

TO: Chairman Alexander and Members of the Petersburg Planning Commission
FROM: Reginald Tabor, Interim Planning Director and Sandra A Robinson, Zoning Administrator
SUBJECT: **2020 SUP-02 and 2020-SUP-03**
Tax Map Parcel 005-090002
1300 E Washington Street, Petersburg, VA. 23803 (US 36)

A petition from Mark Spector Properties, Inc. (agent) for David L. Snead, (Seller) and Robert H. Warthan, (Buyer) for a Special Use Permit pursuant to Article 23, Section 4(22) of the Zoning Ordinance to operate a stand-alone used vehicle sales not associated with a new vehicle dealership, subject to certain terms and conditions at 1300 East Washington St., T.P. 005-090002. The property is currently zoned M-1, Light Industrial District. In addition, the applicant has is requesting a secondary Special Use Permit pursuant to Article 23, Section 4(23) of the Zoning Ordinance to operate a stand-alone vehicle repair shop not associated with a new-vehicle dealership, subject to certain terms and conditions at the same business location addressed as 1300 E Washington Street, T.P. 005-090002, zoned M-1, Light Industrial District. The current Comprehensive Plan 2000 suggests that the area is suitable for commercial/industrial uses.

APPLICANT: Mark B. Spector, agent Spector Properties, Inc.

DATE: Delivery to the Planning Department on July 27, 2020 for consideration during the September 2, 2020 meeting of the Planning Commission.

I. APPLICANT'S PROPOSAL

The applicant desires to be allowed to operate a used car lot and vehicle auto repair establishment at the subject property as provided under Article 23, Section 4(22) and (23) of the Zoning Ordinance, on a 0.906 acre parcel along the south side of East Washington Street (US 36), addressed as 1300 East Washington Street, Petersburg, Virginia 23803, also identified as Tax Parcel 005-090002. The subject property has approximately one hundred fifty-seven (157.00) feet of frontage on the south side of East Washington Street. (See attached plat dated March 7, 1996). The subject property is zoned M-1, Light Industrial District and the Comprehensive Plan 2000 suggests that the property is suitable for commercial/industrial uses. The proposed uses requested, if permitted, will be controlled by zoning conditions and ordinance standards.

The parking lot is entirely paved and there is a partial tree line buffer along the west side of the property and a cinderblock wall w/fencing along the top along the rear of the property for security purposes. The property has no vegetative areas with the exception to the entrance along the right-of-way.

It is the request of the applicant/owner to reuse the existing structure to accommodate a used car lot and vehicle repair shop for the preservation and enjoyment of a substantial property right.

Occupancy of the building has not been achievable under the existing zoning regulations and prolonged vacancy will make it a challenge to maintain the structure and will put it at risk of deterioration.

The building will not need to be converted as the building and property has been utilized for the requested purpose since the 1960's. The Zoning Ordinance was amended May 1, 2001, by ordinance 01-Ord-23 to require a Special Use Permit for stand-alone vehicle repair uses as per Article 23 of the Zoning Ordinance. Among the delineated uses included with stand-alone vehicle repair in Article 23, Section 4 (23) is general automobile repair shops, truck repair shops, transmission repair shops, car washing and detailing operations, and similar facilities, such to be permitted within the B-2 and M-1 zoning districts only. Also, Article 23, Section 4(22) Stand-alone used vehicle sales not associated with a new-vehicle dealership or not located upon the same parcel as such new-vehicle dealership, if located upon parcels of less than one acre in area, such to be permitted within the B-2, and M-1 zoning districts only. In addition, the above-referenced uses are permitted with a Special Use Permit only in the B-2, General Commercial Districts and the M-1, Light Industrial Districts.

II. CHARACTER OF THE AREA

The subject property is immediately adjacent to and surrounded by other automotive operations along the East Washington Street corridor those establishments being Youngs Automotive & Repair, the Norfolk Southern Rail yard on north side, Business/Professional offices on the west, Storage Sheds & Garage sales, Used Car Lot with auto repair further west and Woods Automotive. On the far east side is old Dominion/Virginia Power vacant building and an Automotive Sales/Parts/Service establishment and small used car dealership.

III. RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION: As per Article 23 of the Zoning Ordinance, a Special Use Permit may be requested in seeking to operate a business enumerated per Article 23 at an appropriate location when supported by the property owner(s). A favorable Planning Commission recommendation may be referred to the City Council and the Council may grant approval when the public health, safety, moral and general welfare will not be adversely affected, and provided that necessary safeguards will be provided to protect surrounding property, persons and neighborhood values.

IV. PUBLIC INPUT:

As of the writing of this report, staff has received no telephone calls, emails or letters in support or in opposition to the request.

V. FINDINGS AND STAFF ANALYSIS:

The City's Comprehensive Plan 2000 designates the area for commercial/ Light Industrial uses.

The requested uses are applicable uses as enumerated in Article 23, Section 4(22) and (23) of the Zoning Ordinance.

There appears to be adequate parking to meet the requirements of the Zoning Ordinance for on-site parking per, Article 19, Off-Street Parking Regulations.

No outside storage of materials is permitted under this approval.

No vehicle parking is to be permitted on or to protrude into East Washington Street Right-of-Way.

Should the use of the premises be abandoned for a period of twenty-four (24) consecutive months, the Special Use Permit shall become null and void.

The site shall be properly lite and lighting directed in a downward and inward position, signage and parking configuration shall be reviewed and approved by the appropriate departments prior to occupancy. Parking spaces shall be properly delineated with paint or plastic stripping which shall provide a permanent delineation between spaces.

Signs shall be limited to wall-mounted signs that have a combined size of not more than 150 square feet, and no more than one (1) free-standing sign with a maximum size of 50 square feet. No new free-standing sign shall be established without removal of any existing free-standing sign(s).

No general vehicle repair business shall be operated on the subject premises.

Staff approves of the Special Use Permit Conditions, submitted, signed and dated by the Buyer, Robert H. Warthan, on 7-21-2020 with exception to item #11. Any new owner of the property must themselves apply for the Special Use Permit in order to ensure that the party will be undertaking the same or like endeavor and that their operation will remain in compliance under said Zoning stipulations. The Special Use Permit will not run with the land if the property is sold or transferred. Permit may be revoked by the City of Petersburg City Council or its designated agent for failure by the applicants to comply with any of the listed conditions or any provision of Federal, State or local regulations.

VI. EXHIBITS

Tax Parcel Map Extract

Zoning Map Extract

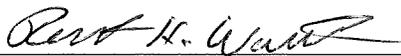
Applicants Petition

Public Notification Information

Special Use Permit Conditions
1300 E. Washington Street, Petersburg, VA 23803
Tax Parcel #005-09-0002

Conditions for Special Use Permit Petition presented by Robert H. Warthan for establishment and operation of a stand-alone vehicle servicing and repair facility along with the sale of used vehicles at property address of 1300 E Washington Street, Petersburg, VA.

1. The lot is currently paved and no portions have existing grass or landscaping areas. Therefore, no landscape plan is being presented. No vehicle parking is to be permitted or to protrude into the East Washington Street right-of-way.
2. Currently, the only fencing that exists is in the rear portion of the subject property for security, which is behind the building. No additional fencing is currently desired in the front of the building.
3. The petitioner will submit a sign plan to the Department of Planning and Community Development for its review and approval. Re-use of the existing pole sign is desired and encouraged. Any new free standing sign shall not exceed 15' in height and shall be permitted only upon the removal of the existing pole sign structure.
4. Any vehicle not capable of operation or which does not bear a current Virginia inspection sticker, shall be kept within the enclosed building or rear fenced portion of the subject property behind the building so as not to be visible from East Washington Street.
5. No inoperable vehicles may be retained on the subject property unless work to repair such vehicles is in progress. Use of this property for storing inoperable vehicles is prohibited.
6. In no case shall the business be operated as a scrap or junkyard. No outside storage, to include but not limited to, vehicle components, metal scrap, plastic materials, glass, used or waste tires, is permitted.
7. Collection and deposition of engine fluids must be done in accordance with local, state, and federal standards, regulations, or laws.
8. Any site lighting shall be directed downward and inward.
9. The petitioner must provide at least five (5) off-street parking spaces for customers and one (1) for each employee with spaces to be marked appropriately for these uses.
10. Other requirements may be imposed as deemed necessary to provide for the protection of surrounding property, persons and neighborhood values.
11. The special use permit shall run with the land upon the sale or other transefer of the business from the petitioner.
12. Violation of the conditions attached to this special use permit may be cause for permit revocation.



Robert H. Warthan

7-21-2020
Date

Property Record Card - Petersburg, VA

General Property Data

Parcel ID **005-090002** Account Number
 Prior Parcel ID -- Property Location **1300 WASHINGTON ST**
 Property Owner **SNEAD DAVID L** Property Use
 Mailing Address **1300 E WASHINGTON ST** Most Recent Sale Date **3/18/2014**
 City **PETERSBURG** Legal Reference **2014-0573**
 Mailing State **VA** Grantor **GROVE PROPERTIES OF PETERSBURG**
 Parcel/Zoning **M-1** Sale Price **275,000**
 Zip **23803** Land Area **acres**

Current Property Assessment

Card 1 Value Building Value **164,600** Xtra Features Value **0** Land Value **98,000** Total Value **262,600**

Building Description

Building Style **Service Gar** Flooring Type **CARPET**
 # of Living Units **0** Basement Floor **N/A**
 Year Built **1962** Heating Type **WOOD**
 Building Grade **AVERAGE** Heating Fuel **N/A**
 Building Condition **N/A** Air Conditioning
 Finished Area (SF) # of Bsmt Garages **0**
 Number Rooms **0** # of Full Baths
 # of 3/4 Baths # of Other Fixtures

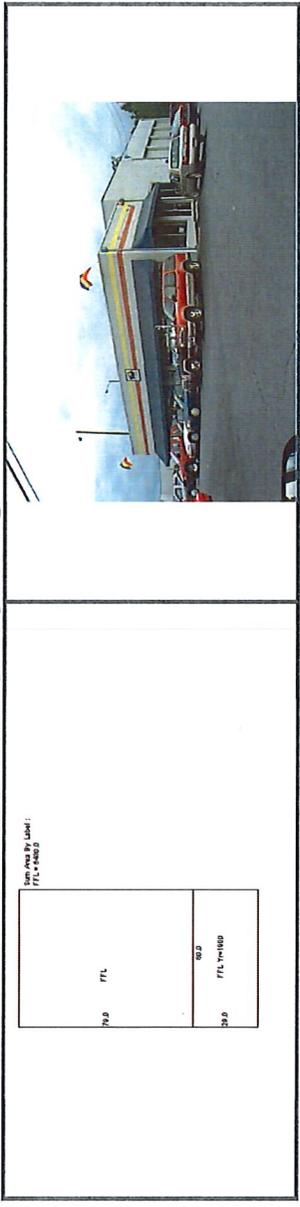
Legal Description

0.906 ACRES

Narrative Description of Property

This property contains acres of land mainly classified as with a(n) Service Gar style building, built about 1962, having BLOCK exterior and BUILTUP roof cover, with 0 unit(s), 0 room(s), 0 bedroom(s), bath(s), half bath(s).

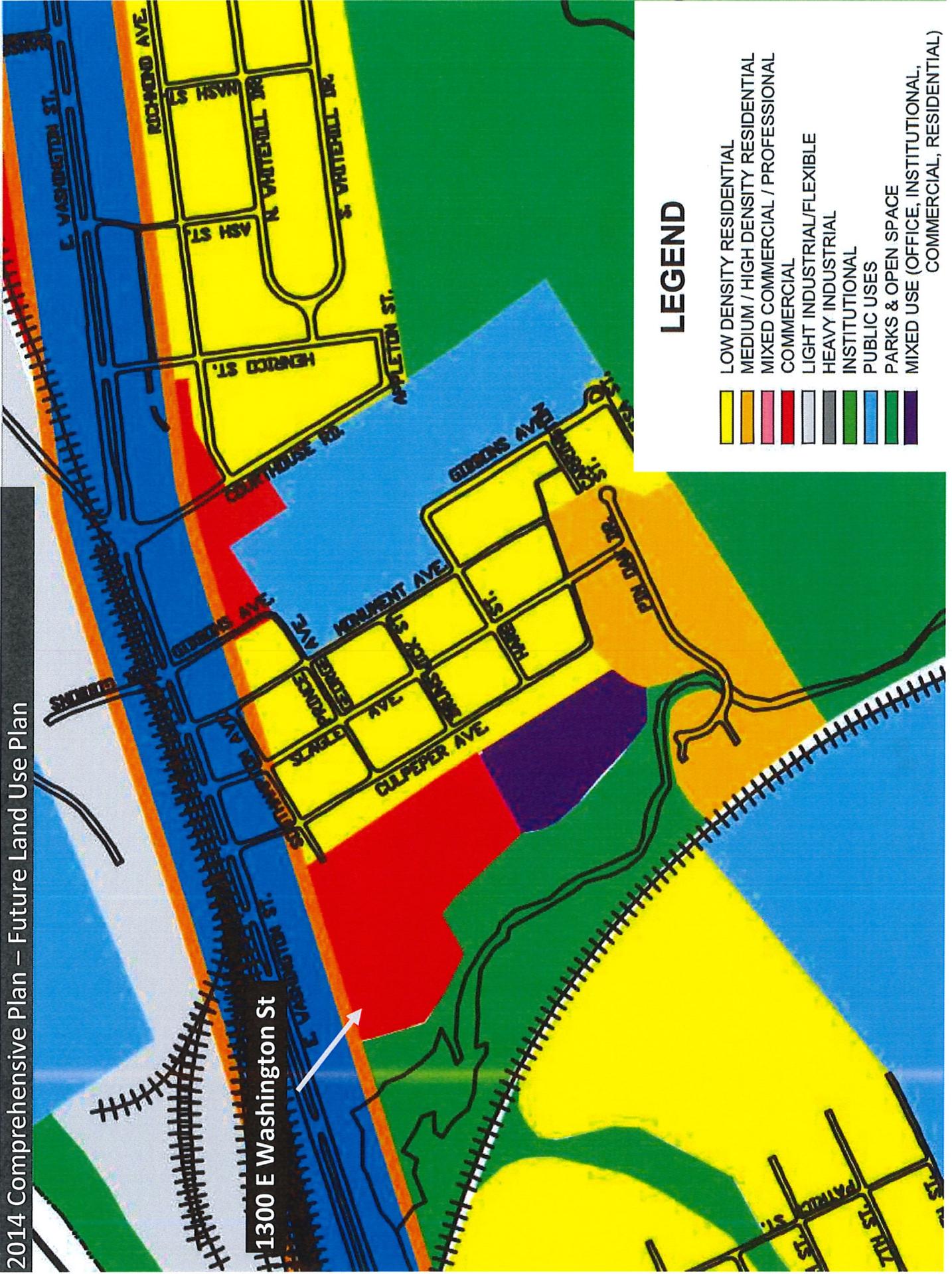
Property Images



Disclaimer: This information is believed to be correct but is subject to change and is not warranted.

Zoning Map





1300 E Washington St

LEGEND

- LOW DENSITY RESIDENTIAL
- MEDIUM / HIGH DENSITY RESIDENTIAL
- MIXED COMMERCIAL / PROFESSIONAL
- COMMERCIAL
- LIGHT INDUSTRIAL/FLEXIBLE
- HEAVY INDUSTRIAL
- INSTITUTIONAL
- PUBLIC USES
- PARKS & OPEN SPACE
- MIXED USE (OFFICE, INSTITUTIONAL, COMMERCIAL, RESIDENTIAL)



City of Petersburg

Department of Planning and Community Development

PROCEDURES FOR PETITION FOR REZONINGS OR SPECIAL USE PERMITS

1. Applicant files petition in triplicate (3 sets) with the Petersburg Planning Department, City Hall, Room 304, Petersburg, Virginia 23803. **Filing fee for Petitions for Rezoning or Special Use Permits are \$1,500.** Checks, Money Order, and/or cash are to accompany the application (*Checks or money orders made payable to the City of Petersburg*). A Plat of the property must accompany the petition.
2. Planning Department Staff refers the petition to Planning Commission. Planning staff shall advertise twice during a fourteen day period, holds a public hearing, and makes recommendations to City Council.
3. City Council schedules a public hearing and advertises twice during a fourteen day period.
4. City Council renders final decision to approve or disapprove petitions.

PLEASE NOTE: THE REZONING OR SPECIAL USE PERMIT PROCESS TAKES APPROXIMATELY THREE MONTHS

CASE NUMBER _____

Applicant: _____

PETITION FOR REZONING OR SPECIAL USE PERMIT

RETURN TO: DEPARTMENT OF PLANNING (CITY HALL, THIRD FLOOR, ROOM 304) WITH THE FILING FEE: \$1,500 (CHECK/MONEY ORDER/CASH) AT THE TIME OF SUBMITTAL

A. Property Information

1. Mark B. Specter, agent for David L. Snead (Seller) and Robert H. Warthan (Buyer), do hereby petition to rezone the following described properties from zoning district n/a to zoning district n/a to permit a vehicle repair shop and used car lot (special use permit).

2. Legal Description: (Use attachment if necessary) - Identify proposed Use
0.906 acres and improvements known as 1300 East Washington Street. See attached survey.

3. Tax Parcel Identification Number(s):	Map	Block	Lot
	005	09	0002

4. Current Street Address(es): - (if assigned) 1300 East Washington Street

5. Approximate Area: _____ sq. ft. 0.906 acres

6. Public Street Frontage 156.83 ft.

7. A boundary plat of this property outlining the area to be rezoned shall be attached to this petition.

8. The following deed restrictions may affect the use of this property:

n/a

9. Brief:

Said deed restrictions will expire on : n/a

B. JUSTIFICATION FOR REZONING

1. The proposed change in zoning is necessary for the preservation and enjoyment of a substantial property right because: (A detailed statement of reasons why the proposed rezoning should be granted).

City Zoning Ordinance requires a Special Use Permit for a vehicle repair shop and used car lot. We feel the Special Use Permit should be granted because even in the 1960's this property was used as a car dealership and repair shop and the Planning Commission along with City Council have already approved this exact use with conditions in 2014. In addition to already receiving approval for this use on the subject property, the property adjacent to 1300 East Washington Street has also been approved for a vehicle repair shop.

2. The material impact of the proposed rezoning will not be detrimental to the public welfare of the City nor to adjacent property owner(s) or properties located within the nearby vicinity because: (Specify reasons to substantiate this statement).

We believe this Special Use Permit will not be detrimental to the city or adjacent property owners. This area is suited for commercial development and repair shops along with car sales are common uses for this corridor. In addition, this facility has been used for the exact same use for numerous years and this is allowing us to bring a new business to the city of Petersburg.

3. The proposed rezoning will be advantageous to the City and benefit the welfare of the general public because: (Specify reasons to substantiate this statement).

The proposed Special Use Permit is advantageous to the city because it allows a vacant building to once again be utilized, will bring tax revenue to the city along with bringing a new business to the city.

4. The proposed rezoning is necessary because suitable property for the proposed use is not presently situated within required existing zoning districts. (Specify reasons for this determination).

A vehicle repair shop and used car sales requires a Special Use Permit according to the zoning ordinance. As stated above, the subject property is suitable for these uses which have existed at this location since the 1960's.

C. CERTIFICATION:

The undersigned applicant certifies that: (He) (She):

 X (a) Is the owner or lessee or agent specified in writing, for

 X (b) Possesses a proprietary interest in: (contract or option agreement)

the property(ies) identified within this PETITION FOR REZONING; and that the foregoing answer and statements herein contained and all other information herewith submitted are in all respects true and correct to the best of (his) (her) knowledge and belief.

APPROVED

Signed:
Mailing Address: 2705 LEE ST.
Hopewell VA. 23860

City Attorney

Phone Number: 804-894-2176

TO BE FILED IN TRIPLICATE (3-SETS) IN THE PLANNING DEPARTMENT, CITY HALL

ACTION RECORD

Date Filed (with Planning Department) _____

Date of Planning Commission Public Hearing _____

Planning Commission Action(s) _____

Date of City Council Hearing: _____

City Council Action(s): _____

PETITION FOR ZONING CHANGE

Property Owner(s): Adjacent to Affected Property

NAME(S)

Address(es)

Young & Grace Bang
1318 East Washington Street
Petersburg, VA 23803

Joe Battiston
A Realty Company
600 W. Wythe Street
Petersburg, VA 23803

The Lamar Company, LLC
TLC Properties, Inc.
700 Southlake Boulevard
Richmond, VA 23236

Robert G. & Anita O. Whiting
P.O. Box 305
Sutherland, VA 23885

L.A. SUEFFIELD SUBDIVISION PG. 3 OF 1986
 RICHARD A. GIBSON, C.S. 25A.V. 1986



THIS IS TO CERTIFY THAT ON THE 7 MARCH 1996,
 I MADE AN ACCURATE SURVEY OF THE PREMISES
 SHOWN HEREON AND THAT THERE ARE NO
 EASEMENTS OR ENCROACHMENTS VISIBLE
 ON THE GROUND OTHER THAN THOSE SHOWN
 HEREON. *Michael E. Brantley*

NOTE: THIS LOT APPEARS TO BE IN F.I.R.A. FLOOD
 ZONE C AS SHOWN ON F.I.R.A. COMMUNITY
 MAPS, 57012-0002-B.

NOTE: THIS SURVEY IS SUBJECT TO ANY EASEMENT
 INFORMATION AND OTHER DEPTH/HEIGHT FACTS
 WHICH A TITLE SEARCH MIGHT DISCLOSE.

DFA
Euc

EAST WASHINGTON STREET

EAST BOUND LANE

WEST BOUND LANE

ADJACENTLY
 WASHINGTON POWER
 TA 5-9 (S)
 DB 216 PG. 34/
 DB 227 PG. 30

ADJACENTLY
 BURCO INCORPORATED
 TA 5-9 (S) 1
 DB 422 PG. 94

PLAT OF

0.906 ACRES / IMPROVEMENTS THEREON
 KNOWN AS
#1300 E. WASHINGTON STREET
 PETERSBURG, VIRGINIA

ADJACENTLY
 A.L. SUEFFIELD, JR.
 TA 5-9 (S)
 DB 379 PG. 575

NOTE: PLAT REQUIRED FOR THE EXCLUSIVE USE OF
 CONVEYANCE TO
RICHARD E. SLOAN

HARVEY L. PARKS, INC.
 LAND SURVEYORS
 4508 W. HUNDRED RD.
 CHESTER, VA.
 748-8641
 748-0515

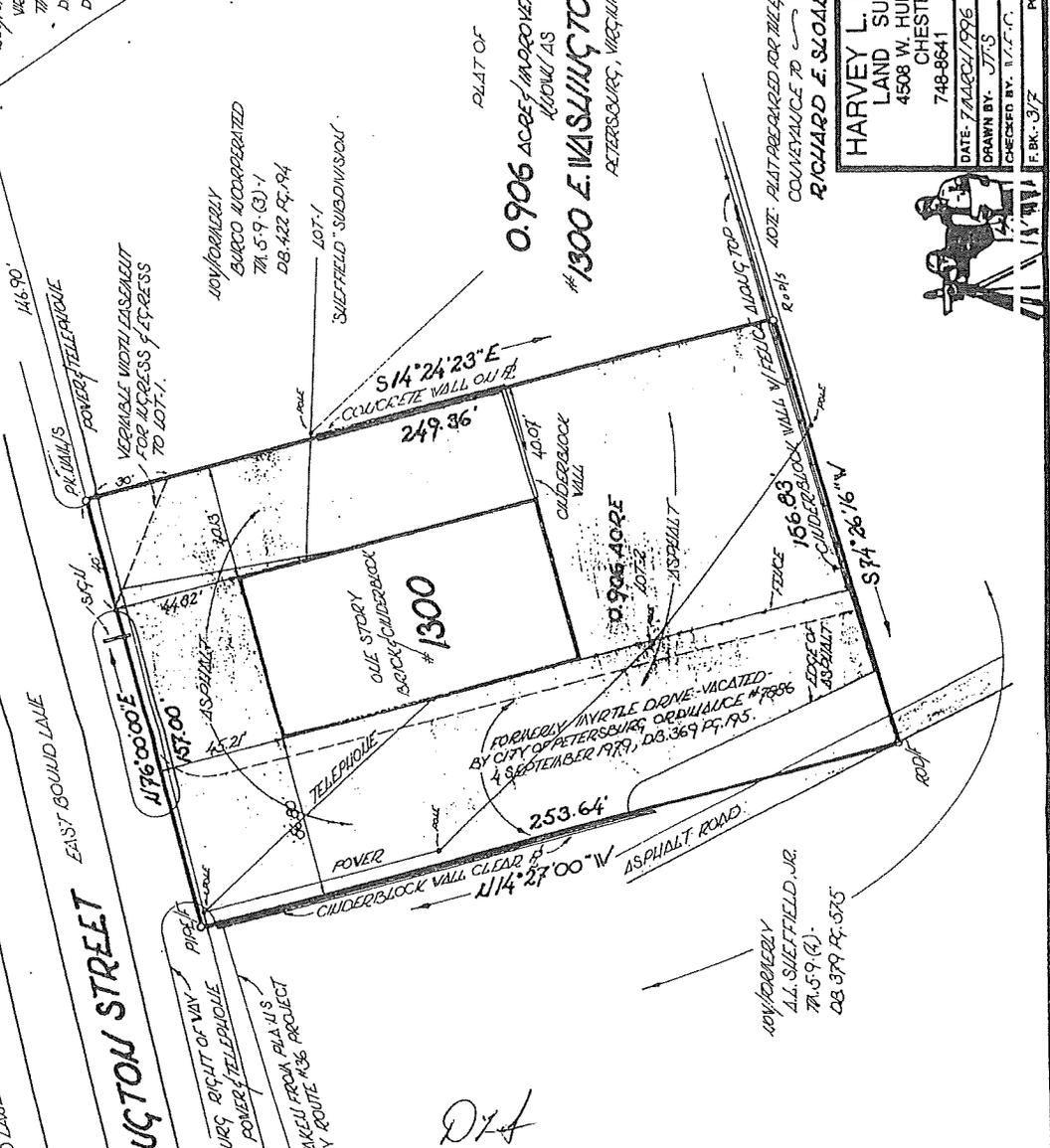


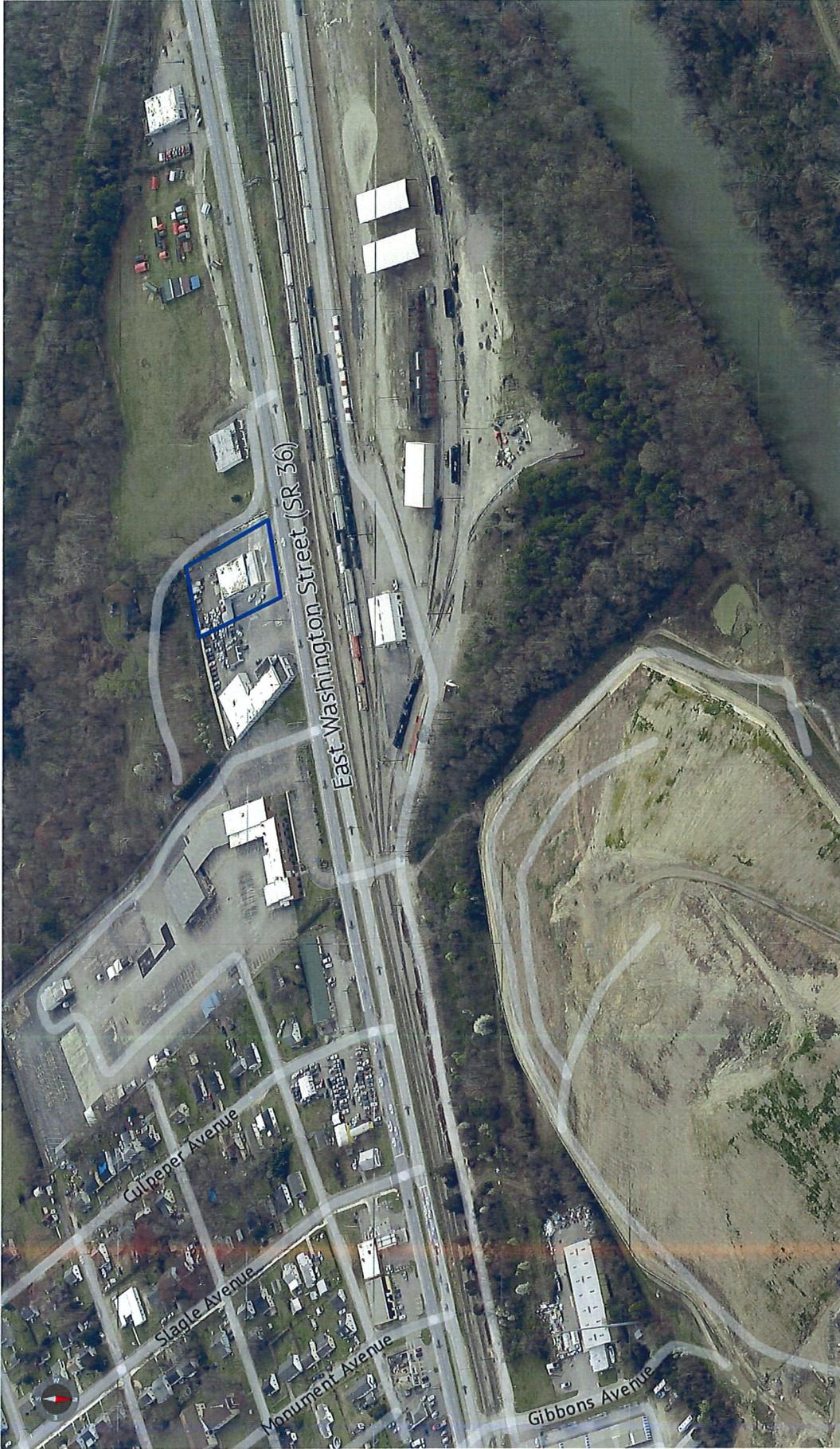
DATE: 7 MARCH 1996 SCALE: 1" = 40'

DRAWN BY: JTS

CHECKED BY: R.L.C.C.

P. BK. 372 PG. 57

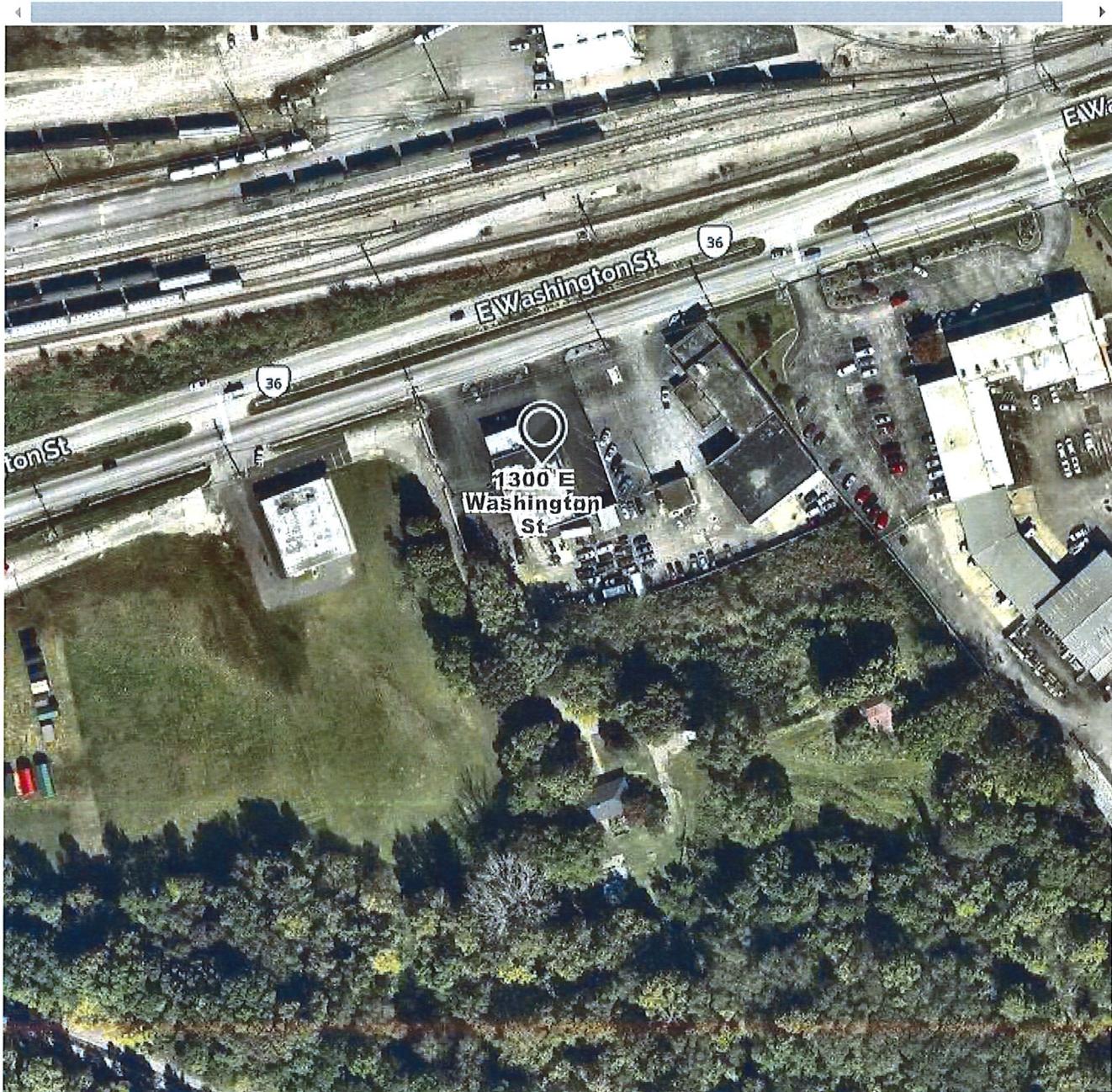




1300 E Washington St

Petersburg | VA 23803-3467

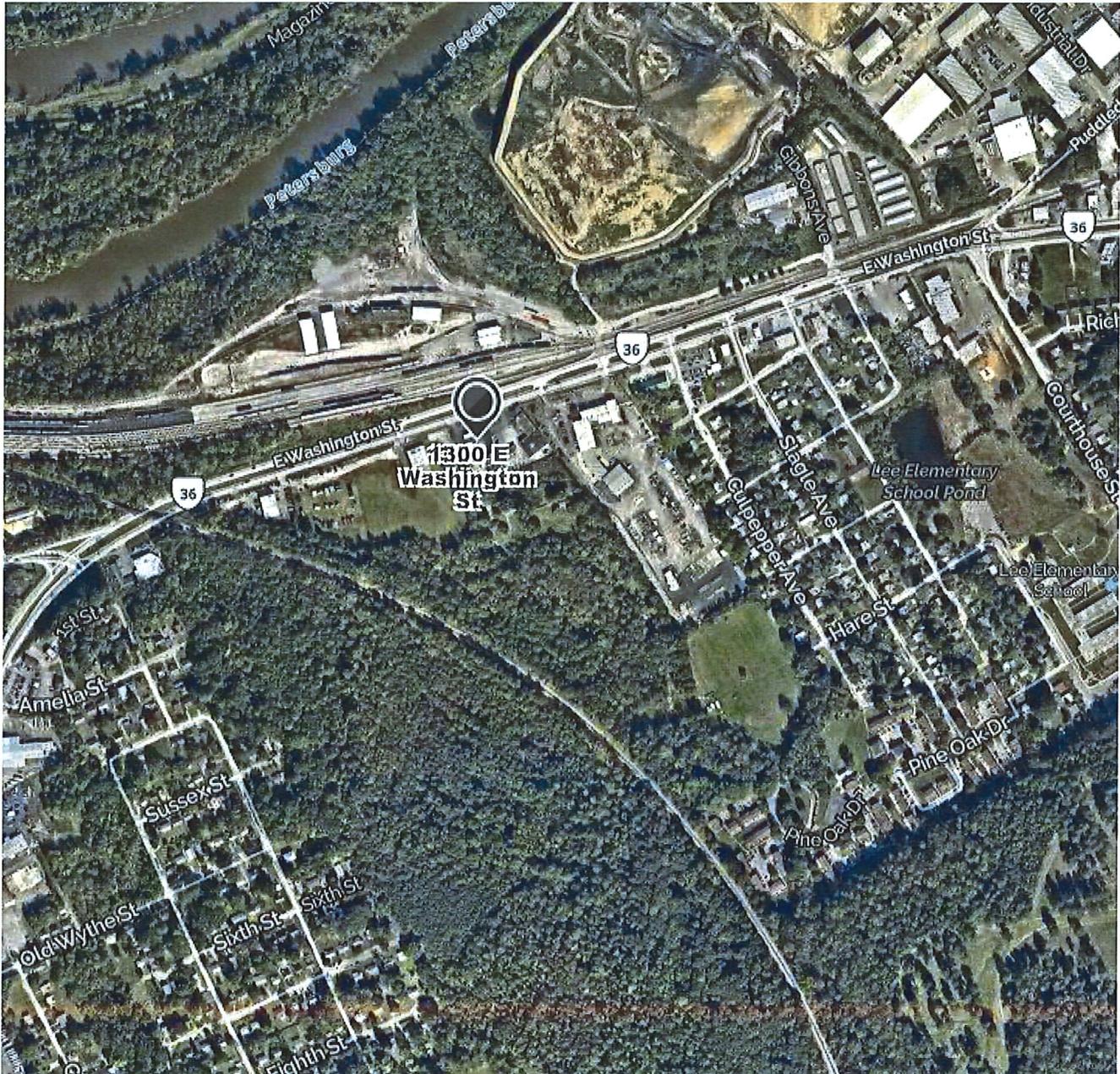
Site showing the East Washington Street Corridor



1300 E Washington St

Petersburg | VA 23803-3467

Site showing the East Washington Street Corridor





City of Petersburg

Department of Planning and Community Development

135 N Union St, Room 304

Petersburg, VA 23803

(804) 733-2308

August 18, 2020

PLANNING COMMISSION NOTICE OF PUBLIC HEARING

Dear Owner, Agent or Occupant of each parcel involved; abutting and immediately across the street or road from the property affected:

1300 E Washington St Parcel ID: 005-090002

Notice is hereby given to all interested persons, the City of Petersburg Planning Commission will hold a public hearing on Wednesday, September 2, 2020, beginning at 6:00 p.m. live streamed to hear the following case:

2020-SUP-02: Request of Spector Properties, Inc.,(agent) for David L. Snead (Seller) and Robert H. Warthan (Buyer) for a Special Use Permit pursuant to Article 23, Section 4(22) of the Zoning Ordinance to operate a stand-alone used vehicle sales lot not associated with a new-vehicle dealership, subject to certain terms and conditions at 1300 East Washington St. T.P. 005-09-0002. The property is zoned M-1, Light Industrial District.

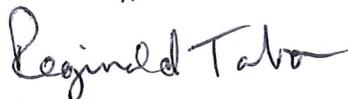
2020-SUP-03: Request of Spector Properties, Inc.,(agent) for David L. Snead (Seller) and Robert H. Warthan (Buyer) for a Special Use Permit pursuant to Article 23, Section 4(23) of the Zoning Ordinance to operate a stand-alone vehicle repair shop not associated with a new-vehicle dealership, subject to certain terms and conditions at 1300 East Washington St. T.P. 005-09-0002. The property is zoned M-1, Light Industrial District.

Information and related material concerning this request may be examined on the Planning Commission Website: <http://www.petersburg-va.org/119/Planning-Commission>, or by contacting the Department of Planning and Community Development at (804) 733-2308. The Department is open Monday – Friday, 8:30 a.m. to 5:00 p.m.

All interested persons shall have the opportunity to be heard at said public hearing. The public is encouraged to submit comments through electronic means. Comments may be sent by email to pcd@petersburg-va.org or by postal mail to Department of Planning and Community Development, 135 N Union St, Petersburg, VA 23803. Citizens are encouraged to submit comments by 10:00 a.m. June 2, 2020 to ensure they can be provided to the Planning Commission for their consideration prior to the hearing.

Should you have any questions about this correspondence, or if you need additional information or assistance regarding this matter, please contact the Department of Planning and Community Development at (804) 733-2308 or via email at pcd@petersburg-va.org.

Sincerely,

A handwritten signature in black ink that reads "Reginald Tabor". The signature is written in a cursive style with a large initial "R".

Reginald Tabor
Interim Director

Mailed Adj. 8-25-2020

2020 SUP-02
ROBERT H. WARTHAN
1300 E. WASHINGTON STREET
PETERSBURG, VA 23803
T. P. 005-090002
ZONED: M-1
USE: USED AUTO SALES (CAR LOT)

Robert H. Warthan
2705 Lee Street
Hopewell, VA 23860

Robert H. Warthan
1300 E. Washington Street
Petersburg, VA 23803

David L. Snead
1300 E. Washington Street
Petersburg, VA 23803

A Realty Company, LLC
600 W. Wythe Street
Petersburg, VA 23803

Occupant
1250 E. Washington Street
Petersburg, VA 23803

Bang Young Keun
Bang Grace Okboon
13004 Rockbridge Road
Chester, VA 23831

Sherry I. Rutherford
c/o Bank of McKenney
P. O. Box 370
McKenney, VA 23872

Occupant
1260 E. Washington Street
Petersburg, VA 23803

Occupant
1200 E. Washington Street
Petersburg, VA 23803

Norfolk & Western Railroad Co.
Property Tax Director
8 N. Jefferson Street
Roanoke, VA 24042

Norfolk & Western Railroad Co.
1381 E. Washington Street
Petersburg, VA 23803

Sandra Robinson

From: Debbie Porter
Sent: Wednesday, July 22, 2020 10:40 AM
To: Reginald Tabor
Cc: Sandra Robinson
Subject: Fw: Special Use Permit

From: Debbie Porter <dporter@petersburg-va.org>
Sent: Wednesday, July 22, 2020 9:12 AM
To: Mark Specter <mspecter@specterproperties.com>
Subject: Re: Special Use Permit

Good Morning Mr. Specter,

I, Deborah Porter, Secretary for the Petersburg Department of Planning received a Special Use Permit Application for the location of 1300 E. Washington Street, for the use of a Vehicle Repair Shop and Used Car Lot submitted by Mark B. Specter, Agent on behalf of David L. Snead (Seller) and Robert H. Warthan (Buyer). 7-22-2020.

Enclosed: Application and copy of Cashier's Check # 411803 (\$1,500.00)

Note: Reginald Tabor, Acting Director of Planning/CD, and Sandra A. Robinson may reach out to you and/or the applicant for a virtual discussion prior to the Regularly Scheduled Planning Commission Meeting on September 2, 2020. I will notify you if that is the case. Thank you, and have a great day.

From: Mark Specter <mspecter@specterproperties.com>
Sent: Wednesday, July 22, 2020 8:42 AM
To: Debbie Porter <dporter@petersburg-va.org>
Subject: Special Use Permit

CAUTION: External! - Do not open attachments or click links unless you know the content is safe.

I have attached the Special Use Permit form filled out for the property at 1300 E. Washington Street along with a copy of the check to the city of Petersburg.

Please confirm that you received my email copy and I want to make sure we are on the agenda for Planning Commission in September.

I am mailing you 3 original applications signed by Bobby Warthan and the check today.

Thanks