

City of Petersburg  
Planning Commission Meeting  
January 20, 2022

## Minutes

The City of Petersburg Planning Commission meeting held on Thursday January 20, 2022, virtually was called to order by the Chair, Mrs. Tammy Alexander at 6:11 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  
Dr. William Irvin  
Ms. Candy Taylor  
Mr. Michael Edwards  
Dr. James Norman

**Members Absent:**

A Quorum was established by the Chair.

Others Present: Mr. Reginald Tabor, Ms. Michelle Murrills, Mr. Andrew Barnes, Mr. Michael Packer, Mr. Babanow, Mr. Timothy Banks, and Mr. Charlie Cuthbert.

**Adoption of the Agenda:**

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

Vice Chair Bland moved approval of the agenda; Commissioner Vargo seconded the motion. The motion passed unanimously.

## **Minutes:**

Commissioner Vargo moved for the adoption of the Minutes from the December 9, 2021, meeting; Vice-Chair Bland 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. 21-REZ-04:** request by PBFL, LLC represented by C. Burton cut right, to rezone property located at 1200 Harrison Creek Blvd, TP # 040030801, 4220 Harrison Creek Blvd, 1225 Harrison Creek Blvd and 4255 Harrison Creek Blvd, future identified as TP #040030806, and TP#040030807, from PUD with B-2, General Commercial District with conditions to PUD, with conditions. The proposed rezoning will allow the applicant to construct 52 single family detached rental homes on 6.26+/-acres located along Harrison Creek Blvd between route 460 and Acqua Luxury Apartments. This subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet.

Mr. Tabor made the presentation:

The City of Peterburg received a request from PBFL, LLC represented by C. Burton Cutright, to rezone property located at 1200 Harrison Creek Blvd, TP# 040030801, 1220 Harrison Creek Blvd, TP# 040030805, 1225 Harrison Creek Blvd, TP# 040030806, And 1255 Harrison Creek Blvd, TP# 040030807 from PUD, B-2 General Commercial District with Conditions to PUD, with amended conditions.

Following a recommendation by the Planning Commission, the City Council adopted 08-ORD-20 approving the PUD with proffered conditions, to permit multi-family residential, commercial, office space and recreational spaces. The approved PUD includes Office/Retail (3.97+/- acres); a Commercial Mini-Storage site (2.02+/- acres); Community Center/Pool, Multi-Family residential complex, containing 336 dwelling units within fifteen (15) structures on 28.47+/- acres. The developers completed the construction of the multi-family dwellings with the Community

Center/Pool which is now known as “Acqua Luxury Apartments” and addressed as 1200 Harrison Creek Boulevard.

The proposed rezoning will remove the proffered conditions requiring commercial and office use, to allow the applicant to construct up to 52 single-family detached rental homes on 6.25 +/- acres of land located along Harrison Creek Blvd between Route 460 and Aqua Luxury Apartments. The subject property is approximately 272,990.52 sq. ft. and has a public street frontage of approximately 261.06 feet, and the density of allowed development shall be controlled by zoning conditions and ordinance standards. The subject property was previously rezoned from M-1, Light Industrial District, with conditions, to Planned Unit Development (PUD) District with proffered conditions, to permit a Planned Unit Development to be known as Harrison Creek, on a 36.216+/- acre parcel of land addressed as 2470 County Drive, further identified as Tax Parcel 040-03-0801. The proffered conditions will have to be amended to permit the proposed use.

Adjacent properties located along County Drive are zoned B-2, General Commercial, R-1A and R-1, Single-Family Residence District, and M-1, Light Industrial District. The 2014 Comprehensive Plan designates the subject property for commercial use: and the 2014 Comprehensive Plan Future Land Use Plan designates the subject property as commercial and industrial use. There are both commercial and residential uses on properties that front along US 460, County Drive, which intersects Harrison Creek Boulevard. The proposed use will blend with the existing residential space and provide a variety of housing types in the area to those persons or families desiring more of a single-family style rental unit. The proposed use coincides with the vision included in the Comprehensive Plan that high density residential activities should be limited to areas near major transportation arteries offering good access to employment centers, such as Fort Lee and the Tri-Cities area. The proposed rezoning will allow for the development of currently vacant parcels of land.

Commissioner Taylor asked about changing the original concept of High density/retail space to just high density which will use up more than half of the sewer capacity which is to be saved for industrial and commercial development not for more residential housing. This goes against what the city has planned for this area. So how are they going to adjust for that? Commissioner Irvin also asked if the money that the company would be paying for the sewer/water would then go into the capital budget but would not go into upgrading the system.

**Mr. Andrew Barnes, Interim Director of Public Works**, answered: He does agree that while the water/sewer system we have today could support this development, it would then limit future development in the area.

Commissioner Vargo had a follow-up question: She was wanting to know just how close the city is to capacity. Mr. Barnes said that while there is plenty of capacity for this project, that we are getting to the point that there are some concerns for future developments. There are potential for projects that could free up some capacity. But the bigger project that we have is the \$17million project that we are working on right now to upgrade Poor Creek. Mr. Tabor then asked if Mr. Barnes could then say what the timeline was for that project, to which Mr. Barnes answered he believed that it would be around 4 years to complete.

Commissioner Hairston wanted to know if the developer had initially asked for mixed use with office development and now they're coming back for houses we still have don't have any office development there and there is a maximum amount of sewage which means we will run out of sewage at some point in the future...are those all correct? Commissioner Taylor answered that essentially yes. They have not put in the retail or the offices in the back and with the high-density residential use it is going to use up more than half of the remaining sewer capacity in that part of the city.

Commissioner Edwards then wanted to say that he is against this proposal. He has three reasons.

1. He is not in favor of adding this many rental units into the city. He is more interested in home ownership. The city just announced that home values have gone up in the city for the first time in a long time. He does not think that, even though this is right next to Fort Lee, that this project is the right fit for the City of Petersburg.
2. The second reason that he cannot support this proposal is because of the aging infrastructure.
3. The Poor Creek System—We know that that system is at its capacity. We have the pharmaceutical cluster as well as a huge development coming to Wagner Road. And he cannot in good conscious vote on something that would diminish that capacity until the renovations are at least moving forward.

Chair Alexander then asked the developer what they would like to say.

**Mr. Babanow of BECO** wanted the Commission to see what that these houses are detached single family homes with a neighborhood environment, even though they are rentals. The developers originally invested \$228000 into a pump station to create capacity. This capacity was then thought to be more than enough for the apartments and the retail space. In the past 11 years there has been active promotion in trying to bring in a grocery store, office establishments, and such. But there has not been any interest from any retail or grocery store interested in the location. There is, however, a great interest in soldiers from Fort Lee for off base housing. We believe that we already have developed the capacity for the sewer on this site. Remember, originally this site plan was approved by this same Planning Commission without any proffers but was then sent back to the City Council and they set up the original proffers. He did want to say that BECO has worked very hard with staff and with the acting utility director, Mr. Tabor, etc. to try to see the answer to every question and problem that might come up, including the question of capacity. He did want to reiterate that it was BECO that created the capacity that is there today with a significant amount of capital investment which was supposed to then take care of the capacity for the entire parcel. So, for those reasons, they asked that the Commission please consider approving this project as is now planned. Everyone has been happy with the original project with the 1200 apartments, and everyone has been exceptional to work with, with this new part of the project. This will create a new tax base for the city, and we believe that it will be a win win for the everyone. If there are any questions, one of the owners, Mr. Eric Olson, is here as well.

Chair Alexander asked if they had done such a project anytime recently and the response was that there is one right now in Spotsylvania, VA. She then asked if other developments like this has attracted businesses like grocery stores and such. The answer was yes but it was not documented that they came because of the new families.

Chair Alexander then asked Mr. Barnes if the issue was water and sewer or only sewer. The answer is that Petersburg has plenty of drinking water capacity, but not sewer capacity.

Chair then asked if there were any other questions from the commissioners. Upon hearing none, she then opened up the public hearing portion to the public. She asked if anyone wanted to speak in favor and no one spoke up she then asked if anyone wanted to speak against the rezoning.

**Mr. Michael Packer**, 1245 Woodland Road. He said that a PUD is always supposed to be in accordance with the city plan. The city comprehensive plan from 2014 states that this area is to be commercial and industrial use. So, the residential use of this property is not in accord with the comprehensive plan. This rezoning cannot be submitted to the Planning Department as it is not in substantial compliance of the Comprehensive Plan. In terms of the sewage capacity of Poor Creek...Everything on the southern side of the city from this location to Crater Rd. all of that property has very little remaining sewage capacity and that will not be fixed for at least 4 years. If Wegmans decided that it wanted to come to Petersburg, out on 460 or Wagner Rd., you would not be able to entertain the possibility of Wegman's coming. Because of this, I am not in favor of the rezoning.

Chair Alexander then closed the public hearing.

Chair Alexander then asked what was the recommendation of staff? Mr. Tabor said that the staff recommendation is approval. But of course, it is up to the planning commission as to your position.

Commissioner Taylor then moved that the change in the PUD be denied and Commissioner Edwards seconded it. The motion passed 7-1.

**6b. 21-SUP-06:** A petition by Eldrika Whitaker, owner/operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new car dealership or not located on 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, as provided under article 23 of the zoning ordinance, Section 4. Special uses Enumerated, (22). The proposed location is 2306 East Washington St, Petersburg, VA., further identified as Tax Parcel 003030002. The subject property is within the B-2, General Commercial District.

Ms. Robinson made the presentation. This application is a standard application for a special use permit for an entity to operate a used car establishment in the City of Petersburg. In order to sell used cars in Petersburg, one has to have a special use permit. This property is owned by the Covenant Baptist Church, which is the Korean Church right next door. It is on the corner of Mecklenburg and Washington. The findings of this is that the 2014 Comprehensive Plan

designates the subject property for commercial usage. The property is currently zoned under the B-2 general district classification and permits the requested use contingent upon the special use permit. The proposed use is currently being used on an adjacent property. There are already seven or eight used car dealerships along Washington Street. It is not believed that the proposed location would pose a burden to the existing neighborhood or property owners, as existing businesses have been operating in this capacity for more than ten years. Staff proposes that if approved the attached conditions should apply to the request:

1. This Special Use Permit shall be issued to Eldrika Whitaker, owner operator of Barely Used Cars and Trucks, to establish and operate a stand-alone used vehicle sales business not associated with a new vehicle dealership or not located upon the same parcel as such new 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. The applicant shall be responsible for compliance with the Special Use Permit and attached conditions. This Special Use Permit shall not be transferable upon change in business ownership. Should the vehicle sales business discontinued for a period of one (1) year or more for any reason, the authorization of the discontinued use through this Special Use Permit shall terminate.
2. Vehicles for servicing shall not be parked, stored, or displayed on the right-of-way of any adjacent street or along East Washington Street.
3. Any vehicle not capable of operating or which does not bear a valid registration or current Virginia Inspection Sticker shall not be stored on the subject property/parcel. All vehicles displayed for sale shall have appropriate supporting documentation that such vehicle is legally possessed by the auto sales business as a vehicle available for sale.
4. In no case shall be deemed permissible for the subject business, or businesses with which the subject business may share location, to operate a scrap or junk yard. No outside storage of vehicle components, plastic materials, glass, used or waste tires is permitted.
5. A lighting plan shall be required for submission to and approval by the Department of Planning/CD. Such plan should specifically indicate measures to prevent glare on adjoining properties. Signage not to exceed one hundred fifty (150) Square feet in area. Portable signs are prohibited.
6. The applicant shall submit a site plan designating off street parking spaces in accordance with the regulations of the Zoning Ordinance, Article 19, with surfacing and ingress and egress driveways. Parking spaces shall be designated with appropriate markings for customer parking. Customer designated spaces shall not be used for the display of vehicles for sale. All cars for sale should be in a designated parking space.

7. Notwithstanding the issuance of any business license or permits by the City of Petersburg, the operation of any business or activity on the premises shall follow the zoning ordinance of the City.
8. The applicant shall ensure that the parking area in addition to adjacent parcels to include sidewalks if applicable, are “policed” at the end of each business each day of operation, to provide for the removal of litter, broken glass, discarded paper or other waste daily when the business is in operation.
9. Trash and garbage generated from the business shall be stored in an appropriate manner, in container screened from public view. Trash containers shall not generate objectionable odor levels.
10. Other requirements may be imposed as deemed necessary to provide for the protection of surrounding property, persons, and neighborhood values.

Chair Alexander asked if the lot was paved or not and Ms. Robinson said that it was paved. She then asked what staff recommendation was and Ms. Robinson said that the recommendation was approval with the above conditions. Chair Alexander then called on the public to see if there was anyone wanting to speak in approval or in opposition of the application. Hearing none, Chair Alexander closed the public hearing.

Commissioner Edwards then made a motion to approve the information presented to us from staff as well as the resolution. It was seconded by Vice-Chair Bland. The motion passed unanimously.

**6c: 21-REZ-07:** A petition from Timothy and Jane Banks, owners/lessee, or agent to rezone property from R-1, Single Family Residence and A-Agricultural Districts to M-2, Heavy Industrial District to be permitted to construct and operate a crematorium at property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg VA. The property is further identified as Tax Parcel ID's: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres.

Ms. Robinson made a presentation. The Petitioner wants to operate a crematorium off of Halifax Rd. It was his desire to do so because of future plans for that area. The property is located right next to Galvanized Steel. There are no residences near him, just down the road. It is going to be just the Crematorium and not funeral services. Commissioner Hairston then clarified that it would be used by funeral homes and not individuals. They are not going to be servicing the general public. JT Morris is the only funeral home that has a crematory today. Chair Alexander then asked if there was one in Colonial Heights or Hopewell. There is one in Colonial Heights, but not Hopewell. Chair Alexander asked if he had ever operated a

crematorium before and the answer was no. But Mr. Banks is in the funeral business, and he owns the cemeteries over off of Crater Road and he also owns Virginia Burial Supply and Vault Company.

No one had any other questions.

Ms. Robinson did say to keep in mind that for this company the commissioners were going to be processing for two applications. One is for the rezoning and the other is for a special permit for the crematorium. First is the rezoning.

Chair Alexander then asked if anyone in the public would like to speak for or against this application. Hearing no one she asked for a motion.

Commissioner Hairston then made a motion to rezone the land. It was seconded by Commissioner Edwards. It passed with one abstention. It also the resolution as well.

**6d. 21-SUP-07:** a petition from Timothy and Jane Banks, owners/Lessee, or agent for a Special Use Permit to allow for the construction of an office and operation of a crematorium business along a portion of the property addressed as 3605, 3625 and 3607 Halifax Road, Petersburg VA. The property is further identified as tax parcel IDs: 096010003, 096010004 and 107020017, containing approximately a total of 37.53 acres. Such SUP to be provided under Article 23 of the Zoning Ordinance, Section 4. Special Uses Enumerated, (8).

Mr. Banks then explained about the building that he wants to build and that it will be really nice once it is set up.

Chair Alexander then opened up the public hearing for anyone that would like to speak for or against the permit. Hearing no one, she then closed the public hearing. She next asked if there were any questions from the commissioners.

Commissioner Edwards then made a motion to accept the permit as presented including the resolution and it was seconded by Commissioner Hairston. It passed with one abstention.

**6e. 21-CPA-01:** A resolution recommending approval of amendments to the City's Comprehensive Plan to comply with the Chesapeake Bay Preservation Act.

Director Tabor then said that the state is looking for some more amendments to the Chesapeake Bay Preservation Act and as such he wants to postpone this to the February 3, 2022, Planning Commission Meeting. She asked if anyone had any problems continuing this to the next meeting. A quick vote was taken, and the amendment was moved to the next meeting.

## **7. Old Business:**

Chair Alexander called for old business, there was none.

## **8. New business:**

Chair Alexander then called for new business.

### **8a. Complete Streets Policy:**

Director Tabor made the presentation. Back in 2019 there was a coalition within the city that included representatives from city departments and other agencies that looked at complete streets, and actually got a presentation from the US Department of Transportation. Through that effort there were some recommendations that were developed. Included in those recommendations are ordinance changes. One is to amend the city's code to allow for riding of bicycles on sidewalks. Currently that is illegal. This would allow for bicyclists to ride on sidewalks, but they must dismount and walk if there is a pedestrian present. The second recommendation is related to the licensure requirement for bicycles. Currently bicycles and mopeds are required to be licensed and this would remove the requirement for bicyclists to be licensed. During the next meeting we will be presenting a draft resolution for your consideration.

## **Announcements:**

Chair Alexander wanted to wish everyone a happy new year! Commissioner Edwards also wished everyone a happy new year. He also wanted to wish the city a quick recovery through Covid so that we can get back to a normal life and no more Zooms. Commissioner Edwards also asked Director Tabor to give the commission an update on the Virginia Ave school and how the developers are moving forward with that. He also wanted, as soon as the city gets through the Comprehensive Plan, he would like the commission to consider going through our codes and updating our codes two or three at a time.

## **Adjournment:**

Meeting was adjourned at 8:10 p.m. Next meeting is at 6:00 p.m. on February 3, 2022.