked the Chief and said that she too thought that it would be great if the city could have concrete definitions so that we can police them better. She said that everyone needs to look at it coolly and calmly and come up with some real guidelines. At a certain hour you are no longer a restaurant, you are a nightclub. We need that to administer everything correctly and take care of things.

Commissioner Hairston then said that he has done a TON of research and he thinks that the Commission should put together a committee with the Police Chief, the Fire Chief, a representative from two restaurants, and someone from Planning, to discuss these definitions. He also said that he spoke with the nighttime mayor of Washington DC and asked him how DC dealt with all the same issues. The mayor said that DC did was to make the process harder. It is almost a 26-page application to become a nightclub in DC. You have to submit a security plan and you have to define what your security plan is and how you are going to have and use enforcement. You then have to identify who the owners are and where they got their money. Because in DC they were seeing that a lot of people who wanted to run a club were getting money from places that the city did not want money to come from. So, you have to clearly identify who the owners are and verify their funds. He thinks that Petersburg should look closely at DC's process and really go in and try to make our process very hard and who ever can go through the application process gets to have a nightclub and it is fair across the board. The city is growing, and it is up to the commission to set the rules so that the city can grow responsibly, but yet equitably across the city and not just in Old Towne. Then when there are issues, it becomes more of a zoning matter than a police matter. The Chief of police should not be decided if a business is a restaurant or a nightclub.

Both Chair Alexander and Commissioner Hairston agree that there should be a committee that defines exactly what a restaurant and a night club are by definition. Chief Christian also added that there should also be a definition of social clubs as well since many of them operate just like nightclubs in some instances.

Commissioner Edwards then said that he not for a committee and that all the commissioners need to have a work session and that then all of them are in on the planning process. That is the point of the commission is to plan, come up with a plan, and strengthen our codes. But he is not in support of a committee. At our work session we need to have city staff, the police chief, the fire chief, etc. to work on this together. We need to get these codes strengthened now as things are going to be coming down 95 from Richmond. Commissioner Edwards wants Director Tabor to get with the commission for a work session and not create a new committee. This is what we are here for. That way when people who want to open new businesses like restaurants or nightclubs, come to staff to file their paperwork, everything is there spelled out correctly and we don't have these issues popping up moving forward. The Police Chief cannot keep doing his job properly if we do not give him the tools to do it with. So having a strong uniform code that mirrors the state guidelines is where we need to be.

Chair Alexander then ended the conversation with that she was planning on having a subcommittee set up the details and then she was going to have a work session to bring back to the whole commission the details of what had been decided.

Commissioner Edwards ended the evening with a question about if anyone had heard anything about Virginia Ave school. The answer to that was that the project was moving forward, and the developers are working on both the Virginia Ave school as well as vacant parcels in the neighborhood.

Announcements: there were no announcements.

Adjournment:

Meeting was adjourned at 7:44 p.m. Next meeting is at 6:00 p.m. on March 3, 2022.